

New Forms Of Governance: Theory, Practice, Research Conference Proceedings

Internet Governance: Theory and First Principles

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For purposes of discussion only

1. Introduction

For many years, the Internet was regarded as a space that should not and could not be regulated by governments. This view is poignantly expressed in John Perry Barlow's Declaration of the Freedom of Cyberspace:

"Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of the 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. ... Your legal concepts of property, expression, identity, movement, and context do not apply to us. They are all based on matter, and there is no matter here."
(Perry Barlow 1996).

However, even if one were to subscribe to an anarchic view of cyberspace, this does not imply the absence of any forms of governance altogether. Even the anarchic literature acknowledges that forms of coordination between participants in social processes are necessary, although they are envisioned as decentralized, voluntary, emerging forms of harmonization (Nozick 1974). Any social organization is characterized by a set of specific institutional arrangements. With regard to the Internet, Lessig (1999) pointed out that even in the absence of formal regulation code de facto serves as quasi-regulator, and often in a less transparent manner than more formal rules. Going beyond Lessig's argument, Mueller (2002) pointed out that the many formal and informal rules upon which the Internet community relies in its daily interactions.

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