The “New Empirics” in Internet Studies and Comparative Internet Policy

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Internet Theory: The New Empirics

In discussions about whether there is a need for new forms of Internet theory, the concept of virtual communities often emerges as a trigger. In terms of communications theory, the very distinctive feature of computer-mediated communication (CMC), as compared to the dominant forms of mass communication, is the blurring of what had hitherto been distinctive positions within the communication process. Garth Graham, a founder of Telecommunications Canada, referred to the four convergences that animated his interest in the potential of CMC: convergence between senders and receivers of messages; convergence between conversation and information; convergence of the means of carriage and its content; and convergence of public and private identities.[1]

Graham’s work is very much in keeping with the “first generation” of writing about virtual communities. Writers such as Garth Graham, Howard Rheingold, Richard Sclove, Amy Bruckman and Douglas Schuler came from activist or community networking backgrounds as much as academic ones, and brought both personal passion and on-the-ground experience to their advocacy of CMC providing the potential for new form of community development and democratic citizenship.[2] Since these people produced books for an academic market that would increasingly be based around anthologies, their original works were widely republished and recirculated. What resulted in early courses dealing with the Internet and new media from a theoretical perspective was a sometimes bizarre worldwide trawling of sites such as the Whole Earth ‘Lectronic Link (‘the WELL’), Seattle Community Network, and Telecommunities Canada, from students learning from authors who generalized from the experiences in particular sites of CMC and online participation.

Perhaps not surprising, the next step was something of a backlash to this positivity towards CMC. Writers such as David Lyon, Joseph Lockert, and Kevin Robins and Frank Webster felt obliged to remind us about the hierarchical, unequally distributed and limited nature of access and participation in CMC, and the fact that it could not in and of itself achieve wider social and political change.[3] This period also marks the significant entry of women into these debates, and the

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[1] Garth Graham, ‘Freenets and the Politics of Community in Electronic Networks’, in *Telecommunities Canada* (1996). http://www.telecommunities.ca/papers

[2] Graham; Howard Rheingold, *The Virtual Community* (London: Secker and Warburg, 1994); Richard Sclove, *Democracy and Technology* (New York: Guilford Press, 1995); Amy Bruckman, ‘Finding One’s Own in Cyberspace’, in *Technology Review* (April, 1996); Douglas Schuler, *New Community Networks: Wired for Change* (Reading, Mass.: Addison-Wesley, 1996).

[3] David Lyon, ‘Cyberspace sociality: controversies over computer-mediated relationships’, in Brian D. Loader (ed.), *The Governance of Cyberspace: Politics, Technology and Global Restructuring*

emergence of work that is clearly spinning off from academic research projects and ongoing study of the uses of CMC, as seen in the contributions of Beth Kolko and Elizabeth Reid, Michele Tepper, and Nancy Baym.[4] The North American origins of much of the discourse surrounding virtual communities was also being interrogated, most notably in the critique by British academics Richard Barbrook and Andy Cameron of the "Californian ideology" of free markets and political individualism, which they considered inappropriate for a European model of internet development.[5]

Following from Adrian Miles' recent observation about there having been three stages of hypertext theory,[6] I would propose that we are now in a third stage of theorising virtual communities and CMC, which is very much an empirical phase. What is apparent is that the sheer diversity of forms of online discussion groups prevents any prior set of assumptions about the virtues of community, or of the "online" and "offline" worlds. Another observation would be that forms of social practice and hierarchy that exist in society more generally are likely to appear in online environments, but how they are dealt with may be highly variable, dynamic and unpredictable.

There are also no straightforward political implications of CMC. The Internet has opened up new sites for communication, interaction, information sharing and collective political organisation for marginalised groups across the political spectrum, which can be both 'progressive' or 'reactionary', however we choose to define those terms.[7] Any consideration of the wider political implications of the emergence of virtual communities and virtual cultures needs to recognise that it does not allow for a differentiation between those forms of community and culture that some would deem positive and negative. All should be part of the overall CMC research agenda. We also need to recognise that the implicit values attached to concepts such as participation, democracy and citizenship have tended to privilege the analysis of forms of CMC that lay claim to explicit scope for political organising.[8]

(London: Routledge, 1998), 23-37; Joseph Lockert, 'Progressive Politics, Electronic Individualism and the Myth of Virtual Community', in David Porter (ed.), *Internet Culture* (New York: Routledge, 1997); 219-232; Kevin Robins and Frank Webster, *Times of the Technoculture: From the Information Society to the Virtual Life* (London: Routledge, 1997).

