

The Bundestag Election 2025

III: After the Aschaffenburg attack: the Bundestag debates “effective action”

Peter Kenway

February 2025

Debating policy or dressing up as the AfD?

The terror attack in Aschaffenburg on 22 January that left a child and man dead has jolted the election campaign into life in the worst possible way.

Since the Bundestag sits through and even beyond an election campaign, the CDU/CSU (Union) leader Friedrich Merz was able to initiate a parliamentary debate a few days later on what would constitute effective action to prevent such attacks. Drawing on the official record, this post sets out the Union case on the one side (“tougher laws”) and the minority Red-Green government case on the other (“better enforcement”).

Yet in making his case, Merz adopted the outlook of, and drew upon the language used by, the AfD. To succeed, the motion for debate would also likely rely on the support of the AfD. This would breach the firewall.

The terror attack in Aschaffenburg

The biggest shock to the German election campaign so far was the attack that took place in the southern German town of Aschaffenburg on Wednesday 22 January, when a man carrying a kitchen knife attacked a group of toddlers in a park, killing a two-year old boy and a man who came to their aid.

What gave this act of barbarity such political significance was that the man arrested for it, within minutes of it taking place, was found to be an Afghan citizen who had applied for asylum in Germany, had been turned down and was awaiting deportation.

One week later, the Aschaffenburg attack – seen by Germany’s political leaders as the fourth of its kind within a year – was debated in the Bundestag.¹ During the debate, the centre-right Union (CDU/CSU) put forward a motion containing a plan to change the way that Germany handled migration. This motion, supported by the AfD, was approved by a majority of four votes.

The fact that this motion only passed with AfD support meant that the commitment never to ally with the far-right, made by all other political parties, including the Union, was now called into question.

Two days later, the Union put a legislative resolution before the Bundestag which opened up the prospect of the far-right having a hand in legislation for the first time since the foundation of the federal republic in 1949. Despite the AfD’s support, this resolution failed, by 11 votes.

The subject of this post, and the next, is how German politicians have reacted to what happened in Aschaffenburg and what the consequences may be. This post focuses on the content of what was proposed and the arguments made by politicians for and against it. Its principal source material is the official record of Bundestag proceedings.² The next post will look at the party political consequences, above all for the “firewall” around the AfD.

The aim of this post is to set out main lines of argument made by the Union on the one side and by the Red-Green minority government on the other, using material from the parliamentary record of these two debates

The Union case presented here draws on the two speeches delivered by Friedrich Merz, as well as material from the motion and the draft legislation. The government case draws on the speeches of Chancellor Olaf Scholz and Interior Minister Nancy Faeser (both of the SPD) and Vice-Chancellor Robert Habeck and Foreign Minister Annalena Baerbock (both Greens). Merz, Scholz and Habeck spoke on the Wednesday. Merz, Baerbock and Faeser spoke on the Friday.³ Material from speeches made by participants from other parties, especially the FDP and the AfD, will appear in the next post.

Scholz (SPD): we have an enforcement deficit

In his statement to the Bundestag which opened the debate on the Wednesday, the Chancellor made three assertions which can be seen as representing the essence of the government’s position.

First, the right to asylum is a “fundamental component of Germany’s law and value system”, something not to be tampered with and a “direct answer to the horror of Nazi rule”.⁴ Yet – since that right depends upon a person’s circumstances – Germany must also be able to differentiate between those who are entitled to that right and those who are not.⁵

What’s being said here can be seen as a reaffirmation of the principle of an open border, embedded within a process that is intended to ensure that the outcome in any individual case is in accordance with the laws. Setting the matter up like this allows Scholz to be clear about where he thinks the fault and the remedy lie – and where he thinks they do not.

