

WHO CONTROLS THE INTERNET? ILLUSIONS OF A BORDERLESS WORLD – JACK GOLDSMITH & TIM WU

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The invention of any new communication technology brings with it a feeling of euphoria and hope. The hope that somehow our living conditions are going to change fundamentally. At the invention of the telegraph, we felt that language differences would be obliterated in favour of a common language and physical boundaries would jettisoned firmly into the past.¹ Unfailingly, new communication technologies inspire in us the feeling that a somewhat new liberty will result even though we know that technologies do not change human nature. They are tools. Tools perform tasks they are made for but at no time do they change the nature of the user. Tools may inspire new ways of thinking, adjustments even, but they do not change the human being. We cannot imbue tools with the ability to change us for we are the ones responsible for our own mistakes and the way we arrange the world. Therefore, new technologies, if anything, end up preserving the existing social orders and disorders in the new system.

Goldsmith and Wu capture this idea with succinctly. *‘It was an era in which the Internet was changing the rules of business...It seemed only natural that the Internet would also change the rules of politics.’*² Decades later, the arbitrary conditions of our existence as they were are as real as they were before the Internet became a commonplace medium. Nevertheless, our utopian ideals did not hold but the governments we thought would die have remained firm. However, governments are still held in the stupor, ‘How do we control the Internet?’ In like

¹ Julian Hawthorne, “June 1893,” *The Cosmopolitan*, February 1893, 456–57, as quoted in Carolyn Marvin, *When Old Technologies Were New: Thinking about Electric Communication in the Late Nineteenth Century* (New York: Oxford University Press, 1988), 201–2.

² Jack Goldsmith and Tim Wu, *Who Controls the Internet*, Oxford University Press, 2006, 25.

manner, this book tersely analyses our feeling in the morning after – what happened to the hope that the Internet would free us from government, territory, voting?

One of the reasons we would not enjoy an Internet regime devoid of tracking, or requirement for identity is commerce. *'When commerce writes code, then code can be controlled, because commercial entities can be controlled.'*³ Companies need to make profits from the Internet services they provide to consumers. A company will not violate the laws of a country in order to uphold the ideology of a non-regulable Internet.⁴ Apart from the government's coercive power over these companies, there is a need for relevance on the Internet if one is to be effective in their sales. A Kenyan who wants to buy a book from Amazon needs to see the price in Kenyan Shillings. It serves her no purpose to know the weather in Japan if she does not intend to travel. She needs instructions in a language she understands if she wants to buy the *Kindle Paperwhite*. Ironically, the geographical differences of Internet users find their way into a medium we thought would be borderless because commerce is inherently part of us. The 'choose a country' feature somewhat recreates the physical place we are typing from by adjusting the website to the local tastes and preferences. We wanted to be free from the constraints of geography in the manner John Perry Barlow rallied, *'Information wants to be free'*. For successful commerce and communication, however, it serves no purpose if information is merely free, it needs be *labeled, organized, and filtered so it can be discovered, cross-referenced and consumed.*⁵

Any new technology doubtless provides equal opportunity for good and evil. The emergence of the Internet would promote convenient commerce with online shopping and banking but this would provide a platform for new forms of crime or new ways to commit old crimes. Identity theft and fraud would find a new haven and soon as we found people could actually steal from us in the new medium we reached out for the help of the government's coercive powers. Commerce first moved us to consent to using our identities and geographical locations to make purchases. The threat of crime retained the relevance of governments we thought would disappear with the rise of autonomous cyber communities. This happened, and continues to happen as though an invisible hand requires the cooperation of government and commercial entities to make the Internet strictly appear in the same image as the societies of physical space.

³ Lawrence Lessig, *Code Version 2.0*, New York: Basic Books, 2008, 72.

⁴ Lawrence Lessig, *Code Version 2.0*, New York: Basic Books, 2008, 71.

⁵ Jack Goldsmith and Tim Wu, *Who Controls the Internet*, Oxford University Press, 2006, 51.

