

Chapter 2

Towards a Theory of Information Control: Content Regulation, Disciplinary Capacity and the Governance on the Internet

The concept of censorship has been the topic of much conversation but of little research. The general concern over censorship has been whether it is legally or morally right or wrong and under what conditions it should be permissible. Although there has been some research as to what effects certain censorable materials such as erotic or aggressive movies have on audiences [...], there has been little study of the effects of the act of censorship itself (Worchel et al. 1975:227).

We need a concept of freedom of expression better suited to the system of large-scale, automated content generation, interconnected autonomous systems and highly differentiated layers of access characteristic of the global Internet. This is one of the most critical challenges of global Internet governance (Mueller 2010:189).

As was discussed in the introduction, questions of Internet regulation and governance are enormously laden with normative presumptions. This is particularly the case in regard to Freedom of Expression and its restriction that is typically termed ‘censorship.’ The normatively charged space of actors regulating speech and even those conducting research on this topic, have made it extraordinarily difficult to understand why certain things can and cannot be said online. In consequence this book will study “transnational communities of practices, based on what people actually *do*, rather than on where they happen to live” (Adler and Pouliot 2011:24) or indeed what norms they claim to adhere to.

In doing so this chapter also draws on recent developments law and society scholarship that focus less on the “dominant power/inequality approach” (Liu 2015:21) and instead focus on “contemporary social theories [and] a global orientation” (Liu 2015:21) and is inspired by much of the innovative scholarship that this discipline has produced on Freedom of Expression by scholars such as Uladzislau Belavusau (2011) or Ben Farrand (2011).

This chapter proposes a theoretical model of information control based on (a) communities of practice, (b) governance through architecture and (c) network gate-keeping to assist in understanding how the boundaries of Internet expression are defined. It argues that communities of practice regulate speech according to their

own logics of appropriateness. These communities are typically embedded in private companies, but are occasionally in self-regulatory bodies or quasi-public NGOs. These communities have the power to have content deleted from the Internet, what is termed here governing through architecture. Finally, it is argued that this power to control content in turn is linked to focal points of control within Internet infrastructure that have shifted over time.

To this date, there have been few theoretical models that conceptualise the regulation of speech for the Internet. While the Open Network Initiative has been highly successful at providing large amounts of empirical data, analysis and putting the issue on the public agenda, this data has not resulted in comparable theoretical models. Individual authors have attempted to deliver what remain descriptive models for China (Jiang 2010, 2012) or large global corporations (MacKinnon 2012). At the same time, there is a considerable deficit in research not on the effects of being exposed to certain types of information, but the effects of information being restricted. While there are numerous suggestions that the act of censoring information does indeed have considerable effects on the behaviour – not least the ‘reactance’ of individuals in response to censorship which has become known as the ‘Streisand effect’ (Smith 2010:200) – it is difficult to ascertain what the effects of such practices on human behaviour actually are (Worchel et al. 1975).

Moreover, the term censorship itself is extraordinarily loaded. It suggests an illegitimate act of restriction on information that would otherwise be free (Barzilai-Nahon 2006a). Respect for free expression and the opinions of others are seen as a civilizational attainment, by respecting which liberal values and democracy itself can be maintained (Peters 2005). While it is easy to cry ‘censorship’, it is equally common for certain forms of information to be restricted, even within democratic societies. In order to revolve this inherent tension, legal theory in Western Europe and North America has historically abstained from calling certain types of information speech (Warburton 2009). A mere utterance or piece of information does not itself constitute speech, as a result of which the very description of an artefact as ‘speech’ is, in itself, a political statement. As a result, this book explicitly develops a theory of expression governance, attempting to understand how the restriction of expression takes place and what influences the manner in which these actors reach decisions.

So how is Internet expression governed at a global level and which actors decide what is normal and abnormal content? As argued above it is important to focus on the actual practices of content regulation. The study of these communications control practices is in no small part inspired by the brilliant film ‘The Lives of Others’ (Henckel von Donnersmarck 2006) and explicitly assumes a complex and non-obvious relationship between the actor controlling communications and the actor being controlled. It is suggested that this relationship between the actor monitoring and the actor being monitored is not as normatively laden (Ross 2010; Wu 2012) nor as heroic (Henckel von Donnersmarck 2006) as it might seem, but has – as a consequence of the proliferation of digital technologies – become extraordinarily

mundane. For the most part, the practice of regulating information flows is an everyday task completed by a specific professional community.¹

It is these communities of practice (Adler 2005) that this book will focus on, in attempting to understand how they are created, formed and how they go about everyday content regulatory practices. This book contends that the boundaries of speech online are in most regards defined by these communities of practice, who themselves have access to the technical means to enforce them. Understanding how these communities define their own 'logics of appropriate content regulation' and thereby create 'expression governance regimes' is at the core of this book and will be discussed in the following chapter in greater detail.

2.1 Developing a Theory of Information Control

As a result, this book has developed its own theoretical model of information control. It should be emphasized that the theoretical model was developed as part of an iterative process, moving back and forth between data and theory. While this iterative process is one of the cornerstones of qualitative research (Klotz and Lynch 2007; Pouliot 2007) it also means that none of the following book can claim to be 'proving' anything.

This is exploratory qualitative work that rests on the quality of the argument made. Of course, it is still hoped that the interested reader will find the argument compelling. Having said that the theoretical model was not developed in a vacuum, but instead it can draw from several existing theoretical frameworks. The following theoretical model will attempt to bring together different strands of research which all speak to different aspects of the same question:

- (i) **Network Gatekeeping Theory** (Barzilai-Nahon 2006b, 2008) presents a valuable perspective from the communications sciences on how gatekeeping functions and impacts on communications within large networks of human and non-human actors (Brey 2005).
- (ii) The concept of **Communities of Practice** (Adler and Pouliot 2011; Adler 2005; Wenger 1998, 2002) provides both a key frame to understand the nature of professional communities who have control over infrastructure through various different mechanisms while transporting key norms and logics of appropriateness (Adler and Pouliot 2011) on reasonable limitations of content.
- (iii) **Governance through Architecture** (Brown and Marsden 2013; Denardis 2008, 2012; Lessig 2006:124; Mueller 2010) will be integrated as a specific strand of Internet Governance literature, where communications architecture

¹From here onwards 'community of practice' and 'professional community' will be used interchangeably.

(Kitchin and Dodge 2011) is analysed in its function as a disciplinary tool (Foucault 1977).

In the following, these theoretical building blocks will be woven together to develop an overall theory that at its core attempts to understand expression governance. The resulting theoretical model will analyse “the main core of gatekeeping [which] is information control. Information control as a process is in many cases a reflection of the power struggle of stakeholders to achieve their political interests” (Barzilai-Nahon 2008). However, actors who engage in governing expression are communities of practice (Adler and Pouliot 2011) and sediment their practices in institutions which are deeply embedded in technology. The technological embeddedness of these professional communities provides them with extraordinary power, as they sit on the *Hidden Levers of Internet Control* (Denardis 2012) and are as such able to govern through Internet Architecture (Lessig 2006:124). Their ability to regulate Internet communications (Brown and Marsden 2013) has implications far beyond individual acts of content regulation, as a result the sum of individual acts of content regulation will be termed here ‘expression governance.’