On the one side therefore (his second assertion): the crimes in Mannheim, Solingen, Magdeburg and Aschaffenburg – “all of them” – could have been prevented had the existing laws, which the government itself had tightened, had been applied properly.⁶ On the other (his third assertion): “the measures that we ourselves have taken are pushing at the boundary of what our own constitution and the European treaties allow”, especially with regard to the temporary borders introduced by the government, which have to be renewed every six months.⁷

An argument that these crimes have taken place because of defects in processes rather than laws obviously anticipates a Union motion proposing changes to the law. What it also does, however, is shift attention to the states who are responsible for delivering many of the key functions here, ranging from enforcing immigration law, through to protecting the public from would-be perpetrators of violent attacks who may be mentally ill.⁸ In Germany, the powers and responsibilities of the different levels of government – federal, state and local – are laid down in the constitution.

Scholz expressed himself outraged that authorities at each level of government should have failed to do all in their power to prevent such attacks: “we have”, he said, “an enforcement deficit”.⁹ Yet unlike the states of Baden-Württemberg, North-Rhine Westphalia and Saxony-Anhalt who had promised clarity about Mannheim, Solingen and Magdeburg, the Bavarian state government, according to Scholz, was trying to point the finger over Aschaffenburg instead of asking itself what had gone wrong.¹⁰ The Bavarian government is led by Markus Söder, leader of the CDU’s sister party, the CSU.

What gives credence to Scholz’s idea of an enforcement deficit is that all four alleged perpetrators were already known to the authorities. This was either because they were an asylum seeker whose application had been turned down (Mannheim, Solingen, Aschaffenburg), or because they had a history of violent threats (Magdeburg, Aschaffenburg).¹¹ Of course this doesn’t mean that the attacks could have been prevented; but neither does it depend on the benefit of hindsight to think that they might have been.

Merz (Union): we need effective action against the inflow of illegal refugees and those who remain illegally

The preamble in the Union’s motion includes a call for Germany to act “put the security of its citizens and their protection from danger in first place”.¹² Whether this statement is

controversial, and if so in whose eyes, depends on whether “citizen” refers to someone of German nationality or to a broader grouping of people living in Germany.

When Friedrich Merz rose to speak, however, the goal of security was not his starting point. Instead, after an opening attack upon the AfD, Merz told the Bundestag that if its expressions of compassion and sympathy were meant seriously, it needed “to take effective action against the inflow of illegal refugees into Germany and against those refugees remaining in Germany illegally.¹³ He then followed this up by adding that Germany had a “massive problem” with foreign criminality, “above all among asylum-seekers”.¹⁴

The contrast here is striking. Whereas Scholz spoke of asylum as a qualified right, Merz speaks of those seeking it as the hard core of a general problem with foreigners.

The specific proposals in the five-point action plan fall into two groups. The first two points – to make border controls with all neighbouring states permanent, and to block all attempts to enter the country illegally, turning back at the border all those trying to enter without valid papers, even if they request protection – provoke questions about what Germany is entitled to do, whether under its own, EU or international law.¹⁵

The other three points come under the heading of what Scholz called enforcement. They are: that deportation should happen daily, with regular deportations to Afghanistan and Syria; that residency rights of offenders and those deemed a danger should be tightened, with those required to leave the country being held in detention until they do so; and that there should be more federal support for the states, and more authority for the federal police to take people due for deportation into custody.¹⁶

Merz also took the opportunity to mention the legislative amendments to be debated a couple of days later. One is to reintroduce the idea that the goal of the relevant law should be to “restrict” the inflow of asylum seekers as the goal of the relevant law. The second is to end the right to family reunification for a subset of those who are granted protection. The third is a widening of the powers of the federal police.

Faeser (SPD): people expect democratic solutions but you discredit all of them

The responses to Merz from government speakers ran along two lines. The Union’s proposals to do with the border, as well as the right to family reunification, were challenged on the grounds that they were in contravention of the law. Speaking on the Friday, Interior Minister Nancy Faeser observed that children have a right to be with their parents under both the German Constitution and the European Convention on Human Rights. Preventing family reunification permanently would not be consistent with that.¹⁷

Rejecting people at the border would mean going against European Law. This was something, said Faeser, that former Chancellor Angela Merkel knew would mean breaking with Germany’s European partners. As another former Chancellor, Helmut Kohl, knew, no neighbouring state would be willing to accept such a unilateral step taken by Germany. By

bringing Merkel and Kohl in like this, Faeser is arguing that proposals that go against European law also go against the centre-right's European heritage.¹⁸