[4] Beth Kolko and Elizabeth Reid, 'Dissolution and Fragmentation: Problems in On-Line Communities', in S. G. Jones (ed.), *Cybersociety 2.0: Revisiting Computer-Mediated Communication and Community* (Thousand Oaks: Sage, 1997), 212-229; Michele Tepper, 'Usenet Communities and the Cultural Politics of Information', in David Porter (ed.), *Internet Culture*, (New York: Routledge, 1997), 39-54; Nancy Baym, 'The Emergence of On-Line Community', in S. G. Jones (ed.), *Cybersociety 2.0: Revisiting Computer-Mediated Communication and community*, (Thousand Oaks: Sage, 1997), 35-68.

[5] Richard Barbrook and Andy Cameron, 'The Californian Ideology' (1995), http://www.wmin.ac.uk/hrc/

[6] Adrian Miles, 'Cinematic Paradigms for Hypertext', *Continuum: Journal of Media & Cultural Studies* 13.2 (1999): 217-226.

[7] Castells usefully notes that, the era of globalisation and the network society, 'resistance identities' that form around an opposition to these trends, and draw upon a sense of community to legitimate that resistance, can take a variety of political forms, that run across the political spectrum. He also warns against generalisations that are not informed by evidence, with the example of how most 'Militia' pages in the United States either do not refer to race, or make explicitly anti-racist statements, in contrast to their popular perception. Manuel Castells, *The power of Identity* (Oxford: Blackwell 1998), pp. 65-67, 85-92.

[8] It is interesting to note the number of authors writing about virtual communities who refer to their role in reversing the decline of "social capital" in the US, or the declining willingness to voluntarily participate in public institutions. The classic statement of this argument comes from the political scientist Robert Putnam, who, interestingly, sees television as the principal factor behind this decline. See Robert Putnam, 'Tuning In, Tuning Out: the Strange Disappearance of Social Capital in America', *Political Science and Politics* 28.4 (1995): 664-688.

It is into this context that Daniel Miller and Rob Slater's *The Internet: An Ethnographic Approach* marks a significant contribution to debates about Internet theory.[9] Basing their analysis upon an extensive ethnographic study of Internet use among various communities in Trinidad, what becomes apparent to the authors is that there is not a duality between the Internet on the one hand, as a global communications technology, and Trinidad on the other, as a geographically defined local culture. There is an Internet that is used by Trinidadians, both within and outside of Trinidad, that is part of defining the overall morphology of the Internet, and the corporations and government agencies that are primarily involved in the development of the Internet will have to understand and engage with the cultures of users in definable geographical contexts if they are able to generate content that is compelling and commercially profitable.

Place, Culture and the 'Network Society'

The *locus classicus* of the relationship between CMC and the "new economy" in the academic field has been sociologist Manuel Castells' three-volume collection *The Information Age: Economy, Society and Culture*. In an historical typology strongly influenced by the Marxist concept of modes of production, Castells proposes that the Information Technology Revolution has generated a new dominant economic mode, the informational mode of development, and a new social formation, which he terms the network society. In his well-known definition of the informational economy as a new economy, Castells defines the new economy as:

> * Informational
> * Global
> * Networked

The new economy is also cultural, although, for Castells, this cultural dimension is a highly formal one, largely derived from the economic base of informational capitalism:

> … modes of development shape the entire realm of social behaviour, of course including symbolic communication. Because informationalism is based on the technology of knowledge and information, there is a specially close linkage between culture and productive forces, between spirit and matter, in the informational mode of development.[10]

Implicit in Castells' understanding of culture here is a definition of culture as technologically mediated symbolic forms. Not surprisingly, then, we find in the section of *The Rise of the Network Society* where there is an extended discussion of culture, the chapter on 'The Culture of Real Virtuality', that culture is seen as synonymous with communications, and particularly with the dominant technologies of communications. The discussion is largely focused on the implications of a shift from mass media culture, exemplified by broadcast television, to a convergent media culture, with its fragmentation of mass audiences, the blurring of lines between the producers and users of computer-mediated communication, and the scope for integration of messages across media forms.

Castells' approach to media as culture as communicative forms has a distinctive and interesting history in media studies that includes historical work on the rise of print culture, debates about Marshall McLuhan's view of the relationship between communications media and the messages they transmit, and theories of the postmodern influenced by Jean Baudrillard's work on the simulacra. Castells' conception of global media culture is also reflected in his approach to globalisation, and its relationship to the geographical location of economic activities. Castells'

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[9] Daniel Miller and Don Slater, *The Internet: An Ethnographic Approach* (London: Routledge, 2000).

