

Book Review: Imagining the Internet: Communication, Innovation, and Governance

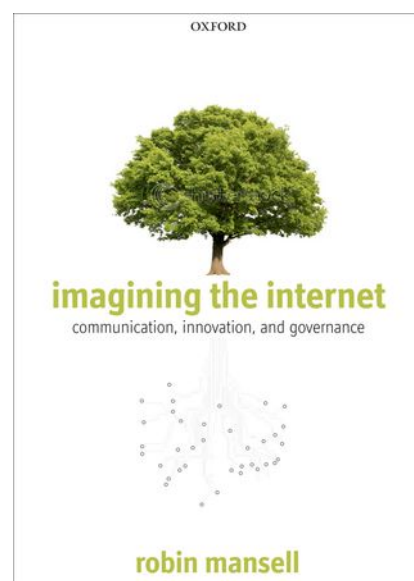
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*The Internet is now a familiar and pervasive part of the world in which we live, work, and communicate. As such it is important to take stock of some fundamental questions -whether, for example, it contributes to progress, social cohesion, democracy, and growth -and at the same time to review the rich and varied theories and perspectives developed by thinkers in a range of disciplines over the last fifty years or more. **Ian Hargreaves** finds that **Robin Mansell's** book is an important read for scholars interested in media, the law, and the future of regulation.*

Imagining the Internet: Communication, Innovation, and Governance. Robin Mansell. Oxford University Press. September 2012.

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On May 25, 2011, President Nicholas Sarkozy addressed the world's first 'e-G8 summit' and told an audience which included America's digital aristocracy that the Internet required regulation at the international level to address a range of problems, including threats to privacy, child protection and safeguarding of copyright. The authority for such regulation should be through decisions made by elected politicians. "To forget this is to risk democratic chaos and hence anarchy," he said. Reaction from technology companies and supporters of a self-governing 'information commons' or 'open Internet' was swift and hostile. Google's Eric Schmidt said that answers to the problems generated by the Internet should be sought in technology not regulation.



In this book, [Robin Mansell](#) argues that it is indeed time for regulatory innovation, in pursuit of public benefits greater than those available from simply leaving the Internet to find its own way, constantly re-shaped by an enclosed cadre of elite hardware and software engineers and their corporate masters. Her reasoning, based upon ambitiously trans-disciplinary reading, is that we have slipped into a conspiracy of paralysis, mesmerised by two dominant visions (or "social imaginaries," as she calls them) of the Internet. In the first of these, the complex information system of the Internet offers citizens unprecedented access to information and networks based upon an ever-expanding and self-generating information commons. To the extent that this commons is governed, it is governed from below. So, its defenders resist more explicit interventions, even those apparently seeking greater public good, on the grounds that a misjudged intervention would compromise the fundamental values of the Internet.



In a second 'social imaginary', the communications system is dominated by corporations (supported by states) pursuing as a primary goal innovation and economic growth through a market-based system of exchange. To the extent that there is governance here, it favours the weightiest corporate players. Misjudged interventions, we are warned, risk damage to business, prosperity and jobs. So, hands off!

In Mansell's view, both camps fail to take account two paradoxes. The first is that digital information is both abundant and yet, when regulated by strong IP laws, rendered scarce in order to raise its market value. Unrecognised, this paradox disguises hidden regulatory intent. The second paradox refers to the complexity of the Internet, which is regarded as beneficial within both social imaginaries because it supports the case for resisting intervention on the grounds that only the system's own elite engineers, authors of complexity, and their masters, or the machine itself can understand the machine. The Internet is, in short, beyond the grasp of amateurish politicians or their citizens, much like ultra-high-speed trading in new financial instruments.

In mainstream politics, these forces have resulted in a complex stand-off both at the national level and among the 42 international bodies which, by Mansell's count, have acquired some sort of role in supervising the Internet. The work and (more usually) talk of these global bodies confirms the paralysing clash of Mansell's two dominant social imaginaries, resulting in "a persistent struggle between those favouring market-led developments and those favouring a wider space for an open information commons."

This stand-off favours established power, whether political or commercial. China, along with other authoritarian states, has shown that it is perfectly possible to run a highly regulated internet, where censorship is extensive and routine. They have thus achieved what President Clinton once likened to "nailing Jell-o to the wall," whilst bluntly defying the 'information wants to be free' paradigm of the Internet's pioneers.



