Framing the Net

- How Discourse Shapes Law and Culture

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Danish Summary

Min forskning er drevet af en interesse for informations- og kommunikationsteknologi (ICT), her særligt internettet, og dets betydning for social forandring. Det er ofte blevet fremhævet, at internettet har en positiv betydning for menneskerettigheder, udvikling og demokrati, senest i forbindelse med revolutionerne i Nordafrika og Mellemøsten. Der er imidlertid mange konkurrerende beskrivelser af disse potentialer, og deres teoretiske udgangspunkt er typisk vidt forskellig. Ligeledes rejser de forskellige menneskeretlige problemstillinger. Da jeg antager, at der er en sammenhæng mellem de måder, vi taler om nettets potentialer og udfordringer, og de politiske svar der synes naturlige, finder jeg det væsentligt at klargøre de respektive beskrivelser, der er i spil.

Formålet med min forskning er at bidrage opklarende og oplysende til den aktuelle globale debat om nettets betydning for menneskerettigheder, udvikling og demokrati. Mit forskningsbidrag består i at udvikle fire internetmetaforer, som betegner forskellige måder at beskrive nettet og dets mulighedsstrukturer på. Endvidere afprøver jeg to af metaforerne på casestudier, der begge fokuserer på ICT som en facilitator for social forandring.

De fire metaforer skal hverken ses som udtømmende eller gensidigt udelukkende beskrivelser, men snarere som eksempler på perspektiver, man kan anlægge på brug af nettet, og som temaer der afspejles i den akademiske litteratur. De fire metaforer er Nettet som Infrastruktur, Nettet som Offentligt Rum, Nettet som Medie, og Nettet som Kulturel Praksis. Hver metafor tager afsæt i aktuelle politiske diskurser og skitserer en teoretisk forståelsesramme, som den givne metafor trækker på. I undersøgelsens empiriske del analyserer jeg to cases med brug af metaforen Nettet som Offentligt Rum og Nettet som Kulturel Praksis. De to cases er dels et netværk af kvindeorganisationer i Uganda, dels den tyske Wikipedia. Gennem casestudierne undersøger jeg ICTs betydning som ressource for de respektive grupper, samt afprøver metaforernes forklaringskraft i forhold til at undersøge praksis.

Det overordnede forskningsdesign består således af fire dele. (1) En beskrivelse af den teoretiske ramme og de diskurser, som forskningen bygger på. (2) Udvikling af fire metaforer, der betegner forskellige perspektiver på internettet (3). Afprøvning af metaforernes temaer og antagelser om nettets betydning for social forandring, og (4) afsluttende diskussion og perspektivering.

List of Key Research Notions

Civil society: Refers to the sphere of institutions, organizations and individuals located between the family, the state and the market, in which people associate voluntarily to advance common interests (Anheier and Carlson 2002:1).

Commons: Indicates a shared resource that is not owned privately but available to all members of a community (Stalder 2005:43).

Community: Refers to a feeling that members have of belonging, a feeling that members matter to one another and to the group, and a shared faith that members' needs will be met through commitment to be together (McMillan and Chavis 1986:9).

Culture: Addresses the integrated system of socially acquired values, beliefs, and rules of conduct which delimit the range of accepted behaviors in any given society (Columbia Encyclopedia 2008).

Empowerment: Refers to a process, whereby individuals gain strength, confidence and visions to work for positive changes in their lives (Eade 1997:4).

Framing: Addresses the construction of meaning e.g. via metaphors, catchphrases, and visual images (Borah 2011:249)

Global public goods: Refers to a benefit providing utility that, in principle is availably to the global population (Morrissey quoted in Binger 2003:4).

Information and communication technology (ICT): An umbrella term that includes any communication device or application, encompassing: radio, television, cellular phones, computer and network hardware and software, satellite systems and so on, as well as the various services and applications associated with them (SearchCIO 2011).

Information Society: Refers to the political, economic, scientific and social changes related to globalization and communication infrastructure. The term is often used to characterize the post-industrial era (Bell 1973).

Infrastructure: Addresses the underlying foundation or basic framework of a system or organization (Lewis September 22, 2008).

Internet: Refers to a global information and communication system that is linked together via the TCP / IP protocol (Federal Networking Council (FNC) Resolution October 24, 1995).

Media: Refers to the range of tools that humans have used throughout history to communicate with each other about a shared reality (Bruhn Jensen 2008).

Mediated publicness: Refers to a publicness, which is not linked to individuals sharing of a common locale, but is linked to transmission of actions via the media (Thompson 1995:126).

Metaphor: Refers to associational frameworks, enabling us to understand and experience one kind of thing in terms of another (Lakoff and Johnson 1980:5).

Opportunity Structure: Addresses the factors which limit or empower collective actors, such as the group's access to political institutions (McAdam 1999:27).

Power: Refers to the relational capacity that enables a social actor to influence asymmetrically the decisions of other social actor(s) in ways that favor the empowered actor's will, interests, and values (Castells 2009:10).

Public policy: Refers to government activities, whether acting directly or through agents, which has an influence on the life of citizens (Peters 2001).

Public sphere: Addresses a state-independent realm used to shape public issues (Habermas 1989).

Regulation: Refers to a law, rule, or other order prescribed by authority, especially to regulate conduct (Dictionary.com 2011).

Self-regulation: Refers to a process whereby private actors agree to rules regulating their activities, defined and enacted via codes of conduct (Schulz and Held 2001:A-2).

List of Abbreviations

APC: Association for Progressive Communications.

CoE: Council of Europe.

CRIS: Communication Rights in the Information Society.

DNS: Domain Name System.

EAAI: Enhancing Access to Agricultural Information.

EC: The European Commission.

ECHR: The European Convention on Human Rights.

ECtHR: The European Court on Human Rights.

EDRI: European Digital Rights.

EFF: Electronic Frontier Foundation.

EPIC: Electronic Privacy Information Center.

EU: The European Union.

GNI: Global Network Initiative.

ICANN: The Internet Corporation for Assigned Names and Numbers.

ICCPR: International Covenant on Civil and Political Rights.

ICESCR: International Covenant on Economic, Social and Cultural Rights.

IGF: The Internet Governance Forum.

ICT: Information and communication technology.

ISP: Internet Service Provider.

ITU: International Telecommunication Union.

KIC: Kubera Information Center

NGO: Non-governmental organization.

NHRI: National Human Rights Institution.

OECD: Organization for Economic Co-operation and Development.

ONI: OpenNet Initiative.

OSCE: Organization for Security and Co-operation in Europe.

PI: Privacy International.

TCP / IP: Transmission Control Protocol / Internet Protocol.

UDHR: The Universal Declaration of Human Rights.

UNESCO: United Nations Educational, Scientific and Cultural Organization.

UN: United Nations.

UNDP: United Nations Development Programme.

WOUGNET: The Women of Uganda Network.

WIPO: The World Intellectual Property Organization.

WSIS: The World Summit on the Information Society.

1. Motivation and Research Aim

I have been engaged in information society policies and activism since the mid-nineties. This has involved issues such as the development of national information and communication technology (ICT) strategies, how to build an inclusive information society, and the interface between the internet and human rights. A main motivation for the latter has been the *translation and application* of human rights standards to the digital era, and how to ensure that ICTs are used to advance rather than to diminish human rights standards. To date some of the more contentious human rights issues related to digital era have been online protection of freedom of expression vis-à-vis various attempts to restrict or censor information by state or private party, human rights vis-à-vis intellectual property right, and the protection of privacy in a context where every interaction may be mapped and used for commercial or law enforcement purposes[1].

The issue of human rights in the digital era became a global policy topic at the United Nations Summit on the Information Society (WSIS), which was comprised of two summits. The first was held in Geneva in December 2003 and the second in Tunis in November 2005. WSIS brought together a variety of non-governmental organizations (NGOs), journalists, computer geeks, private ICT companies and state representatives to negotiate and adopt a political declaration for the information society, including an action plan to implement the political vision. WSIS represented the first attempt by the United Nations to address the linkage between development and global communication policy, with UN resolution 56/183 as the formal mandate (United Nations General Assembly January 31, 2002). In the WSIS process it was stressed time and again that ICTs, and in particular the internet, hold great potential for advancing human rights, not least in the developing world. One of the political commitments that emerged from WSIS was that governments agreed on fostering this potential, and declared human rights the normative baseline for ICT policy[2]. Furthermore, it was stressed that civil society should play a key role in the development of the information society. The WSIS negotiations

[1] In *Human Rights in the Global Information Society* (Jørgensen 2006), I have collected a number of contributions that each addresses the challenge and opportunities a particular human right is facing the digital era.
[2] See the Declaration of Principles (World Summit on the Information Society 2003), available at: http://www.itu.int/wsis/docs/geneva/official/dop.html, retrieved July 10, 2011.

gave rise to several controversies related to the development of the information society, especially related to ownership and control of information resources, and access to use those resources.

While participating in ICT policy debates, both at national, regional and global level, I noticed time and again how various actors apply different conceptual frames of reference when approaching the internet as a subject for policy making. Some refer to it as a new, though different, media and thus look to media regulation when approaching the internet as a policy topic. Others have a more technical angle, and approach it primarily as a global infrastructure provided by private parties. Some approach it as a public sphere, while others emphasize the specific internet communities and cultures. The different framings typically relate to different dimensions of internet use, as well as competing and often vaguely defined claims related to the internet as a public and / or private realm. Triggered by this 'policy field' experience, I decided to unpack what I found to be the main policy discourses and to use the various arguments and assumptions to construct four *thematic metaphors.* The themes of the metaphors are *infrastructure, public sphere, media* and *culture.*

I further decided to use the notions of public and private to clarify the conceptual construction related to each metaphor. The notions of public and private were chosen since I found that the various policy discourses differed in the way they focused on various aspects of internet use as public and private domains. Many of the acclaimed potentials of ICT such as empowerment of civil society, fostering development, advancing human rights etc., are presumably linked to the internet's public (open) features. However, at the same time some of the most controversial policy debates call for limits to this openness. I thus found it relevant to examine the public / private construction at stake in each metaphor, and to use this as a cross-cutting theme throughout the dissertation.

After having constructed the research metaphors I was curious to investigate some of the themes they addressed, especially related to public political life (public sphere metaphor), and to online communities and collaboration (culture metaphor). I therefore decided to apply the public sphere metaphor to a study of women's groups in Uganda, and the culture metaphor to a study of the German Wikipedia. Both cases address the means by which local groups deploy ICT for social change, and represent cutting edge within their respective contexts, while being essentially different on most

parameters. The women's groups are situated in a developing country and seek to empower local women via use of conventional media as well as the internet, whereas Wikipedia is an online community of internet savvy users with the declared goal of enhancing the public domain of knowledge.

In summary, my research seeks to explore two main questions. The first concerns *how internet discourse shapes specific policy issues.* In response to this question, I construct four thematic metaphors, which illustrate different perspectives on the internet as a research and policy topic. The second concerns *the internet's potential for social chan*ge. In response to this question I explore some of the themes and claims entailed in the public sphere and culture metaphor via cases studies.

My research design and methodology, including the selection of cases and metaphors, are elaborated in the following chapter.

2. Research Methodology

Research Design

My research is driven by an interest in exploring some of the commonly stated claims pertaining to ICTs potential to foster human rights and social change. The research started as a project within the tradition of critical theory, focusing on the internet as a new public sphere. After some months of reviewing literature, I found that the public sphere perspective did not suffice to capture the main debates concerned with ICT as a resource for social change, and I was increasingly inspired to clarify how various policy agendas reflected different perspectives on the internet. I thus decided upon a research design by which I would (1) use current internet policy debates as well as scholarly literature to construct what I found to be the major internet metaphors at play in these spaces, and (2) apply two of the metaphors to cases concerned with ICT for social change. The broader focus naturally led to a more interdisciplinary approach, by which I had to combine elements of political science, cultural studies, sociology, media and communication studies, as well as human rights. As the references will illustrate, the scope of literature covered is thus rather broad.

For the first part in my research design I reviewed the dominant policy debates unfolding at WSIS and the Internet Governance Forum (IGF)[3] , including their key concepts and line of arguments. I also examined how the different discourses related to the internet as a tool for social change[4]. Further, I reviewed literature related to information society debates more broadly, examined various dimensions of human rights and ICT, and explored the notions of public and private. This review led to a selection of four main themes, which guided my construction of metaphors.

I next elaborated on the themes and developed them into four metaphors, each of which highlights specific features of internet use. Each metaphor consists of a research-oriented part (providing examples of research themes related to the perspective) and a policy-oriented part (illustrating policy and human rights issues related to the metaphor). The metaphors thus point to different academic and policy discourses and to different claims related to social change. The infrastructure metaphor focuses on the internet as a universal and non-discriminatory resource; the public sphere metaphor on the new modalities for public and political life; the media metaphor on the democratization of broadcasting and publishing, and the culture metaphor on the new modalities for creative participation in the public domain. Additionally, I deployed the notions of public and private as cross-cutting categories, since the different discourses relate to different models of public and private. The construction and themes of the metaphors is further addressed below in the section on *Construction of Research Metaphors*.

For the second part of my research design, I decided on two case studies with the aim of exploring some of the themes from the public sphere and culture metaphor in more detail. Whereas all four metaphors entail some assumptions related to social change, I was particularly interested in the themes associated with the public sphere and culture metaphor. I therefore choose to focus on these two metaphors in my case studies, as illustrated in the table below.

[3] IGF is a follow-up to WSIS, organized as an annual four day meeting with a mixture of plenary debates, workshops, seminars etc. The themes are recurring topics from the WSIS process such as access, openness, security, capacity building, diversity and critical internet resources. The participants are government officials, business, academia and civil society groups from around the world. See http://www.intgovforum.org/cms/, retrieved July 10, 2011.

[4] I realize that had I used a different policy space (for example, the World Economic Forum) some different themes might have appeared - for instance 'the Net as Business'. I have however included several policy issues related to the commercial side of the internet in my current metaphors.

Metaphor	Infrastructure	Public Sphere	Media	Culture
Theme	The internet as an infrastructure	The internet as a public sphere	The internet as a media	The internet as culture
Potential for social change	Universal and non-discriminatory resource	New modalities for public and political life	Democratization of publishing and broadcasting	New modalities for creative participation in the public domain
Case study		Uganda		Wikipedia

Besides investigating the themes of the metaphors, I was also curious to examine their capability as an analytical framework. The aim of the case studies is thus twofold. First, to explore how ICT may facilitate social change in a specific context and, second, to examine the metaphors as a tool for case analysis.

In the final chapter, I discuss the research findings along two main lines. First, I reflect on the findings in relation to my research metaphors, including how the case studies have informed these. Second, I discuss the findings from the perspective of social change, thus how the actors have deployed ICT as a resource for their respective courses. Concluding the dissertation I provide some overall reflections on my findings and suggest some future research agendas.

Philosophical Foundation

On a theoretical level, the metaphors may be associated with different philosophical foundations, covering elements of realism, critical theory, pragmaticism, and social constructionism (Delanty and

Strydom 2003). My own epistemological position is best described as a moderate social constructivist[5], as I do not see 'social reality' as some object that exist independently of the way it is interpreted. On the contrary, I believe there is an intimate relation between social practices and their interpretations, which in a circular process leads the researcher to understand still more about both. I am therefore curious to investigate practices and specific contexts as they are perceived by the involved actors, rather than build on *a priori* theoretical assumptions. In my case analysis, I thus apply some overall themes from the public sphere and culture metaphor. However, in each case I allow the social practices to challenge and refine my understanding of the respective themes. This method is related to grounded theory (Strauss and Corbin 1990), affirming that theory must be grounded in analysis of practice (although my approach is more theory driven than that which is usually associated with grounded theory as my analytical frame of reference is developed prior to the case studies, represented by the themes entailed in each metaphor).

As the scholarly arena associated with each topic is extremely broad, I have concentrated on some illustrative literature when developing the metaphors. I would have wished for a broader geographical diversity in the selection of literature, however, the majority of internet-related research is from North America and Western Europe. Accordingly, I draw mainly on scholars from the United Stated (U.S.), Canada and Europe, but have also included research from other parts of the world.

Throughout my research I aim for a reflexive methodology, which implies a continuous attempt to question and reflect on my own presumptions and methods. The relation between theoretical and empirical explorations is seen as a circular process, by which theory and practice mutually inform the other on an ongoing basis.

[5] The position of social constructivist is related to hermeneutical and poststructuralist positions, within the broader framework of interpretivism. Post-structural positions focus on language and discourse as the unit of analysis; hermeneutical (and phenomological) positions focus on the interpretive process, including how individual meaning is created. In contrast, social constructivism is oriented towards the communicative practices and contexts where social life is interpreted. While there are substantial differences between the three positions they all share some basic assumptions about the constructed character of the social, and the need for theories to be grounded in analyses of practice. See Flyverbom (2006:58-62) for a more detailed account of the interpretivist frame of reference.

As the field of internet studies has developed over the past years, so has the literature addressing the challenges related to researching online environments. Key standard setting works on internet research methodology include Johns (2004), Hine (2005), Hargittai (2009), Markham and Baym (2009). Some of the main topics concern whether and how online inquiry needs to reinvent existing social science methods, challenges related to online data collection, and which research ethic to apply when studying online communities. Since my case studies primarily deploy conventional social science methods, such as qualitative interview and text analysis, I will not elaborate the specific challenges related to online research methods, but merely point to some of the important literature in this area.

The Notion of Metaphors

The notion of metaphors is central in my theoretical perspectives, and is inspired by the work of Krippendorff (1993) and Lakoff and Johnson (1980). In *Metaphors We Live By*, Lakoff and Johnson argue that the use of metaphors is pervasive in everyday life, in language, thought and action, and that our conceptual system essentially is metaphorical in nature. The essence of metaphors is to provide associational frameworks, enabling us to *understand and experience one kind of thing in terms of another* (Lakoff and Johnson 1980:5). However, a metaphor is not merely the words used to talk about something (e.g. time is money, love is a journey, internet explorer), but also the underlying logic or approach for addressing the issue. As stressed by Krippendorff, metaphors (1) carry explanatory structures from a familiar domain of experiences into an other domain in need of understanding and restructuring, (2) require seeing some structural similarities between these two domains, (3) have entailments for the target domain they hereby organize far beyond any initial structural similarity, and (4) organize their user's perceptions and, when acted upon, can create the realities experienced (Krippendorff 1993:2-3). I have chosen a metaphorical approach to the framing of internet discourses because I assumed that this would be both illustrative and helpful in unpacking some of the themes and

assumptions which are often implicit when the internet is debated in various policy spaces[6]. Likewise, I wanted to illustrate that each of the metaphorical themes is linked to a broad arena of research[7].

Construction of Research Metaphors

As previously mentioned, the development of the metaphors has been inspired by global internet policy debates unfolding at the WSIS and Internet Governance Forum (IGF). The IGF is relevant as a *policy observatory* since it represents the most comprehensive attempt to address internet policy from a technical, social justice / development and regulatory perspective as a follow up to the first UN Summit on these issues. Further, IGF experiments with new forms of so-called multi stakeholder participation, implying that state representatives, business, academia and civil society participate alike. Additionally, I draw on policy examples from the European Union and the Council of Europe, especially in relation to the media metaphor.

When constructing the metaphors, I identified specific policy themes and arguments which can reasonably be said to lead to a given metaphor as a thematic frame of reference. The metaphors are not seen as exclusive: on the contrary, they often coexist in policy as well as in scholarly debate. Also, I do not claim that precisely these four metaphors cover all internet-related policy debates; however, I found them to be persistent when looking for reoccurring themes across the various policy arenas[8]. Below I illustrate some of the main notions and debates entailed in each metaphor.

The first metaphor, infrastructure, is occupied with *the internet's technical foundation*. The metaphor is inspired by ongoing policy debates on how to organize the operation of the internet, including various public policy issues involved. The debate often referred to as 'internet governance' largely addresses

[6] Framing research has both sociological and psychological foundations, but generally addresses the construction of meaning e.g. via metaphors, exemplars, catchphrases, depictions and visual images (Borah 2011:249). See Borah 2011 for an examination of the conceptual issues in framing theory.
[7] For literature addressing the internet from a metaphorical perspective see e.g. Searls´ (2009) essay available at http://publius.cc/2008/05/16/doc-searls-framing-the-net, retrieved July 10, 201. Patry (2009) - specifically on copyright discourses, Blavin and Cohen (2002), and Ratzan (2000).
[8] A theme such as *cyber security* is also strongly emphasized at the IGF, and is not directly addressed in the metaphors; however, it would be part of the infrastructure metaphor as an example of a policy theme related to the stability and security of the internet's technical foundation.

the internet as a global infrastructure that industry, state, and civil society are dependent upon, in addition to contested issues including the role of public and private actors in maintaining this infrastructure[9]. This includes topics such as critical internet resources, net neutrality, management of root and top-level domain name server, IP-address space allocation etc.[10]. In terms of social change, the metaphor highlights the internet as a universal and non-discriminatory foundation for global communication. The policy themes and their theoretical counterparts are elaborated in the *Net as Infrastructure* chapter.

The second metaphor, public sphere, is reflected in policy and scholarly debate that address the internet as *a space for democratic participation*, including themes such as access, freedoms, and resources to participate. The debate relates to the resource base of a mediated public sphere, thus how resources necessary for communication are made available and to whom. Themes of access, freedoms and resources to participate were high on the WSIS agenda and have been addressed at every IGF held since WSIS[11]. With regard to social change the theme addresses the internet's potential for revitalizing democratic life, and in providing various tools for civil society groups. The policy debates and their research counterparts are developed in the *Net as Public Sphere* chapter.

The third metaphor addresses the internet as *a media comparable to (though different from) conventional media*. The theme is inspired by a number of policy initiatives aimed at filtering or blocking potentially harmful or illegal content on the internet, protecting children and youth audiences, building internet literacy, and archiving the internet. In Europe, many current internet policy debates

[9] The responsibility for a number of tasks related to the day-to-day management of the internet is vested with the U.S.-based Internet Corporation for Assigned Names and Numbers (ICANN) on contract with the U.S. government. The mandate and structure of ICANN was a heated issue at WSIS second phase, and lead to the inception of the IGF as a global platform to discuss a broad range of issues pertaining to internet governance (Jørgensen 2006:Afterword)

[10] At the 2009 Internet Governance Forum (November 15-18, 2009) the themes were reflected in e.g. Open Forum 530 (ICANN), workshop 325 (Understanding Internet Infrastructure), workshop 297 (Introduction to internet operations), Best Practice Forum 113 (Best practices in ccTLD policy and operations management resources), Workshop 271 (Managing internet addresses), Workshop 287 (Adopting IPv6), and Workshop 302 (Network Neutrality).

[11] At the 2009 Internet Governance Forum (November 15-18, 2009) the themes were reflected in Workshop 110 (Global internet access for people with disabilities), Workshop 95 (Expanding broadband access for a global internet economy: development dimensions), Workshop 92 (A legal survey of internet censorship and filtering), Workshop 305 (Sustainable capacity building for internet accessibility), Workshop 346 (Open Knowledge Environment in bridging digital divide), Workshop 319 (A development agenda for internet governance), Workshop 96 (Code on good practice on participation, access to information and transparency in internet governance), and Workshop 150 (Global capacity building for internet governance).

implicitly build on a media metaphor and the controversies often occur between advocates of content regulation in various forms (e.g. via the blocking of certain web sites) against those groups that argue for a free flow of information online[12]. With regard to social change the metaphor points to the internet as an open and participatory media that democratizes access to publishing and broadcasting. The policy debates and the related research agendas are addressed in the chapter *Net as Media*.

Finally, the net as culture metaphor is related to *online cultural practices.* The metaphor addresses the practices of openness and sharing, which unfold online, and is inspired by ongoing debates between advocates of so-called free cultures (Lessig 2004; Lessig 2008) and more conventional schemes of information ownership. The policy debates on these issues have been emphasized as the most important cultural-political battle of our time (Boyle 1996; Lessig 2004), and have been subject to intensive debate in the United States, within the EU, and at global level[13]. The culture theme addresses the new modalities for community life and participation in the public domain, including how civil society groups have deployed these potentials. The themes and the attached theoretical arguments are elaborated in the *Net as Culture* chapter.

My Role in Internet Policy

As previously mentioned, I have been an active participant in internet policy debates and negotiations since the mid-nineties. This includes employment as ICT policy adviser with the Danish Ministry of Science and Technology from 1995 until 1999, co-founder of the Danish organization Digital Rights in 2000, board member of Brussels-based European Digital Rights from to 2004 to 2008, advisory board member of London-based Privacy International since 2004, and senior adviser with the Danish Institute for Human Rights since 2001. During the WSIS process I was a human rights adviser to the Danish

[12] At the 2009 Internet Governance Forum (November 15-18, 2009) the themes were e.g. reflected in Workshop 139 (The challenge of being literate on the internet), Workshop 288 (Child online safety indicators), Best Practice Forum 210 (Child online safety in developing countries), Workshop 72 (Children in the Web 2.0 world – the European approach), Workshop 276 (Assessing the role of the participatory web in youth empowerment), and Open Forum 541 (The public service value of the internet).

[13] At the 2009 Internet Governance Forum (November 15-18, 2009), the themes were addressed in Workshop 90 (Mitigating the financial crisis with Open Source Applications), Workshop 279 (Research on Access to knowledge and Development), Workshop 97 (Global state of copyright and access to knowledge), Workshop 286 (Towards access – combining intellectual property, competition and human rights), Workshop 94 (Privacy, literacy and social networking), and Workshop 101 (Copyright versus free knowledge).

governmental delegation and co-coordinated the work of civil society's Human Rights Caucus. My work in these policy spaces naturally inform my interest in the field as well as my research inquiry, but also implies that I have been deeply involved in some of the issues and spaces that I address in my research. Further, it implies that the human rights framework is the normative standard by which I assess politics and practice, hence when I use the notion of *social change* it refers to a societal transition towards greater conformity with human rights standards[14]. As outlined in chapter 4, human rights represent norms that states have agreed upon and codified into international law at a certain point in time.

While working on the dissertation my involvement in ICT policy spaces has been rather limited, however I would still like to point to a couple of implications related to my background in the field. First, my close involvement with the topics I research have challenged my ability to distance myself as a researcher. In the first year of my research I struggled in particular with my identity as a researcher in contrast to an activist, and felt a need to withdraw a bit from the policy-oriented arenas I had participated in. Also, I was cautious not to become too involved with the women's groups in Uganda and the Wikipedia community respectively. At the same time I very much enjoyed being able to research a topic that I had worked with and reflected on for a longer period of time. Second, my prior experience has from the very beginning directed my focus towards policy controversies, thereby giving the policy part of the dissertation a relatively dominant position compared to the theoretical counterpart. My main interest is thus to provide findings that scholars, activists and policy makers alike might find useful and which might help clarify the various agendas at stake – often implicitly - when internet regulation is negotiated.

Case Studies

In essence, a qualitative case study is an exploration of a phenomenon within its context, using a variety of data sources (Baxter and Jack 2008:544). Case study research is typically based on a constructivist paradigm, which recognizes that truth is relative and dependent on the researcher's

[14] There is an evolving research field related to Communication for Social Change more or less explicitly referring to the UN framework for human rights and development. See e.g. Gumucio Dagron and Tufte (2006) and the Ørecomm Consortium for Communication and Global Change available at: http://orecomm.net/about/, retrieved September 2, 2011.

perspective. This does not imply that any notion of objectivity is rejected, but rather stresses the subjective creation of meaning (Ibid 545). It also indicates a close cooperation between the researcher and the participants, while encouraging the participants to share their view on the subject matter, e.g. via stories / interview. A case study approach is relevant if the purpose is to understand the broader complexity of a phenomenon (the *how* and *why* questions) typically in conjunction with the specific context. The case represents the researcher's unit of analysis; "a phenomenon of some sort occurring in a bounded context" (Huberman and Miles 1994:440). With case studies it is thus possible to establish practices as the object of analysis. One of the challenges with case study research is to determine the unit of analysis, including its boundaries, and to develop precise research questions to explore this unit of analysis, thereby providing a *thick description* of the case[15]. The case is typically investigated via a combination of qualitative interview, field notes, observation, informal conversations, and analysis of various written material[16]. Another challenge relates to the *validity* of the results and the *reliability* of the data (Yin 2009:43). Validity refers to the quality of the arguments and conclusions in the study, whereas reliability refers to the quality of the data collected, as further addressed below.

As previously mentioned, I have conducted two case studies as part of my research. The first explores the use of ICT by women in Uganda, where the unit of analysis is the Women of Uganda Network (WOUGNET) and some of the members, groups and partners related to WOUGNET. The second explores Wikipedia as a platform for community life and collaboration, with the German edition as the unit of analysis. The case study approach was selected since my main focus was to understand in more detail the various practices and interpretations by the actors directly involved in the respective contexts. In order to strengthen the validity of my case studies, I have included multiple sources of evidence where possible, examined the data material for patterns and reoccurring arguments, and had key informants review a draft of the case analysis. As for the reliability of the data, I have documented my data collection via recording and transcribing the interviews, as well as by taking field notes (Yin 2009:41).

[15] The term *thick description* has been used within ethnography to coin the method used by the anthropologist when he / she distills a description of a phenomenon from a complex set of practices (Geertz 1973:382).
[16] For literature on case study methodology see e.g. Yin (2009), Baxter & Jack (2008), Gerring (2007), Stake (2001), Kvale (1997), Huberman and Miles (1994).

The selection of cases and methods for data collection is further explained below.

Selection of Cases

In the process of selecting my cases I mapped out examples of how the internet is deployed to pursue individual or collective causes. The exercise provided a general though not exhaustive overview, as illustrated below.

- Give voice (from individual blogging to more established community media groups)
- Source information (e.g. from the government or from likeminded groups)
- Build capacity (training and education)
- Facilitate collective actions (campaigns, networks and advocacy)
- Produce public goods (e.g. Wikipedia)
- Produce specific content (e.g. for local groups)
- Self help (e.g. breast cancer community)
- Share resources (e.g. Flickr, Youtube)
- Social networking (e.g. MySpace, Facebook)

I next decided to select two cases that represented different type of practices and which related to the themes of the public sphere and culture metaphor respectively.

To examine the themes related to the public sphere metaphor i.e. the new modalities for public and political life that ICT may facilitate, I chose a group of women's organizations that have been pioneers in using ICT to empower women in Uganda. Applying the public sphere metaphor as the analytical frame of reference naturally implied that other more development-oriented approaches were omitted. I recognise that other approaches from e.g. development studies, gender studies etc. might seem more relevant given the specific development context, however, I choose this approach since part of my research agenda was to examine the analytical capability of the public sphere metaphor. For investigating some of the themes related to the culture metaphor i.e. the new means of creative participation in the public domain, I chose Wikipedia (one of the most quoted examples of online

collaboration based on the commons, openness and sharing). The two cases are essentially different in scope, focus and national context. Whereas German Wikipedia represents a loosely coupled community of individuals anchored in a virtual platform, the women's groups in Uganda share a physical base for action and deploy a mix of conventional media and the internet. Also, the women's groups are situated in a developing country characterised by poverty and limited access to the internet; while the German Wikipedia community represents well connected users in a Western country. In relation to the above list, the cases are mostly concerned with the practices entailed in bullet points 1, 3, 4 and 5.

The choices of the Uganda case to investigate ICT as a facilitator for women's empowerment, and Wikipedia to examine online social practices, does not imply that Wikipedia could not have been examined from a public sphere perspective (and likewise with the Uganda case from a cultural perspective). It does however imply that public sphere themes related to participation in public and political life resonate with the way the women's groups present themselves and their mission. The same is true for cultural themes related to creative participation in the public domain, which by scholars and practitioners alike have been associated with collaborative platforms such as Wikipedia. In the final chapter, I will return to this discussion and illustrate how any given case might be approached from the perspective of infrastructure, public sphere, media and culture respectively.

As with all case studies, the findings are illustrative rather than representative, since a limited unit of analysis is explored in more detail.

Data Collection and Analysis

My approach to data collection and analysis is qualitative, with a focus placed on how practices are experienced, perceived, and explained. This method of data collection provides a detailed account of lived experiences from a relatively limited number of actors. However, I find this approach useful when the purpose is to explore a phenomenon (ICT as a tool for social change, the usefulness of my metaphors as analytical frameworks) rather than to measure some precise variables. The data was

gathered through a combination of interviews, informal conversations, text analysis and on-site observation, as explained in more detail below.

The selections of interviewees was done over time following a general approach of prioritising people who where recommended as being engaged, open, knowledgeable or in some other way important in relation to the particular unit of analysis. The interviews were conducted in a semi-structured form using a thematic interview guide reflecting the main themes of the public sphere and culture metaphor respectively[17]. During the interviews I worked in an explorative manner, which thus allowed for improvisation and to follow themes that appeared during the interview that had not been part of the interview guide. Similarly there were themes which were relevant in some contexts but not in others, and which were therefore omitted in some of the interviews. I thus gave the interviewee a great amount of freedom in selecting the topics they found most relevant within the overall thematic structure.

For the Uganda case the gender balance amongst the interviewed is in favour of women, though I also interviewed several men. The Wikipedia case study, in contrast, is almost entirely male dominated. This is not intentional, but reflects the fact that amongst the German Wikipedia community I was mostly referred to male participants. In order to retain some level of privacy on the part of the interviewed, while qualifying the findings to the widest extent possible, I have identified the interviewed by affiliation but not by name. To enhance the validity of my findings, I have presented a draft analysis to key informants from both cases and had their feedback. Their remarks were mostly factual clarification.

The data analysis was conducted by a combination of meaning condensation / coding and narrative structuring, employing a theme-based approach (Thagaard 2004:158-163). The approach was relatively bottom-up, as I allowed the actors' experiences and interpretations of practice to guide the analysis, rather than using the material to test specific theoretical presumptions. As such, I did not set out to examine question a, b, c in detail, but rather to explore how the actors used ICT as a resource to foster their causes, and how they reflected on the main themes derived from the metaphors. The analysis involved identifying theme-related points from the interview scripts and drawing out relevant examples

[17] Please refer to Appendix A and B for the interview guide applied in the Uganda and Wikipedia study.

and arguments. As part of this approach I structured the interview data from the two cases according to the main themes entailed in the material.

Uganda Case Study

The basis of the Uganda case study are various reports, articles, surveys, and an external evaluation of WOUGNET's work. It also included a two-week field visit in fall 2007. Prior to the visit I had met with Dorothy Okello, the founder of WOUGNET, in order to obtain a general understanding of the work of WOUGNET and whether this could be an interesting case study for the research. One point of clarification was how much WOUGNET focused on the internet (email and web) vis-à-vis stand alone computer use. Okello confirmed that the internet is a main priority in the work they have carried out since 2000. The data was collected in the fall of 2007 (with some updates made in May 2011 e.g. the level of internet penetration in the country, and included some recent examples of online censorship).

During the two-week field visit, I used the WOUGNET office in Kampala as my working space in order to get a better sense of the organization and the daily practices. I also travelled with the WOUGNET staff to Apac in the northern part of Uganda, to visit a project on rural access. The trip to Apac was conducted on 17 and 18 September 2007, whilst I stayed in Kampala from 19 to 28 September 2007. During the two weeks I conducted and documented 28 interviews with WOUGNET staff, the women involved in the rural access project in Apac and a number of people working with or in relation to WOUGNET in Kampala. I also engaged in a number of more informal conversations and made field observation notes. Each interview typically lasted between 30 minutes and an hour and a half, and practically all interviews are available on DVD and are transcribed, mapped, and analyzed thematically[18]. The few interviews that were not video taped are documented through notes. My data are thus a mixture of recorded and transcribed interviews, observations and notes, formal documents, emails and informal conversations.

It should be noted that the majority of the 28 interviews are conducted amongst women and men engaged in WOUGNET or member or partner organizations rather than end beneficiaries. As I was

[18] Please refer to Appendix A for an anonymous list of interviewed people / groups.

interested in examining how local groups worked with and reflected on ICT as a resource for social change, I prioritised people who represented a broad set of experiences with ICT at civil society level, rather than end users. I did meet with a group of local farmers in Apac, however as the women only spoke the local language Luo, our conversation had to be facilitated by a local interpreter, and it was difficult to obtain very detailed answers. The main points from the conversation with the local farmers are summarised in my notes.

When working through the data and writing up the thick description of the case I followed the themes entailed in the public sphere metaphor and structured the analysis accordingly. It is beyond the scope of the data material to claim a certain empowerment effect achieved via ICT, as this would require a substantial amount of indicators and testimonies collected amongst the actual beneficiaries of the projects. Rather, the study seeks to understand how the local groups deploy and perceive ICT as a resource for their respective courses, and how they relate to the public sphere themes of access, freedoms, and resources to participate.

Wikipedia Case Study

Since Wikipedia is a large online platform in many languages I decided to use the German part of Wikipedia as my unit of analysis, specifically the community around Berlin. The German edition is the second largest, after the English language version, and German *Wikipedians* (the term for Wikipedia community members) have played an active role in the international Wikipedia community and continue to be represented on the international board. The data collection is based on the large text materials, which the site in itself represents, and on research and literature about Wikipedia such as the studies presented at the annual Wikimania conferences. Furthermore, I have conducted six interviews with people from the Berlin Wikipedia community in March 2007, and in March / April 2009, as well as one interview with a member of the Wikipedia Advisory Board in October 2009. All interviews were conducted in English. The interviewees were recruited with a view to ensure awareness of community norms and active participation in Wikipedia. Most of those interviewed were experienced Wikipedia editors and several of them had been active in Wikipedia policy spaces e.g. as board members. Each interview typically lasted between 45 minutes and an hour and a half, and the

interviews are documented through notes and approximately ten hours of audio recordings and interview transcribes. My data are thus a mixture of transcribed interviews, notes, various material presented on the Wikipedia platform, a few formal presentations e.g. by Wikipedia founder Jimmy Wales, and some informal conversations[19].

For the data analysis I followed the themes encompassed within the culture metaphor (community culture, collaborative practices and self-regulation) when working through the data and writing up the thick description of the case. This included sub-themes such as why people participate in Wikipedia, how the daily collaboration between editors function, the role of the community in defining and implementing rules and the relation between the Wikipedia community and public life more generally.

*

After this presentation of my research design and methodology follows an introduction to some of the discourses that inform my research metaphors. I will start with some of the main arguments and notions employed to describe the so-called information society (Chapter 3). Next I present the human rights framework and some of the arenas where human rights and ICT have intersected (Chapter 4), and thirdly, I clarify the concepts of public and private, as these serve as organizing categories throughout the dissertation (Chapter 5).

[19] Please refer to Appendix B for an anonymous list of interviewed people / groups

3. The information Society

In this chapter, I introduce some concepts and key arguments related to the idea of an information society, thereby providing some context for the chapters to follow. The account of the information society will mainly draw on the version presented by Manuel Castells and Niklas Luhmann, which represent two significant yet essentially different accounts of modern society. Whereas Castells focuses on the role of information and how this pertains to the redistribution of power, Luhmann stresses the way modern societies organize and communicate to reduce complexity.

The Notion of an Information Society

The term *information society* dates back to the sixties[20] and is a contested notion with competing interpretations[21]. In a political context the term was revitalized by the American and European project to privatize and liberalise the telecommunication sector globally in the mid-nineties. In 1994 the U.S. Vice President Al Gore announced the creation of *The Global Information Infrastructure*, which was echoed at the European level in a number of white papers and reports (the most well-known being the Report of the Bangemann High Level Expert Group from 1994). In Japan and Singapore similar initiatives took off[22]. The official rhetoric for speaking about the many political, economic, scientific and social changes related to globalization and communication infrastructure soon became *the information society*[23]. In the years to follow so-called E-business including countless applications and

[20] One of the first scholars to introduce the concept information society was Fritz Machlup in The Production and Distribution of Knowledge in the United States from 1962, however the concept became more widely known with Daniel Bells The Coming of Post-Industrial Society (Chapter 7) from 1973 (Crawford 1983). The notion knowledge society emerged in the late nineties as an alternative notion in some academic circles. Especially UNESCO has adopted and applied the term (Burch 2005:54).

[21] Information society theories are often divided into two philosophical positions. The first is those who see it as a new emerging society (e.g. Bell, Lyotard, Castells), whereas the second group stress the historical continuity from previous structures (e.g. Habermas, Giddens, Garnham) (Finnemann 2005:126-127; Webster 2006:6). For a critical discussion of the concept and vision of an information society see e.g. (Mansell 2009), Webster (2006:chapter 2), Finnemann (2005:chapter 3), Lyon (1988:chapter 1).

[22] The Singapore government launched *A Vision of an Intelligent Island* in 1993. In Japan the report *Reforms Towards the Intellectually Creative Society of the Twenty-first Century* was launched in 1994 (Qvortrup 2003:163-164).

[23] The information society as a European policy theme is described in Ó Siochrú (2004).

online service companies, and a whole industry around digital security developed[24]. In a political context the concept of the information society was grounded in a narrative that stressed broadband access for all (households, schools and universities, public administration etc.) as a way to provide for economic growth. The challenge was thus to overcome social and organizational constrains in order to realize the many inherent potentials in the new technologies (Qvortrup 2003:164)[25.]

One of the scholars who have written most extensively on the digital age (phrased as The Network Society) is the Spanish scholar Castells, who claims a transformation in the distribution of power with information as the key factor[26]. Castells stresses that networks characterize the information age as the dominant social structure, with the internet as the technical backbone (Castells 2001:5). The current societal changes are thus formed by a globalised flow of information and by *informational capitalism* as something distinctively different from earlier forms of market society (Castells 1996)[27.] By informational capitalism is implied that generation, processing and transmissions of information are seen as the fundamental source of productivity and power (Ibid:21)[28].

[24] The American Security Stock Watch has made a stock-index based on 350+ companies within the 'security sector', including telecommunication network security, video surveillance etc. but also areas such as bio-defense, military defense, environmental security and fraud prevention. See http://www.securitystockwatch.com, retrieved July 10, 2011.
[25] When internet access started to be more widespread especially in the U.S. and Europe it was followed by a period with great commercial expectations to new online business models, coined as the *dot.com* period. The dot.com period reached its peak with a NASDAQ index at 5048,62 on 10 March 2000, which represented a doubling in the estimated value of technology related stocks in one year. Soon after the bubble burst and the majority of the new online businesses closed down (Thorhauge and Bjerge 2004) . The dot.com notion has gradually been replaced by the notion of e-business as a broader business and policy concept. In the WSIS plan of action, there is a whole section dedicated to e-business, followed by sub sections on e-learning, e-health, e-environment etc. (World Summit on the Information Society 2003)
[26] Power is defined as the relational capacity that enables a social actor to influence asymmetrically the decisions of other social actor(s) in ways that favor the empowered actor's will, interests, and values (Castells 2009:10).
[27] Castells' theory has been criticized for placing too much emphasis on the informational dimension of current societies; thereby underestimating long established forms of inequality as well as the role information has always played in society (Garnham 2004/1998:168-179). Other scholars such as Baudrillard have given a much more pessimistic account of the dystopian network society (Qvortrup 2003:166).
[28] The British sociologist Scott Lash has formulated it slightly differently, stressing that power in the information age works less through exploitation than exclusion, less through real property than intellectual property (Lash 2002).

Redistribution of Power

One of Castells' key points addresses the organization of new forms of time and space: so-called *timeless time*, and the *space of flows*[29]. Space is presented as the material support of time-sharing social practices, thus the space of places is the predominant space of experience, of everyday life, and of social and political control. Time is the biological rhythm of seconds, minutes and hours, turning present into past, while awaiting future. According to Castells, the network society is redefining time and space, leading to new social structures and new ways of domination. In contrast to biological time, the network society is seeking to compress time and to eliminate the traditional sequencing of time into one hypertext (*timeless time*). *Space of flows* is used to describe societal functions based on exchanges between electronic circuits, rather than physical encounters. In the network society the logic of timeless time and spaceless flow is increasingly seen as the fundamental form of social domination (Castells 1997:145-47), thus the power of capital is being supplemented by new forms of information-based dominance. The increasing penetration of the space of flows by *expressions of experience* e.g. by civil society actors is mentioned as a counter tendency[30]. In *Communication Power,* Castells further elaborates how media have provided civil society with new means of local action and global connection (Castells 2009).

Also, *access* and *recognition* are central notions in Castells' theory and in theories concerned with power more generally, as indicators for measuring power i.e. who is included / excluded, who is recognized / not recognized. It follows that power in the network society is related to access to the means of communication e.g. the internet (Hoff, Hansen et al. 2006:20). This further implies new powers assigned to those who may define or implement barriers to internet access. With regard to recognition this is related to the construction of identity, hence the need to comply with the information society's imperative of *being online* (Castells 1996:9). As pointed to by Hoff (2004:38-40) the notion

[29] Castells builds on scholars such as Gottfried Leibniz and Harrold Innis (Castells 1997:146).
[30] Stalder has argued that human rights may serve as cultural codes that can travel across networks and help reinvent local democracy. "A renewal of fundamental rights could serve as a starting point for this project to reinvent democracy in the space of places, using the space of flows to expand the range of cultural expression, rather than diminishing it" (Stalder 2005:69).

of access includes not only the established political structures (parliament, local council etc.) but increasingly new 'constituencies' of political power. These new constituencies may be a private company, or they may be in the realm of civil society. To have access to power is thus to have access to the de facto political authorities in any given context. Further, to gain recognition is to be able to put issues on the political agenda (to influence the mobilization of bias) and to gain acceptance for these (Ibid:40).

Some of the scholars inspired by Castells have emphasized a transformation from classical models of democracy to network models, where the state is decentered and a number of political arenas have developed across society. This includes a shift in focus from *government to governance*, with a broader access to agenda setting by different actors both at national and international level (Hoff, Hansen et al. 2006:18-25). This entails, but it not limited to, the internet's potential to facilitate political and social networks and to mobilise civil society across borders, thus facilitating a global civil society (Florini 2000; Deibert 2002; Keane 2003; Donk, Loader et al. 2004). It also includes discourses on ICT as a resource for civil society, e.g. how the internet may strengthen civil society's ability to participate in political processes, to interact with those in power, and to gain a resource base for self autonomy (Burch 2002; Donk, Loader et al. 2004). The link between actors and power, and how individuals may be more or less empowered for social change is also addressed by Giddens in his structuration theory[31]. Giddens suggest that the role of the actor should be understood in terms of *knowledgeability* and *capability*. Whereas capability is the power to produce effects, knowledgeability is the awareness of the capacity to achieve outcomes (Giddens 1984; summarized in Rasmussen 2000:16).

Castells situates his theoretical project within the greater narrative of modernity; the enlightenment tradition of critical emancipatory social science, with few scholars from this tradition questioning the importance of information and communication in any given society. In fact, German scholars such as Habermas or Luhmann, who disagree on many epistemological questions, both emphasize communication as the constitutive organising element of societies: implying that when conditions for this communication essentially changes it affects a number of other structures related to inclusion,

[31] Structuration theory defines structures as medium and outcome of everyday practices rather than something which is separate from agency (Giddens 1984:16-17).

exclusion, power and participation. Hence understanding communication as a constitutive feature of any society implies that all societies in the history of mankind entail elements of information societies. The current information society however differs in one important aspect, namely by connecting all countries to the same globally distributed communicative infrastructure: the internet (Finnemann 2005:53).

Supplementing Castells, I next illustrate a somewhat different take on the networked society, namely the one presented by the German sociologist Luhmann[32]. Luhmann stress the hypercomplex character of modern society and focus on communication as a means to reduce complexity. Luhmann's account of the hyper complex society is chosen since it places central emphasis on the role of communicative processes and how these produce, reproduce and legitimise order at individual, organizational and societal level. In line with this, Luhmann replaces notions of space and territory with notions of communicative borders, which is interesting not least because the internet that represents a communicative system rather than a space-bound territory. Luhmann's theory is generally considered highly abstract, and his subject-less theory has made him a controversial scholar in sociology[33].

Modernity and Complexity

Luhmann's analysis of modernity is in many ways in line with that of Habermas and Giddens with an emphasis on increased complexity, functional differentiation, and contingency as a tendency and premise in modern society and life. The development of an increasing number of functionally differentiated subsystems - such as economics, justice, politics, art, science - represent society's way of handling an increasing level of social complexity. Accordingly, complexity reduction is seen as the core mechanism whereby social systems differentiate into sub systems, each specialized in handling specific types of complexity (legal issues, economic issues, policy issues, love issues etc.). However, whereas most modernists keep the rational subject as the point of departure for analyzing processes of

[32] Luhmann has written more than sixty books and 350 articles on a variety of subjects, including law, economy, politics, art, religion, ecology, mass media, and communication. Until his death in 1998, he had an ongoing dispute with Habermas, concerning a.o. Habermas´ normative ideal of communicative rationality vis-à-vis Luhmann's system approach to sociology. In Denmark a large range of scholars has been inspired by Luhmanns theory; see e.g. Qvortrup (2003; 2005) and Tække (2006).

[33] For a critique of Luhmann's work see e.g. Viskovatoff (1999) or Mathur (2005).

complexity and choice (contingency), Luhmann suggests a level of abstraction in which subjects are replaced by living systems that produce life, and psychic and social systems which produces meaning. Social systems are further divided into society, organizations and interactions (Luhmann 1986:173). In the following, primarily social systems are addressed.

Social Systems

Social systems are described as systems of communication, defined by a boundary between the system and its environment. Communication within a given social system, e.g. an organization, operates by a selection process that selects a limited amount of all information available outside, thereby constantly reducing complexity. Each system has a distinctive identity, the border between system and environment, which is constantly reproduced in its communication according to what information is selected as meaningful and what is not. If a system fails to maintain its identity, it ceases to exist as a system and dissolves. Social systems are autopoietically closed since they use and rely on resources from their environment, but do not let those resources become part of the systems' operation[34]. As communication does not think, and thoughts do not talk, they belong to different autopoietic systems of reproduction. These closed systems however interact through interpenetration / communicative coupling, which is the concept used when systems make their complexity available for one another, without becoming one and the same system. Also, the environment can irritate the system when it is produced as information within the system. Differentiating between psychic and social systems is in Luhmann's universe what makes societies able to observe themselves, which is the closest the theory gets to a concept of rationality. Rationality is thus related to the concept of self reference, and to the ability to reflect over the difference between system and environment.

[34] Luhmann draw on the Chilean biologist Maturana's definition of autopoetic systems as "systems that are defined as unities, as networks of productions of components, that recursively, through their interactions, generate and realize the network that produces them and constitute, in the space in which they exist, the boundaries of the network as components that participate in the realization of the network (Maturana cited in Luhmann 1986:174). Luhmann transfers the concept of autopoetic (literally: self-creation) from Maturana and Varelas work on cognitive biology and makes it a core concept in his theory of social systems (Luhmann 1993).

The Role of Communication

Luhmann's model of communication draws on a constructivist approach and emphasises communication as a selection of meaning / understanding made by the social system itself, rather than something being transmitted from one part to the other[35]. Drawing on Talcott Parsons, Luhmann argues that communication is characterised by double contingency, where neither A nor B can observe the other's selection of understanding, but only the other's communicative selections (Qvortrup 2003:169). The communication process is described as a three-phased selection process consisting of selection of information, selection of form, and selection of understanding. As a fourth element outside the communication process itself is the reaction, thus whether the system chooses to act on basis of the communication (Luhmann 1992:253). Through the process of communication the social system is 'irritated' and develops its inner complexity that again makes it more capable of handling complexity in its surroundings. The role of media, which is central to the ongoing process of handling complexity, is categorised as dissemination and effect media, respectively. The first category is media in the more conventional sense (print, radio, television), described as media, which increases the potential for communicative couplings within a society by increasing the possibility of observing other systems' communication. In addition, they are means for irritating society by making communicative choices on the basis of their own criteria, thereby "keeping society on its toes" (Luhmann 2000:22). By comparison, the function of effect media (also called symbolically generalized communication media) is to reduce the potential communicative couplings. This is achieved by providing the social system with *interpretation codes* according to which, communication is selected. These are described as binary codes indicating the difference, which guide how information is selected, processed and understood within each system e.g. love / not love, truth / false, economic gains / losses, legal / illegal.

[35] Two alternative views of communication have influenced modern media theory. One being the *transmission vie*w, the other the *ritual view*. According to the transmission view, media is transmitting information from a sender to a receiver, with an assumed correspondence between reality and its mediated representation. This perspective has dominated western media theory since Shannon and Weavers communication model in the 1930s. The theoretical presumption is a common world that can be communicated via a common code system. In contrast, the main focus of the ritual view is the construct a common world. The media are not primarily seen as transmitters but rather as dramatists building public stages of narratives, hereby reducing complexity to simple societal schemata. The common world is not transmitted but rather created in a network of actors and audiences (Carey 1989 referenced in Qvortrup 2003:125-26).

Internet as a Hypercomplex Structural Match

Qvortrup is one of the scholars who has applied Luhmann's theory to the Internet, arguing that there are certain qualities of the internet, a so-called *structural match*, which relates it to the characteristics of modern societies (Qvortrup 2003:166)[36]. Current societies are confronting an immense challenge to social complexity because so many social actions have become communicatively assessable, and the response or stabilizing factor to deal with this social complexity is communication-based processes of coordination. In this so-called polycentric society, information and communication technologies such as the internet are seen as socially shaped technologies formed by the need for decentered processes of mutual observation and coordination among social sub-centers (Ibid: 4-5). From this perspective, the differentiation of the current and emerging society is primarily based on processes of inclusion and exclusion, shaped by the ability to manage complexity, rather than classes determined by the ownership of means of production. Further, it is based on a different mechanism of structuration compared to earlier societies, namely informed decisions rather than *ex ante* given principles (Ibid:10-11). The internet provides for an unseen number of structural couplings, thus an opportunity to relate to an indefinite number of communications, while also providing for mechanisms to select only a few of these communications. It is dissemination medium and an effect media combined in one communicative structure.

> "Maybe this is the real revolutionary effect of the internet: that it copies the structure of society into the medium, providing the internet with an extraordinary social complexity- management potential compared with any other medium" (Ibid:174).

Particular structural qualities of the hyper complex society have thus been transformed into the structure of the internet, particularly with regard to the internet's global reach and potential for managing complexity. According to Qvortrup, the internet is not an autopoietic system in the Luhmann sense since it does not create its own elements in a closed process, but is rather viewed as a

[36] A similar line of argument is found in Rasmussen (2003). Drawing on Luhmann's communication theory, Rasmussen argues that the technical model of the internet (packet switching and distributed routing) point towards central characteristics of modern societies and the way distributed and contingent communication reproduce these societies (Rasmussen 2003:462-463). According to Rasmussen there is thus some compatibility between the development of the internet and the transformation of the societies in which it operates, hence the internet suggest a distributed society based on an ability to handle risk rather than central control (Ibid:62).

communication medium with strong organizational potentials. It thus consists of countless interaction systems, which are established and dissolved on an ongoing basis, rather than a stable social system (Ibid:176). The internet resembles a global society constituted by millions of interactions, while at the same time providing for spontaneous self organization, rather than being organised in advance[37].

In summary, Castells and Luhmann offers two different perspectives on modern society, however both located within a theoretical narrative of modernity. Further, they both emphasize the evolution of still more complex societies, and the importance of communication as a constituting factor within these societies. Yet, their theories also differ on several aspects. Whereas Castells stresses the evolution from nation states to a global network society, Luhmann's theory addresses modern society as differentiated functional subsystems, which are by nature global and not linked to territorial space. Whereas Castells stresses the power of networks, Luhmann's theory has no cross-cutting theme of power, except as a code of communication within the political sub system. As such Luhmann's theory is at a very different level of abstraction, and not easy to compare with Castells theory, or most other theories, for that matter. However, despite its level of abstraction, I find Luhmann's concept of social systems and of communication inspiring, including how it relates to the nature of the internet. Similarly convincing is Castells' debate on transformation of power in the networked society. My research is thus inspired by their accounts of the role of communication in modern society, and I will return to Castells' notion of power and Luhmann's notion of communication. However, first we need to understand how the broader information society debates relate to human rights, which is the topic I consider next.

[37] Internet protocols such as URI, HTTP and HTML are used as examples of how this self-organization is facilitated at the technical level by providing for text / file exchange and links. The technical level further supports the reentry mechanism that is inscribing form into form, thus users can exchange not only text but also the underlying software. "The WWW has the capability of allowing its users to change its own capabilities" (Andersen quoted in Qvortrup 2003:181). As a third organizing feature also mentioned are the internet's search facilities.

4. Human Rights and ICT Policy[38]

The fields of human rights and ICT have been the core of my professional life for the past 10 years, and my research is driven by an interest in the role ICT may play as a vehicle for social change. As previously mentioned, the notion of social change in my account refers to the human rights framework, thus I am particularly interested in how the use of ICT may potentially strengthen human rights. The field of human rights has developed over the past sixty years and represents a large body of international law, institutions and groups that work to protect and promote human rights at local, regional, and international level, and various research agendas related to the field. In the following chapter I introduce the basics of the human rights regime and then examine the way human rights have intersected with ICT in four different spheres; civil society, the intergovernmental / institutional sphere, the business domain, and the research sphere.

Human Rights Basics

The institutionalization of international human rights standards has constituted one of the major normative shifts in world politics since World War II. In December 1948, the United Nations General Assembly approved the Universal Declaration of Human Rights (UDHR) by a vote of 48 to 0, with eight abstentions. Later referred to by then UN Secretary General U Thant as the "Magna Carta of Mankind" (Korey 1998:43) the UDHR comprised thirty articles dealing with two broad categories of human rights: civil and political rights; and economic, social and cultural rights. The General Assembly subsequently decided that the two categories would be detailed in separate treaty instruments – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both agreed upon by the General Assembly in December 1966. Together, the UDHR, ICCPR, and ICESCR constitute the International Bill of Human Rights, which is the overarching framework for global human rights today[39].

[38] An earlier version of this chapter is published in Jørgensen (2011)

[39] The UDHR was drafted and approved in a short period of just two years. In contrast, negotiations over the two legal instruments dragged on for over a decade before concluding in 1966. The process of national ratification, which delivered a binding commitment by the states, has taken much longer and is still incomplete. The ICCPR and ICESCR build directly on the UDHR, reinforcing through codification the strength of its injunctions (Drake and Jørgensen 2006:13).