Proposals for enforcement met with a mixed response. Some Union suggestions were dismissed as impractical: regular flights to Afghanistan, for example, being simply not possible because the Taliban had closed that option off.¹⁹ Faeser's main complaint, however, was that Union wouldn't negotiate on a range of enforcement measures that the government itself had put forward. These included the implementation of the Common European Asylum System, and the Federal Police Act. Agreeing that in principle, irregular migration should be reduced further, Faeser condemned the Union for "discrediting all practical solutions", instead of offering a "common answer from the democratic centre".²⁰

Habeck (Green): we must keep on raising the question of how to increase security

Robert Habeck, the Vice-Chancellor, who spoke straight after Merz in the first debate, didn't focus on countering him in quite the direct way that other ministers did. Instead, he picked up on the emphasis on security in the Union's motion, and went on to develop it.

Away from the heat of the argument, much of what Habeck said about it would have been acceptable to the centre-right: security as the condition for freedom, for example, or the need to acknowledge that Germany's security was being threatened, including the possibility of there being a pattern behind the various attacks.²¹

The country would be safer, Habeck went on, if there were an "enforcement offensive" to reduce the backlog of 170,000 arrest warrants in Germany that remain unexecuted. With prevention in mind, he mentioned the police union's proposal that a psychological profile should be included in the routine health test, in order to identify people who might go on to pose a danger.²² "We must keep on raising the question", Habeck said, "of (how to) increase security".²³

Where Habeck does confront Merz is over the way the debate is conducted. How, he asks, does all this sound – this racist speech that originates with the AfD – what sort of message does it send to the parents of the little boy of Moroccan origin who was killed in Aschaffenburg, or to the parents of the little girl of Syrian origin who was injured there, or to the nurse who, having looked after the injured at Magdeburg, was then herself attacked and subject to racist abuse?²⁴

Putting this another way, do words wrapped in AfD-speak convey the promise of security to these victims and their families – or do they sound like a threat?

This brings us back to the ambiguity in the Union motion about who the citizens are whose security is to be put in first place. The clearest answer in the Bundestag came from Habeck's Green party colleague, Annalene Baerbock. During an exchange with a CDU member whose family had a migration background, Baerbock said that the question MPs should be asking

themselves is “what is right for the 84 million citizens in our land?”²⁵ That 84 million means everybody.²⁶

Conclusion: why isn't wearing an AfD hat a breach of the firewall too?

To conclude this long post, three observations on what Friedrich Merz, at whose initiative the debate took place, said.

First, some of his arguments were fair– for example, that you can't go on invoking the European treaties as a reason for not doing something if your opponent insists it's in the national interest. As Brexit-scarred Remainers know, “European law” has only limited political weight.

Merz was also right to offer clarity of purpose. No government can show that its actions are effective unless it has already made clear what it is trying to do. And only if there is acceptance that it has already been taking action can it hope to be excused if something goes wrong. Even if the government side was right on every point in this debate, that doesn't mean it won the political argument.

Third – but third – Merz befouled his whole argument with almost the first thing he said. To start with the assertion that Germany's problems stem from foreigners and their criminality is to start by putting on an AfD hat. To dress up like that before promising “effective action” is to tempt fate indeed.

German commentators have been critical of Merz for allowing the Union to depend upon the AfD. Yet the firewall around the AfD's language is no less important than the firewall around its votes. Party HQ, it is reported, were pleased that he'd avoided any big mistakes in the first TV head-to-head with Scholz.²⁷ So was what Merz said in the Bundestag intended to come out like that or was it a mistake? And which would be worse?

¹ The other three attacks were the ones that took place: in Magdeburg, in December 2024, when a car driven at speed into a Christmas market led to six deaths and almost 300 injuries; in Solingen, in August 2024, when three people were stabbed to death and a further eight injured; and Mannheim, in May 2024, when a policeman was stabbed to death and a further five injured.

² The [Plenarprotokoll](#) or plenary record of the Bundestag. The two debates took place on [Wednesday 29 January](#) and [Friday 31 January](#) 2025. References to them will include the name of the speaker and the page number containing their words.

