

# Editorial

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In contrast to democracy protection by state security agencies, civil society democracy protection has so far remained largely terra incognita.<sup>1</sup> There are major gaps in the research on democracy protection by civil society actors. The connections between the genesis, effectiveness, success/failure and the importance of civil organisations for democracy protection have not yet been explored in detail. This issue – international and interdisciplinary in outlook – aims to cut a swath through the thicket by tracing the history of civil society actors in democracy protection from the establishment of democratic constitutional states to the present day and by making the first attempts to systematically and comparatively outline the main issues.

Democracy protection has been a hot topic in political science and jurisprudence for some years now. In view of the increasing support for right-wing extremist and right-wing populist parties in many European countries, the German concept of a „streitbare Demokratie“ (usually translated as ‘militant democracy’, although ‘defensive democracy’ might be a more appropriate term) has attracted attention in the international debate on democracy protection and has been the subject of intensive and contentious discussions.<sup>2</sup> A large number of studies provide comparative analyses of the practice of banning political parties and examine its effectiveness and legitimacy.<sup>3</sup> Other elements of state protection of

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- 1 Exceptions: Angela K. Bourne, *From Militant Democracy to Normal Politics? How European Democracies Respond to Populist Parties*. In: *European Constitutional Law Review*, 18 (2022) 3, pp. 488–510; Antonis Ellinas/Iasonas Lamprianou, *Societal Responses to Right-Wing Extremism. Antifascist Mobilisation against Golden Dawn in Greece*. In: *South European Society and Politics*, 26 (2021) 4, pp. 437–464; Aleksandra Moroska-Bonkiewicz/Katarzyna Domagała, *Opposing Populists in Power. How and Why Polish Civil Society Europeanised their Opposition to the Rule of Law Crisis in Poland*. In: *Comparative European Politics*, 21 (2023) 1, pp. 817–833; Juha Tuovinen, *Resisting Ambiguously Anti-Democratic Parties. What Role for the State, Political Parties and Civil Society?* In: *Comparative European Politics*, 21 (2023) 6, pp. 834–847.
  - 2 Cf. Giovanni Capocchia, *Defending Democracy. Reactions to Extremism in Interwar Europe*, Baltimore 2007; William M. Downs, *Political Extremism in Democracies. Combating Intolerance*, London 2012; Gereon Flümman, *Streitbare Demokratie in Deutschland und den Vereinigten Staaten. Der staatliche Umgang mit nichtgewalttätigem politischem Extremismus im Vergleich*, Wiesbaden 2015; Alexander Kirshner, *A Theory of Militant Democracy. The Ethics of Combatting Political Extremism*, New Haven 2014; Martin Klamt, *Die Europäische Union als Streitbare Demokratie. Rechtsvergleichende und europarechtliche Dimensionen einer Idee*, Munich 2011; Jan-Werner Müller, *Protecting Popular Self-Government from the People? New Normative Perspectives on Militant Democracy*. In: *Annual Review of Political Science*, 19 (2016), pp. 249–265; András Sajó (ed.), *Militant Democracy*, Utrecht 2004; Svetlana Tyulkina, *Militant Democracy. Undemocratic Political Parties and Beyond*, London 2015.
  - 3 Cf. Uwe Backes, *Banning Political Parties in a Democratic Constitutional State. The Second NPD Ban Proceedings in a Comparative Perspective*. In: *Patterns of Prejudice*,

democracy (anti-association laws, bans on public assembly, a ‘duty of loyalty’ for members of the public service, restrictions on freedom of expression, etc.) have also been the subject of a number of comparative studies.<sup>4</sup>

International academic debate on the different means of democracy protection tends to be state-centred and neglects civilian democracy protection, especially the work of civil society actors, among them non-governmental organisations (NGOs) dedicated to democracy promotion and counter-extremism. The work undertaken by Fukuyama student George Michael for his dissertation (at George Mason University) on the role of US watchdogs in monitoring right-wing extremist activity has not been emulated within the European context,<sup>5</sup> even though such NGOs have long existed (and not only in the well-established constitutional states of Europe) and the state control of societal engagement in democracy protection (‘corporatism’) criticised by Michael is by no means prevalent everywhere.<sup>6</sup> Ami Pedahzur’s observation that civil society is ‘historically absent’<sup>7</sup> from democracy protection studies is still valid.

