A distinctive global politics is developing around the Internet. Like global trade and environmental policy, Internet governance has become a point of international conflict among states and a target of transnational policy advocates from business and civil society. This book examines Internet governance as a basis for contentious politics and institutional change at the global level. It shows how the problem of governing the Internet has proven to be a disruptive force in international relations and tries to explore where it is leading us.

In 1997 we asked, *can the Net be governed?* By 2008, that question had lost its force. The question now driving discussions of Internet politics is not whether the Net can be governed, but whether there is (or should be) something new and different about the way we do so. Does a globally connected information infrastructure require—or is it already producing—new global institutions? Asking that question leads inexorably to the nation-state and to the relationship between national and global governance. The state, as political scientists insist, is still the predominant supplier of effective public governance and is still an immensely powerful institution. But there is a strong and persistent tension between state sovereignty, which is territorially bounded, and the nonterritorial space for social interaction created by networked computers. This tension puts pressure on the existing nation-centered institutional arrangements in communication and information policy.

**Networks and States**

Among researchers in Internet governance, the new fashion is to downplay the structural changes wrought by the rise of the Internet, and in some

cases even to deny that any exist. This book runs directly counter to that trend. Its central contention is that the problem of Internet governance has produced and will continue to produce institutional innovations in the global regulation of information and communications.

In this book the term states carries a very specific meaning. It refers to the nation-state, its claims to sovereignty, and the system of more or less anarchic, conflict-prone relations among nation-states that is an unavoidable consequence of dividing the planet into mutually exclusive territorial monopolies on the use of force. I do not speak of states in the more abstract way that Americans tend to use the term government for example, do we want "more" or "less" government. That is really a debate about when or if binding rules or taxes are required to achieve certain public objectives.

The focus of discussion here is on where the rule-making power comes from in the first place. Where is the capacity to order and make rules institutionalized? Government or governance can take many different forms. One could, for example, have a single world government, or a multiplicity of city-states. It was not so long ago that many functions now performed by states were lodged in the Church. The modern, territorial nation-state is but one particular way of governing. While it has prevailed in Europe and America for a few centuries (and for a much shorter time elsewhere), it is a historically specific answer to the question of who governs and how. It emerged in response to certain economic, political, and technical conditions, and it reflected prevailing ideas about the nature of collective action and community identity. Those conditions and ideas are not immutable. If they can change, the form and nature of government will change, too.

For many years, debates about the role of states in Internet governance have been distorted—disfigured is not too strong a word—by a set of false dichotomies and questionable assumptions. On one side was a way of thinking sometimes referred to as cyber-libertarianism. These early advocates of the Internet supported its freedom and independence but rested their case on a naive technological determinism. The Internet's freedom, they assumed, was engineered into its protocols. It did not need any particular constitution or political process to maintain its emancipatory capabilities because it was technology, not laws or institutions, that made us free. Technology, they believed, makes the problems of politics and governance go away. It ushers in a world of superabundant resources and self-governing virtual communities that can resolve all problems via consensus or freedom of association. There was in their vision of the world no need for any exercise of compelling authority and no distributional conflicts that generate politics or a need for binding collective action.

States were viewed as dinosaurs, irrelevant distractions—thus there was no need even to discuss governance institutions, policies, or international politics, much less think about how to devise new ones.

Indeed, few adherents to this way of thinking were sophisticated enough to aim their critique at the institution of the nation-state as such. They spoke instead of "government" and "the Internet" in generic terms, as if all governments were the same, as if there was only one government in the world that responded in a uniform fashion to a homogeneous Internet. They did not understand that the Internet had to relate at first to dozens, and later to more than a hundred distinct, autonomous states; that these states have for decades if not centuries engaged in power games over resources and strategic advantage and tended to view Internet governance from within that framework. Indeed, some of the cyber-libertarians turned out, in the end, to be crypto-nationalists, for as soon as the state being challenged was their own state, they became apologists for U.S. control and dominance of the Internet. In short, those who have been bold enough to question the status of the nation-state in the age of global communications were simply not up to the task. They had only the most superficial understanding of their enemy. They taunted states with the claim that the Internet rendered them powerless, and were quickly proved wrong.

On the other side of this divide are realist political scientists who emphasize the continued power and dominance of states. Existing national governments are assigned "pride of place" in the determination of policy; the influence of other actors is minimized or denied. These scholars assert confidently that nothing fundamentally new is happening around the institutions of communication and information; they praise a "bordered Internet" and claim that "as a practical matter only traditional territorial governments can provide [the] public goods" required for the Internet to work effectively. In addition to these more academically grounded approaches, politicians and practitioners around the world have used the decline of the dream of an ungovernable Internet as a license for restrained reassertions of state power over the Internet. If the state is not going to go away automatically, then surely traditional forms of state control must be justified?

2. The CNET news columns of Declan McCullough during the World Summit on the Information Society during 2004 and 2005 provide a good example of this phenomenon. See also Schaefer, Tkacik, and Gattuso 2005.
But this new cyber-conservatism is as unrealistic as its counterpart, and lacking in vision to boot. The Internet's accidental emergence as the dominant standard for global data communications was and remains a major disruption in the way we regulate communication and information technology. Yes, there has been a counter-revolution, as states and other incumbent powers have fought back against these disruptions and innovations, asserting their sovereignty and coming up with new ways to border or regulate the Internet. But we need to understand this dynamic interplay of control and escape from control as a process of evolution and change, not as "business as usual."

Internet vs. the Nation-State

The Internet puts pressure on the nation-state in five distinct ways.

First, it globalizes the scope of communications. Its distance-insensitive cost structure and nonterritorial addressing and routing architecture make borderless communication the default; any attempt to impose a jurisdictional overlay on it requires additional (costly) interventions.

Second, it facilitates a quantum jump in the scale of communication. It massively enlarges our capacity for message generation, duplication, and storage. As a programmable environment, it industrializes information services, information collection, and information retrieval. The sheer volume of transactions and content on the Internet often overwhelms the capacity of traditional governmental processes to respond—and can transform governmental processes as well.

Third, it distributes control. Combined with liberalization of the telecommunications sector, the Internet protocols decentralized and distributed participation in and authority over networking and ensured that the decision-making units over network operations are no longer closely aligned with political units.

Fourth, it grew new institutions. Decision-making authority over standards and critical Internet resources rests in the hands of a transnational network of actors that emerged organically alongside the Internet, outside of the nation-state system. These relatively young but maturing institutions, such as the Internet Engineering Task Force (IETF), the Regional Internet Address Registries, and the Internet Corporation for Assigned Names and Numbers (ICANN), provide a new locus of authority for key decisions about standards and critical resources. We are just beginning to confront the problem of how national governments should relate to these "native" institutions.

