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AfD: Can German Democracy Survive?

1. Introduction

In 2024, Germany's parliament voted, in a rare cross-party initiative including the Social Democrats (SPD), Greens, Free Democrats (FDP), and the conservative CDU/CSU, to approve legislation to better safeguard the Federal Constitutional Court from political interference. The law reaffirmed the Court's independence and authority above all other state institutions and enshrined in the country's constitution (*Grundgesetz*) core traits such as its structure and size, the term limits and retirement age of its judges, as well as mechanisms for their election in case of a deadlock in parliament. Any future changes to the Court will now require a two-thirds majority in both houses of parliament rather than a simple majority.¹

As Minister of Interior Nancy Faeser stated, the reform was necessitated by a perceived need to bar the far-right party *Alternative for Germany* (AfD) from breaching a central pillar of the rule of law in case of electoral victory. Inspiration for that move came, she admitted, from observing autocratization processes abroad where incoming autocrats routinely moved first to attack the judiciary.² Previous research shows how court-packing and constitutional changes in Hungary, Poland, Turkey, and even the USA have opened the floodgates for autocratization.³ The legal changes to enhance the resilience of Germany's Federal Constitutional Court are an instance of "militant democracy,"⁴ – a concept long dismissed as a relic of the Cold War,

¹ M. Chambers, "German lawmakers back reform to shield top court from political influence," *Reuters*, 19 December 2024, <https://www.reuters.com/world/uk/german-lawmakers-back-reform-shield-top-court-political-influence-2024-12-19> [accessed: 8.05.2026].

² Federal Ministry of the Interior and Community, *It Must Not Be Possible for the Rule of Law in Our Country to Be Sabotaged from Within*, 19 December 2024, <https://www.bmi.bund.de/SharedDocs/kurzmeldungen/EN/2024/12/bt-bverfg.html?nn=9919724> [accessed: 8.05.2026].

³ E. Frantz, "How Authoritarian Regimes Gain Power" [in:] *eadem*, *Authoritarianism: What Everybody Needs to Know*, New York 2018.

⁴ K. Loewenstein, "Militant Democracy and Fundamental Rights, I," *American Political Science Review* 1937, vol. 31, no. 3, pp. 417–432; *idem*, "Militant Democracy and Fundamental Rights, II," *American Political Science Review* 1937, vol. 31, no. 4, pp. 638–658.

but which, in the wake of recent autocratizations – is regaining scholarly⁵ and public attention as its practical relevance becomes increasingly obvious. Militant democracy refers to a democratic system that proactively protects itself from anti-systemic forces by accepting certain restrictions on rights and freedoms – such as banning extremist parties or limiting hate speech – to prevent groups from destroying democracy by abusing its innate liberties.

As AfD came second in Germany's 2025 federal elections and is the strongest party in several federal states, this article discusses prospects of yet more assertive tools to protect German democracy. Increasingly under stress, can democracy at all survive in the Federal Republic?

2. AfD as the single biggest threat to German democracy

Abundant evidence shows that AfD and its followers do not accept the liberal democratic basic order as enshrined in the German constitution and aim at constricting or abolishing it.⁶ Numerous AfD functionaries have made rather clear statements that place it beyond mere populism, and German domestic intelligence (*Bundesverfassungsschutz*) compiled three lengthy empirical reports in 2019, 2021, and 2022, replete with evidence of a radically anti-democratic thrust among both party functionaries and supporters.⁷

The dramatically growing social support for AfD in elections and for its authoritarian values makes it a most acute threat. In 2025, AfD was the strongest political force in all five East German states and many electoral districts in other states. It was the second strongest force nationwide, and given its growing support, it is likely that it will become the country's strongest party in the 2029 national elections if countermeasures are not undertaken. This makes AfD distinct from extremist fringe groups, such as the "Reichsbürger,"⁸ which have yet more radical anti-democratic agendas, but which remain comparatively small.

