

Neo-Nazism and the Right-Wing Movement in Germany: Should Offenders Be Punished Severely?

Introduction

Germany has faced an increasing level of right-wing and neo-nazi violence during the past five years, particularly since the Federal Republic of Germany and the former German Democratic Republic unified in 1990. In that year police registered 270 offences committed by members of neo-nazi organisations and people with allegiance to right-wing ideas. In 1991 this figure increased dramatically to 1483 registered offences. In 1992 there were more than 2500 registered offences.¹

Offences by neo-nazis involve acts of racist violence against refugees' homes, foreign business establishments (mostly Turkish), and attacks on individuals from foreign countries. The more extreme forms of violence include arson and murder.

Most of these offences are committed by young people aged 16–21 years.² This has led to considerable public debate as to whether or not these offenders should be punished more severely. Courts exercise discretion whether to apply juvenile criminal procedure to persons up to 21 years of age in situations where they have been charged with a serious offence. Much of the public debate is concerned with whether these offenders should be treated as adults by the courts, with the potential consequence of harsher sentences.

This commentary is primarily concerned with crimes committed by non-organised juveniles with right-wing and racist ideas. These youths are not members of organised extreme neo-nazi political parties or *Wehrsportgruppen* (military sports group). The following examples of Solingen and Moelln show offences committed by juveniles who do exhibit right-wing and racist ideas, but do not have a political background in organised neo-nazism.

Neo-nazism is a considerable problem in Germany. However it must be seen as a related but different issue to the more generalised racist attacks perpetrated by some young people. Neo-nazis are usually older and they have clearly structured organisations and a political motivation. Within neo-nazism there exists an ideology which is clearly more dangerous for democracy. In the case of young people who commit offences of racist violence there is not the danger of strongly held neo-nazi beliefs. The background to this behaviour often derives from certain feelings of inequality and personal experiences with unemployment.

Solingen and Moelln

The small German cities of Solingen and Moelln became known worldwide as synonyms for racist violence in Germany. In November 1992 ten people, nine boys and one girl, aged 15–18, burned the home of a Turkish family in Moelln. A woman (aged 51) and two children (aged 14 and 10) were killed. The offenders were charged with murder and arson.

During the court trial the public wanted to see the young people punished as severely as possible. The leader of the gang was sentenced to life. The accused juveniles claimed

1 *Der Spiegel*, No 23 7 June 1993.

2 *Ibid.*

that they did not want to kill anybody. They claimed that they were highly frustrated, some were unemployed and nearly all came from "non-caring families" (that is, their parents were divorced, unemployed or had a history of alcoholism).³ All the defendants came from the former German Democratic Republic.

In Solingen five people were killed on 29 May 1993 when a 16 year old youth burned the home of another Turkish family. In this incident the victims were two women (aged 27 and 18) and three children (aged 12, nine and four).

The youth had grown up without a father and his very young mother was not able to handle the boy or provide him with an education. He was held in a juvenile detention centre for many years.

In both the Solingen and Moelln cases, the offenders were not members of the organised neo-nazi movement. In both cases, the juveniles involved in the offences shared a hatred of foreign individuals, especially Turks. All of the young people involved blamed immigrants for their own personal experiences or of unemployment and alienation, and for the economic problems in Germany generally.

Socio-demographic aspects of neo-nazism in Germany

As noted above, right-wing offences have increased in Germany, especially since reunification. The former German Democratic Republic was one of the Eastern European countries supervised by the former Soviet Union. The fall of the Berlin Wall in 1989, the end of the cold war and the reunification of Germany brought about substantial political and social changes. Immense economic problems also followed. People in East Germany had never worked in a free market economy, or as in Germany, a market economy with extensive social welfare provisions. In the communist countries unemployment as a mass phenomenon was unknown. With unification the situation changed dramatically.

A further problem is the political culture of East Germany. The East Germans had absolutely no experience of democracy, free elections or other democratic institutions or procedures.

Some of the most dramatic changes which have occurred affected the social position of juveniles. Under the communist regime they were much more involved in society. There was a large number of activities for young people organised by *Freie Deutsche Jugend* (Free German Youth). This political youth organisation was operated by the *Sozialistische Einheits Partei* (Communist Union Party). In 1989 after the fall of the Berlin Wall, these structures began to disappear and left young people in a social vacuum. The first attacks and burning of refugees' homes started soon after.

There is no doubt that neo-nazism has been a problem in West Germany since the end of World War II. However, there are significant differences between the nature of the extreme right-wing prior to and after reunification. Before 1990, West Germany had a large number of neo-nazi parties and organisations. These organisations were usually led by the so-called "heroes of World War II", who often had been members of Hitler's SS. Their followers are mostly teenagers or people aged in their twenties to mid-thirties. The most dangerous organisation of young neo-nazis in Germany is the "Viking Youth". This or-

3 Papst, M and Schuster, K D, "Jugend Gewalt-Extremismus in Sachsen-Anhalt", 47 *Aus Politik und Zeitgeschichte* (1993).

ganisation is a para-military group, a so-called military sports group where members are trained in terrorism and guerilla tactics.

The new trend in a reunified Germany is toward increasing violence, which seems to take place spontaneously and often in relation to drinking alcohol. This makes it more complicated for police to maintain control of the situation. Most of the offenders are juveniles with right-wing ideas and a general feeling of hatred against immigrants or refugees. They have racist ideas and are likely to become militant. However, and this needs to be stressed, they are not organised. They are mostly skinheads without formal structures, leaders or hierarchies.

