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Privacy as Unfolding: German *Netzpolitik* and the Legacy of Colonial Registration

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Introduction

> Many people come and tell me, 'I don't have anything to hide'. It is *not* about hiding. It is about feeling the freedom and the safety to develop your personality, to develop your interests. I will never know whether I like this piece of music or not before I listen to it. And for this possibility, I believe this is the basis of democracy, of any free thinking, feeling, breathing society. We need these kinds of spaces in terms of time, in terms of information, data, surveillance.

In these utterances from a privacy advocate in Germany, privacy is decoupled from association with a dubious desire for secrecy, and presented as a space of temporal unfolding. It is one characterized by uncertainty, and by the potential for subjectivation and sensual delight that are able to occur when outcomes are not pre-determined. This yields an analogical leap from the subjective value of not being surveilled, to the value that obtains for societies at large, and the potential for democratic participation that accrues in the presence of 'breathing' room.

In this chapter I elaborate this view as it emerges through the discourses and imagery of privacy and data protection advocates across Germany, in an assembly known as *Netzpolitik*.[1] The view is inherently temporal, one that continually animates secondary memories of German twentieth-century history, to obviate dark futures it knows to be possible. The history of Nazi censuses in 1933 and 1939, and the pivotal role of machines in assembling, sorting, and weaponizing census data, provides much of the historical basis for

suspicion of mass information collection, and the inherent political dangers of making human life and exchange machine-readable. Memory, here, is also understood in a broader sense to include the development of law: the means by which laws encode, and subsequently reproduce, the values of a place and time. Germany's Basic Law (*Grundgesetz*) which came into effect in 1949, and its conscious application to a growing world of information technology in 1983, provide both a language as well as a set of legal tools, to sustain the concept of free development in the face of mass information processing, known as informational self-determination (*Informationelle Selbstbestimmung*).

In characterizing what these actors advocate for and consequently oppose, I introduce a notion of surveillance as fixing. I understand fixing here in temporal terms – that is, *intemporal* terms – as the gamut of technological efforts to stabilize phenomena in order to contain them. To fix is to hold a person or thing artificially still. Fixing carries with it the moral ambiguity of surveillance, as it can on the one hand signify repair, holding something still with the aim of mending it.[2] In this chapter, however, I explore fixing as a historically specific political technology that emerged alongside the colonial state, to fix certain populations within certain territories. Indeed, the same intemporality is contained within the word 'state' itself, principally defined as a condition in which a person or thing exists 'at a particular time' (Simpson, 1989, pp 550–51).

This notion speaks to two important literatures. The first is the terrain of conceptual work on classification or 'sorting' (Douglas, 1966; Gandy, 1993; Bowker and Star, 1999; Lyon, 2003), which has shown how phenomena, including but not limited to human beings, are ontologically stabilized through the act of being categorized. The second lies in historical studies of passes, permits, and identity cards (Torpey, 2000; Caplan and Torpey, 2001; Bennett and Lyon, 2008; Lyon, 2009; Breckenridge, 2014). These have examined how forms of identification, initially paper, and now increasingly digital, developed as critical components of the bureaucratic management of the modern world that sought to constrain the movement of human bodies across it. These two literatures have many overlaps, but here I splice them fully together. Rather than considering classification as something inherently 'human' (Bowker and Star, 1999, p 1); and sorting and identification as the product of consumerization, globalization, and the risk society (Gandy, 1993; Amoore, 2008; Lyon and Bennett, 2008), I posit their co-emergence in the late colonial period, through systems of mass registration and the prescriptions on movement that attended them. *Fixing* certain persons within delimited areas for political reasons, necessarily entailed *fixing* their identities – frequently in the face of bountiful evidence to the contrary. Although the scale and speed of the effects of Nazi censuses were not comparable, at the level of information technologies – both in how human beings were categorized, and as well as the actual machines that

were used to process this information – they had substantial precursors and successors across the colonial world and its aftermath.

Contemporary privacy and data protection advocates in Germany display a heightened sensitivity to having their identities fixed, particularly by computing. Yet, as William Bogard argues, from the 1980s onwards surveillance itself broadly underwent a qualitative shift. It altered in many domains, from being a static subject–object relationship, seeking to document and contain, into the dynamic 'flow control' enabled by computational modelling (Bogard, 1996, p 44). Contemporary forms of surveillance based on simulation can be a more plastic endeavour than these historical modalities. The enduring memory of the latter, however, within *Netzpolitik,* continues to exert an impact upon the present, in a dynamic Henri Lefebvre calls 'the rhythm of history' (2009, p 51). There are periods when the past effaces itself, he says, and periods when it returns. And in the return of memory there is always modification. Here, historical concerns around state registration mutate into concerns around the variety of agencies operating in the digital world, which in various ways obstruct the possibility of indeterminacy.

