Extremism as a security threat in the Central Europe

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German experiences from countering extremist – implications and recommendations for Czech Republic and Slovak Republic and Central European influence towards Germany

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Introduction

This article deals with the organizational structure of the security forces of the federal republic of Germany that have been established in order to combat extremism.

As the term is controversial, it is necessary to point out that extremism is understood as mainly violent and (from the democratic perspective) deviant behaviour that is promoted by attitude but can not be reduced to it. Extremism consists of a particular and exclusive morality that contains an inhuman and cynical component that offers people a deeper meaning which has the strength to replace religious motives by those of political spirituality. Extremism is then understood as an encapsulated ideology that forms and sustains a subculture which is in a constant dialogue with mainstream society to which it responds, and against whom it is acting. Extremism is rather linked to the notion of conformity - radicalism with is linked rather to conclusion and diversity.[1]

One option to analyze the provision of security by the state is through the multiple stream perspective (Kingdon 1984; Zahariades 2005; Rüb 2008).

> Extremism is understood as mainly violent and deviant behaviour that is promoted by attitude but can not be reduced to it.

The production of security is dependent on a link between the independent
- o problem stream (perception)
- o option stream (options, conclusions and solutions)
- o politics stream (competition of actors)
- o window of opportunity (occasions)
- o political entrepreneurs (actors)

Although the structure of the article does not copy this list, it takes up the multiple stream perspective analysing each one as it occurs. Every decision influences future decisions and is based on decisions of the past. Because of this, the processes encompassing the communication and organizational level need to be reinforced. Decisions, in order to be effective ask of this kind of system power and influence, but cannot be subjected to total control either. Strategies to influence and affect the status quo are normally used to put decision makers in a central position of the network and therefore expression of problem solving processes and the attempt to gain power. Sometimes solutions await the right occasion and at times occasions that arise ask for solutions. Different ideas and interests overlap in the communication streams of politics where actors ask for influence. The options and conclusions on how to address the issue are dependent on power and perception of the problem.

Criminal cases of extremists are regularly discussed in German media and society, yet it follows a distinct trend dictated within the context of the societal and even global development. In the ´90s mostly right wing extremism has been discussed due to bloody pogroms and state security failures. At the beginning of our millennium, 9/11 has triggered the debate about Islamism and security failures, followed by a quick discussion about left wing extremism due to massive fire bombing attacks against cars in the major cities in the first decade of the millennium[2]; and it is now replaced by a discussion of right wing extremism and the security architecture that is criticized for its organisational set-up to combat right wing extremism – namely the internal processes and reports in light of the assassinations committed by a right wing extremist group. Regularly the discussion is the subject of a fight between parties that are affiliated with conservatism and socialism against

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[1] See also: Astrid Bötticher, Miroslav Mareš: Extremismus – Theorien, Konzepte, Formen. Munich 2012. P. 130-142.

[2] http://www.sueddeutsche.de/politik/erklaerung-im-internet-aufgetaucht-autonomebekennen-sich-zu-anschlaegen-auf-bahn-1.1158974

liberals and between civil rights activists and security forces. People are regularly afraid to become targets of extremists and terrorists as well as of a state whose security authority is becoming too powerful and where civil rights get slandered for the sake of safety and security.[3]

"Security and Freedom as objectives differ: while security is the necessary condition to the constitution, freedom is the content of the constitution."[4]

What is also important is the regular discussion the likes of 'if there is a phenomenon called extremism' at all and if so, how to deal with it. Here, especially the left likes to point out that 'extremism' is only a 'seeming excuse', used to insert countermeasures in order to furnish the state with more power and direct it against societal innovation. When looking at the costs of the battle against extremism, the argument seems ridiculous; instead, the bystanders are rather a factor of disturbance to introducing measures of security, otherwise welcome when it comes to ensuring safety.

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The main tendency in the German security field is marked by a broader risk analysis and the wider consciousness about dangers and the aim of the federal state to enhance safety and security for its people. The shift from a security landscape that is structured by an after the fact incident response towards an early warning and detection system is in Germany not completed yet, but on its way.

While extremism can be understood as a multilayered and -faceted phenomenon, security actors in Germany have by now put emphasis mainly on *some* parts of the extremist phenomenon. In this article it will be discussed how German security actors, while themselves organized on a multiple layers, can use an approach that interlinks containment, monitoring and penalization in order to battle 'extremism as a whole' more efficiently, effectively and with long-term effect. The understanding of extremism as a whole is therefore seen as a first step to an integrated combat model. Yet, we find the European nation states within a phase of transition towards a supranational entity – that is having an effect on combating extremist manifestations. Containment, monitoring and penalization must become organized for a supranational European future. But how can containment, monitoring and penalization be organized in a way that incorporates the different national entities - without being overwhelmed by the extremist phenomenon itself (that is already organized internationally)? What structures affect the national security landscape?

Some remarks about extremism and security

Risk and danger in conjunction with safety and security

Now more than ever, 'more' dangers are perceived and find their way into measures of the state in the form of risk definition and preparedness processes. This means, the German security landscape has adopted the idea of safety and linked it to risk analysis and prevention. This might be a remarkable difference of the German 'security-culture' of today in comparison to the ´90s.

'Danger' is here defined as the possibility of occurrence of an incident that entails consequences of damage. 'Risk' is understood as product of operationalized danger. 'Security' therefore is defined as a state, where risks have been minimized to a level that is below a threshold that society has arrived to defining as acceptable. This means, while

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[3] See Debate at Bundestag about Terrorism: Deutscher Bundestag. 14. election period. 199. Session. Berlin, Friday, 9th November 2001 (Print Nr.14/7062)

[4] Christoph Gusy: Geheimdienstliche Aufklärung und Grundrechtsschutz. (APUZ) 25. October 2004 P.14.

dangers can remain unknown to society, risk is based on the perception of danger and security is directed at perceived dangers and subject to the condition of ensuing societal discussions.

The Concept of Security is subject to changing times and expression of the socio-political development and therefore is dynamic. This concerns just as well the case of extremism.

The expectation of the citizens and confidence in the abilities of the state to secure them has produced different results in Germany. While expectations have risen, the confidence has dropped. Yet more and more dangers are on the radar screen of the state authorities and the security concept of the state has changed in order to deal with new threats like cyber-based extremism.

The principles of the public security against extremists are marked by three main characteristics:

    a. they are value based on liberal democracy and these values are not negotiable,
    b. dependent on government for prevention and preparedness against extremism
    c. primary reconnaissance in the fight against extremism[5]

The loss of confidence threatens the social contract to go off the rail, which is concluded between the state as legitimate holder of the monopoly on the use of force and the society to obey the code of that culture in order to enable the state to initiate necessary measures against what is perceived as threat and menace.[6] The awareness of threats has led to an extended version of the concept of security.[7] Mainly this new tendency can be best understood with the slogan of a *networked* security landscape. The paradigm has shifted de facto in its tendencies towards the centralization of security production. But it is also understood that the newer possibilities to detect dangers and transform them into risks, has widened the area of the mission for the security institutions in Germany.

When we say security, we normally understand the protection of something (e.g. constitution) against attacks from a defined enemy (or surroundings); when we speak about safety we normally refer to a harm- or hazard-free environment that gets protected from a possible threat. While the former contains the idea of securing the inherent value or assets of a particular environment, the latter mainly aims to secure the environment from something. Defined as such, we can understand security as a predefined *reaction* against something, a reactive strike against an activity or a person or group. Safety then is more of a pre-emptive *action*; it can be characterized as the definition of prevention measures and the activity to detect dangers. Sometimes safety is getting connected to internal security in the literature, security then defines outer security. In this Article it is understood that safety is an integrated approach, more directed at civil forms of surveillance, dependent on the abstract definition of possible dangers people have become conscious about, while security is a more targeted form

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[5] Wolfgang Schäuble: Streit und Zusammenhalt – Zum Zustand von Demokratie und Gemeinwesen in Deutschland. Speech, Konrad Adenauer Foundation, 13.09.2007.

[6] Amnesty International: Täter unbekannt – mangelnde Aufklärung von mutmaßlichen Misshandlungen durch die Polizei in Deutschland. 2010. The Report of Amnesty International sheds light to police practice that information about where to file a complaint (responsibility) is normally not given to people in police custody. This is not only a German phenomenon. While European legislation has ruled to enforce the rights of flight passengers by laid out information/complaint forms and strengthened passenger rights to file such complaints against airlines, such a possibility is not given to presumed criminals. Here, Cecilia Malström (European Commissioner for Home affairs) needs to adjust EU-Policy so that at any police station, a public form to complaint is displayed. Human right claims can be enforced by doing so as well as this inspires confidence into Police.

[7] Christoph Gusy: Staat und Sicherheit – der kooperative Präventionsstaat. Einführungspapier für den „Fachdialog Innere Sicherheit" beim BMBF 2008/2009. http://www.jura.uni-bielefeld.de/Lehrstuehle/Gusy/Veroeffentlichungen_Vortraege/BMBF.pdf; Stefan Huster, Karsten Rudolph (ed.): Vom Rechtsstaat zum Präventionsstaat. Frankfurt a.M. 2008.

aimed at preventing the occurrence of a loss in the face of a real danger and more directed at measures to enable prosecution.

The goals in the fight against extremism in Germany are to safeguard human life, the emotional well-being, natural resources, democratic structures, public safety and order, financial-, physical- and cultural assets, national economic affairs, supply structures and communication chains.

The types of harm are distinguished in their dimensions and target:

1. physical (destruction of objects)
2. personal (destruction of subjects)
3. psychological
4. coherent (spreading and overlapping an area or field)
5. economic
6. political
7. vital (ecosystem and survival)

Two main institutions provide the array of endeavours in the German security landscape.

While the Police (federal and state) is the main tool of security, the office for the protection of the constitution (federal and state) is the main tool for ensuring safety. At first sight this definition seems to be strange, as the office for the protection of the constitution (Verfassungsschutz) by definition secures the values of the republic's foundation, its constitution, and the police are tasked with safeguarding not only demonstrations, but also buildings and other physical assets.

When security is understood as protecting something from a hazardous environment, the role of the office for the protection of the constitution as a safety tool must be explained. The main argument played out here is, that apron control of possible threats is the main activity of the office for the protection of the constitution, it is a pre-emptive action against people, groups or networks and hostile states that pose a possible threat against central values of the constitution itself. While the officeholders working for the protection of the constitution can not lawfully exercise power by means of violence and therefore they do not have any possibility to *react* against strikes by means of force in Germany, the German police is *the* monopoly on the legal means of use of violence and therefore can react against acute dangers forcefully on German soil. Security serves to protect something from a hostile environment, while safety protects the environment from something. Both, security and safety are interconnected concepts without strict boundaries. In reality we can not find actors that are purely connected to either safety or security. In the end, due to its work to counter criminality, the police and its measures can also be described as an element to protect the constitution. To distinguish between the two main settings – safety and security – it will help us to understand the different measures that come into play when we look at the different institutions of the policy field of security. This is why the differentiation is kept as a heuristic tool.

The office for the protection of the constitution is an early warning system, especially when we look at its major publication, the annual report. In a judicial decision this report has been viewed as something like a stop-sign - a sign that signals that "the political game is over" and that the state warns to monitor publications from the parties in question. The expressions by the office are seen not as opinions from a player within the democratic game but merely symbolize the end of the game.[8] Besides mentioning groups and parties, the annual report contains information about music groups, newspapers, campaigns of the subcultural milieu within the (un)social movements and network associations that are regarded as threats to open society. Besides its duty to warn the civil society early, the office is mainly a detection

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[8] Constitutional Court ruling (BVerfG: 1BvR 1072/01).

programme that uncovers extremist hazards at an early stage by using intelligence measures, such as human intelligence, open source intelligence, or technical intelligence. The legislative branch along with Verfassungsschutz created an instrument to investigate in advance relevant criminal offences, where the police play the main role of defending the open society and its legal defined norms and values. The police and its specialized department of state defence (Staatsschutzabteilung) serves principally as an after the fact incident response along with the other departments of the police. Here, risks have become very real and turned into actual cases. But this clear distinction has become more and more blurred by the legislative branch. The federal criminal police is today authorized to use measures for early warning and detection as well. The threshold that society has agreed to define as acceptable is lowered remarkably and its consequence is a security landscape that has become more prone to safety.[9]

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Understandings of extremism

Especially individual and collective prognoses about developments of societal problems like extremism and the accounting of personal or collective costs represent important analytical tools. Depending on the perception and prognosis, different methods of fighting extremism are favoured. It is in the end our consciousness that leads our actions.

This is to say that there is a cognitive filtering process that allows a personal conceptualization of extremism. Extremism then is a question of the recipient and his/her perception. Actor's motivation can not be explained solely by external influences, like ideology, but intrinsic factors need to be taken into account.[10] Volker Stocké defines as intrinsic factors the protection of a positive concept of 'the self' and the fulfilment of components of the social role, as well as the reduction of cognitive dissonance and avoidance of feelings of regret.[11] Ideology and its mental scripts and schemes influences intuitive assessments important for the behavioural level. Yet, this influence itself is highly unstable and dependent on a number of individual and situational variables.

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[9] "Nowadays, according to the doctrine of prevention/preemption it is no longer required to deter an opponent from aggression on a global scale but to prevent isolated actions by an enemy inferior in material and technical terms. The success of prevention/pre-emption depends mainly on a timely supply of relevant information." Manfred Mimler: Considerations on a Systematic approach to intelligence work. In: Max Litzcke, Helmut Müller-Enbergs, Dietrich Ungerer: Intelligence Service Psychology. Vol.1. Frankfurt 2008. P.17. See also: Sitaram Asur, Bernardo A. Huberman : Predicting the Future With Social Media. http://arxiv.org/abs/1003.5699v1. See also: http://www.netzwelt.de/news/68425-irc-spitzel-chatroom.html. See also: http://www.heise.de/ct/artikel/Abhoer-Dschungel-286194.html. See also: http://www11.informatik.tu-muenchen.de/proj-599.

[10] Dennis B. Bromley: Reputation, Image and Impression Formation. Chichester 1993.

