The streets of Berlin are haunted by history.

Standing in the shadow of the Brandenburg Gate, reminders of Germany’s turbulent past are in every direction. The skyline to the east is dominated by the Alexanderplatz television tower. The East German government built it as a symbol of the socialist system’s alleged strength and efficiency. On the western horizon, the sunset is often obstructed by the Victory Column, which commemorates the 19th century wars of German unification. A 90-degree pivot north provides a glimpse of the glass dome of the Reichstag building, a beacon of hope for a united country divided for decades. And to the south lies the labyrinthine stone tribute to the millions murdered by the Nazis during the Holocaust.

History has meaning in Germany, and the lessons are passed from one generation to the next. How do these constant reminders shape the values and behavior of a modern democratic country? Every nation’s identity is a reflection of its collective experience, and Germany is no exception. In fact, the country is unique in the way its history and culture have established parameters for online engagement in the digital era.

Germany is a complex case. Its social, economic and regional diversity complicates any understanding of the country. Yet, certain core values are clearly pervasive: a demand for privacy, risk avoidance, a preference for stability and the need for consensus. With such deeply ingrained principles, many Germans are unsettled by the very notion of technological disruption. The digital revolution has arrived nonetheless, and it has created a series of paradoxes that are shaping the trajectory of German democracy.

**Democracy Interrupted: Weimar, War and the Wall**

Any analysis of Germany’s present and future requires an understanding of its past. Democratic norms and practices in all countries are distinct, and eccentricities
are often byproducts of history. The need for consensus and stability in German politics, for example, is a direct result of the trauma of the country's 20th century experiences. German democracy has gone through many iterations since the end of World War I, and that's where our story begins.

Experimental Democracy: The Rise and Fall of Weimar

After four years of battle and millions dead, a vanquished Germany sought to rebuild itself in the aftermath of “the war to end all wars.” It had to do so, however, under conditions imposed by the Allies under the Treaty of Versailles, one of which was the abolishment of the German monarchy. This left the parliament, or Reichstag, to deal with issues of peace, reconstruction and the establishment of a new government. Meeting in the city of Weimar, a constitutional assembly drafted a framework for a democratic system that would be named after the city of its birth. Discussions about the emerging Weimar Republic were held against a backdrop of violence between the political Left and Right, and widespread malnutrition and poverty. Delegates to the assembly, which included philosophers, legal scholars and historians, faced the immense challenge of creating a representative democracy that would eschew past authoritarian tendencies while striking an ideological balance that left and right could accept.

In the end, the assembly drafted a progressive constitution that called for a president, chancellor and two legislative bodies – upper and lower houses of parliament – whose members would be elected every four years. The document also included a list of rights common in most Western democracies, including freedom of speech and freedom of the press. The assembly was actually ahead of its time by including clauses that provided a social safety net and language preventing employment discrimination on the basis of gender, religion or party affiliation. This was welcomed on the left, but the right needed something else.

The need for consensus and stability in German politics, for example, is a direct result of the trauma of the country’s 20th century experiences.

In an effort to bring conservatives into the fold, the framers of the Weimar constitution strengthened the presidency. The holder of that office would be elected every seven years and have the authority to dissolve parliament. The assembly also introduced Article 48, which ominously noted, “If public security and order are seriously disturbed or endangered within the German Reich, the President of the Reich may take measures necessary for their restoration, intervening if need be with the assistance of the armed forces.”

The constitution also empowered the president to suspend civil liberties and essentially rule by decree. During the Weimar Republic, presidents would invoke Article 48 dozens of times in response to the era’s chronic economic, political and social crises.

The Treaty of Versailles had disastrous consequences for Germany. In addition to stipulating a loss of territory and placing significant restrictions on the
size of the German military, the treaty imposed economic penalties that would reverberate for a generation. The Weimar government was saddled with a reparations bill amounting to about 96,000 tons of gold\(^2\) without any practical way of paying that debt while rebuilding the country. Faced with the possibility of raising taxes on an already-destitute population, Berlin decided instead to print money to ease its financial situation. The resulting hyperinflation only increased the political, economic and social instability. In July 1914, four German Reichsmarks bought one U.S. dollar. By January 1923, a greenback was worth 353,000 Reichsmarks. By November that year, the exchange rate was more than four trillion to one.\(^{3}\)

Disillusioned by the government’s response to economic crisis, Germans narrowly elected a former Prussian general, Paul von Hindenburg, as president in 1925. Von Hindenburg showed little enthusiasm for the new democratic institutions, especially the Reichstag, and took full advantage of Article 48 as political and economic pressures continued to rise. He effectively ruled by decree by the end of his first term; years of governing through executive fiat had continually weakened the power of the legislature.

The volatility opened the door to a shift in German politics that would forever change the country. Running on a platform of restoring order and economic prosperity, Adolf Hitler challenged von Hindenburg in the 1932 presidential election. And though Hitler was defeated in this race, his Nazi party gained sufficient momentum to become the largest party in the Reichstag following a parliamentary election several months later. Within a year of that, after much political maneuvering, von Hindenburg named Hitler chancellor. Germany’s democratic experiment had come to an end.

**Descent into Dictatorship**

Hitler took steps to solidify his stranglehold on the German political system shortly after assuming power. Within weeks of becoming chancellor, his party cohorts began rounding up parliamentary opponents to prevent them from voting against “The Law to Remedy the Distress of the People and the Reich,” also known as the “Enabling Act.” This measure effectively gutted the power of the president and the parliament, sealing the transition from democracy to dictatorship. It required a supermajority to pass, which the Nazis ensured would happen. The Supreme Court, which should have acted as a check on this obvious abuse of power, stood by idly and allowed the law to stand.\(^{4}\)

With the levers of government under Hitler’s full control, German democracy was a sham. Parliamentary elections took place during the Nazi period, but the results were pre-determined. In fact, a decree signed by Hitler ensured a favorable outcome. Article 1 of the “Law Against the Founding of New Parties” declared that “[t]he National Socialist German Workers Party is the only political party in Germany.” Article 2 cemented Nazi control: “The maintenance of the organizational cohesion of another political party or the founding of a new political party is punishable with prison of up to three years, or with jail from six months to three years, insofar as the act is not punishable with a higher penalty under other provisions of the law.”\(^{5}\) In November 1933 elections, the Nazis won all 661 seats in the Reichstag.\(^{6}\) The farce was repeated three years later with the same result. And in 1938, after Germany annexed Austria, parliamentary elections, the last until after the end of World War II, were again held, allegedly to rally support of the Third Reich’s newest citizens.
Violations of democratic norms were not confined to the ballot box. The litany of human rights abuses and war crimes committed by Hitler and the Nazi regime are far too numerous to list here. It should be noted, however, that the genocide, elimination of privacy rights and the culture of suspicion and fear that defined this dark period in German history would be felt by generations well beyond those who personally experienced the atrocities. Even today, successor generations of Germans point to the Nazi era as central to shaping the way they view their country and the world.