Internally, AfD has recently become more radicalized, usually by bullying more moderate representatives out of leading positions and replacing them with ever more extreme figures. The last such move happened in early 2022 when federal co-chairman

⁵ For example: A. Ellian, B. Rijpkema, *Militant Democracy – Political Science, Law and Philosophy*, Leiden 2018; A.Z. Huq, "Militant Democracy Comes to the Metaverse?," *Emory Law Journal* 2022, vol. 72, issue 5, p. 1105.

⁶ N. Metzger, K. Schubert, "Das sind die völkischen Netzwerker der AfD," *ZDF Heute*, 2024, <https://www.zdf.de/nachrichten/politik/deutschland/afd-sellner-remigration-treffen-potsdam-correctiv-100.html> [accessed: 21.03.2025].

⁷ See: A. Meister, "Wir veröffentlichen das Verfassungsschutz-Gutachten zur AfD," *Netzpolitik*, 28 January 2019, https://netzpolitik.org/2019/wir-veroeffentlichen-das-verfassungsschutz-gutachten-zur-afd/#2019-01-15_BfV-AfD-Gutachten_C-I-5 [accessed: 21.03.2025].

⁸ Landeszentrale für politische Bildung Baden-Württemberg, *Reichsbürger*, <https://www.lpb-bw.de/reichsbuerger> [accessed: 21.03.2025].

Jörg Meuthen stepped down and left the party, noting its “very clear totalitarian overtones.”⁹ Countless times, AfD ignored its own “incompatibility list” of often illegal neonazi and other extremist organizations.¹⁰ In 2022, the *Verfassungsschutz* noted that “on all levels within AfD, consolidated links to actors and organizations of the extremist part of the New Right are recognizable.”¹¹

In the 2017 annual so-called *Kyffhäuser* meeting of the intra-party wing called *Der Flügel* (“the Wing”), Andreas Kalbitz, the head of the state party branch and member of the federal party’s executive leadership (*Parteivorstand*) was recorded re-stating one of the party’s unofficial mantras – “AfD is the last evolutionary chance for this country,” adding “after that, there is only: ‘helmets on!’”¹² *Der Flügel* was formally dissolved in 2020 after the German domestic intelligence service had compiled evidence that it was “ascertained extremist,” that is, anti-constitutional.

AfD and its network also have greater potential for anti-democratic political violence, as in Germany it concentrates on the far-right side of the political spectrum.¹³ Since 2010, legal offences by the far right have more than doubled. In November 2024, over 34,000 right-wing politically motivated crimes were recorded.¹⁴ In three of the sixteen federal states as of spring 2025, as with the former group *Der Flügel*, and the former party youth organization *Junge Alternative*, Germany’s domestic intelligence service (*Verfassungsschutz*) ranked AfD’s branches as “ascertained extremist,” while the report on a fourth state (Brandenburg) was reportedly ready but was not published ahead of the 2025 elections in order not to influence voters’ behaviour,¹⁵ just as a federal level report, the non-publication of which was vehemently criticized by legal scholars.¹⁶

⁹ “Meuthen erklärt Parteiaustritt: ‘Ich sehe in dem Projekt AfD als gesamtdeutsche Partei keine Zukunft mehr,’” *Tagesspiegel*, 29 January 2022, <https://www.tagesspiegel.de/politik/ich-sehe-in-dem-projekt-afd-als-gesamtdeutsche-partei-keine-zukunft-mehr-5133232.html> [accessed: 21.03.2025].

¹⁰ Interview available at: <https://www.ndr.de/nachrichten/info/Experte-Das-Vorfeld-ist-der-Humus-auf-dem-die-AfD-waechst,audio1679196.html> [accessed: 21.03.2025].

¹¹ Bundesministerin des Innern und für Heimat, *Verfassungsschutzbericht 2022*, Berlin 2022, p. 91, https://www.verfassungsschutz.de/SharedDocs/publikationen/DE/verfassungsschutzberichte/2023-06-20-verfassungsschutzbericht-2022.pdf?__blob=publicationFile&v=9 [accessed: 21.03.2025].