Of course, changes also need to be made to the existing theoretical models and not all of what the various elements of the theoretical frames above can be transferred into the resulting model, which will need to be tailored to the specific empirical context. For example, networked gatekeeping theory is focussing on the gatekeeping relationship between the gatekeepers and the gated. While this may be effective in providing a nuanced understanding of interaction between these actors, it ignores other forms of important relationships.

Aside from over-focussing on the relationship between gatekeeper and gated, Barzilai-Nahon does not consider situations in which there will be multiple gateholders within the network. This will become clearer to readers after having read the governance through architecture in Chap. 3 in greater detail. There are numerous points in Internet infrastructure where information control can take place. Also, there is a need to emphasise more strongly the role of online service providers. Barzilai-Nahon uses the concept of ‘authority sites’ that are “high-traffic sites which control traffic and information flow that passes through them” (Barzilai-Nahon 2008). This definition needs to be extended, however, to consider the rise of online service providers as Internet platforms and their extension beyond the website of origin. Online Service Providers (OSPs) such as Facebook have begun in recent years to embed parts of their services beyond their own website, thereby increasing reach and scope of their operations.

In contrast to Barzilai-Nahon, the theory developed here will consider a greater level of complexity in the institutional relationships between actors. Barzilai-Nahon only suggests three levels of authority in which gatekeepers can be based ‘government level’, ‘industry regulator level’ and ‘internal authority level.’ While this typology neatly describes the different levels of ‘institutional embeddedness’ of gatekeepers, it does not fully capture the empirical messiness of the institutionalisation of information control on the ground. Equally importantly, there is a need to map the complex polyarchic relationships (Dahl 1971) between the different actors,

which are not as clear-cut as they seem. Particularly large online service providers are both gates, gatekeepers and second-order-gatekeepers – regulating the submissions of other gatekeepers – depending on the types of content being regulated. Their power in both regulating expression and resisting regulation by the state is coupled with the weakening sovereignty of the state on the Internet. The resulting complex relationship that is better captured through polyarchic governance with the express assumption of unclear hierarchies of governance and diffuse power relationships (Mayntz 2008).

Similar critiques can be made on the literature of practice, which in International Relations is mainly represented by Emanuel Adler (Adler 2005). While the conception of communities of practice can be seen in the context of the evolution of epistemic communities (Haas 1992), it is still a concept in construction. As a result, several aspects are not yet fully developed that are however of particular interest here.² The first is the relationship between different communities of practice. There is potential for both completion and collaboration between these communities which is not fully explored within the work of Adler (Adler 2005). While another crucial author on this topic – Etienne Wenger – admittedly considers the concept of ‘constellations’ (Wenger 1998, 2002), this still seems insufficient to capture the complex and diverse relationships between different communities of practice.

Another difficulty with the theoretical conception of communities of practice is its lack of consideration of relevant power structures within communities of practice. The ‘newness’ of the Internet, as technical infrastructure and the fact that many of its ‘creators’ are still alive, has allowed them to gain a level of prominence that would otherwise not be possible. While this is closely linked with cults of celebrity in politics in general (Marsh et al. 2010; Street 2004) and the appropriateness of self-governance within the ‘Internet community’ (Goldsmith and Wu 2006; Mueller 2002; Wu 2010), it has important consequences on how this specific professional community is structured. The ‘Internet community’ has always had vociferous representatives, who were intimately involved in its invention, running or operation.³ The most important representative who sadly also died in the 1990s was Jon Postel, a man who still inspires respect in large parts of the Internet community.

Similar things can be said of Vint Cerf and Tim Berners-Lee. While Cerf developed the TCP/IP Internet protocol (DeNardis 2009) which could be seen as the technical foundation of the Internet, as all traffic runs on it, Berners-Lee developed ways to display it to users with WWW web-browsing (Berners-Lee and Cailliau 1992). Both of these individuals – through their technical expertise and their personal involvement in the creation of the Internet – are seen as able to speak for the

²I have had the great pleasure to discuss many of these criticisms with the author, Emanuel Adler, during his sabbatical at the EUI. As such this critique reflects not only published work but also personal discussions and forthcoming publications, which I believe will respond to many of these issues more directly.

³While I initially began thinking about this phenomenon in Hyderabad in 2008 when participants of the Internet Governance Forum ooohed and aaahed to the voice of Robert Kahn – one of the inventors of the TCP/IP protocol together with Vint Cerf – that I fully understood the importance of this concept.

‘Internet community’ and at times even for ‘the Internet’ itself. Their roles as spokespersons is seldom, if ever, questioned, giving their opinion considerable weight both in policy circles and within ‘the community.’ To borrow from Weber, theirs is what could be described as “charismatic authority” (Weber 1980:140) and they provide an important structuring mechanism within the Internet community.

Vint Cerf created the Internet Society (ISOC) in 1992. For a while it seemed to be take on a key institutional role in the running of the Internet (Goldsmith and Wu 2006; Mueller 2004). Pressure from the US government prevented this, leading Cerf, Postel and others to integrate their own community power base in the first institutional sedimentation of authority over the Internet: ICANN (Goldsmith and Wu 2006; Mueller 2002). The role of these key figures and the institutional arrangements they have created will be discussed in greater detail in Chap. 8.

Finally, as far as governance through architecture literature is concerned, this too can prove lacking in regard to what is being studied here. Indeed it has been argued by many authors that while Lessig’s contribution (Lessig 1999) to the performativity of computer code as a legal system is important, it has not led to a resulting research agenda to illuminate or demonstrate this empirically (Braman and Roberts 2003). Indeed as Laura DeNardis (2008, 2009, 2012) and Mueller and Asghari (2012) have suggested, it is the interplay between technical and social systems that is crucial to understand, not just the regulatory mechanism itself. While this has been further explored by Ian Brown and Chris Marsden (2013), they too stop short of fully developing this argument. Changes in the regulatory mechanisms used to ‘regulate code’ do not just suggest shifts in code or regulation, but in the logics of appropriate governance that should be applied to the Internet as a medium.

Importantly this control over information creates not just a mechanism of controlling information at an individual level but also disciplinary capacity at a collective level. It is this key tool of expression governance that is suggested here is most relevant in understanding how whole societies rather than just individual pieces of content are governed. The disciplinary capacity is important in this context as it provides for not just for the technical ability but also for access to this ability through relevant communities of practice.

Thus it is not unreasonable to suggest that how much control of communications is reasonable is a question of appropriateness (Doctorow 2012, 2013). Many of the existing authors on governance through architecture overemphasise the importance of law as a frame of reference (Lessig 2006) or the role of technical architecture in defining this frame (Bendrath and Mueller 2010; Mueller and Asghari 2012). Instead I will argue that it is not primarily technological development that is influencing this process, but rather how the Internet is both imagined and practices (Chun 2006; Galloway 2004; Mansell 2012). This is not to say that the evolution of technology is irrelevant, but rather that its evolution is not the primary driving force in shaping the logics of appropriateness that govern it (March and Olsen 1984). Technology like institutions is the sedimentation of logics of appropriateness that exist within communities of practice. As the ideas about forms of appropriate governance of the Internet are anchored within communities of practice, it makes sense to study them and make them the primary object of study in this book.