[11] Volker Stocké: Framing und Rationalität – die Bedeutung der Informationsdarstellung für das Entscheidungsverhalten. Munich 2002. P. 21.
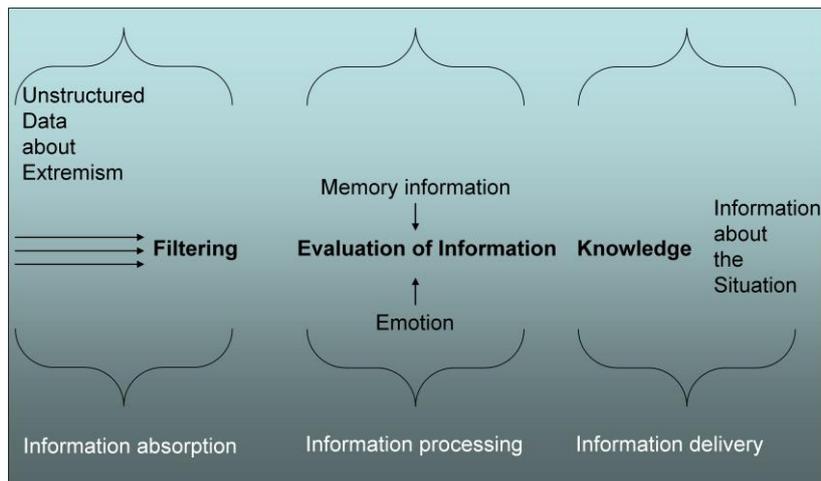
Figure 7: Dietrich Ungerer: Intelligence Information Gathering and Information Evaluation. 2008. Modified.

The different perceptions can not only explain the varying programmes against extremism, but can also explain why extremism in itself is a complicated phenomenon to handle. One model to fight extremism is via inoculation. The underlying theory sees human decision-making as dependent of intrinsic factors so that social attitude then becomes important, when situational aspects or the subject itself or symbolic representation of that subject stimulate and activate the social attitude.[12]

For information processing, the memories of an individual and his/her emotions come into play. Here it is important to remember that it is a question of how negative effects of extremism get presented. When looking at extremism, we are facing an asymmetric constellation and new necessities originate from this strategic situation.[13] Mao Tse Tung once said that revolutionaries need to swim like fish in the water. Security institutions have since looked at fish and thought about what the fish were like, what they do, how they feel, why they have become what they are and how to get them out of the water. They have developed schemes about fish and developed hooks to catch them. But it was still hard to get the fish caught and sometimes, the hook cast brought about rough seas.

Instead of looking at the fish, there should be focus on the water. Instead of developing new ways of catching the fish, here we can see what kind of liquid it is the fish are swimming in and how we can change it effectively so that the fish find it harder to move. There is a good reason for this, history has some stories about weak, yet charismatic persons who managed to reach absolute power. To put it in the words of Joachim Fest, Hitler's biographer, we shouldn't fear the crazy people as they come and go, but we should fear their followers. To put this as a question, what could have had happened to Mao Tse Tung, if nobody had been around and he had nobody to help him out? What can we learn?

The intelligence gathering and information evaluation model by Ungerer (modified here) helps us to understand the pure effect that the main instrument of the bureau for the protection of the constitution (Verfassungsschutz) can have, if handled with caution. Yet, because of several scandals and poor crisis communication, the bureau has lost credit with the German society, compliments of humorous public media reports about mentions of extremist tendencies in the annual report of the bureau for the protection of the constitution.[14] It is to be

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[12] Lee Ross: Human Influence – Strategies and Shortcomings of Social Judgment. Englewood 1980. p. 43-45.

[13] In 2003, Federal and State Ministries of Interior answered the asymmetric constellation with the Conception "New strategy to secure the people".

[14] Werbung vom Geheimdienst -Wie die linke Band Feine Sahne Fischfilet von ihrer Erwähnung im Verfassungsschutzbericht profitiert. http://www.tagesspiegel.de/weltspiegel/werbung-vom-geheimdienst/7426066.html

noted that inoculation, if poorly executed, becomes a boomerang and causes reactive emotions towards the inoculator. Therefore, any kind of processes directed at influencing peoples' emotions or cognitive processes need to be handled carefully.[15] The instrument is recommendable due to its effects to stabilize the red line of acceptance and present a stop sign to sympathizers, yet it must be said that it presents a massive intervention into the societal processes of an open society and it can, if improperly used, have negative effects and thus not achieve the desired effect of triggering the emotional reproduction of hostility towards extremist groups or entities. Different perceptions lead to different measurements, this is what the Thomas-Theory, developed by Thomas and Thomas, holds. What we think is real, will become real in the consequences of our actions – no matter whether it was real or was the figment of our imagination. The inoculation of the bureau for the protection of the constitution is mainly based on the idea of enlightment (Aufklärung) and therefore promotes an inoculation model that tries to widen and spread the information about possible threats to open society. It aims to reach our intellect and is directed at peoples' mind. This pathway of inoculation is rather democratic, as it is left to the recipient to decide what to do with the information, yet research knows a second model to inoculate.

The second model is directed at the emotion and triggers feelings and images without the danger of reactionary behaviour by the addressee. It enters peoples' mind without their knowledge and gives the state a too powerful method to lead and reign. This model is the metaphor-based inoculation. It is not in use in Germany yet, however it is explored for protection reasons. Metaphors have the power to create room for thinking; a metaphor opens up a way to direct the imagination and is usable in their therapeutic function. Even though the technique of using metaphors is not an instrument of security actors in Germany, there is already a research underway at Max Planck Institute for psycho-linguistics, comparable to the research that is undertaken by the different projects of the metaphor-program in the USA. Mostly metaphors are used in order to gain knowledge about recipients and their world-view. While the emotional approach is not being employed in order to control the society, it is usable for intelligence interrogations.

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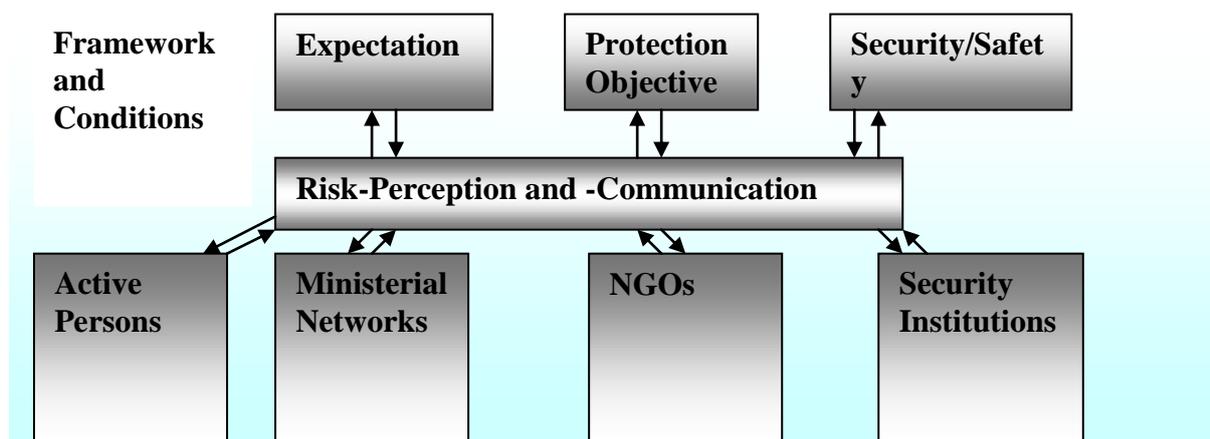
[15] Kathleen Carley, Daniel B. Horn, Ian McCulloh: Change Detection in Social Networks. Arlington, Virginia, June 2008. See also: Travis Morris: Extracting and Networking Emotions in Extremist Propaganda. Research Paper. 2012 European Intelligence and Security Informatics Conference. See also: Noah E. Friedkin, Eugene C. Johnsen: Social Influence Networks and Opinion Change. Advances in Group Processes, Vol.16. See also: Kathleen M. Carley: A Dynamic Network Approach to the Assessment of Terrorist Groups and the Impact of Alternative Courses of Action. In Visualising Network Information (pp. KN1-1 – KN1-10). Meeting Proceedings RTO-MP-IST-063, Keynote 1. Neuilly-sur-Seine, France: RTO. Available from: http://www.rto.nato.int/abstracts.asp. See also: Il-Chul Moon and Kathleen M. Carley: Modelling and Simulating Terrorist Networks in Social and Geospatial Dimensions. In: IEEE Intelligent Systems. September/October 2007. See to early works: Thorndike (1935), Skinner (1953), Dragoi und Staddon (1999), Berkowitz und Knurek (1969).

Figure: Framework and Conditions of counter measures against extremism. Astrid Bötticher.

"Language governs behaviour and expresses knowledge and a person's disposition. It is also a sophisticated indicator of conditions of mental and physiological stress."[16]

As language governs behaviour, it seems appropriate to take a look at the different associations that people have, when looking at extremism in Germany.

There is no solid 'Inbegriff' (E. Husserl) of extremism found. Instead the German society, like any other, perceives the danger in a multi-layered perspective and therefore the 'risk' that extremism poses is faceted and understood as such. The assessment of extremism has found very different pathways. While mostly private actors refer to an idea of extremism 'as a whole', security-based authorities have quite a different view of the phenomenon – yet exceptions from the rule exist.

Extremism is …:		
multi-layered	**multifaceted**	**specific phenomenon**
Personal	Cognitive	Knowledge-, perceptive-, and value-based system and a personal technique in order to cope with problems combined with an idea or utopia with strong individual influence (often inadequate skills can be found).
Personal	Emotional	Emotionally embedded and an expression of wishes, feelings that signify a personal strategy to psychologically overcome something (often combined with weak self control)
Personal	Action based	Violent action as an added value to the extremist offender
Cultural	Aestheticism	Complacence in a system of appealing things offered by groups or others
Cultural	Network	Network of related persons with a shared goal or belief and a norm system
Cultural	Institutional	Institutionalized patterns and a system of actions
Cultural	Symbolic	Symbols and signs created to support or mark extreme interests and aims
Sociological	Communicative	Deviant linguistic standardization (hate speech, language pattern)
Sociological	Society	Attempt to seize the world as a social phenomenon
Sociological	Gender based	A specific sexual construct (about it and itself)
Sociological	Criminal	Deviant and criminal behaviour

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[16] Dietrich Ungerer: Stress in Communication- gaining knowledge through the control of language. In: Max Litzcke, Helmut Müller-Enbergs, Dietrich Ungerer: Intelligence Service Psychology. Vol.1. Frankfurt 2008. P.61.

Sociological/Political	Norms and Values	Deviance from societal norms
Political	Constitutional	Enemy of constitution and its values
Political	(In)security	Detected danger and defined risk and cause for search for optimal solutions to reduce risks
Political	Administrative	Problem stream that has to be solved occasionally by institutional- based processes

Table 2: Perceiving Extremism. Astrid Bötticher.

The different views of extremism have led to very different understandings of what kind of threat extremism is and what entities it 'puts into risk,' not speaking of responses, Framing and rationality, and the presentation of information influence our decisions.[17]

Models of extremism

To show an example of the consequences that are drawn from the distinguishable perceptions of the extremist phenomenon, the administration-based conceptualization, developed by Rüb and the sociological oriented model developed by Kemmesies are presented as different cases of perception. In a broader sense, extremism is understood as a formation, which is not acknowledged by the constitution as legitimate political action within the democratic game.

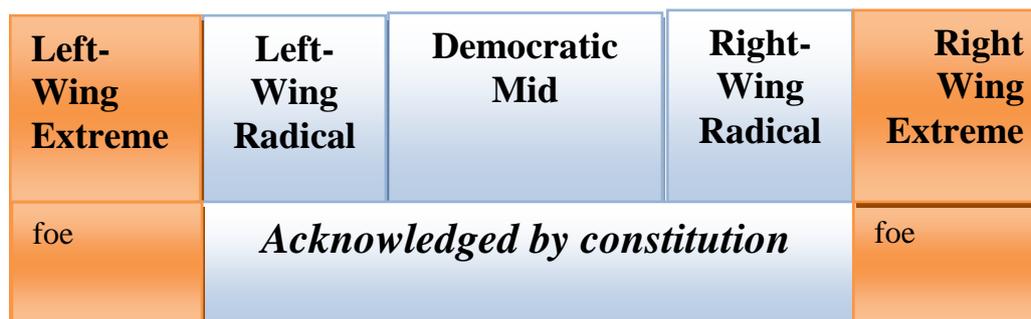| Left-Wing Extreme	Left-Wing Radical	Democratic Mid	Right-Wing Radical	Right Wing Extreme
foe	*Acknowledged by constitution*			foe

Figure 7: Richard Stöss: Rechtsextremismus im vereinten Deutschland. Bonn 1999. P. 16.

The model presented by Stöss is the rather the visualization of the official language about extremism. Even though it can help us to understand who is 'out of the legitimate game' it doesn't directly lead to measurements against extremism. It rather helps us to understand, that there are measurements of extremism at all. While radicalism is accepted, extremism is not. This means in general that who is peaceful, but may lead a deviate life can avoid being harassed or annoyed by authorities. You can lead a life as you please, as long as others don't get oppressed or harassed. This general definition of a 'red line', that is not to be crossed, is helpful as a sign and symbol. Yet it does not look at the origin of extremism.

The different models of extremism as a phenomenon to deal with have created very different pathways to solving the problem as well as led to a different views on how dangerous extremism really is – while security agencies see in it a great danger and a high threat level, the administration-based political science looks at extremism as a phenomenon of minor interest with low threat level to democracy.