Finally, it changes the policy. By converging different media forms and facilitating fully interactive communication, the Internet dramatically alters the cost and capabilities of group action. As a result, radically new forms of collaboration, discourse, and organization are emerging. This makes it possible to mobilize new transnational policy networks and enables new forms of governance as a solution to some of the problems of Internet governance itself.

Transnational scope; boundless scale; distributed control; new institutions; radical changes in collective action capabilities—this book will document the way these factors are transforming national control and sovereignty over communication and information policy.

The Ideal and the Real

This is a work of social science, but a strong normative stance underlies and informs its analytical approach. The author's normative stance is rooted in the Internet's early promise of unfettered and borderless global communication, and its largely accidental and temporary escape from traditional institutional mechanisms of control. The expectations and norms created by the early Internet were radically liberal in nature, and gave new vitality to ideals of freedom of expression in politics and culture, and to concepts of freedom of exchange and open, competitive entry into information and communication markets in the economic sphere. While acknowledging the flaws in the early, apolitical visions of Internet freedom, we need not categorically dismiss them. We can, instead, embrace the way they opened our eyes to new possibilities. In analyzing and pursuing the global politics of Internet governance, we must be aware of the revolutionary potential of the new social relations fostered by the Internet and digital media; but at the same time we must be unblinkingly realistic about the political, legal, institutional, economic, and cultural forces that shape and constrain any changes. The book strives to occupy this creative space between the ideal and the real. The challenge, as one critical scholar puts it, is to "locate normative standards and emancipatory political possibilities precisely within the historically unfolding constellation."

At this time there are four main drivers of change in global Internet governance: contention over intellectual property protection, cybersecurity, content regulation, and critical Internet resources. About half of the book is devoted to exploring those policy domains, with a chapter devoted.
to each one. These four arenas are not intended to be static categories into which various policy problems can be dropped; they are an attempt to identify the critical areas of conflict and coordination that are generating a global politics of Internet governance. There is a family resemblance across each of these domains, observable in the acute conflict between the capabilities of open, global networking and the problem of maintaining boundaries and control. That conflict can only be resolved through changes in the existing institutions governing communication and information. In each of these arenas we see new forms of governance organized around peer production or transnational networks, as well as efforts by territorial states to reclaim the Internet in ways that make it conform to their authority. Readers who do not find their favorite policy issue in that list should bear in mind that the list does not purport to describe what should be or could be driving change; the issues covered are an attempt to explain what is driving change.

Networks and “Networked Governance”

In line with this agenda, the book highlights the critical role that transnational institutions play, or could play, in fostering global governance and political activity. It calls attention to the positive-feedback relationship between institutional structures at the transnational level and the globalization of the politics of communication and information. The book also draws on empirical evidence to explore the meaning and validity of ideas about global governance that are influencing actors in the Internet governance debates.

Networked governance provides one possible way of bridging the gap between national institutions and global connectivity. Governance networks are defined as relatively stable articulations of interdependent but operationally autonomous actors. Networked forms of organization are said to consist of looser affiliations of organizations and individuals that rely on regularized interaction to pursue cooperative goals. The bonds that hold the nodes together, so the theory asserts, are based on the reciprocal benefits that can be achieved by affiliation and cooperation—not on a division of labor defined and enforced from above. The concepts network organization and global public policy networks are widely used by international relations scholars to describe, for example, civil society advocacy groups involved in global governance and new forms of transnational cooperation by government agencies.

Ideas about governance networks are relevant in this context because networks that combine state and nonstate actors can overcome some of the limitations of government based on territorial sovereignty. More importantly, the practices of the operators of the Internet itself can be conceptualized as a kind of networked governance. Through bilateral and sometimes multilateral interactions and agreements, Internet service providers establish their own policies and negotiate among themselves what is blocked and what is passed, what is authenticated and what is not; how to respond to threats, and so on. Because of the way the Internet has dispersed control over operations and resources, those with a stake in Internet governance rely heavily on network forms of organization. Those who wish to govern the Internet, therefore, may be required to mirror its transnational, networked relations. In this respect, there is evidence that the problem of Internet governance is changing governance via the nation-state, at least in the domain of communication and information policy.

The literature about commons-based peer production provides another relevant and closely related strand of thinking about new governance forms. This idea was first conceived by free/open source software developers and given theoretical elaboration by Yochai Benkler. Similar in some respects to the concept of network organizations, peer production describes how producers of open source software or content such as Wikipedia rely on nonhierarchical, largely voluntary collaboration techniques within a nonproprietary legal framework and a ubiquitous networked infrastructure. David Johnson, Susan Crawford, and John Palfrey have explicitly applied the concept of peer production to Internet governance in discussing how Internet service providers might respond to security threats. As we shall see, peer production practices already play an important role in Internet governance.

There is yet another “ism” to contend with: the idea of multistakeholderism or the opening up of state-based international organizations to participation by “stakeholders” besides governments. Multistakeholder governance means that representatives of public interest advocacy groups, business associations, and other interested parties can participate in

intergovernmental policy deliberations alongside governments. It might be described as the pluralization of international institutions. Most discussions of networked governance and of global public policy networks recognize the presence of different stakeholder groups in governance networks.

While these new ideas are useful, this book will approach them critically. The mere act of forging networked relations across organizational boundaries does not by itself resolve questions about how much authority the organizations have and what rights the “citizens” of cyberspace can claim against them. Likewise, the participation of multiple stakeholder groups in a governance institution does not determine how power is distributed among these groups or how much weight they are given in decision-making processes. There are still vital questions regarding the status of individual rights in such schemes, and about how conflicts over the distribution of benefits and costs will be resolved. It is important, therefore, to understand how the new networks of actors thrown together by the problems of Internet governance are answering questions about rights, authority, and distributional conflict. What is a loose network today may become a more institutionalized—and possibly hierarchical—form of interaction tomorrow.

Networked governance, peer production, multistakeholder models, and transnational civil society are all related concepts. They pertain to the way the institutions and processes of global governance are organized, and speak to who can participate, who is represented, and how “stakeholders” interact. A study of Internet governance provides an opportunity to observe how these ideas are translated into action (or not) in a real political context, and to assess whether they provide viable alternatives. This book will explore those ideas both at the conceptual level and by relating them to the empirical facts about the progress of Internet governance in recent years.

Internet Governance’s Defining Moment

Why do I use the term Internet governance as the label for the main topic of this book? The term is repellant to many because it is often (mis)interpreted as implying a kind of top-down regulation or control of the Internet. The term governance, however, gained currency in international relations precisely because it was weaker than government; it denotes the coordination and regulation of interdependent actors in the absence of an overarching political authority. In international relations the term global governance suggests that some steering and shaping function exists, but is less hierarchical and authoritative. Thus, Internet governance is the simplest, most direct, and inclusive label for the ongoing set of disputes and deliberations over how the Internet is coordinated, managed, and shaped to reflect policies.