Germany has a population of around 80 million people. Within this population there are 65 000 neo-nazis registered and under some form of observation by police. The number of neo-nazis has increased from 20 000 in 1982.⁴ Right-wing parties are not as popular in the eastern part of Germany as in the western part.

The majority of offenders in attacks of racist violence are under 21 years of age. Consequently, a crucial question is how the juvenile justice system responds. However, one has to be careful with this observation, because the data shows racist violence and racist offences in general. It does not differentiate between political or non-political motivations of the offenders.

In most cases the offenders or suspects, as was clearly shown by the examples of Solingen and Moelln, come from "non-caring families", with parents divorced or unemployed or with alcohol abuse. The offenders have other factors in common; they often did not complete their primary school education or had difficulties in school.

When these juveniles were asked during the police investigations for their motivation, they stated that they hated immigrants and especially refugees. They claimed that these people took all the good jobs and social aid money from the government. They believed that forcing immigrants out of Germany would provide greater employment opportunities.

The options in punishment

As discussed in parliament and also in public after the tragic events in Solingen and Moelln, most people wanted the offenders to be punished much harder. A long term in prison for right-wing violence was seen to satisfy the preventive aspects of punishment and also the victims' wish for a strong penalty.

Where is the benefit for society of more severe punishment? If juvenile offenders are sent to prison for a long term, society is safe from them for that time. The question is; what will happen when they are released? A life sentence in Germany, as in most other countries, means being released from prison after 20 years or less. Will 20 years of prison change the minds of young people who have committed acts of racist violence?

Arguably there must be punishment. However supportive programs for the integration of offenders by means of supervised social and sporting activities where they can meet other young people would be more effective and helpful. In this way juvenile offenders could develop a feeling of belonging and identification with the community, and they would perhaps feel that other people have an interest in them. Ideally, supportive groups

should aim to integrate and to re-socialise the juvenile delinquents to become members of society rather than to marginalise them as a group of antagonistic outsiders.

Surveys from the last two or three years show that these programs benefit both offenders and society in general. Offenders engaged with the programs commit less crimes; young neo-nazis not in prison can, in most cases, be prevented from becoming criminals. They often rethink their racist positions when helped by a social worker.⁵ While this works with neo-nazis not imprisoned, it should definitely work with imprisoned offenders. That would mean a huge benefit for society.

One of the leading German criminologists, Professor Dr Karl Schumann from the University of Bremen, has highlighted another aspect of harsher punishment. During the 1970s, Germany faced immense terror from the left-wing Red Army Faction (RAF), a terrorist group established during the 1968 student uprisings. At that time the discussion was very much the same and the government took the option for harder punishment. When the terrorists were arrested they were charged with murder and received a life sentence in solitary confinement. The best known leaders committed suicide in prison and became martyrs. It turned out to be even more attractive to follow the RAF than before. Schumann now fears that exactly the same thing might happen again. He fears there will be an increasing number of offences and also an increasing number of organised neo-nazis.⁶ This could endanger German democracy more than ever before.

Another point is that it is very hard for people charged with racist offences to find a good lawyer for the court trial. This is the reason why many of the neo-nazi parties and organisations have lawyers who are specialised in these cases. They offer help to the suspects and the impression that they care. The result is that many more juveniles get more involved with neo-nazism.

Conclusion

The government must spend more money on preventive programs, social workers and leisure activities for young people, especially for unemployed juveniles. Money must also be spent on rehabilitation and re-socialisation, otherwise authorities will marginalise right-wing offenders. The chance for integration will fail. The old saying "lock them up and throw away the key" will prove counter-productive in practice and will cause many more problems than we might ever expect. Simply locking offenders up will not deter others from committing crimes. This is clearly shown in the United States. Even though most states in the US still have the death penalty, the US has the highest murder rate in the world.

In my opinion the legal system must ensure that all possible efforts are made regarding re-socialisation and rehabilitation for juvenile offenders. Harsher sentencing is not appropriate for juvenile offenders, even those accused of racist violence.

The German Government and police must try much harder to arrest and charge the leading people in the neo-nazi movement who spread racist ideas and who advocate guerilla strategies to undermine German democracy. The arrest of the leader of the American wing of the National Socialist German Workers Party (NSDAP) Gary Lauck in Denmark

5 Piaszczyński, U, "Mobile Jugendarbeit mit rechtsextrem orientierten Jugendlichen in Baden-Wuerttemberg", 47 *Aus Politik und Zeitgeschichte* (1993).

6 *Der Spiegel*, No 25 21 June 1993.

in March 1995 is a step in the right direction. If he is extradited to Germany he will face five years in prison for smuggling racist and neo-nazi literature into Germany for at least two decades and for claiming that the Holocaust never happened.

The German Government has to clarify existing laws relating to immigrants. Germany has one of the highest immigration rates in the world. However, clearly defined legal status for immigrants does not exist, and such things as dual citizenship are lacking. Politicians have to proclaim clearly that the immigrants are contributing to German society and to the economy as well. Germany needs them in many ways, and instead of changing the refugee laws to make it even harder for refugees to enter Germany, integration must be pushed forward. Imagine what would happen to the country if the 1.8 million Turks, for example, were to leave Germany?

Right-wing extremism and neo-nazism is not just a legal problem. Changes in the legal system to increase punishment is not enough, political changes must also take place.

Simone Hoehl

Student of Political Sciences and Sociology at the University of Augsburg, Germany