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[17] Volker Stocké: Framing und Rationalität – die Bedeutung der Informationsdarstellung für das Entscheidungsverhalten. Munich 2002.
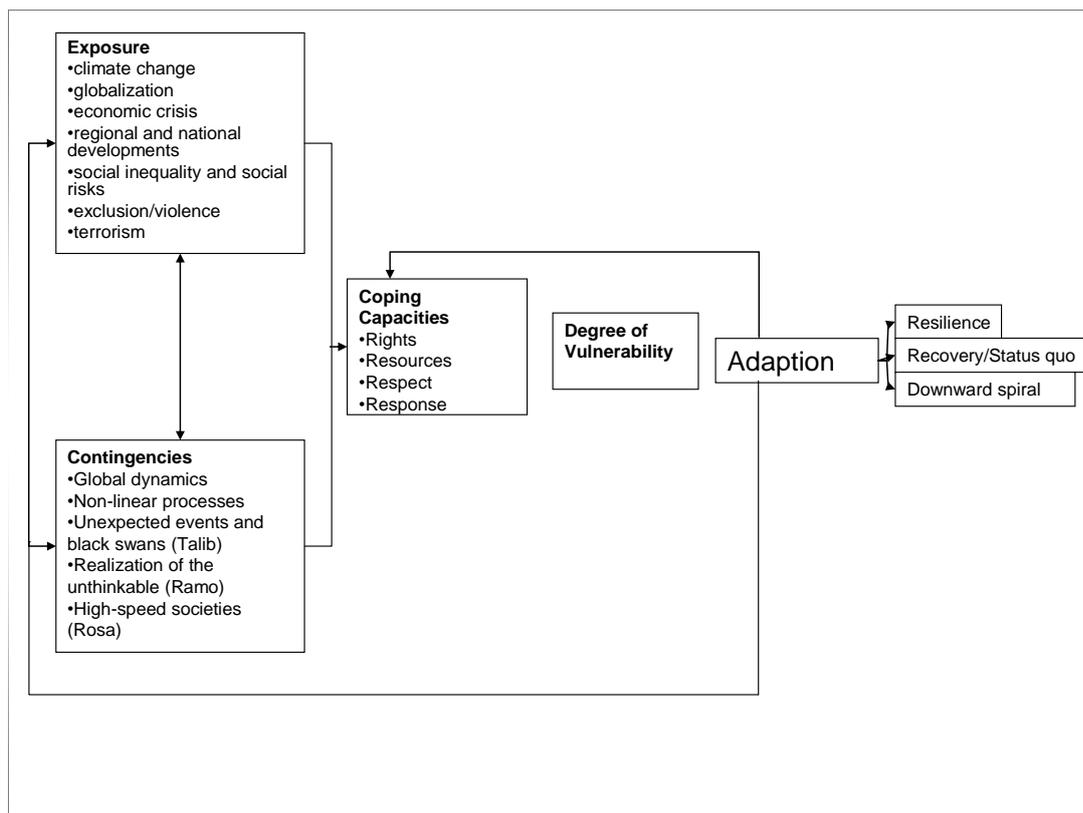
Figure 8: Friedbert W. Rüb: Die Verletzlichkeit der Demokratie – eine Spekulation. 2012. S. 99.

Rüb presents extremism within a whole variety of risks that the administration has to deal with. Extremism can be understood as exposure and as contingency. While extremism in its tendency excludes whole parts of the society, it simply exposes societies to the phenomenon, with the potential to realize the unthinkable and bring on unexpected events and actions that can therefore be seen as contingency. Either way, administrations have to deal with it. How administrations cope with harmful phenomena is for Rüb not so much explainable by an emotional map or primary emotional concept as by the capacity of the administration itself.

Extremism is presented as a stable phenomenon in a society that can be monitored and contained to the extent of emphasis and money spent for different programs. Yet these programs stand in competition to other threats that need to be dealt with at the same time and sometimes more urgently. A good example of this type of competition in the agenda-setting process is the economic crisis. It has the potential to put democracy at risk (social welfare as violence containment) and has a major impact on the majority of people living in Germany. Coping capacities of the republic are limited by a certain amount by money and employees. The same applies to extremism that is defined here as exclusion and violence. Also new tactics to answer new security problems that deal directly with the topic of this paper can be analysed by the Rüb-Model.

Agenda-Setting	Program Definition	Implementation
Security-Problem Security-Concept	Security-Policy Security-Legislation	Jurisdiction-Application

A good example of the Rüb model are Paragraphs §§ 89a (preparation of violence), 89b (relation to terror groups) and 91 (colloquial push to violence) of StGB (Criminal Law) that have been introduced in the wake of September 11th 2001 and two following bomb attack

attempts (Kofferbomber/ Case-bomb and Sauerland-Gruppe/ Sauerland Group) committed by Islamists in Germany.[18]

Mainly because of Information that came to light with the criminal trials against the attackers (Case-Bomb and Sauerland Group), the agenda setting and security concept were subject to review. Three developments were supposed to get resolved by penalization possibilities: Lone-Wolve phenomenon, travel activity and Internet-Propaganda. Especially §§89b and 91 can be seen as a move towards a new ground in security legislation, as it mainly expresses a change to early engagement. Measures against extremism (like §100a StGB/Criminal law, which isn't a special anti-extremist expression, but a permission to wiretap) can also be seen as a means to administer technical devices and a retreat to traditional solutions. Thus, the problem of extremist networks that depend on modern communication technology has led to a traditional solution.[19]

Starting from a very different point of view, Kemmesies develops an idea of extremism as a social phenomenon, where ideology is the motivator and the core of it is embedded in a social structure.

- Ideology, Person
- Micro-Level
- Meso-Level
- Exo-Level
- Macro-Level

⟺ = Interdependency
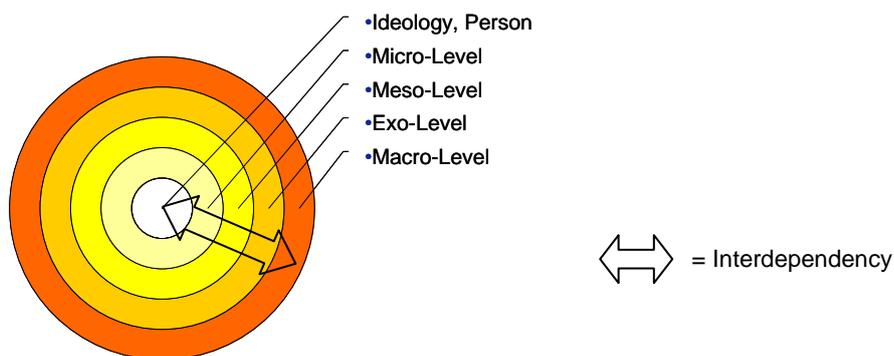
Micro-Level: Social Proximity, Role, Friends and Family
Meso-Level: Network
Exo-Level: Institutional Surrounding (School, Job etc.)
Macro-Level: Culture

Figure 9: Kemmesies Extremism-Model.

The Kemmesies Model encompasses several disciplines, such as political psychology (group-psychology, personality, obedience, conformity, moral, biography), political sociology, political institutions (norms & values), political culture, network theory and so forth. The complexity of extremism is relevant for this model. Here, the extremist is not only embedded in a surrounding culture but nearby institutions, and has roots in a network and social proximity. The model describes the chances of monitoring, containment and penalization at best. In order to describe the different measures that have been applied in Germany against extremist networks or tendencies, we can three slogans: Monitoring, containment and penalization. Here, the culture of state-centred measures vs. the culture of governance

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[18]Anna Oehmichen, Astrid Klukkert: Evaluation des Gesetzes zur Verfolgung der Vorbereitung von schweren staatsgefährdenden Gewalttaten. 2012. P. 21.
[19] See:
http://www.bmj.de/DE/Service/StatistikenFachinfaormationenPublikationen/Statistiken/Telefonueberwachung/_node.html

measures can be seen. The solution to the phenomenon of extremism is fought over by a number of normative symbols.

Monitoring	Containment	Penalization

Criminological- based action scheme against extremism. Bötticher.

Yet, the concepts against extremism find a number of different sources, such as distributive, re-distributive- , regulative- and social-regulative policies.[20] The relational aspect of extremism and the mainstream society can be found in monitoring, containment and penalization. Dudek and Jaschke[21] draw on a tier model of intervention strategies against extremism that can be seen as connected to the action scheme:
• Illuminative strategy (monitoring)
• Criminalization strategy (containment)
• Mongering strategy (penalization)

Monitoring

Monitoring measures work at micro- and meso-level. Parts of monitoring contain different measures like the collection and analysis of big data either by open source intelligence and human intelligence (intelligence work), but also the direct contact of police-officers[22] and influential action concepts towards anti-violence, diversity and open society culture or security-based interventions against networks posing a possible threat against civil society.

Part of this approach utilizes natural language processing, sentiment analysis or social network analysis by authorities. Predictive analysis tools such as SPSS-Clementine, SAS-Enterprise Miner, STATISTICA Data Miner, QC-Miner, Fortius One, Geosemble, Organizational Risk Analyzer (ORA), Analyst Notebook or Esri Crime Analyst and SAPs Investigative Case Management for Public Sector[23] are just some examples of the desire of the state to predict behaviour. These tools are highly recognized by state authorities and sought as a solution. The suppliers normally present their tools at trade fairs. The main platforms where suppliers and customers meet are events organized by Behördenspiegel that has numerous cases of cooperation.[24] Prediction has become an important tool of repression and prevention in Germany. Again the idea of apron control as a major safety factor within the security landscape of Germany can be found. And this demand is gladly answered by the

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[20] Interestingly, metaphors are an important fact for what kind of policy will get adopted to combat extremism. See: Paul Thibodeau, Lera Boroditsky: Metaphors we think with – the role of metaphor in reasoning. PLoS ONE Bd. 6, Nr.2, 2/2011. http://www-psych.stanford.edu/~lera/papers/crime-metaphors.pdf

[21] Peter Dudek, Hans-Gerd Jaschke: Entstehung und Entwicklung des Rechtsextremismus in der Bundesrepublik. 2 Bände. Opladen 1984. P.169.

[22] Unique is SOKO-Rex (Saxony) that writes letters to right-wing extremists and even visits their homes, after they have become detected. Early containment of extremist tendencies of a person are based on an early detection and warning.

[23] Fortius One und Geosemble http://www.forbes.com/2010/11/19/in-q-tel-cia-venture-fund-business-washington-cia.html?boxes=Homepagechannels

[24] Behörden Spiegel-Gruppe and AFCEA Bonn e.V. cooperate with the association electro engineering and electronic Industry (Zentralverband Elektrotechnik- und Elektroindustrie e.V.) to organize AFCEA exhibition. Patron of the exhibition 2012 was state secretary Beemelmans (Defence Ministry).Behörden Spiegel-Gruppe also organizes the annual Berlin Security Conference. Speakers in 2011 were Minister Thomas de Maziére (defence) and Minister of development Niebüll. The Polizeitag (Police Meeting) in Düsseldorf, is organized together by Gewerkschaft der Polizei (GdP) (Police Union) and Behörden Spiegel, Topic in 2012 was „Prävention als polizeiliche Aufgabe" (Prevention as task for the police). It publishes regularly: Behördenspiegel: Newsletter Netzwerk Sicherheit. (Newsletter Network Security). (See more: www.behoerdenspiegel.de and http://www.heise.de/tp/artikel/33/33509/1.html)

different suppliers who want to bid and create new demand. These demands are not specified as "counter measures" against extremism, but are thought to fit within the topic.
Besides this, OSINT and HUMINT are regular measures against extremism.

Data collection is also done by some private action groups. These groups monitor extremist groups, take photos at demonstrations and publicize them (mainly internet) and try to keep up with the network changes and new faces on the scene as well as report to the police or even take cases to court. To a great extent, these NGOs and their information and actions are put into question, as in the eyes of the authorities they tend to be extreme as they are carried out on the other side of the left-right-wing scale.[25] The "Berliner Vereinigung der Verfolgten des Naziregimes, Bund der Antifaschisten und Antifaschistinnen" (Berlin Alliance of Victims of the Nazi-Regime, Union of antifascists VVN-BdA) are good examples of active groups that combat right wing extremism by civil actions and at the same time face lack of confidence by the authorities. This means that a general distrust between law enforcement and civil right groups or activist groups is a daily phenomenon in Germany. Latest incidence of these expressions of distrust that inspire little confidence between authorities and NGOs was the passed rule stipulating that civil society organizations that want to apply for state money need to sign a democracy clause. Civil society organizations became enraged and felt discriminated by this new measure. On the other side, there are networks and roundtables where civil groups and the authorities come together. The "Forum gegen Rassismus" (Forum against racism), "Bündnis für Demokratie und Toleranz – gegen Extremismus und Gewalt"(Alliance against Extremism and Violence) are such examples. High reputation is also enjoyed by "DAV-Stiftung Contra Rechtsextremismus und Gewalt"[26] and political foundations such as Friedrich Ebert Stiftung (Social Democrats), Konrad-Adenauer Stiftung (Conservatives), Heinrich Böll Stiftung (Greens), and Rosa-Luxemburg Stiftung (Socialists) whose engagement is regarded highly. There are also numerous privately engaged foundations like Amadeu Antonio Stiftung, Bertelsmann-Stiftung and Udo-Lindenberg Stiftung, and several platforms like www.lautgegennazis.de and www.violence-prevention-network.de. This means, that there is a closely-knit network against right wing extremism. On the contrary, there is no such network in place against left-wing extremism and Islamism.

Containment measures work at meso-, exo-, and macro-level. These measures reach the perpetrators from within their milieu. Containment is rather done by civilian public actors who act in conjunction with a network approach to security in Germany. Some new ideas of networking are worked out by police forces who try to put monitoring and containment plans together as part of a preventive/reactive measure catalogue. This new approach can be summarized as "networked-security":

"Since 1991, the commission [Special Commission on Right-wing Extremism] has combined repressive measures and prevention measures seeking to unsettle the scene at hot-spots through unremitting prosecutorial pressure and police presence. Soko Rex writes to potential offenders before radical right-wing events or visits their homes to highlight the consequences of additional criminal acts. In addition it has instituted measures to accept and support young people. Soko Rex provides awareness training and does public-relations work."[27]

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[25] http://www.tagesspiegel.de/politik/rechts-und-linksextremismus-in-deutschland-sich-vom-feind-abgrenzen/4338656.html; http://www.antifa-berlin.info/silvio-meier-doku/presse_artikel_248.html
[26] Anwaltsblatt. Volume 51. 7/2001.
[27] Bitta Schellenberg: Country Report Germany. In: Bertelsmann Stiftung: Strategies for Combating Right-Wing Extremism in Europe. Gütersloh 2009. P. 207. Schellenberg also names the prevention based education campaign „Wölfe im Schafspelz" (Wolves in Sheep´s Clothing) and the Violence Prevention Network e.V.

