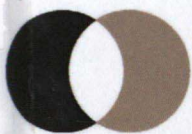


NCA STUDIES IN COMMUNICATION

The Future of Internet Policy

Edited by

Peter Decherney and Victor Pickard



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All of the short essays in this volume look past the rhetoric of technological determinism and reliance on the natural logic of the market to consider the power of law and policy to steer new media in one direction or another. Many of the essays look backward through history or outward across national borders. They all look forward to how today's policies will shape the future of the internet and society.

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Portions of this book were originally published as a special issue of *Critical Studies in Media Communication*, a journal of the National Communication Association.

Peter Decherney is Professor of English and Cinema Studies at the University of Pennsylvania, Philadelphia, USA, and the author of *Hollywood's Copyright Wars* (2012).

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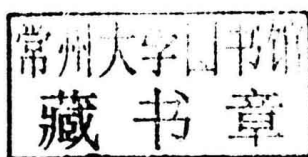
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NCA Studies in Communication

The National Communication Association (NCA) advances Communication as the discipline that studies all forms, modes, media, and consequences of communication through humanistic, social scientific, and aesthetic inquiry.

NCA serves the scholars, teachers, and practitioners who are its members by enabling and supporting their professional interests in research and teaching. Dedicated to fostering and promoting free and ethical communication, NCA promotes the widespread appreciation of the importance of communication in public and private life, the application of competent communication to improve the quality of human life and relationships, and the use of knowledge about communication to solve human problems.

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Introduction: Internet Policy Crises

Peter Decherney & Victor Pickard

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Chapter 3

Be Realistic, Demand the Impossible: Three Radically Democratic Internet Policies

Robert W. McChesney

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Chapter 4

Hyper-power and Private Monopoly: The Unholy Marriage of (Neo)corporatism and the Imperial Surveillance State

Chris Marsden

Critical Studies in Media Communication, volume 31, issue 2 (June 2014) pp. 100–108

Chapter 5

The Return of Ideology and the Future of Chinese Internet Policy

Guobin Yang

Critical Studies in Media Communication, volume 31, issue 2 (June 2014) pp. 109–113

Chapter 6

The US Digital Divide: A Call for a New Philosophy

Sharon Stover

Critical Studies in Media Communication, volume 31, issue 2 (June 2014) pp. 114–122

Chapter 7

Crypto War II

Sascha D. Meinrath & Sean Vitka

Critical Studies in Media Communication, volume 31, issue 2 (June 2014) pp. 123–128

Chapter 8

Persistent Pursuit of Personal Information: A Historical Perspective on Digital Advertising Strategies

Inger L. Stole

Critical Studies in Media Communication, volume 31, issue 2 (June 2014) pp. 129–133

Chapter 9

The Media Policy Tower of Bable: A Case for “Policy Literacy Pedagogy”

Becky Lentz

Critical Studies in Media Communication, volume 31, issue 2 (June 2014) pp. 134–140

Chapter 10

Utopian Games

Greg Lastowka

Critical Studies in Media Communication, volume 31, issue 2 (June 2014) pp. 141–145

Chapter 11

Fair Use Goes Global

Peter Decherney

Critical Studies in Media Communication, volume 31, issue 2 (June 2014) pp. 146–152

Chapter 12

The Great Evasion: Confronting Market Failure in American Media Policy

Victor Pickard

Critical Studies in Media Communication, volume 31, issue 2 (June 2014) pp. 153–159

Chapter 13

The Death and Life of a Great American Agency

Kevin Werbach

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Josh Shepperd

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Victor Pickard

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“What Is Wrong Cannot Be Made Right”? Why Has Media Reform Been Sidelined in the Debate Over “Social Justice” in Israel?