Privacy as unfolding

An agreed definition of privacy is inessential for participating in the life of German privacy advocacy. Nonetheless, although definitions are offered as personal takes, they hover around certain themes, metaphors, and signifiers. Privacy is often represented as a space (*Raum*) that allows a transition from one state to another, particularly in the form of intellectual development. This is partly afforded by the word 'privacy' in German – *Privatsphäre* – which retains a spatial orientation in its inclusion of the concept of a sphere. For example:

> You need spaces (*Räume*) to be by yourself, without feeling oppressed by public life. It's also a question of how you inform yourself online. What sites do I click on? How do I form my own opinions? (*sich bilden*)

In this process of development, failing and being imperfect are legitimate outcomes. For another privacy is:

> The possibility of being oneself, without absolutely hitting the nail on the head with every word in a sentence.

Visual and verbal metaphors of the organic world, specifically of plants and vegetation, may be used. Privacy is described as an 'inner garden', or 'the soil on which anything can grow'. In these cases, infractions thereof may take mammalian form, as human intruders or destructive wild animals. As in the

opening extract, presenting privacy as a site of organic life – as something 'feeling, breathing' – permits a shift between interior intellectual growth, and spaces for the growth of democratic society.

Partly because of the enigma of privacy itself, the discursive emphasis may be placed directly upon digital or informational self-determination.

> I want to know, I want everyone to know, where is the data about me? Who has it? What are they doing with it? And how can I prevent people from doing something with it that I don't want them to?

Citing self-determination is a more or less explicit reference to a landmark ruling in 1983, by the former West Germany's Federal Constitutional Court, guaranteeing citizens the right to informational self-determination. Nominally a response to the emerging capacities of electronic technology to store, process, and transmit personal information, the ruling sought to curtail the construction of an 'image of the personality' (*Persönlichkeitsbild*, cited in Hannah, 2010, p 102), beyond the knowledge and control of the affected individual. Informational self-determination is the retention of agency over this image, what in the language of surveillance studies is called a 'data double' (Haggerty and Ericson, 2000).

The ruling was forged from the first two articles of German Basic Law, which guarantee general protection for the rights of the personality. The first is Article 1, that the value of every human being is inviolable; while the second is contained in Article 2, that every human being has the right to the free development (*Entfaltung*) of their personality. When announcing the ruling, the justices explained their reasoning in detail.

> Whoever cannot with sufficient certainty oversee which information regarding them is known in specific areas of their social environment, and whoever is not able to some extent to estimate the knowledge of possible communication partners, can be essentially limited in their freedom to plan or decide on the basis of their own self-determination … This would restrict not only the chances for the unfolding (*Entfaltung*) of the individual personality but also the general welfare, because self-determination is an elementary functional condition (of possibility) for a free democratic order. (Translation in Hannah, 2010, p 102)

In this reasoning, the protection of the personality, and by implication society, takes an explicitly temporal form. It is the citizen's right to 'plan or decide', in other words to act in the present upon the future, that is being safeguarded.

Let us pause briefly on the specific term used to indicate this future orientation – *Entfaltung*. *Entfaltung* – literally un-fold-ing – can be translated

as evolution or development. Yet this form of development across time is a not linear one, and therein synonymous with the use of the word in the Anglophone world, which would lie closer to the German *Entwicklung*. *Entfaltung* also means blooming or blossoming, and can be used with direct reference to plant life to indicate a biological dynamic that is allowed, through its environment, to realize itself, to become larger. *Entfaltung* also means to expand. In turning towards surveillance as fixing, it is worth keeping some of these associations in mind. Here, not being surveilled becomes a space in which change can occur, and in which the modality of change is not mechanical but organic, a principle of growth and becoming larger, of bearing flowers and fruit.

