

# EU Legal Chicanery

by Tom Sunic, Ph.D.

Donald Trump and *Secretary of State* Marco Rubio have wisely alerted America to the growing suppression of free speech in the EU. Despite their efforts, Soviet-era legal practices remain very much alive and well in certain segments of the EU judiciary.

The latest example is that of Martin Pfeiffer, former Austrian editor of the now defunct literary magazine *Die Aula* ("*The Classroom*,") who was sentenced on December 3 of 2025 to four years in prison for "*re-engagement in National Socialist activities*" under Paragraph 3g of the *Prohibition Act*. Yet, that magazine rarely dealt with ideological subjects, focusing instead on cultural themes and the concept of empire, which are priorities of the conservative party in Austria, the FPÖ ("*Freedom Party of Austria*.")



**Martin Pfeiffer**

What is striking is that the laws under which Pfeiffer was charged, tried and sentenced -- particularly Paragraph 3g of the *Prohibition Act* -- were enacted in 1947 when Austria was still under the joint occupation of four Allied powers,

the USSR, US, UK, and France. Moreover, Pfeiffer was even prosecuted **retroactively** for articles he published between 2005 and 2018, more than fifteen years earlier in some cases.

The judiciary in the city of Graz ignored both the statute of limitations and the principle of *nullum crimen, nulla poena sine lege* (that is, **“no crime, no punishment without law.”**) The highly abstract, almost untranslatable compounded nouns of German/Austrian legal jargon defy precise rendering into English, which only adds to their inscrutability when viewed through the lenses of other Westerners.

**Pfeiffer’s case proves that any dissident author -- regardless of his political persuasion or nationality -- can be subject to *ex post facto* prosecution if the ruling class deems him to be a nuisance. This tactic of selectively targeting “enemies of the people” was a standard tool of the judiciary throughout formerly communist Eastern Europe.**

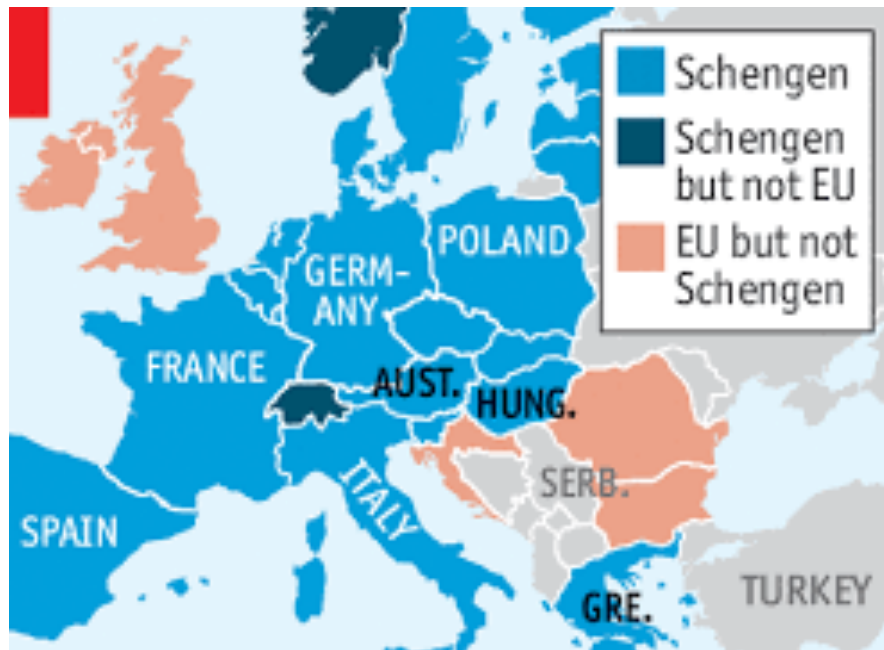
It is worth noting that Pfeiffer’s trial bears a striking resemblance to the many show trials of communist Yugoslavia. In 1984, my late father, a Catholic conservative and former attorney, was sentenced to four years in prison for “hostile propaganda” under Article 133 of the **Yugoslav Criminal Code**. He had written anonymous articles for ***Nova Hrvatska*** (“***New Croatia***”) -- a Croatian émigré bi-weekly located in London -- which exposed the communist regime’s harsh repression of the Croatian Catholic Church and culture.

He was subsequently adopted as a prisoner of conscience by ***Amnesty International*** and championed by U.S. Congressman Tom Lantos, Senator Bob Dole, and several other conservative politicians and journalists such as Pat Buchanan.

**There is a far scarier dimension to Pfeiffer's story. After 1945, both the United States and the nations of Europe were compelled to adopt the model of the “proposition nation.” This is an abstract, political community defined**

not by historical continuity, race or shared culture, but designed to accommodate arbitrary, globalist and open-borders immigration policies. As a result, the mass influx of non-European migrants into the EU over the past decade was entirely predictable: it was the inevitable, even deliberate, outcome of the post-war Allied strategy to suppress Europe's ethnic traditions by diluting the cultural and racial homogeneity of its peoples.