Besides the police, the institutions have built a networked concept that mainly deals with right-wing extremism; such a networked approach is not found when it comes to left-wing extremism or Islamism though. Against right-wing extremism the federal Ministry for Family, Seniors, Women and Youth, and its subordinates - federal Department for Media Harmful to Young People, the federal Anti-Discrimination Agency - work with the police unions, the Ministry of the Interior and its subordinates, the federal Agency for Civic Education, the Federal Office for the Protection of the Constitution, the Federal Criminal Intelligence Service, the Federal Border Police, as well as with the Federal Ministry of Justice, Federal Ministry for Economic Cooperation and the Ministry of Foreign Affairs. An Initiative by Minister Kristina Schröder to combine counter strategies against right-wing extremism with left wing extremism and Islamism in a de-radicalisation program has failed due to a poor concept and a lack of know-how in-house.[28]

> Besides the police, the institutions have built a networked concept that mainly deals with right-wing extremism; such a networked approach is not found when it comes to left-wing extremism or Islamism though.

Part of the containment at meso-level is gossip that is known to be a very valuable measure in criminology and finds it use in a number of ways in Germany. When people talk badly about their extremist neighbours, this promotes social pressure (re-integrative shaming). But indignation does not only get introduced by neighbours, but by media coverage that shows the outcome of extremist tendencies in society. Also, regular spending on civil initiatives is part of a private action-based containment system in Germany. The different initiatives and their information services as well as the triggering of gossip and other measures cut out the ground from under the extremists' feet. It seems that certain ideas of network theory have become combined with counter measures against extremism and culture:

- Communication density
  - Desire to communicate (information policy – make it BIG!)
  - Emotional Contagion vs. Battle with empathy

- Content of Communication
  - Victims need to be in the center of attention

- Stimulation of socially interacting environment
  - Lead to definition of social desirability
  - Lead to gossip (social interaction)
  - Lead to inoculation of social norms

- Social infrastructure
  - Social need (social cleavage vs. social security) is taken away from attackers
  - Society of accomplices gets battled, and then assaulters get reached

People want to be informed about what is going on. Security discourse needs to replace 'offence' with 'message' and this can mean nothing less than de-escalation by communication. To simply introduce the problem to the public by describing those who claim responsibility is misleading. Security is a narrative. Fear directly connects to the cultural climate and it is important for security institutions that they keep the power to define the situation. In the end, to solve a problem does not mean creating a bigger problem. But this also does not mean to go along a message "everything beats being dead" often used by

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[28] „Initiative to Strengthen Democracy"

security institutions. The main rule is to stick with freedom as the founding principle and then add security to that and uphold the principle that society defines discursively and freely what a 'well-ordered society' is – and not one governed by security institutions.
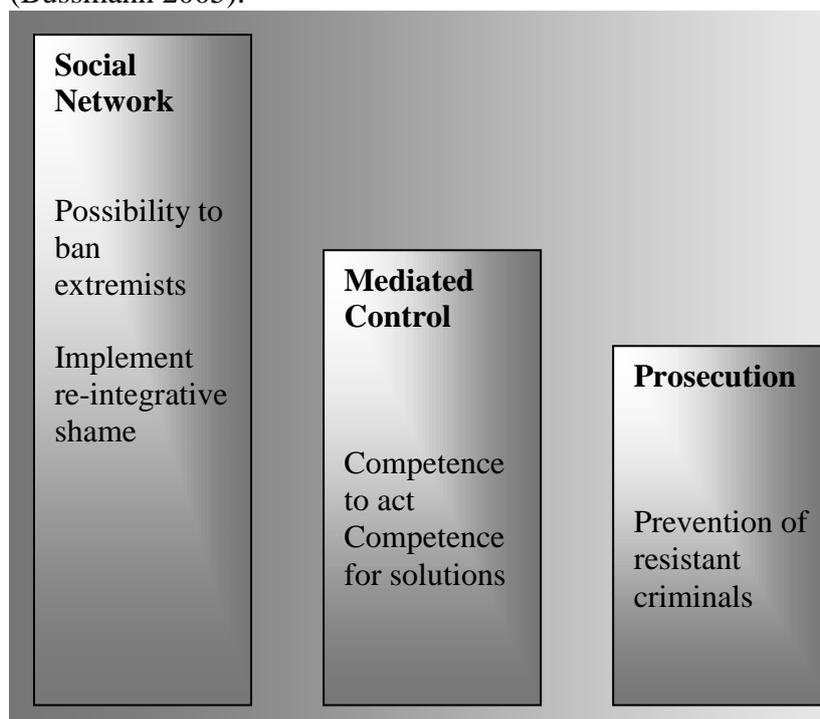

Insecurity:
- o Experience Victimization (- Direct victimization, -Media mediated victimization, - State centred victimization, -Social Victimization, - diffuse fear of life)
- o Criminality Phalanx
- o Risk estimation

Beside the containment on a private level, police presence and the destruction of extremist networks need to be seen as part of public-private containment system. Repression and prevention pose an integrated security concept against extremism in Germany. Civic education is a very effective tool of containment that promotes democratic consciousness. In the end, police forces and any other state authority can not battle extremism effectively when they do not have a democratic society on their side. Democracy is best secured by democrats – and not by state authority.

Legal punishment is the main tool against extremism in Germany, yet its outcome remains poor. Penalization is effective when deviant behaviour is directed at stopping glorification of inmates, when jail does not represent a criminal learning centre and networking of right-wing extremists behind bars is disrupted. Yet, this is not the case in Germany. Who was jailed or is in jail is a hero in the followers' eyes and the extremist milieu regularly sees penalization as "political" and not simply as prosecution of criminal acts. As this is the case, (un)civic engagement is seen regularly when it comes to sentencing. The German society and its institutions have not found an answer to the fan-culture problem as yet.

Legal framework is at the centre of finding a solution, and will be dealt with mainly in the next chapter. A general idea of measures used to discourage from extremism by monitoring, containment and penalization can be won by scrapping the situation-based strategy of control (Bussmann 2005).

Social Network

Possibility to ban extremists

Implement re-integrative shame

Mediated Control

Competence to act
Competence for solutions

Prosecution

Prevention of resistant criminals

Discourage from extremism. Bötticher.

Security architecture against extremism

As every administrative action is based on the law, it is at the centre of anti-extremist measures. The law has two sides of the coin. Law is a symbol of norms and values of a society, but it is just as well a stream of different policies and mechanism of action.

LAW as normative symbol	LAW as policy stream

Law is a dynamic entity. Actions of extremists are answered by legislation. The law is used as a normative symbol but at the same time is the expression of political power as a policy-stream. But not all actions are necessarily followed by law improvement, but sometimes are answered by political and social actions (for instance Program "Zusammenhalt durch Teilhabe" (Stick Together by Sharing in), a program the likes of Welfare Management.

Legal framework

The constitutional assembly, whose members were to develop the constitution (Grundgesetz) held their inaugural meeting in the form of a festive act at 01.09.1949. The chairmen were Anton Pfeiffer (CDU/CSU, conservative Party), Theodor Heuss (FDP, liberal Party), Carlo Schmid (SPD, socialist Party). Especially the members of the constitutional assembly (Parlamentarischer Rat) that held their first working meeting on September 08th 1949 had been through a troublesome time during their life. The Second World War ended only a few years before, and until 12.05.1949 the blockade of West Berlin was on, followed by 'American Airbridge' (Luftbrücke). Still fresh in their mind was Hitlers "Act to eliminate misery from people and Reich" (Ermächtigungsgesetz) from 24th March1933, which destroyed the democratic form of government and marked the real end of the Weimar Republic that brought misery to people all over the world including Germany. Hitler's dictatorship came to an end not even 5 years ago, when the constitutional assembly began to work.

The Weimar Republic claimed to constitute the freest people of the earth and to be the most democratic democracy of all. This proud illusion definitely came to an end when Adolf Hitler gained power and destroyed the democratic state bit by bit, act by act and with the help of the institutions and a large number of followers. Though the Weimar Republic had its teeth[29], it was in the long run not able to keep things stable and it came true that "most liberal democracy" was even liberal towards its enemies who were all too glad to destroy all the values of liberalism and parliamentarism. It might be that the founding fathers of the constitution of the Federal Republic of Germany had exactly this in mind, when they turned towards the American concept of a militant democracy. They had experienced what it means when a liberal democracy has to face its enemies from beyond and above.

The first working meeting of the constitutional assembly began with a lecture by Carlo Schmid, who touched on the idea of militant democracy deeply:

"One question arises: are equality and freedom supposed to be absolute values, do they need to get granted also for those who strive to exterminate freedom after they have seized power? in other words, are we supposed to act in future like the Republic of Weimar towards the National Socialists? This question will have to get discussed and decided in this honourable House. My opinion is that to the term "democracy" doesn't belong the assumption that she lays a foundation to her own elimination. And I want to go further: Democracy is more than a

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[29] Christoph Gusy: Weimar - die wehrlose Republik? – Verfassungsschutzrecht und Verfassungsschutz in der Weimarer Republik. Tübingen 1991.

product of functional decisions, where there is the courage to believe in her as something that is necessary for the dignity of the human being. But if there is the courage to believe in this, there must be also the courage to be intolerant against those that want to use democracy in order to kill her."[30]

In consequence, there is a whole bunch of secured governmental institutions and safety measures applicable. The system of security against extremism is fragmented due to the state organization.
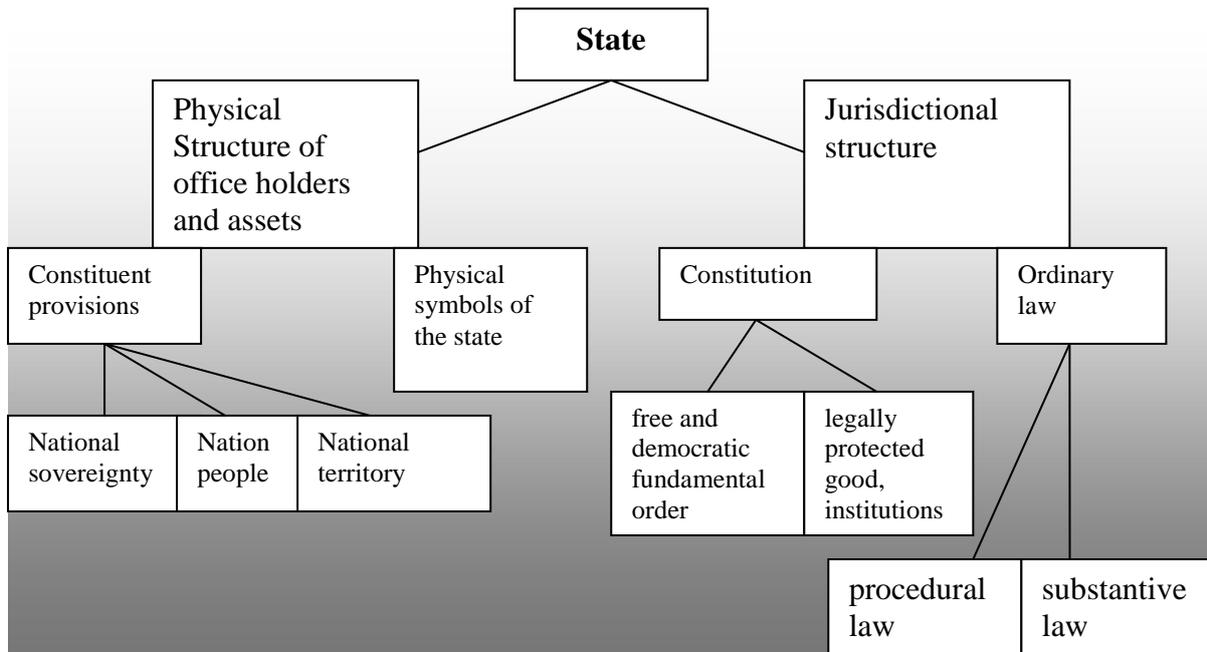

Figure 1: Mathias Ermert: Extremismus im Strafrecht. Matthias Ermert 2007. P. 72.)

The complex legal structure secures both: physical bodies like Reichstag (parliamentary building) and abstract objects like Bundestag (parliament). Therefore, anti-extremist measures aim to promote security for state inventories and immaterial goods.

There is a strong engagement against extremist tendencies that is justified, but there is also a strong aim to protect civil rights which is easily justifiable with Germany's history. Both principles are seen as security measures – to secure people from extremism from the bottom and from the top. Though there, there are tough measures against small groups or people that want to gain power to exterminate democracy, as well as some hard measures against people who legally hold power and want to destroy democracy from above.

Though the German Constitution (Grundgesetz, GG), the German system can be understood as a form of militant democracy, it is a fortified democracy with liberal norms and values. The dignity of a person is untouchable, to protect and to honour it, is the obligation of all states power, says the first Article of the German constitution. What's more, it offers by this definition the main state objective – being the guarantor of dignity. You might want to refer to the German constitution as an expression of a democratic security culture[31]; its securing moments can be found in its numerous articles. Yet all of these measures will get judged by this one particular principle of dignity. The constitution defines the objective of the state and binds legislative, executive and judicial powers to constitutional law (§ 1 Paragraph 1 and 3 GG) obligates education to be constitutional (GG § 5, Paragraph 3) restricts the possibilities to

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[30] Carlo Schmid, Lecture in the constitutional assembly, 08.09.1948
[31] Astrid Bötticher, Hans-Jürgen Lange: „Wehrhafte Demokratie" (fortified democracy). In: Ulrich Dovermann (Ed.) : Linksextremismus in der Bundesrepublik Deutschland. Bundeszentrale für Politische Bildung, Schriftenreihe Bd. 1135. Bonn 2011.

hold assemblies (§ 8, Abs. 2 GG) and allows to prohibit alliances that aim to turn against the constitutional order or international peace and whose actions violate panel code regulations (GG § 9, Paragraph 2) and declares actions against international peace as punishable (GG § 26, Paragraph 1).

The constitution knows limits of letter, post and telecommunication confidentiality to secure the free democratic common order (§ 10 Abs. 2 GG); restricts the right to move unhindered in order to prevent menace of free democratic common order (GG §11, Paragraph 2); knows (by constitutional court order) the forfeiture of basic rights when they get misused in the struggle against the free democratic common order (GG § 18). The constitution (GG §19 Paragraph 2) determines that it is under no circumstance permissible to change the crucial rights, gives a guarantee for those rights (§1-20) to endure for eternity (GG §79 Paragraph 3) and secures the federation, as well as allows to lawfully offer resistance against those who seek to obliterate democratic rule if no other measure can be taken (GG § 20 Paragraph 4). The constitutional law defines political parties as a central instrument within the process to form peoples' will (GG § 21 Paragraph 1) and contains regulations on unconstitutional parties and their prohibition (§ 21, paragraph 2 GG); It protects representatives of parliament (GG § 46 Paragraph 1-3) but also regulates the dismissal of the President of the Federal Republic if he/she intentionally offends the rulings of the constitution – to name only the most important set of constitutional laws that promote security for the constitution and the free society. To look at the constitution of Germany means to look at an expression of security culture, containing security against extremist tendencies from bottom to top and a complicated system of fixed checks and balances.