Surveillance as fixing

The history of surveillance is imbricated with endeavours to restrict or otherwise determine the physical mobility of certain human bodies (Torpey, 2000; Caplan and Torpey, 2001). The incarceration of those categorized as criminal (Foucault, 2019; Jefferson 2020), is only the thick end of a much larger wedge extending to many historical forms of monitoring and containing persons for social purposes. Before the advent of modernity, prescriptions on movement in Europe were arranged within feudal relations: travel passes, badges, letters, insignia, and so on, that contained details of the bearer's position within a feudal order, and their relationship to a master or sovereign. These documentary and material artefacts could include their 'distinguishing characteristics', such as hair colour (Groebner, 2001, p 24), height, or a curiously placed mole, but it was only in the wake of the transatlantic slave trade, and the growth of the plantation economy, from the seventeenth century onwards, that prescriptions on movement developed a definitively racial character. This being said, the passes violently regulating the mobility of those labouring on the plantations were still inscribed within feudal proprietary relations – containing details of the bearer, their owner, and where and for how long they were permitted to travel (Lyon, 2009; Browne, 2015).

It is only towards the turn of the twentieth century that nation-states claimed fully for themselves what Torpey (following Marx and Weber) calls a 'monopoly of the legitimate means of movement' (2000, p 4). The development of the modern passport system, and the state registration systems that attended them, circumvented the old estate hierarchies and established the right to move as emanating directly from a state polity (see Steinwedel, 2001). Torpey argues that this was the effect of the unprecedented migratory flows that characterized the late nineteenth century between and across national borders, calling it (via Alan Dowty): 'The closest approximation to an open world in modern times' (2001, p 256). To state this, though,

neglects the experiences of colonized and otherwise constrained peoples in the same historical moment. It thus simultaneously constitutes an analytic disconnect, because of the ways in which the colonial world, even after independence, in India and Argentina, formed a critical venue for scientific experimentation with the first biometric technology (Ruggiero, 2001; Breckenridge, 2014), namely fingerprinting, which was later hitched to the passport system.[3]

In this long history of identification, methods of fixing persons to particular localities, have simultaneously been modes of fixing the meaningful aspects of who this person is, and therefore how they become visible as subjects of surveillance before a given socio-political order.[4] The distinctive aspect of the late colonial moment at the turn of the twentieth century came in the second strut of this double-fix, as identities took on a pseudo-biological character, artificially stabilized using nascent anthropometric techniques and dubious notions of racial descent. By the late nineteenth century, a kind of mania for fixing had taken hold. This was particularly the case in Britain, where the emerging field of eugenics provided an ideological basis to cement the asymmetries of a fragile imperial order, particularly in the wake of several colonial rebellions, by doubling down on apparently 'permanent' characteristics (Levitan, 2011, p 163). Although this has since been thoroughly deconstructed, this moment in world history generated a particular social, political, and technical intersection that still to some degree shapes the structure of state surveillance today. As nation-states asserted themselves as the primary mediators of political visibility and the right to move, this was entangled with ideas of identity as biological, and critically, a set of information technologies that cemented the relationship between both.

Central to these were forms of mandatory registration such as the census. As Simone Browne says, a census is a particular strategy of the state to 'fix' its occupants within certain predefined categories (2015, p 56). In this respect, the census is a distinctly synchronic endeavour that provides a polity not only with 'a collective image of the present, but of the past and future' (Darrow, 2015, p 146). The West German activist Götz Aly has gone further to argue that a census is no less than 'a frontal attack on the imagination and of the intelligent posing of questions *for* the future' (cited in Hannah, 2010, p 46, emphasis added). While it is certainly the case that the holding of censuses was prompted by political concerns throughout the eighteenth and nineteenth centuries, and was vital to the ascendance of the state-qua-state, as with any information technology censuses remain politically ambivalent. Their political potentials hinge on what questions are asked, and the social uses to which this information is put. Throughout the nineteenth century the categories continued to change, and although questions about race and ethnicity had appeared much earlier, particularly in the US and the Caribbean, it was in the context of ideas about 'healthy'

populations that these questions and their answers began to assume a central importance in the enumerating process (Levitan, 2011, p 150).

One of the reasons why censuses were held only once every number of years was that they were enormously labour-intensive. Not only could they involve hundreds of thousands of enumerators going door-to-door to collect the answers, but also an immense sorting process afterwards. When German-American engineer Herman Hollerith, while working at the US Census Bureau in the 1880s, developed an automated system for collecting and sorting this information, the technology was quickly acquired by census and statistical departments all over the world, and was used in the US census of 1890 as well as the Russian Empire census of 1897. His idea was apparently inspired by observing a train conductor record physical characteristics of passengers that could then be read by other conductors, by punching holes into their ticket rather like a 'punched photograph' (cited in Black, 2001, p 24). Hollerith developed a card with standardized holes, each representing a different characteristic, which could then be fed into a reader and sorted accordingly. Millions of these punchcards could now be sorted and resorted at speed, each card functioning, as Edwin Black says, like a 'nineteenth-century barcode for human beings' (2001, p 25). Hollerith machines made human life machine-readable and machine-sortable. They took the fixing, synchronic modality of the census and accelerated it.

