

Interview with Peter Tauber on “Internet Anonymity: Human Right or Protection for Criminals?”

Since 2009, Dr. Peter Tauber (of the Christian Democratic Party [CDU]) has been a member of the German Bundestag. From 2010, he has also been member of the “Internet and the digital society” committee, which deals with a variety of Internet-related political issues, such as net neutrality and anonymity online and their consequences from cultural, political, legal, and educational perspectives. The committee’s purpose is to develop a framework for the German parliament for dealing with such issues in the future. Dr. Tauber also served as regional chairman of the Junge Union, the youth organization of the CDU, in the state of Hesse between 2003 and 2009. In 2007, Dr. Tauber received a doctorate at the historical seminar of Johann Wolfgang Goethe University.

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BISE: Dr. Tauber, protected by the anonymity of the Internet, citizens in the so-called Arab spring revolution organized to fight for more democracy. In other cases, anonymity on the Internet has helped people to combine forces to uncover quite prominent misbehavior by candidates who have cheated on their PhD theses, disclosed through crowd-sourcing by activists in Germany. Given these benefits of protective anonymity, why has the discussion recently come around to the need to prohibit anonymity and the demand that everyone move through the Internet using his or her real name only?

Tauber: First of all, this is a question of the underlying culture that determines how I personally would like to communicate with someone else. Sometimes, it is indeed important to know with whom one speaks. However, on principle, I believe that forcing people to use their real name all the time when browsing the Internet is wrong. There are other, com-

pletely different questions to answer upfront, such as, which rules should be applied to the Internet? My opinion is that these rules have to be the same as in the “non-digital” world, where I am also not obligated to disclose my real name everywhere and at any time. I do not have my name and full address on my car – only a license plate, which is sufficient to identify me if necessary. Of course, I must be able to identify myself at any time, but I am not obligated to say who I am, for example, when buying condoms at the supermarket. And it should be exactly the same on the Internet. In this regard, eBay is a good example. There, I use an alias to browse through the offerings, but at the moment a contract is set, we can identify the buyer-side and seller-side by the personal identities held by eBay. Both contracting parties, as well as eBay, are able to ensure that everybody complies with the contract. The question really is: may we impose different standards on the Internet than on the rest of the world? I believe that this would be unwise.

BISE: But then, where does the demand in political debates to prohibit the anonymous use of the Internet come from?

Tauber: From my point of view, it is a desperate attempt to curtail the things that we do not like on the Internet. However, the important question is whether prohibitions will help us at all, which I seriously doubt, and which contradicts our recommendations in other situations. For example, we advise children and young people to use an alias on the Internet to protect themselves against harassment or sexual assault, among other

things. We also tell our kids not to talk to strangers on the road or tell them their names, so why should they be forced to use their real names on the Internet? Anonymity here helps to protect you personally. The citizen must have the right to use the Internet under an alias or in a completely anonymous way. This is especially true to protect freedom of opinion, such as to allow people to participate in a political debate without being afraid that their open or critical comments about their employer, political parties, or the government will result in personal disadvantages.

BISE: In a free, open society, disclosing fraud should be possible without having to reveal your identity. Thus, isn't it a contradiction that, for instance, Wikileaks informants are searched for, but the German government buys data about German tax dodgers who keep their money in Switzerland, from sellers who have been granted anonymity and exemption from legal prosecution?

Tauber: That is a total contradiction. One can file a complaint at a police station anonymously, and the police are obligated to investigate if it is in the interest of the public. There is good reason for the police to accept anonymous complaints. And once again, we are at the core of this debate: The same legal norms must be applied! However, that can be a problem for those who think about regulation. They still distinguish and strictly separate the so-called real world from the digital world, a distinction which – from my perspective – does not correspond with reality anymore, after 20 years of Internet use. The two worlds became one long ago, and they determine each other. Arabic peoples have not called for more democracy and revolution only because they have Facebook. They call for revolution because they do not want to accept their living conditions anymore. They use the instruments available to them to express their opinions. Would citizens in the former German Democratic Republic have used social media if they had it at their disposal in 1989? The deep integration and intertwining of analog and digital worlds is not something well understood by everyone who currently thinks and talks about Internet regulation.

BISE: Is this distinction also an explanation for the rather bizarre idea that Internet service providers should turn off the Internet access of people who commit statutory violations? Isn't this just a

way to make the Internet service provider a vicarious agent of executive authorities?

Tauber: This idea describes the effort of some politicians to deal with statutory violations by setting a general framework, but this instrument is not the most suitable one for the Internet. But dealing with these challenges is certainly demanding and requires that the politicians who set these laws understand what the Internet actually is and that they accept it as part of reality. Those who do not use the Internet themselves and who do not understand its impact on modern work and leisure activities cannot understand the effects of regulatory instruments when executing them.

BISE: Empirical studies have illustrated that, for example, when a large group witnesses a person who appears about to commit suicide, such as by jumping off a building, the number of calls for the person to jump increase with group size. Do anonymous groups in the Internet also favor collective criminal behavior, such as harassing people in social forums?