After Destruction... Division

The end of World War II in 1945 brought the American, Russian and British allies together in Potsdam to determine defeated Germany’s fate. Keen to discourage German recidivism, they divided the country into administrative zones, effectively partitioning the country between the democratic west and communist east. The American, British and French (who demanded a role in the occupation of Germany) zones eventually formed the Federal Republic of Germany (West Germany) while the Soviet zone became the German Democratic Republic (East Germany).

West Germany adopted in 1949 its Basic Law (equivalent to a constitution), which established the framework for a democracy. The Basic Law’s first section reflects the legacy of Nazi violations and atrocities, and a commitment to prevent any repetition of them. That section enshrines freedom of religion, expression, assembly and association. It also stresses the right to privacy, to property and to petition the government. The Basic Law was intended to apply to all Germans in all of Germany, but the Soviet Union had different plans for its zone.

Despite West Germany’s relative freedom and the strength of its democratic institutions, an outbreak of student movements there in the late 1960s challenged the status quo.

As West Germany worked to establish its democracy, East Germany underwent a methodical transformation into a Soviet-style authoritarian state. The communist Socialist Unity Party (SED) held nominal power in East Berlin, but actual authority resided in Moscow. A constitution established two legislative chambers – the States Chamber and the People’s Chamber – but the SED selected representatives to both, and voters could approve only those candidates. Dedication to Marxist-Leninist ideology in all facets of public life defined suitability for political participation. The early days of the country, officially known as the German Democratic Republic, also saw the creation of the State Security Service (Stasi), which was tasked with monitoring citizens and eliminating opposition to the SED.

As East Germany’s dictatorship solidified, a monthly average of 37,000 of its citizens fled westwards in 1952. That same year, the East German government closed the intra-German border with the exception of the crossing into Allied-occupied West
Berlin. The effect was akin to squeezing a balloon at one end, as East Germans flocked to Berlin to escape. The situation eventually became untenable for the SED, which led to the construction of the Berlin Wall in 1961.

Despite West Germany's relative freedom and the strength of its democratic institutions, an outbreak of student movements there in the late 1960s challenged the status quo. Students, dismayed by the presence of former Nazis in positions of influence, rising economic inequality and perceived undemocratic legal reforms, took to the streets. Government accountability and responsiveness to the electorate would thereafter be a prerequisite for German democracy. East Germany had its share of political volatility at about the same time, but its source came from within the ranks of government and culminated in a change in SED leadership in 1971. Still, East Germans, subjected to the Stasi’s near-omnipresence, continued to be denied basic democratic rights. The Stasi was not a benign intelligence service seeking to preserve order, but a malevolent and brutal government apparatus used to suppress political opposition or protest through a network that forced neighbors to spy on neighbors and family to betray family. Even the most innocuous shred of information, manufactured or otherwise, could be used to incriminate.

The system remained strong for decades until the Soviet Union ushered in a period of glasnost (openness) and perestroika (restructuring). Demand among East Germans for similar reforms took root in 1989 in Leipzig, which manifested in a series of peaceful marches that attracted growing numbers of protestors. The decision by the government and security services not to intervene lent additional momentum to this pro-democracy movement, which soon emerged elsewhere in the country.

Many factors eventually contributed to the collapse of the Berlin Wall, and that story has been told in scores of other publications. It is important to note, however, that on that night in November 1989 when the Wall opened, East and West Germans came together to support democracy in a country that had mixed experiences with this form of government. Within a year of the Wall’s fall, Germany would be reunified and democratic.

**Two Sides of the Same Coin**

German unification in 1990 did not mark the end of the transition from authoritarianism to democracy. It was, rather, the starting point. Merging two countries with vastly different political, economic and social experiences, attitudes and expectations would prove difficult to manage. Both sides in general supported democracy, but there was less consensus on its basic characteristics. “While in West Germany a model of liberal democracy was favored, which was in line with the institutionally implemented structure, a model of socialist democracy was mostly preferred in East Germany.” Expectations that this split would soon evaporate proved wrong. Studies conducted as recently as 2014 indicate that those socialized in the east and west still maintain distinct, and sometimes incompatible, definitions of democracy. Nevertheless, the Basic Law of 1949 was applied to the newly unified Germany and democratic rights and responsibilities were finally extended to all Germans, despite the reservations of some.

Germany’s two parts still shared a history that placed great value on consensus, stability and pragmatism. And these virtues have been most evident in the choices Germans have made at the ballot box since reunification. They have had
three chancellors since then – Helmut Kohl, Gerhard Schroeder and Angela Merkel – compared to Italy’s 15 prime ministers in the same time. Today's coalition between the center-right Christian Democrats and center-left Social Democrats exemplifies the model of consensus and stability that Germans prize.

From public demonstrations on issues ranging from workers’ rights to trade, to endless deal-making in the Bundestag, Germany has all of the hallmarks of a dynamic democracy, even if some of them betray a dark side of society.

The desire for predictability in German democracy does not mean that the electorate is inactive or placid. On the contrary, contemporary German democracy is robust in many ways. From public demonstrations on issues ranging from workers’ rights to trade, to endless deal-making in the Bundestag, Germany has all of the hallmarks of a dynamic democracy, even if some of them betray a dark side of society.

Free speech, despite its legal limitation, has given rise to anti-immigrant and anti-Muslim hate speech, with the right-wing, nationalist Alternative for Germany party finding a place for itself on the political spectrum. But Germany is not the only democracy witnessing such developments. From the Tea Party in the U.S. to the National Front in France, extremist movements have managed to capitalize on public discontent with their respective national economic and social situations. Their presence does not signal a weakening of democracy, but rather the system’s strength and durability.

History is at the core of Germans’ views of themselves and the world. It has shaped their social and political interaction with one another, and it has come to determine German national identity. In the next section, we will briefly put Germany “on the couch,” and delve into the impact of the country’s experiences and values to gain insight into the choices Germans make.

Don’t Rock the Boat: Exploring German Core Values

The trauma of the 20th century remains in the German psyche. Prominent signs of patriotism were avoided for decades. Not until the 2006 World Cup, when Germans draped themselves in the national colors of red, black and yellow, was such behavior deemed acceptable. But the weight of history goes much deeper. A national sentiment of “never again,” a reference to war and genocide, is a common thread that runs through German core values. Decades of academic research and interviews for this publication have repeatedly confirmed that most Germans have three core values: stability, risk avoidance and privacy. Each of these influences how Germans use technology and how government and citizens interact.

The German People: Products of History

In the 1960s, Dutch social psychologist Geert Hofstede created a methodology for defining national cultures and values.
Stability in German Politics

Leaders since German Unity

1990

Kohl

Schröder

Merkel

1990

Mitterrand

Chirac

Sarkozy

Hollande

Macron

15

Thatcher

Major

Blair

Brown

Cameron

May

Andreotti

Amato

Ciampi

Berlusconi

Dini

Prodi

D'Alema

Amato

Berlusconi

D'Alema

Amato

Gentiloni

Prodi

Berlusconi

Monti

Letta

Renzi

Disrupting Democracy
Hofstede originally developed five indicators to define a nation’s identity: a Power Distance Index (PDI), Individualism versus Collectivism (IDV), Masculinity versus Femininity (MAS), Uncertainty Avoidance Index (UAI) and Long-Term Orientation versus Short-Term Normative Orientation (LTO).\textsuperscript{13} Hofstede later added another dimension to his study, Indulgence versus Restraint (IND). Each of these characteristics is present, to varying degrees, in the countries covered by Hofstede’s study. The German case, however, reveals results consistent with core national values.