2.2 Key Theoretical Concepts

2.2.1 *The Internet as a Communicative Construct*

The Internet is not an abstract space or digital global village, but rather a network that enables selective connections between people and information. It is a network that is characterised by highly uneven geographies and in many ways has simply reinforced global patterns of visibility, representation and voice that we're used to in the offline world. (Graham 2013)

What is 'the Internet'? The conception of the Internet as perceived by its users has long disassociated itself from its technical infrastructure. Instead 'the Internet' is a set of norms, practices and scripts associated with a communications medium. For the average end-user, what is displayed on their device is 'the Internet' (Chun 2011), through which users are able to gain access to the medium. Moreover, the interconnected global technical infrastructure, which connects different networks to the network of networks (Castells 2001), suggests that all users have access to the same Internet. This is patently not the case, indeed personalisation, regionalisation and information control persist across the Internet (Deibert et al. 2008; Pariser 2011), making individual experiences of the Internet difficult to compare. More importantly, the communication enabled by the Internet is always relational and such creates a code/space enabled by coded architecture and coded devices that cannot be disconnected from their materiality (Kitchin and Dodge 2011).

This connectivity has consistently been associated with metaphors of space and place, asserting that the Internet is a separate space from the 'offline' world, somehow distinct and unreal. This artificial divide ignores many of the communications practices on the Internet that affect human behaviour in numerous ways. While it had previously been uncommon to see individuals walking down streets while staring at pieces of plastic and silicon in their hands (and occasionally bumping into passers-by) this practice has become increasingly common in many urban centres in the world. The effects of coded objects and architecture are no less tangible than the effects of any other spatial object. In consequence Mark Graham argues that:

Such imaginations of 'cyberspace' all claim an aspatiality for the collective hallucination of Internet: a disembodied place, but a place nonetheless, paradoxically imbued with another type of spatiality allowing for a global coming-together of humanity. They give their imagined 'cyber-' space an ontic role. It becomes a fixed and singular, but also an ethereal and ubiquitous alternate dimension. (Graham 2013)

The Internet is both infrastructure and institutions, both operators and users. Any artificial divides that are suggested are entirely inappropriate, as all of the previously mentioned agents and structures (Wendt 1999) co-produce the construct that is considered to be the Internet. It is not that this construct does not have some form of "rump materialism" (Guzzini and Leander 2006:78) in the physical presence of technical infrastructure, but rather that this 'rump' does not typically manifest itself in the vast majority of end users. This is not to deny the performativity of technical systems to regulate human life in general (Feenberg 1999) and communications in

particular (Lessig 2006), but rather to emphasise the readily available construction of the Internet as it is known to the vast majority of its users.

More illuminative in this context are the dreams (Barlow 1996; Chun 2006) and nightmares (Sartor 2012) which have been intimately related to the narration of the Internet. It has always been more than just technical architecture and indeed such representation would be unreasonable for any technical artefact. *Imagining the Internet* (Mansell 2012) is at the core of its becoming the Internet (Adler 2005:31), in which ‘the Internet’ is perpetually constructed and reconstructed. While this process is one that has become relatively stable, it has never reached any kind of equilibrium state. Instead fluctuations in the construction of the Internet have so far not reached a tipping point to change the system, but instead produced considerable order (Adler 2005:41). This has allowed for the overall system of governance to remain relatively stable, despite considerable turbulence and fluctuations in its growth. Indeed the power of the Internet as a symbolic construct lies in its ability to integrate other symbolic and communicative systems within it. It creates a convergent communicative space in which similar, competing and entirely divergent meanings can be integrated, categorised, stored and communicated.

2.2.2 *Content Regulatory Agents: Gatekeepers & Communities of Practice*

Content Regulatory Agents (CRAs) – such as Facebook’s Hate and Harassment team or the German Voluntary self-regulation of German media providers (‘Freiwillige Selbstkontrolle Medienanbieter’ or FSM) – serve as focal points for the control of online expression (Timofeeva 2006:45) and create own expression governance regimes. They generally do not focus on judicial process or public legal systems to govern, rather they use various technical filtering and content takedown mechanisms to implement their expression governance regimes. Their central role in defining the boundaries of expression puts CRAs at the locus of debates on free expression on the Internet, as they combine many of the problems, contradictions and uncertainty about unstable boundaries of expression within their institutional structures and processes. As such CRAs constitute and are embedded in a community of practice in their representation of both agent and structure, they are “facilitating both the innovation and stabilization of practices, [...] structure consciousness and intention, constitute agency, and encourage the evolution or spread of social structure” (Adler 2008:196).

Notably, the focus of implementation by CRAs is generally not punishment of infractions of the boundaries of the regime, but rather the establishment of a kind of ‘virtual public order’.⁴ In this context the individual act of content regulation becomes less relevant, as the establishment of an expression governance regime is

⁴I am grateful to Donatella della Porta for first suggesting this term as a way of conceptualising the role of CRAs.

not contingent on 100 %- accuracy, but rather on demarcating the boundaries of expression in general, as effectively as possible. Establishing public order in the face of persistent micro-violations and constant contestation of these boundaries is typical of more traditional public order policing by the police (Waddington 1994:57).

In fulfilling this role, content regulatory agents act as *network gatekeepers* within the framework developed by Barzilai-Nahon. *Network gatekeepers* are defined here as “an entity (people, organisations, or governments) that has the discretion to exercise gatekeeping through a gatekeeping mechanism in networks” (Barzilai-Nahon 2008) which were intentionally designed to regulate Internet content. The concept of intentionality is important here, as there are numerous types of both gatekeeping opportunities. While these gatekeeping opportunities will be elaborated on in greater detail in Chap. 3, the opportunities discussed here are those intentionally regulating speech. However, as the potential gatekeepers are so numerous this book will focus on the most important global cases of gatekeeping, rather than considering numerous cases which may also have a lesser role.

2.2.3 *Sedimenting Gatekeepers: Private or Public Institutions?*

In expression governance regimes discretionary decisions on permissible Internet content are made by the employees of CRAs: street-level bureaucrats who govern Internet expression (Lipsky 2010:13). These employees overwhelmingly interact with their ‘clients’ electronically, mirroring processes in e-governance where interaction moves “from the streets to servers” (Reddick 2005:36). It is also reminiscent of the transition from Street-Level to System-Level Bureaucracies (Bovens and Zouridis 2002) in public administration, although the effects seem to be greater discretion for CRA employees rather the less as is suggested in the literature. The CRA-concept is based on Chris Marsden’s typology of Internet XROs (or ‘x’-regulatory organisation), which is defined as the “spectrum of self- and co-regulatory organisations” (Marsden 2010:2) on the Internet. As the field of expression governance demonstrably includes other actors, which also regulate content, the XRO-typology has been extended to include one additional type of agent: some CRAs are embedded within private corporations, such as the “Facebook Hate and Harassment Team” (Helft 2010).

At the same time the bureaucracies in question have extremely diverse sources of funding, leading to highly complex financial interests of CRAs. Possible sources of funding include ‘membership fees’ levied from private corporations, European Commission funding, NGO and foundation-based funding, grants from national ministries or direct funding through the parent company. This web of financial dependencies and interests raises significant questions about how these financial interests affect the expression governance process. Consequently, governing expression through CRAs raises fundamental questions about accountability (Cafaggi 2011:39) and the appropriate construction of the boundaries of free expression (Tambini et al. 2008:285).