Fears of being fixed, unable to move, unable to change, are expressed across *Netzpolitik*. When a group of activists collect short interviews with several leading privacy and data protection advocates across the German-speaking world, on why they support a ban on facial recognition in the public sphere, several articulate their opposition explicitly using the language of physical movement:

> I consider automated video recognition with biometric characteristics to be a great danger to our democracy, because after that we can no longer move freely. (Markus Beckedahl. Founder re:publica and netzpolitik.org)

> I am against facial recognition in the public sphere because in a free liberal democracy, it is important that people can move around unobserved. To be able to exercise your fundamental right to freedom of assembly and also to simply have a democratic debate, it is important that you are not monitored with every step you take (*auf Schritt und Tritt*). (Thomas Lohninger. Managing Director, epicenter-works)

> Democracy means that people can … move around in public space, that they can participate in demonstrations, for instance, or that they

> can go to advisory centres. (Ulf Buermeyer, Chairman, Gesellschaft für Freiheitsrechte)

Meanwhile, the widely revered Federal Commissioner for Data Protection and Freedom of Information, Ulrich Kelber, emphasizes the biological fixing of identity that facial recognition enables. For Kelber, its danger inheres in the fact that, 'you cannot change your face like you can change your password'. The landmark constitutional ruling that secured the right to informational self-determination in Germany, took place in the context of sustained mass protests in the former West against plans to hold a national census (Hannah, 2010). It is now time to turn towards Germany's own history of censuses, and the way in which concerns about machine-readability have infused the German data protection movement since the 1970s.

Machine-readable people

One of the first laws passed by the Nazi government after coming to power in Germany in 1933 imposed a census of the population and its minorities. The general census posed questions about marriage and fertility, to advance its natalist policies for those it defined as ethnically German. It avoided questions about birthplace, which were reserved for the special censuses for Jews and foreigners that took place in addition to the general census, and sought out far more detail for those in these groups. For the 1933 census, punchcards with 60 columns were designed by the *Deutsche Hollerith-Maschinen Gesellschaft*, or Dehomag, a German subsidiary of IBM, the American corporation that now owned and leased Hollerith machines across the world. Its tabulators were used to sort the cards once collected; yet even with the Hollerith system, the 1933 census still involved around half a million enumerators, which included forced labour.

Numerous scholars have observed that, contrary to historical attempts to fix human identities along certain categorical lines, human beings are better thought of as fluid and subject to change (Longman, 2001; Amoore, 2008; Lyon 2009). This observation is furnished with an extra dimension, if we recall sources that suggest that those in charge of fixing processes partly understood this too. The year following the 1933 census, Erwin Cuntz, a lawyer from southern Germany, began to formulate his proposal for a 'registry of the populace', ordered by year of birth. As he wrote in a letter to Hitler:

> One need only proceed with the knowledge that man is a versatile and self-directing being. The principle of organization should therefore not be the counting of something that can *constantly change* and that does change for millions of people, namely the place of residence. Rather, it should be something that *always stays the same*, namely, the date and

> place of birth, and, in a more developed framework, race and family origin. (Cited in Aly and Roth, 2004, p 35, emphasis added)

By the time the second Nazi census was carried out in 1939, providing the information for the deadly *Volkskartei* (the national identity card), Hollerith machines had become much faster, now able to count up to 12,000 punchcards every hour. Although this remains a site of historical debate, Götz Aly and Karl Heinz Roth (2004) and Edwin Black (2001) argue that without these machines – that are a precursor to the modern computer – the ensuing genocide could not have happened at the speed and the scale that it did.

Deep reservations about making human beings machine-readable, have erupted in Germany at several flashpoints in the decades since. The political context for the 1980s census boycott movements in the former West was provided not only by the failed attempt to reintroduce the census, but also a technique that had been used by the police to publicized effect in the 1970s: the *Rasterfahndung*. The *Rasterfahndung* was a primitive form of dragnet search that could be used to identify certain individuals out of a collective grid of social characteristics. This invoked outrage in the former West, not only because it treated all those whose data constituted the grid as potentially suspect, but because of the automated nature of targeting itself. As the boycott movement gathered momentum, its defining symbol became the barcode (Hannah, 2010, pp 58–61). Barcodes appeared at protests, on posters, in photographs, on bodies, and on the Berlin Wall. As a nascent technology to track and inventory physical products by giving each a unique readable code, the barcode presented the movement's opposition to the census overtly in terms of objectification and machine-readability.