Likewise, establishment of the *Schengen* open-border system in 1985 -- fully implemented by the 1990s -- was in perfect accordance with the liberal-capitalist dogma of the *"free movement of people and capital."*

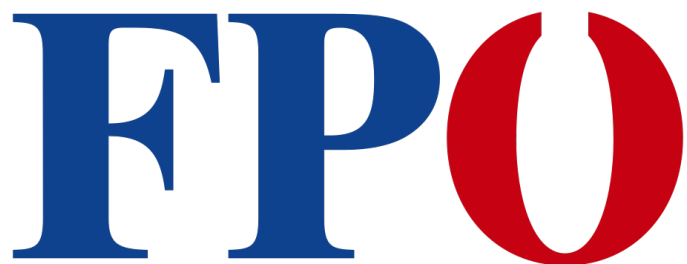


Germany was particularly vulnerable to these capitalist, open-border policies. As the late German legal scholar Günther Maschke observed, *"The German people had to adapt to the constitution, instead of the constitution being adapted to the German people."* He continued: German constitutionalism has become a kind of *"civil religion"* in which multiculturalism has replaced traditional national identity with a purely legal construct, one that Maschke called an imaginary *"Basic Law country."*

When this is combined with the quasi-sacralized, unquestionable historical narrative of the *Holocaust*, the result is a birth of a political entity best viewed as a “*secular theocracy*.” Within this framework, the only form of patriotism still tolerated in Germany and Austria is this “*constitutional patriotism*.”

**Victimhood Inversion:** Today, core elements of the **German** and **Austrian Criminal Code** function in certain ways that are reminiscent of former Soviet criminal law. Germany and Austria must demonstrate on a daily basis that they can meet their “*self-re-education tasks*” even more rigorously than their post-WW II occupiers demanded. Comparable dynamics exist in other EU member states, where semantic drifts have converted the charge of “*fascism*” into an all-purpose epithet to defame opponents with a term they consider to be the ultimate, cosmic evil.

Despite the phenomenal rise of right-wing parties across the EU, many judicial institutions -- both in Europe and in the United States -- remain largely staffed by judges and prosecutors from the post-1968 Marxist-inspired “*boomer*” generation. These join various former left-wing Antifa activists, modern “*social justice warriors*” and virtue-signalers to thwart any right-wing political parties. In the U.S., these judges and prosecutors make little effort to conceal their hatred and fear of Donald Trump, while in the EU, they display open hostility for conservative and populist movements or parties, such as the growing AfD (“**Alternative for Germany**,”) or the **Freedom Party of Austria** (FPÖ.)



In addition, a network of influential and well-funded non-governmental organizations across Europe -- especially those in France, Germany, and Austria -- operate in a manner comparable to U.S. advocacy groups such as the ADL or the SPLC. Their primary function is to monitor academics, journalists, and public figures suspected of non-liberal ideological transgressions, very similar to the old Soviet people's commissariats. German nationalists derisively label such snitching NGO outfits as "*do-gooders*," while their French counterparts are called "*right-thinkers*." In plain English, these so-called NGOs represent the academic thought police.

Most worrisome, however, is the climate of fear-induced by self-censorship among European academics. Many believe that by remaining silent and apolitical -- so as not to rock the boat -- they will safeguard their careers and perks, a grave illusion long disproved by dissidents in the former Eastern Bloc nations. Sooner or later the thought police will show up on their doorstep, regardless of how muted their political activities.

In the contemporary West, there is little need for gulags or firing squads, given the more sophisticated and effective methods of repression that are available. These include **de-platforming**, **de-banking**, or even worse, what the French call the "*reversal of the accusation*." Broadly speaking, this means "*victimhood inversion*," a technique once common in the communist judiciary of Eastern Europe to shift the focus from one's own mega-crimes by diverting attention to dubious allegations of wrongdoing by one's political opposition.

Many of the legal and rhetorical devices recently deployed against President Trump were pioneered decades ago in the multi-ethnic Soviet Union, and throughout formerly communist Eastern Europe. Consequently, European prosecutors and media outlets eagerly reach for the same communist shut-up nouns -- such as "*Nazi*," "*antisemite*," "*white supremacist*," or "*racist*" -- in order to disarm and dehumanize political dissenters. Meanwhile, they studiously ignore the millions who perished under communist regimes between 1945 and 1950.

President Trump is well aware of these legal and semantic shifts, having himself endured similar “lawfare” waged and staged by his domestic enemies. The long-term outcome of this judicial parody in both the EU and the United States is entirely predictable: growing mutual distrust, escalating interracial and interethnic conflict, institutional breakdown, and, ultimately, the collapse of the System.

**Let me be clear: World War II never really ended, it has merely entered a new, prolonged phase of ideological conflict, potentially on track to resume levels of violent conflict at some future point.**

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