In regard to the institutionalisation of CRAs and the degree of public-sector-control, it is important to consider the more recent literature on regulation and self-regulation of the Internet (Marsden 2010; Mifsud Bonnici 2008; Murray 2007; Tambini et al. 2008). There is also an extensive comparative literature considering self-regulatory and co-regulatory regimes (Jordana and Levi-Faur 2005; Schulz and Held 2004; Schulz 2006), which will be considered. Possible types of CRA-institutionalisation range from co-regulation or ‘regulated self-regulation’ (Schulz and Held 2004; Schulz 2006) to self-regulation (Marsden 2010:2) to completely private actors (Cafaggi 2011; Suarez-Villa 2009:157), which evidently involve varying degrees of public-sector-control.

The question of organisational structures and processes (Wilson 1989) can be linked to public management literature on agentification (Lane 2009; Raadschelders et al. 2007), as well as literature on *the regulatory enterprise* (Prosser 2010). However, an institutional approach could also take a more sociological turn, attempting to understand individual CRAs and their employees exercise their discretion in content regulation on a day-to-day basis (Lipsky 2010). As CRAs institutionalisation and organisational status is extremely unclear, a “sociology of content regulation” (Prosser 2011) may constitute a fruitful way of attaining a deeper understanding of these organisations. Moreover, this endeavour rather than simply uncovering the norms of regulation may be able to uncover everyday regulatory practices and logics of appropriateness, but studying what professional communities “actually *do*” (Adler and Vincent Pouliot 2011:24).

2.2.4 *Gates: The Boundaries of Speech Spaces*

Having suggested that logics of appropriateness are crucial in this context as are the professional communities that define the boundaries of Internet expression, it might be assumed that technology is irrelevant. However this is patently not the case for two important reasons: first of all, technology creates the sites of power where communities of practice congregate. This links to the second and related point that is that the technologies themselves provide the causal mechanism on how communities of practice impact speech spaces and through these societies. While in other empirical cases it might be necessary to trace the effects of professional community on the object they are regulating, in this case it is extraordinarily clear: the gates provide CRAs with a focal point of control, enabling various forms of regulation. Of course their ability to regulate these points of control depends on the efficacy of the technologies they have access to and in some instances these may be limited (Wagner 2012). However, in all the crucial cases discussed here, the technological opportunities have remained essentially limitless.

To develop the concept of gates theoretically, this book will draw on the work of Lessig (2006), Wu (2010) DeNardis (2008, 2012) and Mueller (2010) on governance through architecture. In contrast to Barzilai-Nahon who argues that the “existence of a clear gate (conceptual or physical) is almost impossible under network

gatekeeping due to the dynamism of networks and information technologies” (Barzilai-Nahon 2008), this book will argue that it is possible to identify clear gates by introducing a concept of expression governance regimes. Expression governance regimes are the entity around ‘speech spaces’ – which, while doubtless complex constructs nevertheless contain clearly identifiable entrance and exit points, as well as gatekeeping mechanisms allowing for information control.

The typology of Gatekeeping mechanisms developed by Barzilai-Nahon is highly relevant and points to less direct mechanisms of information control such as “channelling mechanisms” to for example “attract attention of gated” (Barzilai-Nahon 2008) and are dealt with in greater detail by Hoboken (2012). By focussing on these more diffuse gatekeeping mechanisms, however, it becomes almost impossible to define the ‘speech spaces’ where public expression is governed by these gatekeeping mechanisms. As such, the gatekeeping mechanisms discussed here will focus on technical measures of information control with the express intention of regulating speech. The definition draws on an understanding of the communication chain on the Internet and its key pressure points or gates which are formulated as follows:

- 1) Internet traffic originates from an end-user device,
- 2) Looks where it is going in a large ‘phone book’ known as the DNS system
- 3) Then it travels through an Internet service provider
- 4) From there it travels through one or several networks
- 5) Finally it reach its destination on another server, typically an online service provider
- 6) This online service provider is embedded with Internet infrastructure, typically in a manner that has come to be called ‘the cloud’ or cloud computing.

It is important to differentiate step 5) from step 6), as step 5) describes the individual server or platform itself, while step 6) describes the overall Internet architecture of routers, switches and systems within which the server of step 5) is embedded. These six gates within Internet infrastructure are by no means exclusive. However, the model includes the main points of control and allows for the seamless integration of additional technical gates, so long as the resulting speech spaces can be clearly identified. This interpretation of gates is blind to an understanding of more latent forms of gatekeeping through editors at newspapers, access to Internet infrastructure or pricing individuals out of services (Barzilai-Nahon 2008). In return, it allows for a greater level of precision in defining the boundaries (gates) of speech spaces.

2.3 ‘Speech Spaces’: Theorising Expression Governance Regimes’

Having defined the Internet, CRAs, their institutional anchoring and gates, this book will now turn to look at expression governance regimes in greater detail. These are termed here as the regulatory regime around ‘speech spaces’, that is to say spatial constructs within which speech can take place.

2.3.1 *Definition of Expression Governance Regimes*

Since the birth of the public Internet in the 1990s, there has been a rise of expression governance regimes, which have been created by various actors. In this context expression governance regimes define the boundaries of possible expression within the scope of the regime (Drezner 2007), demarcating the boundaries of permissible expression on the Internet. While the individual act of deciding whether content is permissible is typically considered to be “content regulation” (Mueller 2010:187), it is often ignored that the sum of these individual acts of content regulation serve to define the overall boundaries of permissible expression (Balkin 2008:108). Thus it is important to consider not only content regulation in the context of specific acts, processes or institutions, but also expression governance as a more general understanding of the borders of permissible expression.

2.3.2 *Intentionality in Expression Governance*

In this context, an important distinction is the difference between (i) intentionally created expression governance regimes and (ii) expression governance regimes created as a by-product of other governance arrangements. Making this differentiation is important in communications technologies, as all of the Internet is essentially communicative action and is manifested through forms of expression (Chun 2006:291). Hence almost all forms of Internet regulation may have some implications on permissible expression. As this would lead to a near endless expansion of the scope of this inquiry only governance regimes, which intentionally govern Internet expression, will be considered in the following analysis.

To present two simple examples of the difference between intentional expression governance and expression governance as a by-product of other governance regimes: when a university student sends an email from his university email account to a friend using Hotmail, it is typically scanned on the way to ensure it doesn’t contain computer viruses. If the computer the student is using contains a virus, his emails are quite likely to be deleted before they reach their recipient. This security governance regime is not, however, intentionally regulating Internet content; rather the

regulation of the university students emails is the by-product of another regime (Bendrath 2009:18).

This is entirely different from an expression governance regime, such as the one used by the British Internet Watch Foundation (IWF) to regulate child sexual abuse material on the Internet (Mueller 2010:191). When the IWF contact ISPs and ask them to remove material from the Internet, they are doing so with the express purpose of regulating Internet content. As a result, it is important to distinguish clear cases of intentional regulation of international freedom of expression and numerous cases where it happens as a by-product of other regulatory regimes.