Barcodes appear again with the emergence of *Netzpolitik* in the early twenty-first century, but are largely supplanted by the more contemporary image of the bot. In 2018, the EU submitted its proposal for a new law which would compel internet platforms to install 'upload filters' – software that could automatically detect and block certain kinds of content – nominally with the aim of protecting against copyright infringement online. A record five million signatories joined a petition against the Copyright Directive (which passed into law in 2019), with many more thousands in Germany communicating their opposition through social media and emails to their representatives (EDRi, 2019). When members of the EU hostile to the campaign dismissed the online opposition as 'bots', this prompted the motto for a protest movement that assembled the following spring: *Wir sind keine Bots* (We are not bots).[5] Protesters across dozens of German cities held up signs and placards either emphasizing that they were not bots, or satirically suggesting that they were. Beneath the jokes however, the protests against upload filters in 2019 expressed and reanimated profound concerns about

machine-based monitoring and its impact on public life. As an open letter from a number of German privacy organizations articulated it:

> Free development (*Entfaltung*) and creativity within the framework … of the Copyright Directive, as well as the diversity of content on the Internet as a whole will be threatened.[6]

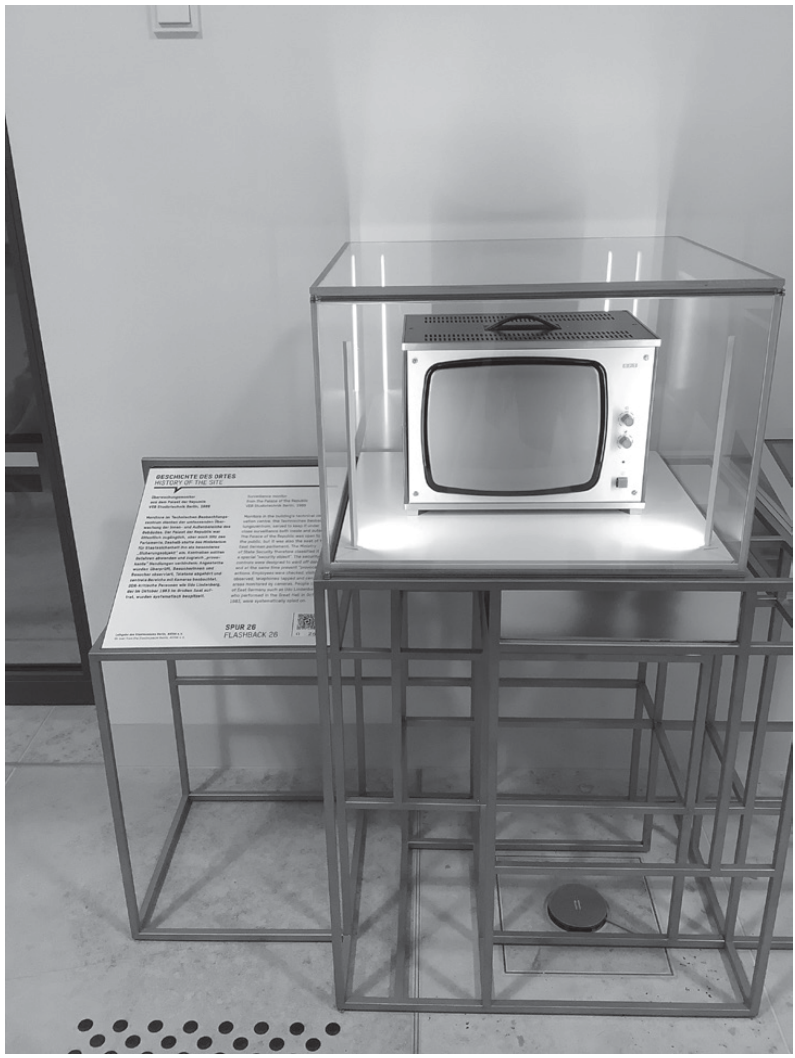
While the movement unhooked the immediate link between machine-readability and mortal threat, the former was still presented as an attack on the ability of culture to develop in ways that are unforeseen. In the mobilization against upload filters, there is hence a meaningful pivot, as a historic focus on the state swivelled towards new constraints introduced by protecting the property rights of internet companies.