[10] Manuel Castells, *The Rise of the Network Society* (Oxford: Blackwell, 1996), 18.

analysis of the geography of globalisation is very much in the tradition of new international division of labour (NIDL) theories that stress the centrality of multinational corporations (MNCs) in the global economy, and see the geography of global capitalism as largely driven by the locational decisions of these MNCs.

The ethnographic work by Miller and Slater challenges Castells' framework at a number of important points. For Miller and Slater, the dichotomy between 'the Net' and 'the Self' that frames Castells' analysis is analogous to the classical sociological distinction between structure and agency. As a result, 'the Net' is constructed as a monolithic and reified structure whose impact on identity ('the Self') is then investigated.[11] It could be argued that such structure/agency dualisms are a recurrent feature of Castells' analysis, where global capital, information flows and communications technologies constitute the structural "first principle" that governments, labour unions, populations, community groups and local cultural producers and organisations can either engage with, adapt to, or oppose the structural imperatives delivered "from above".

By contrast, what Miller and Slater are proposing is that there is a need for Internet studies to be grounded in an empirical understanding of the connections between social relations, institutions and practices in the specific conditions of existence of national societies, including their legal and policy arrangements and their distinctive cultural relations. This is increasingly also becoming apparent with the development of the Internet, which, while having a global character, is developing distinctive national forms. The Internet in Singapore and China is perhaps different to the Internet in the United States, which is in turn different to the Internet in France, South Africa or Trinidad. As the focus shifts from providing bandwidth to the generation of engaging online content, and as the Internet is "de-Americanised" as it becomes more global, such differences are increasingly likely to come to the fore, as content providers will have to engage with cultural particularities. While geography is to some extent "virtual" in the age of global networks, it is not apparent that there is a linear trajectory from locality to virtuality, but rather a complex set of intersections between the two.

The Law, the Net and the State: Rethinking Alignments

The deeming of the Communications Decency Act 1996, passed by both Houses of the US Congress in 1996 and ratified by President Bill Clinton, as unconstitutional by the United States Supreme Court in *ACLU v. Reno* in Philadelphia in June 1996, is often taken as the high water mark of the "new politics" of the Internet. The judges hearing the case largely agreed with the arguments of the ACLU, the EFF and others that the CDA was a threat to constitutionally guaranteed freedom of speech in the United States. Specifically, the court found that the laws:

* were vague, in that their 'indecency' provisions did not clearly define what was prohibited content;
* could have the consequence of 'chilling' lawful speech or conduct;
* had the potential to threaten constitutionally guaranteed freedom of speech; and
* were incorrectly based upon the principle that the Internet was similar to broadcasting.

In his well-known final judgement, Judge Dalzell observed that the Internet had evolved independently of content regulations, and that its unique speech-enhancing qualities would be threatened by legislation such as the CDA. In particular, Internet communication was characterised by very low barriers to entry, identical barriers to entry for speakers and listeners, highly diverse content, unrestricted access to speakers, and relative parity of speakers. Judge Dalzell argued that the chaos of the Internet was its greatest strength, and paralleled the strength of the First Amendment in constitutionally guaranteeing diversity of speech, and that attempts to regulate the

[11] Miller and Slater, 8.

content of the Internet in order to protect children from harmful material risked 'burning the global village to roast the pig'. He concluded:

> The Internet may fairly be regarded as a never-ending worldwide conversation. The Government may not, through the CDA, interrupt that conversation. As the most participatory form of mass speech yet developed, the Internet deserves the highest protection from governmental intrusion.[12]

Five years after the successful repeal of the CDA, what is apparent is how little influence it has had upon the development of laws and regulations governing Internet content in countries outside of the United States. The repeal of the CDA was consistent with a historical metanarrative that has informed many discussions about the new media, namely that they overturn the rules that governed the "old" media, and attempts to extend the repertoire of content regulations from broadcasting to the Internet as products of a "legacy technology" mindset, that aims to assert previous certainties in a new era, and are basically doomed to fail, because they fail to understand the new medium and the new user. The familiar mantra is heard that governments don't understand the new technology; because they don't understand it, their attempts to regulate are inappropriate; and the Internet, as a global network, can be routed around any blockages created by national governments.[13]

As the Internet becomes more of a global medium, I would argue that this is less clear than has previously been asserted. The passing of the Broadcasting Services Amendment (Online Services) Act 1999 in Australia provides an interesting contrast. In a move that was at odds with earlier advice from the Australian Broadcasting Authority,[14] policy-makers in Australia chose to extend the laws and principles governing broadcasting regulation to the Internet and online services. The Australian legislation has been widely criticised by the Internet industry, various community groups, the Opposition political parties, and others, as unworkable in relation to content hosted overseas, draconian in its approach to local Internet content, and generating high compliance costs that could drive smaller ISPs out of the market.[15] For the purposes of this study, what is important is that such legislation could be passed in Australia since, unlike the United States, there is not a constitutional guarantee of freedom of speech. There are not therefore the same inhibitors upon the actions of the state that are founded in the law.