The constitutional court has a central function in the fight against extremism as it is the only institution with the power to ban a party (GG §21) and to strip an individual of his/her rights (GG §18).
Therefore, we should mention the most important court decisions that confirmed these powers.
The constitutional court in its famous ruling banned the SRP-Party (Sozialistische Reichspartei) claiming the main characteristics of the democratic constitution (called free democratic main order) and by doing so established a standard on who is regarded an extremist and who isn't. The Court ruled in 1952 to ban SRP-Party, as the Party didn't accept and worked against those main democratic values.[32] These were human rights, the right to a personality to live and flourish, popular sovereignity, division of powers, accountability of government, legitimacy of administration, judicial independence, multi party system, equal opportunities for parties within constitutionalism and the right to exercise opposition.
Four years after the court decision to ban SRP, the constitutional court banned the KPD (Kommunistische Partei Deutschlands) and further explained the details of the 1952 established standard by explaining the difference between being radical and being extreme.[33]
Proceedings to ban the anti-constitutional Party NPD (Nationaldemokratische Partei Deutschlands) were halted due to technical reasons.

"In the fall of 2006, debate about banning NPD broke out once again and became a never-ending discussion in 2007 and 2008. In particular, each time xenophobic or radical right-wing attacks receive a great deal of attention from the public, a ban is hotly debated."[34]

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[32] Respect for human rights as outlined in the constitution, especially an individuals right to life and right to develop personality, popular sovereignty, separation of powers, political accountability, legality of administrative actions, judicial independence, multiple party system and the equality of opportunities for parties as well as the constitutional right to act as opposition. http://www.im.nrw.de/sch/doks/vs/srpverbot.pdf
[33] Entscheidungen des Bundesverfassungsgerichtes (BverfGE) (Bd. 5) 1956. P. 141. http://www.servat.unibe.ch/dfr/bv005085.html

This judgement is still valid and based on it a motion was made to ban NPD in Germany - in the aftermath of revelations of the NSU network (nationalsozialistischer Untergrund) that killed persons based on racial prejudice and hate. The gun-attacks were in the media known as "Dönermord" (Doner-killing). The racial discrimination that is evident in the language here is not out of the ordinary; rather it is 'normal' German attitude to name bad things by metaphors combining foreign origin plus an action or a negative phenomenon.[35] To give a an example: Firework, used at new year's that happen to go off before cast are called "Polenböller" (Poland-Firework) and if something is weird to a German, he will say that "this seems Spanish."

About 39 Percent of the East German population has a xenophobic attitude, as well as almost a quarter of the west German population.[36]

Inherently the legislator intended to establish the office for the protection of the constitution (GG §73, §87). With regard to mentions of extremist tendencies in the annual report of the office for the protection of the constitution, the constitutional court (Bundesverfassungsgericht) made an interesting decision. When public authorities publish statements about who is extreme, these declarations are not simply opinions by state authorities but constitute interventions in civil rights, because they are seen in public eyes as very reliable and trustworthy sources.[37]

Besides the main set of laws defined by the constitution that enable the Federal Republic of Germany to ban parties and associations as well as assemblies and limit some elements of the civil rights such as confidentiality rules, the main instrument of the state remains its penalty law. While the constitutional court is in charge of administering penalties that find themselves at the heart of representative democracy, the federal court of justice of Germany is charged with the enforcement of the criminal code. Security remain the main prospect, even though "the concept of "security law" and "security legislation" has not yet been established in legal jargon" argues Christoph Gusy, a legal scholar in one of his latest articles[38] but that doesn't preclude the fact that the federal republic has constantly adjusted its regulation by governmental acts within the policy field of security. These authoritative elements of regulation[39] contain three main focuses: penalization, containment, and monitoring. Interestingly, there are no laws on the books that speak of extremism, but instead, jurisdictional language knows such phenomena as anti-constitutionalism, subversion of the state and unconstitutionality. The criminal code (Strafgesetzbuch, StGB) knows the anti-constitutional sabotage (StGB § 88) and penalizes it with a sentence of up to five years − here the German telecommunications system and other public utility infrastructures get secured.[40] The federal court of Justice ruled on 14.12.1977 explaining

> Besides the main set of laws defined by the constitution that enable the Federal Republic of Germany to ban parties and associations as well as assemblies and limit some elements of the civil rights such as confidentiality rules, the main instrument of the state remains its penalty law.

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[34] Britta Schellenberg: Country Report Germany. In: Bertelsmann Stiftung (ed.): Strategies for Combating Right-Wing extremism in Europe. Gütersloh 2009. P. 199.

[35] A research conducted by the author of this article (unpublished) , containing more than 100 newspaper articles (1988-1992) of highly reputed media has shown that organized crime as a metaphor has been connected mainly to Poland, Italy and Japan, and has not been acknowledged as German phenomenon.

[36] Friedrich Ebert Stiftung: "Die Mitte im Umbruch. Rechtsextreme Einstellungen in Deutschland 2012". See: http://www.sueddeutsche.de/politik/rechtsextremismus-studie-jeder-dritte-ostdeutsche-istauslaenderfeindlich-1.1520771. See also: Heitmeyers works on German attitudes.

[37] (1BvR 1072/01)

[38] Christoph Gusy: Sicherheitsgesetzgebung (Security-Legislation) KritV, CritQ, RCrit 03/2012. P.247.

[39] Compare: Astrid Bötticher, Miroslav Mareš: Extremismus − Theorien, Konzepte, Formen. (Extremism − Theories, Concepts, Forms) München 2012.

[40] http://dejure.org/gesetze/StGB/88.html vom 20.06.2012.

what §88 StGB meant to cover: subversion as an activity prior to high treason in order to penalize the "cold" (nonviolent) revolution.[41] The § 89 (StGB) knows the anti-constitutional influence against members of the army and other security agencies and penalizes it with a sentence for up to five years.[42] Also penalized (§ 90b StGB) is the anti-constitutional denigration of the governmental body (legislation body, judicial body and executive body) when it is seen as subversion of the state and of its reputation with a penalty of up to five years, if a warrant is authorized.[43] To realize this unjust behaviour, a ruling was made by the third criminal division of the federal court of justice (02.12.1981) stipulating that it is not comparable to a 'normal' insult (§ 185 StGB) or aspersion (§ 187 a StGB) but constitutes a violation of law within the meaning of the paragraph that stipulates that the suspect had to be aware that he/she is breaking this law.[44] The anti-constitutional denigration is one of those paragraphs that does not really show any effects and has not been used largely (just like forfeiture of basic rights normally isn't a means of choice) and found application in the 1950s and 1960s.

If a party is de-legalized but a substitute is established or an attempt can be verified, this can get punished with up to five years prison (§ 84 StGB)[45] and this penalty can also be found by continuation of associations (§ 85 StGB)[46], while (§ 86 StGB) penalizes the distribution of propaganda of banned organisations, and usage of its symbols.[47] Interestingly, the Federal Court has ruled in 2005 that this includes language symbols, while bodily movements (Hitler Salute) have been seen as included for some time.[48] "Ruhm und Ehre der Waffen-SS" ("fame and honour to Waffen-SS") has been banned by this court decision. Subversive acts of violence (StGB § 89a)[49] and establishment of relations to commit the latter (StGB § 89b) or consultation with somebody planning to commit it (§ 91 StGB)[50] get punished. Besides the Panel law, there are several statutorily regulated possibilities to penalize without using panel law, for instance invoking the employment law with its exclusion of extremists from public tenders.

Federal actors of the multilevel government system

Germany is a federation of states. The major tasks to ensure security and safety against extremism are dealt with at the state level, though federal ministries attract more public attention. Most important is to keep in mind that the actors are connected horizontally and vertically due to the multilevel political system. As the security landscape shows the tendencies to connect horizontals and set apart the verticals; its decision-making system and connected processes, strategies and programs are normally interconnected. While horizontal differentiation is due to state structure, the high specialization of agencies to battle extremism is task-oriented (vertical fragmentation).
Just to give an example: the Federal Office of Criminal Investigation, led by the Ministry of Interior, is in itself fragmented and has developed a broader strategy to combat extremism.

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[41] BGH StB 255/77; 1 BJs 91/77. 14.12.1977.
[42] http://dejure.org/gesetze/StGB/89.html 20.06.2012.
[43] http://dejure.org/gesetze/StGB/90b.html 20.06.2012.
[44] https://www.jurion.de/de/document/show/0:3309268,0/ 01.07.2012. (BGH 3 StR 396/81 (S))
[45] http://dejure.org/gesetze/StGB/84.html vom 20.06.2012.
[46] http://dejure.org/gesetze/StGB/85.html vom 20.06.2012.
[47] http://dejure.org/gesetze/StGB/86a.html vom 20.06.2012.
[48] BGH, 28.07.2005 - 3 StR 60/05 http://dejure.org/gesetze/StGB/86a.html#Rspr vom 28.08.2012; BGH, 18.10.1972 - 3 StR 1/71.
[49] http://dejure.org/gesetze/StGB/89a.html vom 20.06.2012.
[50] http://dejure.org/gesetze/StGB/91.html vom 20.06.2012.

We can name the state security department but also a research lab dedicated to the battle against extremism/terrorism, led by the recognized sociologist Uwe Kemmesies.
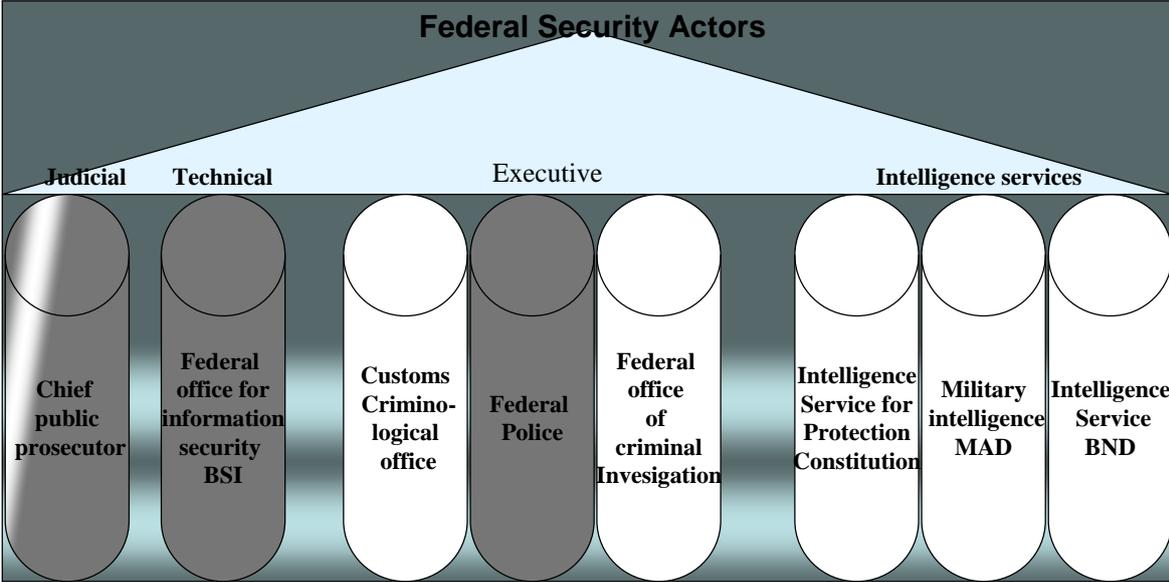

Figure 2: Federal Security Actors engaged in Countermeasures. Astrid Bötticher.

In order to fulfil the task to secure, three principles are upheld in the struggle against extremism. These include:

- o repressive actions of law enforcement
- o preventive actions of police with permission to use violent means in case of threat (e.g. search warrants, arrestment, interrogation)
- o informative preventive actions of intelligence services

Yet this can be further distinguished: While the police are an actor that is bound to the principle of legality and can not undertake illegal measures and investigation is compulsive, the intelligence services are bound to the principle of opportunity.[51]
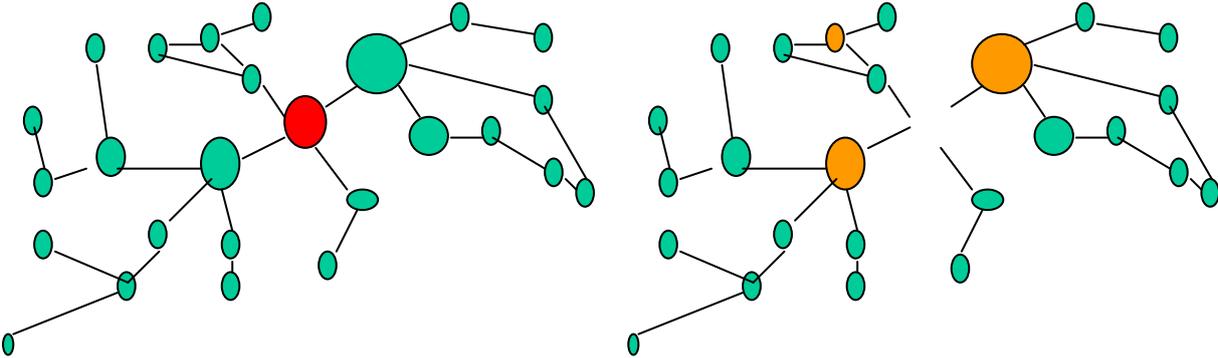

Figure 3: Different Interests of security communities in Germany. Astrid Bötticher.

Intelligence work is based on observation, while law enforcement has the obligation to destroy networks posing a threat and enforce the law.

For the intelligence services law enforcement is not compulsory – instead, criticism arose when it was revealed that fraternity tendencies between intelligence agents and informants have not been battled consequently by Verfassungsschutz, but seemed to be daily practice

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[51] He who knows (almost) all, must not do everything; and who is allowed to do (almost) everything , must not know it all." Christoph Gusy: APUZ 2004 P.15

(NSU-Case). It was also revealed that some arrested extremists who happened to be informants called their agent contacts and were released without even getting close to being charged. This practice and the resultant frustrations by police officers, explain low relationship between police and intelligence service in Germany.

