

The Internet: A Borderless Utopia or a Maze of Splinternets?

Revisiting “Who Controls the Internet? Illusions of a Borderless World”

by Jack Goldsmith and Tim Wu

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Abstract

Americans use the Internet access a world of seeming infinite knowledge from a device that fits in their pocket. The sense of freedom imbued in the American Internet experience is far from universal. In the decade since Jack Goldsmith and Tim Wu updated *Who Controls the Internet? Illusions of a Borderless World* the Internet is fast being carved up into splinternets. What follows is an exploration of how Goldsmith and Wu's investigation has informed how we perceive the ownership of the digital world.

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Take out your phone. Open your Internet browser and search for “Tiananmen Square” You’ve just used the Internet to access what seems like an endless cornucopia of knowledge. Your search has also yielded results that would not be accessible on the Internet in China (Sonnad, 2014). It is easy for American users to think that the Internet is a free and open space filled with infinite knowledge. In reality, corporations that power the tools used to access the information shared online often bend to the will of localized governments to maintain profits.

Jack Goldsmith and Tim Wu first published *Who Controls the Internet? Illusions of a Borderless World* in 2006 to investigate this exact scenario. Enough had changed in the digital world in just two years since the initial publication that the text had to be significantly updated for the paperback edition (Goldsmith and Wu, 2008).

Both authors are law professors — Goldsmith at Harvard and Wu at Columbia. Goldsmith is a significant legal scholar whose other published works include *The Limits of International Law*, while Wu brings working experience from the telecommunications industry in Silicon Valley. The combinations of these perspectives make the book a must-read for anyone using the Internet today, but especially for Americans who lack an understanding of how the Internet as we know it came to exist. From email to .com, the rich digital history is documented.

“The Net was not build with physical geography in mind. Neither Internet Protocol Addresses (each computer’s Internet ID), nor Internet domain names (such as mcondalds.com or

cnn.com), nor e-mail addresses, were designed to dependably indicate the geographical location of computers on the Net” (Goldsmith and Wu, 2008, p. 6). This sounds like a freeing concept. A world without borders. However, that is not how the world is organized. Borders matter. Laws differ between countries, which are defined by predetermined geographic borders.

As soon as some attempted to create a new international governing body for the Internet, traditional governments were there to protest (Goldsmith and Wu, 2008, p. 39). The Internet would not be the useful and successful tool we know if it were not organized (Goldsmith and Wu, 2008 p. 52), part of that organization is applied through government regulation and support.

In order for the Internet to exist at all, a physical infrastructure must be created. Data needs a highway by which to travel between users, i.e., consumers (Goldsmith and Wu, 2008, p. 55). Such an infrastructure project requires involvement from local governments and corporations. Both governments and corporations then have a vested interest in the Internet being used, but they also were quick to see the dangers of a free and unregulated digital space.

As soon as users could be located online, they became valuable. Advertisers could target them with promotions. Governments could control what their citizens saw online (Goldsmith and Wu, 2008, pp. 49-63). There are also benefits to consumers. Geo-targeting makes using tools like Google Maps possible. But questions remained about who could protect and help citizens more: government or corporations? (Goldsmith and Wu, 2008, p. 72).

Governments have resisted any sort of international governing body for the Internet. Corporations thus far have complied. Debates in the United States over Net Neutrality continue and the history of the Internet detailed by Goldsmith and Wu are at the center (Lee, 2014). The concern from many as these debates rage on is that we will be living in a digital world described

as “‘splinternets,’ or the idea that the internet, long imagined as a global online commons, is becoming a maze of national or regional and often conflicting rules” (What is the “splinternet”? 2016).

These debates have only picked up steam in the decade since Goldsmith and Wu updated their book. Critics have offered rave reviews: “The beauty of this text is that it is more than just treatise on why the Internet cannot be viewed as a borderless community. From it emerges a coherent view of what internationalisation and globalisation means in a cyberworld” (Fitzgerald, 2008). If anything, the academic and professional worlds would benefit from a third edition or follow-up investigation by the authors into the continually changing digital landscape.

In short: Who controls the Internet? Not the citizens of it that much is clear.

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