

The background of the book cover is an aerial topographic map of a mountainous region. The map uses a color gradient from light tan to dark brown to represent elevation, with white lines indicating ridges and valleys. A grid of thin, light brown lines is overlaid on the map, creating a series of rectangular cells. The title 'DIGITAL DILEMMAS' is printed in large, bold, white, sans-serif capital letters across the top of the cover.

# DIGITAL DILEMMAS

POWER, RESISTANCE,  
and the INTERNET

M. I. Franklin

# Digital Dilemmas



# Digital Dilemmas

*Power, Resistance, and the Internet*

**M. I. FRANKLIN**

**OXFORD**  
UNIVERSITY PRESS

# OXFORD

UNIVERSITY PRESS

Oxford University Press is a department of the University of Oxford.  
It furthers the University's objective of excellence in research, scholarship,  
and education by publishing worldwide.

Oxford New York  
Auckland Cape Town Dar es Salaam Hong Kong Karachi  
Kuala Lumpur Madrid Melbourne Mexico City Nairobi  
New Delhi Shanghai Taipei Toronto

With offices in  
Argentina Austria Brazil Chile Czech Republic France Greece  
Guatemala Hungary Italy Japan Poland Portugal Singapore  
South Korea Switzerland Thailand Turkey Ukraine Vietnam

Oxford is a registered trade mark of Oxford University Press  
in the UK and certain other countries.

Published in the United States of America by  
Oxford University Press  
198 Madison Avenue, New York, NY 10016

© Oxford University Press 2013

All rights reserved. No part of this publication may be reproduced,  
stored in a retrieval system, or transmitted, in any form or by any means,  
without the prior permission in writing of Oxford University Press,  
or as expressly permitted by law, by license, or under terms agreed with the  
appropriate reproduction rights organization. Inquiries concerning reproduction  
outside the scope of the above should be sent to the Rights Department,  
Oxford University Press, at the address above.

You must not circulate this work in any other form  
and you must impose this same condition on any acquirer.

[Cataloging-in-Publication Data on file with the Library of Congress.]

9780199982691  
9780199982707 (pbk.)

9 8 7 6 5 4 3 2 1

Printed in the United States of America on acid-free paper

*For Ngaire Margaret Franklin, my mother*



## **CONTENTS**

List of Figures viii

Acknowledgments ix

1. Digital Dilemmas 1

2. Paradigm Resets: Real-Life and Virtual Reconnections 35

3. Who Rules in the “Internet Galaxy”? Battle of the Browsers and Beyond 65

4. Can the Subaltern Speak in Cyberspace? Homelessness and the Internet 93

5. Who Should Control the Internet? Emerging Publics and Human Rights 138

6. Paradigm Reboot: Decolonizing Internet Futures 181

Notes 203

Literature List 235

Index 265



## **LIST OF FIGURES**

- 4.1 *BIGnews* Cover, vol. 3, No. 28, November 2002 (by Fernanda Cohen; <http://www.fernandacohen.com/>). 112
- 4.2 *BIGnews* Cover, vol. 4, No. 32, April 2003 (by Fernanda Cohen; <http://www.fernandacohen.com/>). 114
- 4.3 *BIGnews* Cover, vol. 4, No. 34, June 2003 (by Toby Van Buren). 116
- 4.4 *New York Blue*: Sketches of my good friend Ron Grunberg [editor of *BIGnews*] who is going through Chemotherapy at Beth Israel Hospital in New York, May 5, 2008 (by Fernanda Cohen; [http://www.fernandacohen.com/content/images/editorial\\_206.htm](http://www.fernandacohen.com/content/images/editorial_206.htm)). 117
- 5.1 *Human Rights and Principles for the Internet: Ten Principles* (IRP Coalition; <http://internetrightsandprinciples.org/wpcharter/>). 166
- 5.2 *How Standards Proliferate* (by xkcd; <http://xkcd.com/927/>). 167