Civil and political rights are often referred to as first-generation rights because they were recognized at the national level in a number of eighteenth and nineteenth-century constitutions, whereas economic, social and cultural rights were generally developed in national constitutions and international instruments in the post-World War II era. As such, the former are more deeply embedded in multiple legal systems and traditions. Moreover, political and civil rights have often been described as 'negative' rights in that they proscribe state interference with individual freedoms, whereas economic, social, and cultural rights have been described as 'positive' rights that require states to create the conditions in which individuals can enjoy a certain quality of life, or to provide certain goods or services to that end. In operational terms though, the distinction is not so clear-cut[40]. Habermas has argued that the catalogue of human rights is closely related to the liberal model of the public sphere and entails five broad categories of rights. The first three categories represent the basic negative liberties, membership rights, and due process rights that together guarantee individual freedom of choice and autonomy. The fourth group entails the rights of political participation which guarantee public autonomy, whereas the fifth group represents social-welfare rights which are necessary since the exercise of the other rights depends on certain social and material conditions to be met (Habermas 1996:xxvii). Human rights are historically formulated in response to the concrete experiences of human suffering, most notably revulsion against fascist atrocities during World War II, which played a catalytic role in expanding the scope and domain of human rights to be elaborated and enshrined in binding international agreements. In addition, they traditionally concern the relationship between state and individual, thus protecting the individual against the arbitrary use of power by the state. The 'horizontal effect', however, is part of this relationship; implying that state obligations include a positive obligation to protect a private party against another private party by legislation and / or preventive measures or by investigating violations[41].

While the International Bill of Human Rights provides the overarching foundation, the global

[40] For a discussion on the complexity of this distinction, see for example Koch (Koch 2005:81-103).
[41] Legal scholars speak of "Drittwirkung" (effect by third party) which is used to stress that contracting states that have ratified human right treaties must protect individuals' human rights in the realm of private parties as well. See van Hoof and van Dijk (Dijk and Arai 2006:28).

human rights system also entails a range of other instruments. Four additional core treaties are the Convention on the Elimination of All Forms of Racial Discrimination (1965); the Convention on the Elimination of All Forms of Discrimination Against Women (1979); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); and the Convention on the Rights of the Child (1989). In addition, there are many other instruments dealing with the interpretation and application of rights in particular areas or contexts. These take a variety of legal forms, ranging from 'hard law' covenants and conventions to 'soft law' declarations, guidelines, and recommendations[42]. The global governance of human rights is substantively and architecturally very complex. Human rights is a deeply institutionalized field involving, at the global level, the UN Human Rights Council[43], a multitude of monitoring mechanisms, General Comments on specific rights (interpretation guides), Special Rapporteurs, and so on – working in a dense policy space to elaborate and interpret internationally agreed rights, build capacity, and promote compliance. The UN-based human rights system is supplemented by regional human rights mechanisms that vary widely in constitution and effectiveness. The European regime is more 'legalized' than the international regime, and is based on the European Convention on Human Rights (ECHR), which was agreed upon by the Council of Europe in 1950. It includes a European Court of Human Rights to which unresolved cases may be presented for binding rulings. The Council of Europe also has adopted a series of additional human rights instruments. In parallel, within the European Union (EU), the European Court of Justice and other EU institutions have been progressively expanding the scope and strength of human rights protections and have reinforced the ECHR's influence. The most recent example is the Charter of Fundamental Rights (The European Parliament, the European Council et al. 2007), which is included in the Treaty of Lisbon[44].

The inter-American regime is also institutionally well developed, and shares broad commonalities with the European system. The Charter of the Organization of American States (OAS), signed in 1948, lists

[42] While many of the instruments amplify rights previously established in the International Bill of Human Rights, there are also additions. These sets of rights are often described as 'third-generation' rights. Leading examples include the rights invoked in the UN General Assembly's 1984 Declaration on the Right of Peoples to Peace and the 1986 Declaration on the Right to Development. The aspirational principles of these declarations have been affirmed in subsequent political statements or soft law, but they have not been embodied in binding treaties (Drake and Jørgensen 2006:21-22).
[43] The Human Rights Council is a successor to the Human Rights Commission, which was replaced in 2006.
[44] The Treaty of Lisbon was signed on December 13, 2007, and came into force on December 1, 2009. The treaty is available at: http://europa.eu/lisbon_treaty/index_en.htm, retrieved July 10, 2011.

human rights as one of the organization's guiding principles. In 1959, the OAS created an expert Inter-American Commission on Human Rights, which later acquired the ability to receive complaints from individuals. The American Convention on Human Rights, which was agreed upon in 1969 and came into force in 1978, created an Inter-American Court of Human Rights that can issue nominally binding rulings. Regional regimes elsewhere are less developed and operate under far more constraining conditions. The African Charter of Human Rights and Peoples' Rights, adopted in 1981, is supposed to extend protections not only to individuals but to collectives as well. It also contains an expansive menu of third generation rights, including the rights to a healthy environment, development, and peace, and has bolder provisions on economic, social, and cultural rights than its equivalents in Europe and the Americas. The Charter also created an African Commission on Human and Peoples' Rights and established an African Court on Human and Peoples' Rights, which entered into force in January 2004. Similarly, the League of Arab States adopted an Arab Charter on Human Rights in 1994, and there is an Arab League Human Rights Committee. In contrast, Asia still lacks a regional human rights regime and, given the cultural and political diversity of India, China, and Japan, among others in the region, this is not likely to happen any time soon. Finally, complementing the international and regional regimes and associated organizations are a variety of national mechanisms. These include national human rights institutions (NHRIs), which increasingly interact and cooperate on promoting human rights compliance and national capacity building. The NHRIs operate under a mandate established by the UN Paris Principles that were adopted by the UN General Assembly in 1993[45].

In summary, the international community has made significant progress in establishing human rights standards and mechanisms for the ongoing monitoring of progress toward their realization. This is not to suggest that human rights are not consistently violated all around the world, often on a massive scale. However, the existence of a global framework for human rights provides mechanisms through which political and legal pressure can be applied to compel states toward greater conformity. Moreover, since the millennium, development agencies have increasingly adopted a human rights-based approach in relation to development projects (Filmer-Wilson 2005)[46].

[45] For a global overview of NHRIs, see www.nhri.net. For a discussion on the role of NHRIs, see Kjærum (2003:631-653).
[46] According to the definition used by the Office of the High Commissioner for Human Rights, a rights-based approach is a conceptual framework for the process of developing policies that is normatively based upon international human rights

I now proceed with an examination of some of the encounters between human rights and ICT policy, starting with civil society.

A Civil Society Perspective

Civil society groups have embraced the link between human rights and communication / media since the mid-1970s, and have done so in a variety of ways. Media and journalist groups and academics were among the first to address communication policies from a human rights / social justice perspective. From 1975 to 1985 the call for a New World Information and Communication Order was raised at the United Nations Educational, Scientific and Cultural Organization (UNESCO) by the Non-Aligned Movement of UN countries, together with a group of civil society organizations and academics. The campaign for a New World Information and Communication Order concerned the dominance of Western media and news content combined with a growing concentration in media production and ownership, thereby making it difficult for less developed countries to take part in the global sphere of communication. The debate eventually became so controversial that the United Kingdom and the United States, as well as Singapore, withdrew from UNESCO[47]. Following the NWICO controversy, more civil society groups became involved and continued to rephrase and pursue the issue of inequality in access to communicate, with the Communication Rights in the Information Society (CRIS) campaign as the most recent example. I shall return to communication rights in more detail below.

Another link between human rights and ICT is the leverage of the internet to empower human rights activists[48]. There are countless illustrations of how the internet has helped human rights activists to report on violations, to campaign across borders and to reach global information and support to

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standards and operationally directed to promoting and protecting human rights (Office of the United Nations High Commissioner For Human Rights 2006:22).

[47] In short, the United States and others saw NWICO as a means for non-democratic states to restrict freedom of expression, especially media freedom, while the other side claimed that media should be under stricter state control, and that media concentration should be limited in order to allow for a more pluralistic flow of information (Drake and Jørgensen 2006:29).

[48] See, for example, Richards (2002:161-186), Hick, Halpin et al. (2000).

strengthen their case[49]. Also, various resources have been developed to secure communication for human rights defenders handling sensitive information[50]. As a most recent example, social network sites were used to facilitate communication between groups and individuals active in the uprisings in the Middle East (Hansen 2011).

A related but different type of civic activity is the various groups who campaign to protect and enforce human rights standards *on* the internet. Not least the North American and European NGOs that have since the mid-1990s focused on specific human rights challenges within an online environment, especially in relation to the right to privacy and the right to freedom of expression. Amongst the campaign topics have been data retention, data transfer, anti-terrorism legislation, DNA and genetic privacy, workplace surveillance, and internet censorship and filtering in various forms[51].

The initial North American / European focus on so-called cyber rights has today turned into an increasingly large number of groups from all parts of the world, which to a varying degree focus on protecting and promoting human rights standards online[52]. Traditionally, these groups have not, to any large extent, positioned themselves as human rights organizations in the way that they would systematically refer to international human rights treaties and declarations in their advocacy work. Though most of them refer to human rights as an overall normative framework, and often reference specific rights such as freedom of expression and the right to privacy, they typically do not deploy the whole human rights regime, including the connected mechanisms of monitoring, state reporting, and human rights courts[53]. Some of the North American groups litigate and challenge the state on new

[49] Groups such as Human Rights Watch, Reporters sans Frontières, Amnesty International, International Freedom of Expression Exchange (IFEX), ARTICLE 19, and Human Rights in China have, to a varying degree, documented and reported on internet usage by human rights groups and independent journalists since the mid-1990s.
[50] See, for example Digital Security & Privacy for Human Rights Defenders (Vitaliev 2007), or the attached toolkit available at www.NGOinabox.org, retrieved July 10, 2011.
[51] See, for example, the numerous national contributors to the annual report on Human Right and Privacy by Privacy International and the Electronic Privacy Information Center (2007), as well as the global survey on internet filtering produced by the OpenNet Initiative (Deibert, Palfrey et al. 2008).
[52] Many of the groups were initially organized under the Global Information Liberty Campaign (www.gilc.org), which ceased to exist in 2003. Current examples include groups such as Electronic Frontier Foundation (U.S.-based), American Civil Liberties Union (U.S.-based), Privacy International (UK-based), European Digital Rights (Europe-wide network), and the Association for Progressive Communications (global network).
[53] UK-based ARTICLE 19 is one of the organizations that appears more substantively anchored in the human rights framework.

legislation[54], but the majority remain more advocacy-oriented. In addition to the original focus on online liberties there is a growing focus on social, economic and cultural rights, thereby using the broader spectrum of human rights to promote development and social justice[55].

This broader focus was also reflected at the WSIS where two distinct human rights controversies took place within the civil society arena. The first concerned the idea of a right to communicate, promoted as a new human right by the CRIS campaign[56]. Different rationales were expressed in support of such a right, which reiterated the above mentioned concerns of media becoming increasingly homogenized and commercialized, and that minority, dissenting, or local voices are being excluded from decision-making processes due to a lack of information and a lack of access to the means of communication.

The claim for a right to communicate was challenged by the WSIS civil society Human Rights Caucus[57] and the organization ARTICLE 19, in particular. The groups argued that a broadly defined right to communicate might undermine long-established media freedoms, and claimed that the concerns raised by the CRIS campaign could be met under the existing regime of rights. It was stressed that the right to freedom of expression is recognized to include the right to diverse, pluralistic media and equitable access to the means of communication, as well as access to the media. Rather than suggest a new broadly defined right, enforcement of these provisions may provide for democratization of media and communication and address the concerns of the CRIS campaign. The debate was largely resolved by the end of the first WSIS when most groups agreed that the claim for rights to

[54] EFF and ACLU, in particular, have been involved in some landmark court cases regarding online freedom of expression. One of the more known cases concerns the Communication Decency Act, which the U.S. Supreme Court struck down in Reno vs. ACLU (Reno et al. v. American Civil Liberties Union et al. June 26, 1997). EFF has also been leading lawsuits against AT&T, the US Government and Bush and Obama Administration officials to stop warrant-less wiretapping. For more information see http://www.eff.org/nsa/faq, retrieved July 10, 2011.

[55] The Association for Progressive Communications (APC) is an example of an organization that increasingly frames its policy initiatives with reference to the broader scheme of human rights. See e.g. the APC Internet Rights Charter (APC November 2006). APC is a global NGO network in the field of ICT, development and social change, with a small permanent staff in South-Africa and London. Scholars have argued that APC represented the most well-connected and influential civil society network during WSIS (Mueller 2010:93).

[56] At the onset of WSIS, organizations that had been involved in NWICO and newcomers gathered around the CRIS campaign, this time not calling for a state or industry-led effort to create new global orders, but instead advocating for democratization of media and communication. For a discussion of the role of the CRIS campaign in the WSIS process see Mueller, Kuerbis et al. (2007), Ó Siochrú and Alegre (2005).

[57] As part of a larger civil society coalition that came together around WSIS, a group of civil society organizations concerned with getting human rights on the WSIS agenda launched the Human Rights Caucus at the first preparatory conference in July 2002. See www.iris.sgdg.org/actions/smsi/hr-wsis/, retrieved July 10, 2011.

communicate need not invent new legal standards but should rather call for enforcement of existing human rights standards[58].

The second major controversy unfolding amongst civil society groups active in the WSIS process concerned the relation between human rights and development. In the process of finalizing the civil society declaration for the Geneva Summit, a number of organizations claimed that the issue of development (poverty reduction and economic and social development) was to take priority over human rights, thus insisting that the civil society declaration should not open with language affirming the commitment to human rights standards. Advocates of the development perspective argued that development and human rights represent different spheres with diverging objectives and policy agendas, whereas human rights groups argued that rights are the normative foundation for any society, independent of the level of development. In the last days leading up to the Geneva Summit, several heated discussions took place among the civil society organizations participating in the summit, and in the end a compromise was reached. It was decided to open the declaration with a section on *Social Justice and People-Centered Sustainable Development*, followed by a section on *The Centrality of Human Rights* (Marzouki and Joergensen 2004).

The debate is indicative of the perceived dichotomy between the development and human rights spheres which existed until the late 1980s, and where even UN agencies were reluctant to recognize the relationship between the two. The formal recognition of the convergence between development and human rights came at the 1993 World Conference on Human Rights held in Vienna, and in 1997 the UN Secretary-General called for the integration of human rights into all principal UN activities and programs (Filmer-Wilson 2005:214-15).

While WSIS has been one of the major civil society spaces in relation to information society policy over the past years, numerous other spaces coexist. Below follows a brief outline of some of the current civil society initiatives concerned with ICT and human rights e.g. the Public Voice initiative, the Access to Knowledge (A2K) movement and the Freedom of Expression project.

[58] This was iterated during the World Forum on Communication Rights, organized by, among others, the CRIS campaign and the Human Rights Caucus as a side event at the Geneva Summit in 2003 (Marzouki and Joergensen 2004).

The Public Voice initiative is organized by the U.S.-based Electronic Privacy Information Center (EPIC), with the aim of fostering a civil society platform for engagement in information society policy[59]. The platform has been running since 1996, and has conducted a number of teleconferences debating issues and policy agendas of concern to the participants. In addition the Public Voice coordinated a coalition of civil society groups that came together around the Organization for Economic Cooperation and Development (OECD)[60] ministerial conference on the Information Economy, in Seoul, June 2008[61]. As a contribution to the ministerial conference, the civil society coalition drafted The Seoul Declaration, which details policy principles that are to guide the information economy. The Declaration has human rights and the rule of law as one of its guiding principles, just as it reaffirms the commitment to international human rights treaties[62]. Recently, the OECD has released a Communiqué on Principles for Internet Policy-Making (OECD 2011). The Civil Society Information Society Advisory Committee (CSISAC) as well as other groups declined to endorse the communiqué due to concerns regarding elements of the communiqué that might be understood in a way which would reduce respect and protection for fundamental rights. The groups were additionally concerned that the document would push internet intermediaries to police and enforce laws on their networks and services (CSISAC June 28, 2011:1).

The Access to Knowledge (A2K) movement was initiated in 2004 by U.S.-based Knowledge Ecology International (previously called CPTech) and is a consolidation of various local and global social movements. A2K is concerned with fairness in structures of knowledge access, more specifically, copyright law and other regulations that affect access to information and education rights. One element of the initiative is the drafting of a proposal for a treaty to protect and promote access to knowledge[63].

[59] See http://thepublicvoice.org/, retrieved July 10, 2011.
[60] The Paris-based OECD has, as of July 2011, 34 member countries representing the most developed countries of the world. The OECD conducts analyses, research and forecasting in relation to economic and social developments within these countries; see www.oecd.org retrieved July 10, 2011.
[61] In 2009, the coalition formalized into the Civil Society Information Society Advisory Committee (SCISAC), and provides input to the development of OECD policies related to the internet. See http://csisac.org/, retrieved July 10, 2011.
[62] "Compliance with international human rights standards and respect for the rule of law, as well as effective human rights protection, must be the baseline for assessing global information society policies" (Civil Society - TUAC June 16, 2008:1).
[63] The draft treaty suggests provisions regarding limitations and exceptions to copyrights and related rights. The treaty stipulates a number of uses of creative works that should not be inhibited by exclusive intellectual property rights (for example, in the area of education, science, or preservation) as well as use by groups with special needs and interests such as

At an A2K conference in 2008, a panel was dedicated to exploring the relationship between A2K topics and human rights, especially within the scope of the right to participate in the cultural life of the community, including access to so-called 'cultural goods'. However, the relationship between A2K and human rights still appears unresolved, including whether and how human rights are a relevant point of reference for the A2K movement[64].

The Freedom of Expression project is organized by UK-based Global Partners and Associates as a global collaboration to research and develop public policy principles for the networked communication environment[65]. The project, which started in 2006, has developed four principles / values – accessibility, independence, diversity and navigability – that are suggested as guiding principles for the networked communication environment. Moreover, analysis has been made suggesting how each value is underpinned by human rights standards and how they may conflict with one another (Lipson 2008). The analysis provides an overview of the interface between human rights standards and each of the four principles, based on human rights case law.

A final group to be mentioned are the national human rights institutions (NHRIs). The NHRIs represent the national presence of the international human rights regime and ideally serve as a human rights resource for civil society groups at a local level. Until now, the relation between human rights and ICT has been addressed by only a few of these organizations, and the vast majority have not participated in global policy processes such as the WSIS or the IGF. Currently there is little exchange between the civil society groups and policy spaces where global communication policy is debated and the NHRIs. Only a limited number of people cross-cut the various communities and, as in general, they have different professional references. Whereas the NHRIs are rooted in a legal regime, and tend to focus on long established areas of human rights work, the organizations concerned with ICT policy often have a stronger media and technology constituency and focus.

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persons with disabilities, distance education institutions, the media or developing countries (Knowledge Ecology International May 9, 2005).

[64] For further information see: http://www.keionline.org/, retrieved July 10, 2011.

[65] The project includes civil society groups, academics, public regulators and business; see http://www.freedomofexpression.org.uk/resources/about+the+project, retrieved July 10, 2011.

In summary, various civil society groups, especially from the media and cyber rights arena, have addressed information society politics with reference to human rights and social justice arguments. Despite the overall human rights framing of issues such as media concentration, rights of community media, and online censorship and surveillance, the concrete use of human rights is often limited to either a general framework without specific human rights analysis, or referencing the right to freedom of expression and the right to privacy only. Few of the organizations refer to the broader array of rights, or develop detailed analysis based on human rights case law. With regard to the national human rights institutions, there has been limited focus on the human rights issues arising from global ICT policy and practice except for some attention to issues of privacy and data protection. Leaving for now the civil society arena, I next examine the topic from the perspective of international organizations.

An Institutional Perspective

Intergovernmental institutions concerned with information society policy have to an extent taken on board human rights framing, starting with the WSIS process. Below I outline some of these initiatives and argue, that despite many programmatic commitments to the human rights framework, they have not substantiated a rights-based approach to ICT policies. The strongest example of a rights-based approach is found within the Council of Europe, which is not surprising as it represents the European human rights system, including the European Court of Human Rights.

Starting with the WSIS as a space for intergovernmental policy deliberation, there were two human rights issues on the agenda that were especially controversial. The first issue was to establish the International Bill of Human Rights as the overarching framework for the Geneva Declaration of Principles and Plan of Action. The second issue was the treatment of specific information society topics related to human rights. The reaffirmation of the International Bill of Human Rights in the Geneva Declaration of Principles was realized however only in the final days of the negotiations, and as a result of strong pressure from the Western group of delegates (Drake and Jørgensen 2006:31). The Geneva Declaration of Principles reaffirms the universality, indivisibility, interdependence and interrelation of all human rights and fundamental freedoms, including the right to development. It further stresses that democracy, sustainable development, and respect for human rights and

fundamental freedoms, as well as good governance, are interdependent and mutually reinforcing (World Summit on the Information Society 2003:Paragraph 3). This commitment to human rights was reaffirmed in the Tunis Commitment and the Tunis Agenda, at WSIS phase two. Moreover, the Tunis Agenda has an explicit linkage between human rights and internet governance (World Summit on the Information Society 2005:Paragraph 42). While the policy documents adopted at WSIS acknowledged the importance of international human rights agreements and principles, there was little intergovernmental debate on how human rights might apply to specific ICT policy issues. During the plenary sessions and working group negotiations, the Human Rights Caucus and other groups presented numerous interventions suggesting the incorporation of specific human rights standards within the Geneva Declaration of Principles in relation to issues including, among others, discrimination, data protection, labor rights, regulatory environment, press freedom and information access. However, human rights considerations hardly figured in the governments' negotiations on these topics (Drake and Jørgensen 2006:31-33). As such, the WSIS process demonstrated that for many governments the linkage between human rights and ICT policy issues is far from obvious. However, some human rights references did make their way into the final version of the Geneva Declaration of Principles, e.g. a direct reference to the right to freedom of expression (UDHR Article 19) and to the due recognition and respect for the rights and freedoms of others (UDHR Article 29), plus more general references to the rights of children, the rights of authors and artists, the principle of non-discrimination and the right to privacy[66].

With regard to follow-up, the Tunis Summit decided on various mechanisms: the Internet Governance Forum, a UN coordination group on the information society within the UN's Chief Executives Board, and a mechanism for stock-taking and implementation under the UN Economic and Social Council's Commission on Science and Technology for Development (Jørgensen 2006:Afterword).

Several years past the Summit, and with five IGFs completed, there is still no clear indication of how the WSIS human rights commitment shall be measured or monitored. The most visible result of the IGFs has been the creation of several multi-stakeholder arrangements in the form of so-called Dynamic

[66] See the Preamble and Paragraphs 3, 4, 5, 11, 18, 36, 52, 58 of the Geneva Declaration of Principles (World Summit on the Information Society 2003).

Coalitions, which address various areas of information society policy-making. These include Coalitions adressing the regulatory framework for the internet, child online safety, freedom of expression and freedom of the media, a Charter of Human Rights and Principles for the Internet[67], and many more[68]. Also, the Chair of the Global Alliance for ICT for development has proposed to the UN Secretary General Ban Kin Moon the elaboration of a UN Declaration on Rights in the Information Age intended to promote 'ICT rights' and encourage governments to grant their citizens full access to effective participation in the emerging global Information Society (Global Alliance for ICT and Development February 8, 2010).

The UN agencies active during and post-WSIS, especially the International Telecommunication Union (ITU), the United Nations Development Programme (UNDP) and UNESCO, play a central role as overall coordinators of the Geneva Plan of Action. Of particular relevance to ICT policy is UNESCO which is responsible for WSIS initiatives related to access to information, cultural diversity, e-learning, ethical dimensions, and media. UNESCO has traditionally had a strong human rights focus on their communication policies, especially in relation to freedom of expression, and has at strategy level stressed that it applies a human rights approach to all of its projects[69]. Also UNDP has, since 2000, declared a rights-based approach to their development activities[70]. In relation to WSIS, UNDP is involved in capacity building, enabling environments for the telecom sector (including how ICTs may be used as a tool for development), e-government and international and regional cooperation. Despite UNESCO and UNDP's respective human rights framing, neither have substantiated analysis on their policy areas with respect to human rights. Regarding ITU, the agency is involved in infrastructure,

[67] The Charter of Human Rights and Principles for the Internet is addressed in Jørgensen (2012, forthcoming).
[68] For a full list of IGF Dynamic Coalitions see: http://www.intgovforum.org/cms/index.php/dynamiccoalitions, retrieved July 10, 2011.
[69] "Overall, the Organization will pursue in all its fields of competence a human rights-based approach to programming," UNESCO Medium-Term Strategy 2008-2013 (UNESCO 2008:8).
[70] "Adopting a human rights-based approach may not necessarily change what we do, but it will raise questions about how we do it. As stated before, a human rights-based approach provides both a vision of what development should strive to achieve (to secure the freedom, well-being and dignity of all people everywhere), and a set of tools and essential references (human rights standards and principles). It is essentially based on the values, standards and principles captured in the UN Charter, the Universal Declaration of Human Rights and subsequent legally binding human rights conventions/treaties" (UNDP 2001:2). See also (Filmer-Wilson 2005:214-216).

security, e-learning, enabling environments for the telecommunication sector, and several others, but with no particular human rights framing of the agency's activities[71].

A final UN mechanism to be mentioned is the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, who on several occasions has stressed the importance of protecting freedom of expression in an online environment and has urged that information technology must also be made accessible for the developing world[72]. At the most recent session of the Human Rights Council (June 2011), the Special Rapporteur presented a report that addresses key challenges related to freedom of opinion and expression on the internet, and recommended that universal access to the internet should be a priority for all states (Rue 2011:85).

Other intergovernmental organizations concerned with human rights and ICT include the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe (CoE). The OSCE works on security, conflict prevention and post-conflict rehabilitation amongst 56 participating states, and has a special representative on Freedom of the Media[73]. The OSCE representative on Freedom of the Media has developed several recommendations and best practices with regard to the protection and promotion of freedom of expression online[74]. Most recently, the representative has presented a new study on government efforts to regulate the internet in the OSCE area (Akdeniz for the OSCE Representative on Freedom of the Media July 8, 2011).

[71] An overview of all action lines is available at: http://www.itu.int/wsis/implementation/facilitators.html, retrieved July 10, 2011.

[72] "The Special Rapporteur believes that guaranteeing freedom of opinion and expression on the Internet and other new communication tools is the central challenge for the future. The achievement of a global information society, in which the poor can also have access to modern technologies, may represent a leap forward for mankind, opening new paths for human and economic development. Should the information society miss the opportunity of making technologies available globally, the social and economic cleavage between developed and developing countries will deepen" (Ligabo December 17, 2004:paragraph 57).

[73] Special representatives are mandated to report on specific themes or countries. The UN system has a number of special representatives (Rapporteurs), as do the Organization of American States (OAS), the African Commission on Human and People's Rights (ACHPR), and the OSCE. The Rapporteurs regularly publish joint statements, most recently a joint declaration on freedom of expression on the internet (The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media et al. June 1, 2011).

[74] See e.g. the Media Freedom Internet Cookbook (OSCE Representative on Freedom of the Media 2004).

The Council of Europe (CoE) is one of the regional organizations that have conducted more comprehensive work in the area of human rights and ICT policy. Based in Strasbourg, CoE covers the entire European continent and seeks to develop common principles based on the European Convention on Human Rights and related human rights documents. CoE has been active in information society standard setting since the 1980s, not least in relation to data protection, cybercrime[75], protection of children, internet governance and freedom of expression / media freedoms[76].

Since 2005, the CoE has had specialized working groups on human rights and information society issues (i.e. Group of Specialists on Public Service Media, Media Diversity, and Information Society) which have produced a number of standard-setting documents. In 2009, the groups were replaced by ad hoc advisory groups on; Public Service Media Governance, Cross-border Internet, and the Protection of Neighbouring Rights of Broadcasting Organizations, and a Committee of Experts on New Media[77]. CoE also focuses on public participation in internet governance processes, and has drafted a code of good practice on information, participation, and transparency in internet governance, in cooperation with the United Nations Economic Commission for Europe (UNECE) and APC (APC, Council of Europe et al. June 2010).

In the follow-up to WSIS, the CoE has increasingly worked to unfold the relationship between human rights and ICT policy and has done so through a number of recommendations. The CoE *Recommendation on Measures to promote the public service value of the Internet* and its appended recommendations present various internet communication principles within a framework of human

[75] Some of CoEs standard setting has been criticize substantively by civil society groups for being overly invasive on individual freedoms, not least the *Cybercrime Convention*. See e.g. the critic by EPIC available at: http://epic.org/privacy/intl/ccc.html, retrieved July 10, 201.

[76] See, for example, the CoE *Convention on the Protection of Individuals with Regard to Automatic Processing of Personal Data* (1981); the CoE *Convention on Cybercrime* (2001), the *Declaration of the Committee of Ministers on Human Rights and the Rule of Law in the Information Society* (2005); the *Recommendation on Promoting Freedom of Expression in the New Information and Communication Environment* (2007), the *Recommendation on measures to promote the respect for freedom of expression and information with regard to Internet filters* (2008), the *Resolution on Internet Governance and Critical Internet Resources* (2009), and the *Declaration of the Committee of Ministers on Network Neutrality* (2010). For al full list of CoE standard setting documents pertaining to the information society please refer to: http://www.coe.int/t/dghl/standardsetting/media/, retrieved July 10, 2011. A summary of *Recent Achievements of the Media and Information Society Division* is available at CoE (October 2010).

[77] More information on these groups including meeting reports available at: http://www.coe.int/t/dghl/standardsetting/media/MC-S-PG/default_en.asp, retrieved July 10, 2011.

rights, democracy and the rule of law, and is one of the more specific attempts to spell out a human rights approach to global communication policy (Council of Europe 2007). Another example is the CoE contribution to the first IGF in Athens, where the Council argued that states need to prepare themselves to deal with, for example, situations related to the European Convention on Human Rights (ECHR) Article 2 (the right to life) or Article 3 (prohibition of inhuman or degrading treatment) with regard to incitement on websites to suicide or self harm; to Article 8 (the right to private life and correspondence) with regard to disseminating other people's personal information or illegal eavesdropping or control of communication; or to Article 10 (the right to freedom of expression and information) when confronted with online hate speech inciting violence in blogs (Council of Europe 2006:16). The document also emphasizes that the security and stability aspects of the internet may be interpreted in a human rights context, and can involve state responsibility under the ECHR, if it can be established that the state has failed to take appropriate measures within its powers to protect those under its jurisdiction from personality theft, online fraud, or e-attacks causing loss or damage (e.g., through spam or viruses) (Ibid:17).

An important part of the CoE system is the European Court on Human Rights (hereafter the ECtHR), which has jurisdiction to rule, through binding judgments, on individual and interstate applications alleging violations of human rights.

In relation to communication policy the ECtHR has issued judgments, particularly in connection to ECHR Article 8, stressing that the human rights provisions apply to communication via email or the internet. With regard to the privacy of communication, the ECtHR has for instance dealt with the unlawful monitoring of a civil servant's telephone, email and internet usage[78]. In the case the court held that emails sent from the workplace should engage the principles of 'private life' and 'correspondence', as should information obtained from monitoring of personal internet use. As the applicant had been given no warning that her calls would be liable to monitoring, she had a reasonable expectation of privacy with regard to her emails and use of the internet. More generally, the court stated that surveillance measures may constitute a violation of the right to privacy, especially if the offences

[78] See Copland vs. the United Kingdom (April 3, 2007).

which might justify such surveillance are not clearly defined[79]. Also the UN Human Rights Committee has made a general comment on the right to privacy, which stresses that the protection of the article covers all forms of communications, electronic or otherwise[80].

With regard to freedom of expression, the ECtHR has, time and again, emphasized the importance of press freedom and debate on matters of public interest as inherent characteristics and necessary conditions for a democratic society. The case law, which considers human rights provisions in the light of the internet, is still limited[81]. However, it gives no indication that the court considers the internet as a regime unto itself and / or beyond the realm of human rights. On the contrary, it is emphasized that "the internet in its very essence is comparable to other means of content delivery" (Anne Sofie Greve quoted in Council of Europe 2006:11)[82]. In one of its first internet cases, the ECtHR underlined the right of member states to take action to stop illegal internet content from reaching children and young people. The court held that it was proportionate for the authorities to resort to criminal prosecution for publishing obscene content on an internet site, as it pursued the legitimate aim of protecting morals and the rights of others and considered this as necessary in a democratic society[83].

Finally, at EU level, a study has recently (2010) been conducted on ICT and Human Rights requested by the European Parliament's Subcommittee on Human Rights. The study proposes a number of measures that the EU should take to support and expand human rights in the digital world. These include 1) Creative and coherent diplomacy and standard setting. 2) Promoting awareness and understanding of the issues. 3) Fostering multi-stakeholder collaboration and problem solving, and 4) providing expertise and direct support (Horner June 2010:11).

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[79] See, for example, Kruslin vs. France (April 24, 1990) and Amann vs. Switzerland (February 16, 2000).

[80] "Compliance with (ICCPR) Article 17 requires that the integrity and confidentiality of correspondence should be guaranteed de jure and de facto. Correspondence should be delivered to the addressee without interception and without being opened or otherwise read. Surveillance whether electronic or otherwise, interceptions of telephonic, telegraphic and other forms of communication, wire-tapping and recording of conversations should be prohibited" (United Nations Human Rights Committee 1988).

[81] See European Court of Human Rights (2011) for an overview of internet related judgments.

[82] Greve is former judge at the European Court of Human Rights.

[83] In Perrin vs. the United Kingdom (October 18, 2005), the applicant challenged a 30-month prison sentence in connection with pornographic material exhibited on a United States based website. The ECtHR held that the fact that the dissemination of the images in question may have been legal in the United States did not mean that, in proscribing such dissemination within its own territory and in prosecuting and convicting the applicant, the United Kingdom had exceeded the margin of appreciation afforded to it.

In summary, a number of intergovernmental organizations and conferences have addressed ICT policy with reference to human rights; and organizations such as UNESCO and UNDP explicitly subscribe to a rights-based approach to their activities. However, few of the organizations have engaged with substantive analysis of policy issues from a human rights perspective. The Council of Europe represents one of the only organizations that have contributed with more comprehensive analysis and recommendations to guide global ICT policy, based on case law from the European Court of Human Rights.

A Business Perspective

In the following section, I provide a brief outline of some of the spaces where human rights have met with the commercial sector, in particular the ICT sector.

In 2005 a UN Special Representative for Business and Human Rights was established. The Special Representative has developed a set of *Guiding Principles on Business and Human Rights*, which were recently endorsed at the UN Human Rights Council in June 2011[84].

In 2008, the *Global Network Initiative* (GNI) was initiated to promote human rights standards among companies. GNI is designed as a multi-stakeholder partnership among companies, technology leaders, civil society groups, and academics[85]. The project was initiated in response to government pressure on ICT companies to comply with domestic laws and policies in ways that may conflict with human rights standards of freedom of expression and privacy. The GNI has developed principles and implementation guidelines related to freedom of expression and privacy that inform a voluntary code of conduct for ICT companies. The group held its first public forum in 2008 in conjunction with another corporate initiative in the area, the *Business Leaders Initiative on Human Rights* (BLIHR). UK-based

[84] The Guiding Principles are available at: http://www.business-humanrights.org/SpecialRepPortal/Home/Protect-Respect-Remedy-Framework/GuidingPrinciples, retrieved August 25, 2011.
[85] Partners include Business for Social Responsibility, Google, Microsoft, Yahoo, Vodafone, France Telecom, International Business Leaders Forum, UN Special Representative on Business and Human Rights, Amnesty International, Human Rights Watch, the Berkman Center for Internet and Society at Harvard University, and the Center for Democracy and Technology, see http://www.globalnetworkinitiative.org/, retrieved July 10, 201.

BLIHR was chaired by former UN High Commissioner on Human Rights Mary Robinson and had among its activities the development of concrete tools that may encourage business to comply with the standards set out in the UDHR[86].

Another related initiative is the *Human Rights and Business Project* of the Danish Institute for Human Rights, which develops guidelines and training material to help companies comply with international human rights standards. The initiative's tools are currently being utilized in more than 200 companies, but with no particular focus on the ICT sector[87].

Finally, at a more general level, the UN-driven *Global Compact Initiative* targets the business community at large. The Global Compact Initiative is structured as a public – private partnership and seeks to promote voluntary commitment amongst corporations to align their operations with universally accepted principles in the areas of human rights, labour, environment, and anti-corruption.

As illustrated, several initiatives target either corporate human rights compliance generally or the ICT sector more directly. However, all the initiatives are based on voluntary principles or codes of conduct, thus leaving it up to the companies to decide whether and how they comply with human rights standards. Moreover, the global nature of the communication environment makes the enforcement of these standards with regard to private companies increasingly complex. International companies may experience pressure from governments to comply with national laws that conflict with international human rights standards, as reported in the Global Network Initiative, whereas citizens experience that the protection of their rights is in the hands of private companies located abroad and subject to varying legal regimes. Recent years have exposed a number of cases where companies such as Google, Yahoo, and Facebook have been criticized for violating their users' rights to privacy or their right to freely seek information, and where national enforcement of human rights standards is complicated by the trans-national nature of these companies. As such, the global character of the internet forces a direct collision between diverse national legal cultures and ways of balancing competing human rights standards.

[86] The Business Leaders Initiative on Human Rights terminated in 2009; see www.blihr.org, retrieved July 10, 2011.
[87] See www.humanrightsbusiness.org, retrieved August 2, 2011.

In summary, private companies have started to address their role and responsibility with regard to human rights. As illustrated by the examples above, guidelines and toolkits have been developed which address the business sector at large, and the ICT sector specifically. Moreover, coalitions such as the Global Network Initiative illustrate that companies increasingly address the role they play with regard to citizens rights and freedoms. At the same time, it is important to note that the business-driven initiatives are based on voluntary commitment, thus leaving the level of human rights compliance up to the company itself. Although states have an obligation to protect their citizens' enjoyment of human rights, including in the realm of private parties, the trans-national character of the internet makes it legally complex to enforce this principle.

A Research Perspective

As a final angle, I address next the linkage between human rights and ICT from the perspective of academia. The outline is by no means comprehensive, but is merely illustrative of some of the institutions with research agendas within the field.

The WSIS process provided a meeting point for many of the scholars interested in information society policy, and various publications dealing with information society issues were produced as a result of this encounter[88]. By contrast, few legal scholars in the field of human rights participated in the WSIS. This is indicative of the challenge of combining two arenas, which currently have few cross-cutting research agendas.

In terms of academic institutions combining human rights and ICT issues, some of the most well-known are the Berkman Center for Internet and Society (Harvard University), and the Stanford Center for Internet and Society (Stanford University), both affiliated with law schools. However, at both

[88] Several of the WSIS publications represent a mixture of academic and activist contributors, such as Wecam (2005), Jørgensen (2006), Henrich Böll Foundation (Henrich Böll Foundation 2003; Henrich Böll Foundation 2005), CRIS Campaign (September 2005), Lovink and Zehle (2005). However, academic publications were also produced, for example Mueller, Kuerbis et al. (2007), Flyverbom (2006), Raboy and Schtern (2005), Kleinwachter (2004), Best, Wilson et al. (2004).

centers a focus is placed on national legal standards rather than on the international human rights system. Likewise, research institutions such as the Oxford Internet Institute (Oxford University) and the School of Information Studies (Syracuse University) are prominent on global information / communication research, but rarely with a human rights framing.

One of the projects that have conducted extensive empirical research related to violations of online freedom of expression and privacy is the Open Net Initiative (ONI)[89]. ONI is a partnership between the Citizen Lab at the Munk Centre for International Studies (University of Toronto), the Security Group at Cambridge Computer Laboratory (University of Cambridge), the Berkman Center for Internet and Society, and the Oxford Internet Institute. As for information and communication law, numerous legal departments deal with the topic, such as the Institute for Information Law (University of Amsterdam) that claims to be the largest research facility in the field in Europe.

With regard to human rights law, countless faculties specialize in the field[90], but with limited focus on information and communication policy, though there are exemptions such as the Institute of International Law and International Relations (University of Graz)[91]. The field of technology and data protection is one of the areas where more specific research combining human rights and ICT is conducted. However, this research is mostly in relation to the right to privacy. The institutions active in this field include the Information Law Institute (New York University School of Law), the Cyberspace Law & Policy Centre (University of New South Wales), the Canadian Internet Policy and Public Interest Clinic (University of Ottawa), the Department of Management and the Department of Law (London School of Economics and Political Science) and the George Washington University Law School.

In summary, while information society issues are subject to research from a variety of technical, legal and social science perspectives, the efforts to combine such research with human rights studies are

[89] See www.opennet.net, retrieved August 2, 2011.
[90] See, for example, the network of academic institutions affiliated with the European Master in Human Rights and Democratization program, carried out jointly by more than forty European Universities, available at: http://www.emahumanrights.org/.
[91] See, for example Benedek et al. (2008).

relatively limited. The human rights research community has not, by and large, taken on the global communication environment as a research topic. For information science or communications scholars the topic of human rights is often dealt with as a normative framework at a very general level or in relation to a few specific rights only.

The Impact of Human Rights on Global ICT Policy

Summing up the previous sections, the international human rights perspective appears visible but not operationally applied in global ICT debates. References to the human rights regime, especially to the Universal Declaration of Human Rights, have been made on many policy occasions during and beyond the WSIS, however, mostly in a very general form or with reference to selected rights only. The right to freedom of expression has been iterated time and again, and is by far the most debated human right in relation to ICT policy debates. The emphasis on freedom of expression is not surprising, since the right protects various freedoms both in relation to individual and media communication, and thus is crucial when debating the rules and conditions of the global communication environment. However, the enjoyment of freedom of expression must be seen in conjunction with the whole human rights regime pertaining to multiple dimensions and contexts of social life (e.g., the right to a minimum standard of living; the right to basic education; the right to health; the right to not be discriminated against based on for instance one's gender, ethnicity, or religion; the right to enjoy one's own culture; the right to political participation; etc.). The protection and promotion of the broad range of rights may be affected in a negative manner by the ways in which the global communication environment is used and governed by both public and private sector actors.

Moreover, assessing ICT policy from the baseline of human rights standards may point toward policies and practices that are substantially different from the approaches currently being pursued. First, this implies ensuring that states refrain from establishing national or international laws, policies, and practices that erode the agreed upon human rights standards. For instance the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has pointed to the erosion of the right to privacy in the fight against terrorism (Scheinin 2009:2). Similarly, the UN Special Rapporteur on the promotion and protection of the right to freedom of

opinion and expression has stressed that the arbitrary use of criminal law to sanction legitimate online expressions constitutes one of the gravest forms of restriction to the right to freedom of expression, as it not only creates a 'chilling effect', but also leads to other human rights violations, such as arbitrary detention and torture and other forms of cruel, inhuman or degrading treatment or punishment (Rue 2011:Paragraph 28).

Second, it means proactively taking steps to create conditions in which rights can be realized more fully and effectively. Currently national, regional and global ICT policies are routinely being formulated with limited attention to the relevance of, or impact on, human rights standards. Increasingly important in the latter connection is the growing need to establish national and international public policy frameworks that discourage practices by private actors that may undercut the strength of human rights protection.

When developing the research metaphors, I will illustrate how the various framings relate to specific human rights topics. For instance how the public sphere metaphor points to the protection of online freedoms in the virtual sphere, whereas the infrastructure metaphor points to the challenge of enforcing human rights standards vis-à-vis a private party. As such each metaphor addresses an illustrative subset of the many human rights issues that may potentially be invoked in relation to information society politics. In the final discussion, I will return to the issue of a human rights-based approach to ICT regulation and suggest some future research agendas that may advance the field. However, for now we need to clarify the notions of public and private, as these will serve as organising concepts in the chapters to follow.

5. Theorizing Public and Private

In the following I examine the notions of public and private as they play out in Western academic discourse, including their relation to human rights. Concluding the chapter, I summarize the discourses on public and private in five models that I apply to my research metaphors.

The Notion of Public and Private

'Public' and 'Private' have served as meta categories in Western academic discourse, legal practice and policy debates since classical antiquity (Weintraub 1997:xi). Different versions of the public / private distinction are at play in such discourses as the 'transformations of private life', 'privatizations of public services', 'public goods', 'public spheres', or 'public life and sociability'. The distinction may be used to describe a boundary between the private world of intimacy and the public world of sociability, or the public (visible, open for all) character of processes as opposed to private processes (closed, limited entry), or particular interests (economic or individual) as different from general (public) interest.

Often the public / private notions are used in an implicit way without clarifying the exact meaning, thus opening for a blurred landscape of assumptions and implications. As the notions ascribe the meaning from being one element in a paired opposition, it is important to be clear on what is being contrasted in the employment of the concept. "Debates about how to cut up the social world between public and private are rarely innocent analytical exercises, since the often carry powerful normative implications – but quite disparate normative implications, depending on context and perspective" (Weintraub 1997:3). The public / private dichotomy has been subject to much debate, including whether the distinction is in fact meaningful[92]. Also it has been suggested that rather than a paired opposition, public and private is better described along a continuum (Sveningsson 2009:74). Others have stressed the need for a third category, 'the social' (Arendt 1958:38), or a 'third place' (Oldenburg 1989:20). From critical legal scholars, it has been argued that the public / private distinction has lost its capacity to plausibly capture

[92] See e.g. Gal (2002), Weintraub (1997), Turkel (1992), Bobbio (1989), Benn and Gaus (1983).

features of reality and specify differences that are consistent and relevant for legal decision making (Kennedy quoted in Turkel 1992:219).

Public and Private Law

In the legal field the distinction between public and private law has been *a priori* categories, with pre-eminence over other distinctions, since the neo-Kantian philosophy of law (Radbruch quoted in Bobbio 1989:2). In legal language, the notions are defined independently of each other, though public is stronger in the sense that private may be defined as not-public, but seldom the other way around. Further, public and private law qualify each other in the sense that public law suggests by contrast, private contract (Ibid). Whereas public law regulate between those in power and those governed, private law regulate relationships between equals[93]. Private law is linked to natural law, deriving from the state of nature (property and contract), whereas public law derives from the state and is positive in the sense that its force is linked to the power of a sovereign will[94]. The proponents for the primacy of private and public law respectively are generally linked to the right and left side of the political spectrum[95].

Below, I focus on two different dimensions of public and private. The first dimension is related to public / private as *different domains of society* characterized by different interests, whereas the second

[93] Bobbio stress that there are exemptions to this, such as the regulation of the family, which belong to the realm of private law, but which is historically not a regulation between equals. Another example is the regulation between states e.g. human rights treaties, which are formally speaking equal entities within the realm of public law (Bobbio 1989:4-5).
[94] According to Hegel, public law is the only legitimate foundation for the state since first, the bonds that unite the state to its citizens are permanent and irrevocable, whereas contractual bonds can be revoked, and second, the state can in exceptional circumstances demand the sacrifice of life from its citizens, which is contractually speaking not an option (Bobbio 1989:7).
[95] "Indeed the two processes – the publicization of the private and the privatization of the public – are not incompatible and in fact interpenetrate each other. The first reflects the process of the subordination of private interests to collective interests represented by a state which increasingly surrounds and invades civil society; the second represents the revenge of private interests through the formation of large organized groups which make use of the public apparatus in order to achieve their own aims" (Bobbio 1989:17).

dimension focuses on the *status of any particular kind of activity or information* as public in contrast to private[96].

Public and Private as Different Domains of Society

At least four organizing types of public / private distinctions operate under the surface of current scholarly as well as political debate, representing different theoretical roots (Weintraub 1997:xiii). The four types differ in their focus on social realms, and physical / social spaces, but are all related to *the domain dimension* of public and private. (1) A liberal-economic model that defines the public as the state administration and the private as the market economy. (2) A republican model, which focuses on the public realm related to the political community, distinct from the state and the market economy. (3) A sociability model that distinguishes between the private sphere and a public sociability, with focus on the physical spaces facilitating this sociability. (4) A feminist model, which departs in the domestic sphere and contrasts this with publicness defined largely as the economy of wage earners.

The liberal-economic model

In the liberal-economic model, public and private refers to a distinction between the 'public sector' and the 'private sector' with representatives such as Hobbes and Bentham on the one hand, and Locke and Smith on the other (Weintraub 1997:9). In practice the distinction thus refers to a distinction between governmental (public) and non-governmental (private market), and the underlying assumptions are linked to neoclassical economics, with a focus on individuals pursuing their self-interests more or less efficiently. In this understanding public is equal to political authority - the administrative state. The public is thus a matter of activity or authority related to or derived from the state, while private refers to those activities or spheres of life that are separated from it (Thompson 1995:121). The framework is especially occupied with questions of regulation and, therefore, questions relating to which activities should be left to the market and which should be subject to governmental intervention, often coined as the 'public policy' debate.

[96] This is inspired by Weintraub's two images of public and private: (1) what is hidden or withdrawn versus what is open, revealed, or accessible. (2) What is individual, or pertain only to an individual, versus what is collective, or affects the interests of a collectivity of individuals (Weintraub 1997:5).

With regard to the internet, some of the debates I address in the infrastructure metaphor are concerned with precisely the demarcation line between state and market, thus which issues should be dealt with by the state in contrast to the market. This relates in particular to the operation and governance of the internet. One of the contested issues in this debate concerns whether it is legitimate for the internet as a global public infrastructure to be managed as a private network. The debate addresses the functions performed by ICANN and the role they play with regard to public policy issues, including human rights. This line of argument will be explored further in the chapter *Net as Infrastructure*.

The republican model

Under the republican model the 'public' is referred to as the political community, drawing on notions such as citizenship and participation in decision making (Weintraub 1997:10). The public is understood as a space of politics, a realm in which public debate and deliberations take place, directly or indirectly influencing the distribution of wealth and public services within a society. The republican model is thus occupied with the conditions and modalities for conducting political life.

Political philosophers who have developed this realm of the public include Tocqueville (1955/1856), Arendt (1958)[97], and Habermas (1989). Habermas´ ideal model of the public sphere represents one of the most well known attempts to theorize this understanding of the public (Habermas 1989). In his model, Habermas divides society into a private realm of lifeworld relations (the family), a private realm of system relations (market economy), a public realm of system relations (the state), and a public realm of lifeworld relations (the public sphere)[98]. Public and private refer to a distinction between practices governed by orientation toward universal values, i.e. the state and the public sphere, and those governed by particularistic values, i.e. the family and the market (Barnett 2003:55).

With regard to the internet, the debates examined within the Net as Public Sphere Metaphor concern participation in the virtual public sphere, and the internet's potential to democratize access to

[97] Arendt's category of the "social" is more or less equal to civil society (Weintraub 1997:35).
[98] In Habermas´ later work, he increasingly speaks of spaces between public and private and how civil society groups play a key role in bringing private concerns into the public sphere (Habermas 1996).

participate in society's decision making processes. The metaphor addresses some of the arguments that view the internet as a public sphere, including its potential role for public debate and civic engagement. Also more critical dimensions are included, such as barriers and transformations related to access. In the physical world, the public sphere is public as in *freely available* in the form of e.g. public plazas, parks, streets etc., whereas access to the virtual public sphere is provided for by private parties, on commercial terms. This raises issues related to access but also in relation to the protection of online freedoms, as states delegate powers to private companies.

The above two models (liberal-economic and republican) rest on different conceptual cuts between state, market and the public sphere, yet they both refer to public as something related to politics (state or citizenship) in contrast to the following perspective, which relates public to sociability in a more general sense.

The sociability model

In the sociability model, the public is linked to the public domain, whereas the private represents the domestic realm. The public domain lies in the public spaces of streets, park, neighborhoods, and cafes, and its ability to encourage public life is closely related to how these spatial zones facilitate the flow of everyday movement and activity. Scholars from this tradition represent the public as a realm encompassing a diverse complex of encounters (Jacobs 1961; Ariès 1962; Sennett and Zola 1976; Elias 1982/1939; Oldenburg 1989). This understanding of public is invoked for instance when one speak of cities having a rich public life, as opposed to the private realm of domesticity. The notion of public is thus linked to sociability, which may be both intentional and non-intentional, and to the spatial organization of social life.

> "Public spaces have many purposes in social life. They allow people to make sense of the social norms that regulate society, they let people learn to express themselves and learn from the reactions of others, and they let people make certain acts or expressions 'real' by having witnesses acknowledge them" (Arendt quoted in boyd 2007:2).

In essence, the sociability model is concerned with the intercourse of individual and groups as part of modern co-existence and life, rather than self-interest or collective action.

In relation to the internet, the model points towards new forms of sociability such as online communities and social network sites. These spaces are public in the sense that they are open to everyone, but private in the sense that members may have expectations of privacy, which differ from offline public spaces (Sveningsson 2009). Sveningsson suggests that the various online spaces may be categorized according to their placement on a private – public continuum, as public, semi-public, semi-private and private environments. A *public environment* is one that is open and available for everyone, and which does not require any form of registration or membership. Examples of this category would be open chat rooms or web pages. A *semi-public environment* is one that in principle allows access for anyone, but requires membership or registration. Most web communities or social network sites would be situated in this category. A *semi-private environment* is one that has restricted access, thus besides membership and registration it is restricted by formal requirements such as belonging to the organization, which created the environment. Intranets are typical examples of domains in this category. A *private online environment* is one that is unavailable by default, and where access is restricted to the creator of the content and her invited guests. Examples belonging in this category would be private rooms within chat rooms, or areas within web communities where the access is specified and includes only a limited amount of people (Ibid:75). These debates are further explored in the Net as Culture Metaphor.

The fourth and final perspective departs in the domestic sphere, with origins in feminist scholarship.

The feminist model

The distinction between public and private has been a central theme in feminist scholarship (Rosaldo and Lamphere 1974; Benhabib and Cornell 1987; Fraser 1997). Feminist scholars have emphasized the way the public / private distinction is gender linked, with the private sphere being disproportionately women's sphere, while the public sphere has been dominated by men[99]. The private sphere of the family is thus presented in opposition to societies economic and political activities as, for example,

[99] "The dichotomy between the private and the public is central to almost two centuries of feminist writing and political struggle; it is, ultimately, what the feminist movement is about (Pateman quoted in Weintraub 1997:27).

discussed by Fraser, who addresses the practices whereby private issues get accepted as public topics (Fraser 1997). The feminist argument of a public / private gender division is often backed by three main points. First, much social and political theory have ignored the domestic sphere or treated it as trivial; second, the public / private distinction is linked to ideologies that assign men and women to different spheres of social life, and, thirdly; that classifying the family as private may shield domination and abuse from political scrutiny or legal redress (Weintraub 1997:28-29). The feminist model thus treats the family as the theoretical point of departure, and has a lesser focus on defining the role and boundaries of the public.

With regard to the internet, some of the issues addressed under the Net as Public Sphere Metaphor relate to the way the internet may renegotiate the domestic vis-à-vis the public sphere, thus provide new opportunities for participation in public life. One of the particular characteristics of virtual public spaces is the possibility of being public while at home, i.e. accessing the internet from home. Related to this is the possibility of transforming private issues to matters of public concern. As I will illustrate in the case study from Uganda, these characteristics were central to the local groups seeking to empower women and to counter gender based discrimination.

Following these four conceptual takes on public and private as different domains of society I proceed by examining the *status of any particular kind of activity or information* as public in contrast to private.

Public and Private as a Status Ascribed to Activities or Information

Public as open

Another commonly used distinction is between the public (open for all) character of activities or information as opposed to an activity or information, with restricted access. In line with this, Thompson defines public as "what is visible or observable, what is performed in front of spectators, what is open for all or many to see or hear about. What is private, then, by contrast, is what is hidden from view, what is said or done in privacy or secrecy or among a restricted group of people"

(Thompson 1995:123). This distinction is used e.g. with regard to public documents versus private documents, public meetings versus private meetings, or public actions versus private actions[100].

A related type of distinction is suggested by Gavison (1983), who proposes the following three dimensions. First, a dimension related to *availability / being known*, thus the more available and known a piece of information is, the more public it seems and vice versa. Second, a dimension linked to *access*; the more accessible an activity or information is, the more public, and the more closed it appear, the more private. Third, a dimension related to the *interest* concerned, that is the more a given conduct affects the interest of others the stronger the call for public accountability, in contrast to activities or information that is relevant only for the person in question. In addition to these dimensions, Gavison distinguishes between the descriptive and normative status of a given activity or information; emphasizing that something *is* public, or *ought to be* public, according to existing norms or to the moral merits of the situation. For example, if something is claimed to be of public interest it may mean that the public is in fact interested in the matter, or that the matter is of public interest according to an existing norm, or that the public ought to have an interest in it dimensions (Gavison 1983:114-115).

Qvortrup has suggested that the notion of public interest may represent a certain observation code. With reference to Luhmann's theory of social systems, public and private are presented as two different systems guided by different interpretation codes. As such they represent different ways of looking at things. If an issue or person is found to have 'public interest' it thus means that it is viewed in a specific manner: by the eye of the public. It is a particular way by which society observes itself. (Qvortrup 2003:156). Whether something is deemed public or not, is something the public system decides on an ongoing, self-regulatory basis. Following from this, public interest is an observation principle, which sets and transgresses boundaries between private and public. When issues are interpreted as 'public', the issue is generalized and interpreted according to general public principles. This implies a shift in topic from private criterion to public concern, thus a shift in interpretation code from a private code to a moral code (Ibid:160).

[100] In relation to individual behavior, scholars such as Goffman distinguishes between front stage (public face) and backstage action (private face) (Wolfe 1997:184).

> "The so-called public sphere has changed from "a place" – a lifeworld – in society, in which "common sense (consensus) is expected, into a specific meta level observation and communication system based on public opinion, which isn't an essential thing but is an observation and communication code based on the distinction between the public and the private" (Qvortrup 2003:7-8).

With respect to the internet, some of the debates I address in the Net as Media Metaphor concern the way the internet renegotiates the status of a given activity or piece of information as public in contrast to being private. One of the characteristics of the internet media is that it not only provides for publishing but also for recording, exchange, and usage of personal information and social activity for a variety of reasons, including for research, commercial, and law enforcement purposes. For example, the practice of archiving 'internet editions', which raises issues of how to distinguish between published text and 'social life', where individuals have no expectation of lifelong recording.

In summary, the notions of public and private may be used to construct and contrast various domains of society, as well as to describe a particular status of an activity or piece of information, as summarized below.

Overview of the five models

Models	**Public**	**Private**
Liberal	State administration	Market
Republican	Political community	Family, market
Sociability	Public life	Domestic
Feminist	Economic and political activity	Family
Public-as-open	Open for all	Restricted access or availability

Following this examination of the public / private categories, I next present some of the human rights that relate to public and private life.

