

German court rejects bid by Professor Jörg Baberowski to bar criticism of his right-wing extremism

By Christoph Vandreier
10 November 2017

Jörg Baberowski has failed for a second time with an attempt to have a German court outlaw criticism of his right-wing extremist and historical revisionist positions.

The Humboldt University professor sought to have the Hamburg District Court prohibit the Sozialistische Gleichheitspartei (SGP) from accusing him of historical falsification, with the threat of a large fine. When the court indicated it would rule against Baberowski, he withdrew his application for an injunction. He must now pay the costs of the proceedings.

In June, Baberowski lost a case in the Cologne District Court of Appeals against the general student committee (Asta) at the University of Bremen, which he wanted to ban from describing him as a “right-wing extremist,” “glorifier of violence” and a “racist.” During oral arguments, the court ruled that Baberowski had been correctly quoted by the Asta and that its evaluation of him was therefore legitimate.

The Hamburg District Court has now come to the conclusion that it is also legitimate to describe Baberowski’s historical works as “historical falsifications.” It has thereby confirmed that no separation exists between the right-wing extremist propagandist Baberowski and his academic activities.

On September 29, shortly after the success of the Alternative for Germany (AfD) in the German parliamentary elections, Baberowski demanded in writing that the SGP provide a legally binding declaration to cease and desist, committing not to employ the sentence, “Jörg Baberowski calls himself a historian, but he is actually conducting historical falsification.” By way of justification, Baberowski claimed that the accusation was “scientifically incorrect and purposely personally injurious.”

When the SGP did not respond, the professor applied for an injunction at the Hamburg District Court on October 17, based on the same demand. The court should rule that the accusation of historical falsification was an “incorrect factual claim” or a “statement that is unlawful and massively injurious to the personal rights of the applicant,” he argued in the application. In the event of non-compliance, Baberowski called for the imposition of a fine of €250,000 or a period of detention of up

to two years.

The SGP submitted a precautionary pleading to ensure that the court could not impose an injunction without first holding a hearing. In the submission, the SGP argued that the evaluation of Baberowski’s work as historical falsification was not only legal, but politically necessary. “Mr. Baberowski systematically downplays the Nazis’ crimes and defends the Nazi apologist Ernst Nolte,” it stated.

In February 2014, Baberowski told *Der Spiegel*, “Nolte was done an injustice. Historically speaking, he was right.” He explicitly connected this to Nolte’s relativising of the Holocaust.

The article in *Der Spiegel* stated, “Concentration camps had existed in Russia since 1918. In a camp near Moscow, for example, four people shot and killed 20,000 people in one year.” As evidence, the article’s author, Dirk Kurbjuweit, cited Baberowski, who said, “It was essentially the same thing: killing on an industrial scale.”

In the same article, Baberowski was quoted declaring, “Hitler was no psychopath, and he wasn’t vicious. He didn’t want people to talk about the extermination of the Jews at his table. Stalin, on the other hand, delighted in adding to and signing off on the death lists. He was vicious. He was a psychopath.”

The SGP’s submission to the court noted on this point, “The statement that Hitler did not talk about the extermination of the Jews at his table is a blatant falsification of history aimed at calling into question the viciousness of the Nazis and their leader, Hitler.” The SGP supplied several additional examples of the relativising of the Nazis’ crimes in Baberowski’s works.

In an initial decision on October 24, the 24th civil chamber of the Hamburg District Court indicated that after reviewing the application and the pleading it would rule against Baberowski. It provided a period of one week for the submission of additional written evidence.

The chamber justified its decision by noting that the accusation of historical falsification also comprised the false classification of historical events. “The respondent [the SGP] has however supplied sufficient material in its pleading, for example the statement, according to the pleading, publicised by

the applicant about Hitler and Stalin is sufficient,” the decision from presiding Judge Simone Käfer stated. The next day, Baberowski withdrew his application “due to the judicial guidance.”