A national sentiment of “never again,” a reference to war and genocide, is a common thread that runs through German core values.

Hofstede defines the PDI as “the extent to which the less powerful members of institutions and organizations within a country expect and accept that power is distributed unequally.”\textsuperscript{14} Germany’s score suggests that inclusion in governance and decision-making is a priority. Its decentralized form of government, which devolves significant authority to the state (Land) level, has the potential to increase participation and input of the electorate through increased voter contact with representatives. The PDI is closely linked to the core value of stability. It presumes that civic participation produces a sense of inclusion that, in turn, fosters consensus-building and political stability.

IDV is an indicator of “the degree of interdependence a society maintains among its members.”\textsuperscript{15} For Germany, this definition means that the individual maintains a high degree of autonomy and personal responsibility. In some countries, this characteristic may translate into a disintegrating social fabric, but in Germany it manifests itself as the individual’s self-defined obligations to the community. IDV, therefore, becomes closely linked to the notion of preserving stability, but it also touches on the concept of personal privacy. Germany scores well above the global average in this category.

The Masculinity versus Femininity indicator is less chauvinistic than its name implies. This is a comparison between a competitive society and a cooperative society, and Germany’s score reflects heightened competition.\textsuperscript{16} This result is less consistent with self-proclaimed core German values, but it does align with the strong work ethic often associated with the country.

Germany is also famous for risk aversion, and many entrepreneurs point, as an example of this, to the belief that venture capital is risk capital. In addition, the consequences of bankruptcy are far more serious in Germany than in countries such as the U.S., where risk and failure are key drivers of a start-up culture. But German risk avoidance extends beyond economics. It is also pervasive in government and the personal sphere. According to Hofstede, the Uncertainty Avoidance Index reflects “the extent to which the members of a culture feel threatened by ambiguous or unknown situations and have created beliefs and institutions that try to avoid these.”\textsuperscript{17} Hofstede points to German philosophers to explain the presence of this phenomenon in Germans, but their experience with political and economic volatility also plays a significant role. To
provide some comparison, the results for Germany indicate that it is substantially more risk averse than both the United Kingdom and the United States. Does this avoidance of risk create significant obstacles for adopting new technology? Would a government seeking to mitigate risk experiment with digital platforms?

A country’s long-term and short-term orientation is relevant to its digital revolution, and this is particularly true for Germany. In Hofstede’s analysis, LTO is the extent to which “every society has to maintain some links with its own past while dealing with the challenges of the present and the future.” This concept – that the past influences the approach to present and future challenges – is prevalent in Germany, and the numbers in Hofstede’s study reinforce this assertion. The country cannot distance itself from its history despite the passage of time. Today’s Germans may not have experienced the horrors of World War II, but the legacy of that time passes to succeeding generations in the classroom.

Those who doubt the connection between the past, present and future may look to two comparative cases in Hofstede’s study for evidence that it exists. Japan, with its own belligerent 20th century history, has yet to accept full responsibility for the atrocities committed in its name. It has an LTO five points higher than Germany’s, meaning that history weighs even more heavily on Japanese society than German. By contrast, Ireland’s LTO score reflects an environment in which most policy and personal choices are independent of the republic’s history. This mirrors statements by Irish politicians about not dwelling on a chronically troubled relationship.
with the British that was long marked by occupation and conflict.

The final indicator in Hofstede’s index, Indulgence versus Restraint, explores “the extent to which people try to control their desires and impulses”\(^{20}\) to adhere to social norms. Germany’s history makes its placement on the IND spectrum predictable. The score reflects a highly restrained society. From its excessive personal savings to a general aversion to ostentatiousness, Germany shows virtues associated with stability, risk avoidance and consensus. The U.S. and Brazil, for instance, score quite differently than Germany on the IND scale, an indication of their notorious indulgence.

One particularly pronounced German trait not covered by Hofstede is an insistence on privacy. This is an issue, along with data protection, that inevitably arises in any public discussion about the digital space. Violations of privacy, first by the Nazis then by the Stasi, have left deep scars in the German psyche. More recent revelations of spying by the U.S. National Security Agency, and frequent revelations of data stolen by hackers or sold by corporations, reinforce a reflexive desire to protect one’s identity and information. But there is more to this story.

James Q. Whitman, a prominent American law professor, writes in the *Yale Law Journal* that “German privacy law grew in large part out of an effort to create a richer German alternative to the ideas of liberty that grew up west of the Rhine, and especially to English ideas of liberty.”\(^{21}\) This means that German law evolved differently than in other western countries and drew important lessons from the Nazi period that must not be preempted. Perhaps because of the loss of individual identity in the 1930s and 1940s, Germans have re-defined privacy in personal terms. Whitman suggests that liberty in Germany does not have the same meaning as in the U.S. or the U.K. To Germans, liberty is centered on the individual’s ability to maximize his or her potential or personality. Whitman goes on to argue that German tradition “treated the protection of privacy simply as one aspect of the protection of personality more broadly.”\(^{22}\) This idea has become rooted in a legal system that codifies the rights of an individual’s privacy – rights that have endured the test of time and now form a cultural norm in Germany.

Still, a burgeoning startup scene has recently emerged in Germany, with Berlin alone attracting more than US$3 billion in investment in the past two years.

With an understanding of the historical and cultural features that make German identity unique, we can explore the benefits and consequences of German identity – and uncover the paradoxes that make Germany’s approach to the digital revolution distinct.

**Paradox 1 – Digital or Analog: If it Ain’t Broke, Don’t Fix It**

Germany is well known for being the home to some of the world’s most technologically advanced companies. From Siemens to SAP to Bosch to BMW, large German corporations thrive in the
digital economy. The German *Mittelstand* (medium-sized enterprises) continues to be the foundation upon which economic success is built, and technological advances in manufacturing have greatly enhanced these companies’ ability to compete. At the same time, they tend to stay focused on core operations. When asked about his approach to the Internet of Things, one business owner responded, “You’ve got the internet, we’ve got the things.”

Although there is general satisfaction in Germany with the delivery of public services, government and residents recognize the need to expand the digitization process.

Still, a burgeoning startup scene has recently emerged in Germany, with Berlin alone attracting more than US$3 billion in investment in the past two years. Global successes, such as Sound Cloud, Zalando and Rocket Internet, have served as inspirations for aspiring tech entrepreneurs, and the government has sought to cultivate this environment. In fact, approximately 50 percent of funding for German startups comes from the state. The tech sector has consequently become a critical voice in encouraging the government to adopt more digital-friendly policies, to transform Germany from tech followers into tech leaders, and to change the structural and emotional roadblocks to risk.