Public and Private – From a Human Rights Perspective

In this section, I examine how the notions of public and private pertain to specific human rights. The following is not a comprehensive account, but rather an illustration of some of the rights that protects the individual's right to privacy and to public life. Whereas there is an established right to privacy, there is not a *right to public life* as such, however a number of human rights support individuals rights to public and political life. Below, I address the following rights; the right to privacy, the right to freedom of expression, including freedom of information, the right of peaceful assembly and association, and the right to take part in the conduct of public affairs. All right are part of the UDHR and the International Covenant on Civil and Political Rights (ICCPR)[101].

The right to privacy

The right to privacy was stipulated in UDHR Article 12 and ICCPR Article 17 long before ICT was part of everyday life[102]. As with most human rights, the right was formulated in response to a concrete historical experience with human suffering (Winston 2007:287); in this instance as a response to the British authorities' use of general warrants (writ of assistance) to conduct broad searches of the colonists, which eventually spurred the American Revolution and motivated the U.S. IV Amendment (Snyder 2007:1)[103]. The right to privacy protects the integrity of the individual, his or her home, family and correspondence[104].

A common denominator for the different areas of privacy is *access control*: "something is private when I am in a position to and have a right to control access to it – whether to data, to a home, to decisions or to ways of acting" (Rössler 2007:26). Rössler divides the notion of privacy into three exhaustive

[101] Other human rights could have been added to the list; however, the above-mentioned rights represent rights and freedoms that are often debated in relation to the virtual sphere.
[102] The right to privacy is today part of numerous international and regional human rights treaties and conventions. For an overview see e.g. Jacobsen (2008), Chapter 11 part b.
[103] The U.S. IV Amendment guards against unreasonable searches and seizures, and has its roots in British legal theory. According to William Pitt in 1763 "The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter; the rain may enter – but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement" (Hosein 2006:123).
[104] "1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks, ICCPR, Article 17 (United Nations 1966).

categories; informational privacy (control over what others know about us); decisional privacy (control over private decisions and actions); and local privacy (control over a physical space). From the late-eighties the widespread use of ICTs led to intensification in socio-technical practices of capturing, storing and exchanging personal information (Nissenbaum 2007:39), not least in North America and Europe. In 1995, the EU Directive on Data Protection was adopted (European Commission 1995)[105], and in consequence new data protection acts were enacted in a number of European countries[106].

The right to privacy is linked to individual self-determination and autonomy[107], and builds on the presumption that a zone of autonomy around the individual is central to individual freedom and self-determination. "As long as a zone of autonomy exists around each and every individual, the opportunities for abuse and oppression are lessened" (Hosein 2006:125). The underlying assumption of privacy as something which has a value in itself, and the emphasis on a private realm in which the individual can be left alone, increasingly seems to contradict online social practices characterized by self-exposure and sharing of a broad range of personal information. In response, scholars have argued that one should deconstruct the entire notion of privacy and rather shift focus to accountability (Brin 1998). Others have argued for a revised concept of privacy, and suggested the notion of contextual integrity as a normative framework built on the premise that different contexts carry different informational norms. It is thus an attempt to shift a 'one-size-fits-all' privacy concept to an approach which places emphasis on the situational systems of social rules governing information flows (Nissenbaum 2007:39).

The right to privacy builds on both the *domain* and *information* dimension of public and private, outlined above. The protection of a person's body, family, home and correspondence is related to

[105] Since 2010 the EU Directive on Data Protection has been in a process of revision. For further information please refer to the Communication from the European Commission on *A comprehensive approach on personal data protection in the European Union*, November 4, 2010, available at:
http://ec.europa.eu/justice/news/consulting_public/0006/com_2010_609_en.pdf, retrieved August 10, 2011.
[106] The first data protection law was passed in Sweden in 1973. See Blume et al. (2001) for an overview of data protection in Denmark, Finland, Norway and Sweden.
[107] "We want our privacy to be protected because we can otherwise not lead our lives with the greatest possible degree of freedom and self-determination" (Rössler 2007:26). "(..) in order to behave in a self-determined fashion, we must in general believe and be able to presume that we are not being observed, eavesdropped on, deceived about what data is collected and shared with others, or about the presence of others, and about what those present know about us and "who" they are therefore "for us"" (Ibid: 29).

specific private domains, whereas the informational aspect of privacy is related to specific types of information. Further, individuals have a right to privacy not only in the private domain but also when acting in the public space. "The right to privacy may not only be invoked in private relationships at home, but may also be perceived as a kind of private sphere which is inherent in the individual person and which accompanies the person when moving about" (Rehof 1999:258). For example, restrictions on surveillance of individual behavior in public areas reflect how privacy protection extends beyond the private, domestic realm, and accompanies the person when moving about in the public realm[108]. Also, the right to privacy has often been iterated as a precondition for a free and open society, including the right to freedom of association and freedom of expression[109].

The right to freedom of expression

The right to freedom of expression is stipulated in UDHR Article 19 and ICCPR Article 19 and present in all major international instruments protecting human rights[110]. The European Court of Human Rights has described freedom of expression as one of the essential foundations of a democratic society, one of the basic conditions for its progress and for the development of every man (Handyside vs. The United Kingdom December 7, 1976:Paragraph 23). The right to freedom of expression protects the individual's right to freely form and express opinions, and to seek information[111].

Freedom of expression is a typical *first generation* right with individual emphasis. The point of departure is the liberty of the individual to be protected from arbitrary restrictions when participating in public debate. One of the shortcomings often emphasized in relation to freedom of expression is the

[108] Other examples include privacy protection in the work place e.g. restrictions on employers' right to monitor their employees' phone conversations and email communication. It should be noted that the examples on privacy protection in public spaces and at the work place refer to Europe, which differs from most other regions by its extensive data protection regime.
[109] See e.g. La Rue (2011) and Scheinin (2009).
[110] Sweden-Finland was one of the first countries to give legal protection to freedom of expression in the 18th century (Kortteinen, Myntti et al. 1999:393).
[111] "1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.", ICCPR Article 19 (United Nations 1966).

lack of emphasis on the structures and conditions that shape the public sphere in which communication take place (Kortteinen, Myntti et al. 1999:395). Restrictions on freedom of expression do not necessarily take the form of censorship, but can also be structured as self-censorship, institutional and / or social constrains, or merely a lack of access to communication. "The regulation of the structures of communication will actually have more impact on communication than direct measures with regard to some specific contents of expression. The most revolutionizing recent change in these structures has taken place as a result of the tremendous advances in information technology. (..)." (Ibid 396).

Another aspect of the right to freedom of expression is freedom of information, or the right to know, as it is often called. Freedom of information prohibits a government from restricting a person from receiving information that others wish or may be willing to impart to him (Ibid:413). The right to freedom of information has been applied in cases related to broadcasting and the flow of information into a country, and is increasingly used in relation to laws that give individuals or organizations a legal right to demand information on how the government is acting in their name (Banisar 2006:73). In relation to the latter the recent General Comment on ICCPR Article 19 embraces a right of access to information held by public bodies (Human Rights Comittee July 21, 2011). Freedom of information is related to the citizen's rights right to participate in the conduct of public affairs, stressing that the public is only able to participate if they have information about the activities of the government[112].

The right of peaceful assembly and freedom of association

Other human rights related to public life is the right of peaceful assembly and freedom of association stipulated in UDHR Article 20, and ICCPR article 21 and article 22[113]. The right of peaceful assembly

[112] ARTICLE 19 have published The Public's Right to Know - Principles on Freedom of Information Legislation (ARTICLE 19 1999). See also the 2011 global overview of Freedom of Information legislation provided by Banisar at: http://right2info.org/resources/publications/world-map-by-david-banisar/view, retrieved August 3, 2011.

[113] "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others", ICCPR, Article 21 (United Nations 1966).
"1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. 2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others", ICCPR, Article 22 (United Nations 1966).

and freedom of association protects the individuals' right to meet and demonstrate publicly, and to freely choose which organizations to belong to, including forming and joining trade unions[114]. These rights are closely linked to the right to freedom of expression, and are often presented as the core premise for an active civil society and for any participatory democratic processes (Scheinin 1999:417). The right to associate freely in political organizations or meetings is thus essential to organize and 'express the will of the people'. It is also linked to the right to privacy, since the ability to freely meet and discuss politics or other societal issues require that the integrity of the communication be protected.

As discussed in the previous chapter, ICT may leverage many aspects of human rights work, not least by providing new platforms for groups to assemble and associate.

> "E-mail and the internet are not merely additional channels or spaces extending the boundaries of freedom of association and assembly into cyberspace. They allow forms of association and assembly that were previously not possible, going beyond mere virtual equivalents of physical association and assembly to a new integration of information, communication, expression, association, and assembly, enabled by ICTs, that are sometimes referred to as 'online communities'" (Lewis 2006:159).

The right to political participation

A final right to be mentioned is the right to political participation; stipulated in UDHR Article 21 and ICCPR Article 25. The right to political participation pronounces the idea of the equal and inalienable rights of the individual in relation to his or her state, and sets minimum requirements for the democratic system of the state[115]. These minimum requirements imply that the authority of the government must be based on the will of the electors and must entail a system of democratic participation whereby every citizen have equal rights to participate (Rosas 1999:431). The right to political participation does not explicitly mention democracy, but rather speaks of participation in the conduct of public affairs. In its General Comment on Article 25, the Human Rights Committee have stressed that the conduct of public

[114] The right to form and join trade unions is also included as a separate issue in other rights related to work, e.g. ICESCR, Article 8 (United Nations 1966).

[115] "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country" ICCPR, Article 25 (United Nations 1966).

affairs is a broad concept, which "covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels" (United Nations 1997:50)[116]. According to this interpretation, the right to political participation includes not only formal governmental structures, but also various semi-public and semi-private institutions, and more generally, all decision-making of public interest (Rosas 1999:450). As with the previous rights mentioned above, the right to political participation is closely linked to a number of rights, not least freedom of movement[117], freedom of expression and freedom of information, the right to privacy, and the right of peaceful assembly and freedom of association[118].

Conclusion

Linking back to the public / private models, the above civil and political rights and freedoms may be linked to several of these models yet they are most closely related to the republican model, as facilitators for public political life. For example, publicly expressing critical opinions, seeking information about public affairs, organizing civil society, participating in the democratic life of the community, and protecting the privacy of communication. Further, the rights to privacy and freedom of information have an informational dimension (model 5), since they address the public versus private character of any given type of information.

I will return to these rights and freedoms in the following chapters, as I illustrate the link between thematic framings (metaphors) and specific human rights issues.

[116] A General Comment is a text of interpretative guidelines to a given Article.
[117] Freedom of movement, laid down in ICCPR, Article 12, protects the right of anyone lawfully within a given territory, to move about freely, without let and hindrance and without having to ask the permission of the authorities or having to justify his/her presence in any particular place (Grahl-Madsen, Melander et al. 1999:268).
[118] Klein has addressed the specific challenges, which the right to political participation raises in a context of global communication, for instance whether the information society is a society in its own right with its own political institutions, such as ICANN, separate from existing national governments (Klein 2006:186). It is argued that the right to participate existed formally when ICANN was created, but has since been eliminated and public participation ceased (Ibid:194).

6. Framing the Net

Introduction

Whereas the previous chapters have outlined the context for my research and clarified some key arguments and notions, the following chapters are dedicated to my research metaphors. As previously mentioned, I build on the assumption that various conceptual framings of the internet are at play in different policy and academic discourses, however rarely made explicit. One of my research aims is thus to illustrate how specific framings of the internet point to specific policy themes.

As stressed by many scholars, the evolving story of internet politics essentially reflects a policy battle of openness versus control (Lessig 1999; Castells 2001; Rasmussen 2007)[119]. However, as I will illustrate, this battle takes many forms and shapes depending on how topics are framed and challenges articulated. Since I have been actively involved in the policy spaces as a human rights actor, the analysis below reflects both my *readings of* and my *experience with* internet policy and advocacy. Each metaphor is presented within a frame of related research. The metaphors are:

- Internet as Infrastructure
- Internet as Public Sphere
- Internet as Media
- Internet as Culture

The infrastructure metaphor differs from the others by being less theoretical, whereas the public sphere, media and culture metaphor each have a strong foundation within sociology, media / communication, and internet studies. For each of the themes, I outline associated research discourses, the public / private framing of the topic, and examples of policy controversies pertaining to the metaphor. The public sphere and culture metaphor are elaborated in more detail, compared to the infrastructure and

[119] Castells has situated this policy struggle within four dominant internet cultures; the techno-elites, the hackers, the communitarians, and the entrepreneurs (Castells 2001:36-63). Rasmussen has modified this and added the bureaucrats (Rasmussen 2007:11-15).

media metaphor, since these are deployed in the case studies. I start the metaphorical tour with the infrastructure metaphor, which is the least theoretical and most technical of the four.

Net as Infrastructure

"We need to start by recognizing that the Net is infrastructure, in the sense that it is a real thing that we can build on, and depend on. It is also public in the sense that nobody owns it and everybody can use it (..). this is a very different kind of infrastructure than anything civilization has ever seen before, or attempted to regulate" (Searls 2010:1).

Applying an infrastructure perspective implies that I focus on certain discourses and characteristics of the internet phenomenon. Essentially, the concept of infrastructure is used to describe the underlying foundation or basic framework of a system or organization, the permanent installations required for military purposes, the system of public works of a country, state, or region or the resources such as personnel, buildings, or equipment required for an activity[120]. When 'information' is added infrastructure refers to digital facilities and services usually associated with the internet, in a similar vein as global information infrastructure refers to communication of data across national boundaries (Bowker, Baker et al. 2010:97-98). Infrastructure often exists as an invisible, taken-for-granted resource, whereas a breakdown in the infrastructure can make its design and effects visible (Ibid). Whilst science and technology studies (STS) have studied infrastructure design[121], information infrastructure is in contrast an emerging research arena that cross-cut disciplines such as computer science, information science, cognitive science, and STS (Ibid:112).

In the following I examine some of the discourses that address the internet as the *underlying technical foundation for global communication*, and assess some of policy themes and human rights issues at stake. As discussed below, the infrastructure framing implies that certain policy aspects are highlighted

[120] See the account of infrastructure by Steven Lewis at http://hakpaksak.wordpress.com/2008/09/22/the-etymology-of-infrastructure-and-the-infrastructure-of-the-internet/, drawing on the definition from Merriam-Webster online (Lewis September 22, 2008), retrieved July 10, 2011.
[121] See e.g. Ribes and Baker (2007), Hughes (1987).

such as the control over this global infrastructure. Focus is thus directed towards both operational and more governance oriented aspects of the internet.

During WSIS second phase, the day-to-day management of the internet as a global infrastructure was *the* most contested issue, and post WSIS continues to be on the agenda at every IGF. The debates address the interface between technical coordination and public policy issues, not least the U.S. unilateral control with this infrastructure, as addressed in more detail below[122]. Also, international policy spaces such as the Organization for Economic Co-operation and Development (OECD) refer to the internet as a fundamental infrastructure, which is critical for achieving broader economic growth, innovation and productivity in a globalized world[123].

The history of how the internet developed into a public infrastructure has been described numerous times[124], so I will limit myself to a short recap of this narrative, emphasizing how the internet started as a private initiative, developed into a public infrastructure, and increasingly is being debated as a global public good. Following this, I examine the policy discourses related to operating and governing the internet, including some of the human rights controversies at stake.

From Military Research to Public Infrastructure

The internet arose out of research sponsored by the United States and other governments, and its early use was largely confined to the military and academic sector. It began as a research project of the U.S.

[122] Public policy refers to government activities, whether acting directly or through agents that has an influence on the life of citizens (Peters 2006).
[123] At the OECDs ministerial meeting in Seoul in June 2008, the main topic was how to build confidence in the internet as a trusted infrastructure to conduct economic and social activities. Information on the meeting is available at: http://www.oecd.org/site/0,3407,en_21571361_38415463_1_1_1_1_1,00.html, retrieved July 10, 2011. See also the OECD report Information Infrastructure Convergence and Pricing: the Internet (OECD 1996).
[124] See e.g. Abbate (1999) or Rasmussen (2007). Rasmussen distinguishes between four internet phases. First phase from the Second World War to 1972, in which the ARPANET project was realized. Second phase from 1972 until ca. 1990, in which the TCP/IP protocol was developed. A third phase starting in the early nineties and with no ending date is characterized by the advent of the World Wide Web, and a current fourth phase characterized by increasing regulatory and political intervention in a number of issues related to the internet (Rasmussen 2007:18). Numerous other scholars have addressed the internet from an infrastructure perspective, see e.g. Bowker et. al (2010), Hindman (2009:Chapter one) or Finnemann (2005:122-125).

Defense Advanced Research Projects Agency in the early 1970s. The project (ARPANET) showed the utility of breaking up digitized information into *packets* of information that could be relayed from one computer to another, thus exploring methods for interconnecting an arbitrary collection of packet-switched networks so that computers connected to any of the networks could communicate with one another in an end-to-end fashion (Cerf 2004:1)[125]. On October 24, 1995, the body responsible for internet policy in the U.S., the Federal Networking Council adopted the following definition of the internet:

> "The Federal Networking Council (FNC) agrees that the following language reflects our definition of the term "Internet". "Internet" refers to the global information system that –
>
> (i) is logically linked together by a globally unique address space based on the Internet Protocol (IP) or its subsequent extensions / follow-ons;
>
> (ii) is able to support communications using the Transmission Control Protocol / Internet Protocol (TCP / IP) suite or its subsequent extensions / follow-ons, and / or other IP-compatible protocols; and
>
> (iii) provides, uses or makes accessible, either publicly or privately, high level services layered on the communications and related infrastructure described herein" (Ibid:1-2)[126].

On the technical level, the internet works through packet switching where a computer originates a 'post card' addressing it to a destination computer somewhere in the network. In addition to the routing and forwarding functions at the IP layer, the internet also includes a Domain Name System that associates domain names with IP addresses[127]. IP addresses define exactly where a host computer is in the topology of the global Internet. Since the networks all adhere to the same set of communication protocol standards, this allows the internet to function as an apparently uniform collaboration of hundreds of thousands of networks (Ibid:3).

[125] U.S. engineer Vinton Cerf is together with his colleague Robert Kahn some of the well-known individuals celebrated for designing the internet architecture (Abbate 1999:2).
[126] At the time of the definition there was a distinction made between the term "Internet" and the term "internet." The capitalized version referred to the publicly available system and the lowercase version referred to private copies, hence what we today call intranet (Cerf 2004:2). This distinction is not present in the following, where I use the lowercase "internet" for the public internet.
[127] Domain names are often presented as the real estate of the internet, though this analogy first and foremost may be convenient for intellectual property advocates, rather than technically accurate (Rasmussen 2007:177).

The internet thus represents a grand infrastructure of numerous network operators, including private companies, individuals, non-governmental organizations' and various branches of national governments, situated in various local jurisdictions. While its creation arose out of research sponsored by the U.S. and other governments, the provision of its services to the general public has been largely through private sector initiatives. The internet that began as a private network using dedicated circuits leased from telecom service providers is today "an enormous, sprawling and rapidly evolving, public utility" (Ibid:2).

Summing up on the Conceptualization of the Net as Infrastructure

Before examining some of the policy debates associated with this perspective, let me briefly summarize the arguments that support an infrastructure perspective on the internet.

- The internet is an underlying technical foundation for global communication
- The internet is an invisible, taken-for-granted resource
- Only a breakdown makes the infrastructure visible
- The internet connects local, national, and global resources and services.

Linking back to the models of public and private (Chapter 5), the Net as Infrastructure is situated within the liberal model, since the policy controversies concern the demarcation line between issues that should be dealt with by the private sector versus the state.

In relation to social change, the universal and non-discriminatory character of the internet, as well as the global and in principle equal access to benefit from it, have made scholars compare it to a global public good, as further addressed below.

Policy Issues Related to the Infrastructure Framing

Next I examine some of the policy themes related to the operation and governance of the internet, and point to some of the human rights issues at stake.

Operating the Infrastructure

There are several hierarchical mechanisms that are critical to the operation of the internet, namely the Domain Name System (DNS), the allocation and assignment of IP addresses, and the maintenance of other unique parameters associated with the internet protocols (Ibid:6). DNS has policy implications not least since it represents the access point for central control with the internet, as further addressed below.

Prior to the Internet Corporation for Assigned Names and Numbers (ICANN), the Internet Assigned Numbers Authority (IANA) was responsible for the overall coordination and management of the DNS, as described in Request for Comments (RFC) 1591[128]. IANA and Network Solutions (NSI), a private company, handled the DNS administration, and received U.S. government funds for their operation, however without any legal basis that provided these bodies or the U.S. Government with the right to set policy regarding domain names on the internet. The DNS functioned based on agreed practice, and not law, and this self-regulatory practice extended to other policy questions e.g. payment for domain names. NSI thus demanded payment for registration of domain names without guidelines as to which other conditions could reasonably be imposed as a prerequisite for domain name registration[129].

In June 1998, the U.S. Department of Commerce and a task force headed by U.S. Presidential Adviser Ira Magaziner issued a Statement of Policy on the Privatization of Internet Domain Name System, known as the DNS White Paper (United States Department of Commerce June 5, 1998). The White Paper called for the creation of a private nonprofit corporation to take over the DNS and institute various reforms. In the run-up to the establishment of this corporation, some of its institutional

[128] The Request for Comments (RFC) series archives and codifies internet protocols and standards (Mueller 2002:32).
[129] "Thus, no one can now say that any given condition must, may, or may not be imposed as a minimum requirement for this particular passport to "netizenship". Nor do any of the many different private and governmental organizations that are currently discussing a range of questions in this area.. (..).. have an uncontested or clearly legitimate claim to the authority to decide these matters unilaterally" (Johnson and Post 1997:64).

designers argued that the decentralized decision-making that created the net at a technical level should be used as a model for 'collective governance' of the global internet[130]. The core of the argument was: (1) By decentralized decision making, the internet itself solves an immensely difficult collective action problem: how to get large numbers of individual computer networks, running diverse operating systems, to communicate with one another for the common good[131]. (2) Decentralized decision making is the most cost effective and accurate means of reflecting the real preferences and experiences of the users, and (3) decentralized decision making is light work compared with the task of projecting local views into a centralized policy making process (Johnson and Post 1997:73-81).

In October 1998, ICANN was established as a private nonprofit corporation under California law, representing the global 'internet community'. ICANN undertook its responsibilities under the auspices of the U.S. Department of Commerce (DOC) by way of a Memorandum of Understanding between ICANN and the DOC. The organizational design was based on the idea that providers and users of internet services should have decision making capacity, while governments should have an advisory role (Kleinwachter 2004:38)[132]. ICANN's claim to legitimacy is thus based on the assertion that it functions as the internet community's instrument for self-governance. ICANN's role was to "carry out the oversight and information management functions needed to assure unique allocation of domain names, IP addresses and other protocol identifiers" (Cerf 2004:6). This includes management of the top-level root zone file, whereas the process of allocating and assigning internet addresses to users is

[130] Johnson was advisor to Network Solutions during the formative stages of ICANNs development, and his ideas directly influenced Magaziner and others (Mueller 2002:213).

[131] ".. ()..the net is really nothing more than a set of voluntary standards regarding message transmission, routing, and reception. There is not now and never was a central governmental body that decreed or voted to adopt a law stating that TCP/IP is required to be used by those wishing to communicate electronically on a global scale, or that HTTP is required to be used if you wish to communicate over a particular portion of the global network (the World Wide Web). If you connect to a neighboring host and send out packets of data that conform to the protocol, your messages can be heard by others who have adopted the protocol. All are free to decline to follow the standard and to obey some other protocol, and they will communicate only to those who, literally, speak their language. Many people and groups have, in fact, seceded (or declined to join) the global net, forming local area, or proprietary wide area, networks" (Cerf 2004:7).

[132] According to the initial agreement, the U.S. supervision over ICANN was supposed to terminate after two years, however up till now ICANN remains on contract with the U.S. government. The current agreement that entered into force October 2009 has strengthened the reporting obligations towards the international community and the review role of the Governmental Advisory Committee (United States Department of Commerce and ICANN September 30, 2009).

delegated to local internet registries. ICANN has since its inception been subject to extensive criticism not least concerning its lack of adherence to the principles it was founded upon[133].

Governing the Infrastructure

The term 'internet governance' has been debated since the formation of ICANN. Whereas some interpreted the term as the technical and operational arrangements for managing the DNS root, others pointed to ICANN's potential for exercising internet control, since control with the root implies control with access to the internet (Mueller 2002:7)[134]. As states have become increasingly dependent on this infrastructure, the mandate and day-today practices of ICANN has become an increasingly contested issue. This is not surprising since ICANN represents "the only globally visible body charged with any kind of oversight for the Internet" (Cerf 2004:9)[135].

The WSIS second phase brought to a head the profound disagreement between the U.S. and many other governments, including the EU, concerning the U.S. control over the DNS root and, via contract, over ICANN[136]. In the course of this debate it was argued that ICANN's operation of the internet entails matters of public policy, and that these should be resolved by governments, rather than by the U.S. alone. This would imply either an entirely different organization in charge of operating the internet, or a revision of ICANN to more clearly differentiate between technical coordination and matters of public policy. As part of the latter, it was stressed that ICANN need to be more publicly accountable[137]. The debate echoed a number of the regulatory challenges and models for governing the internet, which

[133] The role of ICANN and various critics related to its constituency and modus operandi has been covered by e.g. Mueller (2009), Mueller, Mathiason, Mcknight (2004), Maclean (2004), Hoffmann (2007), Kleinwachter (2004), Drake (2004). See also the Internet Governance Project at Syracuse University, which has produced a number of studies available at: http://www.internetgovernance.org/, retrieved July 10, 2011.

[134] "Dispensers of virtual addresses thus stand at the border checkpoint between the virtual and the non- virtual world, and the contract pursuant to which one receives a domain name or other online ID can potentially serve as the means -- perhaps the most effective meangs -- by which the most basic rights and obligations of all Cyberspace participants can be specified" (Johnson and Post 1997:64-65).

[135] At WSIS second phase, "internet governance" was defined more broadly than the functions performed by ICANN, thus as: "the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet." (Working Group on Internet Governance 2005:4).

[136] For a detailed account of the WSIS controversy over internet governance see Mueller (2010), Chapter 4.

[137] The accountability of ICANN processes is addressed in Mueller (2009), and in an independent review from the Berkman Center for Internet and Society at Harvard University with Urs Gasser as the principal investigator (Berkman Center for Internet and Society October 20, 2010).

were discussed prior to the establishment of ICANN, thus (1) existing territorial sovereigns may extend their jurisdiction to govern actions on the internet that have impact on their own citizens, (2) sovereigns may enter multi-lateral agreements and establish new rules specifically applicable to the internet, (3) a new international organization may attempt to establish new rules, and (4) de facto rules emerge as a result of the interplay of decisions by domain name and IP address registries (Johnson & Post 1997:69-75). Not surprisingly, the U.S. showed no willingness to alter their unilateral control over the internet, and their position was by and large supported by the technical community around ICANN[138].

Further, as part of the debate on internet governance some academics and civil society groups started to propose that the internet should be perceived and regulated as a global public good[139]. The notion of global public good refers to *a benefit providing utility that, in principle is availably to the global population* (Morrissey quoted in Binger 2003:4). The concept derives from economic theory, and became widely known with the United Nations Development Programme (UNDP) publication Global Public Goods – International Cooperation in the 21est Century (Kaul, Grunberg et al. 1999)[140]. Several authors have argued that the internet has dimensions of a global public good, however its implications for practical policy implementation are still largely unexplored[141].

Technical coordination versus public policy

As stressed by several scholars, there are different layers involved in operating the internet (Mueller 2002; MacLean 2004). First there is the technical layer, which controls and coordinates name and address uniqueness. Second there is the economic layer, which takes decisions about rationing scarcity. Thirdly there is the layer, which defines policies regarding the rights to names (Mueller 2002:19)[142].

[138] A common argument in favor of the current model was: 'if it ain´t broken why fix it?', implying that the current operation of the internet had worked well, and that expanding state control over the internet would include states which are known for human rights violations, thus potentially threaten online freedoms. See Mueller for an elaborated account of this controversy (Mueller 2010:75-77).
[139] At the 2007 IGF in Rio, APC Director Anriette Esterhuysen stated in the Opening Ceremony that Internet is a public good and should be governed based on public interest principles including human rights, free expression, open standards, privacy, balanced intellectual property, interoperability, creativity, transparency, and accountability (Esterhuysen 2007). The statement can be heard at www.ipjustice.org/Audio/Anriette-IGF2007.MP3.
[140] There continues to be controversy as to the definition and scope of the concept. See e.g. Binger (2003:4-6).
[141] See e.g. Raboy (2005), Accuosto and Johnson (2004), and Spar (1999).
[142] MacLean has also developed a number of models illustrating the various policy layers and actors involved in internet governance (MacLean 2004:88-90).

Since there is a principal difference between technical coordination (layer one) and privatized rules and judgments related to rationing scarcity or defining and enforcing rights to names (layers two and three), much of the internet governance debate concerns how public policy issues may be identified, and how these may be isolated and extracted from 'day-to-day' technical and operational coordination. Furthermore, it may be argued that all three layers are *de facto* subject to public policy, since their operation is based on a contract with the U.S. government. As such, the internet is currently administered as an area of public policy, despite the fact that the day-to-day operations of the infrastructure are delegated to ICANN.

Related to the first line of argument, some of the criticism which has been raised stresses that ICANN does not primarily operate through user self-governance, but rather through its professional staff who may control the policy agenda unilaterally e.g. by drafting contracts with registries and registrars (Mueller 2002:215)[143]. The technical standard coordination (IETF), which ICANN was modeled after, had incentives for consensus-based processes, since it relied on coordination amongst many, whereas the situation with ICANN is different[144]. ICANN *de facto* establishes a monopoly control of an essential resource, the root zone file, which has lead Mueller and others to describe ICANN as "a global regulatory regime" with "exclusive control of a critical input into an industry", which it uses to regulate that industry (Ibid:218). "ICANN's control of the root is used to make and enforce policy in three broad areas: defining and enforcing rights to names; regulation of the domain name supply industry; and the linkage of online identity to law enforcement" (Ibid:218).

In summary, this line of argument stresses that ICANN de facto *is* defining and enforcing public policy, but without the user-based self-governance and legitimacy that was intended when ICANN was conceived. In response to this problem, Mueller and others have suggested that ICANN be revised and based on a legal framework, which stipulates the public policy principles that is to guide their operation. One of these public policy principles is suggested to be *net neutrality*, as a guiding norm for

[143] "With a single point of control (the root), and competition for the political and economic benefits that can be derived from it, it was inevitable that political strength, not a communitarian commitment to rough consensus, would drive decisions" (Mueller 2002:215).

[144] Mueller notes that ICANN's agreed practice whereby internet service providers point at the ICANN root has to be seen in light of powerful network externalities, thus is it not necessarily a voluntary regime just because it is based on a contract (Mueller 2002:216).

governing the internet (Mueller 2007). The norm of network neutrality aims to preserve the ability of any internet user to connect to any lawful content or services on the internet (Ibid:6)[145]. It is thus concerned with preserving the universal and non-discriminatory access traditionally associated with internet connectivity without interference by network operators or governments. Stipulating public policy principles in a legal framework for internet governance would imply that ICANN did not decide on these matters by means of internal regulation, but that it was regulated by law.

Human rights issues

As previously stressed, the whole system of human rights protection builds on state commitment to - and implementation of - human rights standards, which can then be invoked by the individual toward the state. Even when areas of operation are delegated to private parties, it remains the duty of the state to assert and secure the appropriate level of human rights protection. With regard to the existing operation of the internet, the Articles of Incorporation of ICANN note the need to comply with relevant principles of international law (ICANN November 21, 1998:Paragraph 4). As stated by the Council of Europe "ICANN operates *de facto* by delegation on behalf of the international community and, ultimately, on behalf of each of the states and other stakeholders that make up the internet community" (Council of Europe 2006:25). However, since ICANN is a U.S.-based corporation, it is essentially the U.S. government, which is the contracting party with respect to human rights treaties. This raises some principal human rights problems, not least in relation to the right to privacy and the right to freedom of expression, as illustrated below.

[145] The notion of network neutrality carries at least two different meanings in the public debate. One is focused on the regulation of bandwidth, and is concerned with the way network operators differentiate the speeds with which packets are delivered. The second focuses on universal access to the resources connected to the internet, and seeks to prevent the blocking of access to web sites by network operators, or other kinds of limits on the content, applications and services that can be accessed by Internet users (Mueller 2007:3). When suggesting network neutrality as a principle for internet governance, Mueller deploys and advocates the latter understanding of the notion. The issue of net neutrality was addressed in a comparative broadband study from around the world conducted by the Berkman Center for Internet and Society at Harvard University, with Yochai Benkler as principal investigator (Berkman Center for Internet and Society 2009). It is also addressed in the recent (2010) CoE Declaration on Network Neutrality.

In relation to the right to privacy, a widely debated issue has been users' protection of privacy in the so-called *Whois* database, which contains information on domain name owners[146]. The user data in the Whois database is protected according to the domestic standard for privacy in the U.S., which is considerably lower than for instance in Europe. Further, the data may be transferred to the U.S. government, e.g. for law enforcement purposes, although this is not compliant with the data protection regimes of other countries, including the legal safeguards contained therein. As such the U.S. enforces a privacy standard on a global infrastructure that is considerably lower than, for example, the European privacy standards. At the same time, there are no means for redress for citizens outside the U.S. since these may claim their rights only towards their own state, or in some cases to a regional human rights court that would take several years to hear a complaint.

In relation to freedom of expression, one of the most controversial issues has concerned ICANNs role with regard to the addition of new top level domain names, in particular the addition of the top level domain name '.xxx', signifying pornographic or 'adult' content[147]. Following intense controversy over this proposed domain, ICANN revised their policy so that applications for new top level domain names are evaluated on the basis of their semantic meaning in order to assess whether they conform to global standards of morality and public order[148]. This case-by-case assessment of new domain names is taken in consultation with ICANN's Governmental Advisory Committee, which is the ICANN entity where governments are represented[149]. The policy, which mandates ICANN to decide whether proposed top level domain names are compliant with international law, has been challenged by civil society groups as an example of how ICANN transfers its role as a technical coordinator into one of public policy[150].

There are several human rights problems related to the case. First, despite the fact that ICCPR standards on freedom of expression allow for law-based restrictions on the grounds of public order and

[146] The issue of privacy protection in the Whois database has been extensively covered by a number of civil liberty groups, not least the Electronic Privacy Information Center (EPIC). See e.g. http://epic.org/privacy/whois/, retrieved July 10, 2011.
[147] For a detailed account of the .xxx incident see Mueller (2010:71-73).
[148] ICANN's policy states that proposed generic top level domain strings must not be contrary to "generally accepted legal norms of morality and public order that are recognized under principles of international law" (ICANN 2010:3-1). The policy has been in a process of revision since fall 2010.
[149] See http://gac.icann.org/, retrieved July 10, 2011.
[150] For critical responses see e.g. the response from IP Justice, available at: http://ipjustice.org/wp/2007/08/30/ipj-comments-new-gtlds/, retrieved July 10, 2011.

morality, there is no such thing as *one* global standard for morality and public order, as human rights are interpreted differently in various national contexts. Any proposed top level domain name might thus contradict public morals in some countries, whereas it would be a legitimate expression in other countries. Deciding whether a given domain name complies with global standards for morality and public order is thus highly complex, and risks undermining freedom of expression standards in some countries. Second, if ICANN *de facto* works based on delegation by the international community (as suggested by CoE above), it is important that decisions with public policy implications are subject to democratic control, and that access to remedies are provided for. This is hardly the case at present, and the complexity and ambiguity of the current model remain largely unresolved[151].

The above examples illustrate that there are essential policy issues related to the internet as a global infrastructure. Whereas ongoing technical coordination and development are crucial to secure a stable and secure digital infrastructure, the operation of the infrastructure also implies decision-making power on policy issues that affect users worldwide.

In summary, the Net as Infrastructure Metaphor illustrates some of the debates that address the internet first and foremost as a global infrastructure, and gives examples of the controversies related to the operation and governance of this infrastructure. Linking back to Castells' argument on transformations of power, ICANN may be described as a new constituency of power that de facto influences decisions regarding a critical global resource. As such, many of the controversies addressed in this chapter relate to the powers assigned to a private party in contrast to the conventional actors (nation states). In the table below I have summarized some of the main notions, policy themes and human rights issues entailed in the chapter. The first row indicates some of the commonly used concepts that signify an understanding of the internet as an infrastructure i.e. a 'technical foundation' that facilitates a global system of communication. The second row points to the universal and non-discriminatory character of the internet as one of the characteristics that is often emphasized in relation to the internet's potential

[151] ICANNs policy with regard to top level domain names was debated at a 2010 meeting between the ICANN board and the Governmental Advisory Committee (GAC), See http://blog.internetgovernance.org/blog/_archives/2010/6/23/4560694.html, retrieved July 10, 2011. Most recently, the process has been debated in relation to a leaked ICANN paper from the European Commission, made available at: http://blog.internetgovernance.org/blog/_archives/2011/9/4/4893009.htm, retrieved September 14, 2011.

for social change. In the third row, I indicate that the infrastructure metaphor is situated within the liberal model addressing the role of a private party vis-à-vis the state, just as the regulatory model is based on ICANN's internal regulation. Next, I outline some of the key themes associated with this perspective, thus coordination of internet resources and internet governance. In the sixth row, I indicate that the policy controversies relate to the demarcation line between public policy and the technical coordination of internet resources, and point to the technical community (ICANN) as the main proponent of this perspective. Finally, in the eighth row, I summarize the human rights issues related to the infrastructure metaphor i.e. the challenge of enforcing international human rights standards towards a private corporation situated within U.S. jurisdiction.

	INFRASTRUCTURE METAPHOR
Infrastructure notions	'Technical foundation', 'public utility', 'global network'
Potential for social change	Universal and non-discriminatory access
Public / Private framing	The liberal model: internet as a privately run service
Regulatory model	Private corporation
Key policy themes	Coordination of internet resources Internet governance
Policy controversies	Technical coordination versus public policy
Main proponents	Technical community
Human rights issues	Human right protection pertaining to a global public infrastructure vis-à-vis a private U.S.-based corporation.

Following the Net as Infrastructure, I next consider the internet as a public sphere.

Net as Public Sphere

A large cluster of internet policy debates, research and case studies more or less explicitly relate to the internet as a new or extended public sphere. Scholars such as e.g. Hindman (2009), Coleman (2009), Benkler (2006), Hoff (Hoff 2006), Goode (2005), Dahlberg (2001; 2009), Bohman (2004), Barnet (2003), Webster (2006), Papacharissi (2002), Slevin (2000), Keane (1995; 1999), Hauge and Loader (1999), and Graham (1999) have addressed internet from a public sphere / democracy perspective[152]. By and large, research with a public sphere perspective investigates the internet's role in society from a democratic perspective, addressing the internet's potential to support democracy, its role in strengthening citizens participation in political life, the modalities of the networked public sphere, and so on. A public sphere perspective thus often implies or challenges an underlying presumption of the internet being a resource for civil society; a communicative sphere that may democratize and strengthen public life.

On the advocacy arena, a public sphere approach is implied in advocacy by scholarly and civil society networks such as e.g. Association for Progressive Communications (APC), the Communication Rights in the Information Society (CRIS) Campaign, Alternatives[153] and several other groups and networks involved in information society politics. The groups associated with a public sphere approach typically focus on the internet as a communicative space, to which everyone should have access and resources to participate, and in which basic freedoms should prevail. This often imply a call for supportive internet policies as a precondition for moving from theoretical claims ("internet may foster development and human rights") to political realities, thus to actually support the virtual public sphere through enabling regulation[154].Whereas the operation and governance of the internet infrastructure were central policy

[152] In a Danish context, the five-year research program Media and Democracy in the Network Society (MODINET), which had approximately fifty researchers attached, involved a number of case studies and theory building examining the internet's role as regards new democratic practices, cf. e.g. Hoff & Storgaard (Hoff and Storgaard 2005:12-37). For an overview of MODINET research themes and publications see www.modinet.dk. See also the U.S. Social Science Research Council's Necessary Knowledge for a Democratic Public Sphere program, available at: http://www.ssrc.org/programs/necessary-knowledge-for-a-democratic-public-sphere/, retrieved July 10, 2011.

[153] Alternatives is a Montréal-based NGO and international network working in the field of development, social justice and human rights; available at: www.alternatives.ca, retrieved July 10, 2011.

[154] See e.g. the WSIS Civil Society Declaration "Shaping Information Societies for Human Needs" that speak strongly to the themes of access, freedoms and resources to participate. "Everyone, everywhere, at any time should have the opportunity to participate in communication processes and no one should be excluded from their benefits. This implies that

issues in the infrastructure metaphor, policy themes related to the public sphere metaphor thus concern access, freedoms and resources to participate in public political life. At the 2009 IGF in Egypt access was one of the main pillars of the plenary debates, including the theme of capacity building (resources to participate)[155]. Also the protection of online freedoms in the digital era was a central theme in workshops and plenary debates alike[156].

Before taking a closer look at some of the research agendas, policy themes and human rights issues related to the Net as Public Sphere, I will briefly introduce the notion of a public sphere.

The Notion of a Public Sphere

The idea of a public sphere runs through modern democratic theory, as a space in which the public discourse takes place. The public discourse is typically presented as the articulation of the citizens' opinions, priorities and criticism with respect to the democratic rule of a country. Whereas the public sphere is a 'public conversation', the public are 'the potential participants' in this conversation (Hoff and Storgaard (2005:13). The notion of the public sphere is linked to a democratic norm that presupposes the presence and participation of the public in political debate and decision-making. The appearance of the public includes formal modalities such as elections, censuses, public surveys etc., but also includes more informal modalities such as public debate, deliberations, opinions etc. The public

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every person must have access to the means of communication and must be able to exercise their right to freedom of opinion and expression, which includes the right to hold opinions and to seek, receive and impart information and ideas through any media and regardless of frontiers. Similarly, the right to privacy, the right to access public information and the public domain of knowledge, and many other universal human rights of specific relevance to information and communication processes, must also be upheld. Together with access, all these communication rights and freedoms must be actively guaranteed for all in clearly written national laws and enforced with adequate technical requirements" (WSIS Civil Society Plenary 2003: Section 1).

[155] "The chairman stated that access included financial access, the relevance of literacy to access, political access which gave voice to linguistic access, and access by the disabled .(.) Issues concerned with infrastructure were now secondary, because advances had been made, specifically with mobile phones and Internet penetration in many parts of the world. True access would not be achieved without appropriate regulatory regimes being put in place" (Internet Governance Forum 2009:16).

[156] "Another challenge concerned the issue that rights were currently protected by the constitutional nation state, yet people lived in a borderless global network. This meant there would need to be a human rights perspective beyond technological development and commercial developments. The interaction of all these elements was from a human rights policy and perspective, which would guarantee that the focus would be on human beings and their benefit" (Internet Governance Forum 2009:12).

only appears in moments of representation that holds in reserve its full representation (Barnett 2003:23).

Habermas is an unavoidable point of reference for the notion of a public sphere. The point of departure for his dissertation on The Structural Transformation of the Public Sphere was the political context in sixteenth to eighteenth century Europe, and how the public debate fundamentally changed modalities for political legitimacy (Habermas 1989). His theory presents an ideal model born out of a particular historical struggle against the feudal state, and emphasizes the public sphere as a state-independent realm used to shape public issues. "Only in the light of the public sphere did that which existed become revealed, did everything become visible to all. In the discussion among citizens, issues were made topical and took on shape" (Habermas 1989:4). The public sphere has four main characteristics: (1) it is a public of private individuals who debate issues of public concern, (2) the debate follows a practice of rational-critical discourse, (3) it is an inclusive sphere which disregards status / ranks ruled by the power of the better argument, and (4) it is a sphere for criticism of public authority, which asserts itself as the only legitimate source of law (Calhoun 1992:7-9). The emphasis on communicative action as central to democratic practice was in line with a wider linguistic turn in the human and social sciences[157]. Further, the use of the spatial metaphor of the sphere, and the link to freedom of expression as a civil and political right key to democracy, addressed a number of perceived empirical problems related to media-saturated politics and to constructing the practices of democracy in newly democratized countries at both state and civil society level (Garnham 2000:169). Habermas' notion of the public sphere is closely related to the concept of civil society, drawing on the following definition:

> "Civil society embraces a multiplicity of ostensibly 'private' yet potentially autonomous public arenas distinct from the state. The activities of such actors are regulated by various associations existing within them, preventing the society from degenerating into a shapeless mass. In a civil society, these sectors are not embedded in closed, ascriptive or corporate

[157] Habermas represents a normative, action-oriented approach associated with the Frankfurt School of thought. His theory stresses the inherent rationality in communicative acts, thus the inherent potential for understanding and reaching common agreement. Habermas' theory has met strong criticism but remain a very influential framework for research concerning civil society, communication and the public sphere. The main criticism of the public sphere model is: (1) its procedural rules are too rationalistic, e.g. persuasive use of rhetoric should not be excluded from political communication, (2) the distinction drawn between private and public excludes to a large extent women and private matters of public concern, e.g. domestic violence, (3) it values general agreement around universal values, which understate differences or normative conflicts within modern multicultural societies (Garnham 2000:170). Also Thompson (1995:71-75) has summarized the critique of Habermas' public sphere model.

> settings; they are open-ended and overlapping. Each has autonomous access to the central political arena, and a certain degree of commitment to that setting" (Eisenstadt quoted in Habermas 1996:367).

The public sphere is thus rooted in the associational network of civil society, which ideally functions as a warning system with sensors throughout society[158]. The communication channels of the public sphere (civil society) are linked to private spheres – to the network of interaction found in families and circles of friends as well as to the looser contacts with neighbors, work, colleagues, acquaintances, and so on (Habermas 1996:365-66). Through these networks civil society supposedly distils and transmit reactions to societal problems from the private sphere to the public sphere. In consequence, the public sphere is not just a place for opinion formation and consensus building, but equally important a space for civil society deliberations on how these opinions can influence the actions of the state. It is a concept for understanding the conditions for effective leverage by citizens on the state and other powerful institutions (Calhoun 1993:269, 279). In the work of Habermas, civil society is increasingly presented as a link between the public and private realm (Hoff, Hansen et al. 2006:27). This is in line with the definition applied by the Centre for Civil Society at London School of Economics (Anheier and Carlson 2002:1), which defines civil society as the sphere of institutions, organizations and individuals located between the family, the state and the market, in which people associate voluntarily to advance common interests. As initially stressed, I apply this definition of civil society in my research.

The notion of a public sphere has been subject to numerous academic debates; those with particular relevance for this chapter are outlined below. One cluster of debates concerns the relation between *one / many*, *strong / weak,* and *national / international* public spheres (Robbins 1993; Fraser 1997). A second debate concerns the need to replace the rather static public sphere notion with a more processual and agent-oriented notion such as *public life* (Benoit-Barné 1999; Hauser 1999). A third

[158] Habermas stresses that the notion of civil society has changed from a focus on the private sphere (market and family) to a focus on the public sphere (civil society). "What is meant by civil society today, in contrast to its usage in the Marxist tradition, no longer includes the economy as constituted by private law and steered through markets in labour, capital and commodities. Rather, its institutional core comprises those nongovernmental and non economic connections and voluntary associations that anchor the communication structures of the public sphere in the society component of the lifeworld" (Habermas 1996:366-367).

debate suggests that the classical focus on the state as *the* political power should be supplemented by a broader understanding of decentered political authority (Hoff, Hansen et al. 2006:10). The debates are addressed in more detail below, but first I explore some of the arguments supporting the conception of the internet as a new or extended kind of public sphere.

Internet as Public Sphere

Habermas' ideal description of public opinion may partly explain why the internet for many scholars and activists has entailed the potential of a revised public sphere. Drawing on C.W. Mills, Habermas characterizes the formation of public opinion by: (1) virtually as many people express opinions as receive them. (2) Public communications are so organised that there is a chance immediately and effectively to reply to any opinion expressed in public. Opinions formed by such discussion (3) readily find an outlet in effective action, even against – if necessary – the prevailing system of authority, and (4) authoritative institutions do not penetrate the public, which is thus more or less autonomous in its operation (Habermas 1989:249). Further, opinions cease to be public opinions when they are entangled in the communicative structure of 'mass'. This is due to the characteristics of mass media such as (1) far fewer people express opinions than receive them, thus the community of publics becomes an abstract collection of individuals who receive impressions from the mass media. (2) The communications that prevail are so organised that it is difficult or impossible for the individual to answer back immediately or with any effect. (3) The realisation of opinion in action is controlled by authorities who organise and control the channels of such action, and (4) the mass has no autonomy from institutions; on the contrary, agents of authorised institutions penetrate this mass, reducing any autonomy it may have in the formation of opinion by discussion (Ibid).

Some of these characteristics particularly, in principle, the equal possibility of receiving and expressing opinions, are features that distinguish the internet from conventional mass media As the internet has no central editorial control, it in principle allows everyone to *appear* and *express themselves* publicly; hence whereas mass media is a *representation* of the public, the internet's public sphere to a stronger degree *is* the public. Consequently the internet facilitates a stronger diversity of opinions and issues of concern, as they actually exist in society. A positive interpretation of the internet's role as a public

sphere may thus stress that the decentralization of information control has increased the amount of available discourses. The French sociologist Cardon has recently argued that the internet's democratic potential is related to its ability to embrace both freedom and selection. The claim for freedom is related to everyone's ability to express themselves without prior editorial control, whereas ongoing mechanisms of selection ensure that only some expressions are circulated. As an example blogs are mentioned, arguing that only blogs with some appeal are re-circulated, whereas the others in principle remain invisible. Selection thus take place 'post-publishing' by the individual, rather than 'prior-publishing' by an editor (Cardon 2010).

As mentioned above, there is a large cluster of internet research which in one way or the other address the internet's potential for revitalizing the public sphere, building more or less explicitly on Habermas' public sphere ideal. A core question raised in this line of research is whether and how the internet contributes to a new kind of public sphere and thus to a new kind of democracy[159]. This includes research concerned with new digitized ways of state-citizen interaction (Hoff and Storgaard 2005), and more generally the internet's effect on local or national democracy (Benkler 2006; Hansen and Hoff 2006; Rasmussen 2008; Coleman and Blumler 2009; Hindman 2009). It has also been argued that the increasing mobile access to the internet may lead to a fusion of the physical and virtual public spheres making them more spontaneous and action-oriented, as illustrated by the North African uprisings in early 2011 (Hansen 2011:8).

Debates on the internet's democratic potential are often related to its potential for social change e.g. to enable new groups to enter political arenas, to democratize and strengthen participation in public discourse, to access information from a variety of sources, and to mobilize civil society across themes and borders. As previously mentioned some of these claims to civil society empowerment will be examined in the Uganda case study.

Benkler is one of the scholars who argues that the internet and the emerging networked information economy provide us with distinct improvements in the structure of the public sphere over the mass

[159] Dahlberg (2011:11) suggests that digital democracy rhetoric entails at least four democracy positions: liberal-consumer, deliberative, counter-publics, and autonomous Marxist.

media, precisely due to some of the characteristics discussed above (Benkler 2006:212-214). This is not least due to the information and cultural activity of non market actors, which the internet enables, and which essentially allow a large amount of actors to see themselves as potential contributors to public discourse and as potential actors in political arenas (Ibid:220). "The network allows all citizens to change their relationship to the public sphere. They no longer need to be consumers and passive spectators. They can become creators and primary subjects. It is in this sense that the internet democratizes" (Ibid:272). Coleman and Blumler support the argument that the internet has the potential to improve public communication and enrich democracy, however they also stress that policy intervention is needed in order to realize this potential, mainly because the virtual sphere have not been integrated into the constitutional structures and processes of liberal democracies (Coleman and Blumler 2009:11).

Other recent research based on U.S. politics argues that while the internet has democratized politics, it has also fueled the creation of new political elites and has done little to expand the voice of ordinary citizen (Hindman 2009:4-8). Hindman's empirical material suggests that the internet is shifting the bar of exclusivity from the production of information (less gatekeepers) to the filtering of information (the difficulty of being heard on the internet), leading to increased marginalization and an elitist tendency. The internet may thus lead to greater segmentation of the public with damaging consequences for the political dialogue, and for the social and political community (Rasmussen 2008; Hindman 2009). While the internet is allowing new forms of political organization, there is limited research that supports a larger impact of these changes (Ibid:10). Also, Habermas has argued that he considers the virtual publics to have relatively limited impact on national political processes, whereas mass media remain a key channel of influence. Whereas he recognizes the internet's democratic significance for undermining censorship of authoritarian regimes, he is concerned about the way the internet may fragment focused audiences "into a huge number of isolated issue publics" (Habermas quoted in Rasmussen 2008:74).

As part of the Media and Democracy in the Network Society (MODINET) project, scholars have asserted how the internet complements, undermines or refigures existing public spheres in Denmark (Hansen and Hoff 2006:chapter 8-10). The case study of Odder municipality suggests that the internet

has opened new channels of communication between local politicians, administration and citizens, thereby expanding the political public sphere, and has enabled a more direct and continuous dialogue between citizens and politicians (Hoff 2006:296-97). In contrast, the case study of Hals and Søllerød municipality find that ICT specifically, and the internet generally, has only had a modest impact on participation in local governance in both municipalities (Olsen, Rieper et al. 2006:326)[160].

In summary, the research to date suggests a moderate effect when it comes to the impact of the virtual public sphere on political deliberations (Norris 2001; Bruhn Jensen and Helles 2005; Olsen, Rieper et al. 2006; Coleman and Blumler 2009; Hindman 2009; Morozov 2011). However, the research field is expanding rapidly at the moment, reflecting a variety of new empirical examples. It is thus difficult to predict what research will conclude a few years from now. The limited effect up till now may suggest that expectations has been too high or premature, and that some of the early research in the field implied that democratic practices emerge from inherent technology features, rather than grow out of social practices (Bohman 2004:131). It may also suggest that the early optimism related to the virtual public sphere has been replaced by a networked-citizen centered perspective focusing on the new opportunities to connect the private sphere to a multitude of political spaces, as discussed by Papacharissi (2010) and Loader and Mercea (2011).

Following these examples of research that address the internet as a public sphere, I next examine some of the arguments related to the character of this public sphere.

Multiple Publics

The idea of the public as a single collective subject have been contested by several scholars, who in turn have argued for *multiple public spheres* stressing the plural and diverse character of public communication.

"Within the concept of the public sphere, there is an unresolved and perhaps unresolvable

[160] In the case study a broader notion of political participation is applied to include not only the involvement of citizens in the formal political processes, but rather the broad spectrum of participation and engagement with public policy issues (Olsen, Rieper et al. 2006:302).

> tension, between a tight authoritative singleness (the public as object of a quest for a universal collective subject or a privileged area of struggle) and a more relaxed, decentered pluralism (publicness as something spread liberally through many irreducibly different collectives)" (Robbins 1993:xxi).

Also Habermas has modified his original public sphere model and increasingly speaks of the diversification of the public sphere in a variety of functional and thematic publics[161]. Fraser has elaborated this diversification and argues for a distinction between strong and weak public spheres (Fraser 1997:89-92), whereas Keane speaks of "a plurality of sometimes overlapping, sometimes conflicting definitions of public opinion and the public good within a variety of power-ridden contexts containing differently-sized public spheres – public spheres at the micro, meso, and macro levels.." (Keane 1999:18). Not least the increasing use of the internet accentuates the point that the public sphere contains a multitude of functional and thematic publics, both nationally and globally. These virtual public sphere(s) may in principle cross various national borders and provide for spaces, which are globally accessible. Moreover, the virtual spheres differ from the conventional public sphere in relation to visibility. On the one hand, the internet provides for a common space in which a large amount of individuals, organizations, business, governments etc. have a presence, and thus are visible to one another. On the other hand, 'the other' is more invisible compared to a public meeting or a television show. The internet thus provides for a communicative sphere that is shared amongst all, locally as well as globally, while allowing for invisible presence in this publicly shared space.

Decentered Political Authority

Another line of argument examining the role and function of the public sphere argue that political authority is increasingly decentralized and that the virtual public sphere is part of a fundamental change with regard to the construction of political authorities (Hoff 2004:40). This implies a transformation

[161] "The public sphere cannot be conceived as an institution and certainly not as an organization. It is not even a framework of norms with differentiated competencies and roles, membership regulations, and so on. Just as little does it represent a system; although it permits one to draw internal boundaries, outwardly it is characterized by open, permeable, and shifting horizons. The public sphere can best be described as a network for communicating information and points of view (i.e. opinion expressing affirmative or negative attitudes); the streams of communication are, in the process, filtered and synthesized in such a way that they coalesce into bundles of topically specified public opinions" (Habermas 1996:360).

from the classical models of democracy to a network model, where the state is decentered and a number of political arenas develop across the various functional and thematic public spheres (Hoff and Storgaard 2005:29). The networked model is presented as a necessary response to the growing level of societal complexity, leading to new types of political authorities with attached issues of legitimacy and solidarity, as it becomes increasingly unclear who is accountable and to whom. In consequence, a revised debate on the public sphere needs to address issues of inclusion / exclusion from the networks of politics, as well as study the character of the citizen and interest groups that match the new power nodes (Ibid:26).

Public Sphere as Public Life

Finally, some scholars have suggested that the 'public sphere' notion be replaced by the notion of 'public life'. The notion of public life emphasizes the processual and agent-oriented perspective in recent public sphere scholarship, and speaks to a broader understanding of what constitutes public political life (Benoit-Barne 2007:212). Whereas the public sphere notion is spatial and linked to the processes of political decision-making, the notion of public life implies a broader concept of citizens participation, which places emphasis on the processes by which public life unfolds. Related to the internet's political practices, the public life notion directs attention to the way the internet provides new means for individuals in their daily exercise of public life, which may be only indirectly linked to political agenda setting. Virtual public life may entail practices such as collaborative contributions to the public domain, participation in various thematic debates, producing and sourcing information and news etc. Practices which may not be perceived as political *per se*, but rather represent public life in a more general sense. I return to the notion of public life in the Net as Culture Metaphor, but for now keep with the public sphere notion and its more direct link to political / democratic processes.

Summing up on the Conceptualization of the Net as Public Sphere

Linking back to the public / private models the focus in the public sphere perspective is on participation in the political realm of society and the new modalities for public and political life, which

ICT facilitate. Within this framing, the public is understood as a space of politics, a realm in which public debate and deliberations take place, as outlined in the republican model (Chapter 5).

Before examining some of the policy debates related to the public sphere metaphor, allow me to briefly summarize the arguments that support a public sphere perspective on the internet.