Nonetheless, in recent years the international history of human rights<sup>8</sup> has increasingly been an object of research. The same applies to the scholarly re-

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53 (2019) 2, pp. 136–151; Angela Bourne, *Democratic Dilemmas: Why Democracies Ban Political Parties*, London 2018; Stefan Brieger, *Erbe der Diktatur? Gründe für die unterschiedliche Ausprägung des Demokratieschutzes und des Mittels des Parteiverbots in Deutschland und Italien*. In: Martin H. W. Möllers/Robert Chr. van Ooyen (eds.), *Jahrbuch Öffentliche Sicherheit. 2016/2017*, Frankfurt a. M. 2017, pp. 105–126; Peter Niessen, *Anti-Extremism, Negative Republicanism, Civic Society. Three Paradigms for Banning Political Parties*. In: Shlomo Avineri/Zeev Sternhell (eds.), *Europe’s Century of Discontent. The Legacies of Fascism, Nazism and Communism*, Jerusalem 2003, pp. 249–286; Sarah Progin-Theuerkauf, *Parteiverbote und die Europäische Menschenrechtskonvention. Analyse der Rechtsprechung des Europäischen Gerichtshofes für Menschenrechte unter Berücksichtigung der Rolle politischer Parteien*, Zürich 2006.

4 Cf. Flümman, *Streitbare Demokratie*; Louis I. Greenspan/Cyril Levitt (eds.), *Under the Shadow of Weimar. Democracy, Law, and Racial Incitement in Six Countries*, Westport 1993; Anja Zimmer, *Hate Speech im Völkerrecht. Rassendiskriminierende Äußerungen im Spannungsfeld zwischen Rassendiskriminierungsverbot und Meinungsfreiheit*, Frankfurt a. M. 2001.

5 Important exceptions: Bertelsmann Stiftung (ed.), *Strategies for Combating Right-Wing Extremism in Europe*, Gütersloh 2009; Robert Philippsberg, *Demokratieschutz im Praxistext. Deutschlands Umgang mit extremen Vereinigungen*, Baden-Baden 2015.

6 Cf. George Michael, *Confronting Right-Wing Extremism and Terrorism in the USA*, New York 2003, p. 14. On the differences regarding the role of civil society in fighting (right-wing) extremism, cf. George Michael/Michael Minkenberg, *A Continuum for Responding to the Extreme Right. A Comparison between the United States and Germany*. In: *Studies in Conflict & Terrorism*, 30 (2007) 12, pp. 1109–1123.

7 Ami Pedahzur, *The Defending Democracy and the Extreme Right. A Comparative Analysis*. In: Roger Eatwell/Cas Mudde (eds.), *Western Democracies and the New Extreme Right Challenge*, London 2004, pp. 108–132, here 114.

8 Cf. Stefan-Ludwig Hoffmann (ed.), *Human Rights in the Twentieth Century*, Cambridge 2010; id., *Geschichte der Menschenrechte. Ein Rückblick*, forthcoming; Eric D. Weitz,

appraisal of the activities of international organisations,<sup>9</sup> including those that are focused on democracy protection. In selecting the relevant associations, the authors of this issue started with the assumption that a commitment to universal human rights usually implies support for a political system that favours upholding such rights. Moreover, it can reasonably be assumed that these commitments were supported to a significant extent by civil actors.