Internet cafe in Taipei. Credit: [Jared Tarbell](#) CC BY 2.0

Meanwhile, in domains of market-based telecommunications regulation, such as Europe and North America, believers in both of Mansell's dominant 'social imaginaries' attach themselves to the principle of 'net neutrality', which states, at its simplest, that there will be no discrimination on the Internet between types or sources of traffic, so making possible the 'end to end' connectivity of the Internet. Mansell dismisses this as phoney religion, designed to ensure in both Europe and North America, "a light touch approach to intervention" favouring established power. She shares the view of a growing number of analysts that what we are witnessing is "the emergence of a multi-tier network, comprising a mix of public networks where traffic is subject to scrutiny for state or corporate monitoring purposes, on the one hand, and private (or bypass) networks that privilege certain internet traffic and enable it to flow securely for those who can pay, on the other." This raises "questions about who has the authority and the ability to govern, and in response to what goals."

Mansell, like Sarkozy, thinks that something different should be done. She urges scholars across a wide range of disciplines, from media studies and psychology to anthropology and political economy, to take a more informed and critical view in challenging the circuitry of the engineers' thinking, whilst admitting that the debate across such different languages and epistemologies is "a daunting prospect."

Three examples of “adaptive action” are canvassed. The first suggests simply that we train ourselves to avoid the (rather obvious) mistake of thinking that more digital kit necessarily takes us closer to the ‘good society.’ The second demands a more flexible copyright regime in order to boost online-creativity, possibly involving a levy on internet use to pay creators. The third action would involve some sort of regulatory oversight of ‘intelligent software agents,’ in an attempt to achieve greater democratic influence and redress over the online surveillance now very extensively practised by governments and corporations.

Mansell sees these ideas as the basis of a new social imaginary; one which is not paralysed in an either/or confrontation between open source and corporate-domination. Neither dystopian or utopian, this new vision will “guide the evolution of the communication system in a direction that is aligned with aspirations for the good society” and “secure the public interest in a communication system that is fit for economic growth and for limiting unwanted intrusions into people’s lives.”

The prevailing response to this argument, especially among those with particular and large stakes in the information economy status quo, will be that the stand off between the two flawed social imaginaries may be the best available bulwark against something worse: whether Gallic regulatory zeal (newly detailed in recent days by Fleur Pellerin, the Socialist Digital Economy Minister) or unabashed Chinese control. From this perspective, a California-inflected Internet with a foot in Wall Street is not so distasteful as it might otherwise appear.

Perhaps the best way to think about *Imagining the Internet* is that it identifies risks in the new information order which are increasingly evident and which are too important to ignore. By accurately logging the democratic deficit and sheer ineffectiveness of current institutional checks and balances, it declares a desired direction of travel: an Internet increasingly responsive to democratically established public values – or in the shorthand Mansell prefers: ‘the good society.’

If we accept the force of this argument, we at least start to open up a space in which regulatory regimes at the national and (in the case of the European Union) the supranational level might frame a programme of achievable reform.

In the UK, where our converged communications regulator Ofcom is this year celebrating its tenth birthday, new thinking is certainly overdue. The child of a 2003 Act of Parliament which did not even mention the Internet, Ofcom still lacks the powers even to gather the information needed to wield effectively and promptly its competition watchdog powers with regard to Internet platforms, let alone to contribute effectively to the debates exposed in *Imagining the Internet*. On privacy and data protection, there are uncomfortable cracks in the overlap between Ofcom and other regulators. On intellectual property, the current Government has proved much more radical than its predecessor, but the road to a truly fit-for-digital IP regime in a common European digital market still looks long and steep.

Politicians, by definition, will differ in their views of what constitutes ‘the good society.’ This book tells them that if they do not start to think harder and differently about the Internet, they will find that they are working inside an unprecedentedly powerful information system which is blind to their, and our, opinions and aspirations. This makes the politicians liable to serious policy error when they come to react, as they surely will, to some future scandal of surveillance or other excess of the ‘runaway machine.’ The scandal might arise in any domain – journalism, banking, the environment or politics itself – because the Internet is now basic to the working of almost everything. What we need is a new and more creative politics of the machine.

Ian Hargreaves is Professor of Digital Economy at Cardiff University. He is co-author of *A Manifesto for the Creative Economy* (Nesta 2013) and author of *Digital Opportunity: a Review of Intellectual Property and Growth* (HMG 2011). [Read more reviews by Ian.](#)