If Australia does not constitutionally guarantee freedom of speech from the authority of the state, then China certainly does not. While China has moved since the mid-1970s from a centrally planned economy that was largely closed to the outside world, to a more market-based economy that has recently been accepted into the World Trade Organisation (WTO), it has retained the one-party political rule by the Chinese Communist Party (CCP), which has vigorously opposed the emergence of other political forces, and sought to maintain cultural and ideological hegemony in Chinese society. The rapid growth in Internet usage in China to some extent challenges the traditional controls which the CCP has assumed it can exercise over the media, which have been regarded as instruments of state propaganda and the "throat and tongue" of the Communist Party. Indeed, the relationship of Internet usage to diversification of news and information sources is

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12 Electronic Privacy Information Centre (EPIC), *ACLU v. Reno - Highlights and Analysis*, (1996) http://www.epic.org/cda/highlights.html

13 Bram Dov Abramson, 'Media Policy After Regulation?', *International Journal of Cultural Studies* 4.3 (2001): 301-326.

14 Australian Broadcasting Authority, *Investigation into the Content of On-Line Services* (Sydney: ABA, 1996).

15 Carolyn Penfold, 'Censorship Legislation: Wrecking the Internet?', *National Law Review* (2000) http://www.nlr.com.au

particularly important in China, since news sources are the sites most commonly accessed by Chinese Internet users.[16]

The contradiction between the desire of the Chinese people to access the Internet as part of the nation's political and economic modernisation that is supported by the Government, and the demand of the ruling CCP regime to maintain control over information flows in the name of "socialist culture", is at the heart of many aspects of Chinese media policy, including Internet policy.[17] What has tended to occur has been an oscillation between political crackdowns on Internet sites and ISPs, which can be readily justified under Chinese media law, and periods of turning a blind eye to the generation of content – political or otherwise – that the Chinese Government finds problematic and possibly illegal.[18] Recognising the inability of applying traditional control mechanisms over the new medium, Chinese officials have canvassed the possibility of a "Singaporean solution", whereby more "light-touch" approaches to content regulation of largely commercial enterprises can coexist with measures to bring ISPs and Internet-related businesses closer to government, accompanied by the threat of having licences revoked if they publish news deemed contrary to the Chinese Government's interests. This would be in keeping with Jiang Zemin's recent moves to amend the laws of the CCP to allow entrepreneurs to become members of the Party.

Conclusion

In this paper, I have sought to flag three issues. First, there is a strong focus in recent Internet theory upon empirical studies of Internet use and user communities. These studies will increase as the outcomes of academically oriented Internet research are circulated more widely. Internet studies will thus probably acquire less of a speculative tone than was the case for much of the 1990s, as there is a move from broad sweeping statements towards more concrete case studies. Second, the application of empirical techniques, such as the ethnographic work of Miller and Slater, draws attention to the ongoing significance of place, culture and institutional conditions of existence to practices of Internet use and online media consumption. Third, the comparative legal frameworks in which the Internet is accessed in different countries do impact upon Internet content. In particular, we should be wary about extrapolating too quickly from the US experience, as the relationship between the law and the state in the US is in many respects a unique one. While the network society may indeed be global as well as informational, it continues to be best understood in the plural ("network societies") rather than in the singular.

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[16] Hu Xin, 'The Surfer-in-Chief and the Would-be Kings of Content: A Short Study of Sina.com and Netease.com', in S. H. Donald, M. Keane and Y. Hong (eds.), *Media in China: Consumption, Content and Crisis* (London: Curzon, 2002 [forthcoming]).

[17] Michael Keane, 'Civil Society, Regulatory Space and Cultural Authority in China's Television Industry', in Philip Kitley and Stuart Cunningham (eds.), *Television, Regulation and Civil Society in Asia* (London, Curzon, 2002 [forthcoming]).

[18] Keane.