The essays in this issue present a part of the expanded proceedings of a (video) conference that took place at the Hannah Arendt Institute in Dresden in November 2020, notwithstanding the adverse circumstances of the Covid-19 pandemic.<sup>10</sup> The conference was exploratory in nature and was organised with the intention of initiating comparative studies in the still largely unexplored territory of civil democracy protection. Interdisciplinary and international in scope, it brought together scholars from different countries and different research fields.

The first two contributions are devoted to historical precursors of the current civil society associations engaged in democracy protection. *Dominik Rigoll* focuses on the French Human Rights League (Ligue française des droits de l'homme et du citoyen, LDH) formed in 1898, which found successors and imitators in other European countries, among them the German League for Human Rights (Deutsche Liga für Menschenrechte, DLFM), constituted in 1922. These organisations suffered severe setbacks as a result of the wave of (re)autocratisation (beginning with Italy in 1923) and in most cases were only able to resume their activities after the Second World War. Rigoll examines the leagues' understanding of democracy, details their social function and provides evidence of their links with political parties and their influence on the stability of the French Third Republic and the Weimar Republic. He concludes by discussing the concept of democracy protection after 1945.

*Sebastian Elsbach* examines the Reichsbanner Black-Red-Gold, founded in Berlin in 1924 after a period of fierce infighting. The Reichsbanner's stated aim was to counter right-wing and left-wing extremist violence and to support the poorly equipped security agencies. Both radical nationalists and communists were seen as obstacles to the stabilisation of democracy. The Reichsbanner sought to protect political gatherings of democratic parties, the pacifist movement and the Jewish community. At the same time, the legitimacy of the Republic was to be strengthened through festivals, publications and original – but from today's point of view rather bizarre – promotions such as the 'freedom' cigarette. The omnipresence of the black-red-gold flag promoted a sense of solidarity within a democratic community in a state of siege. However, internal conflict between the

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A World Divided. The Global Struggle for Human Rights in the Age of Nation-States, Princeton 2019.

- 9 Cf. Sandrine Kott, International Organizations – A Field of Research for a Global History. In: *Zeithistorische Forschungen*, 8 (2011) 3, pp. 446–450.
- 10 Cf. Uwe Backes/Thomas Lindenberger (eds.), *Civil Democracy Protection. Success Conditions of Non-Governmental Organisations in Comparison*, London 2024.

Reichsbanner's 1.5 million members resulted in a predominantly defensive strategy that was not conducive to wresting political initiative from the aggressively expanding National Socialist German Workers' Party (NSDAP). The founding of the Iron Front (Eiserne Front) in 1931 did little to change this. Nevertheless, the history of the Reichsbanner is a lesson in the possibilities and limitations of civil society's role in democracy protection.

The second part of the mentioned anthology features contributions that shed light on civil society's role in democracy protection in different European countries. In selecting the civil society organisations (CSOs), the authors were guided by the following criteria: 1) The organisations' engagement serves to protect democracy, that is a free, liberal, possibly 'republican' constitutional/legal basic order. In other words, it is directed against dictatorship/autocracy and illiberal forms of order. 2) The CSOs have no affinity with dictatorships or organisations supporting dictatorships. Grey areas were not a strict criterion for exclusion so as not to narrow down the field of actors too much. 3) The organisations are of national/international importance. Their consideration usually starts with important events that threaten democracy (crises, affairs/scandals, acts of violence, etc.) and is oriented towards systematic questions such as: 1) Does the 'disturbance theory' developed by David B. Truman,<sup>11</sup> which posits that interest groups emerge when citizens are confronted with an existential challenge, (also) apply to the CSOs under investigation? 2) Which challenges trigger a particularly strong response and why? 3) What conditions must an organisation fulfil to wield influence over an extended period of time? 4) What is the relationship between successful NGOs and democracy protection by the state? 5) Does the success of an NGO trigger a tendency towards it being incorporated (i. e. being nationalised or under increasing state influence)? Or can an NGO's success lead to state actors delegating parts of democracy protection (surveillance, analysis or evaluation) to NGOs ('outsourcing', so to speak)? 6) How should the performance profile of civilian democracy protection be assessed in relation to state democracy protection?