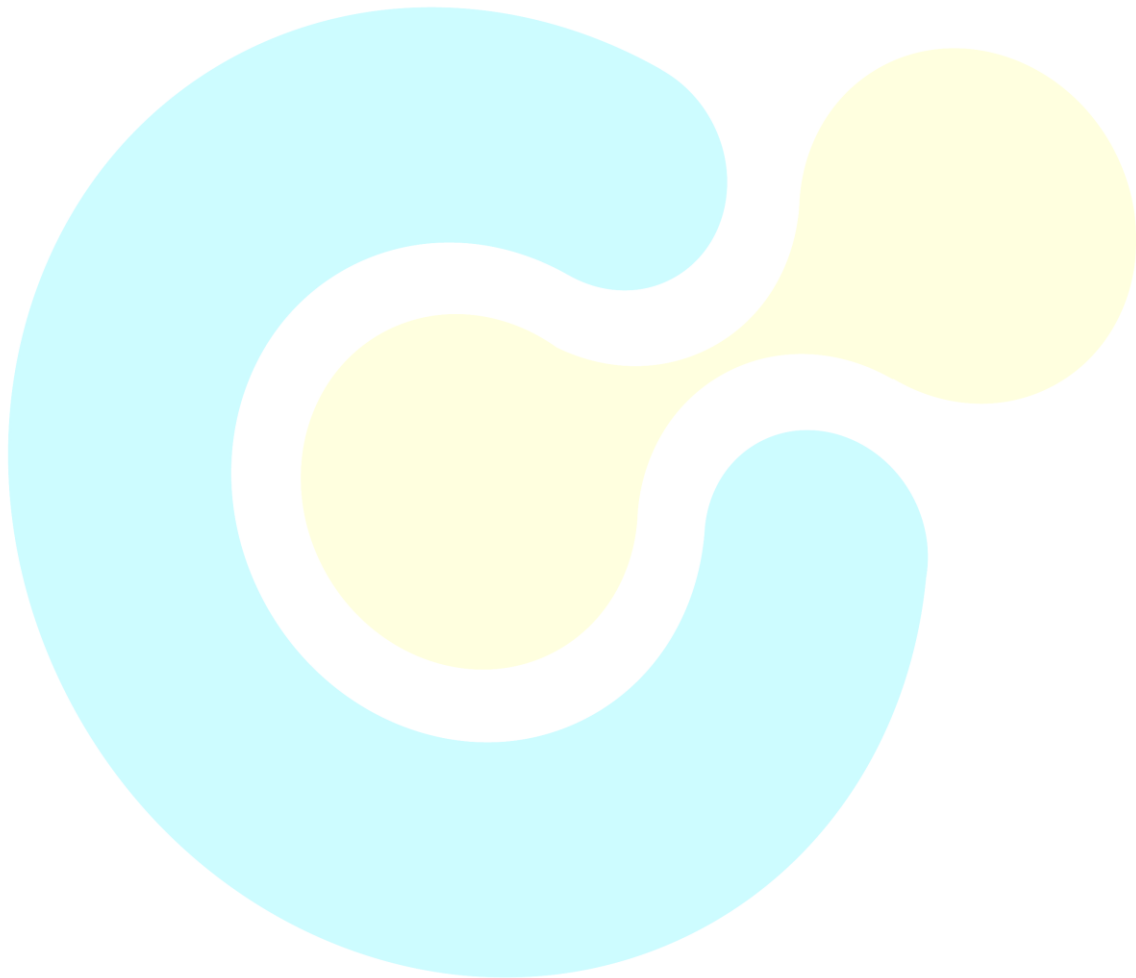
Simply put, we thought that national governments would perish for their perceived inability to control the effects of unwanted offshore Internet sites. On the contrary, experience has shown that governments managed to assert their coercive power by focusing on the intermediaries, for instance, the Internet Service Providers.

A bordered Internet may reduce privacy and enhance effective commerce and relevant preferences but it imports the weaknesses of the government onto the new medium. Goldsmith and Wu give an example of the Chinese Internet. The authors note that the ‘modern Great Wall of China is, in effect, built with American bricks’.⁶ The more governments are able to control the Internet the greater capabilities they have to limit free speech and privacy. The corruption within government replicates itself on the Internet in shameless glory like the days it promises to do better after wasting its term in office. The Chinese Internet is highly regulated by the government. You may talk about anything you want excepting any critique against government. Any critical information against government would be your key to a jail cell with your posts deleted immediately. The Internet is a new medium of communication but what is its use if at the very least you cannot hold the powers that be to account? Free speech is not restricted to the banal; it must include voicing concerns regarding abuse of power. The highly bordered Chinese Internet has enabled the government to insulate itself from any uncomfortable truths. Citizens are effectively prevented from speaking truth to power. They are also prevented from speaking truth among themselves. Anything that results in the political indictment of the government is a sin whose price would be paid by the manacles of prison.

The book is a call to recognize that the invention of new technologies does not include a replacement of existing social orders. New technologies may challenge, at first, the existing conditions of existence but the latter gradually domesticates the former for its own ends. Technologies bring improvements that we may embrace but, at the very core, they do not have the power to alter the nature of human existence. The authors disabuse the reader of the notion that the age of the Internet necessarily places the current society in a position never before encountered in history. Instead, they show that the same feeling of novelty also accompanied the ages of the television, telegraph, telephone and radio. The human reactions of evanescent change have historical precedents in these earlier technologies even though we have convinced ourselves that there has never been an age like ours. The only major change is that we now

⁶ Jack Goldsmith and Tim Wu, *Who Controls the Internet*, Oxford University Press, 2006, 93.

have too much information, *'truth is drowned in a sea of irrelevance'*⁷. Otherwise, *'plus ça change, plus c'est la même chose'*.⁸



⁷ Neil Postman, *Amusing Ourselves to Death*, New York: Penguin Books, 2014, xix.

⁸ French for 'the more things change, the more they remain the same'.