¹² This was documented by the *Verfassungsschutz*, and Kalbitz himself indirectly confirmed his quote, but denounced it as de-contextualized in a “clarification” dated 10 March 2020 and published by AfD; <https://www.afd.de/wp-content/uploads/2020/03/20200310-Kalbitz-Andreas.pdf> [accessed: 21.03.2025].

¹³ T. Eckert, S. Haupt, E. Schipfer, “Gewalt als Alternative,” *Correctiv*, 5 April 2024, <https://correctiv.org/aktuelles/neue-rechte/2024/04/05/gewalt-als-alternative-14-verurteilte-afd-mandatstraeger-im-amt> [accessed: 21.03.2025]; VBRG, *Analyse des Verbands der Beratungsstellen für Betroffene rechter, rassistischer und antisemitischer Gewalt*, <https://verband-brg.de/analyse-zunehmende-gewaltbereitschaft-bei-funktionaerinnen-der-afd> [accessed: 21.03.2025].

¹⁴ See: <https://de.statista.com/statistik/daten/studie/569650/umfrage/politisch-motivierte-straf-taten-im-bereich-rechts-in-deutschland> [accessed: 21.03.2025].

¹⁵ K. Riedel, F. Flade, M. Kaul, S. Pittelkow, “Verfassungsschutz plante offenbar AfD-Hochstufung,” *Tagesschau*, 17 December 2024, <https://www.tagesschau.de/investigativ/ndr-wdr/afd-brandenburg-verfassungsschutz-102.html> [accessed: 21.03.2025].

¹⁶ T.T. Holterhus, J. Wiesenenthal, “Kein Verfassungsschutz im Wahlkampf? Zur Information über die verfassungsschutzrechtliche Neubewertung der AfD und dem Gebot staatlicher Neutralität

After the elections, a 140-page report on AfD in Brandenburg was finally released in August 2025. It cited systemic xenophobia and efforts to undermine democratic structures, upgraded the status of the party's regional branch to "ascertained extremist" and allowed for expanded surveillance.¹⁷ *Bundesverfassungsschutz* released a similar 1,100-page federal assessment in May 2025. However, following an immediate legal challenge by AfD, the Cologne Administrative Court issued a stay. As of May 2026, the party remained only "suspected extremist" while the higher courts were reviewing the report of *Bundesverfassungsschutz*, leaving the AfD's status in a state of judicial limbo.¹⁸

Thus, decision-makers need to act sooner rather than later. The most drastic option would be a legal ban, which would deprive AfD of many avenues to attack core democratic institutions further.

3. Can AfD be prohibited?

The 1940s authors of the *Grundgesetz* were acutely aware of the precedent of the fascist NSDAP that had emerged as a rather small contender in a multi-party democracy, but once acceding to power quickly outlawed all other political parties and created one of the worst dictatorships humankind has ever seen.

Therefore, the German constitution provides a tool that allows the Federal Constitutional Court, and only it, to legally ban a political party that aims at overthrowing democracy in order to prevent history from repeating itself. The Court cannot, however, act independently, but must be tasked to act by one or more of three state institutions: (a) the lower house of parliament; (b) parliament's upper chamber, which is composed of state-level government representatives; or (c) the federal government.

For similar historical reasons (as a provision against one hegemonic party banning all others), it places enormous barriers against any abuse of that instrument. In the eighty years of post-war German history, it was successfully used only twice: the Sozialistische Reichspartei (SRP) was prohibited in 1952, and the Kommunistische Partei Deutschlands (KPD) in 1956.¹⁹

in der Öffentlichkeitsarbeit" *VerfBlog*, 28 November 2024, <https://verfassungsblog.de/kein-verfassungsschutz-im-wahlkampf> [accessed: 8.05.2026].

¹⁷ See: <https://mik.brandenburg.de/mik/de/service/presse/pressemitteilungen/anlage-pm-14-08-2025/#> [accessed: 8.05.2026].