*Tom Mannewitz* addresses all of these questions in his contribution on the Federal Republic of Germany. Mannewitz uses the example of the influential political foundations, even though these combine aspects of both worlds: they enjoy the autonomy of an NGO but at the same time receive state funding (without losing their independence vis-à-vis the state). Mannewitz examines both the foundations' pronouncements on democracy protection and their practice, showing that they differ widely in terms of the threats they focus on. Only the foundations with close ties to the centre-right Christian-democratic parties (CDU and CSU) focus more or less equally on right-wing extremism, left-wing

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11 Cf. David B. Truman, *The Governmental Process. Political Interests and Public Opinion*, New York 1951.

extremism and Islamism. Most of the foundations, however, focus on the threat of right-wing extremism and right-wing populism. The Rosa Luxemburg Foundation, affiliated with the Die Linke (the Left) party, differs from all others in its explicit rejection of the concept of left-wing extremism. An analysis of websites shows that the CSU-affiliated Hanns Seidel Foundation has a similar profile as the CDU-affiliated Konrad Adenauer Foundation, while all the other foundations focus on right-wing extremism at the expense of addressing other threats. Of particular interest is the finding that it is not so much financial resources that determine how much publicity a foundation can generate but the foundation's ability to skilfully present itself on social media. Mannewitz identifies three types of foundations with regard to their commitment to democracy protection. The 'Government Agency Twin' combines the thematisation of all threats with a cooperative attitude towards the constitutional protection authorities. Both the Konrad Adenauer Foundation and the Hanns Seidel Foundation belong to this category. 'Occasional Democracy Protectors' describes those foundations that do not prioritise democracy protection and largely limit themselves to highlighting the danger of right-wing extremism. This includes the Otto Brenner Foundation, the Hans Böckler Foundation and the Friedrich Naumann Foundation. The 'Anti-Fascist Activists' are those foundations that propagate anti-fascism instead of anti-extremism. According to Mannewitz this type includes not only the Rosa Luxemburg Foundation but also the Friedrich Ebert Foundation, the Heinrich Böll Foundation and the Amadeu Antonio Foundation.

The third section of the mentioned anthology adopts a transnational perspective, exploring historical continuities or the lack thereof and attempting to draw systematic comparisons using appropriate categories. *Miroslav Mareš* focuses on the transnational cooperation of anti-extremist CSOs in Central Europe and traces developments since the end of the First World War. He notes that parties and governments clearly dominate transnational networks, now and in the past, and uses the example of the Platform of European Memory and Conscience (PEMC) to demonstrate his point. PEMC was founded in Prague in 2011 in the wake of the Prague Declaration of 2008 (which was supported by Václav Havel, among others) to ensure that Europeans remain aware of the totalitarian experiences of the 20th century and to counter any current forms of political intolerance, hostility towards democracy and recourse to totalitarian patterns. This highlights one of the problems of anti-extremism: an equidistant position towards communism and fascism alike is rather rare and often raises suspicions of equating and moral offsetting. This explains why many CSOs dedicated to combating right-wing extremism pay little - if any - attention to left-wing extremism.

The relationship of CSOs to the state and to political parties is an important issue to consider when analysing the conditions for success and failure of civil society democracy protection, and it is the subject of the concluding contribution by *Uwe Backes*. As we will see, at least in Europe, contrary to David Truman's interest group theory, the initiative for founding a CSO often originates from

state institutions and political parties, which find it easier to mobilise resources for medium-term commitments. Not only in Germany do civil society efforts to protect democracy often falter if they fail to secure public funding. However, such funding also changes their character. Independent organisations become semi-governmental institutions. However, this does not necessarily pose a disadvantage for the protection of democracy.