³ Any confection like this always involves a vast amount of judgement by the author, not just in which arguments to pick out but also how to arrange them to build a narrative that is unavoidably of the author's own choosing. This is even more so when the source material is in a different language. In the interests of transparency, the original German text of all substantive points is included in the footnotes.

⁴ Scholz, 29 Jan 25, Plenarprotokoll, p27032. „Das Recht auf Asyl ist fester Bestandteil unserer Rechts- und Werteordnung. Daran dürfen wir nicht rütteln. Das Recht auf Asyl ist die unmittelbare Antwort auch auf das Grauen der NS-Herrschaft“.

⁵ Scholz, 29 Jan 25, Plenarprotokoll, p27032. „Denn es gebietet der Anstand, dass wir klar unterscheiden zwischen denen, die sich auf den Schutz des Asylrechts berufen können, und jenen, für die das nicht gilt“.

⁶ Scholz, 29 Jan 25, Plenarprotokoll, p27034 „Die Taten von Mannheim, Solingen, Magdeburg und Aschaffenburg hätten durch die konsequente Anwendung bestehender Gesetze verhindert werden können – allesamt.“

⁷ Scholz, 29 Jan 25, Plenarprotokoll, p27034 „mit einigen unserer Maßnahmen sind wir hart an die Grenze dessen gegangen, was unsere Verfassung und die europäischen Verträge erlauben. Das gilt besonders für die temporären Grenzkontrollen, die alle sechs Monate neu begründet und verlängert werden müssen“.

⁸ Scholz, 29 Jan 25, Plenarprotokoll, p27033 „Der Vollzug des Ausländerrechts, die polizeiliche Gefahrenabwehr, die Durchführung von Abschiebung, der Schutz der Allgemeinheit vor psychisch kranken Gefährdern: Das alles ist in unserem Staat Aufgabe der Länder. So steht es im Grundgesetz.“

⁹ Scholz, 29 Jan 25, Plenarprotokoll, p27033: „Deshalb sage ich bewusst: Wir haben ein Vollzugsdefizit.“

¹⁰ Scholz, 29 Jan 25, Plenarprotokoll, p27033 „Deshalb ist es gut und anständig, dass neben dem Bund auch die Ministerpräsidenten von Baden-Württemberg, Nordrhein-Westfalen und Sachsen-Anhalt Aufklärung versprochen und sich darum gekümmert haben. Umso irritierender ist es dagegen, wie sich die Bayerische Staatsregierung aus der Affäre ziehen will, indem sie mit dem Finger auf andere zeigt, anstatt zu fragen: Was ist eigentlich hier bei uns schiefgegangen, hier bei uns in Bayern? Denn es sind Dinge schiefgelaufen im Freistaat Bayern.“

¹¹ German media suggest that the Aschaffenburg suspect had been investigated several times, with one incident resulting in a court penalty for intentional bodily harm. Interior Minister Nancy Faeser was quoted by the Berliner Morgenpost as challenging the Bavarian authorities the day after the attack to explain why the man was still free to come and go despite his record. („Die bayerischen Behörden müssen erklären, warum der Täter trotz mehrfacher Gewaltdelikte noch auf freiem Fuß war“). Berliner Morgenpost, 24 Jan 2025: „[Was über Tat und Täter von Aschaffenburg wissen](#)“.

¹² Deutscher Bundestag, 28 Jan 25, [Drucksache 20/14698](#): „Deutschland muss die Abwehr von Gefahren und die Sicherheit der Bürgerinnen und Bürger an erste Stelle setzen und entschlossen handeln“.

¹³ Merz, 31 Jan 25, Plenarprotokoll, p27038: „nach Magdeburg und nach Aschaffenburg jetzt endlich wirksame Entscheidungen gegen den Zustrom illegaler Flüchtlinge nach Deutschland und gegen den illegalen Aufenthalt der Flüchtlinge in Deutschland getroffen werden.“

¹⁴ Merz, 31 Jan 25, Plenarprotokoll, p27039: „Wir haben in Deutschland ein massives Problem mit der Ausländerkriminalität, vor allem unter den Asylbewerbern.“

¹⁵ Deutscher Bundestag, 28 Jan 25, [Drucksache 20/14698](#): points 1 and 2.