¹⁸ L. Köpsell, "Rechtsexperten halten ein Teil-Verbot der AfD für denkbar," *Correctiv*, 30 April 2026, <https://correctiv.org/aktuelles/afd/2026/04/30/rechtsexperten-halten-ein-teil-verbot-der-afd-fuer-denkbar> [accessed: 8.05.2026].

¹⁹ See: Bundesverfassungsgericht, *Proceedings for the prohibition of a political party*, https://www.bundesverfassungsgericht.de/EN/TheFederalConstitutionalCourt/TypesOfProceedings/ProceedingsForTheProhibitionOfAPoliticalParty/proceedingsforthe prohibition of a political party_node.html [accessed: 21.03.2025].

For a ban, four major pre-conditions need to be met. First, the Constitutional Court can only open the case against a political party in view of a ban if and when it is mandated by at least one of the three above-mentioned organs. In November 2024, 113 MPs filed a request that the *Bundestag* would ask the Court to determine the anti-constitutionality of AfD and consequently rule that the party's finances would be confiscated. However, voting did not take place.²⁰ By February 2025, 124 deputies rallied to demand a vote to mandate the Court with the same task, this time with a view to asking the Court to ban AfD, but these were too few to even hold a vote, and the spearheads of the initiative are no longer Members of Parliament. The 2025–2029 legislature, by contrast, contains 152 AfD deputies; this means that there is no foreseeable majority that could activate the Court.

Second, the Court has to establish that a political party is, in fact, anti-constitutional. Article 21(2) of the German constitution defines a political party as anti-constitutional if "its goals or the behaviour of its supporters aim at constraining or abolishing the liberal democratic basic order." An important step in such an assessment is the domestic intelligence service's position. Because this has both political and legal consequences for a party affected, it is a rather complex process for the *Verfassungsschutz* to declare anti-constitutionality. It involves three stages: (1) *Prüffall*, or "case of inspection;" (2) *Verdachtsfall*, or "case of suspicion;" and (3) *gesichert extremistisch*, or "ascertained extremist."

AfD as a whole was, at the time of writing, a case of suspicion, whereas several of its state-level branches, the party's youth organization *Junge Alternative* (dissolved in 2025), and the intra-party grouping *Der Flügel*, before its dissolution, had reached level (3). Yet, the long-dormant *Verfassungsschutz* missed out on the crucial period of the rise of AfD. Though its recent reports now indicate alertness to the danger emanating from the party, the *Verfassungsschutz*'s categorization is not enough for a party ban; a ban depends on the will of elected politicians to call on the Constitutional Court. If ever the Bundestag finds a majority, the Constitutional Court will need to establish its own assessment.

Third, and deviating from its earlier position when it banned the German Communist Party in the 1950s, the Court now finds anti-constitutionality not enough to legally ban a party; the Court now holds that it also needs to demonstrate a "fiercely-aggressively attitude" (*kämpferisch-aggressive Haltung*) against the democratic order.²¹

Fourth, the Court found, in the 2017 procedures against the extremist neonazi NPD: "There must be concrete indications of weighty evidence that make it appear at least possible that the party's actions could be *successful* (potentiality). If, by contrast, the actions of a party do not even allow for the conclusion that it *could achieve* its anti-constitutional goals, then preventative protection of the Constitution through a party

²⁰ See: Deutscher Bundestag, *Antrag zu AfD-Verbotsverfahren vorgelegt*, <https://www.bundestag.de/presse/hib/kurzmeldungen-1029764> [accessed: 21.03.2025].

²¹ See: Bundesverfassungsgericht, *Parteiverbotsverfahren*, https://www.bundesverfassungsgericht.de/DE/DasBundesverfassungsgericht/Verfahrensarten/Parteiverbotsverfahren/parteiverbotsverfahren_node.html [accessed: 21.03.2025].

ban is not required"²² [emphasis added]. And finally, even if the above conditions are fulfilled, the Court's Senate needs a two-third majority to rule a party ban.