The *Stasi* and the GDR

Carrying out this research has involved confronting the *Stasi* as an ethnographic fact. Not as one which emerged, by and large, from within the fieldsite, but from people and places beyond it. When describing my research on the comparative strength of privacy sensibility in Germany, the response of my interlocutor has often been to reach directly for the *Stasi* as the major causal explanation. *Stasi* is an abbreviation of *Staatssicherheit*, and refers to the Ministry of State Security (hereafter MfS) that was the institutional base for the large-scale covert intelligence operation of the former German Democratic Republic (GDR). These responses are not without good reason. The story of the *Stasi* – of how East German citizens were invited or coerced to spy on one another on an extraordinary scale on behalf of the regime – is much more widely known that the story of punchcards produced by IBM. The popular German-language film *The Lives of Others* (Donnersmarck, 2007), along with other books and stage productions, have positioned the *Stasi* story as part of public culture in the Anglophone world (Oltermann, 2019). Indeed, it seems representative that, when I visit the former MfS headquarters which is now the Stasi Museum, part of the building is closed off for filming. An important aspect of its appeal as a subject of art may be its intensely human character. Here, macropolitics finds intimate expression in relations of voyeurism and betrayal, as well as episodes of resistance (Funder, 2011). Other less salubrious reasons I will elicit beneath.

The association between surveillance in Germany and the GDR can also be reinforced by its own institutions. Figure 8.1 is a display inside the Humboldt Forum, a large world-facing exhibition site recently erected on the grounds of the former East German Palace of Culture. The display, which occupies much of the corridor, is an actual surveillance monitor from the former building. As the blurb says, this and other monitors were

Figure 8.1: A surveillance monitor from the former Palace of Culture, on display in the Humboldt Forum



Source: Photo by author

used, inside and outside the building, to 'Keep it under close surveillance … employees were checked, visitors observed, telephones tapped, and central areas monitored by cameras'. It goes on to discuss the systematic spying on dissidents. The display is striking, not only because of its reproduction of the association between surveillance and the GDR for an international audience, but because surveillance itself is being symbolically equated with an object that resembles a computer.

As a form of memory work it is somewhat misleading. Not only, as the many other artefacts on display at the Stasi Museum attest, was the MfS willing to experiment with many forms of surveillance technology beyond video, but there was a much greater emphasis on surveillance as a human-oriented operation (see Verdery, 2019). The MfS employed over a dozen different categories of informer, each with its own function and form of knowledge, the number of which steadily increased over 30 years to reach a peak in the 1980s of approximately 180,000 people (Gieseke, 2015). It would be more accurate to symbolically equate Nazism with a computer than the GDR. The far shorter Nazi regime relied far more overwhelmingly on machine-readability than human intelligence, and made a fetish of ways of knowing populations that were entirely impersonal (Dumont, 1986).

In 2022, I visit the offices of one of Germany's oldest digital rights organizations, Digital Courage, in Bielefeld in the former West Germany. Shortly after arriving, I am offered a tour by one of the members, as a way of orienting me in the site. The tour resembles what geographers call a 'spatial narrative' (Ryan et al, 2016), rehearsing the indissolubility of space and time by telling both as an embodied story. They show me the single downstairs room in which the association began in the 1980s, and all the ways it has changed and expanded in the intervening years. At the same time, they weave in the memory of the site before, during, and after the Second World War. Bielefeld was once a centre for linen production, and many of the linen factories were turned into munitions factories during the conflict. As a consequence, it was bombed heavily. They point across the road towards a space where one of these factories had once stood, and explain that the building we are now standing in was erected in the area flattened by the bombardment.

Later on, we sit down for a long conversation, and I ask about them about the significance of the *Stasi* for their own political convictions. '*Auch*' – that too – they reply. This *auch* is a metonym for the relative position of the *Stasi* in *Netzpolitik* as a whole. Instead of being the core historical motive for those within, the *Stasi* is positioned as another expression of larger patterns in the region with regards to authoritarian surveillance, against which citizens must remain vigilant. As another offers with grim irony, 'We are the masters of surveillance'. It should be noted too that, as a social world, *Netzpolitik* is predominantly shaped by associations founded and registered in the former West Germany, and by people born either after 1989, or in the former West.[7] While it encompasses influential voices of those such as Constanze Kurz, who were born and raised in the GDR, their experiences are narrated publicly as personal. This distinguishes them, as a discourse, from the deeper history of fascism, which takes the form of collective memory that unites the former East and West.