In the case of the German intelligence services there needs to be kept in mind that there are several interior-oriented intelligence services (Verfassungsschutz at federal and state-level) and two exterritorial-oriented intelligence services (Federal Intelligence Service and military intelligence). Verfassungsschutz is an administrative part of the federal ministry of interior (or state). The Cologne-based federal agency is led by an appointed president and vice president. Federal or state-based, its employees cannot arrest, search or confiscate. Besides monitoring extremists, it for instance cooperates with BSI to protect secrecy.

The federal agency for security in information aspects (tech.) is part of the federal ministry of the interior and tasked with protecting IT-Systems, its action is mainly focused on prevention and protecting critical infrastructure against cyber-terrorism and/or acts of extremist forces that use communication technology. The federal office of criminal investigation takes up actions on behalf of the federal minister of interior, the chief office prosecutor or the state. Politically deviant behaviour is monitored when the criminal act has significance for the federal level, or for foreign relations, or is directed against members of the constitutional body and official guests of the republic. It is organized in a rank-command.

Chain of Command	⇓	President	⇑	Evidence-based
		Vice President		
		Departments		
		Inspections		
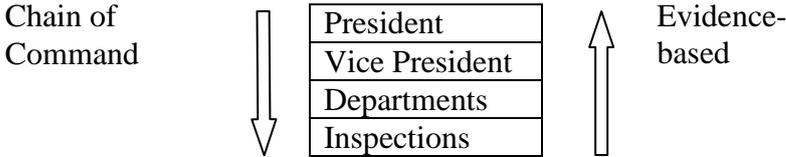
The federal police is in charge of border security, flight- and train security.

The military is an instrument of defence and its intelligence service is mainly directed at securing military actions and the Bundeswehr itself, or due to contracts to international partners. Confronted with possible extremist threats from within, the military intelligence service will also screen members of Bundeswehr to ensure their members represent the values of the federal republic. Structurally, the military intelligence service is based out of the ministry of defence. By information collection and analysis, it tries to define the state of security for defence instruments, actors and missions.

The federal intelligence is led by the secretary of the federal chancellery and is the only actor that is bound directly to the main executive by institutional structure. It informs the federal chancellery about scientific, economic, political, defense or technical cases that lie within the interest of the federal republic.
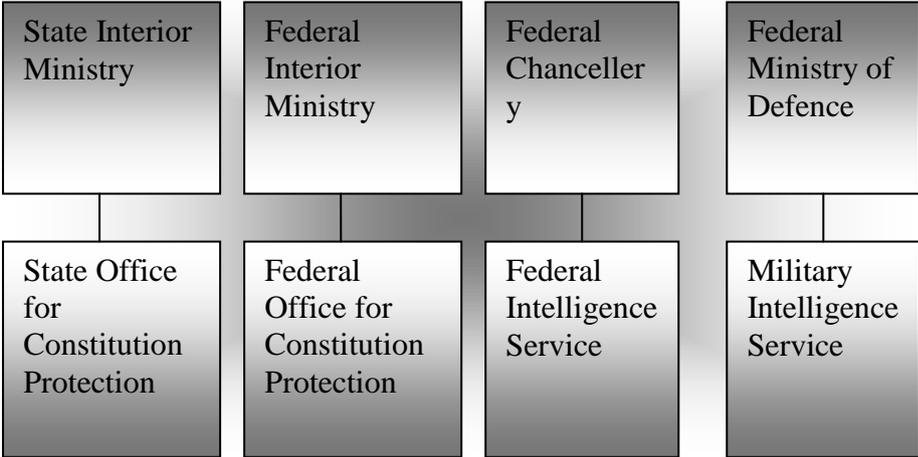
State Interior Ministry	Federal Interior Ministry	Federal Chancellery	Federal Ministry of Defence
State Office for Constitution Protection	Federal Office for Constitution Protection	Federal Intelligence Service	Military Intelligence Service

Figure 4: Federal and State Security Organisation. Astrid Bötticher.

With the antiterrorism data collection for instance, the bureau for constitution protection can cooperate with police forces more easily. The main instrument for data collection, structuring and analysis has been NADIS (intelligence Information System). At the beginning of 2012 NADIS, that receives its data from federal and state sources, contained 1,507,168 personal data sets.

Cyber-Security is ensured mainly through cooperation and through the centre to battle terrorism where different agencies and the police work together and exchange information on a regular basis (see the following chapter).

Cooperation and centralisation in the security landscape

Information-based cooperation in order to answer extremist threats have emerged on international[52] and national[53] level.[54] Information integration has been the answer to numerous experiences with extremism over time and this tendency goes back as far as first measures that were introduced to enable battle against the terrorist group RAF (Red Army Fraction).

While informational integration has been promoted, the precise jurisdictional definition of elements of a legal offence as a condition for prosecution have become rather blurry and legal empowerment is not as clearly arranged as more and more particular acts have been passed.[55] The informational integration and their platforms become more and more intricate. As police and intelligence are separated, and need to be so due to legal restrictions, they are mostly acting as information exchange platforms and not as ministries of their own. But not only police and intelligence-based authorities exchange information[56]:

o The Joint Internet Centre (Gemeinsames Internetzentrum GIZ) has been established in January 2007. Several security authorities work jointly to observe Islamic terrorists activities on the internet. Here the Intelligence Service for Protection of the Constitution, Federal Office of Criminal Investigation, Federal Police, Federal Intelligence, Military Intelligence and Chief Public Prosecutor exchange information via this integrative platform. It is connected to the European initiative 'check the web' and has approximately thirty employees.

o The National Cyber-Defence Centre has been opened in 2011 (as part of the cyber-security strategy action plan for Germany) and is under the lead of the Federal Office for Information Security. Representatives of the Intelligence Service for the Protection of the Constitution and the Federal Agency for Residents Security and Disaster Control[57] are part of the information exchange platform. It has approximately ten employees who work on early detection and prevention against cyber-attacks.

o The Joint Terrorism Defence Centre is a platform for cooperation encompassing the Intelligence Service for the Protection of the Constitution, the Federal Office of Criminal Investigation, the Federal Police, the Federal Intelligence, the Military Intelligence, the Chief Public Prosecutor, the Customs Criminal Office, the State

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[52] Schengen Contract of 19. June 1990 (BGBl. 1993 II S. 1010, 1994 II S. 631, SDÜ)

[53] § 18 (VerfG) , § 20 (VerfG), § 22 (VerfG)

[54] Werner Weidenfeld: Für ein System kooperativer Sicherheit. In: Weidenfeld (Ed.): Herausforderung Terrorismus – Die Zukunft der Sicherheit. Wiesbaden 2004, P. 11.

[55] Christoph Gusy: VerwArch 101 (2010), P. 309.

[56] BGBl. I S. 1902, (AtomG)262, § 5 (VSG), BGBl. I S. 1565 (BGBl. I S. 1950).

[57] Office is as follows divided: Competence in case of defence is federally organized, in times of peace, it is a community and state obligation. The federal office for protection and relief (BBK) was established on 1. May 2004 and is mainly tasked to coordinate the different responsibilities.

Polices, the Federal Office for Migration and Refugees. While the police forces with an array of specialisations work with PIAS (police information and analysis), the intelligence-based authorities work with NIAS (intelligence information and analysis).

o The Joint Extremism and Terrorism Defence Centre was established in 2012 and developed out of the joint defence centre against right-wing extremism. Cooperation takes place between Federal Office of Criminal Investigation, Intelligence Service for the Protection of the Constitution, Federal Intelligence, Military Intelligence and Chief Public Prosecutor, as well as Federal Police and Customs Criminal Office.

o National Cyber Security Council coordinates prevention of cyber-defence measurements at the undersecretary level.

The accountability of the different offices has been upheld, yet their informational infrastructures have become more and more integrated. This tendency can bee seen as expression of centralisation on the federal level. Interestingly, law enforcement is mainly based at the state level in Germany, so that the battle of extremism and terrorism clearly is an exceptional case of the general landscape of security and wears more and more national colours.

A good example of centralisation at state level is the state of Saxony that modified its special force against right-wing extremism (Sonderkommission Rechtsextremismus), established in 1991, that has been put under the roof of Operational Defence Centre (Operatives Abwehrzentrum OAZ) and is led by the police president of Leipzig. Mobile Action and search task force and Police officers that are familiar with the scene as well as state-security forces are part of the police network against right wing extremism established in Saxony. A flexible network against the right wing extremist's natural networks is needed and therefore the specialisation seems to be a good measure. In Saxony the following measures are needed:
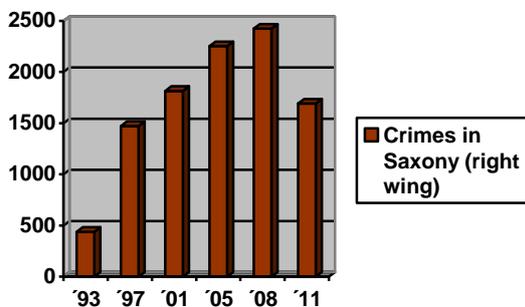

Table 1: Crimes in Saxony committed by right wing activists (random). Astrid Bötticher.

The increase of employees of the special force from forty to around one hundred police officers is the right sign, but follows a general trend.
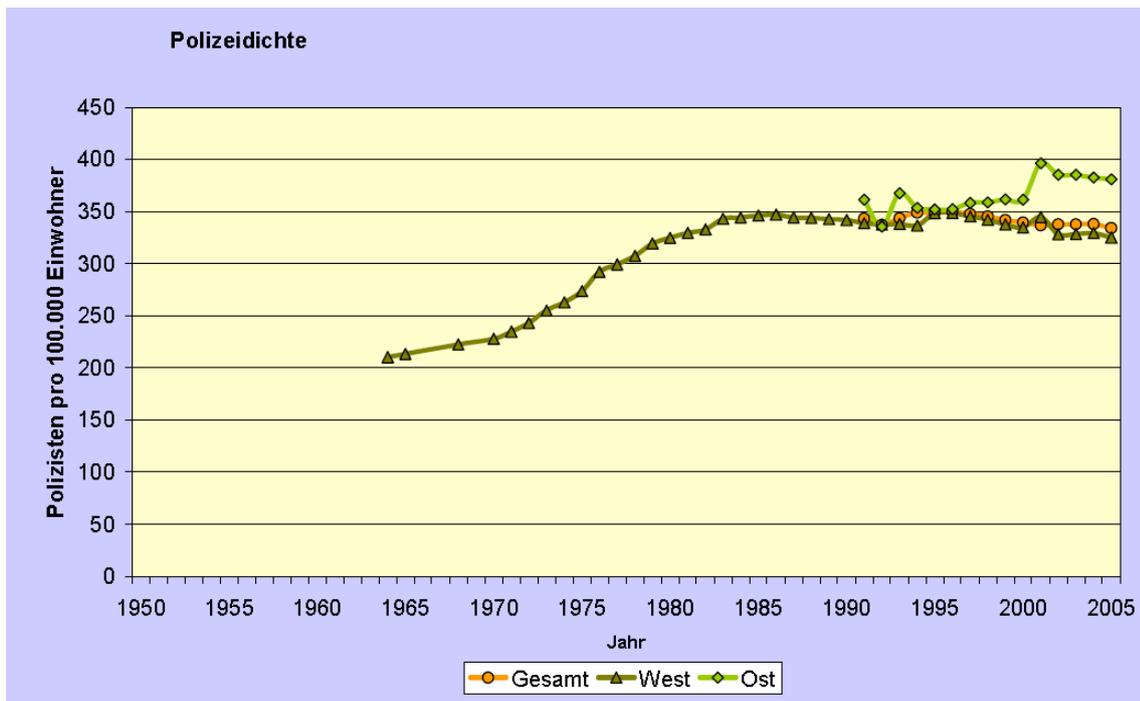
Table 2: Police density. Public Security and Crime.

The density of police officers has constantly risen in Germany and technical opportunities have undergone a technical revolution due to modern IT-capabilities. But IT-capabilities are not only working for those engaged in anti-extremist activities.

New phenomenon and security measures

Incidents and the restructuring of security forces

There is a continual change in legislation and structure aimed against extremism in Germany.[58] The security landscape proves to be flexible enough to counter extremism effectively.

The early 70s were dominated by the RAF (Rote Armee Fraktion/Red Army Fraction) that lead to first measures against terrorism in Germany.[59] This has led to an improvement of legal measures against terrorism, the organization of collaboration on federal and state level, and the political argumentation against (un)political violence.[60]

The late 70s and early 80s were dominated by "Wehrsportgruppe Hoffmann" (paramilitary) and a wave of violence by right wing extremists.

The early 90s were marked by a significant rise of racially-motivated pogroms. In 1991 asylum seekers have become victims of racial crimes and a mob supported the evil doers of the right wing extremist scene (Hoyerswerda, Saxony). In August 1992 again asylum seekers from Vietnam got attacked and it took a whole week to fight back the mob that tried to burn more than 115 people alive locked up in a house (Rostock-Lichtenhagen). The same year, right wing extremists attacked a house in Mölln, killing two children and a woman, and

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[58] Hendrik Meyer: Terror und Innere Sicherheit - Wandel und Kontinuität staatlicher Terrorismusbekämpfung. 2006.

[59] Klaus Neidhardt: Lagebild politisch motivierte Kriminalität und Terrorismus in Deutschland. In: Berndt Georg Thamm (Ed.): Terrorismus - Ein Handbuch über Täter und Opfer. 2002. P. 439.

[60] Gerhard Stoltenberg: Konsequentes Handeln und geistig-moralische Neubesinnung. In: Bundeszentrale für politische Bildung (Ed..): Freiheit und Sicherheit- Die Demokratie wehrt sich gegen den Terrorismus. Bonn 1979. P. 44.

injuring nine people. In 1993 an attempt on the life of a Turkish family was made and five people died.

This wave of violence followed a series of bans against right wing extremist groups by the administrations. Right wing extremist groups answered it with a new group-based concept (free comradeship, national revolutionary cells) that cannot be banned as they do not have a legal basis as associations. In a lawsuit, all the members have to be named and sued individually as there is no official membership registry.
A wave of right-wing extremist protests follows the Wehrmachtausstellung (Wehrmacht exhibition). The protest is organized by loose networks, like "German Citizen Action Group Röder" (Deutsche Bürgerinitiative Röder). Anti-Antifa groups get established on a wide scale. Some free comrades establish a union with the anti-constitutional right wing extremist party NPD. Just before the start of the new millennium, a terrorist cell in Königs-Wusterhausen (Berlin) is uncovered. In June 2000 right wing extremist Michael Berger kills three policemen and himself. Eight people get murdered in the same year by right-wing extremists; especially the case of Albert Adriano raises empathy as a music group writes a song about him. In 2003 the Kameradschaft Süd (southern comrades) is uncovered just before they can attack an ground-breaking ceremony for a synagogue in Munich.