- The internet represents a communicative sphere, in principle open for all
- The virtual presence puts emphasis on arguments, rather than rank or physical appearance
- The internet in principle allows anyone to contribute to public discourse
- The internet in principle allows anyone to search and encounter information globally
- The internet in principle allows anyone to participate in political arenas
- The internet provides new means for observing the state
- The internet provides new means for identifying, meeting with, and mobilizing various groups
- The internet provides for more spontaneous civic action, linking physical and virtual spheres.

As previously mentioned, the internet public sphere characteristics are closely related to commonly made claims regarding the internet's potential to facilitate social change e.g. by strengthening citizens participation in public and political life.

Policy Issues related to the Public Sphere Framing

Next I examine some of the policy themes that more or less explicitly imply a public sphere perspective. As part of this I also point to some of the controversies and human rights issues at stake.

As previously argued, different internet discourses make some policy themes more obvious than others. In relation to the public sphere metaphor some of the reoccurring themes relate to *access, freedoms, and resources to participate*. As illustrated below, these themes have been raised time and again when policy makers, scholars and civil society groups debate ICTs potential for fostering democracy and human rights.

Access

The issue of access has been regularly invoked in international ICT policy debates to address inequalities in access to ICT generally and the internet specifically. Access to the virtual public sphere is linked to the level of communication infrastructure in a given national setting, and thus closely related to issues of poverty, development, pricing schemes etc. (Norris 2001, Coleman 2003). The current lack of access for a majority of the world's population, often referred to as the digital divide (Norris 2001) was a key theme at WSIS and it has been on the agenda of every IGF since then[162]. As previously discussed, access and rights to communicate were *the* main theme by groups involved in the CRIS campaign. The groups advocating for rights to communicate was especially focused on media organization, regulation and use, but also addressed civil society's participation in democratic life in a broader sense[163].

Drawing on Luhmann's terminology, access to the internet represents access or non-access to societies system of communication. It follows that access or non-access to systems of communication is closely linked to power since it gives access to processes and decisions whereby different actors seek to assert themselves as authorities (Hoff, Hansen et al. 2006:3). This relates to political authority in the classical sense but also includes public policy involvement and impact in a broader sense. As argued by Hoff et al., power analysis in the network society differs not so much by the nature of power, but rather in relation to access to power. Given the premise that the nature of political authorities is becoming more polycentric and complex, power is increasingly related to access to society's communicative processes rather than access to formal political authority per se (Ibid:21). From this perspective, access to the virtual public sphere is crucial in providing citizens means of accessing and influencing the communicative processes whereby values and priorities in society are negotiated. In line with this, Olsen, Rieper, and Torpe speak of new internet based opportunity structures for citizens related to the internet's communicative affordances[164] (Olsen, Rieper et al. 2006:302).

[162] The term digital divide has been strongly criticized for trying to find technological solutions to problems that are essentially socioeconomic See e.g. Wildermuth (2010), Pieterse (2006), Parayil (2005), Thompson (2004).
[163] See e.g. Hamelink (1995; 2002), Ó Siochrú and Alegre (2005), Mueller, Kuerbis et. al. (2007), Barbero (2000)
[164] The notion of communicative affordances emphasizes the logic or communicative structures entailed in different communication media (Deibert 1997).

In relation to human rights, scholars and activists have argued that some version of 'communicative action'[165] lies at the heart of theory and practice of democracy, and that this is not adapted to mediated societies (Hamelink 1995; Garnham 2000; Barnett 2003). Hence, in the information society basic freedoms related to democratic life can no longer be assumed, and democratization of communication is needed for fundamental rights and freedoms to be fulfilled. As an example is mentioned the right to freedom of expression, which assumes that everyone has equal access to communicate, while in reality the majority do not have this access (Garnham 1992:364).

> "(.) In a situation of mediated communication, access to both channels and means depends on the mobilization of scarce material resources, the distribution of which is dependent upon the very structures of economic and political power that democratic processes of debate were intended to control" (Ibid:365).

As long as access and resources to participate are available only to a small minority of the world's population, it remains a public sphere only for the few. As stressed by Hoff in the case study of internet practices in the Danish municipality Odder, an increasing amount of communication between politicians, administrations and citizens, and amongst the citizens themselves, is in the exclusive domain of citizens with internet access. While the internet practices of Odder municipality strengthened some groups of citizens there were no mechanisms to ensure equal opportunities for all citizens (Hoff 2006:296-297). The Odder case study relates to one of the most internet-saturated countries in the world, and illustrates that despite a relatively high internet penetration rate; lack of supporting policy structures may limit the general accessibility to the virtual public sphere.

Recently, several countries have stipulated the right to access the internet in national legislation[166], and having such a right has increasingly been proposed by a variety of actors[167]. As previously mentioned

[165] The notion of communicative action refers to the work of Habermas, who defines it as a social, reflexive process oriented towards reaching understanding, as opposed to instrumental or strategic action (Habermas 1991-1992:285 (I)).
[166] Examples include the Estonian Telecommunication Act (2000), Constitution of Greece (2001), EU directive (2009), Ruling by the French Constitutional Court (2009), Amendment to the Finish Communication Market Act (2010), ruling by the Costa Rican Constitutional Court (2010), and an amendment to the Spanish Act on sustainable economy (2011). For further details and legal references see the overview provided at: http://igbook.diplomacy.edu/2011/05/right-to-access-the-internet/, retrieved July 10, 2011.
[167] One example is the Draft Charter of Human Rights and Principles on the Internet, produced by the Dynamic Coalition on Internet Rights and Principles, in which the right to access to the internet is presented as a human right, underpinning all

(Chapter 4), the recent report by the UN Special Rapporteur Frank La Rue recommends that universal internet access should be a priority for all states (Rue 2011)[168]. Human rights scholars have also argued that access to the internet must be kept as cheap, easy and non-discriminatory as possible as part of the right to participate in the cultural life of the community (UDHR Article 27) (Adalsteinsson and Thórhallson 1999:593). In 2010, a BBC survey amongst 27,000 people in 26 different countries showed that four out of five believed internet access to be a basic human right (Rytter March 9, 2010).

Another policy theme related to access is that of private actors' increasing power to combine control of access with control of services, as a result of mergers between various online entities. This is not a new phenomenon, but one that continues to influence communication in the virtual sphere. As stressed by Hamelink, free access to a diversity of information sources is under pressure as a result of the strong trend towards consolidation on the global online market, thus the strong degree of concentration among key players (Hamelink 2000:146). This is controversial not least because different logics pertain to access in contrast to other online services. As argued by Crawford, internet access should be structured by principles of equality and fairness, due to the internet's public sphere character, whilst various service companies to a great extent are free to design their services according to commercial norms[169]. Moreover, the obligations of online companies with respect to the virtual public sphere are increasingly complex, as illustrated by a Google court case decided by the Tribunal of Milan in 2010 (case no. 1972/2010)[170]. In the case in question, Google argued that they merely provide a public platform

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other rights (Dynamic Coalition on Internet Rights and Principles 2010:Paragraph 1). The right to access the internet has also recently been covered by Pollicino and Bassini (2011:29).

[168] Universal access to the internet is provided in many countries, in the form of public access points free of charge. In Denmark, libraries have been obliged to provide internet access to the general public since 2000. "The public libraries are an important resource in the government's efforts to develop a network society for all. A new Act on library activities will give the population better possibilities of having access to information. In accordance to the Bill, public libraries will in addition to books etc be under an obligation to provide access to the internet and digital information resources (..)" (Ministry of Information Technology and Research 2000:paragraph 11). The Danish Act on Library Activities is available at: https://www.retsinformation.dk/Forms/R0710.aspx?id=120665, retrieved July 10, 2011 (in Danish).

[169] "It does seem to me as if the public internet, the space just beyond whatever default home screen you've neglected to change, is a public sphere. It seems like sphere-crossing to commodify it entirely – to make it into a private sphere (..). Indeed, there's something special about a public communications network, a traditionally public network, that is different from a cable system. This isn't, perhaps, a rational view. But this nonrational association between information networks and the public sphere – a place of debate and discussion and entrepreneurial creation – makes it easier to talk about access that is structured by equality and fairness " (Crawford October 10, 2005:2).

[170] In the case, three Italian Google executives were sentenced to six months in prison for failing to block a video showing an autistic boy being bullied by other students. The video was online for two months in 2006, and was removed after Google received a formal complaint. The case was raised under the Italian Data Protection Act, and the ruling concern the

(YouTube) for content uploaded by the users, whereas the court found them responsible for the data collection associated with the video in question. This case is indicative of some of the challenges related to the virtual public sphere, and how to regulate the various spaces it represents. In relation to Google, their expanding services have regularly been flagged as an issue of concern in the public debate, not least because of their increasing power in the virtual sphere[171]. Many have thus questioned Google's sustained willingness to *do public good rather than evil*[172]. Linking back to Castells' point about transformations of power in the networked society, this points to a virtual sphere largely controlled by private companies that control and have economic interests vested in access to the public sphere, in public information search, and in the platforms where public life unfold. Further, these parties are increasingly involved in law enforcement on the net, as discussed below.

Freedoms

A second policy theme related to the public sphere metaphor is that of freedoms. In the following, the theme of *freedoms* is referring to the individuals' ability to act and debate freely in the virtual public sphere, thus to participate in public and political life.

As previously discussed, a number of human rights support an individual's right to public and political life, and human rights enjoy the same level of protection online as offline as stressed time and again by the UN and European human rights system[173]. It follows from this that states have an obligation to

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privacy of the autistic boy, thus Google's "collection and use of personal data", rather than content liability as such (Sartor and de Azevedo Cunha 2010).

[171] See Pariser (2011) and Hindman (2009:chapter 4) for a discussion on The Politics of Search. The topic is also covered in a recent PhD from Hoboken (2011). At policy level, the issue has recently been addressed by CoE in its *Recommendations on the protection of human rights with regard to search engines* (Committee of Experts on New Media (MC-NM) March 11, 2010)

[172] "Don't be evil" is the informal and founding corporate motto of Google. The motto has been widely used to disassociate the company from some of its competitors.

[173] As expressed by Council of Europe on their website: "The constant developments in the information society give Council of Europe the challenge of defending and maintaining its fundamental principles in new environments". See http://www.coe.int/t/dghl/standardsetting/media/, retrieved July 10, 2011.
At UN level the protection of human rights standards in the information society has been iterated in the WSIS Declaration of Principles (2003), and in annual reports from the UN Special Rapporteur on Freedom of Opinion and Expression for more than 10 years. "In the time since the report to the fifty-fourth session of the Commission was prepared, nothing has occurred that would cause the Special Rapporteur to revise his recommendation that the new information technologies, including the Internet, be considered in light of the same international standards as other means of communication and that no measures be taken which would unduly restrict freedom of expression and information. On-line expression should be

uphold human rights standards on the internet, hence protect the individual against restrictions, which are not compliant with human rights law. However, in practice there are numerous ways by which governments around the world restrict citizens' rights of expression, their access to information, their right to assemble and associate, their right to participate in the conduct of government affairs etc. Some of the more well known cases include state enforced filtering software that blocks access to content so that only state approved content is available. Other examples include blocking of access to certain categories of information through blacklisting websites, or extensive state surveillance that may lead to self-censorship[174]. Recently, in relation to the uprisings in Egypt, the Egyptian government disrupted access to Facebook and Twitter, which were used to organize protests. In response, a group of UN Special Rapporteurs stressed that they were "alarmed at increasing limitations on the right to freedom of expression and information imposed by Governments actively seeking to suppress the rising number of voices who wish to be heard" (United Nations February 3, 2011).

The online freedom debate has often targeted countries such as Cuba, China, Iran, Tunisia, Saudi Arabia, South Korea, Syria, and Uzbekistan, whom are known for blocking and filtering of information, as well as imprisonment of human rights defenders and journalists. However, internet filtering is also deployed in the U.S. and several European countries as part of a policy to protect youth, as addressed in the Net as Media Metaphor. One of the groups working to document the various means of restricting access to information in the virtual sphere is the OpenNet Initiative (Deibert, Palfrey et al. 2008), however, as previously outlined there are numerous groups working in the area of online freedoms[175].

The role and responsibility of internet service providers (ISPs)[176] is also related to online freedoms. As the virtual public sphere is somewhat in the hands of these private parties, they acquire powers over

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guided by international standards and be guaranteed the same protection as is awarded to other forms of expression" (Hussain 1999:paragraph 58).

[174] See Privacy International / GreenNeet Educational Trust (2003:12-19) for an overview of the various means and mechanisms for restricting access to information on the internet.

[175] Also groups such as Amnesty International, Human Rights Watch, FrontLine, and Reporters sans Frontières regularly document online human rights violations.

[176] Within the EU and CoE the term internet service provider is defined rather broadly meaning 1) any public or private entity that provides to users of this service the ability to communicate by means of a computer systems and 2) any other entity that processes or stores computer data on behalf of such communication service (European Commission 2011:1).

public sphere communication. It is therefore essential how the state regulates their practices and thus protects online freedoms. The policy discussion on the role and regulation of ISPs has evolved since the mid-nineties and raises some important points related to their role and responsibility. First, ISPs are regulated differently across the globe. In the EU, ISPs are seen as facilitators of communication and regulated as common carriers following standards of private communication. This implies limited liability for the ISPs as the individual *speaker* or *publisher* is responsible for his / her own communication[177]. In North African countries, in contrast, the ISPs are regulated as editors and held liable for content hosted on their servers, similar to the editorial liability applied to other media. The example illustrates how different regulatory models reflect different framings pertaining to the internet's communicative practices.

Second, despite the common carrier approach applied at EU level, and increasing amount of powers are delegated to the ISPs, as raised time and again by civil society groups such as European Digital Rights (EDRI). "Large chunks of the commission are actually inventing ways of pushing the enforcement of regulation, and therefore the understanding of law, into the private sphere" (McNamee quoted in EU Observer April 5, 2011). Examples of this privatised law enforcement role include policing of peer-to-peer networks, and blocking of websites presumed to contain illegal content, without a court order (Ibid)[178]. Thus despite a common carrier approach to ISPs within the EU, these private parties are increasingly encouraged to intervene towards potential illegal action or communication in the virtual public sphere, as addressed in the following chapter.

Another greatly debated issue related to online freedom is the right to privacy. Currently there is no global standard for data protection although the need for one has been iterated time and again, not least at the International Data Protection and Privacy Commissioners' annual meeting[179]. The UN Special

[177] The EU directive on E-Commerce (European Commission 2000) operates with limited liability implying that ISPs are not to be held liable unless they become aware of illegal content and fail to take action. There is however a legal grey area surrounding the notification procedure (Patrick Van Eecke and Truyens November 2009).
[178] For a more detailed discussion on ISP self-regulation and fundamental rights see e.g. EDRI (2011), Brown (2010).
[179] See e.g. the *Resolution on Development of International Standards*, adopted at the International Data Protection and Privacy Commissioners' Conference in Montreal, 2007 (International Data Protection and Privacy Commissioners' 29th Conference September 26-28, 2007) and *The Madrid Privacy Declaration - Global Privacy Standards for a Global World*, which were signed by more than 100 civil society organizations and privacy experts at the International Data Protection and Privacy Commissioners' Conference in Madrid, 2009 (Public Voice November 3, 2009)

Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has urged the UN Human Rights Council to recommend measures for the creation of a global declaration on data protection and data privacy (Scheinin 2009:Paragraph 73). Also, he has recommended a new General Comment on the right to privacy (Ibid:Paragraph 74). Although the right to privacy is a human right, the effective protection relies on national measures such as data protection law and data protection authorities[180]. Besides, there is the challenge of enforcement toward private companies[181].

Privacy International, Electronic Privacy Information Center, European Digital Rights, and many other groups around the world have made numerous calls stressing that the right to privacy is threatened in the digital environment[182]. Also, UN Special Rapporteur Scheinin (mentioned above) has highlighted the erosion of the right to privacy in the fight against terrorism.

> "This erosion takes place through the use of surveillance powers and new technologies, which are used without adequate legal safeguards. States have endangered the protection of the right to privacy by not extending pre-existing safeguards in their cooperation with third countries and private actors. These measures have not only led to violations of the right to privacy, but also have an impact on due process rights and the freedom of movement – especially at borders – and can have a chilling effect on the freedom of association and the freedom of expression" (Scheinin 2009:2).

As illustrated by the above quote, the concerns raised point to increased state surveillance, often carried out in cooperation between state and private parties[183]. One example is the EU Directive on Data

[180] The OECD Guidelines on the Protection of Privacy and the Transborder Flows of Personal Data (OECD 1980) represented the first international statement of informational privacy principles. The Guidelines consist of eight principles that have provided the basis for international agreements and national laws around the world. For an overview of the global privacy landscape see the OECD Report *The Evolving Privacy Landscape: 30 Years After the OECD Privacy Guidelines* (2011).

[181] In EU countries, the Data Protection Directive (95/46/EC) covers both public institutions and private companies, but many countries still lack data protection law covering public and/or private sector, cf. the OECD report mentioned in the note above.

[182] The debate around privacy is extremely broad, touching on new schemes for identity management, retention and exchange of personal data, surveillance and wiretapping, online behavioral mapping, RFID (radio frequency identification devices), body scanners and so forth. For an overview of recent topics see the 2010 report by Privacy International et. al. (Privacy International, Electronic Privacy Information Center et al. 2010).

[183] For a summary of privacy concerns related to anti terrorism measures see the Report of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (Scheinin 2009:section C).

Retention (European Commission 2006), which mandates broad retention of communication data[184]. The criticism raised towards the directive concerns the fact that data of all citizens' communication is retained, without a concrete suspicion of crime, thus building a general surveillance structure[185]. Other examples include the exchange of data between private companies and state authorities, e.g. when Yahoo in 2008 provided the Chinese state security authorities with data that helped to identify and convict a journalist critical of the state (MacKinnon January 3, 2008). However there also exist contrasting examples, such as the previously mentioned Global Network Initiative, which speaks to a growing awareness amongst online companies to address human rights compliance in various national contexts[186].

Privacy concern has also been raised in relation to the increasing amount of mergers between online companies. One case concerns the merger between Google and Doubleclick, which was approved by the U.S. Federal Trade Commission in December 2007. The merger raised concern by human rights groups, since Google's dominant position as a search engine[187] and Doubleclick's dominant position in marketing profiling combines intensive knowledge of individuals search habits with marketing data that may potentially lead to still larger databases as well as extensive use of user profiling. "If the merger is approved, then Google's dominant service will transform radically from one with a search advertising function into one that collects both searches and browsing habits" (Privacy International

[184] According to the Directive, telecom and internet service providers are obliged to retain so-called traffic data (data about phone and email traffic a.o.) between private individuals for a period from one to three years, and to deliver the data to the police for the purpose of criminal investigations (European Commission 2006).

[185] See, for example, Opinion 3/2006 from The Article 29 Data Protection Working Party of the European Commission: "(.) the Art. 29 Working Party had voiced its reservations since the provisions of the Directive will have far reaching consequences for all European citizens and their privacy. The decision to retain communication data for the purpose of combating serious crime is an unprecedented one with a historical dimension. It encroaches into the daily life of every citizen and may endanger the fundamental values and freedoms all European citizens enjoy and cherish." (Article 29 Data Protection Working Party March 25, 2006). Also the European Data Protection Supervisor is critical towards the directive in his 2011 Opinion (European Data Protection Supervisor May 31, 2011).
For civil society campaigns against data retention see http://www.edri.org/campaigns/dataretention, retrieved July 10, 2011.

[186] In 2010, Google threatened to pull out of China following cyber attacks on Gmail accounts of Chinese human rights activists. They further announced that they would no longer comply with the requirement by the Chinese authorities to conduct censorship towards Chinese users. See BBC News (January 13, 2010).

[187] According to Hitwise, Google accounted for 70.95 percent of all U.S. searches conducted in February 2010. Yahoo! Search, Bing and Ask.com received 14.57 percent, 9.70 percent and 2.84 percent, respectively. The remaining 73 search engines in the Hitwise Search Engine Analysis Tool accounted for 1.94 percent of U.S. searches (Hitwise March 10, 2010). See Hindman (2009:chapter 4) for a discussion of the way Hitwise collects and analyzes internet traffic.

November 5, 2007) [188]. When approving the merger the U.S. Federal Trade Commission announced new privacy principles for online advertising, acknowledging "the need for greater transparency and consumer control regarding privacy issues raised by behavioral advertising" (Federal Trade Commission December 20, 2007).

In summary, the theme of online freedoms addresses a broad arena of policy issues pertaining to human right standards in the virtual sphere. The theme represents some of the most debated and controversial arenas of internet politics, and there is no indication that this is decreasing. On the contrary, new cases and issues continue to emerge.

Resources to participate

The third policy theme related to the public sphere metaphor address resources to participate. By this one is referring to the debates concerned with the ability of various groups and individuals to actually participate in the virtual sphere (Makinen 2006; Wildermuth 2010)[189]. As stressed by Barnett, the vitality of a public sphere rests on the existence of a plurality of modes of social organization, as democratic politics is practiced through contested claims to legitimacy (Barnett 2003:79). The resources of various individuals and groups to participate online and to engage in public discourses and agenda setting have largely been addressed as *capacity building*, e.g. at WSIS and subsequent IGFs. The notion of capacity building is commonly used to describe a development approach, whereby peoples capacities to determine their own values and priorities, and to act on these, are strengthened[190.] "Most would place capacity building somewhere on a spectrum of ranging from 'helping people to help themselves', at a personal, local or national level, to strengthening civil society organizations in order to foster democratization, and building strong, effective and accountable institutions of government" (Eade 1997:1). It follows from this that capacity building may take many forms and

[188] Google has been criticized for its privacy practices on several occasions, e.g. when the company bought the Usenet archives and made them searchable and assessable years after posts were submitted, when it became publicly known that the company intended to retain search records for its users for several years, and when they introduced services such as Streetview and Google Buzz. More recently Google have taken some opt-out initiatives to improve the privacy of their users. See Suarez (May 20, 2010).
[189] Mäkinen refers to digital empowerment as processes by which "people gain new abilities and ways to express themselves in the networked society" (Makinen 2006:381).
[190] This definition is a slightly rewritten version of the one presented by Eade (1997:3).

shapes. Capacities may be developed through training in various forms (e.g. improving specific skills), they may be developed by experiencing and sharing new practices (e.g. improving abilities to cooperate, solve problems and take part in decision making processes), or they may be developed through various other means such as drama, poetry, music etc. Capacity building is thus one way of approaching the development of communicative resources and uses of ICTs, in order to maximize participation in the virtual domain[191].

The emphasis on actual participation in the virtual sphere was stressed by the Council of Europe in their contribution to the first Internet Governance Forum in Athens where they emphasized that the right to participate in the information society includes "not only the right to be connected to infrastructure, not only the right to gain access to the informational richness on the Net but also the possibility for everybody to take part in the large discussion forum which the Internet does constitute" (Council of Europe 2006:5). The quote describes the internet as a democratic space, and points to the concrete possibilities to be a part, thus the factors that make participation in the virtual sphere a real rather than a formal option.

In the Uganda case study, I apply the above themes to assess how ICTs generally, and the internet specifically, has been used to improve women's livelihood and participation in public life. Further, I examine how the use of ICTs has influenced structures of public and private. Key questions connected to the latter concern transmissions between the private and the public sphere, for instance when women as voices in the private sphere increasingly appear and express themselves in the public sphere.

Below I have briefly summarized some of the main research notions, policy themes and human rights issues associated with the Net as Public Sphere Metaphor. The first row points to some of the commonly used notions that signify an understanding of the internet as a communicative sphere; a *space* where people *participate* and have *conversations* about various topical issues. The second row

[191] UNESCO has been quite active in the field of internet literacy and capacity building, not least concerning the developing world and as a follow-up to WSIS. See http://www.unesco.org/new/en/communication-and-information/, which is the common UNESCO portal for Communication and Information initiatives, retrieved July 10, 2011. Also civil society networks such APC have worked on ICT capacity building for the past 15 years, especially related to empowering women in the developing world.

summarizes the potentials for social change which are typically addressed in research that imply a public sphere perspective, namely the new modalities for public and political life, which the internet may give rise to. Thirdly, I indicate that the metaphor is situated within the republican model, stressing the virtual sphere as a space for public participation and deliberation. The rule of law is suggested as the associated regulatory model, indicating that the public sphere metaphor is situated within a framework of democratic institutions and practices. That being said, I recognize that some of the policy controversies addressed are indicative of tension precisely between the rule of law and practices of self-regulation. The fourth row indicates the main policy themes associated with this perspective, thus access, freedoms and resources to participate. Next, I point to some of the main policy controversies addressed e.g. the increasing power of ISPs, and their role with regard to law enforcement. As main proponents of the public sphere perspective, I have suggested civil society groups and academics, although this is not an exclusive list and examples of other actors exist as well. Finally, I indicate some of the human rights issues debated in relation to virtual publics, thus access as a human right, and the protection of online freedoms.

	PUBLIC SPHERE METAPHOR
Public sphere notions	'Space', 'conversation', 'participation'
Potential for social change	New modalities for public and political life
Public – private framing	The republican model: internet as a space for public participation and deliberation.
Regulatory model	Rule of law
Key policy themes	Access Freedoms Resources to participate
Policy controversies	The role and powers of private parties in the virtual sphere
Main proponents	Civil society groups and academics
Human rights issues	Access to the internet as a human right Protection of online freedoms

Following the framing of Net as Public Sphere I explore a closely related metaphor, namely Net as Media.

Net as Media

Approaching the internet as a media is in many ways related to the public sphere approach. As discussed earlier, the public sphere is a *mediated* public sphere, since media connect the public with the state through a variety of mediating technologies from print, to broadcasting, to the internet. The role of media is thus closely related to the political realm of any given society and to the socio-political interaction between the state and the citizens. The specific affordances of the internet as a new media have been addresses in numerous publications from media and communication scholars (Deibert 1997; Rasmussen 2000; Hutchby 2001; Brügger 2002; Aarseth 2003; Gauntlett 2004; Liestol, Morrison et al. 2004; Finnemann 2005; Jenkins 2006; Gauntlett 2009; Merrin 2009). Also, it has been argued that digital media added a much-needed kick to media studies, because of the ease by which media students may become media producers, thereby providing a more active engagement in questions of creation, distribution and audience (Gauntlett 2011/2007). In Denmark the previously mentioned MODINET research program had new media theory as a central component in its attempt to formulate a theoretical position between social constructivism and technology determinism (Hoff, Hansen et al. 2006:13).

In the policy arena, a vast amount of European internet policy implies a media metaphor, which is reflected in commonly used notions such as harmful content, positive online content, media literary, protection of youth audiences, internet archiving and so forth. In other words, these notions would not be obvious from a public sphere perspective, which speak of public discourse and civic action, rather than content and audiences. Neither would they be obvious to describe the operation of a public utility; the foci of the infrastructure perspective. Policy debates pertaining to the media metaphor are addressed in more detail below, but first a brief introduction to media theory and some of the research that conceptualizes the internet as a media. In line with the previous chapters, I also explore the public / private framing entailed in the metaphor, as well as some of the human rights issues associated with it.

The Concept of Media

According to Bruhn-Jensen, "the term media refers broadly to the range of tools that humans have used throughout history to communicate with each other about a shared reality. The most common reference is to the set of modern technologies – from the printing press to the Internet – which facilitates communication across space, time, and social collectives. (..)" (Bruhn Jensen 2008)[192]. It follows from this definition that media is understood as *any form that mediates symbols and meaning*, including the internet, and the computer more generally[193].

Media Theory

The field of media theory stems from a tradition of Canadian media theorists such as Innis (1977) and McLuhan (2002/1964) who articulated an evolving theory of communication and media, which addresses the way a particular media structures the communication and power equilibrium in a given society. Media theory stresses that communication is never a neutral process, hence each medium affects the message it is conveying in a different way, or as formulated by Mcluhan "the medium is the message" [194]. This points to the logic or communicative structures entailed in different communication media i.e. the media's specific affordances (Deibert 1997)[195]. From the mid-eighties the term *new media theory* was increasingly used to coin a second generation of media research, placing emphasis on the transmission and communicative space created by each medium (Tække 2006:28).

Below I examine some of the research that addresses the internet from a media perspective, including some of the work on how new media potentially transform publicness.

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[192] Finnemann argues that all media are in fact bound to time and space, since all messages are realized in a physical space. They are however bound in different ways, thus it may be misleading or imprecise to emphasize their detachment from space and time as a general characteristic of media (Finnemann 2005:84).

[193] Within media research there is ongoing debate on how to define and understand media. For a summary of this debate (in Danish) see e.g. Tække (2006:19-31).

[194] McLuhan also introduced the notion of cyberspace as a "global village" thereby stressing the similarities to former village communities, where everyone is communicatively within reach. The notion has been criticized by Qvortrup and others who argue that it underestimates the complexity of global, synchronous communication. As the internet increases the discrepancy between possible and actually occurring communications, cyberspace will never become a global community (Qvortrup 2003:174).

[195] First generation medium scholars such as Innis and McLuhan have been criticized for over-emphasizing the medium's power over the individual (Deibert 1997:7).

Internet as a New Media

The focus on media evolution and the inherent features of any particular medium is central to the work of Finnemann (2005), who conceptualizes and asserts the internet as the most recent member of the media family[196]. Finnemann distinguishes between five historical media matrices; (1) oral, (2) oral and print, (3) oral, print and publishing, (4) oral, print, publishing, and energy based (5) oral, print, publishing, energy based- and digital media (Finnemann 2005-38). "With internet the citizens have acquired a new media for public communication, and the public have acquired a new media matrix" (Ibid:214, my translation). The internet is thus presented as the most recent newcomer in the media family, and the first media in the history of mankind to combine a global communicative infrastructure with a global archive. Finnemann's analysis of the internet as a new media is based on three dimensions; the net as a societal infrastructure, the net as a communicative space with a specific pattern of interaction, and the net as a mediating form represented in specific contexts of meaning, e.g. news, games, blogs etc. (Ibid:120).

The *infrastructure dimension* emphasizes the internet as a digital media based on a large number of servers, communication protocols, interface applications, and globally distributed points of access, from where there is (in principle) unlimited public access to content on the connected servers, and to communication with other connected persons (Ibid:125)[197]. This is summarized as a *node-network-structure*, thereby stressing the combined function of archive (node) and access to content or other people (network). Finnemann notes that civil society has played a major role in the innovative development and use of this communicative infrastructure[198].

The *communicative space* dimension emphasizes the so-called *cultural grammars*, which are the characteristics formed by the actual uses of the net. Finnemann points to six grammatical characteristics of the internet, which all build on electronic communication as a common premise; the

[196] In 1999 the United National Development Programme (UNDP) compared the internet to previous media and noted that the speed of internet penetration is significantly faster, making internet the fastest growing tool of communication ever. Whereas radio took 38 years to gain widespread acceptance and television took 13 years, the World Wide Web has taken 4 years. UNDP define widespread acceptance as the years from inception to 50 million users (UNDP 1999:58).
[197] Finnemann's infrastructure dimension is somewhat comparable to my Infrastructure Metaphor.
[198] On example is Tim Berners-Lee, who in 1989 invented the World Wide Web, including the http protocol and the html format, on the side of doing his official job at the European Particle Physics Laboratory (CERN).

interactive potential, the integration of communication and archive, the multi semiotic potential, the potential for both public and private communication, the potential as a local, regional, national and transnational media, and the potential for differentiated communication (Ibid:142). He further situates the internet as a media beside and beyond previous media by comparing their core functions and narrative characteristics, and argues that the internet entails and expands well known media characteristics. Lastly, when exploring the *mediating form* of the internet Finnemann argues that any use of the internet has three dimensions. The first concerns the digitized *content*, the second concerns *communicative relations*, and the third the involved *actor / institutions.* These dimensions are suggested as analytic categories for analyzing concrete internet uses (Ibid:198-199).

Another media-inspired account of the internet is presented by Slevin (2000), who uses Thompson's definition of a mediated publicness to examine how the internet may affect the public dimension of modern societies (Slevin 2000:183-184). Slevin stresses the global reach, the dialogical interaction, the open-ended space and the plurality of content producers as central aspects in understanding how the internet differ from previous media and how it may provide for an extended publicness[199]. The *global reach* dimension emphasizes that, similar to mass media, the internet provides for a public space in which information can in principle be shared across various local contexts. However, whereas most mass media are local or regional, the internet has global reach. By *dialogical space* it is stressed that contrary to media such as print, radio and television, the internet provides for dialogical interaction. The *open-ended space* signifies that whereas the mediated publicness represents a somewhat uncontrollable space in which content is not entirely fixed in advance, the internet accentuates this open-ended space. As for the p*lurality of producers and recipients*, this emphasizes that contrary to print and broadcasting media, in which most participants are only recipients of information, the internet provides for a plurality of content producers.

Additionally, the internet's effect on the media ecosystem and what this implies for media studies has been discussed (Gauntlett 2004; 2009; 2011/2007). One of the points raised in this line of research concerns the way internet-based technologies essentially alter the individual's means of interacting

[199] These four dimensions are somewhat similar to Gurak's four features of the internet as a media. Gurak operates with speed, reach, interactivity and anonymity as organizing categories (Gurak 2004:24).

with and contributing to media content, leading to a collapse of the conventional *producer* and *audience* categories. This signifies a shift from professional media production towards more participatory media structures, where an increasing amount of people consider themselves broadcasters (Gauntlett 2009:147)[200]. Other accounts of these more participatory media structures are presented by, for example, Shirky 2008 and Sunstein 2006, both with numerous practical examples such as the citizen journalism website *ohmynews.com*, a South Korean online newspaper that is based on daily contributions from thousands of citizen reporters[201].

Following these examples of research that approach the internet from a media perspective, I next explore some of the arguments that address the interrelation between media and publicness.

Media and Publicness

The mutual relation between media and publicness is addressed in Meyrowitz (1985), specifically how media transform the common understanding of public and private. Meyrowitz claims that the features of the information age resemble the hunting and gathering society, where people had limited loyalty towards territory as a fixed physical setting, and generally no sense of place. As electronic media present and combine previously distinct social settings, e.g. home and work, the dividing line between public and private behavior is in flux and previously private action increasingly become public (Ibid:308). This increasing lack of separation between domestic and public spheres signifies a more egalitarian society, where men and women alike take part in public decisions (Ibid:315). A similar point is made by Barnett, who stresses the new communicative spaces created by new media. These spaces occur in the sense of a new material infrastructure of communication, and in new spaces of communicative sociality i.e. new forms of shared social action, thereby potentially changing the ways in which people engage in a wider world of publicity (Ibid:53). In consequence, the internet may facilitate new forms of engagement by connecting domestic spaces with broader realms of information, culture and public life.

[200] A 2007 U.S. survey targeting 2000 people between 13 and 75 years found that 32 % strongly or somewhat agreed with the statement "With all the technology available to me today, I actually consider myself to be a ´broadcaster´ of my own media" (Gauntlett 2009:149).
[201] The case is described in Joyce (2007).

Another comprehensive account of the role of media vis-à-vis publicness is found in the work of Thompson (1995). Thompson argues that historically the model of publicness has been tied to dialogical interaction and a particular setting in time and space, derived from the assemblies of the Greek city-states. When publicness is expressed through the use of media the opposite it the case. Mediated publicness is constituted by *not* being tied to a particular spatial-temporal setting, and has been characterized by a non-dialogical interaction. Thompson defines mediated publicness as a non-localized, non-dialogical, open-ended space of the visible in which mediated symbolic forms can be expressed and received by a plurality of non-present others (Thompson 1995:245). It is thus a publicness created through processes of symbolic exchange made available and visible in a public domain. A key point in Thompson's account concerns the need to replace the Habermasian narrative of the spatial and dialogical publicness with one built on mediation (Ibid:132). Another key theme concerns the media's role in transforming the so-called struggles for visibility, thus the struggle to be seen or heard on the public stage (Ibid:119-125). In the traditional model of publicness most people were invisible to one another, however with mass media a new type of publicness occurs: a space of the visible. Thompson links visibility to power, and argues that the mediated publicness fundamentally changes the conditions for exercising power, by altering the conditions for *being or going public*.

> "There is nothing new about the concern of political rulers or leaders to construct their self-images and to control their self-presentation: the management of visibility is an ancient political art. But the development of communication media, and therewith the transformation in the nature of visibility, have changed the rules by which this art is practiced (Ibid:135).

The mediated forms of presenting and accessing power are related to the changing modalities of political life addressed in the previous chapter i.e. how new communicative structures provide new means for political agenda setting (Hoff and Bjerke 2004:40). On a related note, Hjarvard has introduced a theory of mediatization, which points to the way media increasingly penetrate institutions and practices of modern society. In this account the double role of media is stressed, thus media is an independent institution that coordinates between different societal systems, as well as being increasingly integrated into the various institutions of society and culture (Hjarvard 2009).

The role of media in transforming the distinction between public and private is also central in especially the later work of Habermas, in which he elaborates how private communication (lifeworld) increasingly becomes public (Hoff, Hansen et al. 2006:27). This is echoed by Barnett (2003), who points to the way in which the advent and domestication of media has transformed the relationship between what is considered public and private. Broadcasting in particular has been key in reshaping relationships between public and private, developing distinctive new forms of intimate publicity (Barnett 2003:43).

Summing up on the Conceptualization of the Net as Media

Linking back to the public / private models, the Net as Media Metaphor relates to the public-as-open model, since the internet's level of openness is one of the characteristics where it differ essentially compared to previous media. Also, the openness of the internet is often emphasized when debating the internet as a tool for social change, hence it ability to provide a structural alternative to current media powers (Stalder 2005:65). Numerous blogs, spaces for citizen journalism, and wikis point to open, participatory and decentralized structures of producing and distributing content, without a gate-keeping editor[202].

As illustrated, there is a large amount of research, especially amongst media and communication scholars, which approaches digital media generally, and the internet specifically, first and foremost as a media. The topic is extremely broad since it covers both socio-political perspectives on the role of media, including the internet, within a given society, and research related to the specific mediating form of the internet, including its pattern of interaction and symbolic language. Further, the notion of media diffusion is used to capture the role and interaction of conventional and new media platforms (Bechmann Petersen 2006). This is in line with the work presented by Jenkins (2001), who argues that people increasingly use all kinds of media in relation to one another and suggest that this complex media landscape should be the focal point of media related analysis rather than presuming media convergence towards one common platform.

[202]One example is Global Voices (www.globalvoicesonline.org) a platform with contributions from more than 300 bloggers from around the world, retrieved July 10, 2011.

Below I have summarized the main arguments for conceptualizing the internet as a media.

- Internet mediates symbols and meaning
- Internet organizes communications
- Internet entails prior media such as print media, telephone, film, radio, and television
- Like other media, the internet entails specific affordances
- Internet expands prior media by including individual publishing, individual broadcasting, individual information retrieval, interactive features, one-to-one and many-to-many communication, social communities, and virtual reality spaces.

As previously argued, a vast amount of the internet policy debate in Europe implies a media perspective in the way topics are debated and policy choices framed. I next illustrate some of these debates and their entailed human rights issues.

Policy Issues related to Media Framing

Next I examine some of the policy themes that more or less explicitly imply a media perspective, including some of the human rights issues at stake. These include, but are not limited to, policy themes such as harmful and illegal content, positive online content, filtering and blocking of content, public service value, online literacy, and archiving. In the following, I explore some of the controversies related to these topics, including their link to media regulation more generally.

As pointed to by Garnham (2000), two models are central to debates on media regulation; presenting media as public and private communication, respectively. The first model presents mass media (broadcasting and press) as caretakers of public communication / public interest and thus subject to a varying degree of public policy intervention, while respecting the freedom of press. The other model, which has been applied to ISPs, follows standards of private communication. This implies that regulation of the networks (e.g. universal access) are legitimate but that interference with the content

has been regarded as an illegitimate infringement of individual freedoms such as privacy and freedom of expression. The arguments for the two regulatory models thus derive from either side of the public / private distinction (Garnham 2000:173-174). With the internet these two regulatory models are combined in the same media, which regularly is reflected in internet policy debates that contain arguments based on either model depending on the topic in questions. When the regulation concerns email or other forms of electronic communication, EU regulation tends to follow *standards of private communication*, thus a common carrier approach. However, when the regulation or policy concern individuals information search and internet use more broadly, *standards of public communication* (public interest) tend to be the favorite policy choice, as illustrated with a couple of European examples below.

Content regulation and freedom of expression

At EU level, public policy targeting potentially harmful and illegal content on the internet has been widely covered by the *EU Safer Internet Programme 2009-2013* (European Commission 2009), which is a continuation of activities that started with the *Safer Internet Action Plan* in 1999[203]. The current program has a budget of €35m and implements a number of actions that are essentially concerned with how to protect the public, not least children, from illegal and harm-full content and conduct. This includes measures such as public awareness raising, trans-national cooperation, providing the public with a network of contact points for reporting illegal and harmful content and conduct, promotion of self-regulatory initiatives, and establishing a knowledge base[204]. The program is an example of European internet policy that implicitly builds on a media metaphor, as some of its main notions associate with 'publishing', 'harmful content' and decency standards for the digital media, rather than conversations and debate in the public sphere[205]. "1) (..) Measures should be adopted at EU level in order to protect the physical, mental and moral integrity of children, which might be impaired by their

[203] See http://ec.europa.eu/information_society/activities/sip/policy/programme/early_prog/index_en.htm, retrieved July 10, 2011.
[204] The Safer Internet Programme implements policies laid down in the *Recommendation on the protection of minors and human dignity and the right of reply* (2006/952/EC), *Communication on the rights of the child* (COM(2006) 367 final), *Communication on cybercrime* (COM(2007) 267 final), *Audiovisual Media Services Directive* (2007/65/EC), and *Communication on future networks and the inter*net (COM(2008)594 final), cf. (European Commission 2009).
[205] The program also speaks of *conduct* which primarily refers to the need to protect youth audiences from accessing inappropriate content.

accessing inappropriate content" (European Commission 2008:1). Furthermore, the initiatives largely build on self-regulation amongst the online media and internet industry, thus asking private parties to assist with law enforcement. "When it comes to fighting illegal and harmful content and conduct online, the Commission has always been a supporter of industry self-regulation which enables industry to create a system by which they can deal rapidly with any kind of new issues that might come up" (European Commission 2011).

Whereas ISPs in Europe from the outset are regulated as common carriers with no interference in content[206], the policy of self-regulation seems closer to a 'public media' approach, since ISPs in a number of cases are encouraged to act as editors and interfere with content via so-called notice and take down procedures[207]. Some of the criticism raised towards self-regulation stress that this is privatized law enforcement with no judicial control, as addressed in a recent report from civil society groups in Europe (Joe McNamee (EDRI) 2011).

In the early years of the Safer Internet Programme there was a strong focus on the development of various filter solutions to restrict content, just as general content rating was considered. In the current discourse the focus has shifted towards promoting *online positive content*[208], whereas content rating is discussed mostly in relation to online games[209]. The reasoning for rating is linked to the protection of minors from unsuitable content, as formulated by the European Commission:

> "Classification, rating and labeling are three distinct, but integrated steps, in the process of categorizing content according to its suitability for minors and making the relevant criteria and age recommendations available through some type of textual, visual or sound signaling, or a combination thereof containing (or depicting) sexually explicit images, violence, and crude or offensive language" (European Commission 2008:3).

[206] As mentioned in the previous chapter, ISPs may be held liable if they become aware of illegal content and fail to take action.
[207] Up till now the industry has not been able to agree on a common standard for notice and take down procedures, however a proposed *Draft Recommendation For Public Private Cooperation* (European Commission 2011) was met with severe criticism from civil society groups. See the coverage in EDRI-Gram 8.15, July 28, 2010, available at: http://www.edri.org/edrigram/number8.15/edri-euroispa-notice-takedown-comission, retrieved July 10, 2011.
[208] See "(10) The programme should further support measures to encourage positive content for children" (European Commission 2008), and (Livingstone 2009).
[209] See e.g. the Pan European Game Information (PEGI) initiative available at: http://www.pegionline.eu/en/index/, retrieved July 10, 2011.

Whereas general content rating is somewhat off the agenda, content blocking is increasingly being practiced and supported across Europe (Callahan, Gercke et al. 2009). In Denmark, blocking of websites has been deployed since 2005, starting with public / private cooperation targeting child pornography[210], and later expanding to include file sharing sites such as AllofMP3, mp3sparks, and thepiratebay. More recently blocking of online games in conflict with the Danish game monopoly have been stipulated, and it has been suggested that access to unauthorized online pharmacies be blocked too[211].

The Europe-wide practice of internet blocking has been criticized by civil society groups and scholars alike, not least because the decisions to sanction users and websites are taken administratively rather than judicially (Callahan, Gercke et al. 2009; Brown 2010; Joe McNamee (EDRI) 2011). Current practices imply that private companies who are in the business of providing access to the internet, *de facto* are being used to implement public policy with limited oversight or accountability[212]. As concluded in a study on European practices: "A comprehensive summary of internet blocking and the law especially relating to human rights, fundamental freedoms and civil liberties creates substantial concern about the currently implemented blocking systems (..). The complexity of balancing rights which are in conflict needs to be assessed by judges, who are trained in managing such complexities" (Callahan, Gercke et al. 2009:34-35)[213]. The CoE has stressed that in case of blocking, a competent

[210] The blocking is carried out in cooperation between Save the Children Denmark, the Danish National Police, and the ISPs. In practice, Save the Children runs a Hotline where the public may report websites with potential illegal content. Following a first assessment the websites are reported to the National High Tech Crime Centre of the Danish National Police, who considers whether content is prima facie illegal under national law and, if so, advises the ISPs to block access to the site. The blocking practice is outlined in the Cooperation Agreement between the Danish National Police and the ISP Telia A/S (Rigspolitiet 2006).

[211] On April 6, 2011, the Danish Parliament hosted a public hearing addressing the various means of content blocking, in response to a critical letter from a number of organizations concerned with the principal and practical implications of content blocking for online freedom of information. See coverage of the topic in the Danish newspaper Information (Tholl May 27, 2011).

[212] "Internet Service Providers are commercial profit-making entities who are increasingly being asked to implement social policy without appropriate oversight or accountability. They operate in a very confusing situation with regards to competing and sometimes contradictory legal requirements. For example between providing high levels of quality of access to the Internet, on the one hand, and blocking access to services, on the other" (Callahan, Gercke et al. 2009:35).

[213] In a recommendation on internet filters from 2008, CoE have stressed that blocking should only take place "if the conditions of Article 10, paragraph 2, of the European Convention on Human Rights are fulfilled(..)" and it concerns "specific and clearly identifiable content, a competent national authority has taken a decision on its illegality and the

national authority must decide on the illegality of the content being blocked. Recently (June 2011), the European Parliament, Council and Commission negotiated EU-wide blocking in relation to child pornography, however decided not to make it mandatory[214].

Seen from a freedom of expression perspective it is crucial to distinguish between content which is illegal and content that is deemed inappropriate or harmful. Contrary to illegal content, harmful content typically implies content that is legal under national law, and thus protected under freedom of expression standards. The distinction between harmful and illegal content was emphasized in the first major internet court case concerning the U.S. Communication Decency Act[215]. The ruling compared the internet to mass media such as radio and television and stressed the essential different nature of internet communication. In relation to conventional media, the right to freedom of expression does not include a general right to broadcast, since mass media have scarcity in broadcasting channels and broadcasting time, making it legitimate to restrict content via the editing process. Contrary to this, the internet in principle provides for unlimited 'airtime' for every individual. According to the court these characteristics eliminate the justification for restricting content as long as it is legal, despite the fact that it may be perceived harmful. The ruling stressed that the internet is a wholly new means for human communication, which combines, adds to, and differs essentially from previous media. In consequence, internet policies which seek to restrict legal but unwanted content may constitute violations of freedom of expression standards, whether the restriction is deployed through content policies or via technical measures such as blocking and filters (Reno et al. v. American Civil Liberties Union et al. June 26, 1997)[216].

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decision can be reviewed by an independent and impartial tribunal or regulatory body, in accordance with the requirements of Article 6 of the European Convention on Human Rights" (Council of Europe 2008:section III).

[214] The provisional agreement reached stresses that measures to remove illegal content must provide adequate safeguards, ensure that the restrictions are limited to what is necessary and proportionate, and that users are informed of the reason for the restriction. Further, the safeguards shall include the possibility of judicial redress. Information on the negotiations and agreed text is available at the EDRI website at: http://www.edri.org/blocking_negotiations, retrieved July 10, 2011.

[215] The U.S. Communication Decency Act (CDA) was passed as part of the Telecommunications Act in 1996, and later ruled unconstitutional by the U.S. Supreme Court. The CDA sought to impose criminal penalties on anyone who used the internet to communicate material that, under contemporary community standards, would be deemed patently offensive to minors under 18 of age (Reno et al. v. American Civil Liberties Union et al. June 26, 1997).

[216] Ironically, primary schools and public libraries in the U.S. were in 2000 mandated to protect youth via internet filters as a precondition for receiving federal funding, as stipulated in the Children's Internet Protection Act (CIPA). CIPA was subsequently challenged by the American Library Association, but according to a Supreme Court ruling, public libraries' use of filters does not violate their patrons' First Amendment rights (United States v. American Library Association June

The CoE represents another European example of internet policy with a media framing. Within the CoE, information society policy is situated in the Media and Information Society Division and entails various initiatives related to the internet as a new media. This includes the previously mentioned Committee of experts on New Media and various working groups concerned with media diversity, public service media, public service media governance etc. In addition, the issue of internet literacy (Richardson, Hargrave et al. 2006) and the promotion of standards and strategies to protect children against harmful content has been a reoccurring policy topic within CoE in recent years, as addressed in standard setting documents such as the *Recommendation on measures to protect children against harmful content and behavior and to promote their active participation in the new information and communications environment* (Council of Europe 2009) and the *Recommendation on Measures to promote the respect for freedom of expression and information with regard to internet filters* (Council of Europe 2008). In line with the EU Safer Internet Programme, the commonly used notions of content, literacy, and public service speak to a framing of the internet as a media, and likewise suggest areas where policy intervention is needed in order to educate or protect the public when using this new media. As a most recent example of the media framing, CoE has produced a *Draft Recommendation on a new notion of media* (Council of Europe 2011), addressing the various elements and actors in 'the media ecosystem'.

> "Despite the changes in its ecosystem, the role of the media in a democratic society, albeit with additional tools (i.e. interaction and engagement), has not changed. Media-related policy must therefore take full account of these and future developments, embracing a notion of media which is appropriate for such a fluid and multi-dimensional reality. (..) The response should be graduated and differentiated according to the part that media services play in content production and dissemination processes" (Ibid:Paragraph 7) [217].

23, 2003). In Denmark, filtering Amendment rights as a library can easily disable the filter or unblock a site in response to an adult patron request to do so, as stated in the ruling from the U.S. Supreme Court at public libraries has also been a controversial issue, and currently a number of public libraries have deployed filters to protect users from potentially harmful content. The Danish Library Association among others has been critical towards this practice, as debated in The Danish Library Association (2004). The controversy around Danish libraries right to deploy filters targeting their users at large remains unresolved.

[217] More information on the draft recommendation is available at: http://www.coe.int/t/dghl/standardsetting/media/CDMC/CDMC(2011)008Rev_en%20abridged%20report.asp, retrieved July 10, 2011.

As illustrated by the quote, the role of the internet is described along the lines of other media, thus content production and content dissemination with additional tools such as "interaction and engagement".

Internet archives and privacy

Asserting the internet as a public media also has implications with regard to the right to privacy. From a *public-as-open* perspective, documents, statements etc. that are generally available are public and may be further exchanged or archived without any claim of privacy. However, on the internet the distinction between what is public and what is private is fairly more complex. As suggested by Svenningsson, the various areas on the internet represent public, semi-public, semi-private and private environments (Sveningsson 2009:75). This differentiation is relevant when discussing standards of privacy online, e.g. in relation to archiving of various 'internet editions' as practiced in several countries[218]. In Denmark, net archiving was deployed in July 2005 and is carried out by the State Library and the Royal Danish Library, who retain copies of the Danish part of the internet using so-called web crawlers[219]. Copies of the Danish part of the internet are produced four times annually and kept at the State Library. The archive contains information which is public, semi-public, and semi-private according to Svenninsson's definition[220]. The archive is not open to the general public, and as a general rule may only be accessed for research purposes and following an application to the Data Protection Agency (DPA). The restricted access is mandated by the DPA, which in their response to the project stressed that the archive may contain information that is protected under national data protection law. The practice of restricted access is contrary to the initial project design, whereby it was foreseen that the archive should be perceived as already published text and thus include a general access for the public to study 'previous internet editions'[221].

[218] In the U.S., the national internet archive offers "permanent access for researchers and scholars to historical collections that exist in digital format". The archive was founded in 1996 and is run by a non-profit organization. It includes texts, audio, moving images, and software as well as archived web pages in its collections. The archive is available at: www.archive.org, retrieved July 10, 2011.
[219] See www.netarkivet.dk (in Danish), retrieved July 10, 2011.
[220] The archive covers "published material". By published is understood any material which is made generally available to the public, including material with restricted access as long as the access requirements, e.g. payment, can in principle be met by everyone. See (Netarkivet.dk June 2005:3).
[221] Niels Ole Finnemann, one of the media scholars involved in the project, presented the case at the NordForsk PhD seminar in Helsinki, August 15, 2007.

The case is an example of competing claims and perceptions as to the level of publicness of the various types of content on the internet. Seen from a *public-as-open* perspective, any content which is generally available on the internet is public, and should therefore be accessible for future audiences, as any other published text. Seen from a privacy perspective, a more differentiated definition of public is needed in order to accommodate the new forms of sociability, which the internet represents e.g. covering information which is provided in so-called semi-public and semi-private communities, where membership is required, and where users may have a different expectation of privacy and not perceive their communication as publishing (Ibid:83). As is argued by some scholars the fact that something is publicly available on the internet does not *per se* make it published information[222].

The policy controversies entailed in the media perspective thus concern at least two points. The first point touches upon the open and unedited nature of the internet, compared to previous media, which has led to various policy debates on how to protect the public interest online, specifically youth audiences. The second point concerns the various types of online content and conduct, and how the conventional 'public-as-open' standard may conflict with the right to privacy online.

In summary, the media metaphor focus is on the internet's characteristics compared to previous media. At European level, much internet policy seems to lean towards the media perspective with a strong focus on ensuring a safe media environment through various mechanisms for promoting online literacy and promoting positive online content, drawing primarily on ISP self-regulation. Whereas the public sphere perspective is somewhat spatial (the net as a public space), the media perspective is more textual. The policy measures that implicitly address the internet as a media aim at making the internet a less harmful media via content regulation and public awareness-raising. Other examples of the media perspective include archiving of the internet, in line with other publications; something one would not consider in a non-textual sphere e.g. recording of all oral conversations in the public sphere. Linking back to the discussion on transformations of power (Chapter 3), the media metaphor highlights the way

[222] The internet as public and private respectively is debated by Shirky in *Facebook Killed the Private Life*, on SwitchedShow June 11, 2007, available at: http://www.youtube.com/watch?v=azIW1xjSTCo, retrieved July 10, 2011.

states have delegated law enforcement powers to private parties, as well as the criticism that has been raised towards these practices.

In the table below I have summarized some of the main research notions, policy themes and human rights issues entailed in the chapter. The first row indicates some of the commonly used notions that signify an understanding of the internet as a media; hence 'content', 'audience', 'literacy, and 'archive'. The second row points to the democratization of publishing and broadcasting as one of the commonly claimed potentials for social change. Thirdly, I indicate that the media metaphor is situated within the public-as-open model, since the open character of the internet is one of the features that distinguishes it from conventional media. In the next row self-regulation is indicated as the preferred model of regulation, followed by some of the key policy themes; harmful and illegal content, protection of specific audiences, public service media, online literary, and internet achieves. Next, I indicate that the policy controversies relate to various means of restricting online content, often implemented as technical measures that filter or block access to specific content. In the seventh row, I point to the European Commission and Council of Europe as proponents of the media perspective, recognizing that many other examples exist. Finally, I summarize the human rights issues related to the media metaphor, thus content regulation versus freedom of expression standards, and the right to privacy vis-à-vis standards of publicness.

	MEDIA METAPHOR
Media notions	'Content', 'audience', 'literacy, 'archive'
Potential for social change	Democratization of publishing and broadcasting
Public – private framing	The public-as-open model
Regulatory model	Self-regulation
Key policy themes	Harmful and illegal content Public service media Internet literacy Internet achieves
Policy controversies	Various means of restricting online content
Proponents	States
Human rights issues	Content regulation versus freedom of expression Right to privacy versus standards of publicness

Following this media perspective, I next consider the Net as Culture.

Net as Culture

When approaching the internet from a culture perspective the focus changes from infrastructure, public sphere and media to public life and practices more generally.

In the field of internet studies an increasing amount of research explores the internet from the perspective of cultural and social practices, focusing on various examples of online communities, their entailed norms and values, collaborative practices, identity formation, design, and so forth (Rheingold 1993; Turkle 1995; Paccagnella 1997; Markham 1998; Reid 1999; Smith and Kollock 1999; Miller 2000; Silver 2000; Bell 2001; Gauntlett 2004; Lessig 2004; Benkler 2006; Shirky 2008). The focus on internet cultures / online social practices is also prevailing at the annual conference of the Association of Internet Researchers (AoIR)[223].

In the policy arena some of the most controversial issues related to internet regulation have concerned the claim for new online practices with respect to established schemes of ownership rights. Numerous civil society campaigns have argued that regulation such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS 1994)[224], the World Intellectual Property Organisation Copyright Treaty (WIPO 1996)[225], the U.S. Digital Millennium Copyright Act (DMCA 1998)[226], the European Union Copyright Directive (2001/29/EC)[227] and the forthcoming Anti-Counterfeiting Trade Agreement (ACTA)[228] discourage a culture of sharing, and on a more fundamental level ignore the fact that in a digital environment one literally produces a copy every time information is accessed[229]. Most recently, the proposed U.S. bill PROTECT-IP has caused a public outcry, generating protest letters

[223] See http://aoir.org/conferences/, retrieved July 10, 2011.
[224] Available at: http://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm, retrieved July 12, 2011.
[225] Available at: http://www.wipo.int/treaties/en/ip/wct/trtdocs_wo033.html, retrieved July 12, 2011.
[226] Available at: http://www.copyright.gov/legislation/dmca.pdf, retrieved July 12, 2011.
[227] Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0029:EN:HTML, retrieved July 12, 2011.
[228] ACTA is a new international legal framework currently (2011) being negotiated. More information at: http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1504&format=HTML&aged=0&language=EN&guiLanguage=en, retrieved July 10, 2011.
[229] Civil society groups active in this area include IP Justice (U.S.), Electronic Frontier Foundation (U.S.), Free Software Foundation (U.S.), Free Information Infrastructure (Germany), and European Digital Rights (Brussels).

countersigned by more than one hundred professors[230], high-level engineers[231], and venture capitalists[232] arguing that the bill violates fundamental internet freedoms.