Internet governance used to refer to a vital but relatively narrow set of policy issues related to the global coordination of Internet domain names and addresses. The encounter with those problems from 1994 to 1998 culminated in a notable institutional innovation, the Internet Corporation for Assigned Names and Numbers (ICANN). Since then, the meaning of the term has expanded. A United Nations Working Group charged with developing a definition of Internet governance included a much wider range of policy issues,14 applying the term to any and all “shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.” The definition noted that these shared processes involve not just governments but business and civil society as well.15 That definition at once ratified the position of nonstate actors in Internet governance and put practically all of the traditional problems of communication and information policy within its frame. And yet that definition, too, was still too narrow in one important respect. It saw “governance” as taking place primarily in formal policy-making institutions like the UN or ICANN. In fact, as noted before, most of the real-world governance of the Internet is decentralized and emergent; it comes from the interactions of tens of thousands of network operators and service providers—and sometimes users themselves—who are connected through the Internet protocols.

Broadening our understanding of what constitutes Internet governance has profound consequences. A technological trend known as digital convergence has made the Internet a unified platform for all forms of information and media. We use it to place telephone calls, watch live or recorded video, browse libraries, and download or play music. We use it to exchange email, buy products, do social networking, and construct shared scientific data sets. All these media, which used to be delivered through separate technologies governed by separate legal and regulatory regimes, have

---

13. The origin of this global governance scheme was documented in my prior book Ruling the Root: Internet Governance and the Taming of Cyberspace (Mueller 2002).
14. See chapter 4 for a more thorough discussion of the UN Working Group on Internet Governance (WGIG) and its report.
converged on the Internet protocols. So the things that “shape the evolution and use of the Internet” would now include the policies, laws, and regulations that once were applied to the broadcast media, the print media, government information policy, intellectual property, telecommunications policy, and privacy. The range of issues raised by the governance of the Internet is huge: it includes content over censorship and content regulation; battles over the protection of trademarks and copyrights; privacy and surveillance policies; economic regulation of communication services; and technical standards formation. And of course, there are also a host of policy problems unique to the Internet or the Internet era, such as cybersecurity and cyberattacks; the resource assignment and coordination policies of ICANN; the control of spam; or the promise and pitfalls of social networking sites and other forms of user-generated content. In short, the Internet has become the preeminent platform for contention over the entirety of communication and information policy. These broader debates need to be connected and properly conceived as Internet governance.

Two landmarks stand out in the evolution of Internet governance as a focal point of international political contention. One was the creation of ICANN in 1998. ICANN arose from a unilateral construction of a global regime by the United States, and was based on a new, nongovernmental model. The other was the United Nations’ World Summit on the Information Society (WSIS)—an emphatically multilateral, state-centric series of diplomatic conferences held from 2002 to 2005 that attempted to “address the whole range of relevant issues related to the information society.”

Significantly—and unexpectedly—the World Summit on the Information Society morphed into the World Summit on Internet Governance. It was here that what some called a “battle over the soul of the Internet” took place. WSIS could be characterized as a collision between those who saw national governments as the proper agents for defining and implementing international communication and information policy, and those who pursued a more open, pluralistic, and transnational policy-making framework. The decision to focus on Internet governance was the international system’s first major adjustment to the initial disturbance created by the United States’ creation of ICANN. The WSIS process provided a platform for developing country governments and the European Union to challenge the preeminence of the United States in the prevailing governance regime. But WSIS also mobilized a broad range of advocacy networks around issues of communication-information policy, deepening the involvement of civil society groups. The norm of “multistakeholder” participation became one of the rallying cries of both civil society and private business-sector participants.

WSIS was an important inflection point in global Internet governance, as chapters 4 and 5 explain. Nevertheless, few of the issues that animated the summit were resolved decisively. Thus, global governance of the Internet has not reached equilibrium; the process of institutional change continues.

Sectors and Institutions

The beginning of this chapter compared contention over Internet governance to the struggles over global trade and environmental policy. That comparison was not a casual one. It was intended to flag the importance of the topic while simultaneously constraining our conception of it to realistic and manageable proportions.

As with trade and environmental policy, the globalization of communication and information affects ordinary people in significant ways. But the strongest effects are confined to a specific sector of public policy, and hence to specific institutional arenas. The changes wrought by the Internet are not boundless; they have their most concentrated impact on the way states regulate and control communication and information systems and the behaviors and businesses built around them. By putting Internet governance in the same class as trade and environmental policy, we can rescue the topic from ethereal theories that attribute to digital networks an undifferentiated transformation of anything and everything. We can speak of change in, even the erosion of sovereignty over, communication-information policy; but it is hard to make a case that the inability of states to regulate the Internet in traditional ways also revolutionizes the way they exercise domestic police powers, run prisons, handle marriage law, or regulate landing rights for airplanes. Perhaps, over a longer period of time, the emergence of an Internet-enabled transnational public sphere and the continued expansion of e-commerce will produce more far-reaching changes. In the intermediate term addressed by this book, we focus on public policy in the communication-information sector alone.
The problems of trade and environmental policy have produced international regimes, treaties, and organizations specific to those sectors, such as the World Trade Organization or the negotiation of the Kyoto Treaty on climate change. Political movements also follow a pattern of sectoral clustering. Advocacy around environmental and trade issues are distinct movements, with their own identities, specialized social networks, and leading organizations. The same is becoming true of Internet governance. Communication-information policy constitutes a domain of public policy that should be considered equal in status to trade and the environment.

Now-clichéd references to an “information society” reflect widespread acceptance of the centrality of communication and information in the contemporary world. Despite this, the scholarly literature on global governance and social movements has all but failed to notice this sector. A glance at the literature on transnational advocacy networks, social movements, and global civil society will invariably turn up massive numbers of references to environmental, trade, and human rights advocacy networks. A more extended search might also find mention of advocacy around debt and international financial institutions, corruption, child labor, gender issues, corporate social responsibility, climate change, biotechnology, land mines, or the arms trade. Communication-information policy, however, has not achieved widespread recognition as a domain around which a transnational advocacy network or social movement might form. This is odd, because such networks and movements do exist. Around intellectual property and “access to knowledge” issues there is something that qualifies as a transnational social movement—a fact that the book will document and explore.

One reason for this oversight is the tendency to think of the Internet as a tool that enables policy advocacy rather than as an object of political action. Much of the literature on global civil society has focused on the Internet as a resource used by stakeholders to network and to mobilize people. This book, in contrast, is concerned with how transnational politics are fostered by contention over the substantive policy issues raised by the growth of the global Internet itself. Electronic networks and digital information are not exogenous, taken-for-granted features of the international environment. The prices, policies, and practices of networking are the target of interest groups, public policy makers, and policy activists. The substantive issues raised by efforts to govern the Internet are important,

and as the visibility and importance of information and communication technologies have grown, the stakes of these policy issues have risen.

