

Banning Symbols of Extremism in Austria: Targeting Extremism or Civil Society?

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- **What is the Symbols Act pretending to fight?**
 - **Which forms of “extremism” are ignored?**
 - **Who is the act targeting?**
- **What are the act’s possible long-time impacts?**

INTRODUCTION

The Republic of Austria is currently governed by a coalition formed by the Christian democratic-conservative Austrian People’s Party (ÖVP) and the radical right Freedom Party of Austria (FPÖ). Both ministries that are home to the three secret services (one belonging to the Ministry of Interior and two to the Defense Ministry) are in the hands of the radical right FPÖ. Currently, the minister of interior is facing huge criticism after the opposition parties questioned an initiative to illegally dismiss the head of the Federal Office for the Protection of the Constitution and Counterterrorism (BVT) and for infiltrating the latter with staff with a neo-Nazi background.¹

Given the stark Islamophobic election campaigns by both parties, the coalition is now delivering what it promised to its electorate. But the government – especially under the leadership of Sebastian Kurz’s New ÖVP – tries to frame its discriminatory politics towards Muslims in an acceptable way in order to gain maximum public support and to minimize resistance in the opposition parties. Hence, the Hijab ban

is framed as a measure to protect Muslim girls from premature sexualization. As the responses of the opposition show, this strategy works. One strategy is to pretend to fight “political Islam,” thus not acting against Islam and Muslims, but against the “politicized version of Islam.” In this vein, is the Symbols Act serving what it pretends to deliver? Is really every form of “extremism” challenged? Who is the act really targeting and what are its possible long-time impacts?

WHAT IS THE SYMBOLS ACT PRETENDING TO FIGHT?

After World War II, Austria outlawed symbols of National Socialism by issuing the Prohibition Act of 1947. Following the rise of DAESH, 70 years later, this ban was extended to other groups by issuing a new act. The coalition formed by the conservative ÖVP and the Social Democrats outlawed the use of the symbols of Al-Qaida and DAESH in 2014. The new legislation, which will be passed in parliament in mid-December this year, extended the ban to the following groups legitimizing it as an offense on extremist groups: the Marxist Kurdistan Workers’ Party, PKK; HAMAS, the military part of Hizbullah; the Muslim Brotherhood; the Turkish nationalist “Grey Wolves”; the Croatian

¹ Die Presse: BVT-Affäre: Vorwürfe der NS-Wiederbetätigung, November 4, 2018, https://diepresse.com/home/innenpolitik/5524032/BVTAffaere_Vorwurfe-der-NSWiederbetaetigung

fascist Ustashe: and organizations which are declared as terrorist by EU legal acts. The interior minister claims, “The symbols and gestures of the organizations mentioned in the amended law are against the constitution and contradict our basic democratic values.”²

There are at least three interesting aspects in the expansion of the names now included in the act.

1. Organizations that are defined as terrorist – be it on a national or on a European level like the PKK – are included alongside organizations that are not declared as terrorist ones, like the Muslim Brotherhood, which is not even deemed extremist in Austria either on a national or on a European level. This way, different organizations are lumped together which are not terrorist organizations like DAESH or Al-Qaida. Hence, symbols of terrorism and symbols of political and/or religious extremism are banned under the same pretenses
2. Interestingly, the affected organizations all share only one central trait: they have their roots outside of Austria. A more honest initiative would have been to call the legislation what it is - a foreign symbols’ ban. With the backdrop of an anti-foreign and racist FPÖ in power, this move reveals itself to be quite one-sided, especially given the prevalence of white nationalism, which leads us to the third observation.
3. Radical right and nationalist white organizations are fully ignored. The Office for the Protection of the Constitution and Counterterrorism produces an annual report, which surveils numerous radical right organizations such as the Identitarian Movement. None of these organizations have been targeted in this act. This is understandable given the fact that many of these radical right organizations have personal links to personalities of the current ruling party, the FPÖ, a party that was originally established by ex-Nazis for

ex-Nazis and that tries hard to reposition itself as pro-Jewish, anti-anti-Semitic and purely Islamophobic.³ Also, people using the banned symbols can be fined up to 4,000 euros and 10,000 in case of repetition, while using banned traditional Nazi symbols carries a maximum fine of 4,000 euros. A very important detail of this legislation states that the minister of interior can at any time expand this list to other groups by mere decree. According to Article 1.10, all groups, who are part or successor organizations of the aforementioned can also be banned. This enables the minister to potentially crack down every “foreign” civil society organization, which protests the government and is considered a threat to the government. Currently, the minister is from the radical right FPÖ, which makes it even more worrisome that there will be an extension of threatening groups in order to focus on foreign nationalism and extremism and to distract ... from homebred white nationalism and extremism.

WHO IS THE ACT TARGETING IMMEDIATELY?

According to the Austrian government, the PKK has around 4,000 sympathizers in Austria. Their symbols are frequently used during demonstrations, not only regarding their core issues but also when PKK-sympathetic organizations rally alongside other organizations regarding an array of issues. This is also true for the military wing of Hizbullah, although the symbols of this organization are far less prevalent on the streets. Another symbol that is even more spread in youth culture among Turkish-origin youth is the sign of the grey wolves, the so-called wolf greeting. Rather than being a symbol specific to the organization of the grey wolves or its Turkish mother party, the MHP, it is a symbol frequently used to demonstrate Turkish nationalist pride. These organizations’ symbols are the most widespread and hence the ones immediately affected by the legislation.