While the ban of associations and parties has led to a wave of establishment of free comradeship, authorities have found an answer and free comrades get banned on a wider scale, as follows [61]:
1992: "Nationalistische Front", "Deutsche Alternative", "Deutsche Kameradschaft Wilhelmshaven", "Nationale Offensive"
1993: "Nationaler Block", "Heimattreue Vereinigung Deutschlands", "Freundeskreis Freiheit für Deutschland"
1994: "Wiking Jugend"
1995:"Nationale Liste Hamburg", "Direkte Aktion/Mitteldeutschland" (Brandenburg)
1996: "Skinheads Allgäu"
1997: "Kameradschaft Oberhavel"
1998: "Heide-Heim"
2000: "Hamburger Sturm", "Blood and Honour", "White Youth"
2001: "Skinhead Sächsische Schweiz" (SSS)
2004: "Fränkische Aktionsfront" (
2005: "Kameradschaft Tor", "Mädelgruppe", "Berliner Alternative Süd-Ost", "Kameradschaft Hauptvolk", "Sturm 27″, "ANSDAPO"
2006: "Schutzbund Deutschland"
2007: "Sturm 34″
2008: "Collegium Humanum", "Bauernhilfe e.V.", "Verein zur Rehabilitierung der wegen Bestreitens des Holocaust Verfolgten (VRBHV)"
2009: Frontbann 24
2009: "Heimattreue Deutsche Jugend"
2011: "Freie Kräfte Teltow-Fläming"
2012: „Besseres Hannover" , "Kameradschaft Aachener Land", "Kameradschaft Hamm" , "Nationaler Widerstand Dortmund" "Kameradschaft Köln", "Freundeskreis Rade", "Aktionsbüro Mittelrhein" (ABM), „Kameradschaft Walter Spangenberg"

The battle against extremism is like the game of cat and mouse, yet authorities have been flexible enough to react with changing strategies.

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[61] See Wikipedia.

Monitoring and the spread of telecommunications-based ideology

Civil right activists claim that the centralization and combination of intelligence and police is not only problematic because of the blurry separation between the two, but also due to the amount of collected mass data and structuring abilities becoming more and more alarming to them.

"Although the desire and need for intelligence has been constant for centuries, the information available, the technology of communications, the means of collection, and the speed and accuracy of turning raw information into finished intelligence for decision makers have all changed dramatically."[62]

Mass data collection becomes problematic vis-à-vis civil rights as law enforcement has constructed the 'extremism-near person' which leads directly to a phenomenon that is known as pizza-delivery problem in network analysis. The data collected by the different joint cooperation does therefore also contain people who don't really pose a threat and it is questionable if they ever will.

The guy who delivers a pizza seemingly knows a lot of extremists and has regular contacts to some – yet he only delivers their pizza and is neither ideology driven nor is his relationship motivated by extremist tendency.
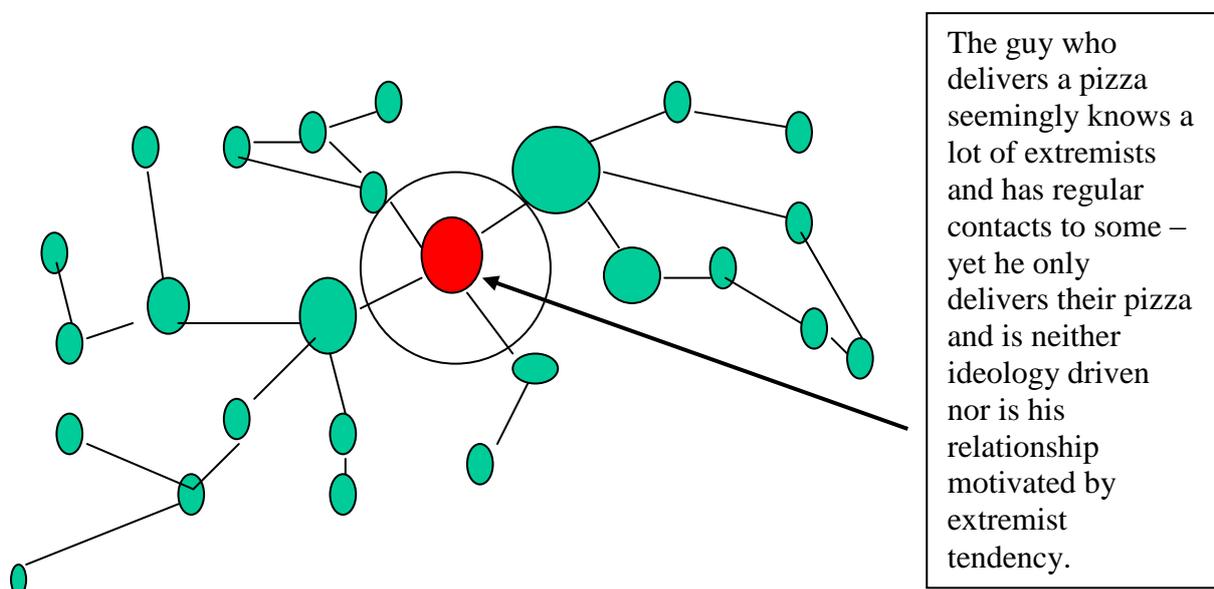
Figure 5: The Pizza-Delivery-Guy as a factor of disturbance to security production. Astrid Bötticher.

Yet they happen to know extremists and therefore pose uncertainty to security producing authorities who try to increase 'safety' by collecting data on this group and want to be 'aware' with regard to future threats.[63] The collection of mass data on this group is the negative side

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[62] Stan A. Taylor: The Role of Intelligence in National Security. In: Alan Collins: Contemporary Security Studies. (2.Auflg.) Oxford 2010. S. 300-317. p.300.

[63] "The Central Problem of risk management is to detect where risks occur at all. Collection and analysis of data – also personal data – is not only referred to (potential) harassers. New measurements are applied at earlier stage or independent of cause and occasion; they are applied against people that do not fit in the scheme, e.g. Contacts or Companions - and also against day to day people if we look at control stations or videotaping and therefore directed against those, which are sought to be secured by measurements. This is especially accountable for the intelligence services. Their duty is to screen way before risks become concrete. Wiretapping independent of occasion (§ 5 G-10 Gesetz) as well as continued observations of legal activities of political parties or religious communities with regard to possible but not foreseeable threats for the democratic constitution. Here, the paradox of security and freedom becomes urgently visible: On one hand, the free activity in political parties (Art.21 GG) and religious communities (Art.4 GG) is guaranteed for the citizens by principle and free of administrative observation or investigation. On the other hand the state is entitled and under circumstances obliged to recognize and control possible risk that come into being because of those activities." Christoph Gusy APUZ 2004 p. 16. Translated by Bötticher.

effect of the safety driven approach as the Pizza delivering guy is possibly monitored by foregone conclusion. Yet, if the Pizza delivering guy happens to be an extremist and his name was (due to a too cautious handling) not been part of the pile of data or lawfully intercepted and monitored etc., the public would be shocked by the lack of professionalism in case of an attack. This is only in part explainable by the relatively stable security situation in Germany, as there is regular evidence about terrorists who had attempted an attack or extremists who used violence.

Violent Offences have risen in 2011. The total number has reached 21,610 criminal offences with extremist background (2010: 20.811). Criminal offences (Propaganda) have reached a total number of 12,771 (2010: 12.796), but violent crimes have dropped to 3,108 cases (2010: 2.636).[64]

While extremism as a social phenomenon in the physical world is combatted quite effectively (though there are critical points) the measures against extremism within the cyber-world are meagre and were established too late. No central Open-Source Analysis Centre has been established, while the USA financially supports such a centre for years.[65] The possibilities of telecommunications-based networking and propaganda has been underestimated at least until September 11 terrorist attacks in the USA. Telecommunications-based spread and networking of extremists is not a major factor of interest, yet experts speak of a 'Tsunami of data'.[66] In the jihad-scene the "Globale Islamische Medienfront" (global Islamic media front) was established in 2006.[67] In 2009 "Deutsche Taliban Mujahideen" (German Taliban mujahideen) stepped onto the scene.[68] Besides webpages, the social web and video platforms have become more and more important to the extremist scene.[69]

Extremist-oriented gamecrime and the monitoring of apps remain also poor. Examples of the tendency are the games Vogelstein 2D, Triumph of the Word and Germania (Google App) and Nazi-Doom that are easily accessible and allow ideology to spread in a low cost manner. Within virtual reality games such as second life, no prosecutions can be identified. Extremist activity is immense in the cyber world. Transnational activity against the spread of ideology that is easily accessible and low cost is needed. For this a wider definition of endangerment of youth in Germany would be appropriate.

> While extremism as a social phenomenon in the physical world is combatted quite effectively (though there are critical points) the measures against extremism within the cyber-world are meagre and were established too late.

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[64] Bundesamt für Verfassungsschutz: Verfassungsschutzbericht 2011.

[65] http://www.welt.de/politik/ausland/article13704100/CIA-liest-bei-Twitter-und-Facebook-mit.html

[66] Zukunftsgruppe (Ed.) (2008): Freiheit, Sicherheit, Privatheit. Europäische Innenpolitik in einer offenen Welt. *http://www.bmi.bund.de*. The Number of Webpages of German right wing extremists is constant at about 1000 Webpages. They get monitored by Verfassungsschutz. The most acive group of Islamist propaganda was the virtual based 'Globale Islamische Medienfront'(Global Islamic Media Front). (Verfassungsschutzbericht 2007: 205) But activists have been convicted as charges were pressed in 2008. http://www.strafrechtsverband.de/index.php?option=com_content&view=article&id=705:bundesanwaltschaft-erhebt-anklage-gegen-acht-mutmassliche-unterstuetzer-islamistischer-terroristischer-vereinigungen-im-ausland&catid=1:pressemitteilungen&Itemid=9 Experts speak about a global cyber-umma: Thomas Tartsch: Die neue Al-Qaida Generation - Strategien und Gegenstrategien, Gefährdungseinschätzung Deutschland. Studien & Analysen der Forschunsgruppe Sicherheit, Nr. 4, 2007. p. 4-5. In 2007 more than 37 million emails and data have been examined.

[67] Baehr 2011, S. 189. The activists of global Islamic media front have been convicted. One of their leaders has worked for Verfassungsschutz as Informant.

[68] Jamestown Foundation (Ed.): Picking Up Where the Red Army Faction Left Off - Tales from the German Jihad. 2011. http://www.unhcr.org/refworld/docid/4d9ea3b92.html.

[69] Bundesamt für Verfassungsschutz: Verfassungsschutzbericht 2011. p. 257.
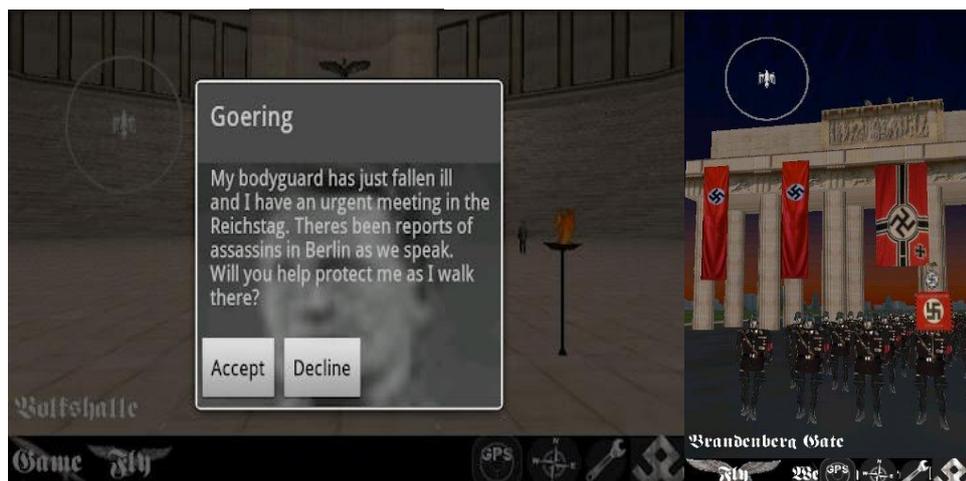
Figure 6: Google-App Germania

A small (not published) research conducted by the author of this article together with Thomas-Gabriel Rüdiger, a criminologist in Brandenburg, has shown that Skype users refer to a wide range of persons known for their national socialist involvement, when creating their nicknames.[70] Adolf Hitler, Adolf Eichmann, Joseph Goebbels, Eduard Dietl, Karl Dönitz and Hermann Göring or Julius Streicher and Oskar Dirlewanger, being just some of the popular nicknames. The basis for becoming active against the spread of national socialist ideology on Skype has to be decisive, but not taking place in Germany at this point. The lack of (needed) international cooperation can be addressed by actors of the German security landscape – such as Federal Office of Criminal Investigation and Intelligence Service for Protection of the Constitution , both of which are allowed to exchange information on project level with international partners. Yet, authorities claim that commercial bidders do not willingly cooperate in the fight against extremist tendencies. This seems to be an excuse, as Chaos Computer Club and its activities against child-pornography have proven. The activists claim to have simply contacted commercial companies and asked to remove files with child pornography content, which was done immediately. A similar request to Skype to make it impossible to use a nickname such as Hitler has not been undertaken. Though commercial Companies risk losing their good reputation when they cooperate too willingly with state authorities, they also risk their good names when they allow anti-Semitic racist ideologists to spread their world view via supplied platforms. Yet the liquidity of content and the high number of users that engage make it difficult to adjust.[71] A good example of public-private collaboration is the engagement against "Kreuz.net", a Christian right-wing platform. Also actively engaged in monitoring extremists in Web.2.0 applications is Amadeu Antonio Stiftung.[72]

Internationalization

Webpages, engagement on social networks, and content on video platforms represent a more and more globalized lifestyle and a platform for extremism. It is cheap and reaches a high number of interested individuals. Yet also group- based and individual connections can be

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[70] Name-based research: Hermann Weiß (Ed.): Biographisches Lexikon zum Dritten Reich. Frankfurt 1998.