Outline of the Book

The book is divided into three parts. Part I takes up the concept of networks and networked governance. It begins by describing three incidents: the takedown of Indymedia in 2004, the Estonian “cyber riot” in 2007, and the UK attempt to censor Wikipedia in 2009. Each illustrates the unique governance problems posed by the Internet. The next chapter moves to a more theoretical discussion of ideas about network organizations, peer production, and networked governance and how they apply to Internet governance. That discussion provides the conceptual basis for understanding what is different about Internet governance and how those differences are shaped and constrained by states.

Part II provides a narrative on the historical evolution of the institutions of global Internet governance. Chapter 4 describes the World Summit on the Information Society as an exercise in interstate politics and explains why it was a significant inflection point in the evolution of Internet governance. Chapter 5 describes the mobilization of civil society groups around the WSIS process and documents some fundamental problems associated with multistakeholder governance arrangements. Chapter 6 focuses upon the new UN Internet Governance Forum, noting how it consolidated the new transnational policy network formed around WSIS.

It explores the strengths and weaknesses of the experiment.

Part III examines what I have called the four main drivers of change in Internet governance. Battles between Internet users and copyright-trade mark holders are analyzed in chapter 7. Chapter 8 handles the response to cybercrime and the linkage of Internet security to national security. Chapter 9 covers the efforts to regulate and censor Internet content. The public policy issues and institutional dilemmas posed by transnational management of critical Internet resources are addressed in chapter 10. The book concludes with a conceptual essay that analyzes the new global governance concepts and ideologies and their relevance to the governance of the Internet.
The World Summit on the Information Society was just the most public symptom of the Internet's profound impact on the global politics of communication and information. While it was the management of critical Internet resources that provided the flashpoint for WSIS, we have seen how the regulation of Internet content, the protection of copyrights and trademarks, and issues of communicative privacy and security are all being transformed by similar forces. We also have seen how new forms of networked governance and peer production have emerged across these policy domains.

Yet even as an Internet-enabled world challenges the state as the preeminent institution for the making of communication and information policy, it also generates strenuous reassertions of national authority. States lay claim to geographic names and the representation of linguistic scripts in cyberspace; they scale up their surveillance capabilities; they make plans to weaponize cyberspace and "secure" their part of it; they try to set themselves up as gatekeepers who can censor content. Most of these assertions of power constitute radically new forms of governmentality rather than a reversion to an old order.

It is clear that nation-states—including the United States of America, not just undemocratic ones—constitute some of the biggest threats to the global character and freedom of networked communications. At the same time, the communication-information sector may need state-like powers to prosecute and incarcerate criminals, ensure due process of law, counter harmful private aggregations of power, or formalize individual rights and sanction violations of them by states or other actors. How to harness power to secure freedom? This is a hard problem.
Ideologies, Old and New

Disruptive technologies shuffle the deck in the short term, but it is only a matter of time before things settle down into a more stable pattern of interaction. While we know that the problems of Internet governance challenge the institutional capacity of nation-states, a core assumption of this book is that there is no deterministic progression to any new form of governance. Those who projected that the state will automatically wither away in this sphere were clearly wrong. Those who rationalize as inevitable a reversion to a bordered and controlled Internet dominated by states are also wrong. Nothing is inevitable. Whatever happens, we will make happen.

When societies are confronted with problems of this level of complexity and novelty, ideas and analysis become especially critical. To make sense of our environment we must be able to name phenomena, come up with explanations, and develop guidelines about how to respond. In such an environment it is not only discrete ideas, but also ideologies that become important. Ideologies are systems of ideas that strive to provide coherent explanations across a wide range of social, economic, and political phenomena. Political ideologies tend to fuse the normative and the positive; they provide a framework for analyzing events and evaluating or recommending specific courses of action in line with a set of values.

Europe in the early decades of the twentieth century faced changes as far-reaching as today's. The combination of industrialism, economic depression, nationalism, and war generated political turmoil and structural transformations. In this process, collectivist ideologies such as communism and fascism evolved as critiques of the individualist liberal market order. These distinct worldviews led to different diagnoses of social ills and clashing approaches to the construction of policies and political institutions. After decades of contestation among adherents of these competing ideologies, Western Europe reached equilibrium around social democracy. In the evolution of Internet governance one can see a similar grappling with the interaction of ideas, interests, and institutions. The global transformation of information and communication is producing its own set of competing ideologies.

The term ideology has a negative connotation, sometimes justifiably so. It can mean a dogmatic or religious adherence to a set of precepts and predictions regardless of their pragmatic utility or correspondence to reality. While it is true that ideologies bring those risks, it is also true that any good-faith effort to understand and cope with unprecedented societal developments requires something akin to what I mean by ideology. One's ideas and analysis must strive to make sense of the world in a way that facilitates both private and collective action. People will, in fact, link their perceptions and ideas into relatively consistent, comprehensible principles that can be communicated and understood by a broader public so as to coordinate their response.

The Political Spectrum of Internet Governance

The Internet governance debates already are influenced by ideology. But to anyone steeped in its controversies there is something inadequate about the way they structure discourse and categorize political positions. Most contemporary political ideologies start from the assumption, rooted in the eighteenth to twentieth centuries, that the nation-state is the delivery vehicle for most of society's rules, laws, rights, and policies. Existing political thought arranges viewpoints on a scale of "left" to "right" based on their beliefs about what role this traditional form of the government should play. Yet in the communication-information sector, reliance on the nation-state as the principal institution of governance is precisely what is called into question.

It is possible to conceive of a different kind of political space more suited to the politics of Internet governance. One's position in this space is defined by where one locates oneself in a space defined by two axes. The first pertains to the status of the territorial nation-state in communications governance. The second identifies the level of hierarchy one is willing to countenance in the solution of Internet governance problems (see figure 11.1).

The Nation-State Axis

The nation-state axis has at the rightmost extreme a complete subjection of the Internet to national sovereignty, and at the leftmost extreme a fully globalized domain, with the dissolution of national borders or sovereignty as a relevant factor in governing the Internet. The right favors relying on existing, national political institutions; the left favors creating or evolving new, transnational institutions around the global space for human interaction the network creates.2

1. Ideologies "played an important role in driving events down paths they would not otherwise have taken," linking "people who would not otherwise have been linked" and motivating them to "pursue political goals they would not otherwise have pursued." Berman 2006, 9.