² Ministry of Interior: ‘Schlag gegen Muslimbruderschaft und Graue Wölfe’, Artikel Nr: 16437 vom Montag, November 19, 2018, <https://www.bmi.gv.at/news.aspx?id=57567834466641794F59303D> [November 26, 2018]

³ Farid Hafez, “Shifting Borders: Islamophobia as the Cornerstone for Building Pan-European Right-Wing Unity” *Patterns of Prejudice* 48 (5) 2014, 479-499.

WHO IS THE ACT TARGETING INDIRECTLY?

Since the law allows the minister of interior to expand the symbols to other “affiliated” organizations by mere decree, potentially every organization which a government may want to connect with the mentioned organizations may be affected. The official interpretation of the law by the lawmakers has already revealed in the case of the symbols of the Muslim Brotherhood that it is not targeting the Muslim Brotherhood itself, but rather those Muslim civil society organizations that criticize the government for its anti-Muslim politics. The interpretation widely drew on a report that was written by a biased scholar that is connected to a think tank whose many fellows systematically target the most vocal Muslim civil society organizations across Europe with the aim to criminalize them and subsequently exclude them from the public sphere.⁴ This reminds us of similar initiatives in the USA, where critical experts have repeatedly warned that the call to outlaw the Muslim Brotherhood is nothing but an attempt to crack down critical political opposition. For instance, the Network Against Islamophobia (NAI), a project of the Jewish Voice for Peace, argued that the Trump Administration could easily “use this legislation [Muslim Brotherhood Ban, FH] and an executive order to target national and local Muslim civil liberties and other organizations that work on behalf of Muslim communities.”⁵ This seems also to be the case in Austria.

It is also worth mentioning that leading U.S. Islamophobic figures such as Daniel Pipes argued in a piece for the *Washington Times* that something unprecedented took place in Austria. “For the first time in Western Europe, a government took power that advocates anti-immigration and anti-Islamization poli-

cies,” he stated.⁶ In the eyes of these neocon hawkish Islamophobes, Austria has become a laboratory for the implementation of institutionalized Islamophobia.

REFRAMING ISLAM

Again, long-lived ideas precede the latest initiative. Already in 2017, the head of the far-right Austrian Freedom Party called for a ban of “fascistic Islam,” taking up a term that was coined by one of the leading hawkish neoconservative authors, Norman Podhoretz, who saw “Islamofascism” as the new enemy for a coming crusade in his NYT bestseller *World War IV*. Vice-chancellor Heinz-Christian Strache used this notion intentionally to follow a current strategy to reframe Islam as a political ideology rather than a religion. He argued that by banning the symbols of “fascistic Islam,” he was putting an end to the “creeping Islamization,” a favorite reference point of the far-right in Europe. With this initiative, Strache builds on the legacy of the Austrian law banning symbols that represent Nazi ideology. Clearly, this also feeds into the attempt to reframe Islam as a political ideology rather than a religion. While nowadays Strache tries to make clear that he differentiates between a good Islam and a bad Islam, he spoke a different language during his days in opposition. Back then, Strache would argue that “the difference between Islam and Islamism is the same as the difference between terror and terrorism.” In other words, there is no difference, which implies that the fight against Islamism is, ultimately, a fight against Islam itself.

WHAT ARE THE ACT’S POSSIBLE LONG-TIME IMPACTS?

Targeting foreign and Muslim organizations may not be the ultimate aim of this legislation. When one looks at the current policies of the Austrian government, it can easily be shown that the government is generally constraining civil society in an unprecedented-

4 Farid Hafez, Muslim Civil Society under Attack: The European Foundation for Democracy’s Role in Defaming and Delegitimizing Muslim Civil Society, in: Iner Derya & John Esposito (eds.), *Islamophobia and Radicalization: Breeding Intolerance and Violence*, Palgrave (2018), 117-137.

5 NAI: Network Against Islamophobia (NAI) Statement on Proposed Muslim Brotherhood Bill and Related Executive Order, February 8, 2018, <https://jewishvoiceforpeace.org/network-islamophobia-nai-statement-proposed-muslim-brotherhood-bill-related-executive-order/>

6 Daniel Pipes, “The Sound of Debate in Austria”, April 4, 2018, <https://www.washingtontimes.com/news/2018/apr/4/immigration-islamization-are-more-urgent-than-neo/>

ed way. Recently, environmental and human rights organizations were targeted. The government wanted to exclude environmental organizations from the decision-making process in environmental issues by arguing that only the organizations who have at least 100 members should be allowed to sit on the negotiating table. This would not only question the Data Privacy Act but would intimidate individuals from continuing to support such organizations out of fear of being targeted by the government.⁷ Also, Chancellor Sebastian Kurz made his future political vision very clear when he spoke about NGOs' activism regarding refugees in the Mediterranean, arguing that these NGOs were not

7 ORF: Höhere Hürden für NGOs geplant, October 4, 2018, <https://orf.at/stories/3048042/>

allowed to interfere in state politics. It seems his wishes concur with those of Viktor Orbán: a strong state under a single control with no interference from critical groups.⁸ With this backdrop, the most recent Symbols Act has to be understood within a larger picture of attempting to constrain the fields of activism of NGOs and as an act that goes after the weakest part of society first - people with a so-called foreign background who have limited political backup to protect them from the attacks of the state institutions. It seems Muslim NGO's are functioning as the playground for more and more authoritarian policies.

8 OÖN: Kanzler Kurz kritisiert Hilfsorganisationen und verteidigt Orbán, October 15, 2018, <https://www.nachrichten.at/nachrichten/politik/innenpolitik/Kanzler-Kurz-kritisiert-Hilfsorganisationen-und-verteidigt-Orban;art385,3033667>



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