2.3.3 Scope and Substitutability of the Regime

Another important factor to consider in this context is the scope of governance regimes, which vary greatly in regard to Internet expression. As the capacity to govern expression is distributed across the Internet, there are many actors who are capable of governing expression (Knill and Lehmkuhl 2002). Moreover, the growth of user-generated content caused by the 'web 2.0' trend in the last 5 years has distributed control of expression even further (Constantinides and Fountain 2008:242). Almost all websites, which allow users to participate in content creation through comments or forums, also create an expression governance regime, often to avoid liability for the content created within their services.

The scope of expression governance regimes expands considerably when the actors providing platforms for forums, blogs and more generally 'social media' are considered, as these actors engage in Policing Content in the Quasi-Public Sphere (York 2010). In this context it is particularly important to consider the 'substitutability' of expression governance regimes. While there are many services, which allow the hosting of blogs, and it is relatively easy to switch between providers, "Facebook may well have succeeded in becoming irreplaceable for many of its users" (York 2010:26). As a result the consequences of this monopoly position are far greater for Facebook than that of other online platforms such as blog hosting sites like Blogger or Wordpress. This is because while many online platforms are relatively easy to substitute, Facebook is not. Similar statements can be made for public expression governance regimes, such as those created by the IWF, as users are automatically governed by these regimes, regardless of their individual preferences and the expression governance regime created is non-substitutable. Admittedly, a small technically advanced group of Internet users is able to evade these restrictions.

2.3.4 *Logics of Permissible Content*

Together with institutional factors, normative consideration of what types of expression are both appropriate and permissible lie at the heart of conceptions of expression governance, as the regimes created by CRAs are defined by ‘logics of permissible content.’ The following analysis will draw from existing scholarship in critical legal studies, which suggests that “freedom of speech permits several modes of instrumentalisation [...] depending on the interpretative conventions and agencies” (Belavusau 2011:155). Drawing from this dichotomy, it is essential to study both the agencies (here CRAs) and the interpretative conventions defining permissible content. This also means going beyond codified ‘interpretative conventions’ of permissible content and study the practice of content regulation. In the context of communities of practice these interpretative conventions are “background knowledge” (Adler and Pouliot 2011:24) which serve to inform the decisions of the professional community.

2.3.5 *‘Disciplinary Capacity’ and the Internet Ecosystem*

As the phrase ‘the ability to control Internet content’ is rather unwieldy, this chapter will instead use the term ‘disciplinary capacity.’ This concept is based on a theoretical framework for understanding the effects of modern technology in everyday life by Kitchen and Dodge (2011) who themselves draw on Foucault (1977) to understand how technologies discipline people. In the context of this book ‘disciplinary capacity’ is the capacity to discipline or exert direct control over information flowing through the Internet. Disciplinary capacity also creates gates of information control, which in turn are the locus of expression governance regimes.

Moreover, following Foucault this book argues that as the number of points exerting disciplinary capacity increase, “their mechanisms have a certain tendency to become ‘de-institutionalized’, to emerge from the closed fortresses in which they once functioned and to circulate in a ‘free’ state” (Foucault 1977:211). This in turn increases both the number of institutions with disciplinary capacity and the overall level of disciplinary capacity within the overall technical architecture of the Internet. Having greater disciplinary capacity makes it easier for an individual actor to control information on the Internet.

2.4 Case Selection

How is Internet expression governed at a global level and which actors decide what is normal and abnormal content? As noted above, this book will focus on the crucial cases of public and private content regulation to trace the development of

a global regime.⁵ This is particularly the case when key influences on the global Internet are considered, rather than regional or national expression governance regimes.

In this context, it seems hard to overlook the importance of the United States and its regulatory environment in shaping the early Internet and the development of key logics of appropriateness. No other state can be said to have had quite the same influence on the early Internet or on its institutional makeup. Another key actor in shaping early expression governance is the United Kingdom, which was one of the first countries in the world to establish an Internet hotline in 1996. The Internet Watch Foundation (IWF) was institutionalised in a specific manner and came to be enormously important internationally. The organisation was conceived as a hotline, which citizens can contact to deal with inappropriate content on the Internet, of which the primary focus is ‘child pornography.’ However, the expression governance regime has expanded to include other types of expression such as ‘hate speech.’

While this will be discussed in Chap. 4 in greater detail, suffice to say that the CRA-model provided by the IWF remains highly important to this day. Third and last Germany provides a fascinating case. On the one hand, it is part of Western Europe and was one of the first countries in the world to pass the 10 % threshold of national Internet users. On the other hand, it has, due to the historic evolution of the state (Steinmo 2010:15), one of the most prescriptive media regulatory regimes in the world (Hoffmann-Riem 1996). As a result Germany is the only country in the world where three CRAs co-exist: Jugendschutz.net is a self-regulating NGO founded by the German Länder, FSM which is operated by both the Länder and the private sector and ECO which is operated solely by the German Internet industry. These three CRAs compete and co-operate, together producing a single German expression governance regime. In wrestling with many of the challenges of the Internet to its existing model of media regulation, Germany became not only a crucial European, but a global player in defining key norms at normal and abnormal speech.

All three countries have, through their role as early adopters of Internet technologies and their economic, political and cultural importance within the international system and world society, their regulatory regimes which have come to define key aspects of content regulation online. Moreover, all three countries face similar functional pressures, but have developed very different speech regulatory regimes (‘Sagbarkeitsregime’⁶). Lastly these three countries, more than any other, can claim to have played a key role in shaping global content regulation in the first two decades since the birth of the public Internet (Goldsmith and Wu 2006).

⁵Of course it should be noted here that this distinction does not suggest that ‘public’ and ‘private’ actors are discrete and fully independent categories. Indeed as will become evident in the following analysis both are mutually dependent and deeply intertwined. For a further discussion of this issue see Migdal, J. S. (2001). *State in society: studying how states and societies transform and constitute one another*. Cambridge; New York: Cambridge University Press.

⁶I am grateful to Thorsten Benner for proposing this term to describe the issues discussed here.

In regards to private actors, there are several private actors that stand out as potential global regulators of Internet content. The greatest effect on the historical evolution of the Internet content regulation can be found in AOL, Google and Facebook. Each company has played a crucial role in different stages of the Internets’ development (AOL in the mid- and late 1990s, Google in the early and mid- 2000s, Facebook in the late 2000s) and each constituted a *de facto* monopoly – at least for several years – over a crucial component of Internet infrastructure. Perhaps the least obvious, at first glance, is AOL and it is only in the historical context that the selection of this case makes sense. For many years in the 1990s AOL was by far the largest ISP in the United States. Its continued international growth led to an exporting of many of its norms and values outside the United States. At the same time it was confronted at a very early stage in its development by considerable public pressure about its perceived lax treatment of Internet content (Swisher 1998). This led it to develop a ‘family friendly’ content regulation policy from a very early stage, which also led AOL to become an innovator in regard to filtering and regulating Internet content. As such, AOL represents not only an important historical regulator, but also a crucial example of the speech regulatory regimes, most typical of the mid- and late- 1990s and early 2000s.

Second and obvious candidate for choice in this regard is Google, which has also had a considerable effect on global speech regulatory regimes. Through its highly popular search service for which it has succeeded in becoming a monopoly in many parts of the world, it has privately owned what is perceived by a vast number of users as an essential service for content discovery. This, coupled with ownership of other key Internet sites such as YouTube, has meant that Google controls a vast portion of Internet infrastructure and as such has managed one of the crucial expression governance regimes.