From indeterminacy to self-determination

One characteristic of technological infrastructures that has been recognized by scholars is known as 'function creep' (see also Kupinska, Chapter 7, this volume). Function creep is the phenomenon whereby a technical system designed for one particular purpose gradually comes to be used for another. Function creep is a theory of social change around technology, and to that extent a theory of temporality, in which this temporality is creeping – so slow and so quiet as to be almost imperceptible. Gary Marx, in his study of US undercover policing, develops the more specific concept of 'surveillance creep' (1988, p 2). He argues that, 'As powerful new surveillance tactics are developed, the range of their legitimate and illegitimate use is likely to spread. Where there is a way, there is often a will' (Marx, 1988, p 2). The history of surveillance is replete with examples in which monitoring technologies designed for one, more benign, purpose begin to be used for another, less benign. Although less common, the reverse can equally be true. For instance, it is in the registration system established in the 1930s through which residents of Germany today access numerous welfare benefits (Kempner, 1946).[8]

To Marx's concept of surveillance creep, we can add another party who plays a role in its occurrence. Although substantially, surveillance creep is not exclusively a matter for those in command of a particular technological apparatus, its capacity to occur also relies to some extent – particularly in conditions of greater transparency – upon those whom it implicates in its information collection. In this regard, surveillance creep particularly flourishes in those contexts where this party presumes political stability and continuity. In other words, it assumes that regardless of who is controlling the technology, the ends of information-gathering will remain the same.

This presumption is largely absent from *Netzpolitik,* where participants display a heightened sensitivity to the possibility of political change. The future (*Zukunft*) is a term that appears often, not as a promise of technological optimism, but as potential threat. For instance:

> Snowden says, 'Freedom of opinion is also important for people who don't have an opinion. Maybe they will have one, one day.' But that also means, of course, it's not just that I have something to hide now, the question is, what will happen in the future? If we already have all these instruments, what will happen if the AfD (*Alternativ für Deutschland*) comes to power?[9] Who is then suddenly in the focus? Who is it then that will be surveilled? And then they already have all the data. So it wouldn't affect the majority at first. It won't affect me for the time being, but it would affect refugees, for example, who are always the first to be targeted. And of course I can say that it will only affect

> other people. It won't affect me. So I have nothing to hide, but who knows if I will have something to hide in the future?

In the quotation at the start of this chapter, the interlocutor recalls the people who tell them that they have nothing to hide. This is a reference to an oft-repeated refrain in both English and German (*nichts zu verbergen*): that if citizens of democratic polities have nothing to hide with respect to criminality, then they have nothing to fear with respect to new forms of surveillance. Yet, as a moral arithmetic, it fails to account for the possibility of creep to which such technologies can be prone. In direct contrast, the previous extract rehearses the sensitivity to creep in *Netzpolitik*, and in this sense the prevailing diachrony of their positions. While my interlocutors disavowed the claim that they have nothing to hide, one that imagines surveillance within static political conditions, the assertion that they 'will have something to hide' positions it instead with regard to a future which is inherently unknown. In this context, tropes of unfolding and self-determination do not simply organize a praxis around technology (though they do that, too), but can also be construed as a more ambitious attempt to hold the reins of historical change. The potentiality for future difference arises out of the fact of historical difference, in a rhythm of history that still has beats to play.

The double-fix that characterized the late colonial period, and was reterritorialized within the borders of Europe, did not end there. Censuses, and the passes that derived from them, continued to be central tools of colonial governance, particularly across the African continent, in the second half of the twentieth century. The *kipande* system in British Kenya (Al-Bulushi, 2021), and the Belgian registration system in the Congo (Van Brakel and Van Kerckhoven, 2014), were employed as political technologies to tie labour to land, by fixing identity through residence, age, race, and other markers, and fixing these identified bodies through the prescriptions on movement that attended them. In Rwanda, it was the colonial endeavour to 'fix' identity into one of three ethnic groups (Longman, 2001, p 346) that provided the categorical basis for the subsequent genocide. Meanwhile in South Africa, the identical technological apparatus provided by IBM – punchcards in the 1950s and computers by the 1970s – was used to manage the pass system of Apartheid. Just five years after war in Europe ended, the South African government passed a law to build 'four separate population registers that fixed racial identities in perpetuity' (Breckenridge, 2014, p 168).

