

Germans are not especially concerned about privacy and sovereignty

Nazi past? Stasi past? Sebastian Huempfer challenges the conventional explanations for Germany's strong reaction to Edward Snowden's revelations about NSA snooping.



In 2013, a spectre was haunting Europe – the spectre of mass surveillance. All the powers of old Europe were being spied on by their British and American allies, aided and abetted by Silicon Valley's see-no-evil private superpowers. The National Security Agency (NSA) had, among other transgressions, [bugged](#) the offices of European diplomats, latched onto privately owned data cables, introduced a back door into Gmail and [catalogued](#) suspected terrorists' porn habits. All this was revealed to the world by Edward Snowden, a former NSA contractor turned whistle-blower.

When Snowden [claimed](#) that the NSA had hacked into chancellor Angela Merkel's mobile phone, public outrage in Germany reached fever pitch. German lawyers and politicians debated whether Snowden could be invited to testify before the Bundestag. The largest German internet service provider [proposed](#) a national internet. The minister of the interior – who [once called](#) security the "super-fundamental right that outweighs all other fundamental rights" – was dispatched to demand an explanation from the White House.

It seemed that the Germans cared much more about American spying than other Europeans, and Americans themselves. Some commentators attributed this to history, arguing that the German people, doubly scarred by the experience of totalitarian mass surveillance within living memory,

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defend their privacy even against a democratically accountable state and avowedly un-evil corporations. Thus, they raise their digital pitchforks when they see Street View cars and only venture onto Facebook under the cunning guise of pseudonymity – all because of their collective DNA. Others [pointed](#) out that the NSA had violated Germany's national sovereignty, a touchy issue in a country that has only been fully sovereign [since 1990](#). Again, there was a compelling narrative to back up the argument, emphasising the partial nature of the two German states' sovereignty after 1945 and the mysterious contraption on the roof of the new U.S. embassy in Berlin (rumoured to be an NSA antenna [used](#) for spying on the nearby German parliament and chancellor's offices).

Yet anyone travelling through Germany in late 2013 would have noticed what opinion polls have since confirmed: most Germans actually did not care at all. In November 2013, over three quarters of respondents in a national poll [claimed](#) that they could not imagine that they would ever be negatively affected by the NSA's activities. Over half of all respondents thought that the whole debate was overblown.

That may explain why the Pirates, the only party with a pro-civil liberties platform, imploded at the federal elections in September 2013. Evidently, privacy was not a vote-winner in the Snowden era. As it turns out, it was not much of a concern for German internet users either: Researchers at Humboldt University [found](#) that 73% of German test customers preferred an online shop that required them to enter a significant amount of personal information over a more anonymous website with slightly higher prices. Even when both shops offered identical prices in a separate study, about half of all customers chose the shop that required them to enter more personal information, suggesting that the average German online shopper attaches no value at all to their privacy.

Perhaps most significantly, there was no debate whatsoever about the activities of Germany's own intelligence services, the Bundesnachrichtendienst (BND), Militärischer Abschirmdienst (MAD) and Verfassungsschutz. Thus it is highly unlikely that Germans feared the long arm of their state; had that been the case, they would have been more wary of their own intelligence services, and less concerned with those of a foreign power an ocean away. As the German blogger Sascha Lobo [put](#) it, the only kind of privacy that Germans cared about was a kind of pseudo-privacy where "it does not matter how much the state knows about you. The only thing that matters is that your neighbour doesn't know anything." In other words, Google Street View was a threat, but the intelligence services were not.

So what happened to those lessons of history? The obvious point is that the majority of Germans alive in 2013 never experienced dictatorships or mass surveillance; Greece, Spain and Portugal have a more recent memory of dictatorship than most of Germany. More importantly, both 1945 and 1989 are zero hours in Germany's national psyche: most people regard what happened before those years as the distant past, with no direct bearing on the present. Hence, millions of people have visited the former Stasi headquarters in Berlin but very few remember the experience

when they swipe their supermarket loyalty cards or walk past a CCTV camera. In Germany, as everywhere else, most lessons of history are quickly forgotten.