The debates vary depending on whether the topic is music, films, books, academic journals, or software, but essentially address online practices of sharing with regard to ownership rights (intellectual property rights). More recently civil society groups and academics critical towards existing schemes of intellectual property rights have started to consolidate as a *free culture movement*; a term introduced by Lessig in 2004 (Lessig 2004)[233].

I now proceed by presenting a brief introduction to some of the research that conveys the internet foremost from a cultural perspective. In line with the previous chapters, I explore the public / private framings entailed in this perspective, and address some selected policy and human rights issues.

Cyberculture

The study of cyberculture took off in the mid / late 1990s with a large number of contributions from especially U.S. scholars, starting with Rheingold's *The Virtual Community* in 1993[234]. The major works on cyberculture may roughly be divided into three stages (Silver 2000)[235]. The first stage is popular cyberculture, which has journalistic origins and use the internet as a symbol for a new frontier. The narrative typically took the form of either a dystopian or utopian story, linked to deteriorating literacy and social fragmentation, or to a new and more democratic frontier of civilization. Some argued that the internet provides individuals with a richer choice of communities to which they may belong, and that online spaces potentially revitalize the notion of community. In the words of Rheingold virtual communities are "a natural response to the hunger for community that has followed

[230] Available at: http://www.scribd.com/doc/59241037/PROTECT-IP-Letter-Final, retrieved August 4, 2011.
[231] Available at: http://www.publicknowledge.org/letter-internet-engineers-opposing-coica, retrieved August 4, 2011.
[232] Available at: http://www.usv.com/2011/06/the-protect-ip-act-will-slow-start-up-innovation.php, retrieved August 4, 2011.
[233] See e.g. the Free Culture Research Workshop organized by the Berkman Center for Internet and Society at Harvard University in October 2009, available at: http://cyber.law.harvard.edu/fcrw/Main_Page, retrieved July 10, 2011.
[234] The Virtual Community is a social history of a particular online community, the Whole Earth Lectronic Link (the WELL), and numerous examples of online interactions which take place within the WELL.
[235] From 1996 to 2009 Silver was running a resource centre for cyberculture studies; available at http://rccs.usfca.edu/intro.asp, retrieved July 10, 2011.

the disintegration of traditional communities around the world" (Rheingold 1999:418). Others were more skeptical and argued that internet communities are pale substitutes of real communities, among other reasons for the lack of face to face interaction (Bell 2001:97).

The second stage has been cyberculture studies, focusing largely on virtual communities and online identities, and thus how people interact within a given social space. Cyberspace is here defined as "incontrovertibly social spaces in which people still meet face-to-face, but under new definitions of both 'meet' and 'face'" (Stone 1991)[236]. The focus is therefore on the new opportunities which cyberspace offers for collective communities and individual identities. Cyberculture studies were at this point mostly articulated positively, as a space of empowerment and creativity. However, as the internet mainstreamed into various academic fields as a research topic, scholars from a vast array of disciplines contributed with new methods and perspectives e.g. Smith and Smith and Kollock (1999), who in *Communities in Cyberspace* investigated how the idea of community is being challenged and rewritten by online interaction.

By the late 1990s, the third stage, so-called 'critical cyberculture studies', arrived. Critical cyberculture studies expanded the notion of cyberculture to include the social, cultural, and economic context of the online communities; the policy discourses related to these contexts such as exclusion and inclusion, commercialization, surveillance etc., plus the critical analysis of interface design. In 1999/2000, the Association of Internet Researchers (AoIR) was formed and the notion of internet studies became the common umbrella for what was previously known as cyberculture studies (Gurak 2004:24).

The field of internet studies is still largely dominated by studies of internet communities, thus focusing on the values, identities and practices of various communities *on* the internet. Online communities are defined in many ways but typically address communication among a group of people "who come together for a particular purpose, and who are guided by policies (including norms and rules) and

[236] The term cyberspace originates from the American author William Gibson. "Cyberspace. A consensual hallucination experienced daily by billions of legitimate operators, in every nation, by children being taught mathematical concepts. A graphic representation of data abstracted from the banks of every computer in the human system. Unthinkable complexity. Lines of light ranged in the non-space of the mind, clusters and constellations of data. Like city lights, receding" (Gibson 1984:51).

supported by software" (Preece and Maloney-Krichmar 2006). The culture of online communities is typically coined as an open, exchange-oriented, give-and-take culture between peers, as opposed to a control / permission culture (Lessig 2001; Raymond 2001; Stalder 2005).

More recently, the investigation of specific internet communities has started to focus on the economics and virtues of commons-based peer-production (Benkler 2006; Benkler and Nissenbaum 2006), as well as social network sites and youth practices more broadly (boyd 2008; Palfrey and Gasser 2008). Social network sites essentially allow individuals to construct a public or semi-public profile within a bounded system, and to articulate and make visible their connection with other people within this system (boyd and Ellison 2007:2). The social network sites support a wide range of interests and activities, either by supporting pre-existing social networks, or by connecting strangers based on shared interests[237]. Current research thus represents a fourth stage of internet studies, which entails elements from the previous three stages but includes a broader range of participants, due to the fact that internet use is inherent in a much broader domain of social practices. Whereas the study of specific internet communities was dominant in the previous stages, research increasingly speaks of the role of networked publics, how people socialize in the various online domains, tensions between public and private etc. (Benkler 2006; boyd 2008). Also, despite the obvious global and local divides in internet use, the notion of *digital natives* is now applied to describe generations who have grown up with the internet as an inherent element of their social life (Palfrey and Gasser 2008).

A Culture of Openness and Sharing

As previously mentioned, the early utopian narrative of the net framed it as a new frontier: "a kind of society that real space could never allow – freedom without anarchy, control without government, consensus without power" (Lessig 1999:4) In 1996, John Perry Barlow (co-founder of the Electronic Frontier Foundation[238]) formulated this vision in *A Declaration of the Independence of Cyberspace*:

> "Governments of the Industrial World, you weary giants of flesh and steel, I come from

[237] See Journal of Computer-Mediated Communication 13(1) (2007), which has a special theme section on Social Network Sites, available at: http://jcmc.indiana.edu/vol13/issue1/, retrieved July 10, 2011.
[238] EFF was one of the first organizations to address online civil liberties. See www.eff.org, retrieved July 10, 2011.

> Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. You have no sovereignty where we gather.. (..)..We will create a civilization of the Mind in Cyberspace. May it be more humane and fair than the world your governments have made before"[239].

As the internet started to grow in terms of users, regions covered and commercial use, the claim for a new governments-free frontier was replaced by claims for upholding values of openness and sharing. Within the research community, Lessig became one of the leading scholars to consolidate the link between the architecture of the internet and cultural values of openness and sharing. According to Lessig, the internet and some of the social practices associated with it represent a creative revolution fostering new means for participation in cultural production, thereby challenging a more passive consumer era (Lessig 2004). A key proponent of this sharing culture is the Free and Open Source Software movement (FOSS), to whom values of freedom and sharing are key components of software development. Essentially, the FOSS community views software as a cultural product, which anyone should have access to use, study, and improve[240]. Other examples associated with values of openness and sharing include collaborative platforms such as Wikipedia, or various sites for sharing resources, such as MySpace, Flickr and YouTube.

Internet and the Formation of Identity

Another example of research implying a cultural take on the internet is the numerous studies focusing on internet and the formation of identity. One study is Miller & Slater's research on internet use in Trinidad, which summarizes the dynamics between identity and the internet in four dimensions. One is

[239] The Declaration is available at: http://homes.eff.org/~barlow/Declaration-Final.html, retrieved September 4, 2011.
[240] The Free Software Foundation was founded by Richard Stallman in 1985 with the aim of developing a free alternative to proprietary software. With free is meant: "The freedom to run the program, for any purpose (freedom 0). The freedom to study how the program works, and adapt it to your needs (freedom 1)… The freedom to redistribute copies so you can help your neighbor (freedom 2). The freedom to improve the program, and release your improvements to the public, so that the whole community benefits (freedom 3)…". See www.gnu.org/philosophy/free-sw.html. There is a long-lasting controversy between the proponents of free software and open source software. Whereas the free software movement, and not least Stallman, insist on the emphasis on "free" (as in liberty), the open source community emphasize the open access to source code. At present, the open source terminology seems to have gained more currency, and many find "open" a less confusing way to refer to products which may be bought and sold (Sunstein 2006:171). The notion free and open source software (F/OSS, FOSS, or FLOSS) is increasingly used as an accepted notion from both "sides". For literature see e.g. Sunstein 2006, Grassmuck (2004), Wendel de Joode, Brujin et al. (2003), Stallman (2002).

expansive realization, stressing the internet as a means through which the individual can enact a version of him / her self. Through the global interconnections "a Trinidadian may feel able to act as the Hindu he or she 'really is' (but could not be within the confines of Trinidad) by participating in worldwide Hindu networks that can be integrated into their everyday local reality" (Miller 2000:10-11). In this regard, the internet is helping people to deliver on pledges they have made to themselves. These findings correspond to some of the early research on online identity. In *Life on the Screen: Identity in the Age of the Internet*, Turkle finds that while some use cyberspace to repress an otherwise less-than-functional 'real' or offline life, most use the internet to exercise a more true identity, or a multiplicity of identities (Turkle 1995)[241]. The many social network sites may be seen as current examples of this multi-identity trend, which is related to a networked individualism, stressing that individual self-identity no longer can be separated from one´s position within one or many relational networks (Castells 2001).

The *expansive potential* is a second dimension addressed in the Trinidad study, referring to the dynamics whereby the numerous encounters that the internet offers, allow the individual to envision a new vision of what he or she could be. The focus is thus the internet as a means of imagining a future (Miller 2000:13). A third dimension is the dynamics of *mediation*, thus how people come to understand, frame and make use of the internet as a media. A key issue in the mediation dynamic is the need to 'disaggregate' the internet by looking at a variety of practices by which people assemble the technical possibilities that make up 'their internet'. Finally the study finds *normative freedom* as a fourth dynamic referring to the way the internet stands as a symbol of potential freedoms. At least two contrasting set of freedoms are part of this vision; the free market ideologies of neo liberalism and the 'cyber libertarianism' coined by John Perry Barlow above.

[241] There are several accounts of how the internet allows people to realize different identities, thus construct and reconstruct different selves. Gray (2009) examines how rural youth explore and carve out online spaces to fashion their emerging queer identities. Gauntlett suggests that the internet's potential for identity play fits with contemporary queer theory which suggests that people do not have a fixed essence and that identity is a performance (Gauntlett 2004:19). In relation to games, Taylor (2006) has studied how the online game culture in "Everquest" relates to online and offline roles and identity.

Internet as Cultural Transmission

As an additional example of internet scholarship implying a cultural perspective, I will briefly revisit Slevin (2000) who examines the internet as part of a broader cultural transmission[242]. Slevin draws on especially Thompson (1995), Baumann (1995) and Giddens (1984) in his attempt to sketch out a social theory of the internet and its impact on modern culture and communities. Slevin uses Thompson's four characteristics of mass communication to argue that it is inadequate to capture the functions of the internet from the perspective of mass media, and proposes instead to conceptualize the internet as a modality of cultural transmission[243]. This implies an analytical framework that focuses on the way in which the internet provides for new forms of actions and interactions. The argument is based on three types of interaction, *face-to-face interaction, mediated interaction,* and *mediated quasi-interaction,* combined with the concepts of so-called *arenas of circulation* (Thompson 1995) and *repertoires of possibilities* (Bourdieu and Johnson 1993). It is argued that that the internet potentially changes all three types of interaction, as well as expands the arenas of circulation and repertoires of possibilities.

Inspired by Giddens (1990), Slevin suggests that the internet enables specific characteristics of late modernity, such as reflexive and open-ended social interaction[244]. The internet may enrich and transform processes of self-formation by (1) increasing the opportunities for *negotiating mediated experience*, i.e. making available, acquire and reembed symbolic content. (2) Facilitate the *reappropriation of knowledge and skills* by use of the technology. (3) *Forge commitment and mutuality* by gaining more involvement with the outer social world, and (4) be used to *track risk and uncertainty and transcend conflic*t, by increasing individuals contact with contexts far from their own (Slevin 2000:177).

[242] The work of Slevin was also referred to in the Net as Media Metaphor.
[243] Thompson's four characteristics are (1) the institutionalized production and diffusion of symbolic forms, (2) the instituted break between production and reception, (3) the extension of availability in time-space, and (4) the public circulation of symbolic forms (Slevin 2000:73).
[244] Slevin situates his analysis of the interactional impact of the internet as contrary to the ideas and arguments of postmodernism, which are found in many of the cyber community studies, such as Reid (1999) and Turkle (1995) (Slevin 2000:115-116).

Online Public Spaces

As a final remark, let me briefly address some of characteristics of virtual public spaces. As illustrated above, there are numerous studies that have examined the social and cultural practices of various online spaces, however rarely with the perspective of how these spaces add to or differ from physical public spaces. As stressed by Boyd (2007), online public spaces differ from physical public spaces in many regards. They are mediated, and potentially global. They are searchable, and the interaction may be recorded or copied. Further, they may have invisible audiences or audiences which were not present at the time of the conversation (boyd 2007:2-3). Also, most of the environments are multifaceted and consist of different communication modes, which permit different degrees of publicness vis-à-vis privacy (Sveningsson 2009:75). Studies of, for example, self-help communities, suggest that online spaces may represent new ways of bringing the private sphere into the public both in terms of topics and in terms of the participants being in a public or semi-public space while at home, thereby reiterating some of the points previously raised in relation to Mediated Publicness[245]. As discussed earlier, the distinction between whether an online space is public or private is often blurred, and communities may entail public, private and semi-public spaces alike. A case study of *Cyworld* concludes that the users regard the community as a distinct third place (Oldenburg 2001), separate from both home and work, and labels it *informal public life* comparable to a party between friends happening in a public park (Lee 2007:5) [246].

Summing up on the Conceptualization of the Net as Culture

Linking back to the public / private models, the Net as Culture Metaphor is situated within the sociability model, with a focus on the cultural practices that constitute public life. Within this framing, the public domain lies in the public spaces of streets, park, neighborhoods, and cafes, and its ability to encourage public life is closely related to how these spatial zones facilitate the flow of everyday activity. The notion of public is thus linked to the spatial organization of social life.

[245] In self-help communities members share sensitive information and sentiments related to topics such e.g. mental or physical diseases, civil war and conflicts, etc. The communities provide a space for people who have never met in real life to gather, exchange, and support each other, while remaining in their private domestic sphere. See e.g. Orgad (2006) and Kimby (2006).
[246] Cyworld is one of the largest online communities in South Korea.

In summary, the research field addressing the internet from a cultural perspective is quite broad and covers both the study of specific online communities, the cultural values and social practices related to those spaces, and the way the internet may be part of a more general cultural transmission[247]. In relation to how the internet may facilitate social change, the exchange oriented culture is often emphasized as empowering, not least because it is associated with new modalities for participation in the public domain, as further addressed in the Wikipedia case study.

Below I have summarized some of the main arguments for approaching the internet from a cultural perspective:

- An internet community represents a particular manifestation of culture
- Online social practices represents new means of cultural production and participation
- Online social practices are related to the formation of identity
- Online communities are characterized by specific social practices
- The internet not only reflect but actually create new forms of sociability
- The internet has a cultural impact on society, organizations and individual life

Key Themes related to Online Communities

I next consider some of the key themes related to online communities. My main focus is the new forms of online sociability / collaboration and their underlying norms and practices, rather than the broader perspective on the internet as a cultural transformer of society. The themes I address in the following include community culture, collaborative practices, and self-regulation, thus notions related to the social practices that sustain and regulate online communities. The themes are used as key organizing notions when exploring Wikipedia as a platform for community life and collaboration.

[247] Another cultural dimension that I have not touched upon is how various (national) cultures affect people's use of the internet. This is addressed in e.g. Orgad (2006)

Before exploring the claims related to online cultures, I will briefly clarify the notion of community.

Community

There are many definitions of community typically referring to community as either a specific space (territorial definition) and / or a specific sharing of interest (relational definition). An often referenced piece of work is Tönnies (1887 / 1955) who has suggested *gemeinschaft* and *gesellschaft* as two different types of community. The former is the fully integrated, face-to-face community, where everyone knows and helps everyone (e.g. the small town), whereas the latter is described as the disintegrated, partly anonymous and transitory community (e.g. the city). Another distinction is proposed by Schmidt who refers to *communality* as a non-articulated sociality based on shared taste or interest, whereas community refers to articulated membership (Schmidt quoted in Bjerke 2006:176). In the following I apply the definition developed by McMillan and Chavis (1986); *A sense of community is a feeling that members have of belonging, a feeling that members matter to one another and to the group, and a shared faith that members' needs will be met through commitment to be together* (McMillan and Chavis 1986:9). This notion of community emphasizes belonging and sharing (sharing of space, sharing of values, sharing of rules etc.) within a distinct social system and is thus a sub category of the broader concept of public life. As previously mentioned the notion of public life includes the numerous political and social activities that unfold in the public domain of society, across various distinct spaces and groups.

Culture

Closely related to the notion of community is that of culture. There are numerous attempts to define culture, typically emphasizing the underpinning values, norms and practices for a group of people. In the following I refer to culture as *the integrated system of socially acquired values, beliefs, and rules of conduct which delimit the range of accepted behaviors in any given society* (Columbia Encyclopedia 2008). There have historically been at least two different approaches to cultural practices; an object-oriented and an exchange-oriented approach. “Once fluid culture was realized as a fixed material object, for instance a book or a painting, it was almost impossible to convert it back into a fluid exchange because they are made to be passed around as objects” (Stalder 2005:13). As argued by

Stalder, the digital form fundamentally changes the distinction between fixed products and fluid forms, as still more people are able to access, remix and distribute cultural products, thus emphasizing the exchange and fluid form, rather than the fixed material.

One of the examinations of online cultures from an exchange perspective is done by Raymond (2001). Raymond compares the process of traditional software development with building cathedrals based on principles of central and detailed planning. As a contrasting metaphor, Raymond proposes the metaphor of a bazaar to capture the open source software development processes. "No quiet, reverent cathedral-building here – rather the Linux community seemed to resemble a great babbling bazaar of differing agendas and approaches..(..).. out of which a coherent and stable system could seemingly emerge only by a succession of miracles" (Ibid 21-22). Raymond argues that one of the characteristics of the online exchange-based community is a *gift culture* in which *social status is determined not by what you own but what you give away*, thus prestige is acquired by giving time, creativity and ideas to the common good. This is somewhat similar to Rheingold's (1993) study of the WELL that describes the community's online interaction as a gift economy in which help and information are offered without the expectation of a pay-back. The notion of gift culture (or gift economics) can also be found in many anthropological studies, where it is used to describe social practices based on three related obligations; "the obligation to give, the obligation to accept, and the obligation to reciprocate" (Mauss qoted in Hyde 2007:xxi). The scientific community has been mentioned as an example of a sharing community, in which the scientist who shares ideas with others receives the most recognition and status. Essentially, factors such as status, prestige, or esteem take the place of cash remuneration in communities characterized by gift exchange (Ibid:101)[248].

Another dimension of culture is that of collectivism in contrast to individualism, which have been addressed by Hofstede, for example. In a comparative work of national workplace cultures (IBM as the case), Hofstede develops five cultural dimensions, whereof one addresses the extent to which members of a culture rely on and have allegiance to either themselves or to the group (Hofstede 1991)[249]. As

[248] See also Kollock (2001) for an account of the gift economy of online communities.
[249] As explained by Hofstede: "Individualism on the one side versus its opposite, collectivism, that is the degree to which individuals are integrated into groups. On the individualist side we find societies in which the ties between individuals are loose: everyone is expected to look after him/herself and his/her immediate family. On the collectivist side, we find

argued by some scholars, exchange based practices imply a new balance between individuality and sociability; a new pattern of so-called *weak collaboration* (Cardon and Aguiton 2007). The concept of weak collaboration is used as a middle ground between acts of pure self-interest, and selfless contributors to a collective effort, and is used to characterize some of the social practices of blogs, social media, and user-generated content, usually associated with Web 2.0; addressed in more detail below. The notion of weak collaboration stresses the self-directed and volunteer character of the work, thus the fact that many people cooperate with limited prior planning or direction. This allows for cooperation to begin at a lower key level, compared to conventional collaborative processes.

Collaboration

The next theme, collaboration, refers to a process through which parties who see different aspects of a problem can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible (Gray quoted in London 1995:5). The focus is thus directed towards the processes whereby community members cooperate towards a common goal. Commons based collaboration indicates that the collaboration is based on resources that belong to the community or the public at large[250].

The notion of Web 2.0 has since 2004 gained currency as a label to describe many of the collaborative practices currently unfolding online[251]. The key point that distinguishes Web 2.0 from the previous era is the leverage of user-provided data. There has been much debate about the actual substance and motivation behind the term, but in essence it is linked to the web as the common platform, users control their own data, services as opposed to software, an architecture of participation, cost-effective scalability, remixable data sources and data transformations, software above the level of a single

societies in which people from birth onwards are integrated into strong, cohesive in-groups, often extended families (with uncles, aunts and grandparents) which continue protecting them in exchange for unquestioning loyalty", Hofstede quoted from his webpage at: http://www.geerthofstede.nl/culture/dimensions-of-national-cultures.aspx, retrieved July 10, 2011.

[250] Commons refers to a shared resource that is not owned privately but available to all members of a community (Stalder 2007:43).

[251] The term became publicly known at the O´Reilly Media Web 2.0 conference in 2004, where it was used as a concept to reaffirm that the web seemed more important than ever, despite the dot.com collapse (O´Reilly 2005:1). For a critical analysis of Web 2.0 business manifestos see Van Dick and Nieborg (2009).

device, and harnessing collective intelligence (O´Reilly 2005:2)[252]. Common to Web 2.0 services is the fact that the value of the software is proportional to the scale and dynamism of the data it helps to manage or, put differently, a social network site becomes more valuable the more people who use it (Ibid:3-5). Within the literature that attempts to define and examine the phenomenon of Web 2.0, there are four broad tendencies, which differ from one another in their emphasis on technological, commercial, social or philosophical aspects of Web 2.0 (Allen 2007:2). For the purpose of this research the notion is primarily used as a contextual background when discussing online collaborative practices.

One of the scholars who has written extensively on collaborative platforms is Benkler, who uses the notion of commons-based peer production to characterize this relatively new phenomenon.

> "Commons-based peer production is a socio-economic system of production that is emerging in the digitally networked environment. Facilitated by the technical infrastructure of the Internet, the hallmark of this socio-technical system is collaboration among large groups of individuals, sometimes in the order of tens or even hundreds of thousands, who cooperate effectively to provide information, knowledge or cultural goods without relying on either market pricing or managerial hierarchies to coordinate their common enterprise" (Benkler and Nissenbaum 2006:394).

The cooperative models rely on certain characteristics in order to be manageable; thus the object of peer-production must be modular for different people to work on different parts, the modules must be relatively small in size, and the integration of the modules into the whole must be at low cost (Ibid:400-401). Benkler addresses not only how these new forms of production transform conventional markets, but also the potential they hold for individual freedom (autonomy), for creativity and for virtues such as openness, trust, and fairness. According to Benkler the new means of production represent richer models of human motivation besides personal wealth maximization, or, as formulated by another scholar, "a preference for fairness that is more emotional than rational" (Shirky 2008:134)[253]. In

[252] Current archetypal services include Flickr, Youtube, Wikipedia, Ebay, Frindster, Facebook, lastfm, LinkedIn, Live Space, BitTorrent, MySpace. The levels of collaboration vary between sites such as MySpace, Flickr or YouTube, which represent resource sharing on a public platform, and platforms such as Wikipedia where people cooperatively create a product, guided by a common vision. Mailing lists represent the oldest and most widely used form of collaborative platforms (Stalder 2005:51).

[253] Benkler and Nissenbaum operate with four clusters of virtues. The first addresses autonomy (liberation) and is reflected when participants in peer-production exercise independence of will, initiative, self-reliance, discretion and free-spiritedness.

summary, Benkler's research establishes a structural connection between the defining features of commons-based peer production and the possibility of engagement in autonomous, creative, generous and collective undertakings[254].

Sunstein is another scholar who addresses the new forms by which "many minds produce knowledge" (Sunstein 2006). A key question in Sunstein's research is how and why these collaborative platforms can be so relatively successful; thus why so many knowledgeable people are willing to participate and contribute (Ibid:151). One of the answers suggested is that the contributors have a distinctive attitude towards authorship, whereby no one considers themselves the owner of an entry, or claims any kind of authorship (Ibid:153)[255]. Another point is that those committed to making collaboration work far outnumber those who try to disrupt or vandalize the platform. Sunstein compares the modalities of Wikipedia to Hayek's price theory[256], since any particular article at any given time may be seen as a kind of 'price', a product of many minds, just as a price on a good is the result of the judgment of a large number of consumers (Ibid:156-157). The entries thus aggregate information, which is widely dispersed and held by many people, without any central planner to orchestrate the process. However, contrary to the market place Wikipedia has no prices, trades or mutually advantageous deals. Whereas markets are guided by economic incentives, Wikipedia is guided by different incentives. According to Sunstein precisely these non-economic incentives makes the success of Wikipedia difficult to replicate. "For many users participation is attributable not to self-interest, but to other motivations, including people's desire to see their words in print, the value of self-expression, and the apparently widespread desire to be helpful and constructive" (Ibid:157).

The second addresses creativity and is reflected in the practices of contributing thoughts, knowledge and know-how into creating meaningful, in contrast to passive consuming. The third addresess generosity (altruism) reflected when participants in peer-production benefit others by contributing time and effort without receiving the conventional payments for their time and effort. Finally the fourth addresses sociability (cooperation) which involves giving to the commons, hence the participants effort is part of a collective effort (Benkler and Nissenbaum 2006:Section III).

[254] For a more critical take on peer production, e.g. how these forms relate to inclusivity and accountability, see e.g. Kreiss, Finn et al. (2011). Also Lanier (2010) is critical towards the appraisal of peer-production and public sharing, and argues that these social models may in fact limit the creative accomplishment of the individual author/creator.

[255] Blogs are different in this regard, since many bloggers publish their content under the Creative Commons License, which generally allows free distribution of content as long as credit is given to the author (Sunstein 2006:153).

[256] Hayek is an Austrian-British economist and political philosopher known for his defense of classical liberalism and free-market capitalism. He claims that the efficient exchange and use of resources can be maintained only through the price mechanism in free markets. In The Use of Knowledge in Society, Hayek argues that the price mechanism serves to share and synchronize local and personal knowledge, allowing society's members to achieve diverse, complicated ends through a principle of spontaneous self-organization (Hayek 1945).

As another example of online collaboration, Sunstein examines the Free and Open Source Software (FOSS) movement. The FOSS community is concerned with how to make information, in this case the software source code, freely available for others to use and build on[257]. Consequently it is commonly agreed upon that that those who use the freely available material must make their improvements available under the same conditions (Sunstein 2006:166)[258]. "Making the software freely available, and opening up its code for inspection and change, transforms the character of software from a commodity into something like an environmental resource of the internet, similar to air in the physical environment" (Stalder 2005:21). Much like Wikipedia the FOSS community aggregates knowledge beyond that which any smaller group of people could have accomplished. However, contrary to Wikipedia the FOSS community does not have the ability to modify the common product, rather it subscribes to a number of formal processes for approving software changes. As such it is an example of collaborative processes within a relatively tight system of control concerning the common product; the GNU / Linux operating system[259].

A final note on collaboration concerns the potential link to the field of computer-supported collaborated work (CSCW). Scholars such as Pfeil, Zahiris, and Ang (2006) link the cooperative structures of Wikipedia to the theories of CSCW and argue that Wikipedia may be seen as an example of CSCW, since participants contribute whenever it is needed and wherever it is located (Lipnack and Stamps 1997). However, there are essential differences as the CSCW research field originates within conventional work-place settings, whereas Wikipedia is a voluntary, self-regulated, and open-ended project.

Self-regulation

The third theme refers to a commonly claimed characteristic of online communities, namely their ability to self-regulate. As mentioned initially, self-regulation refers to a process whereby private actors

[257] "Proprietary software is like Kentucky Fried Chicken. Open source and free software is like Kentucky Fried Chicken sold with the ´original secret recipe´ printed in bold on the box" (Lessig quoted in Sunstein 2006:165).
[258] Stallman has developed the copyleft license, which requires follow-on users to adopt the same license terms. Sharing is thus mandatory and follow-on users do not have the freedom to reject it (Sunstein 2006:167-177).
[259] For further information on GNU/Linux please refer to http://gnu-linux.com/, retrieved July 10, 2011.

agree to rules regulating their activities, defined and enacted via codes of conduct[260]. It is thus based on arrangements made between private parties based on voluntary commitment, without any interference by the state. Self-regulation within a community usually refers to a number of mechanisms that the community has developed and employed to regulate behavior amongst its member. These mechanisms may include a formal structure that includes various positions, arbitration mechanisms, voting procedures etc. They may also include more informal ways of regulating community behavior such as principles and norms, which the parties subscribe to. Since the self-regulatory mechanisms represent the members' way of governing themselves, they are part of the power structure within the community. One of the points that has often been emphasized about Wikipedia is the community's faith in self-correction rather than sanctions and restrictions. Even in the extreme case of vandalism, the community usually responds in a rather low key way by reverting the article to an earlier version; as such sanctions are used only as a last resort (Benkler and Nissenbaum 2006:397).

In the study of Wikipedia, I address the role of self correction alongside other measures of control within the community, as well as the various mechanisms and positions installed as part of the community's rules. I also address the way Wikipedia has chosen to license its products and the potential conflicts with regard to intellectual property rights, which is the topic I consider next.

Policy Issues related to the Cultural Framing

Below I address some of the policy themes related to the culture metaphor, and how these pertain to human rights; specifically the interface between human rights and intellectual property rights, and the challenge online public life poses for privacy standards.

As previously mentioned, the overarching policy battle associated with the Net as Culture Metaphor is between scholars and activists who subscribe to the free culture movement and proponents of conventional regimes of ownership rights. Currently, the two perspectives and their practices are in conflict and essentially concern the extent to which society wishes to facilitate a culture based on

[260] This definition is a slightly modified version of the one presented in Schulz and Held (2001:A-2).

permission in contrast to a culture based on exchange (Lessig 2001). The battle between the two cultures is fought both at a legal level (e.g. in expanding or narrowing copyrights and patents); at technical level (e.g. in digital rights management systems or distribution and access technologies); and at the economic level (e.g. with commodities[261] vis-à-vis provision of services) (Stalder 2005:17-18). As the digital exchanges penetrate both private and public life the control inherent in the permission culture increasingly needs to control actions within individual, professional and social life (such as control related to the use and distribution of music and film).

Human rights versus intellectual property right

Traditionally, there has not been much interaction between human rights and intellectual property law, however this is gradually changing and more scholars have started to examine the intersection between the two bodies of law[262]. One meeting point is UDHR Article 27 and the corresponding Article 15 of ICESCR. Article 27 represents so-called cultural rights and includes freedom of creative activity, freedom of scientific research, the right to enjoy culture, the right to enjoy the results of scientific advancements and authors' rights. Article 27 thus offers protection to creators and authors but also recognizes the public's right to benefit from the scientific and cultural progress that intellectual property products can engender (Helfer 2007:976).

Many of the rights covered by Article 27 are closely related to other rights such as freedom of expression, freedom of information and the right to education. However, there has also been work to develop the distinct meaning of Article 27, not least from UNESCO which has developed a number of standard setting documents dealing with cultural rights[263].

In a General Comment to ICESCR Article 15 it was stressed that authors and artists have a right to the protection of the moral and material interests related to their creative production, but that this right to protection does not automatically imply that intellectual property rights are recognized as a human right. It is thus a human right to have your interests protected, but not a human right that this protection

[261] Stalder defines the commodity model as one time sale of fixed products (Stalder 2005:28).
[262] See e.g. Helfer (2007), Yu (2008).
[263] See Adalsteinsson and Thórhallson (1999:Section 3) for an account of UNESCO work in this area.

is enforced via systems of copyright law (United Nation and Committee on Economic Social and Cultural Rights 2005). Regarding the right to enjoy your own culture, this has mostly been addressed as the state duty to create appropriate socioeconomic conditions so that individuals or groups may freely obtain information, training, knowledge and understanding. Further, individuals and groups should have opportunities to express themselves freely, to communicate, act, and to engage in creative activities (UNESCO 1976). States thus have a duty to promote the democratization of access and participation in all forms of culture, while also protecting the interests of authors and creators.

Another intersection between the two bodies of law is to view intellectual property laws in light of their impact on the broad array of human rights, such as the right to health (medicine), the right to education (access to knowledge), the right to information etc. As argued by Yu (2008) there is a growing need to develop a human rights framework for intellectual property, thus a more systematic approach to evaluating international and national ownership rights in light of human rights law. One of the more recent examples of assessing ownership rights from a broader societal perspective is *WIPO's Development Agenda*, which was initiated partly as a result of the WSIS process. The WIPO Development Agenda was established in 2007, when WIPO's General Assembly adopted a set of recommendations to enhance the development dimension of the Organization's activities[264]. The development agenda implies that the relation between copyright law and development will be examined and new policy measures suggested, including possible revisions of existing regulation.

The regulation of intellectual property is extremely complex, not least because the United States and European traditions are different, and it is outside the scope of this chapter to address it in more detail. However, I will introduce a few of the arguments that are often raised when debating the transposition of ownership rights to the digital era.

One of the main arguments raised in favor of intellectual property rights has been that if economic incentives for product innovation and new artistic expressions are removed, less people will be creative, and society will be poorer and more ignorant as a result (Sunstein 2006:165). The challenge is thus to maximize the access to and use of knowledge to encourage creativity as widely as possible

[264] See http://www.wipo.int/ip-development/en/agenda/recommendations.html, retrieved August 3, 2011.

while at the same time ensuring the economic protection of authors / creators. Intellectual property is typically protected through patent and copyright laws. Patent law protects the right to hold ideas in private hands in order to encourage innovation, whereas copyright law protects the principle of *the original* form of expression e.g. as a book or a painting. While it is impossible to infringe copyright without being familiar with the original work, it is easy to infringe patent rights without any knowledge of the protected idea[265]. In the following I mainly address copyrights issues

In many European countries, copyright law is based on the protection of two sets of rights. The *exclusive right*, which is the protection of the original with respect to the production of copies, and the *moral right* that requires that the author be credited whenever his / her work is used[266]. Specifically, it is the relationship between the original and the copy that is one of the characteristics distinguishing digital products from non-digital products. First, digital products do not differentiate between the original and a copy, just as its use by one person does not exclude the use of others. Second, everyone may share the same information irrespective of physical location. Third, copies are produced every time information is accessed. And fourth, there is minimal additional cost for further distribution of information. This potential for sharing information challenges the principle of 'exclusive right' and may essentially be accommodated in two ways. One approach is to enforce the principles of copyright law within the new digital reality i.e. to protect access and the use of material according to the principles of pay per copy. Another method would be to find new models for protecting the interest of the creator / author. To date the policy response has been to enact legislation that transfers principles of copyright law to the digital era, and in some cases expands traditional limits to copyright by prolonging the time that content stays out of the public domain[267]. The policy measures that have been introduced

[265] Protection of intellectual property via patenting has been controversial especially in relation to software. The practice of patenting software has been subject to a heated battle among the European Parliament, civil society groups and the European Commission. The campaign against software patenting claims that patenting of software elements will have damaging effects on creativity and on software development practices, not least for smaller development teams and individual software developers. The campaign argues that the patenting of software is similar to patenting the ideas contained in a book and would pose a radical change to the ability to use and build on other people's ideas so long as credit is given to the author. The various software modules are seen as specific expressions protected by copyright law, but not as an 'invention' that may be excluded from general use. See http://www.nosoftwarepatents.com/en/m/intro/index.html
[266] For an account of Danish copyright law see e.g. Koktvedgaard (1996:chapter II).
[267] For an elaboration of these arguments see Lessig (2008:Chapter 5).

to protect copyright include legal measures criminalizing file sharing as well as technical measures such as digital rights management systems that are used to enforce pay-per-use models[268].

A contrasting tendency is that whereby an increasing amount of initiatives promote sharing in the public domain. One of the most widespread initiatives is the *Creative Commons* (CC) initiative[269]. Creative Commons is a global scheme that enables copyright holders to grant some or all of their rights to the public while retaining others through a number of licensing schemes. The permission to freely copy and distribute work and along with the obligation to credit the author are mandatory in all CC licences, but authors can decide whether to allow the processing of their work and whether commercial use should be permitted or not. The CC license thus provides for a public domain where work is freely available to the public whilst recognizing that it is subject to copyright. "We use private rights to create public goods: creative works set free for certain uses. Like the free software and open-source movements, our ends are cooperative and community-minded, but our means are voluntary and libertarian"[270]. Creative Commons licenses are currently (2011) translated to more than fifty national codes[271] and in 2009 an estimate of 350 million works used the CC license[272]. Another example of a sharing scheme is the *Open Access* (OA) project, which promotes unrestricted use and free availability to academic articles by removing price barriers (subscriptions, licensing fees, pay-per-view fees) and permission barriers (most copyright and licensing restrictions) by consent of the author. Authors manifest their consent to the Open Access scheme by using one of the Creative Commons licenses, or through other open-content licenses. OA could in principle include any kind of digital content, but has so far focused on peer-reviewed journal articles and their preprints[273]. Additionally, there exists the so-called *Public Domain Manifesto* launched in January 2010, which outlines a series of principles and

[268] One of the alternatives to pay-per-use is a cultural flat rate, which has been suggested as a way of compensating the authors whose work is distributed via the internet. See e.g. (Grassmuck 2009).
[269] Lessig was instrumental in setting up the Creative Commons scheme.
[270] See www.creativecommons.org, retrieved July 10, 2011.
[271] See http://creativecommons.org/international/ , retrieved April 10, 2011.
[272] See http://creativecommons.org/about/history/ , retrieved April 10, 2011.
[273] Most scholarly journals do not buy their articles or pay royalties to authors; hence researchers can consent to OA for their journal articles without losing revenue, which is contrary to most musicians and movie-makers. See Subers OA overview at: http://www.earlham.edu/~peters/fos/overview.htm, retrieved July 10, 2011.

recommendations to ensure that the public domain may continue to function in a meaningful way, not least with regard to education, cultural heritage and scientific research[274].

Leaving for now the issue of ownership rights and alternative sharing schemes, I next examine another human rights challenge related to the culture metaphor; namely the protection of privacy. In the following piece I address some of the privacy issues that arise when public life unfold online.

Privacy protection in online spaces

In a Web 2.0 environment where emphasis is on users' contribution and sharing of information, social life becomes intimately connected with business. In a case study of MySpace, it was argued that audiences are employed as commodities, which are sold to advertisers, as well as being producers of site content (Morris 2007). Other scholars have stressed that online social spaces are subject to decisions based on economic incentives, rather than social norms (boyd March 13, 2010), and that there is a need to focus on how capital, commoditization and systems of production affect new media and users experience with these new media (Mansell 2004:102). In relation to privacy, the fact that social life unfolds within a commercial realm brings attention to issues such as the control and ownership of data, how long data are kept, how data are secured, and under which circumstances data may be exchanged to other parties and so forth.

It is commonly claimed that if people valued their privacy, they would not share personal information as widely as is currently the case online. On Facebook, for instance, people typically expose information about their social connections, their political stand, romantic status, preferences with regard to books, music and films, their whereabouts at any particular time, general sentiments etc. This has lead many to assume that young people in particular disregard privacy, and that "the age of privacy is over" (Facebook founder Zuckerberg quoted in Read Write Web (Kirkpatrick) January 9, 2010). Scholars have also argued that privacy is a lost cause, and that people increasingly seek exposure rather than privacy (Brin 1998). However several large privacy campaigns by users of social network sites

[274] The Public Domain Manifesto is available at http://www.publicdomainmanifesto.org/

seem to contradict that public exposure implies a disregard for privacy protection[275]. On the contrary, these campaigns seem to emphasize that control over data is *the* central aspect, thus the individual's ability to decide which information to convey to the world, rather than certain types of information being private *per se*. As expressed by one scholar:

> "There's an assumption that teens don't care about privacy but this is completely inaccurate. Teens care deeply about privacy, but their conceptualization of what this means may not make sense in a setting where privacy settings are a binary. What teens care about is the ability to control information as it flows and to have the information necessary to adjust to a situation when information flows too far or in unexpected ways" (boyd January 25, 2010:1)[276].

A similar line of argument is found in a study on the reconceptualization of public and private in the blogosphere (*Livejournal*), which concludes that the individuals perceive privacy as a matter of information control, thus the ability to decide on who shall view any particular piece of information (Ford and Gammon 2007:4). Similarly, research on the Swedish community *Lunarstorm* suggest that what may seem private / sensitive to an observer is not necessarily understood as such by the individual who exposed the content. Rather, attention from others is often what in effect is being sought (Sveningsson 2005).

In 2007, Privacy International (PI) started to investigate the storage, use and exchange of user data by online companies across the spectrum of search, email, e-commerce and social networking sites (Privacy International June, 9, 2007)[277]. In their first report on this matter, PI concluded that "Overall, the privacy standard of the key internet players is appalling, with some companies demonstrating either willful or a mindless disregard for the privacy rights of their customers" (Ibid:9). This point was reiterated by other observers "These companies are continuing full steam ahead with a new generation of intrusive marketing practices that are based on unprecedented levels of data collection and personal

[275] Examples include Facebook groups such as "Facebook: Do not sell my private pictures! Change your terms of use, NOW!" and the Facebook petition "Facebook, stop invading my privacy!".
[276] A similar conclusion was reached in a recent paper based on interviews with teens across the U.S. (boyd and Marwick 2011).
[277] The survey included Amazon, AOL, Apple, BBC, Bebo, Ebay, Facebook, Friendster, Google, Hi5, last.fm, LinkedIn, LiveJournal, Microsoft, Myspace, Orkut, Reunion.com, Skype, Wikipedia, Windows Live Space, Xanga, Yahoo!, and YouTube. The selection of companies was based on criteria such as market share, services offered, number of users and site traffic. Only English speaking services are included in the report.

profiling" (Montgomery quoted in Digital Journal (Engelen) Dec 6, 2007). Accordingly Montgomery called on regulatory agencies in the U.S. and in Europe to develop rules to ensure that consumers are protected in the digital era. Since then the debate and practices have shifted back and forth. On occasion online companies have indeed accommodated their users' privacy concerns e.g. Facebook agreed to a privacy resolution with the Office of the Privacy Commissioner of Canada (Office of the Privacy Commissioner of Canada August 25, 2009), and they decided to close down their advertising system, Beacon[278]. However, since 2010 Facebook has insisted on public rather than private as the default user setting, cf. above. Recently a 'right to be forgotten' has been debated within Europe, and Commissioner Reding (Commissioner for Justice, Fundamental Rights and Citizenship) has stated that she "cannot accept that individuals have no say over their data once it has been launched into cyberspace" (Reding quoted in Net York Times (Daley) August 9, 2011). It is thus fair to conclude that the commercial leverage of virtual spaces seriously challenges the freedoms usually associated with public life. Furthermore, the protection of privacy in these spaces is challenged simply by the fact that data collection, data mining and data exchange are possible to an extent far exceeding the means and scope that exist in the physical world[279].

Conclusion

By focusing on the internet from a cultural perspective attention is directed towards the values, norms and practices unfolding in online spaces. Many of the scholars and advocates gathered around the free culture movement have argued that the digital era represents new exchange-based practices and that these practices should be supported rather than suppressed by conventional notions of ownership. Despite a growing number of alternative sharing schemes, such as Creative Commons and Open Access, the deployment of intellectual property law is still expanding worldwide, and there has been limited political will to accommodate the advocates of new sharing schemes. Likewise for the development of a human rights framework towards intellectual property regulation, this is still in the

[278] This was in response to a large outcry by users, consumer groups and privacy advocates when they learned that Facebook recorded their users activity on other sites and relayed those actions back to the user's friends on Facebook (Hood September 19, 2009).
[279] The Article 29 Data Protection Working Party of the European Commission in 2009 issued an opinion on how social networking sites are affected by European data protection law (Article 29 Data Protection Working Party June 22, 2009).

early stages. With regard to privacy, several campaigns led by users, consumer groups and privacy advocates have flagged a concern for the diminishing level of privacy protection in online spaces such as social network sites, and argued for stricter control with the privacy practices of online companies. In response, there has been some self-initiated revision of practices, but in general the enforcement of online privacy protection is challenged by the lack of a global standard for data protection. Concerns relating to the powers of private parties in the digital domain thus appear as themes present across the four metaphors.

In relation to public and private, the cultural perspective points to the ways the internet transforms sociability by expanding the public domain and the means of taking part in public life. From this perspective the internet essentially adds to the spaces and modalities for public life, as well as directing attention towards semi-public or private elements within public spaces. A social network site is public, since anyone may enter, but it also entails private elements such as the participants' means of adjusting their public and private settings. The new modalities for public life also affect the private sphere; thus the everyday life of individuals, by offering new means of playing with identity, of expressing oneself, searching for likeminded individuals and communities, remixing and creating cultural products, communicating and / or collaborating with peers, and socializing, in a variety of online spaces.

Below I have briefly summarized some of the main research notions, policy themes and human rights issues associated with the Net as Culture Metaphor. The first row points to some of the commonly used notions that refer to the internet as culture such as 'free culture', 'cyber culture', and 'community'. Next, I have summarized the acclaimed potential for social change as the new modalities for creative participation in the public domain, and indicated that the metaphor is situated within the sociability model with a focus on the cultural practices that constitute public life. In the fourth row, I indicate free and open standards as the preferred regulatory model, followed by some of the main themes associated with this perspective, thus community culture, collaborative practice, and self-regulation. Next, I stress that the practices of public sharing in contrast to private ownership rights has fueled some of the main policy controversies pertaining to the metaphor, and suggest civil society groups and academics as key proponents of the metaphor. Finally, in the eighth row, I point to two human rights issues related to the

metaphor; the interface between human rights and intellectual property rights, and the protection of privacy in online public spaces.

	CULTURE METAPHOR
Culture notions	'Free culture', 'cyber culture', 'community', 'online identity'
Potential for social change	New modalities for creative participation in the public domain
Public – private framing	The sociability model: internet as a space for public life
Regulatory model	Free and open standards
Key themes	Community culture Collaborative practices Self-regulation
Policy controversies	Public sharing versus private ownership
Proponents	Civil society groups and academics
Human rights issues	Human rights versus intellectual property rights Protection of privacy in online public spaces

This concludes my four metaphors, and leads to the empirical part of my research. However, first I summarize the key elements of the research metaphors below. Essentially, rows 1-3 address the academic discourse, rows 4-7 address the policy discourse, and row 8 illustrates human rights issues. One exemption is the themes addressed in the culture metaphor, which are not policy themes *per se*, but rather analytical themes related to the practices of online communities.

Summary of the Metaphors

Framing	Infrastructure	Public sphere	Media	Culture
Notions	'technical foundation' 'public utility' 'global network'	'space' 'conversation' 'participation'	'content' 'audiences' 'literacy' 'archive'	'free culture' 'cyber culture' 'community' 'online identity'
Potential for social change	Universal and non-discriminatory access	New modalities for public and political life	Democratization of publishing and broadcasting	New modalities for creative participation in the public domain
Public / private framing	The liberal model: internet as a privately run service	The republican model: internet as a space for public participation and deliberation	The public-as-open model: internet as an open media	The sociability model: internet as a space for public life
Regulatory model	Private corporation	Rule of law	Self-regulation	Free and open standards
Key policy themes	Coordination of internet resources Internet governance	Access Freedoms Resources to participate	Harmful and illegal content Public service media Literary Internet achieves	Community culture Collaborative practices Self-regulation
Policy controversies	Technical coordination versus public policy	The role and powers of private parties	Various means of restricting online content	Public sharing versus private ownership
Main proponents	Technical community	Civil society groups and academics	States	Civil society groups and academics
Human rights issues	Human rights protection pertaining to a global public infrastructure vis-à-vis a private U.S. based corporation	Access to the internet as a human right Protection of online freedoms	Content regulation versus freedom of expression Right to privacy versus standards of publicness	Human rights versus intellectual property rights Protection of privacy in online public spaces

7. ICT as a Tool for Empowerment in Uganda[280]

Introduction

I next use the public sphere metaphor to examine how civil society understands and assesses the role ICT has played for women in Uganda. The entry point is the Women of Uganda Network (WOUGNET), a network of more than ninety women's organizations, who have been active in using and promoting ICT as a tool for women' empowerment since 2000. The study illustrates some of the means by which the local groups use ICTs to strengthen women's livelihoods and their participation in public life. As previously mentioned, the methodological point of departure is qualitative interviews conducted with the involved civil society groups. However, supplementary documentation such as an external evaluation has also informed the study.

As discussed in the Net as Public Sphere Metaphor, a large cluster of research addresses the role of ICT and the internet in altering the modalities for public discourse and political life. It is further argued that the themes of access, freedoms, and resources to participate are central to these discourses. Framing the analysis within the public sphere metaphor indicates that the interviewees were asked to reflect on these specific themes when addressing ICT as a tool for social change. However, they were free to decide which topics to elaborate on within this thematic framing. Similarly, the themes were used as organizing notions when examining the data material. It should be noted that I primarily address ICT as an opportunity structure *for women* as this was the main concern of those being interviewed.

The application of a public sphere perspective on developing countries like Uganda was recently accomplished in a collection of research and studies concerning the relationship between digital media and democracy in Africa (Banda, Mudhai et al. 2009). The research points to the role of new media in supplementing conventional media, rather than replacing it. "The value of new media thus lies in the extent to which they enmesh with old media to provide multimedia platforms that allow for greater

[280] An earlier version of this chapter was published as a working paper by the Center for Internet Research, Århus University, December 2009.

democratic participation, inclusion and expression" (Ibid:2). As I will illustrate below, the potential for greater democratic participation, inclusion and expression was also one of the themes emphasized in the current case study. Another theme concerned transmissions between the private and the public sphere, reflecting on how women as voices in the private sphere increasingly appear and express themselves in the public sphere.

Analytical Framework

As an introduction to this analysis, let me briefly recapture the analytical framework from the public sphere metaphor. The metaphor addresses the internet as *a space for democratic participation* and is reflected in research and policy debates addressing the new modalities for public and political life that ICT facilitates. In developing the public sphere metaphor I divide the policy debates associated with the metaphor into three themes; access, freedoms and resources to participate. By 'access' I refer to access to the resource base of the public sphere. In the study this is addressed from three angles: 1) access to basic infrastructure 2) access to information, and 3) access to take part in decision-making processes. Other aspects of access could have been highlighted, but these were the themes that appeared most relevant in the empirical material. By 'freedoms' I refer to the individual's ability to act and debate freely in the public sphere, thus to participate in public life. As I will illustrate below, the interviewees rarely address freedoms in terms of government restrictions on public life, but rather argue that lack of freedoms relate to gender-based discrimination and women's role in the public and private sphere. By 'resources to participate' I refer to civil society's resources to benefit from ICT usage to communicate, share knowledge and participate in public life framed within an overall theme of capacity building. Whereas the public sphere metaphor focuses mainly on the internet the case study focuses on the use of ICT more broadly, including how conventional media is used and combined with the internet. As I will illustrate below, the local ICT strategies and initiatives are related to themes such as access to information, participation in public and political life, collective action, and ICT capacity building, which are themes that resonate with the topics entailed in the public sphere metaphor.

Brief Contextual Overview

The Republic of Uganda is a landlocked country in East Africa, with a total population of approximately 33.8 million people (Worldbank.org 2011). Like many African countries, Uganda is described as a hybrid regime, situated at a cross-road between democratization and authoritarianism (Tripp 2010). The 1995 constitution established Uganda as a republic with executive, legislative, and judicial branches. The constitution provides for an executive president, to be elected every 5 years. President Yoweri Museveni, in power since 1986, was elected in 1996 and reelected in 2001, 2006, and 2011 (U.S. Department of State 2011). Following decades of economic and political instability, Uganda was one of the first Sub-Saharan African countries to embark on liberalization and pro-market policies in the late 1980s. GDP growth has accelerated from an average of 6.5 percent per year in the 1990s to over seven percent during the last decade (Worldbank.org 2011). The agriculture and fishing sectors provide approximately 80% of employment in Uganda, and the country is Africa's second-leading producer of coffee, which accounted for about 17.9% of the country's exports in 2009 (U.S. Department of State 2011).

Regarding ICT, the government has developed a national ICT Policy framework to support ICT sector development and established a Rural Communication Development Fund to support infrastructure and ICT development in the rural areas (Government of Uganda February 13, 2003). As of June 2010, Uganda had approximately 3,200,000 Internet users, representing 9.6% of the population (Internet World Stats March 29, 2011). Tensions between the Ugandan government and the media have risen in recent years as the authorities have conducted raids on independent media outlets and arrested journalists on politically motivated charges. However, until recently governmental attempts to control information had not reached the internet (OpenNet Initiative September 30, 2009). In April 2011, however, the government wrote to three of the country's major ISPs asking them to block Facebook and Twitter "to eliminate the connection and sharing of information that incites the public" (Heacock April 18, 2011). The request came after a week of protests over rising fuel and food prices that were widely advertised on Twitter. At present the political climate is still "potentially explosive", due to rising prices, increasing state corruption, and crackdowns on government opposition (Windfeld-Høeberg August 19, 2011).

Inequalities between men and women remain a major problem in Uganda. Female education has remained considerably lower than that of males, causing high illiteracy levels among women with rural-urban differentials (Kaddu 2007:3). Despite the government's efforts to promote gender sensitive policies and laws (e.g. the National Constitution and the National Gender Policy), the inequalities between men and women are still significant (Ibid:4). Broadly speaking men dominate decision-making both in the public and private sphere, and many of the efforts conducted to empower women in Uganda essentially aim at improving women's means of generating income and their ability to participate in public and political life[281].

The ensuing discussion utilizes the themes from the public sphere metaphor in examining how civil society groups perceive and apply ICT as a resource in the rural district of Apac, and in the capital Kampala. I commence by introducing WOUGNET and then give a brief account of the ICT strategy they have applied since their inception in 2000.

Introduction to the Women of Uganda Network

The Women of Uganda Network (WOUGNET) was launched in 2000 by several women's organizations with Dorothy Okello as the principal initiator[282]. The aim of WOUGNET was to develop the strategic application of ICTs among women organizations in Uganda, based on the assumption that conditions for women can be improved by enhancing their opportunities for collaborating and sharing experiences. Prior to WOUGNET, Okello had maintained an announcement list whereby news was distributed to a number of women's organizations in addition to queries related to ICT use. Due to the increasing interest in the list it was agreed that there was a need for a common platform to facilitate exchange of ideas and to expose the activities of women's organizations. WOUGNET was launched to

[281] For a general account of the human rights situation in Uganda please refer to the annual report by the Uganda Human Rights Commission (Uganda Human Rights Commission 2010).
[282] Dorothy Okello has a Ph.D. in Electrical Engineering from McGill University. Besides her involvement in WOUGNET she is a lecturer at Makere University.

achieve this so as to *develop the use of ICT among women as tools to share information and to address issues collectively, for the better being of Ugandan women*[283].

WOUGNET's organizational structure consists of a coordinator, an administrative board, and a small staff of employers and volunteers. The main funding base is provided by international NGOs such as HIVOS[284], APC, The Technical Centre for Agricultural and Rural Co-operation (CTA)[285], the Food and Agriculture Organisation of the United Nations (FAO), and Dimitra[286]. The activities are organised in three main programs (cf. below) with health, agriculture and entrepreneurship as crosscutting themes throughout the programs. Regarding ICT, WOUGNET focuses on both new and conventional technology, however the emphasis is directed towards email and the web, and how these technologies can be integrated with conventional media. "While our emphasis is directed towards Internet technologies, we are also interested in how these technologies can be integrated with traditional means of information exchange and dissemination including radio, video, television and print media (..)"[287].

WOUGNET's programs and activities are summarized below.

[283] See www.wougnet.org, retrieved July 10, 2011.
[284] HIVOS is a Dutch non-governmental organization. See www.hivos.nl, retrieved July 10, 2011.
[285] CTA is an African, Caribbean and Pacific EU institution working in the field of information for development. See http://brussels.cta.int/, retrieved July 10, 2011.
[286] Dimitra is a Brussels-based FAO project concerned with rural populations and women. See http://www.fao.org/dimitra/about-dimitra/en/, retrieved July 10, 2011.
[287] Quoted from http://www.WOUGNET.org/cms/content/view/20/33 /, retrieved August 3, 2011.

Program	Information Sharing and Networking	Technical Support[288]	Gender and ICT Policy Advocacy
Aim	Facilitate access to relevant information in urban and rural areas.	Provide technical support to the women in the region.	Advocate for the integration of gender issues into ICT policies and programs.
Activities	• Administer the mailing list for members. • Monthly online newsletter. • Quarterly print newsletter (on hold). • Annual CD ROM. • Maintain website. • Host online and face-to-face forums. • Participate in national and international events. • Build capacity of rural women to access and use ICT.	• Web design. • Tech tips. • Facilitate refurbished computer shipments. • Worldspace satellite radio.	• Build capacity of policy makers, ICT experts and journalists. • Sensitize others on the need to integrate gender in policy processes. • Assess the Rural Communications Development Fund from a gender perspective[289].

[288] WOUGNET's link to the Department of Technology at Makere University (via Okello) is stressed as important for access to cutting-edge ICT knowledge, e.g. in the field of wireless technology (#3, WN). In the following, quotations from interviews are referenced by a number referring to the list of interviewed people in appendix a, followed by affiliation. WOUGNET staff affiliation is referred to as WN.

[289] The Rural Communications Development Fund (RCDF) was established by the Uganda Communications Commission (UCC) to advance universal access in Uganda. "The RCDF is essentially intended to act as a means of intervention to ensure that basic communication services of acceptable quality are accessible, at affordable prices, and at reasonable distances, by all people in Uganda" (Uganda Communication Commission July 2001:section 1.4.3).