In response to these conditions of involuntary visibility, the political value of not being seen emerges as a strand of anti-colonial thinking. Édouard Glissant outlines a right to opacity, as a way of reasserting subjective and relational humanity in the face of colonial objectification (1997). More recently, Clare Birchall has imported Glissant's concept into the terrain of

digital rights discourse, as a viable alternative to privacy itself (2021). Another iteration can be found in Browne's *Dark Matters* (2015). Combining Steve Mann's concept of sousveillance (Mann et al, 2002) – the surveillance that takes place from below to confront the surveillance from above – with the metaphor of darkness, Browne makes the case for a 'dark sousveillance' (2015, p 12). Dark sousveillance is not only a means of rejecting a hostile demand for visibility, but also contains the potential to redefine the very terms through which visibility occurs. A dark sousveillance can 'plot imaginaries … hopeful for another way of being', she offers (Browne, 2015, p 21). It is in this sense a temporal idea. From historical sources that document different responses to enslavement in eighteenth-century America, Browne similarly reclaims the generative value of indeterminacy. Like unfolding, dark sousveillance creates space not to hide within the privacy of the self, but to conceptually transform public life.

Conclusion

In view of the deeply distributed history of registration, it is worth reflecting again on why the East German regime retains such a powerful sway on the cultural imagination in the history of surveillance, particularly in Germany. This imagination surfaced once again in a particularly public way in May 2018, the week when EU General Data Protection Legislation came into effect. Mark Zuckerberg declared at a tech conference in Paris that it was 'because of the *Stasi*' that Germans were so sensitive about privacy.[10] In anthropological terms, we might think of the *Stasi* in the manner of the scapegoat. By attaching the sins of a collective to a person, animal, or thing, and then ritually banishing or sacrificing them, small-scale societies were morally purified (Frazer, 1998). By harnessing surveillance in Germany to the *Stasi*, binding it tightly to the arm of a regime that no longer exists, it achieves a purification of the present that consigns the dangers of new forms of surveillance to the past as well.

Instead, as the legal and cultural concept of self-determination, and its echo in anti-colonial theory, attests, it is a question with profound implications for the present and its non-linear development into the future. Emblematic of some of these contradictions, the old GDR monitor at the Humboldt Forum has several active surveillance cameras peering out over it, whose presence and purpose remains undiscussed. In these contemporary conditions, who is being fixed, and who is allowed to bear flowers and fruit? Documenting the colonial techniques of censuses and census tabulation that bookended Nazi Germany invites a more active response to these questions. It suggests the need to rethink the settlements and contracts that were implicitly or explicitly drawn up with the making of the modern world, and the ways in which these still can determine how many of us today become visible.

Acknowledgements

Versions of this chapter were presented as the keynote lecture at the symposium 'Human Agency, Digital Society, and Data-Intensive Surveillance' at the Paris Institute of Advanced Study in 2023, and the Senior Research Seminar in the Cambridge Department of Social Anthropology in 2024. I would like to thank the hosts of both these events, Anders Albrechtslund and Natalia Buitron, respectively, as well the audiences, for their responses and remarks. I would also like to extend my deepest gratitude to all the privacy advocates in Germany who engaged with me and this project, and the European Research Council for supporting it at every stage (grant no. 947867).

Notes

1 I conducted approximately fourteen months of ethnographic research between 2019 and 2023 among the associations, activists, and concerned citizens in the sphere of German civil society that calls itself *Netzpolitik*. This included participation in meetings and events alongside formal interviewing, the collection of publicly available digital and analogue material, and archival research in local district courts (*Amtsgerichte*).

2 Joel Robbins alerted me to this dynamic. Like fixing as surveillance, fixing to allow repair has mechanical connotations. Think, in this case, of a plaster-cast around an injured leg, or a bicycle on a stand having its wheel changed. This is distinct from forms of repair that arise through movement.

3 Edward Higgs issues a valuable *mea culpa* on a comparable disconnect. In a later return to his influential 2004 publication on the English Information State, he says, 'I failed to grasp how the British in the Victorian period were already laying the foundations of much more extensive forms of surveillance in their Empire ... one might argue that modern methods of surveillance in the West reflect the importation into metropolitan societies of the methods formerly used to control colonised peoples' (2014, p 18).

4 See also Szreter's discussion of Oliver Cromwell's use of the parish registration system to cement Protestant hegemony in sixteenth-century England (2012).

5 Musical supporters of the movement also produced its own eponymous theme tune (Willboy, 2020).

6 https://digitalegesellschaft.de/wp-content/uploads/2018/02/OffenerBrief_UploadFilter_Voss.pdf (Accessed: 27 January 2025).

7 This data is drawn from publicly available information, in *Amtsgerichte* and online.

8 By registering myself and my family in Berlin-Brandenburg during the period of fieldwork, I was awarded the right to free nursery care for my daughter at the age of three to four.

9 This interview took place in 2019, four years before this prophecy was realized in Thuringia (Connolly, 2023).

10 The conference is called Viva Technology and takes place annually in Paris.

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