Finally, Facebook and more specifically the ‘Facebook Hate and Harassment Team’ is considered to be the third crucial private actor governing speech online. Despite the name, this team is responsible for regulating all forms of ‘objectionable’ content on the Facebook platform, from breast-feeding mothers to pornographic or sexual content to political activism. The largest social network in the world with over a billion users also has a very specific model of speech regulation (Helft 2010). It sees its role in regulating the content on its network as a core part of its function and has set very specific boundaries on its own expression governance regime. As the dominant monopoly in social networking space on the Internet, it is very hard to argue that Facebook does not play a crucial role in regulating Internet content. The following table provides an overview of the case selection:

| Public sector cases | Private sector cases |
|---|---|
| US: NCMEC is a child protection NGO that has gradually expanded into expression governance, as well as the role of congressional regulation more broadly | AOL: The first Internet Service Provider to extensively filter Internet content. Key innovator and standard setter in expression governance. |

(continued)

| Public sector cases | Private sector cases |
|---|---|
| Germany: FSM, ECO and JS.NET represent an early regulatory settlement, driven by competition between federal state and the German Länder. | Google: defines expression boundaries as default search engine for a large part of the world and operator of numerous portals. |
| UK: The Internet Watch Foundation is a private sector driven NGO with close state coordination and consistent threats of public legislation. | Facebook Hate and Harassment Team: regulates the borders of the social network monopoly. |

2.5 Operationalization and Methodology

2.5.1 Overview

The methodological perspective developed here is primarily based on *Seeing Structure Happen* by Paul Lichterman (2002) and *Street-level Bureaucracy* by Michael Lipsky (2010). It is suggested that it will be possible to ‘see’ expression governance regimes by observing the communities of practice which are responsible for creating these regimes: the employees and organisational processes of content regulation agents. These employees are constantly making discretionary decision to decide what kinds of content are permissible or not permissible (Lipsky 2010:13). The ‘coping mechanisms’ they develop to enable regulation of frequently extremely disturbing Internet content – such as child pornography – are likely to have a profound effect on the expression governance regimes they create (Helft 2010). This will also depend on the effectiveness of organisational procedures to deal with these issues, such as the regular psychological health monitoring sessions engaged in by numerous CRAs.

2.5.2 Participant Observation

The CRAs being studied here are relatively small: the smallest has around a dozen employees and the largest several hundred. In the case of small organisations, observing the ‘whole process’ will be less of a problem, however, in the larger organisations a sampling strategy which decides “what part of the organisation is to be observed” (Sánchez-Jankowski 2002:145). In order to ensure the reliability of participant observation it seems particularly relevant to study as many different ‘employment levels’ of the organisation as possible, from front line workers, to management and finally the directors of CRAs (Klotz and Lynch 2007:40).

2.5.3 *Process Tracing and Semi-structured Interviews*

Another equally important question, which needs to be considered, is ‘who is to be interviewed.’ Here process-tracing (Checkel 2005) and semi-structured interviews (Mason 2002:231) conducted using *non-probability chain sampling* (Tansey 2007) will be used in order to gain a broad understanding of internal CRA organisational logics and structures, as well as funding sources. Finally, semi-structured interviews will be conducted with CRA employees, management and directors as part of each case, insofar as these individuals can be reached.

2.5.4 *Access to Internal Sources and Ethical Constraints*

Although a total of six cases are listed above, access is likely to be a problem in most of these contexts. Particularly data collected via participant observation, but also in the form of internal documents is likely to be highly sensitive. ‘Internal’ organisational data was successfully collected about all of the six cases, which will of course only be used in an anonymised fashion which protects the sources of the information to the greatest extent possible.

While this may limit the usefulness of citations in certain contexts, it is the only ethical way to represent information gained in this manner. This also refers to secure data storage, where all information is stored in a locked drawer, if stored on paper or on an encrypted drive, if stored digitally. Wherever possible, attempts have been made during transcription to ensure (sometimes retro-actively) that sources cannot be traced or are extremely difficult to trace, even if the material is stolen or otherwise compromised.

2.5.5 *Document Analysis: Published and Internal Documents*

While studying expression governance regimes, another important component are both published and internal documents. These documents specify how content regulation takes place and what types of content are being regulated. Broadly speaking there are three types of documents that may be interesting within the context of this analysis:

1. **Published documents**, which define the framework of content regulation and the types of regulable content. Examples include the Facebook Site Governance principles or the ‘reporting categories’ of the U.S. NCMEC CyberTipline.
2. **Internal organisational guidelines and procedural documents** are perhaps the most interesting of all three categories, as these documents determine how the practice of content regulation actually takes place.

Any divergence between published and internal documentation, or actual operation of the organisations, would be particularly interesting and would be a further indicator that bureaucratic discretion matters in expression governance (Lipsky 2010).

2.6 Conclusion

Having developed the theoretical model to its methodological and practical conclusion, a certain tension becomes evident. On the one hand, the grand claims made in the title about a ‘theory of information control’ do not seem to be fully borne out. Yet at the same time the author strongly believes that precisely this methodological and theoretical implementation is likely to provide a highly accurate description of processes of information control. While it is common knowledge that Facebook plays an important role in defining free expression online, developing theory and concepts in this area is a non-trivial task.

This leads to an extensive theoretical section in this chapter as well as Chap. 3 on the evolution of technology that empowers certain actors and disempowers others. This then leads to the case studies in Chaps. 4 and 5 as well as an extensive consideration of the changing logics of appropriate governance of the Internet in Chap. 6. Finally, Chap. 7 looks at the norms and narrative surrounding expression governance and Chap. 8 looks at Structures of Justification that provide symbolic legitimacy before the conclusion discusses wider implications of what can be learnt from Internet Governance for the wider phenomenon of Global Governance.

Bibliography

- Adler, Emanuel. 2005. *Communitarian international relations: The epistemic foundations of international relations (New international relations)*. London/New York: Routledge.
- Adler, Emanuel. 2008. The spread of security communities: Communities of practice, self-restraint, and NATO’s post-Cold War transformation. *European Journal of International Relations* 14(2): 195–230.
- Adler, Emanuel, and Vincent Pouliot. 2011. International practises: Introduction and framework. In *International practices* (Cambridge Studies in International Relations), ed. Emanuel Adler and Vincent Pouliot, p. 386. Cambridge/New York: Cambridge University Press.
- Balkin, Jack M. 2008. Future of free expression in a digital age. *Pepperdine Law Review* 36: 427.
- Barlow, John. 1996. *A declaration of the independence of cyberspace*. San Francisco: Electronic Frontier Foundation.
- Barzilai-Nahon, Karine. 2006a. Freedom of expression and imaginary freedom on the internet : The abolishment and rebirth of censorship. *Law, Society, and Culture* 3: 485–512.
- Barzilai-Nahon, Karine. 2006b. Gatekeeping in virtual communities : On politics of power in cyberspace. 00(C): 1–10.
- Barzilai-Nahon, Karine. 2008. Toward a theory of network gatekeeping: A framework for exploring information control. *Journal of the American Society for Information Science and Technology* 59(9): 1493–1512.