The public sector, however, shares little of the flexibility and ingenuity required to provide online government services, engage with the electorate or provide the level of transparency that is now common among modern, digital democracies. Chancellor Angela Merkel best encapsulated the lagging government effort on the digital front when she called the internet “Neuland,” which can be translated as new or uncharted territory. That she made the statement only in 2013 is notable. Despite efforts to improve German e-government, most transactions between federal officials and citizens continue to be documented on paper. Some “smart” cities exist, and they are making significant leaps with e-governance on the local level, but federal bureaucracy remains largely analog.

Although there is general satisfaction in Germany with the delivery of public services, government and residents recognize the need to expand the digitization process. But this must be done within the parameters of history and culture, both of which impede the transition. In the United Nations e-Government Knowledge Database, Germany ranks 15th out of 193 counties for e-government development, and 27th for e-participation. But those rankings obscure the realities with which most Germans must contend to complete an official task. Kafkaesque stories abound of endless queues, stacks of paperwork and bureaucrats whose sole responsibility is to service citizens with surnames beginning with a particular letter.
There are several explanations for maintaining this antiquated bureaucracy. First, the structures and processes have developed over 140 years, and there is consensus among Germans that the system works despite all the paper. Many government officials therefore question the need for a solution to a non-existent problem. Second, the federal bureaucracy lacks the personnel to carry out a digital transformation on the national level. Employment protections for public-sector employees are particularly generous, so it is difficult to replace or re-skill the current workforce to obtain the technical expertise to run an effective e-government operation. The inherent aversion to risk and protection of data and privacy is a third factor. Germans look at the current global landscape and see hackers stealing data from government databases and entire systems collapsing. Without absolute certainty of secure e-government platforms, Germans’ concerns will persist.

A final reason for maintaining current systems is linked to Germany’s federal structure. Germany’s sixteen states (Länder) each have their own constitution, parliament, government structures and judicial bodies. Governmental structures are further sub-divided at the local level for the country’s 12,200 cities and communities and 301 rural districts. Each structure has varying competencies on different issues. Imposing a national
e-government system on all these authorities would be an immense challenge even without a national reluctance to do so.

**Paradox 2: Google Anti-American Bias**

The post-war relationship between the U.S. and Germany has seen plenty of ups and downs. The Marshall Plan and American support for reunification have been highlights; the Vietnam War and NSA scandal have been lowlights. Still, for decades, Germany has consistently counted the U.S. among its closest allies, given a shared history, common values and a strong commitment to democracy. Yet, a pervasive undercurrent of anti-Americanism exists, and the 2016 election of President Donald Trump has only exacerbated it.

The anti-American bias is not limited to politics. A 2014 Bertelsmann Foundation-Pew Research Center survey revealed that Germans overwhelmingly prefer their own products over American equivalents. On the technological front, 85 percent of Germans expressed trust in their own data privacy standards, while just three percent preferred American standards. German trust in American companies follows a similar trend. While Amazon had the confidence of 58 percent of Germans, Facebook garnered a paltry 17.5 percent. Twitter earned the trust of just 11.6 percent of those polled.

There is a disconnect, however, between what Germans tell pollsters and their online behavior. Amazon, for example, generated US$14.1 billion in German sales in 2016. Google, often a target of German ire, has an 87-percent market share of online searches on computers and a 97-percent market share for smartphone searches. Facebook and Twitter count 42 million German users despite the high level of distrust.

How does this paradox impact the digital democracy landscape in Germany?

The widespread use of social-media and other technology platforms means that the German electorate has every technological tool available to connect with government, to collect information and to engage in public-policy debates. The challenge, of course, is that the communications channels must be two-way operations. Government must also embrace digital tools to maximize the impact of its work and demonstrate efficiency, transparency and accountability.

**Paradox 3: Privacy Has Its Limits**

Germans will often tell you that they do not trust corporations with their data, but many do trust their government to handle personal information responsibly. Given the country’s history, that may be a surprising position. But the pre-unification West German government’s record on privacy was an example for others to follow. In accordance with the spirit of the Basic Law and its guarantee of privacy, the German bureaucracy continues to safeguard personal data by storing it in silos so that no one department or entity has access to too much data on any individual.

A 2016 survey conducted by Open Exchange found that 80 percent of Germans agree that everyone has a fundamental right to privacy. In the same study, 75 percent of respondents indicated that they pay close attention to the balance the government strikes between surveillance and data privacy. Given the importance of privacy to Germans and the vigilance with which they protect these rights, a series of recently enacted laws seems to create a paradox between national values and government policy.
This legislation includes:

**Telecommunications Data Retention Law**
Passed in 2015, this law was intended to require telecommunications companies, starting July 1, 2017, to gather user data and make it available to authorities for the purposes of fighting crime or stopping dangerous activities. After a court found that it violated EU law, the legislation was suspended.

**Flight Passengers Data Law**
This legislation requires airlines to collect information on passengers, maintain it for five years and share it with the Federal Criminal Police. The measure was meant to conform to EU guidelines, but many Germans believe it goes too far. It nevertheless came into force on June 20, 2017.

**Source Telecommunications and Online Surveillance Law**
The so-called Staatstrojaner (state trojan) Law permits wider use of malware to capture data from potential criminals. Once inside a phone or computer, authorities may read emails, texts, phone calls, notes and files stored on the device. In practical terms, the Federal Criminal Police (Bundeskriminalamt) could place a state trojan on the devices of those who pose a concrete and serious danger to others. The law was largely intended to be used to investigate potential terror attacks. Now, the state trojan can be installed to monitor individuals suspected of a wider range of crimes (all crimes designated as “serious crimes,” as listed under paragraph 2 of the Criminal Trial Rules (Strafprozessordnung)).

**Law for the Better Enforcement of a Duty to Leave**
After the 2016 attack on a Berlin Christmas market, carried out by a Tunisian whose deportation was waived after his home country refused to guarantee repatriation, this legislation was proposed to give authorities the ability to deport even without a commitment from the receiving country. It also permits authorities to use metadata from asylum seekers’ phones to determine their origins. While authorities could previously inspect migrants’ phones, they can now access data concerning where migrants have been, and when. The Bundestag approved this law on May 18, 2017.

**Video Surveillance Improvement Law**
Also coming in the aftermath of the Berlin Christmas market attack, this law gives the state greater latitude to use video surveillance in public areas. This includes the increased use of body cameras on law-enforcement officials.

**Network Implementation Law**
This legislation, also known as the Facebook Hate Speech Law, allows the government to fine Facebook up to 50 million euros if the company does not remove content with hate speech on its platform within a fixed period of time.

These three paradoxes illustrate the social complexities of digital-era issues. The path to e-government, or digitization of services, is not linear for all countries. Germany’s trajectory directly reflects its history, its culture and even the paradoxes of its society. This uniquely German combination, however, does not just frustrate the implementation of new technologies. By contributing to an environment that fosters digital-era democratic experimentation, these forces also exercise a positive influence.

**Democracy without Disruptions**
The very concept of “disruption” runs counter to the modern German ethos. Order, stability and predictability are valued, particularly in government and
public service. That does not prohibit a German digital transformation, but it does indicate a need to manage the transformation in a particularly German way.