2. There are, of course, various spots in between these extremes: from right to left there are bilateral agreements and clubs among sovereign states, formal international
There is also the possibility that one national state (e.g., the United States) will succeed in making its territorial jurisdiction global in scope—a possibility that challenges my linear spectrum but nevertheless can be fit into it. Even though the hegemony of one state could produce globalization, a true transnationalist would reject that as a cyberimperialism that privileges one (national) polity and subjugates others. Transnationalists would be in partial agreement with nationalists in opposing the hegemonist’s role. But whereas cybernationalists would favor replacing unilateral power with a multilateral arrangement that shared the power among states, those on the left side of the axis would want to make Internet institutions directly accountable to a global Internet community, and would be as hostile to a multilateral intergovernmental agreement as to unilateral governmental control.

The Networking-Hierarchy Axis
The nation-state axis does not capture all the significant differences over Internet governance. Another dimension, which juxtaposes free association and hierarchy, is required. The networking-hierarchy axis reflects the degree to which one believes the problems associated with Internet governance should be solved using hierarchical mechanisms, or left to the peaceful forms of association and disassociation we have defined as networking. On the left side of this axis, most Internet governance would be an aggregate of many unilateral decisions to connect or disconnect, associate or break off links, exchange or not exchange. This is “unilateral action in anarchic fields,” or “peer production of governance.” On the right, governance emerges from adherence to rules enforced by an authority, where adherence is obtained by force if necessary. Of course, between these two extremes there are many points. A base of private contract law can support a superstructure of more or less free networking; or we can recognize free networking as the primary mechanism of governance but opt for hierarchical intervention when network externalities convey too much power to a private group, or when bottlenecks form around essential facilities.

These two axes form a political space that can provide some structure to the political discourse over the future of Internet governance. In the lower-right quadrant, we have cyberconservatives and outright cyberreactionaries. These are the advocates of forcing the Internet to conform to the authority and parameters of the nation-state. Their intent is to subordinate global communications to established institutions of political authority by realigning its operational units and resources with the jurisdiction of the

treaties, multistakeholder governance arrangements, delegation to private actors, etc.

3. With origins in the Greek term *politeia*, polity has come to be a generic term for the unit of political organization.
state. International policy would be handled by intergovernmental institutions, and kept to the bare minimum required to protect or supplement domestic policy. China is an exemplar of this approach. But it would be a mistake to conflate all inhabitants of this quadrant with authoritarian one-party rule; a nationalist might also be democratic and wish to border the Internet and impose high levels of hierarchical control over communications in accordance with a political majority’s will.4

In the upper-right quadrant, the nation-state is still the dominant governance institution but there is greater willingness to embrace the potential of networking and less of an attempt to impose territorial hierarchies on networked actors and network operations. Public policies and regulations are applied to actors within the territorial jurisdiction but many loopholes and escape valves are left open because of transnational Internet access. States in this quadrant might cope with transnational problems through a mix of transgovernmental networks, delegation to private actors, or formal intergovernmental treaties, but all international institutions would be rooted in states, and any organically evolved Internet institutions would have to be recognized by and subordinated to states. This quadrant is characterized by an acute tension between the boundaries of the polity and the boundaries of networked activity. This may, therefore, be an inherently unstable place, with its adherents eventually migrating to one of the other three quadrants.

The lower-left quadrant encompasses those who advocate global governmentality—namely, hierarchical control of the Internet via new institutions that transcend the nation-state. These new institutions are most likely to be private sector-based and created to advance business interests, though they could be multistakeholder and public-private partnerships. In this realm reside advocates of a globally scoped, corporatist regulatory regime for the Internet, copyright/trademark maximalists, and, at the edge, cyberimperialists who would globalize governance through the extraterritorial application of one state’s laws and power.

The upper-left quadrant supports a transnational institutional framework that emerges around nonstate action. It recognizes the individual

4. But these nationalist democrats would have to sacrifice the better part of their liberalism to do so. Moreover, the democratic nationalist empowers and legitimizes the authoritarian nationalist (and vice versa); neither can assert that the norms and policies derived from their national polity should be applied to other national polities. So the power of an authoritarian state to censor and control its citizens’ use of the Internet would be left undisturbed by external actors; only people within its jurisdiction could change it.

network participant, not states or corporations, as the fundamental source of legitimate global Internet governance and proposes to create new governance institutions around them. This quadrant combines economic and social liberalism. It proposes to leverage peer production processes, networked governance, and markets to handle the issues of Internet governance as much as possible. It would restrict hierarchical interventions to the function of securing basic protections against theft, fraud, and coercion.

There are of course aspects of the politics of Internet governance not well captured by these axes. Those who believe, for example, that the nation-state is the most suitable unit for political action and discourse can be either democratic or undemocratic; nothing about nationalism per se determines one’s position on that. Likewise, those who favor the development of new global governance institutions around the Internet polity also could be democratic or undemocratic; their new institutions could be participatory and inclusive, or elitist and oligarchic. Property vs. commons is a salient issue in Internet governance. While not addressed directly by any of the axes, the definition, recognition, and enforcement of property rights requires some kind of hierarchy or hierarchical law, so it can be incorporated by the second axis. Another key factor affecting one’s position in political debates is one’s stance toward the competing values of liberty and equality. Because the freedom to exchange information and to associate with other network participants corresponds closely to the upper end of the network-hierarchy axis, and because all forms of egalitarianism require a hierarchical power to level differences and redistribute wealth, the liberty-equality tradeoff is to a large degree captured by the network-hierarchy axis. Public or private ordering is another oft-heard parameter of Internet governance debate. This too can be roughly mapped onto the national—transnational axis because in the current institutional context the boundaries of the “public” are coterminous with the state, and therefore most transnational Internet governance organizations are based on private ordering.

Reimagining Right and Left

The nature of the political spectrum is profoundly changed when we are forced to make the territorial state a variable rather than a constant. Once we have to reconsider the source of authority for the governance of communication and information, the questions that must be answered by a political ideology change. The standard left-right spectrum does not provide reliable guidance on some of the basic institutional questions.

Take the left, first, as an example. Many of the civil society groups that cluster around international institutions, especially UN institutions, are on
the left end of the traditional political spectrum. They promote norms of social democracy and articulate demands to redistribute wealth and promote equality. Calling for sustainability, the elimination of poverty, and social justice is one thing; it is quite another to have an ideology that provides a political movement with pragmatic guidance on how to deliver those things to a global polity. Insofar as they are interested in Internet governance, it is clear that contemporary social democrats, in line with their egalitarianism, would locate themselves somewhere near the hierarchical (bottom) end of the network-hierarchy axis. But it is not at all clear where social democrats should locate themselves on the national sovereignty axis.