The strategy of Women of Uganda Network

WOUGNET was one of the first local groups to address ICT as a tool for women's empowerment. In the first couple of years, WOUGNET focused almost entirely on ICT awareness raising and on building a platform for women's groups. ICT usage in Uganda was at this point very limited, and WOUGNET provided a platform where women's groups could access and share information as well as receive basic technical support and training. The first members were mainly urban-based organizations with internet access.

> "When we first started the idea was to get people to use email and the internet (.) and so that is why there is focus on those particular areas and the more people that we got online the better(..), it was a very simple process, and still it is a very simple process to get onboard, which is that you basically fill out this form and then we subscribe you to either the regular mailing list or the newsletter something like that, so that you are actually actively online" (#1, WN).

WOUGNET's first major evaluation in 2003 stressed that they had increased women's information sharing and networking. However, they were mainly targeting women in urban areas and thus excluding rural women. The evaluation showed that despite a general increase in awareness and participation of women in ICT-related activities, the benefits were limited to groups with access to internet. In response, WOUGNET decided to reach out to women in the rural areas (Okello 2007:1). The focus on rural women implied that the scope of ICTs had to be broadened to include conventional media, and in 2005 a pilot project was established in the Northern part of Uganda. "WOUGNET has to be online but also has to be physical, but also has to be diversified(..) but also have something that we could show as a pilot on the ground that actually other women benefit from" (#2, WN). They also started to engage with ICT policy. At national level the main priority was to promote gender mainstreaming e.g. via commenting on draft legislation[290]. The policy advocacy was coordinated via a broader civil society coalition (the Uganda Women´s Caucus on ICT), which also fed into the WSIS process. The advocacy created some awareness, but few results in terms of concrete policy changes

[290] Gender mainstreaming refers to the (re)organization, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies, at all levels and at all stages, by actors normally involved in policymaking (Council of Europe 1998).

(#2, WN). One of the challenges reported was the limited use of the media to raise issues and lack of data to support the relevance of linking gender and ICT politics. "We don't have a lot of data on the relevance of the gender into ICT policies, so that has been also a challenge" (#6, WN).

At the international level the WSIS process is stressed as significant for WOUGNET's involvement with ICT policy, since it provided access to information that was previously barely available to anyone at national level. "WSIS was a vehicle for us we would not have been here and we would not have been respected in this area, if it wasn't for WSIS, because you know we were very APC so we could put spot on these issues, we had access to tons of materials and we knew what was the hot issues" (#1, WN)[291]. As the quote illustrates, being part of an international civil society network (APC) is seen as key to building a national knowledge base on ICT and gender. The APC network is also stressed as important in building gender assessment capacity, using the GEM methodology[292] (#2, WN).

When I visited the organization WOUGNET were in the process of downsizing so as to focus on areas where they could demonstrate the cutting-edge uses of technology rather than involvement in any area related to women and ICT. In addition, ICT usage had at this point matured in many of the women's organizations.

"There was a growing support of the idea of us being the moderator for, you know, not necessarily new technology but maybe new ways of using existing technologies (..) to really show people different ways of doing things, I think that is where our niche should be" (#1, WN). The Enhancing Access to Agricultural Information (EAAI) project in Apac is an example of such a role-model project, as further discussed below. Another example is the E-society project, based also on cooperation with local groups.

[291] WOUGNET and some of their partner organizations are still participating in WSIS follow-up via the Internet Governance Forum (IGF). Regarding IGF, the general feeling is that Uganda has little impact on the overall political agenda, whereas a regional forum with a focus on the specific context and challenges in Africa would make more sense. "I find it unfair to sit and talk along with someone from the UK, Canada, and Denmark where they have superb connectivity and then I am sitting in a panel with these people, and their issues are completely different from mine. I am not going to get anywhere, because they will start a discussion on a different target and how many Africans are at IGF to pull our issues there are quite few" (#9, CELAC).

[292] For information on the GEM methodology See http://www.apcwomen.org/gem/, retrieved July 10, 2011.

A final point concerns the profile of WOUGNET compared to the broader civil society arena. There is a relatively large number of women's groups in Uganda, and several of those interviewed stress that for the most part women in Uganda are keen to cooperate to improve their situation, and are often encouraged by structures facilitating micro finance. However, a small number of the women groups focus on ICT, with the majority emphasizing gender issues. As such there are relatively few groups that combine technical know-how whilst incorporating a gender perspective on ICT. Several of those interviewed indicated that this combined ICT / gender profile was valuable to women's organizations and ICT partners alike.

> "They have expertise with the women they have certain activities with women, their areas where they have done quite a bit for example on policy and genders things like that, that is the kind of information that we definitely want to get from them. So they are shall I say specialised in a way we will definitely benefit from" (#8, I-Network).

I continue by exploring some of the initiatives whereby WOUGNET and other local groups have sought to deploy ICT as a tool for women's empowerment in northern Uganda and Kampala. Both locations are analysed using the themes of access, freedoms and resources to participate.

Reaching Rural Women in Northern Uganda

Introduction

The "Enhancing Access to Agricultural Information" project (EAAI) was launched in 2005 in twelve parishes in the Apac District in Northern Uganda[293]. The main goal of the initiative was to develop information and communication systems that would enable easy access to agricultural information for rural women farmers. As reported by the local agricultural office, more than 90% of the population in the district depends on agriculture for a livelihood, with the majority of the work being conducted by women (#27, local agricultural officer). With regard to ICT, general access is very scarce in the region.

[293] Based on the 2002 national census it is estimated that the population of the district in 2010 is about 328,800. See http://en.wikipedia.org/wiki/Apac_District, retrieved September 9, 2011.

Some households have radio, or are familiar with radio, but often the radio follows the man and is not available to the women on a regular basis. Additionally, the level of literacy is very low, and for many farmers oral communication in the local language is *the* means of communication.

Prior to the project WOUGNET had conducted a baseline study that identified some of the major constraints to farming activity. The results suggested that these could be solved by improving access to agricultural information. The study found that the women's capacities to increase their income were limited by time, by customary prohibitions against women's rights to access and control their own economic resources, and by lack of information.

> "The survey found out that the women are mostly educated in agricultural production and the men did not really help them so most of the work was actually done by the what? By the women. But they lacked extensional services and then they had no access to radios, because when the men go drinking they take the radios with them to the drinking places" (#16, former KIC).

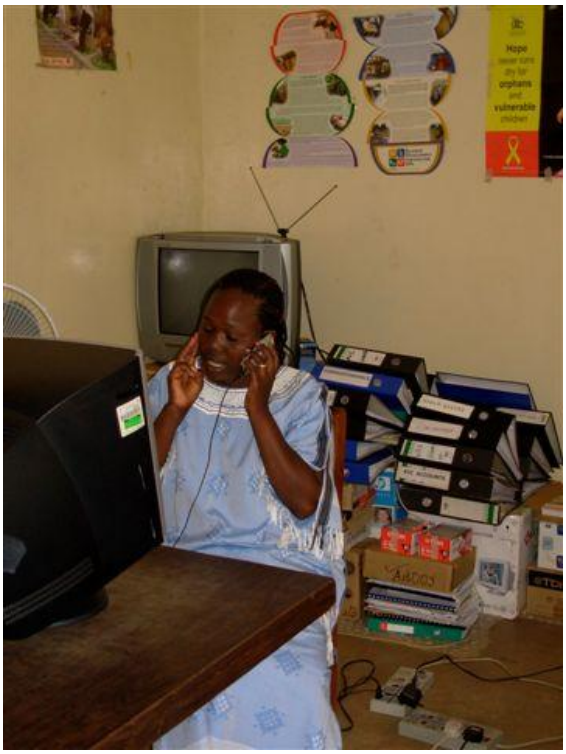
The lack of information limited production, which again led to limited incomes and poverty (Beijuka 2007:17-18)[294]. In the initial phase, a workshop was held in order to prioritize the farmers' information needs and to decide which ICTs would work best. The workshop showed that access to radio was seen as the main priority by the women, followed by mobile phones as a second priority, not least to communicate with agricultural extension workers[295].

> "What came out (of the workshop) was a priority because what they wanted was radio. We said that we could also call them to talk on radio and then they also said, if they could have access to phones, and the computer never came out at that time because many of them had never seen one and did not know how it works (.) They also want to use a radio because it was audio you could listen and then the extension possibility to reach the villages and also the place is quite big so if you have two or three extensional workers in the district they are not able to reach everybody" (#16, former KIC)296.

[294] John K. Beijuka conducted an external evaluation of WOUGNETs work in late 2006/early 2007. The evaluation was based on meetings and interview with more than 50 people, including the local farmers in the Apac district.
[295] Extension workers are local agricultural officers who provide support and advice to the farmers in the district.
[296] While emphasizing the radio as the preferred medium for receiving information, the analysis also revealed that current radio usage was limited to personal announcements, questions and answer sessions, and greeting programs.

On the basis of these findings WOUGNET decided to target 12 groups of 30 women farmers, and to equip each group with a radio and a mobile phone. The goal was to facilitate communication between the farmers and agricultural experts via mobile phones and community radio, thereby strengthening the women's access to information as well as their decision-making power. Also, Kubera Information Center (KIC) was established in Apac town to ensure a local point of access for the farmers[297].

Kubera Information Center



[297] The KIC website is available at http://kic.WOUGNET.org. The staff at KIC all speak the local language, Luo, and were provided with computers, a printer, a television, a video deck, newspapers, and Worldspace Satellite Radio. Information on farming and farm products were posted on the walls in the office.

Access

The notion of access refers to one of the main policy debates associated with the public sphere metaphor. When working through the empirical material various themes related to access occurred, and at many levels. In the following discussion I have structured and analyzed the material according to access to infrastructure; access to information; and access to take part in decision-making processes, as the three main categories reflected in the material.

Access to infrastructure

The lack of basic public infrastructure is a recurring theme in the material. The interviewees stressed that roads are few and in a poor condition, that there are few points of internet access and only poor network coverage, and that community radio is unstable and of limited reach. In response to the bad roads, community radio is emphasized as a useful tool for communication with the farmers as an alternative to traveling long distances on poor roads.

> "One of the major challenges is actually the infrastructure; the poor roads – they are really poor –sometimes we get stuck. Other times when we want to go to dissemination meetings with the rural farmers since they are really established in extremely poor areas we are cut off" (#17, KIC staff).

> "ICT has improved service delivery because in those days you needed to move from one point to the other to inform farmer X that this is what is happening. Considering the resource constrain that we have, you must ride a motorcycle up to thirty fifty kilometers to go and talk to the community about the changes in production trends (.). Instead of going to do something we just go to the radio and say this is what is on the ground"(#19, VEDCO).

The unstable power supply is also mentioned time and again, implying frequent power interruptions as well as complete lack of electricity in certain areas where electricity is not yet supplied. In response, radio shows have been recorded on audiocassettes to make them available irrespective of power supply and radio signals, and radio scripts have been translated. With regard to internet access, this is available only at a few locations in Apac town. However, community radio has provided a public space where people may access refurbished computers with occasional internet access free of charge. In response to

the poor public infrastructure it was decided to establish the information center (KIC) in a central market place in Apac town. The distance from Apac town to the farmer groups is relatively long, and the KIC staff depends on hired transport for periodical visits to the groups. It was therefore important to locate the information center in a place the farmers would frequently pass by.

> "Basically what we did, we put up the information centre to be like a link. (.) Twice a month, there is a market so everybody comes around there. They do ride their bicycles when there is a big market like that because people come from the neighboring districts of Lira and the other far counties.(.). so it is accessible it is easy for them also to come even if it is just to come and say hi, hello, how are you doing" (#16, former KIC).

The material indicates as a whole that access to basic infrastructure is quite constrained in the region, and that infrastructure may be conveyed conceptually in covering public roads and power supply as well as internet access and network coverage.

Access to information

The issue of access to information was one of the most dominating themes in the material, covering a variety of issues. One issue concerns *the selection of information* needed by the farmers. Initially the project focused on agricultural information alone. However, within the first year the scope had already expanded to include access to health and educational information as well.

> "Initially it used to be only agricultural information however we realized that they do not only need the agricultural information to survive sometimes they need the information on health and probably even on education, need to learn issues, so sometimes we give them information on health issues like we give women information on nutrition and the last time we did that was focusing on nutrition of pregnant women and then we also discus HIV health" (#17, KIC).

Linking back to Luhmann's systems of communication, this is an example of how a system (KIC) increases its own complexity to handle not only agricultural information, but also information related to health and education, within the overall communicative code of women's empowerment. Moreover, the quote indicates that KIC perceive their role as an information broker, thus as people that select

information for the farmers. I return to this point below when discussing how the actors speak to information vis-à-vis communication.

The importance of *contextualized information* was another key issue raised by those being interviewed. In order to provide context specific information, WOUGNET partnered with local systems of expertise, trained in locating and comparing agricultural information[298].

> "We go around and take market surveys, how much is it within the local market and then compare with the cross district, the cross border markets, so like yesterday I moved around and was making surveys on how much maize is, how much is beans, and how much is soy beans and then compare on radio (.) because sometimes most of our farmers thought there are better markets across borders (.) so this information we convey to them through radios (.)" (#19, VEDCO).

When asked about the identification of contextual relevant information, staff at KIC stated that the selection of information was based on the needs expressed in the initial survey. This was supplemented with ongoing visits to the farmers to assess their current information requirements. Due to the low level of literacy most information were translated to the local language Luo, and largely communicated through audio and face-to-face meetings. "We take the task of searching out what is relevant to our farmers, and what is not relevant we leave out. And since we are dealing with illiterate what we do we translate them to the local language" (#17, KIC). The survey had indicated that to a large extent, relevant information was already available in the community; however it was not communicated to the farmers. In consequence, *the provision of 'information channels*' was prioritized, rather than the production of new information

> "When we started with the farmers project the district had plenty of information, they were just waiting for an extension worker to go to the field(.) this is why I think it worked so well. Because for us we did not have the information that we wanted to give, for people who had this information, we had all these channels to disseminate the information, the radio programs, you know whatever. And so you know it is like basically getting married, you know everyone was fitting together, but you know what brought us together was ICT" (#1, WN).

[298] Partner organizations include the Agency for Sustainable Development Initiatives (ASDI) and Volunteer Efforts for Development Concerns (VEDCO), both NGOs based in Apac, FOODNET (an agricultural research and development network), The Radio and Internet Program (RANET), Uganda Metrological Department, and the Apac District Agricultural Office.

As illustrated by the quote, ICT is perceived as information channels used to disseminate information to the farmers. This indicates an understanding of communication as information transmission (cf. note 35), however as discussed below the actual practices are somewhat more nuanced. In the following I explore some of these more participatory spaces e.g. community radio shows, a 'question and answer' service (QAS), and farmer group meetings.

The *radio shows* are conducted by the information center and the community radio resulting in weekly shows such as *Farmer News* and *Morning Glory*[299]. The radio shows debate current issues raised by the farmers, sometimes with participation of extension workers and local farmers[300]. Questions are raised during the shows via text messages or phone calls from the farmers, or via direct participation in the programs. "For example we call a farmer to come and discuss something with the banana, like improved variety as opposed to the local variety so these people come, and the experts come and talk about this, they also come and discuss on the disease that effect the crops and the solutions to this problems" (#17, KIC). "I always used to listen to the radio, about sunflower planting, and have radio at home. Now we listen and discuss together in the group" (#22, local farmer). Another farmer explained how the farmer group gathers in her home Monday between 4 and 5 and uses the phone to send questions to the radio (#23, local farmer).

[299] For a study on the role of community radio and local empowerment see e.g. CIMA-NED (2007).
[300] The community radio station used in the project is Radio Apac, which serves the target district together with Radio Wa.

Local farmer calling Radio Apac

Radio Apac Host

The use of community radio to debate farming issues has meant that a wider audience is reached compared to the groups directly involved in the project, as illustrated by one of the extension workers.

> "When there is talk show they call us, we go and talk to farmers, this one makes me have a wider coverage in terms of the information reaching the farmers, because like when you compare medias going to a sub county which is like limited now when I talk over the radio automatically many people not only within Apac district will hear me(..) just recently I was teaching farmers on how to grow citrus and when I came out of the radio talk show they would ask me where can we get what. But if I had not gone to the radio nobody would even know me from other sub counties" (#20, Extension officer).

Another new facility was the *Question and Answer Service* (QAS), whereby farmers may pose questions to agricultural experts. The following are some examples of questions provided by local farmers. "As a woman what method can I use to improve soil fertility?, when we farm beans, soya, maize, the main problem is market, how do we get better access to the market ? I've seen for long when planting soil and wanting to plant beans, they don't heal well. How to deal with this problem?" (#22, #23, #24, local farmers). In response to the second question, the women had received the following answer "join group, groups have power, if you are one person the buyer will defeat you" (#22, local farmer). The QAS service is coordinated by the information center, which collect questions, communicate them to experts, and provide the farmers with the answers in various forms. Further, in some cases community wide relay of the information is provided via Radio Apac.

> "For the QAS we have given different groups question forms in which the farmers fill out the forms without their leaders on any question that may arise or any problem, and they send it back to the information center here, whereby we process these forms, send them to the experts who answer the questions and we send the answers back to the women. Depending on their urgency we may send the answer by SMS, we may deliver the forms by hand or we may make a phone call" (#17, KIC).

The evaluation conducted in 2007 found that the new communicative practices have improved the farmers' access to information with positive impact on their livelihood (Beijuka 2007:22). These positive findings were generally confirmed amongst the people I interviewed. As an example one of the local organizations mentioned a banana bacteria epidemic to which farmers were able to respond rapidly due to information received via community radio.

> "(.) like banana bacteria there was no way we could communicate on one like this going to the radio and informing the masses that please take care there is an epidemic, (.) in fact that was the emphasis and many of them took it serious and they take on to destroy the affected plants and then managed and now the disease is reducing" (#19, VEDCO).

Also, St. Luke Farmer Women's Group that I visited stressed that *new farming practices has been deployed***.** One example was beekeeping, which is conducted as a new farming enterprise and organized as a profit sharing venture within the group[301]. The profit from the first two years of beekeeping has been used to pay the entry of a local youth at university (#23, local farmer)[302]. Furthermore, planting in line is mentioned as a new farming practice conducted by the group as a whole (#22, local farmer).

[301] I visited the beekeeping farm together with some of the local farmers and KIC staff.

[302] In their October 2009 newsletter, WOUGNET report that the project is "now progressing at a rate they (the rural women farmers) believe would drive them out of poverty". An example mentioned is the group that has expanded its flock of goats from 6 to 40 and bought 30 beehives from income generated by farming activities. The group has also bought an accumulator that charges the group's phone and powers the radio while listening to the weekly shows on Radio Apac (WOUGNET October 2009)

St. Luke Farmer Women's Group meeting

Concerning the value of increased access to information, the farmers indicate that currently the "information resource" is more accessible than other resources such as, for example, seeds and implements (#24, local farmer). This has led to some frustration since information access is less valuable if other resources are unavailable or if working practices seem difficult or impossible to improve beyond a marginal level.

> "When we look at an evaluation which was done of the relevance of the information to the women farmers, we realize that they were confessing that they have got enough information to work in their fields but what they lack are inputs and implements. So what remains now is for them to get the farm inputs and implements. For example they may need improved seeds which they can use to apply the knowledge that they have got" (#17, KIC).

In summary, the project has focused on creating various information and communication systems to enhance the farmers access to information (for example, the *Question and Answer Service* that enables access to expert information; the weekly radio shows and, more generally; the new spaces for dialogue and problem solving that have been established between the farmers and local experts). Regarding the

project design, enhanced information access represents *the* core idea of the project, and emphasis is on the various means to improve this access e.g. via ICTs, translation, audio form, location of KIC etc. Finally, the project has utilized structures that were already present in the community (e.g. farmer groups, radio Apac, and the farming organizations) to facilitate local ownership of the project, and as mechanisms to provide information that was relevant in the specific context.

In relation to the communication model, there is some contradiction between the way ICT is described and the actual practices. According to WOUGNET, ICTs are means to disseminate timely, accurate and relevant information to the farmers, as illustrated by the quote. "(..) despite being the largest contributor to the country's economy, the agricultural sector still lacks knowledge dissemination innovations (ICTs) to facilitate timely, accurate and relevant information to farmers" (Okello 2007:1). However, in practice the findings highlight spaces such as participatory radio programs where meaning is created, debated and challenged, rather than transmitted. Whereas the quote above speaks to effective information transmission, the social practices thus speak to communication as a active process of selection.

Access to take part in decision-making processes

The next theme concerns access to participate in decision-making processes. When reviewing the material from this perspective, one of the main points concerns the way the new communicative spaces had influenced gender divides in the district. While the project initially targeted women farmers, men soon participated, and sat side by side with the women at the so-called dissemination meetings debating on equal terms. Moreover, the men were frequent users when it came to visiting the information center, though they were not formally part of the project[303].

> "You know that the women are in some places and men in some places but now when they go to for example to the dissemination meeting, you have both men and women they are both in the same place, maybe the only difference is that the men sit on the chairs and the women sit down you see, but then you have a discussion and you see then you have a discussion and everyone can contribute to that" (#1, WN).

[303] Local women and men regularly visit KIC to read newspapers on politics, current affairs and sports and men/boys for job opportunities (Okello 2007).

More generally, the farmers indicate that ICT has strengthened their ability to make decisions on what to grow, how to tackle various crop diseases, how to counter bad weather, or varying market prices (#22, #24, local farmers). "We all know, you also know that information is power. When you have access to information, then it helps you to make right decisions, it helps you to be aware of what is around you. (.). so information is very vital for human development and community development" (#17, KIC). As indicated by the quote, access to information is associated with decision-making power, thus the farmers' ability to influence their own situation. Further, as part of the group structure, the women increasingly negotiate market prices as a collective, which has enhanced their bargaining power towards the middle-men buying their products. "We produce together, market together, and share the profit. There is easier access to the market and to negotiate when you are a group" (#23, local farmer).

As an example of a concrete output, the women are now connected with the district farmer association linked to the World Food Programme, which has made buying arrangements with several of the farmer groups, at a price more favorable to the farmer.

> "It was the kind of work that I really liked, because it was helping them directly and they were trying to put all their products together and then bring it to the district level and then the World Food Program would pay them. And a better price than the farmers who go to the middlemen" (#16, former KIC).

The collective bargaining process is one example of how the new channels of communication have improved the women's ability to influence their own situation with a direct impact on their income**.** Prior to the project few women in the region had access to radio or mobile phones and there was a clear gender division in terms of influence on decision-making processes. Though structures of inequality still dominate, the project has provided women with new spaces and means to inform their decisions.

In relation to the latter point, one of the interesting findings from the 2007 evaluation concerned the way women *increasingly were involved in decisions related to the private sphere and the spending of family income* "Family incomes are increasingly spent on household needs, school fees, medical bills,

and most of the surplus is ploughed back into farming activities before alcohol by the husband" (Beijuka 2007:32).

Despite these positive indicators of change, the day-to-day usage of radio and mobile phones is still restricted by simple obstacles such as lack of money to buy airtime. Also, many of the women are challenged when it comes to the use of the mobile phone or radio, as further addressed below.

In summary, the role of ICT is discussed along three main lines pertaining to access. First, as a way to counter physical infrastructure challenges; second, as a means to enhance access to information, and third as a facilitator of increased access to take part in decision making processes. The three levels of access are intertwined, with the third level most directly linked to power. Linking back to Castells' notion of power, access to the local systems of communication (community radio, extension workers, middle men) is seen to have strengthened the farmer's ability to influence their livelihood, to negotiate as a collective, and to participate in public life. The material indicates that the farmers perceive their livelihood as being somewhat improved by the increased access to information and to communicate within the community. Obviously, access to basic infrastructure remains a problem, but radio shows as well as audio tapes are some of the means used to counter the infrastructural challenges. Regarding WOUGNET's approach to access; emphasis is explicitly placed on using ICTs to *provide new information channels and to increase access to information*, while access to decision-making processes is less visible as a deliberate strategy. While the latter seems improved, this appears more as a positive side effect than the result of a deliberate focus.

Freedoms

Recalling the public sphere metaphor, freedoms are addressed as the protection of fundamental rights related to public and political life. In North America, Asia and Europe there has traditionally been a strong focus on freedoms in the online sphere, and on countering various types of censorship. However, in the context of Apac the main issue is not state interference in these freedoms, but rather structures of poverty and inequality that impact negatively on the women's ability to exercise rights,

especially to raise their voice, to own land, and to be politically active. According to the Uganda Participatory Poverty Assessment from 2002, women are still regarded as property by their husbands, thus men have control over women's lives, their access to information, and their participation in politics, social groupings and training (Bakesha, Nakafeero et al. 2008:143). "For example we talk of women's rights here in Kampala but when you go down and up in the villages, then what there exist is what? What my husband tells me to do, that is what I do. If I question him, those are the beatings. I have to submit to everything, he tells me to do" (#13, ISIS). Concerning participation in public political life, there are some positive indicators of change, most notably that some of the farmers have started to aspire for leadership positions at local council (sub county) level.

> "When there were elections most of the women participated in political elections, local elections, and we had a number who came up to the council.(.) we think it is because of the empowerment they got out you know talking in the group…yeah more confidence even value as women because you know our culture is really not very nice..(.) the men really you know they make you feel that you are nothing" (#16, former KIC).

Also, when talking to staff from the local radio, it was mentioned that *the women appear increasingly confident as they gain more practical experience with public appearance* e.g. being on air, raising issues, posing questions etc. "Like when I call for questions during talk show, now women also say like, hi I am called so and so, I am a farmer, a woman farmer from such a sub country I want to know about ABCD" (#25, Radio Apac). As such, the increased practice with public communication (in farmer groups, with agricultural experts, or in radio programs) is seen to have built confidence both in terms of mastering concrete skills e.g. using a mobile phone to pose questions on a radio program, and at a more personal level by building self esteem.

> "If you are not educated and everything you can definitely feel that you are nothing, so I feel that this project has empowered the women because first of all they start talking.. (..).so that gives you a bit of confidence building and then we change into the local politics, they are now going to compete with men and they have actually gone through, so I really think to some extent it had empowered what? the women, though that was not the intention of the project" (#16, former KIC).

However, the presence of women in public political life, be it as council members or as public voices more generally speaking, is still relatively limited compared to male representation. A final point, which was also reported in the 2007 evaluation, is the finding that men in Apac increasingly allow their wives to attend group meetings and to control farm resources such as credit and land; which is yet another indicator of gender inequality. In principle, women may own land but few do so, due to the relatively low income of women. "Very few women own land, because most of the land is in the male hands because also the income levels of women are low. But you can buy land if you have money, it is within the law" (#16, former KIC)[304]. It is stressed that as the farmers' income increases they start buying land, thereby gaining control over the economic resources needed to sustain their livelihood, though this is a slow process (# 16, former KIC).

Recalling some of the public sphere claims on how ICT may empower democratic life, some of the interesting findings from the 2007 evaluation, as well as from my own material, concern the way *women have become more visible both as participants at meetings and as voices on the radio***.** *Also, as previously mentioned the new communicative practices have given women a stronger say in decision-making related to the household and the family income.* As the women start to own more land, associate, negotiate, and participate in political life, existing structures of public and private as male-dominated domains are altered. In this regard the facilitation of increased access to agricultural information may have a longer-term impact than simply being farmers' access to communicate via radio and a mobile phone.

In summary, the issues raised in relation to freedoms were by and large related to social structures impacting negatively on women's ability to acknowledge and exercise their rights, and less to state restrictions. The findings speak to a cultural context in which structural inequality between men and women is seen as an urgent problem related to women's participation in public life. The findings indicate that the new means of communication have had a positive impact on women's ability to speak their mind and to participate in the public and political life of the community.

[304] As expressed by a poster from the Uganda Land Alliance in Apac: "Women are not property, but land is property, which women may own".

Resources to Participate

The theme *resources to participate* is included in the public sphere perspective since a number of policy debates address it in relation to participation in the digital era. In the current context the theme addresses the farmers' capacity to make use of ICTs to improve their livelihood and to take part in public life more generally.

When reviewing the material with respect to the farmers capacity to use ICT, a variety of training initiatives surface. Within the first year of the project it was decided to upgrade ICT training as the farmers did not use the mobile phones to the extent that WOUGNET and KIC had anticipated. Many of the women had never touched a phone or radio, seen a computer, or had access to audiotapes, and thus training proved crucial in order to give the women basic ICT skills as well as to build their confidence.

> "After a year we realized that they needed training because they were not using the phone as much as they should have been using it.(.) Sometimes the chairperson would store the messages on the what? On the phone and not send it out, it had not be delivered, and then she said they did not know how to respond back also to the centre" (#16, former KIC).

The training was ongoing due to changing group members and included training on how to use the radio, mobile phone and computer. Besides skills building the women were encouraged to use the mobile phone to ask questions during radio shows and to reach extension workers for agricultural advice in order to build their familiarity with the new tools. Women who were fast learners assisted as co-trainers of their fellow farmers.

> "It's hard to get them to use ICTs like the mobile phone even to make a phone call or to send a message. However, we have singled out a few women who are fast learners and we have made them trainers so they train their fellow women" (#16, former KIC staff).

> "Like this old women (..), initially when we got on ground she even feared to phone but now the phone is part of her, she can send us a message, she can tell us this is the problem, of course in the local language not in English. (.) And there are some of them who now can get to the center and use our computer" (#18, KIC staff).

As part of the initial capacity building meetings were held across the district. The first meetings focused on introducing the project and how it was going to work with the communities, whilst the subsequent meetings involved explanations of how the QAS and group meetings would work. Radio training was also conducted for a couple of women from each parish, including live presentations on the radio. The aim of the training was to develop the women's capacity and understanding of community radio (WOUGNET 2006:20).

> "They do the theory and also they go on air. The teach them like the basics in a five days training what would you first do when you go on the radio, you greet people you say, you introduce yourself" (#16, former KIC).

Training was also carried out to improve the production capacity of the community radio and the KIC staff involved in the radio shows. Additionally, a video training workshop was held for the KIC staff and a couple of the farmers, in order to learn video production and to produce a promotional video of the project. Initially participatory video production was intended to facilitate knowledge sharing among the farmer groups, so as to illustrate how problems may be solved within the various groups. Though the participatory approach was emphasized as a way of sharing experiences it was never realized due to a lack of resources.

> "The idea was that suppose we did a video where the women themselves were doing some activity, they are narrating themselves..(..). When you take it to another (village), you don't even need to worry about translation or anything (..) I think it would have more of an impact than me doing the exercise because they would immediately relate to that person by looking at who is doing what, they would really get to the puzzle, without the barriers. Without the oh ya what do you from Denmark know about my problems, or you sit in Kampala, what do you know about my problems and you know this type of things" (#1, WN).

When asked about the role of capacity building with regard to enhancing the women's resources to participate in public life, the interviewees emphasized the situations where experiences are shared e.g. when the farmers discuss and share experiences amongst themselves and with other local experts. The radio shows where farmers participated, group demonstration plots, and visits to other farmer groups were emphasized as especially important. "With the radio and phone we know more what is happening in the other groups" (#22, local farmer). The fact that it is the local people who share experiences is

stressed as essential in order for the farmers to acknowledge them as experts within the specific context of Apac (#1, WN).

> "..we have taken them for exchange visits where most of them have actually benefited a lot they have got new ideas from other people from out of the district also like we took them to Kayunga district where they have also got a lot from farmers, like we have one of the groups in Akalo there are now dealing in pineapple drying because they got it from other districts which is not the Apac district" (#18, KIC).

The material points to two main conclusions with regard to capacity building. First, training of the various actors in the project, in the different forms outlined above, has been a crucial component both to provide basic ICT skills and to build the confidence needed to actively use the technology to communicate day-to-day problems and to seek advice. The project was highly dependent on building capacity in the community, as even basic knowledge of ICTs was needed amongst the majority of the farmers. Second, capacity building has largely focused on providing information e.g. at group meetings, and the training of specific ICT skills, and to a lesser extent on how farmers may become more capable in sharing experiences (as had been the intention with the participatory videos). However, group demonstration plots, radio shows and exchange visits between farmer groups are emphasized as important spaces for learning, indicating that despite the strong focus on various technical training in the project design it has carved new spaces for sharing of experiences as well.

Conclusion

The first research question addressed in the case study concerned ICT as a tool for social change and, more specifically, whether ICT provides new modalities for participation in public and political life as is claimed by several of the discourses related to the public sphere metaphor.

Regarding the role of ICT, the Apac study illustrates how a relatively simple application of conventional media may contribute positively to local development and gender equality. It also illustrates how different ICT platforms are used in a supplementary manner, and suggests a landscape of media diffusion rather than media convergence. Both radio and mobile phones proved to be effective

platforms since they were more readily available in the community when compared to computers and the internet. The audio form also responded well to the low level of literacy amongst the farmers. Furthermore, the combined use of radio and mobile phones provided the radio shows with an element of interaction and user-defined agendas. As such the project reflects a division of labor between the various ICTs. Whereas the internet was primarily used by KIC staff and partner organizations to locate and translate information from outside the local context, radio and mobile phones was used to facilitate debate and problem solving within the community. The study therefore presents an example of user generated content' within a platform of conventional media, since the farmers themselves contribute to the agenda setting in the radio programs, as well as participate in those from time to time. In contrast, the internet is used primarily as a library of information where information is collected and subject to further contextualization before utilized. In the context of Apac, the combined use of community radio and mobile phones thus performs some of the interactive, participatory functions that are usually associated with the web platform.

Another interesting point concerns the discrepancy between the way the interviewed WOUGNET and KIC staff describe the role of ICT as information channels used to transmit information between a sender and a receiver, and the actual social practices. Whilst those interviewed stressed the role of various ICTs as information channels used to disseminate information, more participatory spaces were highlighted in the study. When farmers meet and engage with radio programs, when they address extension workers, or discuss amongst themselves they actively create meaning within this specific context. Recalling Luhmann's communication model (Chapter 3), the majority of examples from the local context thus spoke to the way ICT had facilitated communication as an active process of selection rather than information transfer.

In relation to new modalities for public and political life, the findings indicate that the farmers' capacity to influence their own situation has been improved, as new avenues for production and bargaining have been created. This includes deployment of new farming methods, more women in control of economic resources, and collective bargaining for market prices. Also, with regard to structures of public and private, greater participation by women in public life can be observed e.g. increased political activity and an increasing amount of women voicing issues of concern at community

meetings and in local radio shows, as well as a merger of gender-divided spaces at farmer's meetings. However, these positive indicators cannot merely be ascribed to access to ICTs, but appear as a combined result of strengthening women's confidence and access to raise their voices publicly, encouraging sharing within the groups, and countering gender divides mores generally. In the context of Apac, the empowerment factor thus seems to derive from the creation and harnessing of new spaces for experience sharing, decision-making, and participation in public life, facilitated by relatively simple ICT structures.

The second research question relates to the public sphere framework and its themes: access, freedoms and resources to participate, as a basis for case analysis. The analysis directed attention towards substantial access divides, related to lack of infrastructure, lack of access to local systems of communication, and gender inequality. It also illustrated that especially access to information was a highly prioritized theme by the local actors. In relation to power, it would be interesting to develop the theme of access to take part in decision making processes further, and to clarify how the two interrelate. With regard to freedoms, this theme pointed to some of the cultural factors constraining women's participation in public and political life. In the context of Apac, this was related in particular to structures of inequality, which impact negatively on women's ability to exercise their rights. Finally, in relation to resources to participate, the findings affirmed the central role of capacity building to gain benefits from ICT usage, but also pointed to the significant role of dialogue and spaces for sharing experiences vis-à-vis technical skills building.

The role of ICT in an Urban Setting: Kampala

Introduction

The second part of my study addresses the way civil society groups have worked with ICT as a tool to empower women and women's organizations in Kampala. As part of my visit to Kampala I interviewed a number of civil society organizations that were either WOUGNET partners or members (cf. appendix a). Whereas the Apac project has its focus on conventional media, the activities addressed in this part to a larger extent include internet-related activities. Furthermore, it reflects some of WOUGNET's earlier work e.g. maintaining a mailing list, providing information resources, facilitating forums and advocacy, and interfacing with the international gender and ICT community.

WOUGNET has members throughout the country, however the majority of their member and partner organizations are located in Kampala, and several of these have used the internet for years. Despite being relatively resourceful and ICT literate, the organizations operate in a context with considerable constraints due to unstable power supply, unstable network coverage, high prices for connectivity etc., thus making internet use incomparable to conditions in the more developed parts of the world. Regarding websites some of the members have an online presence but lack the necessary skills to update information, whereas the majority are without their own website but download information from WOUGNET.org and other websites (Beijuka 2007:13). Outside Kampala the leaders of the women's organizations are aware of ICTs but usage is minimal.

The discussion that follows examines how the civil society groups address and deploy ICT as a tool for social change using the themes of access, freedoms and resources to participate to structure the findings. In line with the previous analysis, the notion of access is discussed as: 1) access to basic infrastructure, 2) access to information, and 3) access to take part in decision-making processes.

Access

Access to basic infrastructure

When questioned about access, the interviewees in Kampala stressed the lack of an affordable internet infrastructure, an issue which impacts all parts of Uganda. Until recently, Eastern Africa was the only part of the continent without access to a system of submarine fiber optic cables that brings bandwidth to Africa from the Middle East, Europe and South Asia. Consequently, internet service providers (ISPs) in Uganda purchased their bandwidth via satellite, which can cost up to five times as much as bandwidth delivered via an undersea cable (OpenNet Initiative September 30, 2009). Also most rural areas are under-served as they are not commercially viable. "ICT has become very expensive also because it is dominated by private companies they look at commercial viability and market based approach so you find that this rural areas are underserved because of that" (#12, CEEWA-U). "Well basically the aim is to have fiber cable back bone (..) linking ultimately all the district towns in Uganda. (..) So in a way they are trying to address connectivity and infrastructure issues at the same time as the policies and plans for e-government" (#8, I-Network).

In July 2009, the first undersea fiber optic cable to bring high-speed internet access to East Africa was launched by African-owned Seacom. Some observers believe this to be the single most important infrastructure investment in eastern Africa since the construction of the Uganda Railway[305]. Uganda's 2009 / 2010 government budget includes support for expanding current ICT infrastructure, linking most of the country's major towns through 1,500 km of optical fiber and providing for connectivity to ease the transition to the East African Submarine Cable System (EASSY) (OpenNet Initiative September 30, 2009). In 2010, prices for internet connectivity as well as other telecom services started to decrease considerably (Cn.c144.net January 4, 2011) .

In summary, the lack of national internet infrastructure was a key issue among those interviewed in Kampala, particularly as regards securing internet access to all parts of Uganda and ensuring access is more affordable.

[305] Presentation by Calestous Juma, Berkman Center for Internet and Society at Harvard University, October 15, 2009.

Access to information

In relation to information access the majority of the organizations I spoke to in Kampala have access to computers and internet, hence access to various online resources. For many of the groups online advocacy and networking is thus somewhat comparable to their counterparts in the more developed world. However, also in Kampala there is a divide between the more professional groups such as the Council for Economic Empowerment for Women of Africa, Uganda chapter (CEEWA-U), Women's International Cross Cultural Exchange (ISIS), and the East African Sub-regional Support Initiative for the Advancement of Women (EASSI), which have used ICTs for years, and small organizations, which only have an online presence via WOUGNET's website.

When interviewing the groups about the role of ICT to foster their causes practically all the interviewees stressed WOUGNET's mailing list as a space for information sharing and networking.

> "Especially the mailing list we used it a lot to disseminate information and also to get information and we have quite benefited from that list" (#12, CEEWA-U).

> "WOUGNET they have that mailing list and on that platform that is where we share our ideas with women when for example there is a training opportunity"(#13, ISIS).

> "WOUGNET also provides kind of an interconnecting link so to speak so it brings together so many people" (#14, EASSI).

The information distributed via the mailing list typically concern various activities and priorities within the local groups, thus facilitating a common memory and communication channel for gender and ICT related advocacy within Uganda. For example, providing information on new publications and documentaries, calling for participants or contacts in relation to specific projects, furnishing information on research grants, and more personal announcements. The mailing list is also mentioned as a good resource for keeping informed about the various advocacy initiatives at national level in relation to gender and ICT. Moreover, some political discussions have taken place on the mailing list e.g. in relation to sensitive topics such as female genital mutilation and a woman's right to abortion.

> "Well there are some strategic discussions (on the mailing list) one that really created a lot of interest was the one on abortion on female abortion and peoples different takes on that. Given

> our society different cultures different believes they kind of conflict with human rights issues so to speak (.) I felt that was important to know that even though we are gender sensitive and we are feminists in one way or another and we do want girl and women's rights promoted, there are several areas that are sensitive. That are not clear cut in terms of yes or no. whether or not it is a human right.(.)" (#14, EASSI).

The mailing list is first and foremost presented as a space for information sharing and network rather than a tool for policy coordination. In relation to policy coordination, the civil society coalition (Uganda Women's Caucus on ICT) is emphasized as particularly important. The civil society coalition functioned as an advocacy group in relation to the national ICT policy framework, the Uganda Communication Commission, and during the WSIS process, particularly within the period 2003-2005.

> "So we have been having one voice, doing policy advocacy as a team. Because as an individual you may achieve less and what we are looking at here is the universal access. How do you make them (ICTs) accessible to everyone, especially the rural communities" (#12, CEEWA-U).

When questioned about the role of the WOUGNET network, the larger member organizations emphasized the shared space for gender and ICT issues, whereas the smaller organizations stressed the online exposure and access to network. "It has helped them so much, when I link them (rural based micro organizations) with WOUGNET so they also come and participate in the workshop they also get communication they get newsletters so there is a very good strengthening capacity" (#10, NVIWODA). Furthermore, one of the partner organizations stressed that they rely on WOUGNET for gender-specific knowledge (#8, I-Network)[306].

Also, I asked the interviewees how they perceived the internet. The answers were quite diverse and reflected all of my research metaphors, as illustrated below.

[306] On a more critical note, the 2007 evaluation revealed that many of WOUGNETs members had an information-sharing problem, thus newsletters and invitations to workshops etc. tended to end up with the group officials and not be disseminated further down the organizations (Beijuka 2007:13). It was also reported that WOUGNET was relatively unknown within Uganda, even among their own members, which may partly be explained by the lack of efficient communication from the chairs who interface with WOUGNET, and further on to their constituencies. Finally, it was reported that limited information on ICT was available for members to exploit easily, and that members would prefer WOUGNET to provide more ICT training (Ibid:10, 29).

> "I see it also as a media, it is a very very powerful tool for advocacy for news and for spreading information very fast (#7, I-Network).
>
> "The internet, for me actually I think of it as a road (infrastructure). yeah and if you can get on you can go anywhere you see, and basically as it is a road, there is people who are going to be building it (#1, WN).
>
> "For me the internet is a creative space, it is time for me to learn something new (culture)" (#14, EASSI).
>
> "I mean when I sit here and I get on the internet I feel part of the globe really, I can see what is happening in Denmark I can see what is happening you know I just feel part of the world. That is how I feel… Because you don't have that sense of isolation you know (public sphere)" (#8, I-Network).

To sum up, the groups interviewed in Kampala have a strong focus on online resources and the internet when reflecting on access to information. The groups reiterate that WOUGNET'S mailing list is a useful resource by which to access and share information pertaining to gender and ICT in Uganda. Additionally, the smaller organizations emphasize the online exposure and networks they gain access to via the WOUGNET website.

Access to take part in decision making processes

As previously mentioned, gender inequality represents a major problem in Uganda, and takes many forms such as uneven access to economic resources (land and credit), poverty, domestic violence etc.

> "In ordinary homes you find that a man will beat a wife maybe because he thinks you wasted the salt and salt costs like 200 shilling and he would say like, why did you use all the salt in just few days. So I believe if there is a system of money power to some extend domestic violence can be reduced.(..) so somehow people are tolerating violence because of poverty" (#17, KIC).

Practically all of the groups interviewed address this inequality one way or the other and utilize ICT to improve access to information that may strengthen women's decision-making power and their income. Also, the representation of women in the political system is relatively low, with less than 30 % female representation in parliament.

> "I would say that if women were more involved in decision making a lot would be emplaced, bills will be past and legislation will be in favor of women but because the women decision making is minimal, then in a sense policies that favor women concerns do not pass to reach women.(.) In Uganda we are slightly less than 30%" (#14, EASSI).

One of the local groups that seeks to strengthen women's economic power is CEEWA Uganda, which has a number of activities that aim to make women more economically active, more in control of economic resources and more able to sustain themselves. This includes initiatives in the area of micro financing, entrepreneurship development, and business training, thereby providing the women with information about how to gain credit, how to access markets, how to run a small business etc.

> "We are looking at transformation how do you transform this grass root women to a micro entrepreneur, the so-called economical active women, how do you transform her.. (.). you learn this person how to plan. How to price, how to keep records, how to save, how to manage credits if you want to go into credit you know. Even the self discovery, they are those who have potential, but they don't you know, so you try to take them to self-discovery and they start up something and you have had quite a number of them who have moved from one level to another level now" (#12, CEEWA-U).

In relation to CEEWA Uganda's work the local telecenters were in particular emphasized as spaces for information access, training and knowledge sharing; thereby improving women's decision-making power. An important part of CEEWA Uganda's work with the telecenters has been to locate information relevant to the community and to make it available in local language and in audio form. The telecenters are also used to train women to find new sources of credit and to access market price information over the internet. Women that receive training are subsequently used to train other women.

> "We use ICT centres to see how best can we disseminate information to the communities using the centres, and the gap we found there to use the centres was the content actually. The infrastructure is there, but what goes through this infrastructure is it regularly available for this rural woman? Can it be regularly understood by this woman? If you collect content on agriculture and this foreign language, how is it going to benefit this woman? So those are the issues we are now looking at. (.) " (#12, CEEWA-U).

> "when we are disseminating information we are using a lot of it, we have a mailing list ourselves. So you see it empowering people someone 200 miles apart they can communicate

> using a mailing list, they can exchange knowledge, they can exchange skills they can exchange information and this has worked, actually you can be fascinated how this woman go there and use the exchange information using the internet" (#Ibid)[307].

Another example of utilizing ICT to improve access to decision making processes is the agricultural knowledge fair, organized by Busoga Rural Open Source and Development Initiative (BROSDI)[308]. The Knowledge Fair is an event where farmers meet and elaborate on their experiences so that others may learn from them. Podcasting (iRiver) is used to facilitate learning and communication from the knowledge fair to a wider audience. Via podcasting the farmers' experiences are recorded, such as difficulties they face, advice they would want to give others engaged in similar practices, and whether it has made any change to their livelihoods. Most interviews are conducted in local languages then converted to MP3 format and later uploaded for further distribution. "It is interesting but true, the generations that can't write(..) We do podcast, then we do the blogs so they can sit and listen to the voice and learned based on the voice that they listen to" (#9, CELAC). Farmers without internet access receive CDs so they may access the material from a stand-alone computer (Basajjabaka 2008).

An additional BROSDI initiative is a citizen journalism project, which focuses on capturing and sharing stories as a means to promote local development. The project started with a survey among the farmers asking them about their specific challenges with regard to agricultural information. The survey revealed that the markets were diminishing and that there was a need to collect agricultural expertise not least the experiences collected over past generations. Accordingly, the project started to collect agricultural content that was critical for development in the communities, but which went unnoticed in the mainstream media. The information was translated and distributed using various Web 2.0 technologies (blogs, Google Maps, wikis, online documentation, chat rooms). Additionally the farmers were encouraged to write blogs in the local language, which was then uploaded and translated into English for wider outreach. Farmers with internet access printed out the information and posted it on their notice boards to make it accessible for people without connectivity.

[307] The telecenters experiences with use of CD-ROMs to empower women entrepreneurs are covered in Bakesha, Nakafeero et al. (2008).
[308] BROSDI is part of the Collecting and Exchange of Local Agricultural Content (CELAC) project, and a WOUGNET partner. The project addresses men and women farmers equally. For more information see: http://brosdi.or.ug/index.php, retrieved July 10, 2011.

> "So what we did was, we developed a project with the farmers which is to collect essential agricultural content. But largely it is on the content that the past generations used in agriculture where there were no pesticides where there was no fertilisers and so on how did they deal with agriculture how did they insure there plantations or whatever they planted was yielded better" (#9, CELAC).

The information was collected via group discussions where farmers would share experiences and identify people who were considered experts within a given area. Besides translating and posting the information online BROSDI provided summaries that were sent via text messages to farmers country-wide.

In relation to the micro organizations one of WOUGNET's member organizations, St. Bruno Doll Making Group, has used the WOUGNET membership to make her enterprise visible to the world. The micro enterprise produces art and craft specializing in doll making, produced by rural women from their homes. The online presence has raised the enterprise income essentially, via increased foreign exposure and sales, but has also given the owner increased knowledge on how to run a business, via studying other micro enterprises on the internet.

> "When we got connected to WOUGNET they put us on the website so from that time I have been getting people calling me even from outside Uganda (..) it is all through the website, because we are as you see a bit outside Kampala" (#15, St. Bruno Doll Making Group).

> "Because whenever I open (browse) some organizations, I find out their prices and the how you can send them and get your money, which is easier, because I know the internet thing the web site checking and seeing what other people do" (Ibid).

The Kampala study thus provided various examples of how ICT has facilitated access to decision-making processes by providing the various groups and individuals with access to local systems of communication. This includes relative simple measures such as the WOUGNET mailing list, and more comprehensive experience-sharing initiatives such as the agricultural knowledge fair and the citizen journalism project. Further, it was illustrated how local groups deploy ICT as a resource to improve

women's economic power e.g. via training in telecenters or via an online businesses selling local art and craft.

Freedoms

I next address the theme of freedoms which, in line with the Apac study, are associated with a culture of gender inequality. The interviewees provide some examples of state interference in freedoms but from countries other than Uganda. Also, as previously mentioned, internet censorship has only recently occurred in Uganda.

> "So I think the internet has helped a lot especially in those areas where they find restrictive environments, I know that there is like Egypt where even blogging is really restricted it is really under watch. But people are using this situation of security in a box (security tool) to communicate without being noticed and information goes on and people get to know what is happening in Iran (.). and I think it is someone's human right to have access to this, but the key concern here in Uganda is still the access because I think it is also peoples right to have access to these tools" (#12, CEEWA-U).

As highlighted in the above quote, Uganda was not (at least in 2007) perceived as a restrictive environment with regard to internet communication. Rather, the lack of internet access was emphasised as being most critical. Also, it is stressed that women have little awareness of their rights besides those of the narrow, educated elite. As a result many are hesitant to raise their voice, to associate and to attend public meetings, training etc.

> "It is only the elites the educated women who know their rights they might also not implement them or practice them, but at least they know that they have rights, but the rural women most of them still don't know, even if they know they have to consult their husbands (#16, former KIC).

> "In the relationship we should know if I have an idea, there is a man who will say. Can a woman tell me something? She can not. I have to tell her, do this, do that, they still exist those tings out there" (#13, ISIS).

Several of the interviewees state that the increased uses of ICTs have had a positive impact on women's rights in Uganda, particularly in terms of confidence building and by getting women used to

raising their voices. “Training for the ICT, yeah it gives you confidence because most of the women fear to go and get that knowledge (.). So when you get trained at least you get confidence because they allow you to trust your work in computer” (#15, St. Bruno Doll Making Group). “We trained young girls most of them had never touched a computer, they did not know what a computer looked like, but we trained them and they were able to speak out, to share their voices with other people (.)” (#13, ISIS)

Further, ICT training is seen as an opportunity to bring men and women together and to sensitize men towards the use of ICT for enterprise development.

> “Because you know here women sometimes they have to get permission from their husbands to go for like a training at the telecentre, the nature of there roles, you can’t just leave home. So when they (.) realize the role of information in their enterprises they will encourage other men to participate and also allow their wives to participate“ (#12, CEEWA-U).

As indicated by the above quote, women’s rights are quite constrained and the attempt to merge gender divided spaces as part of ICT training illustrates the cultural barriers that will have to be countered before women enjoy the same rights and freedoms as men. The telecenters to some extent represent a space where female participation is accepted on equal terms with their male counterparts, hence a transmission between the private and public sphere.

Regarding ICTs influence on the public sphere / public debate more generally, there is limited online debate in Uganda. However, there are examples of thematic debates such as a mailing list set up by WOUGNET partner I-Network, which represents some level of public debate and where top officials such as the ICT minister and his officials participate and gain feed back on concrete policy initiatives.

> “In fact the ministry itself have said that they listen very closely to what is coming out on our mailing list. (..), because it is a channel for them to get some feed back. (..) they would know it is a really good way for them to get in touch with what people are feeling and thinking about their policies or there services or their products” (#1, WN).

> “It definitely has changed a lot of debates, a lot of perception on what? on the facilitation you know of day to day communication and day to day living so to speak, a lot have changed. (..) because now they realize that this is such a powerful tool not just for easy communication friendly communication but it is such a powerful tool to send important messages across

> which in effect in the long term can change policies" (#14, EASSI).

As illustrated by these quotes, the mailing list has started to change people's perception of the internet; besides being seen as a tool for effective communication it is also perceived as a change factor influencing the way politics are carried out. Whereas the internet was primarily used as an information library in the Apac case, its role as a platform for public communication has started to slowly take off in Kampala.

In relation to ICTs role in terms of public / private transmissions, there were two points which surfaced most prominently in the material from Kampala. First, ICT is seen to strengthen women's ability to work from home, either directly via an internet connection or indirectly, as illustrated by the example from St. Bruno Doll Making, where local women are subcontractors to a micro enterprise selling art and handicraft via the internet. In a context where traveling even small distances is difficult and expensive and gender roles keep many women at home, the possibility of connecting from your home is seen as something that may benefit women.

> "If you are able to work from home as a women, it is interesting that this question comes to me at this time, because I am thinking of that in my house, having my internet connection then I can be able to link, I am a business woman as well because I teach entrepreneurship I can be able to link with my customers as well and also I can be able to communicate with all the women so I don't miss the link (.).And for the rural people it is costly, but if they get one point and there is computer there and there is internet connection. Information can spread quite easily. It can" (#10, NVIWODA).

The second point touches on the enhanced means for networking and gaining visibility that online spaces provide. As an example there is mentioned the civil society network APC, which have their staff and members scattered around the world, and where daily cooperation, network and problem solving is almost entirely online based. Despite a relatively small staff and physical office, the organization appears visible and influential in many parts of the world due to their online collaboration and presence. In the physical world the staff may be private women in their homes, however in the online world, they are public nodes, and part of a larger network.

> "You know what when people talk about APC, they think that APC is a huge building, but it is a small office so basically you know working the workspace online is really large but people who don't know ICT cant appreciate it. People can even sit in their home at their dining table when you have connection and talk to everybody and do work..(..) I admire APC because I have gone to their office it is just a small office, but she communicates to the whole world" (#2, WN).

In summary, the examples stress that even in a country with less than 10 % internet penetration the internet is seen as a facilitator of change on a number of arenas. In a context where women's ability to participate in public life is restricted, the virtual public sphere is seen to provide new opportunities for women to connect to professional, political and social systems of communication.

Resources to Participate

Finally, I examine how the groups relate to the notion of capacity building as a means of strengthening women's resources to participate in public life. Building capacity amongst women, policy makers, the media and ICT experts, etc. has been a major component in the work of most of the organizations I spoke to in Kampala.

ICT capacity building takes many forms such as ICT training in telecenters across the country (CEEWA-U), ongoing ICT workshops and specific educational programs, training at in-house net café (ISIS), technical support, providing refurbished computers (WOUGNET), and providing ICT resources online, just to mention a few. ICT capacity building was first initiated when women's organizations such as WOUGNET, CEEWA-U, ISIS and EASSI started to focus on ICT around 2000-2002.

> "We decided to set up women's internet café because we realized that there was a gender dictated gap between girls or women and men in Uganda and we decided to create a space for women, where women can come freely and also have a feel of the technology. (.) Most of the women had their first touch on computers here at Isis yes" (#13, ISIS).

Today quite a few organizations provide ICT training. ISIS is still active with their net café and has established an online library for information and training resources. They also use ICT to document

women's stories, not least during armed conflicts, and to relay these accounts to the global community. "We don't have the capacity and space but we have those voices yes. Because ISIS has the program of making women raise out their what? Their issues. To a global community" (#13, ISIS). CEEWA Uganda reports that they have trained more than 1,200 men and women in ICT for enterprise development. Some of the smaller organizations stressed the role of ICT training in promoting ICT literacy towards children.

> "This learning, adult learning is so interesting that even if they may not physically be using this computers they will be able to promote it to their children. So when they talk to their children about it and if the children learn that my mum is 35, 40 or 50 can be able to touch the computer then it will be enough motivation for the children in order also to access ICTs" (#10, NVIWODA).

Questioned about the challenges related to ICT capacity building, one of the interviewees stressed that the trainers need to be creative in 'translating' ICT terminology not only to local language but also to relate it to local concepts, as illustrated by the quote.

> "Yeah they always use local languages okay. Like the website the world web, they were teaching us like a spider web, so the way it connects (.), it is like a spider in our language, which they call, I forgotten the name, but they know the spider they know how it works, then the mouse they were calling it a rat, which is a messy so they would say now touch your messy (.) everybody was interested to touch the rat which doesn't bite (.). We were about 40 but at least 25 of them still communicate. That is the good thing I got from there" (#15, St. Bruno Doll Making Group).

Another area of capacity building has been training and awareness raising amongst policy makers and journalists. From the official side there is an increasing ICT awareness, and a dedicated ICT Ministry has been established. However, when it comes to gender policies, and understanding the specific challenges related to gender and ICT, the women's organizations report an ongoing need to sensitize policy makers, and to strengthen cooperation between the two policy areas.

> "The problem with the gender people is that they are gender people but they don't understand ICT issues, they only have one element, which is gender, they don't see the connection so we really have to have capacity in ICT" (#2, WN).

> "I think the most important initiative would be if they could improve the gender and the ICT policy, those two. If they could link up, because most of the policies are done independently.. Because we have at the parliament level, we have each of these committees of gender and a committee on ICT" (#16, former KIC).

When asked whether ICT has changed the way women work together, the interviewees stress the distinction between the few that have internet access and the many which do not. The relatively few that are connected, increasingly use the internet to link up, share resources, and network more generally. However for the majority, the mobile phone is still the most accessible media.

> "It is quite a different culture and like my organization is working with the grass root women it is so costly for them to run from their rural areas to go to town which is far away from them. (.) Fortunately on my mobile phone I can send out messages to different members at the same time (.) so we also have hope that one day or the other the rural people will also be able to access the internet, the email or can be connected" (#10, NVIWODA).