- Belavusau, Uladzislau. 2011. *Freedom of expression: European and American constitutional models for Central and Eastern Europe*. Florence: Department of Law, European University Institute.
- Bendrath, Ralf. 2009. *Global technology trends and national regulation: Explaining variation in the governance of deep packet inspection*. International Studies Annual Convention 2009, New York.
- Bendrath, Ralf, and Milton Mueller. 2010. The end of the net as we know it? Deep packet inspection and internet governance. SSRN eLibrary.
- Berners-Lee, Tim, Cailliau Robert, Groff Jean-François, and Pollermann Bernd. 1992. World-wide web: The information universe. *Internet Research* 2(1): 52–58. <http://dx.doi.org/10.1108/eb047254>.
- Bovens, Mark, and Stavros Zouridis. 2002. From street-level to system-level bureaucracies: How information and communication technology is transforming administrative discretion and constitutional control. *Public Administration Review* 62(2): 174–184.
- Braman, Sandra, and Stephanie Roberts. 2003. Advantage ISP: Terms of service as media law. *New Media & Society* 5(3): 422–448.
- Brey, P. 2005. Artifacts as social agents. In *Inside the politics of technology: Agency and normativity in the co-production of technology and society*, ed. Hans Harbers, 61–84. Amsterdam: Amsterdam University Press.
- Brown, Ian, and Christopher T. Marsden. 2013. *Regulating code: Good governance and better regulation in the information age (Information revolution and global politics)*. Cambridge, MA: The MIT Press.
- Cafaggi, Fabrizio. 2011. New foundations of transnational private regulation. *Journal of Law and Society* 38(1): 20–49.
- Castells, Manuel. 2001. *The rise of the network society*. Malden [u.a.]: Blackwell.
- Checkel, J.T. 2005. It's the process stupid! Process tracing in the study of European and international politics. ARENA Working Papers, Issue 26.
- Chun, Wendy Hui Kyong. 2006. *Control and freedom : Power and paranoia in the age of fiber optics*. Cambridge, MA: MIT Press.
- Chun, Wendy Hui Kyong. 2011. *Programmed visions: Software and memory*. Cambridge, MA: MIT Press.
- Constantinides, Efthymios, and Stefan J. Fountain. 2008. Web 2.0: Conceptual foundations and marketing issues. *Journal of Direct, Data and Digital Marketing Practice* 9(3): 231–244.
- Dahl, R.A. 1971. *Polyarchy: Participation & opposition*. New Haven: Yale Univ. Press.
- Deibert, Ronald, John G. Palfrey, Rafal Rohozinski, and Jonathan Zittrain. 2008. *Access denied: The practice and policy of global Internet filtering*. Cambridge, MA: MIT Press.
- Denardis, Laura. 2008. Architecting civil liberties. In *Global internet governance academic network annual meeting*. Hyderabad: GIGANET.
- DeNardis, Laura. 2009. *Protocol politics: The globalization of Internet governance*. Cambridge, MA: MIT Press.
- Denardis, Laura. 2012, September. Hidden levers of internet control. *Information, Communication & Society* 15: 37–41.
- Doctorow, Cory. 2012. The coming war on general computation. In 28C3: 28th Chaos Communication Congress, behind enemy lines. Hamburg: Chaos Computer Club.
- Doctorow, Cory. 2013. Copyright wars are damaging the health of the Internet. *The Guardian*. Retrieved March 30, 2013. <http://m.guardiannews.com/technology/blog/2013/mar/28/copyright-wars-internet>.
- Drezner, Daniel. 2007. *All politics is global: Explaining international regulatory regimes*. Princeton: Princeton University Press.
- Farrand, Benjamin. 2011. *The Pan-European licensing of digital music: The effect of the harmonisation of copyright and the role of collecting societies*. Florence: European University Institute.
- Feenberg, Andrew. 1999. *Questioning technology*. London/New York: Routledge.
- Foucault, Michel. 1977. *Discipline and punish : The Birth of the prison*, 1st Americ. New York: Pantheon Books.

- Galloway, Alexander R. 2004. *Protocol: How control exists after decentralization*. Cambridge, MA: MIT Press.
- Goldsmith, Jack L., and Wu Tim. 2006. *Who controls the Internet? Illusions of a borderless world*. New York: Oxford University Press.
- Graham, Mark. 2013. Geography/internet: Ethereal alternate dimensions of cyberspace or grounded augmented realities? *The Geographical Journal* 179: 177–182.
- Guzzini, Stefano, and Anna Leander. 2006. Wendt's constructivism: A relentless quest for synthesis. In *Constructivism and international relations: Alexander Wendt and his critics*, 246. London/New York: Routledge.
- Haas, P.M. 1992. Introduction: Epistemic communities and international policy coordination. *International Organization* 46(1): 1–35.
- Helft, Miguel. 2010. Facebook wrestles with free speech and civility. *New York Times*. Retrieved February 19, 2011. <http://www.nytimes.com/2010/12/13/technology/13facebook.html>.
- Henckel, von D. F. 2006. *The lives of others*. Surry Hills: Hopscotch Entertainment.
- Hoboken, J.V.J. van. 2012. *Search engine freedom: On the implications of the right to freedom of expression for the legal governance of web search engines*. University of Amsterdam (UvA).
- Hoffmann-Riem, Wolfgang. 1996. *Regulating media: The licensing and supervision of broadcasting in six countries*. New York: Guilford Press.
- Jiang, Min. 2010. Authoritarian informationalism: China's approach to Internet sovereignty. *SAIS Review* 30(2): 71–89.
- Jiang, Min. 2012. Authoritarian informationalism: China's approach to internet sovereignty. In *Essential readings in comparative politics*, ed. P. O'Neil and R. Rogowsk. New York: W. W. Norton & Company.
- Jordana, Jacint, and David Levi-Faur. 2005. *The politics of regulation: Institutions and regulatory reforms for the age of governance*. Cheltenham: Edward Elgar Publishing Ltd.
- Kitchin, R., and M. Dodge. 2011. *Code/space software and everyday life*. Cambridge, MA: MIT Press.
- Klotz, Audie, and Cecelia Lynch. 2007. *Strategies for research in constructivist international relations*. Armonk: M.E. Sharpe.
- Knill, Christoph, and Dirk Lehmkuhl. 2002. Private actors and the state: Internationalization and changing patterns of governance. *Governance* 15(1): 41–63.
- Lane, Jan-Erik. 2009. *State management: An enquiry into models of public administration*. London/New York: Routledge.
- Lessig, Lawrence. 1999. *Code and other laws of cyberspace*. New York: Basic Books.
- Lessig, Lawrence. 2006. *Code: Version 2.0*, 2nd ed. New York: Basic Books.
- Lichterhan, Paul. 2002. Seeing structure happen: Theory-driven participant observation. In *Methods of social movement research*, ed. Klandermans Bert. Minneapolis: University of Minnesota Press.
- Lipsky, Michael. 2010. *Street-level bureaucracy: Dilemmas of the individual in public services*, 30th anniv. New York: Russell Sage Foundation.
- Liu, S. 2015. Law's social forms: A powerless approach to the sociology of law. *Law & Social Inquiry* 40: 1–28.
- MacKinnon, Rebecca. 2012. *Consent of the networked: The world-wide struggle for Internet freedom*. New York: Basic Books.
- Mansell, Robin. 2012. *Imagining the Internet: Communication, innovation, and governance*. Oxford: Oxford University Press.
- March, James G., and Johan P. Olsen. 1984. The new institutionalism: Organizational factors in political life. *The American Political Science Review* 78(3): 734–749.
- Marsden, Christopher T. 2010. Internet governance and law: Co-regulation as a constitutional solution? In *Regulation in the age of crisis*, Third Biennial ECPR conference, Dublin.
- Marsh, D., Pt Hart, and K. Tindall. 2010. Celebrity politics: The politics of the late modernity? *Political Studies Review* 8: 322–340.
- Mason, Jennifer. 2002. Qualitative interviewing: Asking, listening and interpreting. In *Qualitative research in action*, ed. May Tim. London: Sage.