German public opinion is deeply divided about whether it is even desirable to declare the AfD illegal. In February 2025, over ten million Germans, or more than one-sixth of eligible voters, decided to support AfD in federal elections, but even the rest of Germans are split along different preferences and beliefs about whether banning AfD (a) could legally succeed, and (b) would trigger unforeseen social unrest. While opponents of a ban argue that AfD is simply "too big to ban" and that a ban would not change the "hearts and minds" of its voter base, and would, indeed, facilitate AfD's self-victimization, proponents of a ban answer that it might buy time until other instruments can bear fruit.²³

4. Multidimensionality of democracy and tentative non-legal instruments

Affective political polarization has increased over the past decade in Germany more rapidly than ideological polarization. Polarized groups "live in different worlds and believe in different facts."²⁴ Thus, we argue that while a party ban is one necessary element in protecting German democracy, democracy is multidimensional, and, thus, focusing only on the legal dimension is not enough.

Political scientists usually define "democracy" along some version of Dahl's concept of "polyarchy."²⁵ In short, it can be viewed as consisting of three elements: (1) meaningful and extensive competition for all positions of government power, at regular intervals and excluding the use of force; (2) a highly inclusive level of political participation in the selection of leaders and policies, at least through regular and fair elections, such that no major (adult) social group is excluded; and (3) a level of civil and political liberties sufficient to ensure the integrity of political competition and participation.²⁶

Democracy, thus, does not mean the rule by law, but the rule of law, which in turn requires a politically independent constitutional judiciary, including, but not limited to, a legal framework that enshrines basic political rights and civil liberties as well as

²² See: Bundesverfassungsgericht, *Kein Verbot der NPD wegen fehlender Anhaltspunkte für eine erfolgreiche Durchsetzung ihrer verfassungsfeindlichen Ziele*, <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/DE/2017/bvg17-004.html> [accessed: 21.03.2025].

²³ "CDU-Politiker Wanderwitz plädiert weiter für AfD-Verbotsverfahren," *Der Mitteldeutsche Rundfunk*, 2025, <https://www.mdr.de/nachrichten/deutschland/politik/afd-verbot-soziale-netzwerke-regulierung-wanderwitz-100.html> [accessed: 21.03.2025].

²⁴ A. Blattner, J. Voelkel, "Wenn Andersdenkende zu Gegnern werden," *ZEIT*, 2023, <https://www.zeit.de/gesellschaft/2023-08/polarisierung-deutschland-afd-gruene-linke/komplettansicht> [accessed: 21.03.2025].

²⁵ R.A. Dahl, "Democratization and Public Opposition" [in:] *idem, Polyarchy. Participation and Opposition*, New Haven 1971.

²⁶ L. Diamond, J. Linz, M.S. Lipset, *Democracy in Developing Countries*, vol. 2: *Africa*, Boulder 1988, p. xvi.

establishing state institutions to protect them. The role of the judiciary is to judge whether policy-makers abide by the legal environment that is meant to guarantee the three criteria mentioned above and to intervene in the event of infringement. Thus, non-intervention in the case of a clear threat to democracy would mean the Constitutional Court would fail in the political role that the founding fathers of Germany's constitution envisaged.

Overall, democratic resilience largely depends on the extent to which it is consolidated, that is, do elites, political institutions, and the general public accept it as the "only game in town"?²⁷ For Wolfgang Merkel, democratic resilience is based on the four interdependent dimensions of (1) constitutional powers, (2) political parties, (3) civil society/public discourse/political culture, and (4) political community.²⁸ These are dynamically related through "institutional interdependencies."²⁹ While constitutional powers and the political community seem intact, Germany has a strong anti-systemic party for which democracy seems not only not the only game in town, but not even a desirable one. Also, while a pro-democratic civil society exists, increased political polarization and rising political violence must be read as clear warning signs for country's public discourse and political culture.