## ACKNOWLEDGMENTS

---

There are many, many people to thank but space is limited and time is up. I have distributed these acknowledgments through the book. Each chapter speaks from a particular research trajectory and with that those people who have been formative in my thinking, granted me time and access to their work, and provided financial and other sorts of support. There are some people I would like to thank here nonetheless. Thanks to Angela Chnapko at Oxford University Press in New York for her support, input into the original idea for the book, and her forbearance over the last months as life and work commitments tripped over one another. Thanks to Nick Couldry, Natalie Fenton, and Jane Powell at Goldsmiths for providing me the time and resources for research leave to work on the book this past year. To Dong Hyun Song and Gareth Stanton my thanks as well for looking after the *Global Media & Transnational Communications* program at the Media & Communications Department of Goldsmiths while I was away. To colleagues Zehra Arabadji, Clea Bourne, Jacqui Cheal, James Curran, and David Morley thanks for the literature tips and attentiveness to how I was getting on, much appreciated. Thanks (again) to Tadgh O'Sullivan for the index, and to Jochen Jacoby, Fernanda Cohen, Toby Van Buren, and xkcd for the artwork. Three people looked after my well-being, helped me through the inevitable bottlenecks in thinking and writing for a book such as this, and kept me human: My warmest thanks to Zeena Feldman for the friendship, moral support, and brain food, to Zab Franklin for lifelong sisterhood and friendship, and Jochen Jacoby for all his love. Could not have done it without any of you. Thanks for putting up with me. Finally, I dedicate this book to my mother, Margaret Franklin, who paid for my education and who has supported me, as she has all my siblings, in more ways than we can ever know. Thanks Mum and with love.

Parts of Chapters 2 and 3 draw on previously published work: "Digital Dilemmas: Transnational Politics in the 21st Century," *Brown Journal of World Affairs*, vol. XVI, issue 11, 2010: 67–85; "'Wij zijn de Borg': Microsoft en de strijd om de controle over het internet" in *Digitaal contact: het net van de begrensd mogelikheden*, ed. by Jeroen de Kloet, Suzanne Kuik, Giseline Kuipers, Amsterdam Sociologisch Tijdschrift, AST-Thema: vol. 30, 2003: 223–253. Every effort has been made to trace and acknowledge copyright for images reproduced in this book. The publisher would be grateful to hear from any copyright holders who believe their images have been used without due credit.

London/Amsterdam, March 2013.



# Digital Dilemmas



# Digital Dilemmas

## INTRODUCTION

Consider the following: an antitrust trial pitting one of the world's most powerful global corporations against the US Department of Justice, homeless people using new media or others doing so on their behalf, and advocacy at the United Nations for human rights online. Participants in all three—individuals and communities, nongovernmental organizations and grassroots groups, governments and corporations—are deploying information and communications technologies in general and the internet in particular as not only means but also ends in themselves. Whatever decisions any party makes, whatever difficulties they surmount or opportunities they grasp—between clear or ambiguous options, in the face of material and digital obstacles, with ample technical and financial resources or on a shoestring—the ways they look to influence the terms of debate and go about achieving their goals inform the multiplex dynamics of power and resistance in an era of technoeconomic and sociopolitical change.

This book's title, *Digital Dilemmas*, points to the allied and antagonistic interests, forces of habit, and socioeconomic aspirations that inform each of the three scenarios explored in this study and alluded to above. To speak of *dilemmas* in this respect is to suggest more than consumers agonizing over which smartphone to buy. At the very least the internet, however defined, operates in all three cases as an ideal of (global) interconnectivity (Franklin 2010) in principle if not in practice. And as these technologies become more embedded in society and wielded as tools of international development, opportunity, and challenge for successive generations of activists, internet media and communications have been undergirding tectonic shifts in world order in terms of the practice of statecraft at home and intergovernmental cooperation abroad.<sup>1</sup> In this context a variety of vested interests