Further, it is stressed that for many people the physical meeting or phone bears more weight than email communication. The importance of seeing the other physically in order to build trust and exchange services and advice is thus emphasized as a cultural characteristic. "I think that is our culture, people feel much more when they see somebody physical. (.) you know our ancient thinking, we still think that we have to be physical. And when you are not physical you are not available" (#2, WN).

In terms of building ICT literacy, it is suggested that the government may play a key role since they represent the biggest ICT consumer and may lead a development towards more online services to advance ICT literacy. This would however need to go hand in hand with other initiatives such as creating affordable access across the country, and a general focus on education, so that boys and girls alike grow up understanding and appreciating the role of technology. It is also stressed that ICT capacity building must be coupled with developing concrete uses e.g. promoting entrepreneurship, improving farming practices and making government services more effective; for it is in concrete uses that added value is experienced.

To summarize, ICT capacity building is stressed as crucial amongst practically all the groups I spoke to and is presented as an activity that has developed considerably over the past years. Capacity building has evolved from basic ICT training (how to use a computer, email, word processing, internet etc.), to use of new collaborative tools (wikis, blogs, podcast, etc.) to share experiences and best practices. With regard to WOUGNET, their role in terms of ICT capacity building is more at policy level and less in terms of concrete training targeting the women's organizations[309].

The Kampala study provides a number of examples on how civil society groups deploy ICT, not least the internet, as a means to improve women's economic and social situation. The findings are addressed in more detail below; therefore I highlight only a few of the main conclusions here. First, the lack of a generally available and affordable internet infrastructure is emphasized time and again. Second, the groups have established various information and experience-sharing platforms over the past ten years, increasingly utilizing Web 2.0 technologies. Despite the fact that the majority remains without internet access, the groups offer several examples of how internet has provided new means for professional and public life. Third, ICT training and capacity building has been carried out in many forms by local groups, and generally is seen to build ICT literacy as well as confidence more generally.

Conclusion

The two research questions addressed in the case study concern the role of ICT as a tool for social change, and the usefulness of the public sphere metaphor as an analytical frame of reference. I will start by recapitulating how the local groups understand and assess the role ICTs have played for women and women's groups in Apac and Kampala.

On the one hand, the contextual constraints are emphasized, such as the lack of basic infrastructure and the small percentage of people and organizations that have access to ICTs. On the other hand, the majority of the groups I spoke to are convinced that the combined use of various ICT platforms have and potentially will empower women in Uganda (though it is difficult to find quantitative data that

[309] This does to an extent contradict the need expressed by their members in the 2007 evaluation. However, it is in line with WOUGNET's strategic aim of prioritizing role-model projects.

links local development with ICT usage). A project like the EAAI project in Apac, or BROSDI's Knowledge Fair, are both stressed as examples of the way ICT – in old as well as in new forms – are used and combined to facilitate communication and sharing of experiences, thereby improving the farmers ability to access information, to debate and to make decisions concerning their livelihood. The initiatives may affect relatively few people, but the impression that lasted after having visited and talked to the groups in Apac and Kampala was that it is perceived to have made a difference. It has facilitated structures of debate and exchange, it has increased information access amongst the rural farmers, and it is slowly enhancing women's ability to control their own economic resources, to associate, to seek relevant information and to speak their mind. As such, there are examples of women slowly claiming decision-making powers, both in relation to the private household and in relation to public and political life. Furthermore, as women increasingly appear as public voices issues that were previously dealt with in the private sphere e.g. domestic violence and lack of women's rights increasingly becoming public matters.

There are some essential differences in the way ICT is used in Apac and Kampala. In the Apac project the focus is on the combined use of radio and mobile phones used to generate debate and dialogue within the community. The focus on these media, and not the internet, is primarily due to their local availability, relatively low cost, and audio form. Internet access is limited to a few access points and primarily used by KIC staff and the local organizations to source information, which is then communicated via conventional media platforms. The case presents a division of labor between the various ICTs, with the internet playing a minor role, and conventional media performing some of the functionalities that are often ascribed to the internet. In fact, some of the themes associated with Web 2.0, such as user-generated content, collaboration, and information sharing, could be applied to the communicative space that radio and mobile phones have facilitated in Apac.

In the Kampala study internet usage plays a more dominant role, since many of the people and organizations spoken to have internet access and use it on a regular basis. This also implies a higher level of literacy compared to Apac. In Kampala, the internet is primarily used to search information and to communicate more generally e.g. to share experiences in written and oral (podcast) form. Another role played by the internet is to provide visibility for smaller organizations / enterprises, and to

facilitate public debate via thematic mailing lists. As with the Apac project, the internet is used in combination with other platforms such as notice boards, radio, and mobile phones, which are more widely accessible. The case thus illustrates how old and new platforms are used to complement one another, remixing some of the roles that are often assigned to the internet as compared with conventional media. The study thus points to the multiple ways in which various platforms may be combined, even within a context of relatively limited ICT access.

Regarding the public sphere framework, this facilitated a thematic yet explorative approach, where attention was directed towards certain themes while allowing the interviewed to decide which topics to pursue within this overall framework. The themes of access and resources to participate (capacity building) resonated well with many of the issues raised by the local groups when reflecting on the role of ICT as a tool for women empowerment. In Apac enhanced access to information was addressed in particular, whereas the Kampala study had a stronger focus on sharing experiences and influencing decision-making. However, both locations provided several examples of how ICT was used to strengthen decision-making power. The freedom theme directed attention towards a context where gender based inequality limits women's exercise of basic rights e.g. their ability to speak at meetings, organize, control economic resources, and be politically active. Finally, in relation to the crosscutting theme of public and private, there were some interesting indicators of change, mostly in terms of women increasingly having a public appearance facilitated by ICT usage. The examples include women speaking publicly at community meetings and in radio shows, online exposure of micro enterprises, and policy advocacy targeting gender and ICT policies. It would be stretching the point to draw strong conclusions on the public / private transmissions based on the material, however, the above examples point to increased participation in public life by women in Uganda.

On a final note, it should be remarked that while data was collected and analyzed using the public sphere metaphor, there were several references to the other metaphors, especially the media metaphor. The interviewees on many occasions referred to the internet as a media, and to various types of online 'content'. Also, some of the indicators of women increasingly entering the public sphere on equal terms with men are closely related to the themes raised in the media metaphor in relation to mediated publicness, and how new media may transform previously distinct social settings, leading to a more

egalitarian society (Meyrowitz 1985). This is indicative of the somewhat artificial distinction between the four metaphors, since in reality the notion of media, public sphere, infrastructure, and culture are mixed and combined when ICT and internet use is debated, in Uganda and elsewhere. As such, the analysis sensitized me towards the interplay between the metaphors, and the way they intertwine in a given context. I will return to this point in the final discussion. Moreover, it became clear that despite the relevance of themes such as access and capacity building the public sphere metaphors' ability to capture the complexity of local practices had some limitations e.g. its ability to address issues of poverty, development and gender inequality.

Leaving aside Uganda at this juncture, I now introduce the second case study: Wikipedia.

8. Wikipedia as a Platform for Community Life and Collaboration

Introduction

In this chapter, I deploy the Net as Culture Metaphor to examine how people engaged with Wikipedia understand and make sense of the social practices around Wikipedia as an online platform and community. Whilst the Uganda case study examines how ICT may enhance women's participation in public and political life, the current study investigates claims related to so-called 'free cultures'. As discussed in the Net as Culture chapter, scholars have argued that internet cultures represent values of openness and sharing, and that these may empower public life by fostering a more participatory culture. Further it has been suggested that the 'success' of Wikipedia testifies to the power of these norms, and that Wikipedia may be seen as a "public expression of trust"[310]. The aim of my study is twofold. First, to explore the above claims related to Wikipedia as an online culture and, second, to examine the usefulness of the culture metaphor as a basis for case analysis.

As outlined in the chapter on methodology, the unit of analysis is the German Wikipedia[311] and the interviewees (for the most part) Wikipedians from the Berlin-based community. However, the English Wikipedia is included too as a point of reference due to its special status as Wikipedia founder, and since many of the principles and guidelines derive from the English Wikipedia.

As illustrated in the section on *Research on Wikipedia* below, there has been a substantive amount of research addressing Wikipedia as a social and cultural phenomenon. In the current analysis, data was collected and examined according to the main themes from the Net as Culture Metaphor, as addressed in the next section.

[310] Wales and Benkler debating at *Berkman@10* (10 years Anniversary of the Berkman Center for Internet and Society at Harvard University), June 12, 2008. Available at: http://www.youtube.com/watch?v=ummx6OG1GbM, retrieved July 10, 2011.
[311] The German Wikipedia covers not only Germany but all German-speaking countries, including Austria and Switzerland (as is the case with the English Wikipedia, which covers all English -speaking countries).

Analytical Framework

I will start by briefly recapturing the analytical framework from the Net as Culture Metaphor. The culture metaphor is related to *online cultural practices,* and addresses some of the practices of openness and sharing that unfold online. As a policy theme it is reflected in the movement for free cultures (Lessig 2004). The Net as Culture Metaphor suggests three main themes related to online cultures. First, *community culture*, which addresses the norms and values underlying the social practices of any given community. Second, *collaborative practices* pointing to the specific ways by which members of the community organize their contributions towards a common goal, and third, *self-regulation* by which is referred to the rules and mechanism used to regulate behavior within the community. In the case study the themes served as organizing notions both during the interviews and when mapping key points in the data material. Community culture focuses on the cultural characteristics of the Wikipedia community and the reasons for participation. Collaborative practices address the day-to-day practices of producing Wikipedia articles, including how these practices reflect the underlying values, whereas the theme of self-regulation address the rules, positions, arbitration mechanisms etc. within the community. One of the questions pertaining to the latter is the role of social norms rather than control as a regulating mechanism within the community. On a final note, I examine Wikipedia with respect to public life more generally.

Introduction to Wikipedia

Wikipedia is a multilingual, encyclopedia project, launched in 2001 by Jimmy Wales and Larry Sanger, the former editor-in-chief of Nupedia[312]. Wikipedia is part of The Wikimedia Foundation; a non-profit charitable organization based in California[313]. The name Wikimedia is combined by wiki (fast in Hawaiian) and multimedia. Wikimedia operates several online collaborative projects including Wikipedia, Wiktionary, Wikiquote, Wikibooks,Wikisource, Commons, Wikispecies, Wikinews,

[312] Nupedia was an early effort to create a free online English-language encyclopedia with peer-reviewed articles. Wikipedia began as a complementary project for Nupedia ("a Nupedia feeder"), and the two coexisted until Nupedia closed down in 2003, and the articles were incorporated into Wikipedia. For an account of Nupedia see e.g. Lih (2009:32-41). The extent to which Sanger was co-founder is somewhat disputed (Zittrain 2009:142)

[313] The creation of the Wikimedia Foundation was officially announced by Jimmy Wales in June 2003. See http://en.wikipedia.org/wiki/Wikimedia, retrieved July 10, 2011.

Wikiversity, and Meta-Wiki. The goal of Wikimedia is to create a free global domain of knowledge in all languages of the world, based on so-called Wikis, which are online cooperative platforms[314]. In recent years, Wikimedia has become a significant provider of public information, not least due to Wikipedia, which is the focus of this case study.

Wikipedia is described by Jimmy Wales as "an effort to create and distribute a free encyclopedia of the highest possible quality to every single person on the planet in their own language"[315]. Wikipedia's articles are written collaboratively by volunteers around the world. The majority of pieces are written from English-speaking countries. As of June 2011 there are 281 language editions of Wikipedia, and the five largest language editions are (in order of article count) English, German, French, Italian, and Polish. However the majority of the languages have not reached any critical mass[316]. According to the three-month Alexa traffic rankings, Wikipedia was of June 2011 ranked as #7 in visited websites worldwide[317]. The English subdomain (en.wikipedia.org) receives approximately 57.5% of Wikipedia's cumulative traffic, followed by the German language version with 7 %, the Japanese version with 6 %, the Russian version with 6 %, Spanish with 5.5%, and the French with 3.6%[318]. In terms of size Wikipedia's number of visitors by far outnumbers that of the Encyclopedia Britannia, for example. As of August 2011 Wikipedia contains more than 19 million articles, of which 3.7 million articles are in English. The German edition, being the second largest, contains more than 1.2 million articles; followed by the French with 1.1 million articles. "In the English Wikipedia, where activity is nonstop, articles have become an instant snapshot of the state of the world, serving as a continuous working draft of history" (Lih 2009:7)[319].

[314] Wiki technology was designed by Ward Cunningham in 1995 as a tool for collaborative work (Leuf and Cunningham 2001).
[315] See http://en.wikipedia.org/wiki/Wikipedia#Characteristics, retrieved July 10, 2011.
[316] See http://meta.wikimedia.org/wiki/List_of_Wikipedias, retrieved July 10, 2011.
[317] See www.alexa.com, retrieved July 10, 2011.
[318] See http://www.alexa.com/siteinfo/wikipedia.org, retrieved July 10, 2011.
[319] On a more critical note, it has been argued that the principle of open editing makes Wikipedia unreliable, that it exhibits systemic bias, and that its group dynamics hinder its goals. For a summary of Wikipedia criticism see: http://en.wikipedia.org/wiki/Criticism_of_Wikipedia, retrieved August 3, 2011.

In 2004, Wikipedia won the *Webby Award* (often referred to as the Oscar equivalent for the internet) in the category 'Community', and the *Prix Ars Electronica Award* in the category 'Digital Communities'[320].

All Wikipedia articles were covered by the GNU Free Documentation License (GFDL) up until June 2009, when the site switched to a Creative Commons license. The GFDL was initially designed for software manuals and was found less suitable for online reference works[321]. The current license implies that the content is freely available for others to use, though usage requires attribution to the original author and demands that derivative works must be subject to the same license.

Research on Wikipedia

There have been numerous papers, articles, and books written on Wikipedia within the past ten years, and the following is a brief introduction to some of this research focusing on the quality of Wikipedia articles, the means of regulation within the community, the incentives for taking part in Wikipedia, and the Wikipedia movement and culture more generally[322].

First, there have been several studies on *the quality of Wikipedia articles*, compared to traditional print encyclopedia. Content analysis of a sample of 450 articles in the German Wikipedia to investigate article quality suggest that the higher the relevance and interest of an article, the better its quality (Brändle 2005). The interest factor is determined by the number of edits and unique authors, traffic, age, and number of back links, whereas the relevance factor is determined by, for example, the number

[320] See http://www.webbyawards.com/ and http://www.aec.at/de/prix/index.asp?nocache=462365, retrieved July 10, 2011.
[321] On December 1, 2007, Jimmy Wales announced that a long period of negotiation between the Free Software Foundation (FSF), Creative Commons, and the Wikimedia Foundation had produced a proposal supported by both the FSF and Creative Commons to modify the Free Documentation License so that the Wikimedia Foundation could migrate the projects to a similar Creative Commons license. In May 2009, a community vote amongst 17.000 Wikipedians agreed to the license transfer. See http://wikimediafoundation.org/wiki/Press_releases/Dual_license_vote_May_2009QA, retrieved July 10, 2011.
[322] At Wikimania 2009, Hill presented a research review based on recently published Wikipedia papers, representing ten thematic clusters of research. The themes covered Wikipedia as a data source, quantitative analysis on Wikipedia, topic coverage in Wikipedia, Wikipedia quality, Wikipedian personalities, decentralization in decision-making, modeling promotion decisions, rule creation, how Wikipedia might work better, and simple (English) Wikipedia. See (Hill 2009).

of results delivered by Google. A comparative study of Wikipedia and another collaboratively authored online encyclopedia compared them to traditional print encyclopedias. It found that Wikipedia maintains a standard of contributions almost equivalent to that of printed material, even though it has no central editor. Another conclusion of the study was that the more control is exercised over the contributions by editors, the more standardized and formal the content becomes (Emigh and Herring 2005). In terms of the topics covered, studies seem to imply that the coverage and quality of articles in Wikipedia are higher with regard to technical topics and lower when it comes to more philosophical entries (Elvebakk 2008). Bellomi and Bonato (2005) have carried out a network analysis of the English Wikipedia to examine potential cultural biases in Wikipedia content. The results suggest a bias towards Western cultures. However, studies of other language editions would have to be carried out before adopting any general conclusions.

The evaluation of Wikipedia articles has been conducted following several different methods. Viégas, et al (2004) have examined the dynamics of creating and editing articles through a history flow visualization tool. Via history flow visualization one may visualize the development of an article and see patterns of, for example, peer-review, vandalism-repair and conflict resolution etc. that occur. Lih (2004) has developed a qualitative tool based on metadata to assess the quality of any given article, whilst Voss (2005) has conducted quantitative assessments e.g. the number of edits per author, the total number of authors per article, and the distribution of dead links.

A second cluster of research addresses *Wikipedia's means of regulation*. A study on Wikipedia's decision-making processes describes Wikipedia as an organization with highly refined policies and norms, anchored in a technological architecture that supports the ideals of consensus building and discussion. The authors describe how governance is becoming increasingly decentralized and how this is predicted by theories of other commons-based systems in the offline world (Forte and Bruckman 2008:157). Other research on Wikipedia's governing structures has stressed that the community maintains a strong resilience to vandalism and that the fastest growing areas of Wikipedia are devoted to organization, coordination, policy and process (Viégas, Wattenberg et al. 2007). With regard to dispute resolution within Wikipedia, research suggests that the arbitration system functions not so much as to resolve disputes between conflicting Wikipedians, but to weed out problematic users while

encouraging productive users back into participating. Strict remedies are thus used very rarely (Hoffman and Mehra 2009)[323].

A third theme is the *community culture and the incentives for taking part in Wikipedia*. Bryant et. al. (2005) use activity theory to study participation in Wikipedia as an adaptable process that changes over time. Their findings suggest a move amongst Wikipedia participants from encyclopedia consumers to encyclopedia creators. Gaved, Heath and Eisenstadt (2006) propose a typology of wiki users more generally, citing the nature of their involvement or type of contribution. Rafaeli and Arial (2008) find that the collaboration on Wikipedia is enabled more by different motivations for participating than by equalizing rules and norms. They thus see the "rumors of widespread, even anarchic democracy on Wikipedia" as both premature and wrong, and argue that Wikipedia is less equalitarian than often presumed (Ibid:261). In a study of Wikipedia as a knowledge building community, (Rafaeli, Hayat et al. 2009) suggest that Wikipedians motivations are mainly cognitive, affective and integrative, however also including more self less motivations such as "sharing my knowledge" and "contributing to others" (Ibid:12). Another community study examines how Wikipedia authors write "their community" into being, thus construct their self-understanding and self-description as a community (Pentzold 2011). Based on coding of exchanges on the Wikipedia mailing list Pentzold argues that Wikipedia represent an ethos-action community, which is an ethical community weaving a web of responsibilities between its adherents (Ibid:717).

In relation to Wikipedian personalities, a study found that Wikipedia members locate their 'real me' identity on the Internet more frequently than non-Wikipedia members. The study revealed differences between Wikipedia members and non-Wikipedia members in agreeableness, openness, and conscientiousness, which were lower for the Wikipedia members (Amichai-Hamburger, Lamdan et al. 2008:679)[324]. Research on the cultural differences in the French, German Japanese and Dutch Wikipedia suggests that cultural differences observed in the physical world also exist online (Pfeil, Zaphiris et al. 2006). In the study, content analysis was conducted on the "history" page of the article "game" within the four Wikipedias. Using Hofstede's cultural dimensions, it was found that in several

[323] The statistical analysis is based on coding of more than 250 arbitration opinions from Wikipedia's arbitration system.
[324] The study included 139 subjects, of which 69 were Wikipedia members.

cases the cultural characteristic of a given country (for example, the extent to which the less powerful accept and expect that power is distributed unequally) was reflected in the way Wikipedians would cooperate online.

With regard to the Wikipedia movement, history and culture in a broader sense, Lih (2009) provides an insider's account in his book *The Wikipedia Revolution - how a bunch of nobodies created the world's greatest encyclopedia*[325]. Other recent books that address the Wikipedia phenomenon include Reagle (2010), Bruns (2009), Zittrain (2009), Benkler (2006), and Sunstein (2006). Finally, there are at least two annual conferences that focus on Wikipedia and continue to provide numerous studies and research related to the content, technical design, and norms and behaviors of Wikipedians across various national settings. One is the Wikimania conference organized by Wikipedia itself[326]; the other is the Wikisym conference, dedicated to wiki and open collaboration research and practice more generally[327].

The ensuing discussion introduces the German Wikipedia and explores thematic elements addressing the community culture, the practices of collaboration, and the means of self-regulation.

Introduction to the German Wikipedia

When Wikipedia kicked off, the Germans were well represented in the early development of the English site and its articles. "Several of the early contributors to the German Wikipedia did a lot on the English Wikipedia too and even the idea of, well, doing an encyclopedia with the name of the wiki came from Germany" (#4)[328]. In March 2001, the German Wikipedia[329] was announced by Jimmy

[325] Andrew Lih has been active in the Wikipedia community for several years, and has served as Wikipedia administrator (the role of administrators is addressed in the section on self-regulation).
[326] See http://wikimania2011.wikimedia.org/wiki/Main_Page, retrieved July 10, 2011. The first Wikimania was held in 2005.
[327] See www.wikisym.org, retrieved July 10, 2011.
[328] In the following, quotations from interviews are referenced by a number referring to appendix b, e.g. (#4).
[329] The German edition was originally available at: deutsche.wikipedia.com, now at de.wikipedia.org.

Wales as the first non-English Wikipedia subdomain[330]. One of the earliest snapshots of the home page, dated 21 March 2001 can be seen at the Wayback Machine[331] site[332].

In 2003, the German community organised the first physical Wikipedia meeting in Munich. Many cities followed, and soon a number of regular Wikipedian get-togethers were established around the world. For the German community physical meetings such as monthly *stamtisch* (literally 'a table for the regulars') became a common meeting point, usually with 20-30 people attending and debating various issues such as how people behaved online, how to ban people, how to protect articles etc. (#3)[333]. The community also started to organize city walks in smaller groups to explore and locate new article topics, and to organise workshops around Germany (Ibid).

In 2004, the community established the national chapter of Wikimedia; Wikimedia Germany. The same year the company Directmedia Publishing started producing and distributing hard copy versions of the German Wikipedia[334].

The German Wikipedia had a strong rate of growth in the first years, and especially in 2004. Since mid-2006 the level of contributions has been with approximately 400 new articles per day and between 6500 and 8500 active Wikipedians[335] per month with a slightly declining curve in 2011[336]. In

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[330] See http://lists.wikimedia.org/pipermail/wikipedia-l/2001-March/000049.html, retrieved July 10, 2011.
[331] The Wayback Machine is a so-called "digital time capsule" created by the Internet Archive and maintained with content from Alexa, allowing users to see archived versions of web pages. Snapshots become available 6 to 24 months after they are archived, however the frequency of snapshots varies, so not all updates to tracked web sites are recorded. For more information see http://en.wikipedia.org/wiki/Wayback_Machine, retrieved July 10, 2011.
[332] See http://web.archive.org/web/20010425083506/deutsche.wikipedia.com/wiki.cgi?action=browse&id=HomePage&revision=9, retrieved July 10, 2011.
[333] Various information for the German speaking Wikipedians are available at: http://de.wikipedia.org/wiki/Wikipedia:Autorenportal. Specifically on stamtisch see: http://de.wikipedia.org/wiki/Benutzer:Jcornelius/Stammtischguide, retrieved July 10, 2011.
[334] DVD versions of the German Wikipedia may be downloaded from http://de.wikipedia.org/wiki/Wikipedia:DVD, retrieved July 10, 2011.
[335] Active Wikipedian is defined as someone who contributed 5 times or more in a month.
[336] Various statistics related to the German Wikipedia are available at: http://stats.wikimedia.org/EN/ChartsWikipediaDE.htm and http://stats.wikimedia.org/EN/TablesWikipediaDE.htm, retrieved July 10, 2011.

September 2011, the German Wikipedia had a total of 1,293,085 registered users[337]. The exponential growth of new users in 2004 is explained by massive coverage in mainstream media.

> "It was a series of fortunate events that put us into the most read newspaper, the most read newsmagazines, TV channels. I think it was a matter of 2 or 3 weeks when Wikipedia was extremely prominent on almost every channel and in this time the German Wikipedia language increased 1% per day for almost 2 weeks and we were completely exhausted!..(.) and unable to assemble the coming traffic. I think half of the people I know jumped on Wikipedia in this period of time. So it was an artificial growth, which was unique to the German encyclopedia" (#5).

Despite the rapid growth of the community in the early years, the interviewees stressed that many from the 'first generation' are still part of the community. "Yeah in the beginning perhaps one did know the majority personally off line too through these meetings in Berlin for example or Wikimedia Germany also. (..) now if you go to a meeting in Wikimedia Deutschland there are still more people every time but the majority I mean they have been there since the beginning so you know them already" (#4).

In 2005, the German community organized the first global Wikimania conference in Frankfurt with 380 people from over 50 countries in attendance[338].

> "In august 2005, at a modest youth hostel in Frankfurt, Germany, hundreds of writers, students, computer hackers, and ordinary internet users from around the world gathered.(.). There was a curious diversity – they came from different locations, age groups and educational backgrounds – but they all referred to themselves with the same label: Wikipedians. They were there face-to-face for the first-ever Wikimania conference, bound by a common passion to give away their labour, knowledge and know-how" (Lih 2009:2-3).

The following year the state of Göttingen and the University Library held a special exhibition documenting the first five years of Wikipedia. Also, the first two Wikipedia Academy's were held in Germany in 2006 and 2007[339], and in 2008 the German Wikipedia was ranked higher than any other

[337] See http://meta.wikimedia.org/wiki/List_of_Wikipedias, retrieved September 19, 2011.
[338] See http://wikimania2005.wikimedia.org/, retrieved September 19, 2011.
[339] Wikipedia Academies are conferences aiming at familiarizing the academic world with Wikimedia projects. See http://meta.wikimedia.org/wiki/Wikipedia_Academy, retrieved July 10, 2011.

domestic news site within Germany in terms of web traffic[340]. In May 2011, German Wikipedia ranked #6 amongst most visited websites in Germany[341].

The quality of German Wikipedia has been studied and compared to other encyclopedia several times. In December 2007, the German magazine Stern published the results of a research-based comparison between German Wikipedia and the online version of the 15-volume edition of Brockhaus Enzyklopädie (Stern.de December 5, 2007). The test included 50 articles from each encyclopedia (covering politics, business, sports, science, culture, entertainment, geography, medicine, history and religion) on four criteria (accuracy, completeness, timeliness and clarity). The findings showed that Wikipedia articles were evaluated as being more accurate on average. Wikipedia's coverage was also found to be more complete and up to date. However, Brockhaus was judged to be more clearly written, with several Wikipedia articles being criticized for their length and complexity. In January 2011, Sue Gardner, Executive Director of the Wikimedia Foundation, stated that the German Wikipedia is "the best" language edition.

> "It's accurate, it's comprehensive, it's well maintained, the articles are longer, the articles are well referenced, and so forth. Germany is a wealthy country. People are well educated. People have good broadband access. So the conditions for editing Wikipedia are there. And the fact that German people were able to meet face to face and talk about policies and talk about procedures and so forth because they're geographically located in a relatively small area, for the most part" (Gardener quoted in On The Media January 14, 2011).

These characteristics of the German Wikipedia community are further explored below, starting with the theme of community culture.

Community Culture

I shall now examine the declared norms and values of Wikipedia, and how these are reflected in the practices of the German community. I also discuss the various reasons for taking part in Wikipedia, as presented by those I have interviewed.

[340] See http://www.comscore.com/press/release.asp?press=2160, retrieved July 10, 2011.
[341] See http://de.wikipedia.org/wiki/Wikipedia:Statistik, retrieved July 10, 2011.

Wales has argued that the Wikimedia vision and its foundational principles is a crucial component for collaboration to succeed[342]. "These principles may evolve or be refined over time, but they are considered ideals essential to the founding of the Wikimedia project"[343]. The principles by which Wikipedia operates are summarized in the form of five "pillars":[344] 1. Wikipedia is an online encyclopedia (value of neutrality) 2. Wikipedia is written from a neutral point of view (value of neutrality) 3. Wikipedia is free content that anyone can edit, use, modify, and distribute (value of openness and sharing) 4. Editors should interact with each other in a respectful and civil manner (value of trust and dialogue) 5. Wikipedia does not have firm rules (value of dialogue). The five pillars apply to all language editions. Further, is it stressed that Wikipedia is "more than *just* an encyclopedia, Wikipedia is a community"[345].

I shall now address some of the principles that underpin these pillars, such as the values of *neutrality, dialogue, trust, openness, and sharing*[346].

The first and second pillar stress that Wikipedia is an encyclopedia written from a neutral point of view. This speaks to the value of neutrality, which is often emphasized as the most central community principle.

> "Neutral point of view (NPOV) is a fundamental Wikimedia principle and a cornerstone of Wikipedia. All Wikipedia articles and other encyclopedic content must be written from a neutral point of view, representing fairly, and as far as possible without bias, all significant views that have been published by reliable sources. This is non-negotiable and expected of all articles and all editors"[347].

[342] Wales at *Berkman@10*, June 12, 2008. Available at: http://www.youtube.com/watch?v=ummx6OG1GbM, retrieved July 10, 2011.
[343] See http://meta.wikimedia.org/wiki/Founding_principles, retrieved July 10, 2011.
[344] See http://en.wikipedia.org/wiki/Wikipedia:Five_pillars, retrieved July 10, 2011.
[345] See http://en.wikipedia.org/wiki/Wikipedia:Wikipedia_is_a_community, retrieved August 9, 2011.
[346] Love is another value that has been emphasized in relation to Wikipedia. "Wikipedia is a Shinto shrine; it exists not as an edifice but as an act of love. Like the Ise Shrine, Wikipedia exists because enough people love it and, more importantly, love one another in its context" (Shirky 2008:141).
[347] Quote from http://en.wikipedia.org/wiki/Wikipedia:Neutral_point_of_view retrieved July 10, 2011.

As expressed by Wales, the principle of NPOV means that you have to write for the enemy in order to survive[348]. This implies that articles have to be balanced in presenting various interpretations both for and against any issue relating to a given topic, to an extent where editors who essentially disagree on a specific topic would agree to the content presented. NPOV has been emphasized as the only non negotiable policy that allows Wikipedians to work together converging while collaborating (Lih 2009:113)[349].

When asked about the principle of neutrality, one of the interviewees stated that in practice the NPOV is a community-defined standard on how to present any given topic. It thus represents a specific writing format set out to ensure that a topic is presented according to all reliable sources and arguments.

> "I mean when people hear the neutral point of view they actually think lots of different things. In fact on Wikipedia it means one specific thing, which is not actually that articles should be written from a neutral point of view, they should be written using this thing called neutral point of view, which is a constrained writing style that Wikipedians have invented (.) based on shared values and things like this, that seems to result in text that lots of people can agree on" (#7).

As illustrated by the above quote, neutrality is emphasised as a community-intern standard, towards which the quality of articles may be judged, rather than a value of neutrality as such. It is also stressed that an article may be biased when first proposed, but the more editors work on it, the more neutral it becomes. Further, any national edition is likely to have content biased towards specific national topics.

> "In the short run Wikipedia can be extremely systematic biased so that the content is not neutral, but it is overwhelming the more content on a specific topic, (.) people who are specifically childish on concepts has these effects, which gives them some sort of balance (.) for example geographic articles in the German language are usually focused on areas that we have in German speaking community and the same should be about the Danish or Dutch maybe not about the English" (#5).

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[348] Wales at *Berkman@10*, Jun 12, 2008. Available at: http://www.youtube.com/watch?v=ummx6OG1GbM retrieved July 10, 2011.

[349] "Indeed, the idea that a neutral point of view even exists, and that it can be determined among people who disagree, is an amazingly quaint, perhaps even naïve, notion. Yet it is invoked earnestly and often productively in Wikipedia" (Zittrain 2009:144).

The norm of neutrality has been linked to the non-commercial character of Wikipedia, as a guarantee for arguments based on reason rather than commercial agendas.

> "In an age with dot-coms, pop-up advertisements, and spam, and with questions of provenance, reliability, and accuracy, people have found Wikipedia to be a haven. It's where anyone can make a contribution to the intellectual commons and depend on reasoned and neutral articles as a result. It is something that by design is empowering and untainted by commerce" (Lih 2009:11)[350].

When questioned about Wikipedia as a non-commercial platform, one of those interviewed stressed that this is crucial to most Wikipedians and that "the day Wikipedia gets forked there will be another one that will take the data somewhere else (.) I mean you can ask anyone at the foundation and they will tell you ´no way´" (#7).

Whereas the norm of neutrality addresses the way articles are written, the fourth and fifth pillar address cooperation within Wikipedia, based on dialogue and trust. As a norm for this trustful dialogue, a principle of good faith has been stipulated in the guidelines for Wikipedia editors.

> "It is the assumption that editors' edits and comments are made in good faith. Most people try to help the project, not hurt it. If this were false, a project like Wikipedia would be doomed from the beginning (). When disagreement occurs, try to the best of your ability to explain and resolve the problem, not cause more conflict, and so give others the opportunity to reply in kind"[351].

The cooperative norms thus encourage Wikipedians to trust one another as sensible human beings, and to use dialogue to reach agreement via trusted communication rather than to suspect bad motives from fellow editors. In consequence, conflict resolution should be used only as a last resort.

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[350] The strong anti-commercial focus of Wikipedia became evident in 2002 when it was debated whether Wikipedia should open up for commercial income. The suggestion of introducing commercial ads on Wikipedia raised great concerns over the risk of future censorship and commercialization by Bomis Inc (Wikipedia's original host) and led to the 'Spanish revolt', where most of the Spanish Wikipedia community left within a few weeks to establish Enciclopedia Libre. See http://en.wikipedia.org/wiki/History_of_Wikipedia and http://en.wikipedia.org/wiki/Enciclopedia_Libre, retrieved July 10, 2011.

[351] Quote from http://en.wikipedia.org/wiki/Wikipedia:Assume_good_faith, retrieved July 10, 2011.

In relation to dialogue and trust within the German Wikipedia, the interviewees stressed that the debate amongst the German community is harsh, whereas the English counterpart is characterized more by a *be-nice* and *wiki-love* culture (#1).

> "(.) this is the official version by Jimmy Whales (wiki-love) he spreads you know, he always speaks about how and I think that is not the case. I think that the principal of the German Wikipedia is, yeah if you take a look at the community (.) there is a lot of arguments a lot of dispute and so and really it is not just dispute it is really discussion and sometime it is really offensive, people offend each other very easily on the discussion page, which can sometimes be a problem because this is public and you can always see that this and that person has a very offensive way of discussing with other people so this is an interesting aspect I think. The discussion is really very harsh; if you read discussion pages you almost never get a feeling of harmony and love. It is just the opposite" (#4).

It is also stressed that this might be a Western discussion culture more generally, rather than a German characteristic *per se*: "it has to do with western culture where people interact in that way especially if there is anonymity" (#4). There is thus some discrepancy between the declared principles of a kind and trustful dialogue, and the actual way of debating and disagreeing within the German community.

The third pillar is related to the licensing model, implying values of openness and sharing. On a legal level the licensing model makes any contribution available for others to use, and Wales has argued that precisely this aspect of free licensing is empowering to people working on Wikipedia as it ensures that the contributions belong to the broader public and not to any individual or company (Lih 2009:xvi-xvii). On a technical level, the norm of openness and sharing is anchored in the software design of wikis[352]. The Wikipedia platform is thus open for anyone to enter, with relatively few security restrictions. Wikipedia does not require its contributors to submit their legal names or provide other information to establish their identity, and most articles in Wikipedia may be edited anonymously.

Scholars have argued that the German hacking culture provided a natural normative outset for Wikipedia involvement, not least because of the familiarity with the open source culture (Lih 2009:147). When questioned about the norms of openness and sharing, one of the interviewees stressed

[352] Wikis are open in the sense that they permit anyone to edit text on a common document. For a technical account of the Wikipedia database and system design please refer to Lih (2009:74-76).

that sharing is inherent in the licensing model and the practice of not claiming ownership over individual contributions (#1). The licensing of Wikipedia content thus represents a codification of sharing, even for commercial use. Further, it was stressed that sharing and feedback are key factors for contributing, as further addressed below. "Yeah that is the thing I mean (to share) and individuals that want to share and want to have feedback" (#4).

Summing up on the five pillars, neutrality is perceived as an editorial standard more than a value as such. As for the values of dialogue and trust, there is some discrepancy between the declared norms and the relatively harsh dialogue unfolding within the German community. With regard to openness and sharing, these values are inherent in the licensing model and the technical platform. However, to which extent they apply to the social practices will be further explored in the following sections, starting with some of the incentives for becoming part of the community.

When Wikipedia kicked off in Germany many Wikipedians perceived it as being for idealists, and several were skeptical as to whether it could work in the real world. The community assembled only a handful of people at that time, and the content in the German edition was scarce and with lots of mistakes. However, already within the first years the community started to gain momentum, to meet physically outside the virtual space, and to celebrate each time a certain amount of articles were reached. In 2004, when the German chapter of Wikimedia was founded, it comprised a small but dedicated community where most people knew each other.

> "I discovered Wikipedia in 2003 so I was one of the first people in Germany I think to discover Wikipedia (.) "we met in a bar somewhere here in Berlin and there were some 7 people or something like that. So it is a really small crowd of strange people at that time. (.) some interesting nerdy people so.. I liked them quite a lot (.) everybody thought that Wikipedia was something for idealists that would not work in the real world you know (.) every month it got bigger and bigger and then we had parties when there was another 10.000 articles on the German Wikipedia, for every 10.000 articles we had a party. And it was every two or three months or so then more often and (.) we stopped parting at 10.000 and had parties at 100.000. And (ha ha) and that was I think in 2004 it turned out that things would really work and lots of people joined us there was lots of press coverage" (#4)

> "English Wikipedia had a huge advantage in the beginning because they had the momentum of the Nupedia project. In Germany nobody new about Nupedia so it was just a very small

> community, so I thought it was really important to have some press articles about the project and so yeah this was my first involvement on an organizational level. And then in 2004 we founded the German chapter the Wikimedia Deutschland Verein. (..) in the beginning I think there were like 300 articles or pages there, and the articles were like one sentence and so on so. In some parts it is also big articles about certain social theories or the Hollywood of the 20ies and so on, so very strange weighting of the content. So yeah I started being active in the community which meant like 5 people or so" (#6).

When asked about the reasons for taking part in Wikipedia, the interviewees stressed that several people from the first Wikipedia generation were there for ideological reasons. Many perceived Wikipedia as a proponent for a new kind of enlightment building on Habermas' ideal of rational-critical conversations and the power of the better argument. In addition, as the content in the German edition was limited it was relatively visible and rewarding within the community to contribute new articles.

> "Simply out of curiosity I just had a look at the content and it was pretty and quite easy to figure some obvious mistakes and to finish sentences with the right words and so. Just open ended and never finished and I quickly forgot about Wikipedia and half a year later I rediscovered it and to my surprise I found that the content had actually improved from the moment I had left Wikipedia.(.) In June 2004 we did found Wikimedia in Berlin. Jimmy Wales was there, he was on a European tour, I think for the first time in his life, it was amazing for us and for him, a great weekend in Berlin and I became member of the board of Wikimedia in Germany" (#5).

As the community continued to grow so did the various reasons for participating in Wikipedia. Thus my attempt to categorise motivations may appear as an oversimplification of what might be much broader in complexity. Also, it is important to bear in mind that people usually have a variety of reasons for taking part in any social action, with some being more explicit than others. However, the following four themes kept surfacing when reviewing the interviews conducted.

The first theme relates to *ideological reasons*, explained as a support for the principles on which Wikipedia is built, and a willingness to help make the world a better place based on the principles of free knowledge.

> "So I think in the beginning you needed some kind of…weltverbesserungs antrieb…yeah to make the world a better place (.) I think the first generation of contributors mainly did it because of ideological reasons like yeah, I think many people of the first generation saw it as a new way of…developing a new kind of enlightenment so I think I if I am talking about my own motivation I think this is the main reason why I was so hooked in the beginning" (#6).

Most of those interviewed mentioned the ideological outset as a motivating factor when becoming involved with Wikipedia, as illustrated above. However, while the ideological reasons were mentioned by practically all those interviewed, they were mostly presented in combination with some of the reasons below.

The second theme relates to *the ability to express oneself and get reactions within a specific area of interes*t. For many contributors Wikipedia seems to be about one or more particular interest, and the possibility of conducting that specific interest while interacting with likeminded people. The importance of being read, and to receive a reaction in response to your writing is stressed time and again, precisely because it implies an active and largely qualified reaction to some of the issues that the contributor is occupied with. One of the interviewees compares this reaction to a digital hug.

> "That was really the thing that fascinated me from the beginning when I started to work on Wikipedia I just could not wait for the reaction. I wrote something and I could not get away from the computer, because if I was away I was waiting for people to comment or to change my things and to react to it. And I was really keen on that still I am keen on that reaction, it is even better now, when I write some text sentence and there will be a reaction or not it depends" (#4).

> " (.) especially those (the very active Wikipedians) are very much motivated by getting feed back from other community members and they are yeah getting some digital hugs and so on" (#6).

A third and closely related theme is that of the *visibility* that the site represents. Not only do contributors receive reactions from people interested in the same topics, but their writings also become visible to a wider audience. Visibility is stressed as a key motivating factor in contributing to Wikipedia, however an anonymous form of visibility. It is described as being recognised in front of a

wider audience for the contributions made, but without the usual link to physical identity, name and status. Some of the interviewees go as far as to describe these two factors, interaction and visibility, as a way out of loneliness.

> "But I think. I still think that this is the main reason why people contribute to Wikipedia rather than to other projects because there is that high visibility and an immediate reaction. That is what we call it; a reaction. Because it is not that people comment it is really reaction because people interact on the text and that is the fascinating thing. (.) yeah visibility…of what you do. I think it is not so much that you as a person do it because lots of the normal things still with Wikipedia is that we work with a pseudonym name, so it is not your real personality and very many people even hide their real personality. (.) I think it is not so much that people want to get fame…for themselves as persons in real life but (.) I think it is simply that what you do is seen by lots of people who interact with you and you start interacting with them. So perhaps…it is ehh a way out of loneliness you know in that to you get involved with very many people interacting with you. That is perhaps a way of seeing it" (#4).

Fourth, the *community involvement* is mentioned as an important driver for taking part in Wikipedia. Whereas the ideological focus is mostly mentioned as a factor when deciding to join Wikipedia, the sense of being part of a group of likeminded people working on a common goal is emphasized time and again. As illustrated by the quote below, there is a clear distinction between the community itself and public life as such, with the latter receiving less attention.

> "It is a bit irritating how important it is for them to be recognised inside the community and how unimportant it is for many people to know about millions of readers that are out there (.) but the thing that people realizes when some community member lease a comment on you discussion page and says you have written a great article there just two things I did not understand and so on and so forth, I have some sources here that maybe interesting for you (.) this is the feed back that people see and motivate them much more than just some numbers of where you don't have faces but you count them" (#6).

Finally, some of the interviewees mention that besides the reasons discussed above, they simply like writing and editing, and enjoy solving various problems that occur in the process. Also, it was stressed that generally German Wikipedians are proud to be part of the project.

In relation to participation, I was also interested in the level of policy awareness amongst the interviewees and the degree to which they saw themselves as part of a political movement compared to a community of writers. In general there appear to be a limited political awareness amongst the German Wikipedians, and the community seems more concerned with solving various problems related to editing standards as compared to influencing internet politics. Out of the seven interviewees only two had some previous experience with internet politics. However, involvement in Wikipedia was seen to augment political awareness.

> "(.) there are very many Wikipedians who are deeply involved in Wikipedia and don't know that much about politics. On the other hand if I take a look at myself I became much more aware of the political dimension of the internet thanks to Wikipedia" (#4).

> "I am surprised sometimes how seldom this ideological perspective on the project is discussed within the community, I mean people they are discussing how to structure certain texts and which kind of writing style we want to follow and so on an they can discuss it like for kilometres of text and never end, but it is very seldom that you see a discussion about how we want to change the world in such perspectives" (#6).

With regard to the specifics of the German community, the material indicates that the German edition was strongly influenced by English Wikipedia in the early years[353]. However, it is increasingly independent and with a stronger focus on the quality of the final product rather than the wiki process. There are also stricter rules for deciding if an article about a topic should be allowed and the use of scholarly sources is more strongly encouraged. I will explore these issues in the following section.

Summing up, the German Wikipedia community by and large reflects Wikipedia's founding principles and values. However, it nonetheless differs on certain aspects. The most notable difference is related to the dialogue between editors, which is described as relatively harsh compared to the norm of a trustful dialogue based on good faith. Also there is some difference between the focus on the quality of the final product (the encyclopedia) in contrast to the wiki process, which is elaborated below. In relation

[353] "In the first years I would say the German Wikipedia community was very much focused on the English version because there were like one and a half year maybe two years ahead of us. (.) and it was always just nice to look at the English version and then say they are at this stage of development we will come there too and we need now to like translate certain policies and discuss if we want to have them in the same way as the English Wikipedia is using them or if we want just sort of parts and so on. So this was very comfortable for us. But I think like three years ago or so the German Wikipedia started to be more and more distinct from lets say the English version" (#6).

to participation, the sense of being part of a larger vision, with which one normatively agrees, is seen as important for the willingness to contribute as well as the reward of exchange and feed back from people with similar interests. The contributors are aware of, and support, the founding vision of Wikipedia. Yet in their daily practices they seem less occupied with the normative outset (to set knowledge free), and are more oriented towards writing and exchanging views in a dialogue with other community members. Responses to one's own writings by other Wikipedians with similar interest are mentioned as one of the strongest drivers for participation. In this regard the norm of sharing seems particular important for participation in the Wikipedia community. Recalling Luhmann, the community may be described as a communicative system with specific interpretation codes signifying how meaning is selected and the system reproduced. The codes are thus the type of information that communicates within this specific context, e.g. contribution / non-contribution. As illustrated above, the community primarily communicates (selects meaning) according to the various contributions (edits) to Wikipedia, rather than the overall normative goal.

Collaboration

I now turn my focus towards some of the practices that constitute cooperation within Wikipedia, and examine to which extent the values are manifested in these practices. The first part of the section is rather generic, whereas the second part addresses the German community more specifically.

All Wikipedia articles are collaboratively developed by its users using the wiki software. "Wikis gives a network effect that you don't achieve with blogs, which are fairly primitive" (#1). As stressed by the interviewees, wiki collaboration is essentially about co-production in which groups of people voluntarily cooperate on a common product, with each article being the result of a collective process. In practice, the day-to-day activity of creating and editing Wikipedia articles is done in smaller units, gathered around specific fields of interests.

> "So, if you work on a particular article, and you do it over a long period of time, then you end up working with a smaller group, I mean that's just sort of the way that things work. So, if I'm editing the vegetarianism article, right, there is the veganism article, it's the same sorts of people that edit these two articles, really, I mean so you get to know them, if you work on that

article" (#7).

The collaborative model is anchored in the internet's open and decentralised structure, which in principle allows for cooperation amongst anyone connected. This decentralised collaboration on a shared resource would thus not be possible within the context of conventional media. With regard to values, the collective process requires openness and sharing in the sense that any contribution must be open for other people to comment on and to work on.

The editing system is referred to as "*last editor rule*" (#1), referring to the fact that the last edit represent the current and public version of any given article. At the same time, each article has a 'history' page reflecting the editing history of that particular text and a 'talk' page, representing a meta-space for debate related to the article. Another editing tool is the 'watch list', which is a list of articles that the editor has decided to monitor for changes. As an example, one of the interviewees had a watch list with 2500 articles that he followed, which amounted to approximately 200 edits a day, reflecting approximately two working hours of effort (#3). Wikipedia is often compared to Usenet, which was one of the first online forums for topical debates, with similar open access for everyone to participate and share views. However, whereas Usenet was directed towards debate, thus the merits of certain arguments, Wikipedia is directed towards improvement of a common product. "We are working together on statements of what is known (what constitutes free human knowledge) about various subjects. Each of us individually benefits from this arrangement. It is difficult to write the perfect article single-handedly, but it becomes easier when working together (.)"[354].

When working on articles, editors create *a public record* of every word added, deleted, or modified. Writing on Wikipedia is as such a public act, and editors are identified publicly as the author of the changes they perform. Due to the public character, anyone has the ability to observe the work and social interaction of others. Despite the fact that everything is open for public inspection, there is also room for the private domain. While the technical platform facilitates something that is essentially a public format, it also provides for private working processes. Contrary to physical collaboration,

[354] Quote from http://en.wikipedia.org/wiki/Wikipedia:Replies_to_common_objections, retrieved July 12, 2011.

Wikipedia thus allow Wikipedians to work from their private domain (e.g. their home) while participating in the public space, which the platform represents.

One of the essentials of the collaboration is the production of *cumulative knowledge*, whereby people gradually improve each other's work and, in this way, create a totality that no one could accomplish alone. In practice this is achieved via stubs, which are preliminary article drafts. Stubs are referred to as signals for help (Lih 2009:97), whereby editors call for community assistance to improve a specific article in progress. As explained below, stubs are not allowed in the German edition, thus collaborative work on new articles starts at a more developed level. When asked about the contributors' sustained willingness to improve the common product, it was stressed that some articles are more popular than others and subject to more attention from fellow editors. In other words peer assistance to improve articles may not always occur, just as some articles may receive a disproportionate amount of attention simply because the theme is a hot topic. "So if a page becomes more popular the chances that someone else will improve the article just because it is popular are going to increase" (#5).

Another characteristic is *the voluntary character* of the collaboration. Due to the voluntary nature of the work there is no guarantee that people will respond to the writing done by any given editor, however if people were not generally willing to respond to work initiated by fellow Wikipedians, Wikipedia would cease to exist. "There is a proverb thing like 'people are voting with their feet' so they decide where to work so if they are there, it contains the answer. I think" (#5). The growth of German Wikipedia over the past ten years indicates that a considerably amount of people are willing to contribute voluntarily with knowledge and working hours, without any claim of ownership or monetary compensation. As a way of encouraging various contributions that are seen as essential to the German edition, the community has since 2005 had a reward mechanism, hence a page where users may offer rewards (*Auftragsarbeiten*) for completion of Wikipedia-related tasks[355]. The reward mechanism is an example of soft intervention in the voluntary process.

One of the consequences of collaboration based on sharing rather than authorship is the necessity to *include challenging points of views*. Contrary to websites were authors have complete control over

[355] See http://de.wikipedia.org/wiki/Wikipedia:Auftragsarbeiten, retrieved August 3, 2011.

content and where it is difficult or impossible to debate the arguments presented, Wikipedia articles are by nature open for diverging arguments. Also, Wikipedians have to accept critical editing of their contributions.

> "Because no one owns the information in Wikipedia, misinformation can be fixed. In the best case, cranks who are unable to accept critical editing of their writing will find they have no platform and leave; those willing to present their interests in less-biased ways become valuable contributors (..)"[356].

However, the material also indicates that despite an emphasis on sharing there is an expectation of 'pay back' from people who have benefited from Wikipedia. One of the interviewees argued that by now many people have benefited from Wikipedia for a longer period of time, hence they have a moral obligation to start giving something back to the common pool of knowledge.

> "Now that you have taken benefits from the existence from Wikipedia so long reading articles, and now that you have become an expert on some topic, don't you feel obliged to give something back? So if someone is a student and use Wikipedia for his work (..) the moment he turns into an expert what ever it means, then he should be able to ask, well now it would be a good time to improve Wikipedia. (.)" (#5).

The quote indicates that, at least by some Wikipedians, it is seen as fair to contribute knowledge back to the public resource, once people have benefited from it. Despite the voluntary character of Wikipedia there is thus some expectation of 'pay back' from the Wikipedia community towards its users.

In relation to *disagreements between editors*, the community entails several dialogue-oriented spaces that facilitate disagreement and provide for meta-debate. These spaces include the above mentioned 'talk pages', the 'articles for deletion' forum (a common space in which articles proposed for deletion are debated[357]), and a number of mailing lists[358]. In relation to the day-to-day editing of articles, the

[356] Quote from http://en.wikipedia.org/wiki/Wikipedia:Replies_to_common_objections, retrieved August 3, 2011.
[357] See http://en.wikipedia.org/wiki/Wikipedia:Articles_for_deletion, retrieved July 12, 2011.
[358] See http://en.wikipedia.org/wiki/Wikipedia:Mailing_lists , retrieved July 12, 2011.

term *edit war*[359] is used to coin the conflicts that unfold around the collaboration on specific articles[360]. In an edit war contributors disagree on the substance of a given topic and typically keep reverting the page to a version they approve of or mark the page as one that ought to be deleted. Wikipedia describes it practices in relation to editor wars as "something along the lines of vigilant justice" (Sunstein 2006:156). By vigilant justice is implied that any community member has various practical means of combating edit wars or more severe vandalism e.g. by reverting the page and to suggest that vandals be added to the "vandalism in progress" page (Ibid). As a means of creating openness around the conflicts, the article history is stressed as an essential feature making the differences in opinions transparent, and illustrating the conflicting viewpoints in the various article versions (#3). However, as stressed by one of the interviewees, there are many cases in which it is difficult to resolve which argument should prevail in the article in question. "There is still no really good method to deal with two qualified opinions" (#1).

With regard to collaboration within the German community, one of the themes that kept surfacing relates to the approach towards the end product vis-à-vis the process itself.

According to the interviewees the English-speaking community is largely oriented towards the process; the collaborative principles of the wiki platform and the open and inclusive way of cooperating on a common text (the "wiki way"), whereas the German community is more focused on the end product. The Germans thus aim at producing the best encyclopedia ever, even at the cost of less openness in the process. They describe themselves as more pragmatic towards the wiki platform, and its specific way of collaboration.

> "We are not here because we want to use the wiki and have fun about it but we want to have an encyclopedia which is bigger and better than any encyclopedia that has been there before (.) they say it is not the 'reine Lehre' the original idea of the wiki or so. But I would say and I think many people in the German community also would say the wiki is just a tool and if we have another tool which is better to write an encyclopedia we will use that yeah and we are not bound to use the wiki for ever" (#6).

[359] See http://de.wikipedia.org/wiki/Wikipedia:Edit-War, retrieved July 12, 2011.
[360] See Lih (2009:122-132) for a detailed account of one of the edit wars regarding the article on the Polish city Gdansk, also known as Danzig.

The divergent opinions on whether emphasis should be on the process (the wiki way) or the product (the encyclopedia) can be traced back to the start of Wikipedia, and was reflected in the controversies between the Wikipedia community and co-founder Larry Sanger. Sanger argued for quality insurance via installing a layer of established academic experts with special authority, and by eliminating anonymous editing (Lih 2009:211). This model was never approved by the broader community, and in response Sanger left Wikipedia, and in 2006 established *Citizendium* that combines anonymous editors with layers of experts[361].

In order to enhance the quality of Wikipedia, the German community has deployed a system of *stable versions*[362]. According to this, certain users are able to mark article versions as 'reviewed', indicating that the text contains no obvious vandalism. The idea of these flagged revisions is to indicate that a given text has been validated by Wikipedians according to certain standards of quality (spelling, factual accuracy etc.), allowing for work-in-progress on a given article 'behind the scene', while presenting the validated version to the public. The German community was first to introduce stable versions in 2008, and paid developers to deploy it on the German Wikipedia.

> "Like if you can take certain versions as proof reads (.). and this is a development that started in the German Wikipedia, the software was paid by the German chapter and there were several community members which tried to push this, and what I can read now even in the English Wikipedia there is a much more sceptical discussion about this stable version feature. They are discussing if they want to implement it and if this is against wiki way and so on, and in the German Wikipedia people are much more pragmatic in saying okay we want to have a certain standard quality so we need to have the tools to do this" (#6)[363].

[361] "The Citizendium, "a citizens' compendium of everything", is an open wiki project dedicated to creating a free, comprehensive, and reliable repository of structured knowledge. Our community is built on the principles of trust and respect; contributors, or "citizens', work under their own real names, and all are expected to behave professionally and responsibly. Additionally, experts are invited to play a gentle role in overseeing the structuring of knowledge". See http://en.citizendium.org/wiki/CZ:About, retrieved July 12, 2011.
[362] See http://de.wikipedia.org/wiki/Hilfe:Gesichtete_und_gepr%C3%BCfte_Versionen, retrieved July 12, 2011.
[363] The English Wikipedia has introduced an assessment scale against which the quality of articles is judged, and other language editions have adopted similar policies. The highest rank in the English Wikipedia is "featured article", which "provides thorough, well-written coverage of their topic, supported by many references to peer-reviewed publications". See http://en.wikipedia.org/wiki/Wikipedia:Featured_article_criteria, retrieved July 12, 2011.

Also, the issue of *article relevance* is disputed in the German community, and is referred to as the 'excludist vs. includist' approach by those interviewed. The debate on article relevance relates to the German's emphasis on the quality of the final product, rather than letting everyone contribute in a more inclusive manner.

> "There are two groups, and this is I think very typical again of the German Wikipedia and not so much visible in the other Wikipedias although it is present everywhere (.) the includists and the excludists. The excludists want to take out things because they think they are not relevant (.) and the includists want to put everything in.(.) and there is a lot of discussion about relevance and (..) perhaps such discussion is a good thing because those who want to keep the article have to improve it so the discussion can foster the article" (#4).

This is in line with the account presented by Lih. "Whereas English Wikipedia embraces new articles on a range of pop culture topics and current events, Germans has a much higher bar" (Lih 2009:148).

As a final indicator of the German focus on quality, the German guidelines classify scholarly sources as inherently more reliable than non-academic sources, and articles on "indisputably notable subjects" may be deleted if they are deemed too short[364]. Consequently it has been decided to eliminate the category 'stub' from the German Wikipedia and, unlike many other Wikipedias, the German edition does not contain large collections of bot-generated geographical stubs or similar articles[365]. "While the norm in many Wikipedias is to encourage the creation of incomplete stub articles as starting articles, the Germans see it differently. To them, having no article at all is better than a very bad article" (Lih 2009:148).