Chancellor Merkel has eschewed Twitter as an active user, but recently quipped that she closely follows President Trump’s tweets to help her understand American foreign policy.

The country’s small, liberal (in the European sense) Free Democratic Party (FDP) was for years the sole proponent of digitization in the German legislative establishment. The party was recently consigned to the political wilderness, but its revitalization has coincided with the placement of globalization and digitization at the forefront of its platform. Party Chairman Christian Lindner is leading by example with an active social-media presence that has attracted more than 300,000 followers on his Twitter, Facebook and Instagram accounts. Chancellor Merkel has eschewed Twitter as an active user, but recently quipped that she closely follows President Trump’s tweets to help her understand American foreign policy. Nevertheless, the chancellor and her party, the Christian Democratic Union, have taken note of the FDP’s digital agenda, and have co-opted the issue into their party platform for upcoming federal elections. Their manifesto commits to spending 12 billion euros by 2021 to expand the broadband network in a country with spotty urban service and significant rural dead zones. These steps are incremental, and Germany is unlikely ever to replicate the major technology overhaul seen in “E-stonia.”

Still, a modest Digital Administration plan is being implemented, and it aims to make visits to authorities for bureaucratic purposes largely superfluous by 2020. The plan includes an E-Government Law (EGovG), which sets out requirements for federal government agencies to develop centralized portals for email correspondence, electronic IDs and an expanded payment platform. The Bundestag, for its part, is also trying to expand its digital links with constituents, but those efforts have been tempered by recent incidents of hacking of websites associated with politicians and the parliament.

**Filling the Void**

Where government has fallen short, the German non-profit sector has stepped in. NGOs have undertaken successful initiatives that are shaping German digital democracy, and these efforts include:

*FragDenStaat*

In the center of the *FragDenStaat* (Ask the State) homepage is an offer to search thousands of requests and agencies. *FragDenStaat*, a project by the Berlin-based non-profit Open Knowledge Foundation, has developed expertise in organizing and managing freedom-of-information requests to simplify the process for anyone with a question for the state. The website provides information...
gathered from previous requests or forwards a query to the relevant agency, thereby contributing to greater government transparency.

OParl – Politik bei uns

OParl, or Open Parliament, another project by the Open Knowledge Foundation, gives local governments the digital tools needed to increase the transparency of their decision-making processes. One such tool, the website Politik bei uns, or “Politics near us,” brings up-to-date information on local government to the citizens they serve. While the platform has a long way to go to cover every locale in Germany, it already offers a wealth of information for the numerous towns and cities it currently covers. With a few clicks, a user can quickly find the most recent city documents on Ulm’s water-park renovations or Bochum’s plans for green infrastructure.

Bureaucracy

Bureaucracy is daunting in many countries, and Germany is no exception. When two young Syrian refugees, Munzer Khattab
and Ghaith Zamrik, arrived in Berlin, they faced an already overwhelmed asylum system that had little capacity to enact reforms. The duo set out to develop an app and online platform to help those confronting bureaucratic hurdles. With no programming skills, they enrolled at the ReDi School of Digital Integration, a non-profit that provides free coding lessons. Khattab and Zamrik used their education to create an app that provides forms that migrants and refugees are likely to need. The Bureaucrazy app also offers English and Arabic versions of the forms and advice on completing them. A map function shows the locations of relevant government agencies. The developers hope the app will be useful not just for those seeking asylum, but for any newcomer needing help with German bureaucracy. The app serves as a model for greater access to government services.

A Final Word
Some countries have started from scratch to create an all-encompassing e-government system. Other countries are moving swiftly to reform existing systems,
and migrating all documents, data and services onto digital platforms. Germany now also recognizes the need to digitally modernize government but must tackle its history, culture, law and political structure if it is to achieve full digital transformation.

Germany is making progress in e-government, but the country is already decades behind others. Ever newer technologies in algorithmic decision-making and artificial intelligence are now finding their way into governments worldwide that had the foresight and flexibility to get ahead of the curve. Germany has much catching up to do.

There is a happy medium between keeping technology at bay and turning government entirely over to robots. Policymakers in Berlin have the responsibility to determine the locus of that compromise if they are to provide a government fit for the 21st century.

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Transforming, Not Digitizing: Germany’s Path to Digital Democracy
By Laura-Kristine Krause

While Germany is an economic powerhouse within the European Union and worldwide, it is far from pioneering when it comes to digital transformation. Political efforts regarding digitalization mostly focus on regulating digital industries and weathering the digitalization of the SMEs that drive Germany’s economy. While practically all political stakeholders emphasize the importance of the digital transformation, it is still treated rhetorically as a novelty, and Germany lags behind other European Union countries in many areas of digitalization. The importance of digitalization beyond internet politics and in advancing “classical” policy fields (e.g. social and labor affairs, investment policy, education, etc.) is slowly being understood, but is not yet mirrored in the way political administrations organize and recruit talent.

In this environment, digital democracy and digitalization opportunities within the democratic process and social change have, at best, taken a backseat, while debates concerning other aspects of digitalization have been given priority. The discussion around digital democracy remains buzzwordy and abstract, especially within organized politics. While civil society has started to embrace the opportunities offered by digital tools—in terms of different forms of engagement and local initiatives—only a few official institutions have looked beyond digitalization as a means of providing information and grasped its full potential.

At present, liberal democracies are facing challenges in Europe and beyond. This is also true for Germany, despite its stable government coalitions and administrative structures. By way of example, the Alternative für Deutschland (AfD, Alternative for Germany), a right-wing populist party, is represented in 13 out of 16 state parliaments for the first time, having gained more than 20 percent of the votes in recent state-level elections. This is especially remarkable, given that the AfD was only founded in 2013. The refugee situation, which saw 890,000 refugees entering Germany in
2015, according to the German Ministry of Interior, has spurred both a wave of civic engagement as well as one of xenophobic crime. German political parties, gifted with a stable party system, see their membership dwindling and are faced with the challenge of providing an attractive place for political engagement. Germany is faced with the same transformation of the public sphere through digitalization as other nations. Political stakeholders, as well as the media, are still searching for their place in this new landscape.

At the same time, Germany is currently seeing a surge of civic engagement towards the strengthening of democracy and the protection of an open society. The Brexit vote in June 2016, the election of Donald Trump as the 45th president of the United States, and neighbors Austria and France almost electing right-wing presidents, have caused many Germans to ask themselves if their democracy is also less stable than it seems. Many new organizations concerned with this issue have formed in recent months, and major parties have seen an influx of new members in winter 2016-2017.

It would, therefore, be an understatement to say that there is fertile ground for a debate on digital democracy in Germany. Finding answers to political disenchantment and populism for the modernization of institutions and the revitalization of political parties in digital transformation seems promising. However, this debate is, at best, taking place on individual aspects of digital democracy, such as e-government or e-participation.

What is missing in Germany is an overarching conceptualization of the potential of “digital democracy” and a debate on how ongoing efforts within public administration and civil society could be combined to truly “digitally transform” Germany’s liberal democracy.