are looking not only to entrench but also to extend any incumbent powers they may have over how the internet functions, how it is accessed, and how people make use of the web. These moves include forms of state-sponsored and commercial monitoring, censoring, and various sorts of restrictions on what sorts of content people access and the terms and conditions by which they can engage service providers, exchange information, or interact with one another when online. Policymakers in national and multilateral settings are confronted with conflicting priorities in this respect; for example, ensuring diversity and competition in a sector characterized by market concentration, regulating and monitoring citizens' access and use without encroaching on privacy, pursuing (cyber)crime without abusing civil liberties or consumer or human rights. The idea of the internet being available for everyone, everywhere, and all the time is being countered in practice first by the push and pull between national sovereignty and proprietary property rights that allow a powerful agglomeration of both state actors and corporate interests to control access and terms of use. Second, state actors, unilaterally or in concert, have been reconsidering their respective approaches to regulating the internet as the limits to internet 'freedom' become more pressing for domestic and foreign policymakers. Third, there is an intensification of efforts by all parties to control the narrative, to put forward their versions of what is at stake in a scenario in which the internet plays a leading role as well as provides the decor for other action.

Ordinary people meanwhile have become accustomed to the idea that the cyberspaces they traverse are open, online interactions are transparent in a positive sense, and the web's products and services are more or less "free." In hi-tech, saturated societies, the public is somewhat naive to assume that access to the internet is universal and evenly distributed and that the ways in which it is run are self explanatory. Things have been changing of late though, as these assumptions come under scrutiny for a range of sociocultural, political, and economic reasons. The technological intricacies of internet design, access, and terms of use that were once the reserve of expert elites have started to hit the headlines. Now an integral part of contemporary media *and* communications, ownership, and control of the internet by whom, for whom, and on whose terms, has moved from behind the scenes and from behind our screen into public arenas of big power politics (e.g., the United Nations), inter/national media scandals (e.g., the Leveson Inquiry in the United Kingdom or the fallout of the Wikileaks affair), and political revolutions (e.g., in the Middle East and North Africa). In this context the Anglo-American-Euro sense of entitlement to leading decisions on how the internet functions, centered paradigmatically in the United States, has started to wobble. Incumbent powers, from quasi-nongovernmental organizations (*quangos*) to *public-private partnerships*, are being challenged in word and deed. These challenges come not only from longstanding critics from within these societies or rising powers from abroad (e.g., China, India, and Brazil) but also through the cross-border lobbying and mobilizing of other nonstate actors over a decade of the *multistakeholder consultations* that have come to characterize struggles over *internet governance*.<sup>2</sup> All protagonists are staking competing claims in the way the

internet, and the web-based relationships and spaces it facilitates, has and will continue to work. And as the lion's share of ownership and provision of web-based goods and services for an increasingly global population of internet users is also largely in the hands of US corporations, challenging this status quo is not an easy task.

In this sense the "internet" has several roles at once: as a contentious object of analysis, arena, and means for action for all parties. However, this is not to suggest a simple technological determinism, to attribute this techno-social-economic "array" with agency in the usual sense of the term. Like all human artifacts, the internet does not stand alone, outside history beyond the reach of societal forces—at least not yet. Automation, simulation, and artificial intelligence have not developed far enough to eliminate the organic social—human—side from the equation. Internet users are still predominately human beings. That said, the increasingly intricate connections between analog and digital social worlds, organic life forms, and "thinking machines" (Quintas 1996; Franklin 2012d), have repercussions not only for conventional thinking about the form and substance of power in analytical terms but also for how new hierarchies and modalities in the exercise of sociopolitical power are shaping public imaginaries, concomitant lifeworlds, and, thereby, the (re)production of knowledge (Latour 2012; O'Neil 2009; Wouters et al. 2012). This enervating tension between the "informatics of domination" and the "fruitful couplings" (Haraway 1990) that emanate from the ways in which humans and thinking machines are increasingly (in)compatible has implications for the intersection of everyday and political life.