- Mayntz, Renate. 2008. Von Der Steuerungstheorie Zu global governance. In *Governance in einer sich wandelnden Welt*, ed. Schuppert Gunnar and Zürn Michael, 43–60. Wiesbaden: VS Verlag für Sozialwissenschaften.
- Mifsud Bonnici, Jeanne. 2008. *Self-regulation in cyberspace*. The Hague: T.M.C. Asser Press.
- Migdal, Joel S. 2001. *State in society: Studying how states and societies transform and constitute one another*. Cambridge, MA: Cambridge University Press.
- Mueller, Milton. 2002. *Ruling the root: Internet governance and the taming of cyberspace*. Cambridge, MA: MIT Press.
- Mueller, Milton. 2004. *Ruling the root: Internet governance and the taming of cyberspace*. Cambridge, MA: MIT Press.
- Mueller, Milton. 2010. *Networks and states: The global politics of Internet governance*. Cambridge, MA: MIT Press.
- Mueller, Milton, and Hadi Asghari. 2012. Deep packet inspection and bandwidth management: Battles over BitTorrent in Canada and the United States. *Telecommunications Policy* 36: 462–475.
- Murray, Andrew. 2007. *The regulation of cyberspace: Control in the online environment*. Milton Park Abingdon/New York: Routledge-Cavendish.
- Pariser, Eli. 2011. *The filter bubble: What the Internet is hiding from you*. New York: Penguin Press.
- Peters, John Durham. 2005. *Courting the abyss: Free speech and the liberal tradition*. Chicago: University of Chicago Press.
- Pouliot, Vincent. 2007. 'Sobjectivism': Toward a constructivist methodology. *International Studies Quarterly* 51(2): 359–384.
- Prosser, Tony. 2010. *The regulatory enterprise : Government, regulation, and legitimacy*. Oxford / New York: Oxford University Press.
- Prosser, Tony. 2011. Intervention on the presentation of Andrea Cairola. In *Government and the Internet: Participation, expression and control*. Florence: European University Institute.
- Raadschelders, J.C.N., Th A.J. Toonen, and F.M. van der Meer. 2007. *The civil service in the 21st century : Comparative perspectives*. Basingstoke/New York: Palgrave Macmillan.
- Reddick, Christopher G. 2005. Citizen interaction with e-government: From the streets to servers? *Government Information Quarterly* 22: 38–57.
- Ross, Alec. 2010. Internet freedom: Historic roots and the road forward. *SAIS Review* 30(2): 3–15.
- Sánchez-Jankowski, Martin. 2002. Representation, responsibility and reliability in participant-observation. In *Qualitative research in action*, ed. May Tim. London: Sage.
- Sartor, Giovanni. 2012. Human rights in the information society: Utopias, dystopias and human values. In *Philosophical dimensions of human rights*, ed. Corradetti Claudio, 293–307. Dordrecht: Springer Netherlands.
- Schulz, Wolfgang. 2006. *Final report study on co-regulation measures in the media sector*. Hamburg: Hans-Bredow-Institut.
- Schulz, Wolfgang, and Thorsten Held. 2004. *Regulated self-regulation as a form of modern government: A comparative analysis with case studies*. Eastleigh: University of Luton Press.
- Smith, R.C. 2010, November. Reflections on the Icelandic modern media initiative: A template for modern media law reform? *Journal of Media Law* 2: 199–211.
- Steinmo, Sven. 2010. *The evolution of modern states: Sweden, Japan, and the United States*. Cambridge, MA: Cambridge University Press.
- Street, J. 2004. Celebrity politicians: Popular culture and political representation. *The British Journal of Politics & International Relations* 6: 435–452.
- Suarez-Villa, Luis. 2009. *Technocapitalism: A critical perspective on technological innovation and corporatism*. Philadelphia: Temple University Press.
- Swisher, Kara. 1998. *AOL.COM: How Steve Case beat Bill Gates, nailed the netheads, and made millions in the war for the web*, 1st ed. New York: Times Books.
- Tambini, Damian, Danilo Leonardi, and Christopher T. Marsden. 2008. *Codifying cyberspace : Communications self-regulation in the age of Internet convergence*. London /New York: Routledge.

- Tansey, Oisuin. 2007. Process tracing and elite interviewing: A case for non-probability sampling. *PS: Political Science & Politics* 40(4): 765–772.
- Timofeeva, Yulia. 2006. *Censorship in cyberspace: New regulatory strategies in the digital age on the example of freedom of expression*, 1. Aufl. Baden-Baden: Nomos.
- Waddington, P. 1994. *Liberty and order: Public order policing in a capital city*. London: UCL Press.
- Wagner, Ben. 2012. Push-button-autocracy in Tunisia: Analysing the role of internet infrastructure, institutions and international markets in creating a Tunisian censorship regime. *Telecommunications Policy* 36(6).
- Warburton, Nigel. 2009. *Free speech: A very short introduction (very short introductions)*. Oxford: OUP.
- Weber, Max. 1980. *Wirtschaft Und Gesellschaft: Grundriß Der Verstehenden Soziologie*. Tübingen: J.C.B. Mohr.
- Wendt, Alexander. 1999. *Social theory of international politics*. Cambridge, MA: Cambridge University Press.
- Wenger, Etienne. 1998. *Communities of practice : Learning, meaning, and identity*. Cambridge, MA: Cambridge University Press.
- Wenger, Etienne. 2002. *Cultivating communities of practice: A guide to managing knowledge*. Boston: Harvard Business School Press.
- Wilson, James Q. 1989. *Bureaucracy: What government agencies do and why they do it*. New York: Basic Books.
- Worchel, Stephen, S. Arnold, and Michael Baker. 1975. The effects of censorship on attitude change: The influence of censor and communication characteristics. *Journal of Applied Social Psychology* 5: 227–239.
- Wu, Tim. 2010. *The master switch: The rise and fall of information empires*, 1st ed. New York: Knopf.
- Wu, Tim. 2012. When censorship makes sense: How YouTube should police hate speech. *The New Republic*. Retrieved October 27, 2012. <http://www.tnr.com/blog/plank/107404/when-censorship-makes-sense-how-youtube-should-police-hate-speech#>.
- York, Jillian C. 2010. *Policing content in the quasi-public sphere*. Boston: Open Net Initiative Bulletin. Berkman Center. Harvard University.

Global Free Expression - Governing the Boundaries of
Internet Content

Wagner, B.

2016, XV, 184 p. 19 illus., 12 illus. in color., Hardcover

ISBN: 978-3-319-33511-7