Making a Case for Digital Democracy

Political actors need to respond to increasingly complex challenges. Our democratic system has to be – today more than ever – responsive to global challenges and able to handle an increasingly complex and digital political environment. Rising populism, increasingly radical mindsets, waning confidence in political institutions, and increased expectations toward political participation, add extra challenges to the established processes and structures of liberal democracies that were set up decades ago. While digital transformation will not be the only answer to these challenges, it will be key to democratic institutions and political stakeholders acting decisively in an increasingly digital world.

But what does a digital transformation of democracy actually entail? Does it mean digitizing the current political system and taking advantage of the new communication channels the internet provides? To define digitalization simply as digitizing existing processes and structures would disregard the opportunities the technological and social innovation of digitalization affords. It is important to digitize what is already in existence, but this should only be the first step. It must also be recognized that the new information and communication infrastructures emerging through digitalization profoundly shape our understanding of politics, political organization, institutional designs, and therefore, the democratic process itself.

This needs to be reflected in a debate on digital democracy.

In this regard, lessons can be drawn from the French philosopher Derrida. “New technologies are more than just more efficient techniques or means to perform a certain function or task. Rather, they...
are effecting profound transformations in the public sphere, changes that alter the dimensions of public space as well as the very structure of res publica.” In other words, digitalization might be both the trigger as well as the agent for the transformation of liberal democracies.

Rising populism, increasingly radical mindsets, waning confidence in political institutions, and increased expectations toward political participation, add extra challenges to the established processes and structures of liberal democracies that were set up decades ago.

Looking at digital democracy from this perspective does not mean that democratic processes are transformed simply through the incorporation of digital tools. While tools can certainly trigger further process innovations, a debate on digital democracy should look beyond a tool-orientated approach. Moreover, it is important that transformation is understood as a change in attitude and as experimentation in process, and that a full agreement that a “digitized democracy” – while never fully digital – will look different than democratic systems built in the 20th century.

**Thinking Beyond Participation - What Does a Digital Democracy Entail?**

The digital transformation of democracy could serve as an opportunity to provide answers to a binary choice that has occupied the debate on the future of democracy in Germany for a good part of the past few decades. Direct democratic measures – for which digitalization truly served as a stepping stone – are often framed as antithetical to representative democracy. At the same time, direct democracy and participation may offer a chance to bypass frustration and annoyance with political institutions that increasingly seem clumsy, opaque and outdated. The result is an either-or framing of representative democracy and civic participation.

Digital democracy could essentially enhance both, strengthening representative democracy and its institutions while responding to demands for political participation beyond elections and opening new and sustainable avenues to participation. One of the leading questions in this context is how to use digital devices for engaging more citizens in a “user-friendly” way. The rise of digital technology does not only call for new forms of participation and deliberation, but also requires a discussion on the adequate political organization and institutional designs of democracy. In response to quickly evolving digital communications, structural innovation in liberal democracies is highly relevant and required.
One of the leading questions in this context is how to use digital devices for engaging more citizens in a "user-friendly" way.

In this spirit, the potential for digital democracy in Germany should be comprised of three pillars:

• **Information:** Digitalization and the (mobile) internet create quick and easy opportunities to obtain information. Political institutions and stakeholders now have the opportunity to directly (and remotely) connect with and inform citizens on a large scale. The power of the internet to offer access to knowledge is unmatched, and seizing the opportunity to inform oneself (either directly or through media outlets) is the first step to actively participating in a democratic society. Providing this access to citizens is not limited to news and current events, but should also include information on institutions and political processes themselves.

• **Participation:** The internet creates a virtual space for deliberation and is therefore a powerful source for new forms of political organization. Online petitions, mobilization platforms of political parties, and local initiatives organized with the help of digital tools are only some examples of digital opportunities for participation. Communications technology can also be applied in public assemblies, mini-publics, or for legislative consultation. Furthermore, digitalization is useful in forging connections with the “offline world,” by combining digital and analog participation concepts. The digitalization of participation holds the promise of eventually involving and including each and every citizen in the political process.

• **Transformation:** Today’s democracy needs to be agile, resilient and capable of responding swiftly to outside challenges. The digital transformation of democracy calls for a “user-centered” approach to democracy, reorganizing (or at least experimenting with the reorganization of) structures in the administration, party organization and established political processes. This approach can be applied to inter-institutional interactions and interactions between institutions and citizens. One example of this approach is the internal transformation of government institutions so they are able to incorporate the results of direct democracy and participation into administrative and political processes. Without this user-centric focus, participation is at risk of getting lost in structures that – at least in the case of Germany – were conceived in the Bismarckian era. Transformation is therefore necessary to provide an organizational counterpart to participation and to fully incorporate other (digital) innovations to democracy.

### The State of Digital Democracy in Germany

So where does Germany stand on the possibility of embracing the concept of digital democracy, and do the necessary prerequisites exist for its transformation? While this paper cannot serve as a full assessment of the ongoing efforts on digital democracy (something which is much needed), it is safe to say that German stakeholders ought to contribute more effort towards developing all three dimensions addressed above.
Eighty-seven percent of German citizens use the internet on a regular basis, with surveys attributing digital competency to 68 percent of them.\textsuperscript{9} Compared to other European Union countries, Germany is clearly above average, ranking seventh in the regional grouping. This assessment stands, despite the fact that Germany is not on track to fulfill its goal of providing 100 percent of the country with broadband internet by 2018.\textsuperscript{10} The high numbers on overall use of the internet among citizens stands in stark contrast to the digitalization of the public sector. Germany has one of the lowest rates of online interaction between citizens and public administrations in the EU. Only 19 percent of Germans use electronic services offered by the public administration, ranking Germany near the bottom in the EU. Part of the reason for this is that e-government services in Germany are not user-friendly.\textsuperscript{11} Citizens are also often unaware of the online opportunities already in place, although this information deficit is declining.\textsuperscript{12} When the European Commission analyzed the overall state of digitalization in all European Union member states, it concluded, “[t]his [digital public sector] is the area in which Germany does worst and makes practically no progress.”\textsuperscript{13}
Efforts to Digitize the Administration

There have been a number of efforts by the federal government to advance e-government services, some of which are still ongoing. The German Ministry of the Interior launched the initiative Digitale Verwaltung 2020 (Digital Administration 2020) in 2014 and previously supported e-government initiatives. In 2013, the German parliament passed an act to promote electronic government, intended to establish the requirements for digital administrative services.\textsuperscript{14}

Expanding digital administrative services and working on a country-wide portal network is also part of a recent agreement among the German states and the federal government on the restructuring of the federal financial relationship. But a completion of these goals is still a long way off, and e-government maintains its status as an evergreen political demand in German politics. This is also evident in the run up to the 2017 federal elections.\textsuperscript{15} Digitalization of the administration is one of the election promises that both major parties have brought forward,\textsuperscript{16} while the Ministry of the Interior has promised a digitalization of all proceedings by 2022. Many critics, however, wonder whether this plan ought to, instead, be undertaken at the local level.