First, in the face of ever-increasing AfD radicalization, Chancellor Friedrich Merz's arguments that AfD is incompatible with his CDU/CSU merely on policy grounds ("Western integration; NATO, the Euro, the European Union"³⁰) rather than in terms of much more fundamental differences do not bode well as they cast doubt on the extent to which current political elites accept anti-democratic parties as eligible players in democratic competition. Such a position also casts doubt on the resilience of the anti-far-right "firewall," an informal norm that has traditionally prevented mainstream parties from cooperating with extremists. Similar norms in other European countries have eroded, including in the Netherlands.³¹ In Germany as well the "firewall" looks increasingly fragile, especially after January 2025, when the CDU put forward two anti-immigration measures that needed AfD's support.³²

Second, the German Federal Constitutional Court is not yet sufficiently aware of its overarching political role in protecting democracy as was intended by the authors of the constitution, which substantially differs from its daily routines that more

²⁷ A. Przeworski, *Capitalism and Social Democracy*, New York 1985, p. 26.

²⁸ W. Merkel, "What is Democratic Resilience and How Can We Strengthen It?", *Policy Brief No. 169*, Toda Peace Institute, 2023, p. 4, https://toda.org/assets/files/resources/policy-briefs/t-pb-169_what-is-democratic-resilience_merkel.pdf [accessed: 21.03.2025].

²⁹ *Ibid.*

³⁰ "Keine Zusammenarbeit, keine Duldung, gar nichts," *Tagesschau*, 2 February 2025, <https://www.tagesschau.de/inland/bundestagswahl/cdu-parteitag-276.html> [accessed: 21.03.2025].

³¹ "In the Netherlands, the far right is calling the shots," *Le Monde*, 18 May 2024, https://www.lemonde.fr/en/opinion/article/2024/05/18/in-the-netherlands-the-far-right-is-calling-the-shots_6671841_23.html [accessed: 21.03.2025].

³² "Umstrittener Schulterschluss in der Asylpolitik zwischen Union und AfD," *Deutschlandfunk*, 2 February 2025, <https://www.deutschlandfunk.de/merz-cdu-grenzschiessungen-afd-100.html> [accessed: 21.03.2025].

often concern individual-level complaints; hence, there is an urgent need to better equip judges, build their resilience against politicization, and encourage a politically independent, but politically aware professional ethos and an active exchange with the broader legal profession, political scientists and civil society.³³

Finally, stronger support for civil society institutions and civic participation schemes is required, as educating for democracy on various fronts and with various actors is crucial to establishing a social base intolerant of insincere populist talk by anti-democratic political movements like the AfD. As experiences across the world indicate, safeguarding democracy is not only a task of constitutional engineering but also a challenging matter of socially embedding constitutional values and building a form of resilient civic and professional constitutionalism.³⁴ Civil society organizations can, thus, be pivotal in the realm of civic education, explaining the intricacies of constitutional design and norms in a manner more comprehensible to those without specialized knowledge.

However, signals coming from the CDU-SPD coalition and a 2025 interpellation by the CDU/CSU show that civil society actors may be even discouraged from political activism, with state funding threatened to be made dependent on political docility.³⁵

5. Conclusions

Even though institutionally, German democracy looks relatively robust in European and global comparisons, and despite timid moves to better protect the core institution of the Constitutional Court, there is clearly more that the legislature could, and in our view will need to do to protect democracy as long as a time-limited window of opportunity is still open; if not, such possibilities might no longer exist in 2029.

Three phenomena lead to this conclusion: first, drastically increasing political violence is ubiquitous and, as explained, stems mainly from AfD and its network of extremist, often illegal interface organizations. Second, AfD's continuous radicalization has already significantly altered public and political discourse and has shifted the barriers of the speakable. If continued, there is little doubt that this will lead German democracy to a dead end. Third, political polarization is also rapidly increasing, which, in turn, has to do with how citizens perceive reality and what type of information they

³³ Ž. Švedkauskas, *Patient Autocrats: Constitutional Capture in the 21st Century*, PhD Dissertation, University of Tübingen, 2024, pp. 174–175.