Baberowski’s defeat is all the more significant because he took the SGP to court in Hamburg, even though he lives in Berlin and the SGP is based in the capital. The Hamburg District Court is “considered to be quite hardline among journalists” (*Spiegel*). Yet even this court, like the Cologne court before it, which is also viewed as hardline, could find no grounds to support the injunction sought by Baberowski.

The court’s ruling is a blow to all of those who accused Baberowski’s critics of “slander” and “defamation.” This applies to the president of Humboldt University, Sabine Kunst, in particular, as well as to several professors who defended Baberowski in a joint statement after his defeat in Cologne and threatened his critics.

That statement, which remains accessible to this day through Humboldt University’s media web site, indirectly accuses Baberowski’s critics of violating “elementary humane and democratic principles,” as well as “extremism and violence,” and declares “attacks in the media” against Baberowski to be “unacceptable.”

The statement’s signatories found it difficult to deny the fact that Baberowski, during appearances on talk shows, at public events and in articles, agitates against refugees, portrays himself in the style of the AfD as a victim of a “dictatorship of opinion” and a “virtuous republic,” for which he received praise from the AfD and other right-wing extremist organizations. They had to acknowledge that his views expressed in debates were “certainly controversial,” but they asserted that his academic positions were “not right-wing extremist” and Baberowski was a “renowned scholar, whose integrity is beyond doubt.”

This is precisely what has now been disproved by Baberowski’s defeat in Hamburg. His falsifications of history—the downplaying of the Nazis’ crimes and the slandering of the October Revolution—are aimed at legitimising right-wing extremist and militarist positions. The right-wing extremist ideologist cannot be separated from the scholar Baberowski. In fact, he is using his position at the university to spread propaganda and make right-wing extremist positions an acceptable part of public discourse once again.

For example, he includes all of his interviews and articles agitating against refugees on Humboldt University’s web site in a list of his “academic” publications. His legal crusade against his critics is being carried out from his address at HU, rather than his private residence.

In addition, Baberowski no longer has any inhibitions when it comes to selecting his lawyers. While in the past he was represented by the celebrity legal firm Schertz Bergmann, he worked in the Hamburg case with lawyers who are part of the right-wing scene, from the firm belonging to Joachim

Steinhöfel, who is a member of the right-wing extremist milieu. In July of this year, he was the honoured speaker at the summer festival of the right-wing extremist newspaper *Junge Freiheit*.

The SGP and its youth organisation, the International Youth and Students for Social Equality (IYSSE), have for years drawn attention to the connection between historical falsification and the rehabilitation of right-wing extremist and militarist viewpoints.

The book *Scholarship or War Propaganda*, published by Mehring Verlag in 2015, which documented the struggle at Berlin’s Humboldt University, contains a lengthy chapter on “Jörg Baberowski’s historical falsifications,” which analyses in detail and criticises Baberowski’s methods, theoretical conceptions and falsifications. He presents the October Revolution as a “pogrom” and the cause of the violence of the 20th century, and as a revolt of brutalised and alcoholic workers, which gave rise to Stalinism as well as fascism.

The SGP and IYSSE have spoken about these issues at dozens of meetings attended by thousands of students and workers, and found significant interest and support in the process. Student representative bodies in Berlin, Bremen, Hamburg, Wittenberg and other universities have protested against Baberowski’s right-wing positions.

While a similar relativising of the Nazis’ crimes by Ernst Nolte in the 1980s triggered the *Historikerstreit* (historians’ dispute), Baberowski has been defended against all criticism by the academic milieu and in the media, apart from a few exceptions. The major newspapers and representatives of all parties in parliament have backed the right-wing professor, who is cited in school books and allowed to publish by the Federal Centre for Political Education, a state-funded body.

Baberowski’s defeats in Cologne and Hamburg are a blow to this conspiracy. A right-wing extremist can still be called a right-wing extremist, and a falsifier of history is still a falsifier of history. The issue at stake, as the foreword to *Scholarship or War Propaganda* put it, is, “Will the universities remain centres of scholarship and freedom of debate? Or will they, as they have before in German history, become state-directed training camps for right-wing and militarist ideologies?”

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