Amit Schejter & Noam Tirosh

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Introduction: Internet Policy Crises

At the 1998 Society for Cinema Studies Annual Conference in San Diego, film historian Rick Altman presented what he called a “crisis historiography” model for explaining changes in film technology. (It later became a chapter in his book *Silent Film Sound*. [Altman, 2004]) Someone in the audience immediately popped up and asked why he called his theory a “crisis” model when it seemed to explain the typical development of the industry. “Because life,” Altman answered, “is perpetual crisis.” Altman may have explained why today we find ourselves in another crisis of internet policy, and why that crisis is not going to abate anytime soon. We live, it seems, in an age of perpetual internet policy crises. Contentious policy debates over antitrust, media ownership, network neutrality, the Digital Millenium Copyright Act, censorship, privacy, the open internet, open access, retransmission fees, and spectrum management dominate newspaper headlines. It is now widely recognized that these once obscure policy issues will have a dramatic impact on the development of entertainment, news, and communication. In both the popular press and academic literature, we regularly read about how new policies will bring about the end of the internet as we know it or open up a new world just around the corner. The crisis rhetoric, as Altman suggests, may just be overstating the mundane fact that things change. But all signs suggest that internet policy, inherently contentious, will remain vitally important for the foreseeable future.

For this special issue of *Critical Studies in Media Communication*, we asked scholars who have been thinking about these issues for a long time to comment on the future of internet policy. The essays we received suggest a maturing field in which authors took account of the long history of media policy to evaluate the current state of the internet and project future directions. All of the short essays in this volume look past the rhetoric of technological determinism and reliance on the natural logic of the market to consider the power of law and policy to steer new media in one direction or another. Many of the essays look backward through history or outwards across national borders. They all look forward to the way today’s policies will shape the future of the internet and society.

Several of the essays in this issue take up the revelations that followed Edward Snowden’s mass disclosure of classified documents in 2013, which revealed the U.S. National Security Agency’s systematic and longstanding program of monitoring global communications. Chris Marsden’s historical take shows that mass surveillance and information control has long been a constitutive element of communication technologies, stretching back at least to the introduction of transatlantic telegraph cables. State surveillance, Marsden reminds us, “existed before, and we should learn

from the past.” Inger Stole similarly admonishes us for being shocked by the Snowden revelations, but she points to a different history than the one Marsden outlines. Stole suggests that mass surveillance began with the hungry machine of commercial advertising, which runs on consumer data. Data has driven advertising since the early 20th century, and with the big data of the internet come even more sweeping surveillance practices by both corporations and governments. Sascha Meinrath and Sean Vitka’s essay focuses on some of the troubling implications arising from the Snowden revelations. For example, as widespread surveillance is increasingly exposed, internet users are turning to encrypted forms of communication while government and commercial interests are trying to stop them. While Marsden and Stole would remind us that encryption has a long history going back to ancient forms of military communication, Meinrath and Vitka demonstrate just how much things have changed, even since the 1990s. Increasingly, all forms of commercial, governmental, and personal communication are online. And the struggle to both protect and surveil information is escalating at rapid speed, portending what Meinrath and Vitka call a new “crypto war.”

Different countries are taking very different approaches to regulating the proliferation of online communication. In his contribution, Guobin Yang looks at online communication in China since Xi Jinping took over leadership of the country. Although it is still early in Xi’s tenure, Yang argues that he has introduced a neo-Maoist approach to governance. Xi is engaged in a subtle struggle to control China’s national imaginary and dream life, maintaining stability through the exercise of soft power. Yang draws from his expertise to decode the diplomatic messages of Chinese internet regulation. Peter Decherney, in his essay, shows that many countries are attempting to trade in some control over information in exchange for commercial and political rewards. Capitals of digital innovation like Israel and South Korea have adopted US-style fair use over the past decade, and many other countries are considering adopting fair use statutes in the hopes of stimulating Silicon Valley-like technological innovation and promoting democratic speech.

Essays by Victor Pickard, Sharon Strover, and Greg Lastowka assess the current state of digital technology, and they all call for policy interventions to solve market failures. Pickard sees a systemic market failure that has endangered journalism, reduced access to information, and impoverished public interest media policies in general. In addition to breaking up oligopolies via antitrust measures, he calls for the creation of alternative communication infrastructures like nonprofit news outlets and community owned broadband networks. Sharon Strover offers a comprehensive analysis of the growing digital divide and the long history of failed attempts to close it. The answer, she suggests, is simply the political will to see the problem eradicated. Lastowka focuses specifically on videogames, which he argues both tap into an essential element of society and offer prospects for solving many social problems. But the industry has given us entertainment without education, and policymakers need to step in where the market has led the technology astray.

Kevin Werbach, Robert McChesney, and Becky Lentz offer some concrete solutions. Werbach, who co-led Barack Obama’s (FCC) transition team, thinks that the agency