³⁴ A. Arato, "Populism, Constitutional Courts, and Civil Society" [in:] *Judicial Power: How Constitutional Courts Affect Political Transformations*, ed. C. Landfried, Cambridge 2019, pp. 318–341; T.T. Konciewicz, "Living under the Unconstitutional Capture and Hoping for the Constitutional Recapture," *VerfBlog*, 3 January 2017, <https://verfassungsblog.de/living-under-the-the-unconstitutional-capture-and-hoping-for-the-constitutional-recapture> [accessed: 21.03.2025].

³⁵ "Regierung stellt sich hinter NGOs," *ZDF Heute*, 12 March 2025, <https://www.zdf.de/nachrichten/politik/deutschland/organisationen-bundesregierung-antwort-union-gemeinnuetzig-100.html> [accessed: 21.03.2025].

trust. As digitalization speeds up, the battle about true and false, so well-known from the USA, is also underway in Germany.

Legal measures alone will, thus, not suffice; rather, we believe that a three-pronged, broad whole-of-society approach should include: (1) broad democratic education and digital literacy programmes; (2) substantial and broad-based investments in civic participation programmes on the communal level; and (3) a more flexible and less yellow-bellied approach towards restrictive legal measures by core institutions, ones that could fill the concept of “militant democracy” with substance.

When Germans gave away their first democracy in 1933, it took twelve years of brutal dictatorship, millions of deaths, and foreign intervention to restore it on at least part of its territory. This time around, no external powers will come to aid German democracy and unlike last time, neither citizens nor decision-makers will be able to claim “we didn’t know.”

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Summary

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AfD: Can German Democracy Survive?

In response to autocratization facilitated by constitutional reforms in numerous countries around the world, Germany’s 2024 legal reforms strengthened protections for the Federal Constitutional Court against political interference. While these changes reduce the risk of court-packing, they are insufficient to counter the growing threat posed by the far-right Alternative for Germany (AfD). As AfD’s political influence rises, this article examines constitutional mechanisms for banning the party, arguing that both legal pathways and strong supporting evidence for their necessity exist. However, long-term strategies – such as strengthening democratic education and civic constitutionalism – are also necessary. Germany remains more resilient than states like Hungary or the USA, but warning signs of democratic decline are evident. Without proactive measures by the recently elected government, the country’s democratic future is uncertain.

Keywords: Alternative for Germany (AfD), party ban, constitutional politics, militant democracy.

Streszczenie

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AfD – czy niemiecka demokracja może przetrwać?

W odpowiedzi na proces autokratyzacji wspierany przez reformy konstytucyjne w wielu państwach na całym świecie niemieckie reformy prawne z 2024 r. wzmocniły ochronę Federalnego Trybunału Konstytucyjnego przed ingerencją polityczną. Choć zmiany te zmniejszają ryzyko tzw. przejęcia sądu (*court packing*), są niewystarczające wobec rosnącego zagrożenia ze strony skrajnie prawicowej partii Alternatywa dla Niemiec (AfD). W związku ze wzrostem wpływów politycznych AfD autorzy opracowania skupili się na analizie konstytucyjnych mechanizmów dotyczących możliwości zakazu działalności tej partii, wskazując, że istnieją zarówno podstawy prawne, jak i potencjalnie wystarczający materiał dowodowy dla podjęcia takich kroków. Konieczne są również strategie długoterminowe – wzmocnienie edukacji obywatelskiej oraz rozwój konstytucjonalizmu opartego na kulturze demokratycznej. Wprawdzie Niemcy pozostają bardziej odporne niż inne państwa, np. Węgry czy Stany Zjednoczone, jednak pojawiają się też sygnały ostrzegawcze świadczące o osłabieniu kondycji tamtejszej demokracji. Bez proaktywnych działań ze strony nowego rządu przyszłość demokratycznego porządku w Niemczech jest niepewna.

Słowa kluczowe: Alternatywa dla Niemiec (AfD), zakaz działalności partii politycznej, polityka konstytucyjna, demokracja walcząca.