But a completion of these goals is still a long way off, and e-government maintains its status as an evergreen political demand in German politics.
E-government obviously does not equate to digital democracy. But the early stage of political debate in Germany, combined with the fact that the digitalization of the administration is still an ongoing task, shows that the path toward an actual transformation of the administration will take even longer. Furthermore, government and public institutions are mostly concentrated on digitizing existing structures and procedures, rather than creating new ones. Examples range from services, such as applying for a passport or filing tax return forms, to ensuring reachability via secure email (De-Mail), or facilitating digital file management. This is also true for one of the few participatory tools at the federal level, the opportunity to file e-petitions to the German parliament. The e-petition is practically a digitized version of the analog petition, which has a long history in Germany. In digital democracies, providing a digital administration should not be an end in and of itself, but should be a precondition for implementing innovations that serve the previously discussed dimensions: information, participation and transformation.

Efforts to Think Broadly about Digital Democracy in Germany

The most recent effort to think broadly about the context of digitalization and democracy on a federal level was the Special Commission of the German parliament “Internet and Digital Society,” which ran from 2010 to 2013. The bipartisan special commission worked closely with experts from civil society and academia. The sub-group “Democracy and State” made proposals on a wide range of issues, including, but not limited to, e-government, online-participation, transparency of the political process, and the transformation of the public sphere. Some of the proposals were taken up (such as live-streaming every session of the plenary of the German Bundestag), but many of the bipartisan working group’s ideas have not been implemented. At the very least, the reports of the special commission should be revisited by the incoming government and serve as a reservoir of ideas, as participatory tools are scarce on the federal level and digital efforts for democracy in the German parliament currently focus mostly on providing information online.

The major German political parties experiment with some aspects of digital democracy. Practically all federal parties have launched online platforms for party members and make wide use of social communication channels. The right-wing, populist AfD owes much of its success to social-media, and has a stronger following there than larger parties. The German Pirate Party, successful in the years 2010-2015, is also organized primarily online.

While all established parties search for new ways to interact with voters and offer attractive formats for (new) party members, this search is mainly focused on finding tools, not on making parties more attractive through organizational changes, including changes through digitalization. The German Parteiengesetz (Party Act) sets strict limitations on party organization. For example, the current regulatory framework does not allow remote party membership in place of membership in one’s local chapter, nor permit the creation of digitally organized issue-focused working groups on the federal party level. The legal framework thus hinders the incorporation of innovative elements into party processes that could make party engagement appealing to a more diverse population. So far, no concrete political will has formed to amend the Party Act in the upcoming years.

Similar to government administration,
German political parties have not substantially transformed their structures to provide an organizational framework to accommodate increasing civic participation. Until this occurs, online tools and platforms will be limited to consulting party members and citizens (in a form that basically constitutes opinion surveys), and will fall short of full participation (e.g., two-way communication). Even in the dimension of information, Germany’s parties and government institutions have room to improve. Most online activity takes for granted that citizens have a fundamental understanding of the party’s structure, institutions and democratic processes. It is critical that online platforms serve, furthermore, as an information resource about the democratic process itself.

Many best-practice examples for digital democracy (beyond e-government) can be found at the state and local levels, an indication that it is easier to implement them at lower tiers of government. A number of cities experiment with Bürgerhaushalten (citizens budgets), inviting citizens to make proposals for budgetary decisions, and often, to vote on them. Other efforts include combining information on local initiatives and participation processes on one digital, state-level platform, and efforts to include e-participation in the legislative process.

Some of the 16 German states have launched overarching digital strategies, most notably the states of Rhineland-Palatinate, Hesse, and Thuringia. All of these programs cover different aspects of digitalization, such as e-government and the digitalization of administrative processes. One of the most notable strategies regarding digital democracy is the Rhineland-Palatinate government’s “Digital Dialogue,” which deals with societal participation more broadly. What the advancement of digital democracy in Germany needs is a broader understanding of what falls under this concept, including bolder experiments, and a strategy to make best practice approaches at the local level widely known. To put it simply, democracy requires constant learning.

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**Pulse of Europe**

Pulse of Europe is a civil society movement that organizes demonstrations on the first Sunday of each month, asking citizens to meet at a central location in their city and to “demonstrate” for Europe. The goal of Pulse of Europe is to preserve and shape a united Europe and to show publicly that broad pro-European support in society does exist. With this in mind, it aims to counter populist, Euro-critical movements that claim to represent citizens’ attitudes. Pulse of Europe does not put forward specific policy demands. It was founded in Frankfurt in November 2016 and quickly spread to more than 60 cities in Germany, and more than 20 outside of Germany. Pulse of Europe explicitly wants to be a civil movement, offering alternatives to elected representatives as key actors. Through the online-platform www.pulseofeurope.eu, everyone can start a new Pulse in their own city.

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Germany’s Civil Society
Experiments with Digitalization

Cognizant of the Brexit vote in the United Kingdom, the U.S. presidential election, successful populist candidates in France, Austria, the Netherlands, and neighboring Eastern countries whose democracies seem fragile these days, German civil society has become more involved in defending liberal democracy. Germans demonstrated an increase in civic engagement during the 2015 refugee situation, and a multitude of initiatives on democracy subsequently emerged in Germany during 2016 and 2017. Many of them rely on digital communication and online platforms to organize, like Pulse of Europe, a pro-European demonstration that takes place every Sunday in many German and other European cities. Civil society can also leverage platforms for initiatives like die Offene Gesellschaft, a fact checking portal, or hold demo-days to call for ideas to counter populism.

Not all of these initiatives span across Germany, and many focus on maximizing local impact. They show that civil society is embracing digital tools for engagement, which allows for a degree of organization, knowledge transfer and mobilization that would otherwise not be possible. The challenge now remains how these efforts can be connected with the digitalization of political processes, and how digital tools and platforms can serve to increase and widen political engagement – particularly beyond an already active civil society. Some studies suggest that digital platforms do not mobilize new people, only those who are already engaged in the political process.

What Shapes German Digital Democracy

A transformation process like digitalization is obviously also influenced by the political landscape and the political culture of a country. Most assessments of the slow advance of e-government in Germany attribute it to a German specialty: federalism. The German Norms Control Council reports on a yearly basis on de-bureaucratization and on the implementation of e-government. It names the “scattered” German administrative landscape as the main obstacle for e-government. It urges a modernization and a close cooperation among the federal level, the German states and local communities.

An overall reluctance to digitize the political process could also work toward the advancement of e-government and other forms of digital democracy. This reluctance stems from a German culture that shapes attitudes towards data protection and skepticism of government surveillance in Germany. Germans traditionally place high value on their privacy and are skeptical of government data collection. The experience of two
totalitarian regimes (the fascist Nazi Regime and the communist German Democratic Republic) has rooted skepticism for public collection of personal data into German culture. The most notable example of the emotional potential of the issue is the federal census that was carried out in West Germany in the 1980s. Originally intended to take place in 1983, the census caused heavy protests and was boycotted by a broad movement of parties and civil society actors. At the time, almost half of the population rejected the census on the basis of concerns over privacy and the creation of “glass citizens” (the state having a wide array of data on its citizens) through data collection. The protests were accompanied by a case before the Federal Constitutional Court that ordered the census to be held again on the grounds of “informational self-determination,” the German legal construct for the right to privacy. The census was conducted again in 1987, and was once again met with protests.