While many express opposition to free trade and market competition in the ICT sector, few if any advocate a return to a national communications monopoly—even though that institutional arrangement provides the perfect setting for regulating and taxing the industry to promote social goals at the national level. More generally, the left’s classic hostility to economic liberalism has a hard problem coping with the liberalization of information and communication services, which has produced the most rapid and sustained growth in the level of communications access in world history while massively expanding the type and diversity of information content and services. While the left often mounts convincing critiques of various failings and market abuses, no systematic institutional alternative is advanced. Would Internet social democrats want to locate themselves in the cyber-reactionary quadrant, alongside conservative nationalists and authoritarian regimes, and attempt to put the Internet genie back into nation-state bottles so that the information economy can be more effectively subject to wealth transfers and social regulation? Probably not.

Does the left, instead, want to enact a global social democracy through existing intergovernmental organizations? On its face, this option is not attractive. International institutions are fundamentally flawed as mechanisms for the realization of social-democratic aims. They are not, at root, democratic at all. They have no citizens; they are collections of nation-states. Many of the member states are authoritarian and stubbornly undemocratic, yet as sovereigns they have equal rights under intergovernmental regimes. The politicians who participate in these intergovernmental organizations define and enact their preferences in ways shaped by national politics, not in response to a global population and a global public interest. Simple wealth transfers from one national public to another are unlikely under such conditions. International institutions lack global taxing power. When all is said and done, they simply collect donations from nation-states (and sometimes corporations). More fundamentally, they lack the electoral, democratic deliberative mechanisms and judicial checks and balances that would be required to render global taxation legitimate and lawful. Is it sensible to ask these institutions to enact a gigantic, global wealth redistribution regime for the information economy?

Perhaps, then, later-day social democrats should be even more radical and mobilize for the creation of a completely new, transnational sector-specific redistributive state for communication-information technology, or move toward the kind of localist anarchism hinted at by the World Social Forum. But where would this institution come from and how would it achieve taxing and regulatory powers over the current system of networked Internet governance, which allows organizations to opt out of financial and technical arrangements that don’t suit their interests? What is the strategy for getting out from under nation-states? What kind of a global polity would effectively combine the populations of North and South America, Europe, Africa, Russia, India, and China into a cohesive public? Globalizing the capabilities of social democracy without tempering it with liberalism, and without bringing onto being a wide-ranging public sphere that transcends territorially limited cultures and language communities could be quite dangerous.

Social democracy at the national level was originally a step back from harder forms of socialism; it accepted the market’s productivity and vitality and tried to harness it politically to promote social aims. Will Internet-era social democrats make a similar concession to liberalism and embrace looser, networked forms of governance at the international level? Will they place themselves in the upper-left quadrant and rely on contractually constructed commons rather than statist redistribution? This path has many positive aspects, but would leave in place a decentralization of power that makes systematic forms of wealth redistribution less feasible.

S. “We aspire to build information and communication societies where development is framed by fundamental human rights and oriented to achieving a more equitable distribution of resources, leading to the elimination of poverty in a way that is non-exploitative and environmentally sustainable. To this end we believe technologies can be engaged as fundamental means.” From “Shaping Information Societies for Human Needs,” Civil Society Declaration to the World Summit on the Information Society, WSIS Civil Society Plenary, Geneva, December 8, 2003, http://www.itu.int/WSIS/docs/geneva/civil-society-declaration.pdf.

6. When such transfers occur it will always be conceived as furthering a member state’s own national interest or policy in some way.
Whichever path a leftist takes along the nationalism axis, it is evident that the basic character of social democracy will be profoundly affected by the choice. It would be impossible for it to retain its classical program. Contemporary social democrats involved in Internet governance have not even begun to confront this problem. They continue to articulate high-sounding norms and political goals and do not worry much about how to deliver them.

The right side of the standard political spectrum has similar problems. The right now consists of an increasingly strange combination of market liberalism in economics, religious-based social conservatism, and extreme nationalism in international and military affairs. Policy toward Internet governance tends to be dominated by the nationalist element.

The Internet has always posed a problem for the right and its bundle of barely compatible tendencies and constituencies. The Internet makes economic and social liberalism virtually insuperable: if one truly wants to regulate content and conduct in cyberspace to enforce socially conservative values, one must impose severe economic regulations upon it and erect barriers to trade. And if one's political base is animated by fears of foreigners and terrorist attack, and the ideologies and special interest groups within one's coalition exploit those fears to elevate national security and surveillance over civil liberties and privacy, the openness and freedom of the Internet starts to be perceived as an enemy to be attacked.

In the past, market liberals on the right advocated privatization, competition, and liberalization of key infrastructural industries such as telecommunications and energy. In Internet governance, however, an irreconcilable conflict exists between their nationalism and their devotion to the market. Stuck on the issue of U.S. power, they do not fight for liberal ideals in the global Internet polity. Instead, they equate the U.S. nation-state with all the classic virtues of liberal democracy and reduce the politics of global Internet governance to favoring or opposing U.S. preeminence. To these rightists, the U.S. government, when considered as an actor in geopolitics, embodies freedom and democracy. Thus, anyone who challenges its special role in Internet governance is, by definition, an apologist for the enemies of freedom and democracy who also challenge the U.S. role. Sophisticated readers will recognize in this logic the mirror image of the extreme leftist tendency to embrace any political tendency from “the South” that opposes U.S. hegemony (even Islamic theocrats and fascists) and to criticize as domineering, exploitative, and a tool of the United States any political tendencies that embrace market liberalism. Both the conservative apologists for the United States and their anticapitalist counterparts commit the same fallacy: the United States becomes an abstract symbol rather than a real state, and economic liberalism becomes a kind of “market fundamentalism” rather than a set of policies whose effects can be rationally evaluated and used as appropriate. Conservatives both inside and outside the United States are so deeply locked into this dichotomy that they cannot make valuable contributions to the Internet governance debates.

Even the rightwing libertarians of the Ron Paul variety, while more consistent in their liberalism, are completely stuck in the nationalistic rut. They lack any conception of the Internet community as a distinctive polity. They speak reverently of national sovereignty and of their national constitution, revealing that they think of liberty and related political values exclusively within the framework of the nation-state. They seem never to have considered the possibility that liberal rights and freedoms on the Internet cannot be retained if they are only an island in a globally interconnected economy and society. They seem not to understand that the rights they define as “constitutional” might need to be translated into a transnational institutional context to survive for the next fifty years. Mention global governance in the context of the Internet and they hear only “the UN wants to take over the Internet” or “some other state we don’t like (China, the EU, whatever) wants to regulate the Internet.”