This is not to dismiss the notion that conceptions of privacy differ on the two sides of the Atlantic. As the legal scholar James Q. Whitman [puts](#) it, there are (at least) two western “cultures of privacy”, one stressing liberty and the other dignity. Former CIA director Michael Hayden [illustrated](#) this divide when he pointed out that Americans “divide the world between U.S. persons and not U.S. persons. When you talk to a European and especially a German, they talk more in terms of universal rights.” The Bill of Rights protects citizens against unwarranted search and seizure by their own government. The German constitution simply states that human dignity and privacy “are inviolable” in principle. Thus, the idea behind the Five Eyes – everyone spies on each other’s citizens and then pools the information – violates the conception of privacy prevalent in Germany in a rather fundamental way. It is too simplistic, however, to treat this as a German conception of privacy that deviates from some objective western norm because of Germany’s 20th-century history. There is a whole [range of reasons](#) why the continental European conception of privacy differs from the British and American one.

In any case, the evidence suggests that privacy concerns did not drive the German reaction to the NSA revelations. So what about notions of sovereignty? There was no polling done on this question; there were, to be sure, still fringe publications calling for “true sovereignty” to be restored even in 2013. There were also still people who disliked the presence of American soldiers in Germany. But the relevance of this should not be overstated. For most Germans, partial sovereignty has long been an accepted fact of life. For decades, national sovereignty has been ceded to supranational bodies, foreign policy conducted through international organisations and national security outsourced to France, Britain and above all the United States.

It is possible to explain why the German debate about the NSA revelations looked unusual to many American and British observers without talking about privacy or sovereignty. First, it is important to note that the domestic intelligence services (along with the military) rank among the least respected institutions in Germany. It is not true that the country’s intelligence services are feared because they were preceded by Stasi and Gestapo. Rather, they are widely regarded as incompetent and useless. While it is inconceivable that a former U.S. president would declare publically that he did not trust the intelligence services and treated them with utmost contempt, a former German chancellor did just that: in November 2013, Helmut Schmidt [declared](#) that he had never read a single BND report because of his prejudices against the agency.

Above everything else, it is their utter contempt for their own national security establishment that makes Germans exceptional. The best-known German intelligence figure in 2013 was a man who [claimed](#) publically that he could not remember the moment when he was appointed the head of his agency because “it was dark [and] I was drunk”. When asked how he managed to rise to the top, he said “there were many in the agency who were good for nothing, and few who were at all capable of learning”. He may well have been the only German intelligence officer without a

credibility problem.

Second, though there is no evidence that the NSA's disregard for German sovereignty caused much outrage, anti-American sentiment [was](#) already more prevalent in Germany than in any other NATO country except Greece and Turkey when Edward Snowden landed in Moscow. By late 2013, a mere third of the German population [trusted](#) the American government, the same level as during the Iraq war. Since that war – itself a watershed moment for many post-Cold War Germans – the idea that the United States puts its own national security above international law had been nurtured by revelations about drone strikes, CIA renditions, unfulfilled promises to close the prison at Guantanamo – and now the spying scandals. Each time there was a high level of secrecy and what seemed like a lack of political oversight. Over time, this made many Germans suspicious of the American national security establishment. Under this cloud of suspicion it did not help that President Obama claimed he knew nothing about Angela Merkel's phone having been bugged. Much of the German public just saw his statement as more evidence of an out-of-control shadow state of ruthless anti-terror warriors on the other side of the Atlantic.

Thus, many Germans already distrusted the American national security establishment, and intelligence services in general, even before the appearance of Edward Snowden. His revelations therefore fell on fertile ground. That being said, one should not overstate this German exceptionalism. Snowden's stories were embarrassing for the NSA, and there was no shortage of schadenfreude about it among many Germans. But beyond that they were, for once, just ordinary Europeans.

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