[71] Jugendschutz.net (ed.): Hass im Netz wirksam bekämpfen. Rechts -
extremismus im Internet. Bericht 2007. Mainz 2008. http://www.jugendschutz.net/pdf/Projektbericht_2007.pdf

[72] Amadeu Antonio Stiftung: Zwischen Propaganda und Mimikry-Strategien - Neo Nazis im Web 2.0, Erscheinungsformen und Gegenstrategien. 2011.

found. Closely-meshed networks on the international level are built by close contacts to groups and networks abroad. Europe has become a socio-cultural frame of action. Left wing extremists find their role models and connections in Spain and Greece. Right wing extremists try to break social isolation by connecting to their likes in Netherlands, Poland, Czech Republic and Serbia. The radius has become greater.[73] We find mainly:

1. non-binding, individual, informal, temporarily finite contacts.
2. institutionalized structures and activities between organisations with a reduced degree of organization
3. alliances, exchanges of information, delegations, independent international organizations.

The Concept of the state[74] to combat international active extremism contains the following recommendations (see also Kemmesies-Model in this article):
1. strengthen police efforts to apprehend suspected extremists and destroy networks
2. prevention measures related to society as a whole to combat causes
3. reduce vulnerability of people and country
4. cope with consequences of alternatives long-term
5. use international cooperation at European and interstate level effectively

Findings and implications

The scientific understanding of extremism is highly dependent on traditions of thought just as well as dependency on science. The structure of extremism affects the national security landscape as it reacts to the changing circumstances. These reactions have proven to be flexible in law enforcement regulations and organizational structures. Yet, private engagement is highly dependent on state funding and civil society has not been able to become financially emancipated on a wide scale. Law against extremism has continually become approved and has shifted more and more to apron control. In part, this is highly problematic for civil rights, as acts are punished before they are realized. Surveillance has become increased and intelligence is strengthened. At the same time police have become an instrument of apron control and connections between intelligence and law enforcement forces have become institutionalized. The federal structure of the state is the founding principle of the security landscape, but centralization has been pushed forward. Federal and state police forces work together more closely. Discussions occur mainly between federal and state agencies that look with jealousy at each other's recourse. Agencies work in a manner that is too strictly hierarchical. Police numbers are kept stable, but new threats have emerged because of telecommunications-based activities of extremists and terrorists. Reactions of the state are answered by extremists by changes to organizational and communication structure. While duties have increased, the police are not equipped with more human capital. The German government has invested in new technologies and techniques and set up highly specialized forces. General agendas of the federal government

- Private engagement is highly dependent on state funding and civil society has not been able to become financially emancipated on a wide scale.
- Law against extremism has continually become approved and has shifted more and more to apron control.
- German government has invested in new technologies and techniques and set up highly specialized forces.

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[73] Richard Stöss: zur Vernetzung der extremen Rechten in Europa. Arbeitshefte aus dem Otto-Stammer-Zentrum Nr.5. Berlin 2000.
[74] www.bmi.de

have become published regularly, but are mainly based on extremist incidents; an independent strategy regardless of whether attacks have occurred is missing. Security forces tasked with combatting extremist tendencies are not clearly defined, suffer from complexity and their numbers make them hard to manage.

The German security forces have proven to be generally proactive, but nationwide actions of extremists have uncovered competence issues in some states. Federally-based agencies have gained more rights, becoming active because of this struggle. Risk communication is generally good but can still be improved and used more strategically and professionally. Objectives and goals of law enforcement and intelligence are different, and a clear prioritization is given to intelligence, as it can stop police investigations on the basis of national interest. This has caused some frustrations and led to public's concern about the effectiveness of measurements, when extremist criminals are not put into jail.

Security Networks against telecommunications-based extremist threats need to be enforced and international cooperation and voluntary commitment of private partners needs to be enforced due to the nature of the global scale threat. This task still needs to become fulfilled.

> Security Networks against telecommunications-based extremist threats need to be enforced and international cooperation and voluntary commitment of private partners needs to be enforced due to the nature of the global scale threat.

Countering extremism in the Czech Republic, and inspiration from Germany

Miroslav Mareš

The Czech Republic was established on 1st January 1993, however its security and legal system in the field of counter-extremism was closely connected with the development trends after the fall of communism in Czechoslovakia in 1989. It was inspired from various sources – mostly historical legacies, German influence and Europeanization.[75] The first source are historical legacies of the first Czechoslovak Republic (1918-1938) and the third Czechoslovak Republic (1945-1948), partially also the legacy of the communist regime (1948-1989) and its international commitments.

The first regime (1918-1938) can be assessed as a "traditional" militant democracy.[76] The anti-extremist law was used against various enemies of democratic constitutional state – against communists, Czech fascists as well as against the irredentist movements with fascist or national socialist elements – Sudeten-German irredentists, Hungarian irredentists, Polish irredentists and against Ukrainian irredentists and against the Slovak clero-fascist autonomists and separatists (in very limited scale also against Moravian separatists and irredentists). Several communist organisations were dissolved during this era, however, not the main Communist Party of Czechoslovakia (Komunistická strana Československa - KSČ). Its ban was carried out in the authoritarian second Czecho-Slovak Republic (1938-1939). In the first Czechoslovak Republic three important Sudeten-German parties were banned – the German National Party (Deutsche Nationalpartei – DNP), and the German (both in 1933).[77] During the so-called Munich crisis in 1938 also the Sudeten-German Partei (Sudetendeutsche Partei – SdP) was banned.

After the Second World War the limited democracy of the third Czechoslovak Republic was established. It used its legal norms (including several the so-called Beneš-Decrees) for repression of various anti-democratic streams, including Nazis and former collaborators, against Slovak clero-fascist separatists, against Ukrainian nationalists, however, not against communists[78] – because the Communist party of Czechoslovakia won elections in 1946 and it had security institution under its own control. On the contrary, the democratic right was oppressed.

The repressive system of communist regime was aimed mostly against democratic opposition, however, also against Trotskyist, Maoist and anarchist left and (mostly in the late 1970s and in 1980s) against foreign extremists (including few Islamists)[79] and it had also clear anti-fascists norms (partially as successive norms of Beneš-Decrees). Several norms were adopted into the Czech law under the influence of international conventions (for example International Convention against the Crime of Genocide).

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[75] Miroslav Mareš. Repressive measures to combat extremism: Czech Republic (presentation). Roundtable German experiences from countering extremist – implications and recommendations for Czech Republic and Slovakia; Central European influence towards Germany". Berlin, November 16, 2012
Centre for European and North Atlantic Research.
[76] Giovanni Capoccia. Defending Democracy. Reactions to Extremism in Interwar Europe. 2007.
[77] Miroslav Mareš, The Czech Militant Democracy in Action,
[78] With the exception of small radical groupings which criticized also the KSČ, for example, the underground group Radical Czech Communists (Radikální komunisté čeští). Ministerstvo vnitra ČSR, 1946.
[79] Miroslav Mareš. Terorismus v ČR. 2005.

After the fall of Communism, the penal norms against fascism were enhanced against various forms of political extremism, however, its real use is connected mostly with countering right-wing extremism. The new legal acts on political parties, civic associations or about right to assembly were adopted. The governmental reports about extremism (with various titles) are published since 1995; its own reports with chapters about extremism have also been produced by the Security Information Service (Bezpečnostní informační služba – BIS – internal intelligence service) and Military Intelligence (Vojenské zpravodajství – VZ).[80]

The development of the Czech counter-extremism policy after the fall of communism can be divided into three main periods:

- 1990-1995: Formation of counter-extremist policy in the new political and societal environment milieu (creation of first specialized bodies, first documents; w/o a clear structure and goals of counter-extremism policy);

- 1995-2006: Specialization and Europeanization (new clear structure of counter-extremist institutions and their development, new legal norms, however, problem with their interpretation);

- 2006 – up to now: Clarification and systematic use of anti-extremist instruments (legal norms, approval of the Strategy for Combating Extremism in 2009, dissolution of the Worker´s Party in 2010).

> After the fall of Communism, the penal norms against fascism were enhanced against various forms of political extremism, however, its real use is connected mostly with countering right-wing extremism.

The impact of German experience with countering extremism on the Czech security system and concepts is very significant. Several reasons of this impact can be identified. The first is the German support during the re-building of the security system, including advisory activities, education and translation of important German documents. The annual reports of the Federal Office for the Protection of Constitution (BfV) as well as similar reports of several offices for protection of constitution in German federal states (mostly form Saxony) played an important role. Dominant part of these reports dealt with extremist issues.

Under the influence of these reports the Czech reports on extremism issues were prepared. The first was published in 1995. In 2009 the first counter-extremism strategy was adopted. The German concept of extremism (as an anti-thesis of the democratic constitutional state) had a strong impact on the Czech definition. It was specified in 2003(with respect to the Czech constitutional norms and values) and it is used up to now.[81]

However, the Czech reports on extremism have partially different form and content in comparison with German BfV-reports. It is caused due to the various institutional background. The Ministry of Interior is responsible for coordination and elaboration of the report in the Czech Republic. The report includes not only overview of the extremist scene in the Czech Republic (as German reports), but also an overview of counter-measures and analysis of the situation of extremism in selected countries. The Czech reports do not include the chapter about foreign extremism on the Czech territory (German reports have this chapter). Foreign extremism is generally assessed as part of counter-terrorism policy and about only secret services in their reports inform on this policy. Reports of the Czech domestic intelligence service – BIS – are in comparison with reports of the German BfV much more brief and general.

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[80] Miroslav Mareš, Ivo Svoboda, Eduard Stehlík, Extremismus jako bezpečnostní hrozba. 2011.
[81] Miroslav Mareš, Ivo Svoboda, Eduard Stehlík, Extremismus jako bezpečnostní hrozba. 2011.

The second most important form of German influence is the impact of academic experts on extremism research in Germany (mostly from concepts elaborated by Uwe Backes and Eckhard Jesse and by Richard Stöss). The political-scientific project focused on monitoring of extremism was started in 1995 at the Department of Political Science of the Masaryk University. It was funded by the Ministry of interior of the Czech Republic. Two main researchers of this project Petr Fiala and Michal Mazel, used the above-mentioned German official and scientific approaches.[82]

These approaches were typical of future research on extremism at this department. Some researches changed the academic position with political career and gained clout in the political environment. For example, Michal Mazel became the director of the Section of Security Policy of the Ministry of Interior (responsible for preparing reports on extremism as well as for coordination of counter-extremism policy), Petr Fiala is the Minister of Education, Youth and Sport from 2011.

Similar German influence can be identified within the legal sphere. For example, the judge of the Supreme Administrative Court Vojtěch Šimíček (responsible for the dissolution of Worker´s Party) studied in Germany in the first half of the 1990s and he participated also in the above-mentioned project of Masaryk University.[83] The judge of the Constitutional Court of the Czech Republic to 2011 Eliška Wagnerová als has German experience and she is the supporter of the German concept of the "streitbare Demokratie."[84]

> The impact of German experience with countering extremism on the Czech security system and concepts is very significant:
> - German support during the re-building of the security system
> - German impact of academic experts on extremism research

The cooperation between German and Czech security institutions is developing and enhancing. Common platform for countering right-wing extremism was established as a result of this cooperation of right-wing extremists active in both countries. This cooperation was followed also by stronger interconnection of the Czech and German anti-fascists organisations. The German political foundations, mostly the Friedrich Ebert Stiftung and the Heinrich Böll Stiftung are active in the field of countering extremism. Moreover, the transnational cooperation of militant left-wing antifascists is rising.[85]

The concrete outcomes of the German political and legal activities against right-wing extremism were reflected in the concrete cases in the Czech Republic, for example the ban of the Blood and Honour Division Germany was used as an argument for punishment of propaganda activities of the Blood and Honour on the Czech territory.[86] The issue of the German party bans was discussed during the trials of the Worker´s Party (Dělnická strana – DS) in 2009-2010[87] and the ban of this party is a part of German discussion about the possible ban of the National Democratic Party of Germany (NPD).

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[82] Petr Fiala, Český politický extremismus a radikalismus z hlediska politologie. In Petr Fiala (ed.): Politický extremismus a radikalismus v České republice. 1998, 7-26.
Michal Mazel. Oponenti systému. Přehled radikálních a extremistických organizací v České republice. In Petr Fiala (ed.): Politický extremismus a radikalismus v České republice. 1998. 117-277.
[83] Vojtěch Šimíček, Extremistické politické strany z pohledu práva. In Petr Fiala (ed.): Politický extremismus a radikalismus v České republice, 1998. 105-114.
[84] Štěpán Výborný, Ústavní soud jako aktér militantní demokracie (Master´s thesis). Brno. 2011.
[85] Leone Liemich, Transnationale Zusammenarbeit nicht-staatlicher Akteure gegen Rechtextremismus (Masters Thesis) 2012.
[86] Okresní soud Uherské Hradiště. Rozsudek. 2004.
[87] Before the ban of the Worker´s Party three right-wing extremist associations were banned as a part of counter-extremism policy: National Alliance (Národní aliance – NA) in 2000 and Republican Youth (Republikánská mládež – RM) in 2002.

Both of the above-mentioned trials with the DS and the NPD can be seen as the third main important source of contemporary Czech counter-extremism policy (besides historical legacy and German influence), which is the Europeanization. The decisions of the European Court for Human Rights played an important role in the Czech Republic as well as in Germany (the decision of this court in the case of the DS is being accepted now in Germany because of the NPD-case). The reason is that the legal norms and political documents of the European Union or the Organisation for Security and Cooperation (OSCE) are binding for both countries.

Generally it can be assessed that the German impact on the Czech counter-extremism policy takes an advisory form and has served as a source of inspiration in the 1990s. The contemporary cooperation is more and more symmetric and equal between various actors. Important drivers of this cooperation are the contacts between the Czech and German right-wing extremist scene. The impact of Europeanization on the both countries is simultaneously the next important factor of bilateral cooperation and influence. The continuation of contemporary trends is likely also in the future.

- German impact on the Czech counter-extremism policy takes an advisory form and has served as a source of inspiration in the 1990s
- The contemporary cooperation is more and more symmetric and equal between various actors
- Important drivers of this cooperation are the contacts between the Czech and German right-wing extremist scene.

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