Greater than the sum of its parts, the internet's future in this respect "belongs" to everyone, users and nonusers alike. However, this does not mean that everyone has, or can have, a say in how the internet does or could work—let alone to what ends, for whom, and on whose terms. While ordinary users on the whole have limited ability to affect how powerbrokers treat the product of their personal and professional online behavior, others are mobilizing on their behalf, in online and on-the-ground forums of consultation, organization, and (in)direct action. National and regional governing bodies, established intergovernmental organizations, and emerging multilateral institutions have also started to take into account the legal and political implications of these mobilizations on the one hand and, on the other, the "land grab" for ownership and control of the internet that has been intensifying at the intersection of corporate interests and state jurisdictions. With these struggles come equally concerted efforts to control the terms of debate about its future between these competing—and allied—interests and their critics.

This study intends to show how recent, high profile power struggles over *and* through the internet are the more visible aspect to ongoing struggles that have been taking place since the internet's early boom years, at the "back end" (Stalder 2012) of the user-friendly interfaces, gadgets, and services that now constitute the "cyberspatial practices of everyday life" (Franklin 2004: 12, 59 *passim*) that people take for granted or resent. The three empirical foci that concern Chapters 3–5 explore the implications of these tensions at



close quarters and from different vantage points: the Microsoft antitrust trial in light of increasing corporate ownership and control of internet media and communications, homelessness and the internet, and rights-based activism for the online environment at the UN, respectively. Taken together and in turn they provide new insights into what have become internet-facilitated and web-embedded “horizons” of meaning-making and activity (Gadamer in Ulin 1984: 99–102); including contentious discourses of what is at stake that point to competing worldviews, development priorities, and acutely uneven means for taking effective action.<sup>3</sup> These conflicts are crystallizing around *and* through the idea that internet-embedded ways of doing things are indispensable to what counts as the “good society.” They also feed into endemic disenchantment with political and economic power blocs at home and abroad along with protest movements on a range of global issues. The popular rise of the web in the 1990s may have gone hand in hand with neoliberal globalization but it also has gone hand in hand with successive waves of local and transnational mobilization around the notion that “another world is possible,” that other sorts of globalization are underway, desirable, and sustainable. What remains underelucidated is whether, and, if so, how another internet is also possible, and for whom. This vexing question links the three illustrative cases under study in this book.<sup>4</sup>

## In Context

Scholars and pundits still have a tendency to refer to the internet and/or the web in the same breath as “new media,” but for the two, if not three, generations of so-called *digital natives* who have grown up with and through its computer-mediated interactions, these media are hardly new. As successive releases in the latest internet-embedded products and services render precursor versions “old” before their time, it is easy to overlook that even in its relatively short lifespan, the internet has had several iterations which coexist. In terms of perception and application, the 1990s’ generation of web services, web browsers, and visuals are suffering a fate similar to that of black and white and public service television in the wake of color, cable, and satellite TV last century. In the retelling, however, the brief history of the internet still engenders hyperbolic levels of wonder and excitement, disapproval, and suspicion. Its runaway success in popular and economic terms and in a short time span within the larger history of media and communications (McLuhan 2001 (1964); McLuhan and Powers 1989; Mattelart 1994; Burke and Briggs 2009) has generated its own genus of mythologies and lexicons along with their respective high priesthoods, subcultures and undergrounds, heroes and villains, pioneers and doom merchants. Tales of redemption and despair, of creating and sustaining new sorts of worlds and intimate experiences facilitated and transmitted through the internet are now accessible to people without ever having to leave home, as the saying goes.<sup>5</sup>