7. Note that I am using the terms liberal and liberalism the way Europeans use them (i.e., in their correct, historical sense). Liberalism means policies and philosophies that favor individual liberty and choice. In the United States, liberal has come to mean almost the same thing as social democracy; namely, it is associated with the left rather than the right.
8. The U.S. attempt to control Internet gambling, for example, was sanctioned by the World Trade Organization. China’s Ministry of Culture fused trade protectionism, censorship, and copyright protection in a recent ruling. For all music from outside China, including Hong Kong and Taiwan, online music distributors will be required to provide written lyrics for each song, translated into Chinese, and documents to prove they aren’t infringing on intellectual property rights. Any company wishing to provide music download services will be required to apply for an Internet culture license. Loretta Chao, “China sets new rules for music sold online,” Wall Street Journal, Technology section, September 5, 2009, http://online.wsj.com/article/SB125207664547286713.html.
Because ICANN is viewed as a U.S.-controlled, nongovernmental institution, it is presumed to be good. They never pay attention to the ways the governments of China and the EU influence the Internet via ICANN’s GAC. They look the other way when U.S.-based copyright and trademark interests utilize ICANN to regulate and intervene in the market for Internet services, almost always in illiberal ways. They never seem to notice the way ICANN completely nullifies their prized First Amendment in a key area of Internet policy. In short, their conception of the minimal state is confined entirely to the context of domestic politics. These blind spots of conservative idealists are easily manipulated by the corporate and militaristic interests that have less elevated motives for defending and retaining a privileged role for the U.S. government.

New Ideologies?

While it is important to understand the ways traditional left- and right-wing movements respond to Internet governance issues, there are also new ideologies native to the space. This section examines and critiques two such attempts—multistakeholderism and access to knowledge. It then tries to formulate the outlines of a liberal ideology suitable for Internet governance.

Multistakeholderism

In Internet politics, the concept of multiple stakeholder participation threatens to become a new “ism.” With its appeals to participatory norms it commands widespread acquiescence, or at least lip service. But as an ideology that can guide change, multistakeholderism is both radically incomplete and flawed.

Multistakeholderism addresses issues of representation and process; it does not provide any guidance on the substantive policy issues of Internet governance. While it does address the problem of democracy and participation, it mostly evades the key axes of national sovereignty and hierarchical power. At best, it tells us to open up existing intergovernmental institutions to participants other than states. The historical importance of this maxim during the WSIS process should be recognized. Still, at best this provides a bridge between an institutional environment dominated by nation-states and... something else. It has little to say about what that “something else” is or should be. At worst, it offers a simple-minded communitarianism that implies that all political, economic, and social conflicts can be resolved if everyone involved just sits down and talks about them together. By focusing almost exclusively on the interaction or dialogue among stakeholders, it tends to evade or ignore issues of rights, access, power, and related issues of institutional design. It invites private sector and civil society actors to “participate” in decision-making process, leaving their precise role or authority over the process indeterminate.

One of the chief problems with multistakeholderism is the plasticity and imprecision inherent in the concept of a stakeholder. In a democratic polity we know what a citizen is and what rights go with citizenship. But no one knows for sure what a stakeholder is or what rights adhere to that status. By flouting the rules and categories of representation in deliberations and decision making. But the political views held within each of these categories are extremely diverse, and real people and real organizations can span more than one of them. This provides ample room for opportunistic and manipulative behaviors. Worse, if not properly institutionalized, multistakeholder processes can give those already holding governance power too much discretion over who is deemed to “represent” different social sectors, or the ability to manipulate the categories of representation. The power to formally designate certain people or organizations as “the” representative of some broad category can be used to disenfranchise the populace as easily as to empower them.

Multistakeholderism often maintains the pretense that nation-states are stakeholders on an equal status with others. But given prevailing institutional...
tions and power relations, this is a dangerous fiction. States, especially great powers, can pick and choose when to engage in a way that other groups cannot. Moreover, governments are usually not organized in ways that facilitate equal-status deliberation; for example they don't (or sometimes cannot) openly express opinions on public email lists, and can't easily participate in public, free-form discussions of controversial issues without giving the impression that they are taking an official position. ICANN's experience with the GAC, or the IGP's willingness to make governments a bit more equal than the others, attest to some of the problems created by attempts to classify nation-states as "stakeholders" alongside nonstate actors.

If multistakeholderism means only that people who are strongly impacted by policies should be actively heard from, then it is nothing but normal pluralist politics. In any democratic policy-making process, there are numerous opportunities for public hearings and comment and decision makers are open to legitimate forms of persuasion from various interest groups. The critical difference, however, is that pluralist democracy takes place within a legal and institutional framework that gives participating citizens specific civil and political rights, and makes the governmental decision makers formally accountable to them in various ways. Multistakeholder institutions at the global level still lack this rights framework.

A2K

Access to Knowledge (A2K) provides a substantive ideology that is native to digital media. As noted in chapter 7, it is transnational in outlook and founded on an innovative and constructive approach to informational property rights. It provides both a new conception of freedom in the networked environment and a pragmatic appreciation of the capabilities of peer production. It also offers a compelling historical narrative about the clash between an old order and a new order in the information society. Yet A2K suffers from two limitations.

One is that it lacks a clear stance on the nation-state as a governance institution. In general, it does not have anything new or insightful to say about the future of sovereignty. While the A2K movement is not nationalist, neither does it explicitly challenge the nation-state's role in communication-information governance. Aside from the contractual commons, it doesn't offer a vision of an alternative to the nation-state. (The contractual commons may, in fact, be sufficient—but that argument hasn't been made.) A lack of engagement with that problem diminishes the relevance of A2K on some of the key drivers of Internet governance, such as the securitization of the Internet or the formation of new global institutions around critical Internet resources. More significantly, its reflexive support for the public domain in information production isn't grounded in any new, well-developed notion of the proper scope and limits of state action in a globalized information sector. This means that A2K adherents could easily slide down a slippery slope toward old-style socialism, in which taxation dominates the financing of all information production and a protectionist national state reemerges as the dominant actor in the information economy. Under such a regime, the information economy will be organized around national politics rather than local, national, and global sharing and markets. As this happens, advocates of "access to knowledge" will be inexorably drawn toward erecting national fences around themselves—meaning, to restrict access—in order to protect the political and distributional bargains upon which its national information economy is founded.\footnote{We already see hints of this in the cultural diversity movement, where a "diversity" argument is advanced to rationalize protectionist policies toward film, music, and other cultural products instead of the classical economic arguments about infant industries, etc.}

A deeper problem is that A2K's critique of intellectual property comes from two distinct, sometimes contradictory impulses. On the one hand, A2K as social movement gets a lot of mileage out of a simple appeal to the moral obligation to cooperate and share. Copyrights, trademarks, and patents are oppressive and troublesome, this way of thinking suggests, because all property rights are oppressive and troublesome. A deontological claim that sharing is ethically superior to private property threatens to fuse the A2K movement with industrial-era socialist and communist ideologies that oppose property and a market economy as such. This is surely a dead end.\footnote{See Mueller 2008a for a more extensive critique of "info-communism."}