Tauber: That might be the case. However, the alternative would be a restriction of individual freedom, which we do not want. The freedom of the individual is a high priority and the driving force of our society. I could counter Internet abuse effectively only if I limited this freedom substantially. Because the Internet is not an arbitrary exchange but, instead, for many people an extremely important part of their lives, any such restriction would be a substantial turning point for individual freedom. The important question is whether a liberal society has reached its limits, which would require determining which society citizens really want, because with personal freedom comes personal responsibility. Often we are not aware of that trade-off, not least because the social welfare state takes care of so many things that we have stopped thinking about them. However, we need more individual engagement in the Internet, which urgently requires a public debate. Some people post their entire lives through social media, but these same people are agitated if their house can be seen on Google Streetview. They pixelate their houses on Google Streetview but forget to request the same service on Bing. That raises the question of media literacy and the adequate level of legal norms and regulations. In Germany, we protect the so-called freedom of panorama, but we restrict the same freedom on the Internet. This makes the legal situation even more difficult and gives

lawyers a tough time. Society thus is in the middle of a cultural change, as can be witnessed whenever “nonliners” and “onliners” argue with each other. In particular, Germans have a very ambivalent relationship with their state or statehood in general. On the one hand, we want someone there to look after us, to ensure everything is all right and that citizens feel protected. On the other hand, we want to keep our distance and have some skepticism when we must deal with public administrations or institutions, where we fiercely avoid the state looking too closely over our shoulders. However, we really have just started this debate, and it remains interesting to learn in which direction it will go.

BISE: The debate takes place, even while the Internet is becoming ever more important in a transforming society, its values, and its norms. However, the impression is that society already has progressed further than the actual political debate in Germany.

Tauber: Well, the political debate occurs with the real name initiative, which is driven by the desire to adjust or prevent certain things on the Internet. For me, the interesting question is how far the debate will go and how intensely the discourse will be driven by the public. Am I ready to be assaulted constantly in Internet blogs or forums? And how would others react to such insults against me? I believe that the Internet can regulate itself, similar to the way we apply good manners when we meet a stranger, whom we treat with the same dignity and respect as everyone else. However, that standard might be something that we have to learn as a new form of cultural intelligence. In this regard, let me give you two good examples to illustrate how legal frameworks and regulatory measures can change over time. The first is the topic of copyrights, where the younger generation has a completely different sense of justice regarding the use of music, movies, images, etc. on the Internet. It is not clear exactly where this will lead us, but a change in the sense of justice can clearly be observed. I am sure that very few of them who download music for free would characterize themselves as thieves or criminals. The second example is the topic of protecting children and young people. Formerly, society restricted access of children and young people to literature that was classified as “trash writing,” as it was called. Then eventually television entered our life, so it was said that certain programs could be

broadcast only after 10 p.m. Then after television, computer games entered our homes, and the debate was about violent video games. And now we are not talking so much about Internet-based pornography but about things such as sexual compulsion, harassment, and bullying and debating how we can protect children and young people against it. Society always struggles with new media, and the issues change over time. This struggle is aggravated because some political decision makers still do not grant the Internet the status it deserves; they do not use it on a daily basis or get their e-mails printed out by their staff. There are not many, but they are still around.

BISE: This leaves the question where this journey will take us. Will we see stronger protections of individual freedoms to use the Internet anonymously or with an alias?

Tauber: Yes and no. The difference between using an alias and surfing the Internet anonymously is relevant here. Usually, I am not anonymous on eBay; instead, I use an alias. Thus friends from my political party or my mother cannot find out what my funny hobbies might

be. Nevertheless, eBay usually guarantees that mutually settled contracts are enforced. Once again, to make it clear: I must have the ability to browse the Internet anonymously while – just as in the non-digital world – law enforcement still must be able to find me if I publish incitements to violence or popular hatred or something.

BISE: Will we see opposite developments, in which the protection of the individual and his or her rights will be strengthened, confirming that we can act anonymously or under an alias on the Internet, while anonymity and the use of pseudonyms for groups and their activities will be viewed much more critically and with more restrictions? This seems to be the only explanation for why people behind different plagiarism Wikis or Wikileaks are forced to disclose their names to the public. Do we need to differentiate better in the future, because individuals organized in groups can create completely new dynamics on the Internet that should not be protected by rights of anonymity or the use of an alias?

Tauber: This question can be discussed on national and international levels. In Germany, the legal situation is pretty

clear. The German telecommunication and media law demands that all Internet service providers must offer Internet use in an anonymous way or with the use of an alias. Furthermore, Article 5 of the German Basic Law is so fundamental that it would be very difficult to forbid groups or organizations to post certain statements or political comments on the Internet. In this way, this law is independent of the media used – whether Internet, print media, or radio. However if, on a homepage, a person or a group calls for violent revolution, then law enforcement needs to be able to pursue such criminal activity, similar to the non-digital world. The topic of “deleting” or “blocking” web pages if they provide illegal content also is not a Germany-only debate. It is something we have seen on the international level too, such as in Denmark. However, Germans have a special relationship with the Internet, particularly pertaining to data privacy topics, for which we have very high standards, as is increasingly understood by U.S. companies. In summary, we are heading toward a very interesting future.

BISE: Dr. Tauber, thank you very much for your time and for this interview.