While data protection does not spark the same emotions today, sentiments surrounding the high value of data protection still stand. Germans are very skeptical of information-sharing between German companies and governments, and place a higher value on their personal data than citizens of other countries. Analyses also show that while the fear of becoming glass citizens is declining, almost half of German citizens remain worried about this possibility. More than half of Germans favor the protection of the right to personal privacy as highly as the protection of national security, with 22 percent even preferring personal privacy to the latter.

There are, however, certain signs that Germans have become more carefree when it comes to their privacy protection. Overall, concerns about data protection and security of online administrative practices fell by half between 2014 and 2016. Use of online media and social networks by Germans during this timeframe remained comparable to other European populations.

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Despite some trends in this field, Germany maintains a de facto ban on electronic voting machines. The Federal Constitutional Court ruled in 2009 that the use of voting machines in the 2005 federal election was unconstitutional. The court did not ban the use of machines but placed relatively high restrictions on their use (e.g. citizens needed to be able to check that their vote was counted correctly after casting it).

The most recent public debate on digital democracy focused on the negative effects of digitalization in the transformation of the public sphere. In an effort to regulate political debates on the internet, the German parliament passed the Netzwerkdurchsetzungsgesetz (network
enforcement law) in its last session before the federal elections. It intends to hold social-media platforms accountable for content and asks them to remove prosecutable content within 24 hours (in drastic cases) or 7 days. The measure was widely criticized by net activists, NGOs and organizations such as Reporters without Borders, mainly for “outsourcing” the decision on prosecutable content to the private sector. The debate around the bill mainly focused on the surge of hate speech, filter bubbles, fake news and other digital phenomena. During the debate, the internet and new communication channels were mostly framed as a threat to democracy, and, at best, as a magnifying glass for societal developments.

The extent to which concerns on data protection and privacy influence the course of digital democracy in Germany will need to be studied in greater depth. It would be particularly interesting to look more closely at attitudes on modernization and the transformation of government.

Nevertheless, digital democracy is still possible despite these concerns, as long as it is understood as a combination of the dimensions of information, participation and transformation.

**Four Pledges to Digital Democracy**

As the assessment of digital democracy in Germany oscillates between skeptical and negative, forward movement on digital democracy is necessary – and possible. Digitalization still holds substantial potential for a (re)vitalization of political processes and institutions already in existence. To seize this potential, it is necessary to continue unpacking the notion of digital democracy itself, and thereby make the concept more tangible when we talk about it. Most importantly, digital transformation will demand that we start working with each other outside of learned structures, and that we incrementally work towards new best practices. These four pledges on digital democracy will hopefully make this feasible in Germany’s case:
• **Thinking Beyond Tools:** Digital democracy can take the form of introducing digital tools into the political process, but is not limited to this alone. When addressing digitalization, we need to think beyond how current processes and structures can be complemented by technical improvements, and focus on how digitalization might allow for entirely new processes and offer new resources that will help us to come up with new ideas. For example, despite digitalization, political parties do not know enough about their members to provide them with tailored participation offers or to actually benefit from their expertise in a systematic manner. Digitalization could help change the status quo. Party members from all over the country could work together on issues through digitalization if given a platform and – more importantly – a say in the party’s decision-making process. This would require changes in policymaking procedures and greater power-sharing, but it would ultimately strengthen German democracy itself.

• **Strengthen Institutions and Civic Participation Concurrently:** Strengthening institutions, and representative democracy for that matter, is not the antithesis of allowing and enabling more public participation. On the other hand, participation should not merely serve as a quick fix for institutions that are perceived as outdated. Digital democracy ultimately holds the potential to organize participation on a large scale. But participation can only be consequential if it is accompanied by functioning and modern institutions. This will require further organizational changes within institutions, such as hiring more staff to process input gathered through civic participation, and more (semi-)formalized ways for institutions to interact with civil society and citizens. Both parties and administration ought to establish more formats in which they receive input and
– most importantly – converse with civil society. Digitalization can help, both in establishing these formats online as well as in making it easier to set them up offline.

**Innovation Happens in Small Steps:** Digital democracy does not mean abolishing analog democracy, nor should it mean imposing a new system on citizens and institutions. Digital democracy is not one large concept, but rather, many small innovative steps. Trying a new form of public deliberation, creating more transparency in political decision-making processes, offering more possibilities for political engagement within parties and beyond – all of this has become easier thanks to digitalization, and offers a reservoir of new concepts. In this approach lie the resources for democratic innovation that have not been sufficiently utilized. Taking an experimental approach to digital innovation in democracy might result in some failed initiatives, but it will also eventually give rise to additional best practices. Not everything has to be created from scratch. Building on current experiences with innovative political projects elsewhere (in Germany and beyond) will help bolster the concept of digital democracy and seize the opportunities it offers.

**Don’t Just Digitize What is Already There, Innovate within Organizations:** Organizational innovation will be crucial for progress in the field of digital transformation. How political problems are solved and how public administration is organized are not set in stone. Especially on the federal level, political parties and institutions need additional or alternative structures. One such structure could be a division within all institutions that examines output through a citizen-centered approach, taking psychological and sociological aspects of users into account. Are administrative services effectively serving the users (citizens)? Are procedures outdated, and could they be improved? Are there incentives for different kinds of political engagement? Another target area would be organizational transformation, which could establish a democratic innovation council, a government committee solely responsible for dealing with innovations for democracy and with the authority to undertake change processes in public administration.

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Note: The views of the author do not necessarily reflect those of the Bertelsmann Foundation.
Citations


8 Another example are 21st Century Town Meetings, which combine face-to-face interaction in small groups with digital networks that allow a high number of remote participants as well as collective decision-making processes.


12 In 2016 57% of those asked stated “no knowledge of many online-offers” as a reason against more frequent use of online administrative services, a decline of 19 points.


15 This text was written before the election on 24 September 2017.

16 The Social Democratic Party (SPD) is putting forward the idea of a “Deutschlandportal” (Germany portal), combining all services at the federal, state, and local level in one digital offer; the Christian Democratic Union is planning a “Digitales Bürgerportal” (digital citizen portal).


This mirrors a trend with other, newly founded parties in Europe, e.g. Movimento 5 Stelle (Italy), En Marche (France), or Podemos (Spain), using the internet more forcefully (and more successfully) than established parties and positioning themselves in opposition to them.


Betterplace Lab lists a multitude of portals (beyond Germany) in their “75 tools for civil society and democracy” spreadsheet


49% of Germans believe that German companies should not pass along personal data to the German government if requested; 76% believe it should not be passed along to the American government. Open-Xchange (2016). Consumer Openness Index 2016, (online). Nürnberg: Open-Xchange. Retrieved from http://bit.ly/2tC1aFz