On the other hand, the A2K movement also contains within it a sophisticated critique of the way attempts to institutionalize property rights in the digital environment can create unacceptable restrictions on the freedoms of individuals. Richard Stallman has referred to digital rights management as a "system of subjugation" that extends the owner's control beyond the first sale into a set of ongoing restrictions on human action. It creates a world of publications that can "rat on you",\footnote{Boyle 1997a, citing Pamela Samuelson.} of government—
mandated technical standards designed to impede what users can do with digital information even when many of the blocked uses are legally and ethically justifiable; a world where Internet service providers might inspect your packets in transit and disrupt them if they use certain protocols associated with copyright violations. This argument is consequentialist rather than deontological; it focuses on the restrictive socioeconomic effects of certain forms of informational property and on the beneficial effects of sharing, commons, and public production under certain conditions. The latter approach to A2K does not assert that sharing is an ethical absolute; it warns us that copyright, patent, and trademark maximalism can turn our technical systems into a Panopticon, undermining the very innovation and creativity intellectual property rights were intended to protect. It is not, or need not be, inherently hostile to property and markets.

A2K as liberal critique of the excesses of intellectual property in the digital age points in a very different direction from A2K as info-communism. That movement has yet to decide which path it will take.

Elements of a Denationalized Liberalism

Cyber-libertarianism is not dead; it was never really born. It was more a prophetic vision than an ideology or "ism" with a political and institutional program. It is now clear, however, that in considering the political alternatives and ideological dilemmas posed by the global Internet we can’t really do without it, or something like it. That primal vision flagged two fundamental problems that still pervade most discussions of Internet governance: (1) the issue of who should be "sovereign"—the people interacting via the Internet or the territorial states constructed by earlier populations in complete ignorance of the capabilities of networked computers; and (2) the degree to which the classical liberal precepts of freedom get translated into the context of converged media, ubiquitous networks, and automated information processing.

In the book Powers of Freedom (1999), Nicholas Rose observed that liberalism was not the first political movement to proclaim the right of individuals to be free; its innovation was that it was the first to successfully link that claim to a specific system of government. The eighteenth and nineteenth centuries’ liberal-democratic state created a particular historical realization of a system of rights and it did this by distributing the responsibility for government to individual citizens qua citizens. The creation of democratic nation-states, however, was limited to bounded territories with more or less shared-culture populations. It should be clear that this kind of a territorial state doesn’t scale to global proportions.

The answer to that dilemma may lie in the upper-left quadrant of the political space—a denationalized liberalism.

At its core, a denationalized liberalism favors a universal right to receive and impart information regardless of frontiers, and sees freedom to communicate and exchange information as fundamental and primary elements of human choice and political and social activity. Political institutions should seek to build upon, not undermine or reverse, the limitless possibilities for forming new social aggregations around global communications. In line with its commitment to freedom, this ideology holds a presumption in favor of networked, associative relations over hierarchical relations as a mode of transnational governance. Governance should emerge primarily as a byproduct of many unilateral and bilateral decisions by its members to exchange or negotiate with other members (or to refuse to do so). This networked liberalism thus moves decisively away from the dangerous, conflict-prone tendency of other ideologies to build political institutions around linguistic, religious, and ethnic communities. Instead of rigid, bounded communities that conceal domination with the pretense of homogeneity and a "collective will," it offers governance of communication and information through more flexible and shifting social aggregations.

Although committed to globalism in the communicative sector, it recognizes that, for the time being, people are deeply situated within national laws and institutions regarding such basic matters as contracts, property, crime, education, and welfare. It is characterized not by absolute hostility to national and subnational governments as such, but rather by an attempt to contain them to those domains of law and policy suited to localized or territorialized authority. It seeks to detach the transnational operations of Internet infrastructure and the governance of services and content from those limited jurisdictions as much as possible, and to prevent states from ensnaring global communications in interstate rivalries and politico-military games.

Such an ideology needs to answer tough questions about when hierarchical exercises of power are justified and through which instruments they are exercised. A realistic denationalized liberalism recognizes that emergent forms of control will emerge from globally networked communities. It recognizes that authoritative interventions will be needed to secure basic rights against coercive attacks, and that network externalities or bottle-necks over essential facilities may create a concentrated power with coercive effect. It should also recognize the exceptional cases where the governance of shared resources requires binding collective action. Insofar
as collective governance is necessary and unavoidable, a denationalized liberalism strives to make Internet users and suppliers an autonomous, global polity. It favors what might be called neodemocratic rights to representation and participation in these new global governance institutions. The concept of democracy is qualified by the realization that the specific form of democratic governance associated with the territorial nation-state cannot and should not be directly translated into the global level. However, it does maintain the basic objectives of traditional democracy—to give all individuals the same formal rights and representational status within the institutions that govern them so that they can preserve and protect their rights as individuals. Such a liberalism is not interested, however, in using global governance institutions to redistribute wealth. That would require an overarching hierarchical power that would be almost impossible to control democratically; its mere existence would trigger organized political competition for its leverage, which would, in the current historical context, devolve into competition among preexisting political and ethnic collectivities.

Denationalized liberalism embraces both property and commons and seeks to leverage their complementarities. It recognizes the coexistence and interdependence of markets, exclusive property rights, and shared/unowned resources in communication and information. It rejects the false idea that commons and property are mutually exclusive, totalizing principles for economic organization, seeing them instead as distinct methods of organizing access to resources with their own virtues and failings. Historically, there has been a dynamic interaction between commons and private property; neither could exist in socially productive forms without the other.

The Internet itself embodies an unusually successful example of this complementary relationship between private market and commons. The basic protocols are open, nonproprietary standards that can be freely adopted by anyone. At the same time, the Internet is a network of networks, the constituent parts of which are privately owned and administered. This aspect of the Internet leads to privatization and decentralization of network operations and policies. By facilitating interoperability, the Internet standards commons promotes a private and decentralized market for software applications and information content. Thus, at the endpoints of the Internet, the free market and privatization rule; at the core standards level, a commons is in place. The end-to-end principle has in the past ensured that commons and market complement each other. The sharing and coordinating mechanisms are structured to provide maximum scope for private initiative and innovation at the end points. There is a clear separation between the parts of the system that are subject to private initiative and control, and the parts that are subject to global coordination and nonexclusive access. In short, it is the combination of the private and the common that works.

In short, we need to find ways to translate classical liberal rights and freedoms into a governance framework suitable for the global Internet. There can be no cyberliberty without a political movement to define, defend, and institutionalize individual rights and freedoms on a transnational scale.