Even a cursory look at popular and academic internet-related literature since its heyday in the 1990s shows a sharp polarization between optimistic and pessimistic

analyses of the short-term and long-range effects of the internet's global uptake (unexpected) and its global rollout since then (deliberate) for culture, politics, and society. Piggybacking on international telecommunications networks dating from the late nineteenth century, once it emerged from its Cold War generation of US-based industrial-military funded research, the internet both epitomized and contributed to the globalization wave that marked the last half of the twentieth century. After all, the telephone had already made it possible for people to talk to one another at a distance through sender-receiving devices connected by analog networks of copper cables and wires (Standage 1998), so why not computers by way of computer programs and digitized networks?<sup>6</sup>

This first operational problem—how to make computers “talk” to one another—conjoined with a second—how to make computer-mediated defense and strategically sensitive information networks and their data-storage facilities less vulnerable to external attack or natural disaster, to wit the internet's “distributed network” design principle. These two premises then conjoined with a third, making these communicating computers easier to use by developing layers of applications and visuals that are accessible for ordinary people: some for profit, others for the purpose of governing, and others for the “hell of it” (Abbate 2001; Spiller 2002; Blum 2012; Raymond 2001; Vise 2005). The cross-border deals and technical communities that convene for all this interoperability to work have developed in a piecemeal, expert-led, and geopolitically uneven fashion, through informal ad hoc arrangements and increasingly by formalized institutional settings that include setting standards, treaty-making, and intergovernmental resolutions—and when these falter, case law. It is on behalf of communities, publics, citizenries, or consumers that incumbent and emerging vested interests are staking their claim in the changing landscape of ownership and control of internet design, access, and use. Within this larger narrative, including its variations and counternarratives, this study covers a period in which the internet itself has undergone a sea change in the way it looks, works, and how people access and use it.

## Caveats

Given the state of flux that characterizes the technohistorical context in which the research for this book was carried out and the book completed, dealing with what this study is *not* about early on is appropriate. This is important because the sociocultural issues, corporate technoeconomic strategies, and statist political projects in play around the future of the internet are gathering momentum and because the ante is being constantly—and consciously—upped by all parties. Incumbent powers are having to deal with familiar and new forms of cross-border resistance as access to the internet becomes framed as not only the sine qua non of economic and human development (UN 2000; World Bank 2002; OECD 2000; UNESCO 2013a, b) but also increasingly perceived as, arguably, a fundamental right (BBC 2010; Jørgensen 2006; UN Human Rights Council 2012a). Efforts are intensifying in all quarters to gain control over the narrative, over which

account of origins and destiny in technocultural terms sets the terms of political debate (e.g., Abraham 2012; New America Foundation 2012; Public Voice Coalition 2009; Clinton 2010a) and thereby frames popular imaginaries. In particular a winner-takes-all mentality and predilection for warlike idioms has started to permeate scholarly and media analyses of the interplay between the internet, politics, and society (*The Economist* 2012; Becker and Reißmann 2012; Goldsmith 2012). These “for or against” tropes of Big Power politics further entrench an ongoing polarization between positive or negative evaluations of this interplay and in doing so obscure crucial historical, technocultural, and political-economic nuances. Not only are the issues and practical problems involved irreducible to simple cause-and-effect equations, however comforting these may be in political or cultural terms, but so too are their critical analysis and the alternatives proposed.