¹⁶ Deutscher Bundestag, 28 Jan 25, [Drucksache 20/14698](#): points 3 to 5.

¹⁷ Faeser, 31 Jan 25, Plenarprotokoll, p27531, „Unsere Verfassung und die Europäische Menschenrechtskonvention schützen die Rechte von Kindern und Familien. Kinder haben ein Recht auf ihre Eltern und damit dürfte es kaum vereinbar sein, den Familiennachzug dauerhaft auszuschließen“

¹⁸ Faeser, 31 Jan 25, Plenarprotokoll, p27531: „... noch einmal auf die Frage der Zurückweisungen eingehen. Was Sie sich darunter vorstellen, verstößt eklatant gegen Europarecht. Deshalb hatten Sie das als Union unter Frau Merkel jeweils strikt abgelehnt, ... denn [sie] wusste, was das praktisch bedeutet: den Bruch mit unseren europäischen Partnern. ... Kein einziger Nachbarstaat würde einen solchen gefährlichen deutschen Alleingang akzeptieren. Das hat der große Europäer Helmut Kohl auch immer gewusst“

¹⁹ Baerbock, 31 Jan 25, Plenarprotokoll, 27526, „Ist das Ihr wichtigster Punkt, obwohl wir derzeit gar keine Afghanen mehr herausholen können, weil die Taliban alles abgeriegelt haben?“

²⁰ Faeser, 31 Jan 25, Plenarprotokoll, p27531: „Statt als demokratische Mitte eine gemeinsame Antwort zu geben, haben Sie die Debatte weiter angeheizt und alle praktischen Lösungen diskreditiert. Dabei sind wir uns im Grundsatz doch einig, dass wir die irreguläre Migration weiter zurückdrängen wollen“.

²¹ Habeck, 31 Jan 25, Plenarprotokoll, 27043: „Sicherheit ist die Bedingung für Freiheit. Und ... hier müssen wir zur Kenntnis nehmen, dass die Sicherheit bedroht wird, dass es hinter den verschiedenen Mordanschlägen von Mannheim, von Solingen, von Magdeburg, von Aschaffenburg möglicherweise Muster gibt“.

²² Habeck, 31 Jan 25, Plenarprotokoll, 27044: „Wir haben in Deutschland 170 000 nicht vollstreckte Haftbefehle – 37 000 davon in Bayern, 14 000 davon sind gegenüber Gewalttätern oder Straftätern, die Gewaltverbrechen begangen haben. Eine Vollstreckungsoffensive würde das Land sofort sicherer machen“ and „...Dass wir die Gefährderpotenziale früher erkennen, dass wir also psychische Profile erstellen, wenn wir bei den Menschen, die zu uns kommen, Gesundheitstests machen“

²³ Habeck, 31 Jan 25, Plenarprotokoll, 27044: „Wir müssen also die Frage der Erhöhung der Sicherheit wieder und wieder aufrufen“

²⁴ Habeck, 31 Jan 25, Plenarprotokoll, 27044: „Und wie muss in den Ohren der Eltern des erstochenen marokkanischen Jungen, wie muss in den Ohren der Eltern des syrischen Mädchens oder wie muss in den Ohren der Pflegerin, die nach Magdeburg eingegriffen hat, die Verletzte betreut hat und danach rassistisch beleidigt und geschlagen wurde, diese Remigrations – und Rassismus-sprache der AfD klingen

²⁵ Baerbock, 31 Jan 25, Plenarprotokoll, 27522: „Was halten wir für richtig für alle 84 Millionen Bürgerinnen und Bürger in unserem Land“

²⁶ According to the [German Statistical Office](#), of the 83.5 million people living in Germany at the end of 2023, 71.3 million had German nationality 4.4 million were nationals of other EU countries. Among the rest, 1.4 million were Turkish nationals, 1.0 million Ukrainians and 0.9 million Syrians.

²⁷ Jörg Quos writing in his newsletter for the OstThüringer Zeitung, 10 Feb 2025.