Another feature of the German community is the *extensive use of discussions* within the community, as pointed to by several of the interviewees. It is stressed that the voluntary character of the work in principle provides unlimited time to discuss, contrary to organizations with commercial agendas. "We are free to discuss things forever as long as we don't have really big juridical problems there is nothing

[364] See http://en.wikipedia.org/wiki/German_wikipedia, retrieved July 12, 2011.
[365] German categories are usually introduced only for a minimum of ten entries and are not always subdivided even for larger numbers of items. Also, the German Wikipedia pioneered Persondata ("Personendaten"), a special format for meta-data about persons (name, birth date and place etc.) in 2004. See http://de.wikipedia.org/wiki/Hilfe:Personendaten, retrieved July 12, 2011.

that forces us to be in a hurry. So this is a very comfortable position that we are in" (#6). "For example there is this discussion about relevance. Then there is a wikipage for relevance or relevanz in German listing all the principles there are and it is a really long list and nobody reads it at all. It is awful and there has been a lot of discussion about all these points every point that pops up on the list is discussed! (.)" (#4).

As a final characteristic of collaboration in the German community, the interviewees mentioned the large amount of offline activities e.g. study tours and visits to other Wikipedia communities nationally and abroad (e.g. to the Balkans), city walks to explore potential Wikipedia articles, and various projects that link Wikipedia articles with physical sights.

> "There was a few Wikipedians in Berlin that had a project going on to involve in recording an audio book for the bus line. I think it was bus line 100, which was the famous tourist line. I think that that the route of this bus is extremely well planed to cross any monuments or point of interest in the city centre, so what they did was that they took the timing and the schedule of the bus and then made a recording based on Wikipedia articles on the items that they crossed in the bus line, so that you could sit in the bus and hear Wikipedia articles on the things that you see outside assuming that the bus is on time. Ha ha…And that was fun I mean there was no formal corporation with the bus company, there was no announcement it was just a few weekends out of the plan making it possible" (#5).

As illustrated by the quote above, the project of recording an audio tape for a specific bus line is described as a fun and informal way to explore new uses of Wikipedia together with other Wikipedians. Another example, the meeting with the Balkan Wikipedia community, was emphasized as a physical dialogue that created more understanding of how Wikipedia may serve to help reconcile between various ethnic communities in post-conflict areas (#3).

In summary, Wikipedia is based on collaborative processes, where numerous individuals contribute to the final encyclopedia, organized in sub groups around specific articles. The collaborative model is based on commons (shared resources) and is voluntary as no employment structure is involved. The day-to-day work on Wikipedia is thus highly dependent on people's willingness to share their work, to contribute to the work of others, and to invest time without any monetary compensation. Any

individual has the freedom to contribute or not, just as the community identifies and deploys the norms and structures, guiding the collaborative practices. Some of the specifics of the German Wikipedia community relate to a strong focus on the quality of the final product vis-à-vis the wiki process, hence a system of stable versions has been deployed to enhance article quality. Also, long lasting discussions between community members is emphasized as a characteristic of the German community's way of cooperating. In relation to values, the focus on the quality of the German encyclopedia implies that the community has defined limits to its openness, such as restrictions on which articles to include. Finally, with regard to sharing, people are to an extent expected to pay back to the community.

Self-regulation

I next examine some of the rules and procedures, which regulate behavior within Wikipedia. Wikipedia presents itself as a deliberative democracy where discussion amongst community members is used as the primary means to reach agreement, rather than votes. "Basically, whenever you feel like it, you can try to start a vote on a talk page, but people will probably not participate in it if they think discussion has not yet been exhausted as a way to resolve conflicts of opinion. In general Wikimedia follows a deliberative democracy model, where nothing is in a hurry"[366]. In Lih's account, the English speaking community is described as "freewheeling and typically assuming good faith towards fellow Wikipedians", whereas the Germans community is characterized by a stronger level of hierarchy (Lih 2009:148). In the following, I assess how the community rules unfold within the German Wikipedia.

The regulatory model of Wikipedia has been described as a light regulatory touch coupled with an openness to flexible public involvement, including a focus on earnest discussion, neutral dispute resolution, and a "core of people prepared to model an ethos, which others can follow" (Zittrain 2009:146). Also Lih has emphasized the limited amount of control in Wikipedia's regulatory model as "collaboration by numerous people with minimum oversight" (Lih 2009:8).

[366] Quote from http://meta.wikimedia.org/wiki/Wikipedia_power_structure, retrieved July 12, 2011.

Despite the claim for a light regulatory model, a remarkable amount of written guidelines, policies, official positions, and mechanisms to counter various community problems are actually in place, not least if compared with conventional grassroots organizations. When asked whether Wikipedia has turned into a bureaucracy the interviewees stated that though the German community is more regulated than the English speaking counterpart (#1), Wikipedia is not a bureaucracy but rather a mixture of community anarchy and community rules. "Yes it (the community) is anarchy based there are rules they are normal Wikipedians, there are the administrators and that is it. There are bureaucrats but they are very few very few" (#6). Below I address the role of founder Jimmy Wales, the Wikimedia Foundation, the German chapter, the various positions and mechanisms installed as part of the community rule, and the potential conflict between Wikipedia and external regulation pertaining to issues such as copyright and defamation.

To start with there is the so-called 'constitutional monarch' of English-speaking Wikipedia, Jimmy Wales, who is described as someone that still appears with much weight in the international community due to his special role as Wikipedia founder (#1). It is emphasised that Wales is aware of his special position and take an accordingly diplomatic stand in discussions.

> "He (Jimmy Wales) is still active in large debates. He is aware of his reputation, if he speaks out on some issue people will take notice for this statement, so which makes his statements in many ways usually more balanced diplomatic than they could be. (.) he is an authority thanks to this role in starting the whole Wikipedia" (#5).

Wales is chairman emeritus of the *Wikimedia Board of Trustees*[367], which is the ultimate corporate authority in the Wikimedia Foundation. However, despite Wales' status and recognition, it is stressed that his monarchical power is inherently dependent on the consent of the community (#1).

With regard to the *Wikimedia Foundation*[368], its role is described as mainly fundraising and long-term strategy, with limited involvement in the daily life of the community. It is also emphasized that though members of the Foundation may theoretically pull the switch if they completely disagree with the way

[367] See http://wikimediafoundation.org/wiki/board_of_Trustees, retrieved July 12, 2011.
[368] See http://wikimediafoundation.org/wiki/Home, retrieved July 12, 2011.

the community is evolving; in practice dialogue is the way of solving various problems within the community. “I mean they could pay people to write stuff and so but it would not work, so I think the only way that is there besides just shutting the whole thing down is to communicate and this is what is happening” (#6).

As an example of the dialogue between the Foundation and the community, one of the interviewees mentions a mail from Sue Gardner, in which she engages the community in problem solving despite the fact that this is very time consuming process.

> “Sue Gardner the CEO of the Wikimedia Foundation just like three weeks ago wrote a long email about biographies of Wikimedia. (.) And said okay (..) I see these problems first, second, third…and she is really trying to have an open discussion of how to solve these. (.) And I think the only way to solve these is to communicate with as many people as possible because they are so many people out there and which are very intelligent so it is a bit. (.) You need to have a really big ego to say I am standing at the top. I know how to solve all these problems. (..) Of course the problem with this process is. IT TAKES TIME..” (#6).

At a national level there is *Wikimedia Germany*, which is described as mostly administrative and deals with issues of fundraising, finances, contracts etc.

> “Their role is to agree to the allocation of resources, to represent Wikipedia as an organization, to facilitate in many cases, for example we as Wikipedia Germany allocated 5000 euros for the development to implement a feature (..) so we gave some programmer money, so in the end it was a mixture of a paid programmer and Wikipedians was volunteering to write this stuff (#5).

In practice, board members of Wikimedia Germany often hold positions within the community; however some of the interviewees indicated that they prefer to keep the community independent of the board. “Some of the board members are administrators perhaps the majority but I never was an administrator of Wikipedia I thought that (..) if you are active in Wikimedia you should not be administrator in Wikipedia. (.) I think it is better to keep it apart, because it is the idea that the community can work by itself without any instructions like association of a board (.)” (#4).

As emphasised in the above quote, and by practically all those interviewed, the perception is that *everything begins and ends with the community*, thus this is the legitimate basis for defining and applying the rules guiding the daily practices within Wikipedia. It is thus the community that implements norms and rules each day as they edit and debate articles.

> "(.) Policies are not developed in a (national) chapter, the policies are developed in communities.(.). I mean they are just you can say like fan clubs, the community has certain problems where you have real world things to happen! Yeah like paying software developer programming. (.) the community can not force somebody to do this, the German chapter can take money and pay somebody to do it and there the chapter comes into play and say okay the community wants this and that we will try to make it happen, but it is not a chapter who is pushing this because it does not work this way, it works the other way around" (#6).

Similarly, when asked about the *development of new rules*, it is stressed that most rules develop out of discussions within the community, rather than by some central mechanism. "It is my understanding there are some attempts to centralise but usually these attempts are not leading to one centralised top of decision making but to different roles that are at some point connected" (#5). "The community decides (.) people give their opinion in favour or against if there are more opinions in favour of the rule, the rule is excepted, if the majority is against the rule is rejected" (#4). It is stressed that the German community has comparably many rules, however as the rules may be ignored, they are not seen as indicative of a bureaucracy, as illustrated by the quote.

> "There are more rules. There are lots of rules and actually that maybe another reason why I think they don't differ that much (the English and German edition) because I have somehow lost oversight of all those rules. I mean people always ignore them, but it is better to know some of the rules. That is a point yeah it is more rule governed than bureaucratic because (.) I think you can still ignore them to a certain degree" (#4).

The point that rules may be ignored refers to a specific norm within Wikipedia, the *'ignore rules'* norm[369], which is not literally an encouragement to ignore rules, but rather a reminder that rules should not interfere with work on Wikipedia if they seem without sense. It is thus an encouragement to critical assessment if a rule seems to contradict a reasonable way of solving a concrete problem.

> "If there is a rule that does not make any sense to you, please don't let this rule get in the way of your work! If you have the choice between not doing and sticking to the rule, and doing something and ignoring the rule, just do it anyway and deal with the consequences and if the rules is indeed stupid then well then you shouldn't have anything to worry about. (.) this corrective is highly efficient to prove structures to be ..(..) ineffective because it helps people to get along to structures that have no longer any (value) perhaps. It is officially you can simply ignore any regulation if you feel it is it is stupid" (#5).

The community rules are often bundled in guidelines and policies[370]. With regard to *content policies*, the principles of 'Neutral Point Of View', 'Verifiability', and 'No Original Research' are the main standards. As previously mentioned, the NPOV implies that all Wikipedia content must represent significant views fairly, proportionately and without bias. The Verifiability policy states that "material challenged or likely to be challenged, and all quotations, must be attributed to a reliable, published source"[371]. The policy of No Original Research stresses that Wikipedia does not publish original thought, thus all material must be attributable to a reliable, published source[372]. As previously discussed, the process of quality control is given much weight within the German community. However, the community also exhibits examples of less restrictive content regulation, compared to English Wikipedia. For instance is it allowed to upload local images without any pointer to Wikimedia Commons[373]. The use of local image upload became German policy when some images that were acceptable according to the German rules were deleted on Wikimedia Commons, and thus an example of German content regulation that is less restrictive than the common Wikipmedia resources.

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[369] See http://de.wikipedia.org/wiki/Wikipedia:Ignoriere_alle_Regeln, retrieved July 12, 2011.
[370] See the overview provided at: http://en.wikipedia.org/wiki/Wikipedia:List_of_policies_and_guidelines, retrieved August 9, 2011.
[371] See http://en.wikipedia.org/wiki/Wikipedia:Verifiability, retrieved July 12, 2011.
[372] See http://en.wikipedia.org/wiki/Wikipedia:No_original_research, retrieved July 12, 2011.
[373] See http://en.wikipedia.org/wiki/German_wikipedia, retrieved July 12, 2011.

Besides various guidelines and polices there is also a *Wikiquette* that exemplify how Wikipedians should act towards one another[374]. This includes an encouragement to "treat others as you would have them treat you, even if they are new", "be polite, please", "be civil", "work towards agreement", "argue facts, not personalities" etc. The Wikiquette underscores a professional and dialogue-oriented approach to fellow Wikipedians and represents more concrete guidelines to co-worker interaction, than what is found in many conventional organizations. As previously mentioned, the German community is seen to deploy a relatively harsh line of argument, especially if compared with the Wikiquette.

With regard to hierarchy, the community distinguishes between 'authors new to Wikipedia' and 'editors in good standing'. Only those who make enough edits to be considered active Wikipedians, may participate whenever there is a vote within the community. As stressed by one of the interviewees some make many edits to obtain this status (#7)[375]. Further, the community has defined three levels of official positions; administrator, bureaucrat and steward, which editors in good standing may apply for.

Administrators have the technical ability to delete and undelete pages, block and unblock users and IP addresses, protect and unprotect pages, and edit the interface. However, only on the local wiki where they are appointed[376]. In the early years being appointed administrator was "no big deal" (James quoted in Lih 2009:95), however as the community grew, the processes around adminship formalized into a voting system with procedures for adminship nominations and approval[377]. One of the interviewees stressed that the German procedure around adminship is increasingly complex with many votes and many internal conflicts (#1).

Bureaucrats, the second group of Wikipedia officials, are users with the technical ability to promote other users to administrator or bureaucrat, to grant and revoke a user's bot flag, and to rename a user.

"There is the bureaucrats (.) if you draw an organizational chart they are on top of it, but the

[374] See http://en.wikipedia.org/wiki/Wikipedia:Etiquette. There is also a Wikiquette alert page, where users may report Wikiquette issues, available at http://en.wikipedia.org/wiki/Wikipedia:Wikiquette_alerts, retrieved July 12, 2011.
[375] A study on the criteria for promotion within Wikipedia (to become administrator, for example) suggests that there is a 10 % increase in likelihood of Admin approval for every 3800 edits the individual has conducted (Burke and Kraut 2008).
[376] See http://de.wikipedia.org/wiki/Wikipedia:Administratoren, retrieved July 12, 2011.
[377] See http://en.wikipedia.org/wiki/Wikipedia:Requests_for_adminship, retrieved July 12, 2011.

> truth is that they only got so much control because they don't really use it. They just use it in a way that…some just logical thinking person would use it, and if they would misuse it suddenly their power would be gone. So it is. Of course you can say they are on top of the hierarchy but the truth is that they are only there as long as they are doing what the collected will of the community wants so I would not really call this a hierarchy. I think the hierarchy that is there is much more informal is much more like okay this and this person has been active since 2003 and have written several dozen of excellent articles and has been active in certain discussions and people agree that the things that this person says are very thoughtful and so on and this is what makes a important person in the community (.)" (#6).

As articulated by the quote, the position of bureaucrat is not seen to imply power *per se*, but is indicative of community trust and respect for the work conducted by that particular person.

The top level of Wikipedia official is the *steward*. Stewards are users with complete access to the wiki interface on all Wikimedia wikis, including the ability to change any and all user rights and groups. Stewards are tasked with technical implementation of community decisions, dealing with emergencies, and intervening against cross-wiki vandalism. They are elected roughly annually by the global Wikimedia community, and appointed from the elected candidates by the Board of Trustees. Steward candidates need a support / oppose ratio of at least 80% with at least 30 supporting users[378]. They thus represent "extremely trusted users" (Lih 2009:179).

When confronting the interviewees with the hierarchical structure outlined above, they all stress that the real power comes from the trust the community has toward a certain person, rather then the formal appointments. However, it is also argued that it is part of the culture to state that being an Admin, a Bureaucrat or a Stewart is not a position of superiority. There is thus a sense of downplaying the role of these positions when in reality most Wikipedians are proud of being appointed to, for example, an *admin* position, just as there is community status associated with these appointments.

> "Every administrator has the fact that they are administrator on their user page. I mean I have never met an admin who didn't.(.). If you are getting into an argument with someone it doesn't mean that you are going to win, but at least it's a proxy for the fact that a group of people have

[378] See http://meta.wikimedia.org/wiki/Stewards, retrieved July 12, 2011.

considered your contribution and validated them ” (#7).

“I mean to be an administrator maybe it is seen as a small sign of which is recognisable from the outside. But it is much more what the community members think about the certain person which makes this person kind of community leader” (#6).

The emphasis on the community as ‘king’ of Wikipedia is stressed time and again, and it seems fair to conclude that, at least according to the interviewees, the various positions are only worth something if backed by community trust and respect towards the individual. As such the positions are not necessarily indicative of the most powerful people within Wikipedia, as power first and foremost derives from community recognition and respect, which is earned via the edits and arguments presented in the day to day work in the community (#7). Other community tools related to problem notification and problem solving include the Administrator notice board[379] and the Wikipedia counter-vandalism unit[380].

As outlined above, Wikipedia relies on its own community to identify and correct various problems that arise in relation to specific articles or users. As expressed by one scholar, Wikipedians work in “windowless rooms”[381] to rectify technical problems and to counter vandalism[382]. While the open Wikipedia design provides an easy access to vandalise pages, it also provides a public track of the acts of vandalism, and an easy access to rectify the articles in question. The role of Wikipedia’s rules and guidelines has been compared to the essence of law, thus something beyond arbitrary exercise of force; “couched in neutral terms for the purpose of social acceptability” (Zittrain 2009:144).

“Enforcement on Wikipedia is similar to other social interactions. If an editor violates the community standards described in policies and guidelines, other editors can persuade the person to adhere to acceptable norms of conduct, over time resorting to more forceful means, such as administrator and steward actions. In the case of policy pages, they are likely to

[379] See http://en.wikipedia.org/wiki/Wikipedia:Administrators%27_noticeboard, retrieved July 12, 2011.
[380] See http://en.wikipedia.org/wiki/Wikipedia:Counter-Vandalism_Unit, retrieved July 12, 2011.
[381] Zittrain *The Web as random acts of kindness* at Ted talks, September 22, 2009. Available at http://www.youtube.com/watch?v=P65XdTlk4vA, retrieved July 12, 2011.
[382] Vandalism is defined as “any addition, removal, or change of content made in a deliberate attempt to compromise the integrity of Wikipedia”. Common forms of vandalism include the addition of obscenities, page blanking, and the insertion of nonsense into articles. See http://en.wikipedia.org/wiki/Wikipedia:Vandalism, retrieved July 12, 2011.

> resort to more forceful means fairly rapidly. You'll need to do some pretty fast talking to get away with not adhering to the consensus within policy pages, though this is not impossible, if you somehow happen to know something that many years of collective wisdom hasn't discovered yet. This means that individual editors (including you) enforce and apply policies and guidelines. In cases where it is clear that a user is acting against policy (or against a guideline in a way that conflicts with policy), especially if they are doing so intentionally and persistently, that user may be temporarily or indefinitely blocked from editing by an administrator"[383].

As a final resort for disputes the community has installed an *Arbitration Committee,* which is a panel of editors responsible for conducting arbitration with the authority to impose binding solutions to disputes between editors[384]. Rulings enforced through the Arbitration Committee may result in a lifetime exclusion from Wikipedia and blocking by IP address or user name (#1)[385]. The German community established an Arbitration Committee in 2007, and one of the interviewees stressed that this was to ensure a more legal process towards conflicts. "We don't want decisions by mob rule, but more focus on judicial evidence" (#1). The arbitration mechanism is stressed as the main example of bureaucracy within the German community, however one that is legitimate. "There is a special decision taking structure (.) such thing as the arbitration process that is bureaucracy. I think that is fine. This is not too bad" (#4).

When questioned about *external regulation* that impacts Wikipedia the interviewees mention copyright and defamation issues. The current license (Creative Commons Attribution Share-Alike)[386] implies that all Wikipedia content is freely available for others to use, however with attribution to the original author[387] and requiring derivative works to be subject to the same license[388]. In relation to copyright infringements, the interviewees stress that this has not been a significant problem. In fact, the issue of

[383] Quote from http://en.wikipedia.org/wiki/Wikipedia:Policies_and_guidelines, retrieved July 12, 2011.
[384] See http://en.wikipedia.org/wiki/Wikipedia:Arbitration_policy, retrieved July 12, 2011.
[385] As previously mentioned, research on the Arbitration Committee finds that strict remedies are rarely used and that the Committee tries to encourage productive Wikipedians back into participating (Hoffman and Mehra 2009).
[386] See http://de.wikipedia.org/wiki/Wikipedia:Lizenzbestimmungen_Commons_Attribution-ShareAlike_3.0_Unported, retrieved July 12, 2011.
[387] Since no authorship is claimed on Wikipedia, the attribution to original author refers to Wikipedia articles, rather than specific editors.
[388] There are a few exemptions to the free content license that allow for use of copyrighted material; including when it is considered fair use under U.S. copyright law. In the German edition there are no fair use provisions since this is not part of European copyright law. See http://en.wikipedia.org/wiki/Wikipedia:Non-free_content, retrieved July 12, 2011.

journalists and others using Wikipedia content without crediting the source has been a greater problem than Wikipedia infringing copyrights. It is also argued that the large amount of content available in Wikipedia in itself presents a barrier to copyright infringements.

> "Well when I started we assumed that Wikipedia is extremely vulnerable to copyright violations, that anyone could capture violations and take restricted material (.) and then we have to take extra care about preventing this from happening and it turned out that the greater risk is that people are using Wikipedia content without sticking to the license, so it seems to be newspapers. (.) Does it sound too arrogant to say there is not much content left outside of Wikipedia, that would fit into Wikipedia right now, because there are so much content in Wikipedia that it is almost impossible to establish a new article (.) so you have to not just put in full text but you have to integrate it into a system text and no one with the intention of violating the copyright does this" (#5).

Regarding defamation there have been relatively few cases. However, incidents such as the Seigenthaler case negatively influenced Wikipedia's public reputation[389]. As a result of this particular case the quality requirements in relation to biographies of living persons were strengthened, and registration became mandatory in order to create new articles. The Seigenthaler case was illustrative of the fact that Wikipedia is perceived be an 'interactive computer service', thus a public space for interaction, rather than a publication with a liable editor. From this one may infer that only the author of any given Wikipedia text, and not Wikipedia itself, may be held liable for the text in question according to Section 230 of the U.S. Communications Decency Act (Myers 2006). In relation to my research metaphors the case indicates a public sphere perspective on Wikipedia, thus regulating Wikipedia as a public space in which any individual is responsible for their own expressions, rather than a publication with a liable editor.

A final point concerns the *value of having met physically* with regard to influence in the community. In terms of influencing policy, solving conflicts and forming friendships, several of the interviewees stressed the importance of having met physically.

[389] In the case, journalist Seigenthaler made a story out of his own bibliographic article on Wikipedia, in which he was accused of being part of the Kennedy assassinations (Lih 2009:191-192).

> "In terms of influencing policy it is much more important on the Wikimedia level than on the Wikipedia level ..I think of course it is important too for conflict resolution so if you nearly get angry about a certain person then you are able to see him the next week at a stamtisch then it stops. This really helps (.) to know that this conflict with him with this person (.) it is not about a personal thing because you have met the person several months ago at a Wikipedia convention and you know him and you know that he is not a bad person. So I think this helps very much at this level and yeah they have been of course friendships. Real friendships even" (#6).

> "Where it is some sort of anonymity people may change their attitudes and their behaviour quite a lot. And they don't do if they know the other person. So I think it is important to know people in person if you want to be influential is perhaps the wrong word but if you want to argue for certain points (.) it is good to know people" (#4).

As stressed in the above quotations, conflicts may escalate online (not least where people have never met in person and essentially do not know who they are arguing with). In contrast, having met someone physically may provide a more open approach to potential disagreement. The German stamtisch tradition in particular is mentioned as an important facilitator for physical meetings, since it provides a space where Wikipedians meet and discuss various issues and problems within the community on an ongoing basis.

In summary, the Wikipedia community is self-organizing and with self-appointed public positions. Despite a relatively high amount of rules and policies, the practical barrier to enter the community and to start contributing is low. Furthermore, everyone in principle has access to participate in governing Wikipedia after having earned some credits within the community. As such access to power is generally available, however premised on being online and of having achieved a certain level of recognition within the community. The German community is described as containing many rules and procedures, however it is not perceived as a bureaucracy but rather a community guided by many rules, which one is somewhat free to ignore.

The means of conflict resolution are largely based on dialogue. However, votes are also often held e.g. in relation to official positions. The community is stressed as king of Wikipedia, hence official

positions first and foremost indicate that the individual has earned respect within the community via the quality of his / her edits and arguments. With regard to potential conflicts between German Wikipedia and copyright regulation this has not been a major issue, and a limited number of cases have arisen in which Wikipedia was accused of breaching copyright law. On the contrary, there have been cases where content from German Wikipedia was used in newspaper articles without acknowledging Wikipedia as the source.

As previously mentioned, Wikipedia may be described as a communicative system that operates according to specific communicative codes e.g. contribution / non-contribution. The boundaries between the system and the outside are therefore defined by the types of communication that are valid within the system i.e. the ongoing contributions that produce and reproduce Wikipedia as a communicative system. In relation to public life the boundary (difference) between the community and the general public consists of the willingness / non-willingness to take part in Wikipedia's system of communication, thus to make active contributions to the common resource. Participating in Wikipedia's system of communication implies adhering to the norms that define communications within the system, for instance to follow community defined standards on editing. With regard to the various subsystems (for example, the arbitrations committee, admin position etc.), these may be described as mechanisms by which the system handles an increasing amount of complexity as Wikipedia has expanded over the past ten years.

Wikipedia as Public Life

On a final note before concluding, let me briefly address the role of Wikipedia in connection to public life.

The findings outlined in the previous sections emphasize Wikipedia as a public (open) space, both with regard to the technical platform, the legal license, and in the sense of a being a community, which is essentially open to the public. When addressing Wikipedia in relation to public life, the interviewees mostly focused on Wikipedia's *impact* on public life for instance the way Wikipedia has *democratised the public information domain* and has established itself as one of the key sources of public domain

information. “Wikipedia is really changing the general public access to information. Wikipedia has a kind of a information monopoly, if it’s not in Wikipedia it’s not existing” (#3). It was also stressed that Wikipedia holds value for the general public, by not being an expert community, as stated in Wikipedia’s replies to common objections.

> “Experts often write for an audience of other experts, whereas Wikipedia is read by the general public - people who are ignorant of a subject and who are looking for a quick introduction to that subject, not an expert treatment. Since college students are familiar with the problems that are encountered in learning about a given subject, they are useful in drafting treatments of that subject which are suitable for the general public”[390].

Based on my analysis I would argue that Wikipedia bears stronger resemblance to a community gathered around a common purpose than to general public life where no common purpose is at stake. While Wikipedia contributes to the making and remaking of common goods, the active contributors represent a purposeful community rather than “random members of the public” (Zittrain 2009:145). As stressed by those interviewed and confirmed by Wikipedia statistics, the majority of German Wikipedia articles are written by a relatively limited group of active contributors[391]. “I think 1.0% of the registered users of Wikipedia did contribute I think 50% or 60% and this is the calculation, this is flawed yes there is a corkscrew of Wikipedia” (#5). When debating the role of Wikipedia with respect to public life it is thus important to distinguish between the vast number of people using Wikipedia and the Wikipedians themselves that actually produce it. While Wikipedia lives its life publicly, the sense of community amongst the interviewed seemed strong, just as they expressed pride of being part of this particular project.

Seen from a global perspective, the majority of contributions are from the developed countries, whereas contributions to Wikipedia from the developing part of the world is limited by lack of connectivity, many minority languages, and a small amount of editors (Lih 2009:158). In this respect one of the interviewees described Wikipedia as a ‘club of the privileged’.

[390] Quote from http://en.wikipedia.org/wiki/Wikipedia:Replies_to_common_objections#My_prose, retrieved August 31, 2011.
[391] Statistics on active contributors are available at: http://stats.wikimedia.org/EN/ChartsWikipediaDE.htm

> "The idea of a world in which everyone has access to some qualified knowledge is still there and it is important. And at the same time we have to acknowledge that to a certain degree Wikipedia was primarily a tool for rich people, by rich people to tell rich people, someone who could afford access to the internet. And by rich I mean rich by global comparison (.)" (#5).

Obviously, the conditions for peer-production differ essentially in a developing vis-à-vis a developed context, as it requires a certain standard of living to be able to dedicate numerous hours and resources to voluntary projects with no financial compensation. It is thus likely that the development of, for example, the African Wikipedia community, will emerge at a slow pace[392]. In relation to this it would be interesting to investigate whether there are entry barriers within the current community, for instance if Wikipedia engenders cultural or other mechanisms of exclusion despite its open character. In spite of their obvious relevance these aspects of Wikipedia have not been the focus of this study.

In terms of human rights, the right to freedom of information is particularly important here. Since Wikipedia expands the public domain of knowledge across nations and languages, it fosters public access to information that was not previously available in the public domain. As such it improves the individual's ability to freely receive information from a variety of sources, although mostly in majority languages.

Conclusion

The analysis that follows summarizes my findings along two themes. First, I address how people engaging with Wikipedia understand and make sense of Wikipedia as an online community, and I address the claims encompassed within the Net as Culture Metaphor i.e. the new modalities for participation in the public domain. Second, I address the capability of the culture metaphor as a basis for case analysis.

[392] For statistics on African Wikipedians see: http://stats.wikimedia.org/EN_Africa/Sitemap.htm, retrieved July 12, 2011.

In relation to the first point, the analysis stressed the complexity of reasons for taking part in Wikipedia. It did though also identify that reactions from, and interactions with, fellow Wikipedians constituted one of the strongest motivational drivers amongst the German community. The interviewees are well aware of the normative outset of Wikipedia (to set knowledge free), however their daily practices seem less occupied with the general public or public life as such, and more oriented towards their own areas of interests, ongoing debates within the community, and fellow Wikipedians. Furthermore, the means of gaining visibility in front of a larger crowd, while remaining anonymous, was seen as fascinating in its insight. The study thus points to a relatively high amount of internal focus (e.g. on article quality) compared to an external focus e.g. on the value of Wikipedia for its users, or for countries or regions with a less developed domain of public information. Referring to Luhmann, the community primarily communicates (selects meaning) according to the various contributions (edits) to Wikipedia, rather than the overall normative goal.

The norms of openness and sharing were visible in relation to the technical platform (open for all, no registration required), in relation to the legal license (sharing and reuse allowed), and in the cooperative practices. As Wikipedia articles are produced in cooperation between smaller groups of editors, sharing of one's own contributions is a premise for taking part, and is emphasized as a key motivating factor for contributing. Compared to other voluntary associations, the Wikipedia norms of openness and sharing may not differ essentially, however the technical platform provides different means for realizing these norms. Likewise, the wiki platform facilitates a collective and creative space that is essentially different from non-mediated cooperation.

In addition to the norms of openness and sharing, the German community has a strong academic focus, stressing that Wikipedia is first and foremost an encyclopedia, and should comply with the highest quality standards. The German focus on the product is stressed as somewhat different from the English Wikipedia, where the wiki process is seen as more important. Various mechanisms to ensure quality control have been installed, providing some limits to openness within the German community. Also, the norm of sharing is countered by an expectation of pay back as expressed by some of the interviewed.

The norm of dialogue is manifested in the numerous debates amongst German Wikipedians in virtual as well as physical spaces. The many physical meetings are emphasized as an important feature of the community, not least as they may counter conflicts that would otherwise escalate online. As the community has grown an increasing amount of rules and mechanisms have been deployed to reduce complexity, however the interviewees do not perceive Wikipedia as being bureaucratic, but rather choose to describe it as a 'rule-governed anarchy'. The community favors debate as a means to solve conflicts, and in many ways chooses to submit to the power of the better argument. The issue of article quality remains an ongoing theme in German community debates.

In relation to public life, the German Wikipedia represents a dedicated community that is occupied with creating an encyclopedia rather than a space for public life more generally. However, Wikipedia's contribution to the public domain of knowledge is stressed as important, reflecting Wikipedia's ability to empower public life by expanding the available sources of public and multi-lingual information.

Concerning the analytical framework, the Net as Culture Metaphor facilitated a thematic structure allowing for an explorative approach. The framework directed attention towards certain themes while allowing those interviewed to pursue various topics within this overall framework. The themes of community culture and collaborative practices resonated well with many of the issues raised by the Wikipedians when asked to reflect on the social practices and norms of the community including why they had become involved with Wikipedia. It also directed attention towards Wikipedia as a purposeful community with regard to public life more generally. The theme of self-regulation directed attention towards the community rule, and the complex system of policies and positions that have evolved, while maintaining some space for community anarchy. Finally, in relation to the crosscutting theme of public and private, this pointed to Wikipedia as an example of individuals collaborating in virtual public spaces to improve the public domain of knowledge.

On a final note, it should be noted that while data was collected and analyzed using the Net as Culture Metaphor, there were several references to the other metaphors in the case study, in particular the public sphere and media metaphor. Wikipedia articles were referred to as content; guidelines for articles as content policies; and Wikipedians referred to as editors. The community debate was

described with references to Habermas' public sphere notions. As mentioned in the Uganda study, this is indicative of the somewhat artificial distinction between the four metaphors, as their respective notions and key themes in practice are mixed and combined. The relation between the four metaphors is further addressed in the concluding discussion below.

9. Concluding Discussion

A Moment in Time

One of my colleagues recently argued that my research would have been easier had I chosen an historical topic, rather than a moving target. While internet politics and practices have developed over the past twenty years, in recent times the issues have indeed evolved increasingly rapidly; highlighting the role of the internet as a tool for social change with policy implications in a number of spheres.

In the beginning of the year, the uprisings in North Africa and the Middle East gave rise to the term 'Facebook revolution', indicating the role that social media played as a resource to organize and distribute information amongst the individuals and groups opposing the regime[393]. During the uprisings various restrictions were imposed on internet access in several countries, and recently the former Egyptian President and two of his officials were fined US $90m for cutting internet and mobile phone communications (UPI May 28, 2011). At a gathering in Copenhagen in May 2011 a number of the participating bloggers, activists, writers etc. shared their stories and debated the role of the internet in the revolution[394]. At the meeting several of the speakers stressed that while the revolution did not start in cyberspace, social media did provide an important platform as a space for sharing information and mobilizing voices. As a consequence, internet freedom is now being debated as part of the new Egyptian Constitution, with access to knowledge articulated as a right[395].

On a political level, the link between internet and human rights has recently been on the agenda at several high-level meetings. At the 17th session of the UN Human Rights Council (June 2011), the United Nations for the fist time received and debated a report specifically focused on the internet and the right to freedom of expression and opinion. The report produced by UN Special Rapporteur Frank

[393] See e.g. the coverage in the UK newspaper The Guardian (Naughton January 23, 2011). Also, the Iranian revolt in 2009 was spoken of as something that would not have happened without Twitter (Morozov 2011:2-3).
[394] Conference on Cyber activism, May 9, 2011, in Copenhagen. Information available at: http://forside.kvinfo.dk/KVINFO_arrangementer/arabiske_kvinder_online_og_i_front, retrieved July 12, 2011. The meeting was covered in the Danish newspaper Weekendavisen (Rifbjerg May 13, 2011)
[395] Speech by Lina Attalah, May 9, 2011, in Copenhagen, cf. note above.

La Rue addresses the specific potentials and challenges which the internet poses to the right of all individuals to seek, receive and impart information and ideas off all kinds (Rue 2011). The report stresses that the internet has become an indispensable tool for realizing a range of human rights, combating inequality, and accelerating development and human progress, hence ensuring universal access to the internet should be a priority for all states (Paragraph 85). It also emphasizes that censorship measures should never be delegated to private entities, and that intermediaries should not be held liable for refusing to take action that infringes individuals' human rights (Paragraph 75)[396]. Subsequently the Swedish foreign minister, on behalf of more than 40 states, supported the report and stressed that "For us, one principle is very basic: The same rights that people have offline - freedom of expression, including the freedom to seek information, freedom of assembly and association, amongst others - must also be protected online" (Bildt June, 10, 2011).

In addition, at the G8 level the internet was recently addressed in the Deauville Declaration: Internet[397]. The Declaration stresses that the leaders are committed to "encourage the use of the Internet as a tool to advance human rights and democratic participation throughout the world" (Article 13), and that the principles of openness, transparency and freedom of the internet have been key to its development and success, and must together with non-discrimination and fair competition, continue to be an essential force behind its development (Article 9)[398]. As part of the G8 meeting, the German Foreign Minister spoke at length about freedoms in cyberspace, stressing that free access to the internet is a human right, and that freedom of expression and freedom of association are only protected in the 21st century, if also valid in cyberspace[399.]

The examples cited above highlight how the interrelation between human rights and internet policies has become more visible, and may be observed on high-level policy agendas to an extent not

[396] Civil society networks and groups such as EDRI, EFF and APC were included in the preparation of the report, and have been very supportive of its recommendations. See e.g. http://www.eff.org/UN-Special-Rapporteur-Protection-Anonymity, http://www.edri.org/edrigram/number9.11/un-report-online-censorship, http://www.apc.org/en/pubs/briefs/internet-rights-are-human-rights-claims-apc-human-, retrieved September 1, 2011.
[397] The Declaration is available at: http://www.g8.utoronto.ca/summit/2011deauville/2011-internet-en.html, retrieved September 1, 2011.
[398] The Declaration has been criticized by civil society groups for not recognizing the protection of human rights as core principles above all others, rather than included in a framework to be balanced with rule of law and protection of intellectual property. See e.g. the ARTICLE 19 press release May, 27 2011, available at: http://www.article19.org/
[399] The speech was printed in the German newspaper Frankfurter Rundschau (Westerwelle May 27, 2011).

previously seen. When I started this dissertation an awareness of the nexus of the internet with human rights was limited to a few narrow interest groups. Though this may arguably still be the case, awareness is expanding and the debate is more visible. Policy makers thus increasingly embrace the notion of internet freedoms, and stress that these are essential to an open internet based on human rights standards. "So as technology hurtles forward, we must think back to that legacy (Universal Declaration of Human Rights). We need to synchronize our technological progress with our principles. (.) Today, we find an urgent need to protect these freedoms on the digital frontiers of the 21st century. (.)" (Clinton 2010)[400].

At the same time, however, new proposals for control of the virtual sphere are being introduced. One recent example is the idea of a virtual Schengen border around EU countries, thus an infrastructure that facilitates increased control with information to and from EU member states[401]. In relation to the research metaphors, the idea of a virtual Schengen border refers to the infrastructure perspective on the internet, hence borders similar to physical road blocks are suggested to support regional control with this global infrastructure. While the EC have refuted the assertion that that 'virtual Schengen' represents official EU policy[402], the recent debate on EU-wide blocking of content, addressed in the media metaphor, gives a different impression. Similarly, French President Sarkozy has spoken of the need to civilize the internet at the G8 meeting[403]. Scholars too have recently argued about *the rise of a Cybered Westphalian Age*, suggesting that we are seeing the beginning of national and regional border making in cyberspace. "From the Chinese intent to create their own controlled internal Internet, to increasingly controlled access to the Internet in less-democratic states, to the rise of Internet filters and rules in Western democracies, states are establishing the bounds of their sovereign control in the virtual world in the name of security and economic sustainability" (Demchak, Dombrowski et al. 2011:32). As an example of this the Iranian government in July 2011 announced that the first phase of a "National

[400] The notion of internet freedom has been contested by several scholars e.g. in *Net Delusion* (2011) in which Morozov critically examines the cyber-utopianism and internet-centrism entailed in the notion (Morozov 2011:318).
[401] See e.g. the coverage in EDRI-Gram 9.9 May 4, 2011, available at: http://www.edri.org/edrigram/number9.9/virtual-schengen-border
[402] In response to a question raised by Christian Engström, member of the European Parliament for Piratpartiet, Sweden, Commissioner Cecilia Malmström replied that the notion of a virtual EU border appeared in a presentation by a national delegate (Hungary) and was not to be interpreted as EU policy as such (European Commission June 20, 2011).
[403] Sarkozy's opening speech at the internet-related part of the G8 meeting was covered in the Danish Newspaper Information (Thyssen May 29, 2011).

Internet," also referred to as the "Clean Internet," is soon to be released, followed by a national search engine (Reporters without Borders August 3, 2011).

As illustrated above, the dichotomy between openness and control, which seems to be the underlying current of internet discourses, seems stronger than ever. With this point in mind I shall discuss and summarize my research findings. The discussion is structured in two parts. First, I shall address my research metaphors and, secondly, I discuss the findings related to ICT as a tool for social change.

Internet Metaphors

When I initiated my research one of the aims was to illustrate how various internet policy discourses imply different perspectives on the internet. Whilst internet studies often focus on what is happening online, I have approached the internet from a broader societal perspective, using current policy discourses as the point of departure. As previously noted my interest in the way policy discourse frames topics was fueled by my work as a human rights professional, which has included numerous debates on ICT's potential role for human rights and development. While participating in the various policy spaces, I often found that the debates about internet regulation are mixing essentially different conceptions of the internet, hence the desire to clarify some of the claims and assumptions underlying current policy controversies.

In order to provide some structure to the themes I phrased and developed them as four different metaphors, while recognizing that these are often overlapping and combined. Situating internet discourses within a specific metaphorical theme is indeed a somewhat artificial exercise. However, it has helped to illuminate the themes and assumptions associated with each theme as well as the theoretical landscape they draw upon. Furthermore, it has illustrated how the metaphors associate with specific human rights issues. Not surprisingly, most discourses are not explicit or even conscious about the metaphors they draw upon, so one of my research agendas has been to illustrate that it is significant *how we talk about the internet when formulating policy challenges and solutions*.

While conducting the case studies I increasingly came to perceive the metaphors as *different dimensions of internet use* that are present in most internet-related context. Both the Uganda and the Wikipedia case studies highlighted that the different metaphors co-existed in the daily practices and discourse of the interviewees. So, while my metaphorical framing has helped clarify how each of the metaphors draws on specific research agendas and shapes specific policy issues, I would now like to combine the four and approach the metaphors as different dimensions of the internet. As explained below, I argue that the metaphors represent a technical dimension, a content dimension, a conversational dimension, and a cultural dimension of internet use.

- Cultural dimension (Net as Culture)
- Conversational dimension (Net as Public Sphere)
- Content dimension (Net as Media)
- Technical dimension (Net as Infrastructure)

The infrastructure metaphor addresses the *technical dimension* of the internet, representing the ground layer that lies below any content, conversation and culture. As previously discussed, the infrastructure metaphor addresses the operation and governance of the technical components needed for sustaining an effective global infrastructure such as domain name system, IP addresses, and internet protocols. The infrastructure metaphor has it own arena of policy discourse within the broader internet policy debate, however, despite its technical point of departure it also interfaces with the content layer (for instance when the organization in charge of technical coordination (ICANN) engages itself on the topic of top level domain names). It is also associated with specific human rights issues, in particular the challenge of ensuring that ICANN as a private U.S.-based corporation complies with human rights standards, and that users outside the U.S. have means of redress. In relation to the themes of public and private, the infrastructure metaphor is situated within a liberal discourse, since the policy controversies relate to the demarcation line between public policy and the private operation of internet resources.

Moving from the technical dimension to the *content dimension*, the media metaphor focuses on the various types of content mediated by the internet. As previously discussed, a number of European policy debates address the content dimension of the internet and how this content may be regulated.

These debates speak to the internet's open character, which has fueled various policy measures to protect vulnerable audiences. With regard to the themes of public and private, the media metaphor is situated within the public-as-open discourse, implying that policy controversies relate to the open and generally accessible character of online information, rather than to specific domains of society. The media metaphor typically compares the internet to previous types of media and applies terminology from the conventional media arena e.g. the lack of a central editor, individual broadcasting and individual publishing, etc. Associated human rights issues concern freedom of expression versus restrictions on internet content, and the right to privacy versus standards of publicness.

Moving from content to conversation, the public sphere metaphor addresses the *conversational dimension* of the internet, thus it focuses on the democratic potential of internet use including policy themes such as access, online freedoms, and resources to participate. The public sphere metaphor approaches the internet as a space for action and interaction, rather than content and audiences. Related human rights issues include access to the internet and the protection of online freedoms including, but not limited to, freedom of expression and privacy, and capacity building to ensure that the necessary resources to participate in the virtual sphere are available at local level. In relation to the themes of public and private, the public sphere metaphor is situated within the republican discourse, with a focus on participation in the political realm of society and the new modalities for political life, which the internet facilitates.

Finally, the culture metaphor addresses the *cultural dimension* of internet use, with a focus placed on the specifics of internet cultures. The metaphor is largely inspired by the free culture movement and addresses themes of community culture, collaborative practices, and the means of self-regulation. In line with the previous metaphors, the culture metaphor is associated with specific human rights issues such as the interrelation between human rights and intellectual property rights, and the challenge of protecting privacy standards in online communities. With regard to the themes of public and private, the metaphor is situated within the sociability discourse, highlighting the ways by which the internet adds to the spaces and modalities for public life.

As an illustration of how the four metaphors / dimensions co-exist in any given case, take the above-mentioned example of internet use during the Egyptian revolution. The infrastructure metaphor might highlight the internet as a technical backbone whereby people were able to communicate across physical borders. The media dimension might point to the way blogging served as an alternative to the official media, thereby providing competing and substitute content on topics that were rarely being covered by the official media. The public sphere metaphor might draw attention to the way social media was used to mobilize civil society. Finally, the culture metaphor might point to the kind of cultural practices that developed in the virtual spaces during the revolution.

Linking back to the opening remarks of this chapter, the metaphors also provide some interesting perspectives on the debate on internet freedoms and internet control. When it comes to providing citizens access to internet infrastructure the issue is relatively non-controversial, and provisions on access to internet infrastructure have already been outlined by a number of countries as mentioned in Chapter 6 (page 105). However, when internet access extends to access to freely participate in the virtual public sphere or to access potentially harmful content, the issue becomes more controversial. A similar situation exists with respect to online cultural practices that collide with conventional regimes of ownership. In countries such as Denmark, for example, there is a tendency to highlight provisions that relate to infrastructural access whilst less emphasis is placed on the numerous controversies related to blocking and filtering of content, privatized law enforcement in the virtual public sphere and the online practices of sharing. In this regard the different dimensions of internet use speak to more or less controversial policy issues, and in general the technical dimension is the least controversial of the four.

Finally, each metaphor highlights specific assumptions on the internet's potential to facilitate social change, which is the topic I consider next. This includes reflections on the strength and weaknesses of the metaphors as a basis for case analysis.

ICT as a Tool for Social Change

Here I shall discuss my findings in relation to ICT as a tool for social change. My research has been informed by various assumptions related to ICT's potential to facilitate human rights, just as the four metaphors each represent a specific theme in relation to this potential. The infrastructure metaphor stresses the universal and non-discriminatory infrastructure that the internet represents. The public sphere metaphor addresses the new modalities for public and political life. The media metaphor is concerned with the democratization of publishing and broadcasting, whilst the culture metaphor confronts the new modalities of creative participation in the public domain.

One of the aims of the case studies was to investigate concrete examples of how civil society utilizes ICT to foster its causes. Both in the Uganda and the Wikipedia case studies the civil society actors have a declared aim of providing substantive changes to the current conditions in either context. In the Uganda case the call for social change is addressed via WOUGNET and partners declared goal of empowering women in Uganda, whereas Wikipedia strives to provide free knowledge in all languages of the world. In the Uganda case study the findings therefore address civil society's approach and experiences with utilizing ICT to better the lives of women in Uganda. The Wikipedia case study focuses on how the Wikipedians perceive the cultural practices entailed in the Wikipedia community, including its normative goal.

As for the findings, the Uganda study stressed that the combined use of various ICT platforms had been crucial in creating new spaces of action and collaboration, despite a lack of basic infrastructure. Whereas many of WOUGNET and their partners' initiatives focused on information delivery, the increased use of ICT was seen to facilitate access to decision-making processes, rather than just increased access to information for the individual. The interviewees stressed that the familiarity with ICT had helped build confidence and had facilitated debate and new practices amongst the women. The study in Apac highlighted that women increasingly posed questions and debated on radio programs, ran in local elections, engaged with new farming practices and bargained on prices as a collective. As for Kampala, experiences were increasingly shared via a combination of mailing lists, podcasts, mobile phones and conventional media, and a virtual presence had created new means of income for women

entrepreneurs. Furthermore, ICT was seen as facilitating a reunion between gender-divided spaces (for example, at farmers meetings in Apac and at telecenters in Kampala).

On a methodological level, the public sphere metaphor pointed to some overall themes (access, freedoms, resources to participate) related to public political life and participation. Also, it allowed for an explorative approach in relation to the specific issues addressed by the interviewees. However, the framework provided limited guidance concerning which issues to focus on within each theme, hence the categories had to be unfolded and sometimes revisited during the analysis. This was the case with the theme of freedoms, which ended up with a broader focus on the various factors that influence participation in public life, rather than focusing on the means by which states restrict online freedoms.

As previously mentioned, the public sphere metaphor was found to reflect the themes and priorities that the women's groups were most concerned with. The themes of access to infrastructure, access to information, and resources to participate resonated well with the local discourse in particular. The theme of freedoms was addressed more indirectly, as was access to take part in decision-making processes. In a future scenario I would like to revisit the latter and to clarify how it relates to systems of communication and to power. In relation to the discussion above, I could have chosen to conduct the case study with any of the other metaphors, which would have given a different focus of the analysis. The infrastructure metaphor might have focused on the development of a technical internet infrastructure in Uganda, including the role of the state in relation to private parties within this process. The media metaphor might highlight the role of the internet in contrast to conventional media, including the role of citizen journalists in producing local content. The culture metaphor might address the online community and collaboration of WOUGNET and its partners. Naturally this would have called for some revision of the questionnaire and some variation in the groups chosen for interview. As mentioned above, the co-presence of the metaphorical themes in the local context made me more conscious of the different dimensions of ICT use, and in this way informed my analytical framework.

As for the Wikipedia analysis, the case study found that the interviewees were well aware of the normative outset of Wikipedia, however, their daily practices were less occupied with the normative goal of strengthening the public domain of knowledge and more oriented towards their own areas of

interests, ongoing debates within the community, and cooperation and sharing with fellow Wikipedians. The study revealed a relatively high degree of internal focus i.e. on practices within the community, as compared to an external focus i.e. on the value of Wikipedia for its users, or for countries or regions with a less developed domain of public information. In line with this, feedback and interaction with likeminded people were mentioned as the strongest motivational drivers for participation, though members contribute for a variety of reasons. Despite a limited focus on Wikipedia's normative goal, the interviewees stressed that they took part because they sympathized with the core idea of Wikipedia, including the idealistic nature of the project. The community members sense of belonging thus seem closely linked to the founding values of the project. Drawing on Luhmann's terminology, the study concluded that Wikipedia represents a system of communication with communicative codes related to contribution / non-contribution and with boundaries to public life as such.

With regard to the culture metaphor, I found the themes (community culture, collaboration and self-regulation) relevant and useful as a guiding structure that allowed for explorative data collection. The themes required elaboration during the case analysis. Nonetheless, they resonated well with the issues that the interviewees were concerned to address. The 'fit' between analytical notions and empirical data thus seemed a more straightforward exercise compared to the Uganda study. As in the previous study, I could have chosen any one of the four metaphors / dimensions, which would have in turn led to different themes and priorities. The infrastructure metaphor might have focused on Wikipedia as a technical infrastructure connecting local, regional and international resources. The media metaphor might highlight the role Wikipedia plays as a content provider, both in terms of lexica entries, news items, and other types of content. As for the public sphere metaphor, this perspective might discuss Wikipedia as a democratic space, addressing barriers to access and participation within this space.

Overall, I experienced the strength of my analytical approach to be the thematic, yet explorative approach, allowing the interviewees a great deal of freedom in choosing which topics to pursue within the overall themes. The weakness with my method was mainly experienced as the loose structure for conducting data analysis, thus providing little guidance when unpacking each theme analytically.

Final Perspectives

Taking a step back, I shall try to illustrate some overall points and perspectives that have built up throughout my dissertation. The first perspective draws on the initial debate of the information society and how the internet may be seen as a structural match to modern society. As argued by Luhmann / Qvortrup (Chapter 3), current societies are increasingly complex because so many social actions have become communicatively accessable. In this polycentric society, the internet provides for an unseen number of structural couplings, thus an opportunity to relate to an indefinite number of communications, while also providing for mechanisms to select only a few of these communications. Moreover, in the information society access to the means of communication is intimately linked to power (Castells). In line with these two perspectives, *access to the internet is increasingly discussed as a fundamental right related to societal participation and to power***,** as illustrated by the recent debate at the UN Human Rights Council (cf. above).

Secondly, as argued by Castells / Hoff (Chapter 3), the information society implies new powers assigned to those who control access and barriers to the systems of communication. Whereas the public / private construction plays out differently in the four metaphors, the increasing power of private parties is a crosscutting tendency. The infrastructure metaphor speaks to the role of a private corporation, ICANN. The public sphere and media metaphor together both address the role of internet service providers, and the culture metaphor speaks to participatory public spaces as a business model. As such, private parties increasingly control various services in the virtual public sphere, thereby providing power structures that differ essentially from the physical public sphere. Moreover, states increasingly involve these private parties in law enforcement addressing the infrastructure, content, conversational, and cultural dimension of the internet. This leads to my second point in emphasizing that while access to the internet increasingly is debated as a fundamental right**,** *the powers to control internet communication are delegated to private parties with a commercial agenda***.**

My third point relates to the way discourse shapes law and culture. As illustrated in Chapter 6, internet discourse informs policy themes and renders some regulatory choices more obvious than others. If we think of the internet, or a specific part of the internet, as a publication, the idea of an editor seems

natural. So do internet archives and editorial standards for content. However, if one considers it a public space, similar to a park or a public plaza, the idea of an editor seems contextually inappropriate, just as the recording of all conversations for many people would be associated with a surveillance society. In this sense, *clarifying the metaphorical reference is vital for understanding and challenging the various policy discourses, and for addressing the kind of culture we wish to promote.*

If the aim is to promote a human rights culture, this requires that policy and law are examined from the baseline of human rights. To give an example: banning trouble-makers from using social media, as proposed by the UK Prime Minister in August 2011 (Halliday August 11, 2011), suggests that citizens access to communicate is something a government may turn on and off so as to control public communication. It also suggests that private companies such as Facebook and Twitter should monitor the conversations taking place in these social spaces. Both implications contradict the norms and values usually associated with a free and open society. Codifying this or similar proposals into law would thus promote a culture different from the one usually associated with democratic countries. As a forward looking remark, I will therefore suggest some research agendas that may inform a transition towards internet policy and law based on human rights.

One area for research and analysis might cover addressing the human rights compliance of existing internet regulation. This would include an assessment of whether current regulation at national, regional, and international level complies with and promotes the standards required by international human rights law. It could also include developing analytical tools for human rights assessment e.g. in relation to the lawmaking process. In the past a great deal of internet-related legislation seems to have passed below the human rights radar; thus the provision of assessment tools to policy makers and various groups active in this field might improve decision-making and highlight where proposed regulations might have human rights implications.

Another focus for research might be the examination of the role of national human rights institutions (NHRIs) with regard to rights-based internet politics. The NHRIs represent a global network of human rights researchers and practitioners cooperating on several thematic issues both regionally and globally. As previously mentioned (Chapter 4), the NHRIs have not to any large extent taken on the internet-

related policy topics, however they represent a local, regional and global node of expertise that should be leveraged to inform internet discourse and lawmaking from a human rights perspective.

As a third theme I would suggest exploring the role of private parties (especially internet service providers) with respect to human rights, including the various regimes of privatized law enforcement on the internet. As a starting point for the latter the human rights notions of duty bearer and rights holder might be useful to clarify the responsible party in various scenarios. As the state is the primary duty bearer to ensure that citizens (as rights holders) may enjoy rights and freedoms on the internet, it should be clear to all parties how specific rights and freedoms are protected when part of the responsibility is delegated to private parties.

Appendix A: Uganda Interview Guide and List of Interviewed

Interview Guide

Introduction and local context

Access (and barriers to access)
- to infrastructure
- to information
- to means of communication

Freedoms
- from state censorship
- from cultural / structural censorship

Resources to participate (capacity building)
- knowledgeability
- capabilities
- social practices
- different media

Public / private
- women as private vs. public and political actors

List of Interviewees

Staff of WOUGNET (#1, #2, #3, #4, #5, #6)

Representatives of I-Network, WOUGNET partner (#7, #8)

Representative of Busoga Rural Open Source and Development Initiative (BROSDI), WOUGNET partner (#9)

Representative of Ntulume Village Women's Development Association / NVIWODA, WOUGNET member (#10)

Representatives of Counsel for economic empowerment for women of Africa, Uganda chapter / CEEWA-U, WOUGNET member (#11, #12)

Representative of Women's International Cross Cultural Exchange / ISIS-WICCE, WOUGNET member (#13)

Representative of East African Sub-regional Support Initiative for the Advancement of Women / EASSI, WOUGNET member (#14)

Representative of St Bruno Doll Making Group, WOUGNET member (#15)

Representative of Mamas Group, former WOUGNET / Apac staff (#16)

Staff at Kubera Information Centre / KIC (#17, #18)

Representative of Volunteer Efforts for Development Concerns / VEDCO (#19)

Agricultural Officer, Apac (#20)

Representative of Women and Children Advocacy Network / WACANE (#21)

Representatives of St. Luke Farmers Women's Group (# 22, #23, #24). I met with a group of approximately 12 of the local women farmers, however only three conversations were translated.

Representatives of Radio Apac (#25, #26)

Administrative officer, Apac (#27)

Representative of International Humanist Institute for Cooperation with Developing Countries / HIVOS (#28)

Journalist from Kampala conducting a video on the Apac project (#29) Notes only.

Appendix B: Wikipedia Interview Guide and List of Interviewees

Wikipedia Interview Guide

History of the German language edition
- German Wikipedia vs. English Wikipedia

Culture
- Founding principles
- Norms, values
- Why do people participate
- Sense of community
- Sense of politics
- Sense of writing

Collaborative practices
- Editing process
- Conflicts
- Quality
- Ownership
- Sharing

Self-regulation
- How do the community regulate itself
- Role of bureaucrats, admins and general Wikipedians
- National chapters vs. international Wikimedia board
- Mediation mechanisms
- Development of new rules
- Licensing of content

Private / public
- Community vs. general public
- Offline vs. online
- Public domain of knowledge
- Developing vs. developed countries

List of Interviewees

2007

Deputy Director of Wikimedia Foundation, previously active in the German community, #1

Representative of Directmedia Publishing (German Wikipedia DVD) #2

German Wikipedian #3

2009

German Wikipedian, former board member of Wikimedia Germany #4

German Wikipedian, project manager for Wikimedia Germany #5

German Wikipedian, former chairman of Wikimedia Germany #6

Member of Wikimedia Advisory Board, U.S., #7

In addition:

Jimmy Wales, Wikipedia founder, Keynote at Republica Conference 2009

Chats with Wikipedians at the Wikipedia developer Forum, Berlin, 2009

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