What caveats are there? For one thing this book is not agitating for or against the idea that the internet and its so-called *new media* have had an impact on society, culture, and politics in broad terms. This is a chicken and egg argument. Nor is it looking to prove whether said impacts are good or bad, authentic or forms of false consciousness; the internet a passing fad, a tool of domination, or a tool for achieving (digital) democracy and freedom. This is a moral, normative register for analysis. Neither is it about whether or not *this* internet, increasingly synonymous with the *social media* web applications it facilitates, has been the driving force behind globalization and its discontents in general or, in particular, instrumental to spectacular political events in recent years. This is an historiographical and political debate as celebratory readings of these events, where protesters and their media of choice—or circumstance—saw the toppling of authoritarian and oppressive governments, have their flip side in condemnations of how these media have exacerbated protest movements, direct actions, and social unrest elsewhere in the world on the ground and online (see Castells 2012; Barkai 2012; Coleman and Tucker 2012). In all cases the internet and its web-based products, services, and multimedia communicative devices played a role; if not center stage then in the margins, if not for protagonists then for onlookers, reporters, online audiences, or offline publics. Technohistorical breaks are also not being advocated here as such. While some argue that “new media” imply “new politics” (Kern 2012), this study is not about the new sweeping out the old or conversely the old prevailing. Despite their substantial rhetorical value, these notions are not only time sensitive but also specious; one generation’s “new” is the next one’s “old,” and change and continuity are cyclical, linear, and multiplex in varying degrees.<sup>7</sup>

The second caveat regards register. Didactic and rhetorical conventions in the Anglo-American scholarly idioms tend to privilege forms of address, statements of purpose couched in the declarative rather than the subjunctive mode (Sennett 2012): “Don’t mess with Mister In-Between,” in other words.<sup>8</sup> This book looks to explore just this in between because it is this domain that continues to go begging in critical theory and research on the role successive generations of “new” media and communications play in social movements, political oppression, and

its resistance; for example, from the Zapatistas in Mexico in the 1990s to antiglobalization protests around the world from 1999 to 2004, from antigovernment protests in Iran in 2009, to the Occupy Movement in New York, London, and elsewhere in 2011. Overlapping generations of network designs, sorts of access, and uses of the internet combine with real-life and real-time forces that operate not only offline but also in *cyberspace* in ways that are qualitatively and quantitatively different from preceding generations. Having said that, these shifts do not start and stop with the latest software release or globally circulated images of social media brands as graffiti in revolutionary settings. In terms of meaning-making that also frames and coconstitutes the world people live in, this in-between is at once figurative and literal, physical and virtual, practical and conceptual, synthesizing and alternating (Lunenfeld 2000), full of possibility and new opportunities yet also porous to old-school sorts of oppression and newer, more insidious forms of control.

The third caveat is about scale. Although debates about large-scale transformation are germane to these inquiries, the extent of the internet's role in the Arab Uprisings of 2010–2011 or challenges that web-based *user-generated content* or “citizen journalism” raise for the sense of entitlement of incumbent political and media gatekeepers are questions that go beyond the scope and ambitions of this study. This is because the focus here is less on the “why” of competing causal explanations than on the processes and practices at stake, the “how” and, by association, questions around the “who” (or “what”), “for whom,” and “when” that can reveal a wider “range of futures” (Ulin 1984: 104) in play.<sup>9</sup>

What this book *is* about concerns the unpacking of scenarios in which incumbent powers and forces of opposition and resistance on the one hand and, on the other, shifts in control and ownership of the internet, in part or as a whole, intersect. From there it theorizes implications for the “haves” and “have nots” respectively. Moving from corporate boardrooms and high courts to the streets, community-based needs and aspirations, and then into UN summits, the book shows how unevenly matched forces come into contact, collide, or cooperate over time in a mixture of online and offline settings. Each case in the book shows actors with different amounts of resources and power, sometimes with very few resources, making a difference in the way people experience the world around them by the way they use (or don't use) computer-mediated media and communications of the day. In the first instance, competing forces look to own and control the internet's underlying architecture, equipment, and other critical resources (e.g., control of operating systems or internet addresses through the *Domain Name System*) and concentrate these resources in fewer and fewer hands (e.g., US-based ICT corporations such as Google, Microsoft, and Facebook, *inter alia*). In the second instance, those forces, in concert as well as in ad hoc ways, make use of available tools and online products if not adapt the web's spaces as they search out affordable services to provide openings for the disadvantaged and marginalized (e.g., homeless populations and their media). And third, those who mobilize online and on the ground across national and temporal borders to influence decision-making around research and development (R&D) investment, jurisprudence,