Julia Schwanholz · Todd Graham
Peter-Tobias Stoll *Editors*

Managing Democracy in the Digital Age

Internet Regulation, Social Media Use, and Online Civic Engagement

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Book Abstract

Over the past decades, the Internet has become omnipresent. With the rise of smartphones and "Internet of things" (Internet-enabled devices), the use of the Internet will become more and more embedded in our everyday life. This digital transformation has created new challenges and opportunities for politicians, journalists, political institutions, and the media to reconnect and engage with citizens. Within the context of Western democracies and China, the chapters in this volume investigate these challenges/opportunities from one of three angles: the regulatory state, the political use of social media, or through the lens of the public sphere. Drawing from different academic fields—political science, communication science, and journalism studies—the chapters raise a number of innovative research questions and provide some fascinating theoretical and empirical insight into the topic of digital transformation.

Acknowledgement

Yet another book collection on digitalization? Yes, and how! We—the editors of the *Springer* book—are delighted and grateful to be part of the *U4 Network* formed by the four traditional Universities of Ghent, Goettingen, Groningen, and Uppsala. Through the support of the *U4 Social Science, Economics and Law* cluster, we have been (and still are) able to share our common interests on digital transformations and their impact on politics, policy, and democracy more broadly. The U4 Network has helped us establish ongoing cooperation in these areas of research. We would like to thank our U4 international coordinators, Marco Lange (Goettingen) and Jodien Howers (Groningen), for all their support from day one. Thanks to a few visiting research exchanges between Groningen and Goettingen by the editors, a conference in Groningen, and a lot of hard work, we proudly present a collection of chapters that reflect our joint efforts and are based on papers presented at the U4 General Conference in Groningen in November 2015. It has been a real pleasure.

The collection contains 14 enriching and insightful chapters that touch upon key (theoretical, methodological, and/or empirical) issues in light of the recent rise of digital media in Western democracies. The book is divided into three parts, which focus on key trends in policy and regulation, political communication, and (forms of) civic engagement—all within the context of digitization. The volume brings together a number of scholars and perspectives from the fields of political science, political communication, and journalism studies. We like to thank the authors for their contributions and all their hard work. It has been a real pleasure working/collaborating with all of you. Finally, we like to thank Johannes Glaeser from *Springer International* for his encouragement and assistance in publishing this volume and also Luisa Zabel from the University of Goettingen for her valuable assistance in formatting the manuscripts.

May 2017

Julia Schwanholz
Todd Graham
Peter-Tobias Stoll

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About the Editors

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Chapter 1
Digital Transformation: New Opportunities and Challenges for Democracy?

Julia Schwanholz and Todd Graham

Over the past couple of decades, the Internet has become an essential part of everyday life for the majority of citizens in Western democracies. With the rise of smartphones and "Internet of things" (Internet-enabled devices), the use of the Internet will become even more embedded in the way we live our lives as citizens, families, communities, and societies as we move forward in the twenty-first century. Today, the Internet (along with the rise of digital media) is impacting everything from the way we shop, read the news, and live our everyday lives to the ways in which businesses, parliaments, and governments work, thus altering the fabric of social, political, and economic institutions. These digital transformations have created new challenges and opportunities for politicians, journalists, political institutions, and the (legacy) media from Internet regulation to reconnecting and engaging with citizens and audiences.

The contributions in this volume investigate these (new) challenges and opportunities facing Western democracies (and China) from one of three angles: the regulatory state, the political use of social media, or online civic engagement in the public sphere. Drawing from different academic fields (political science, communication science, and journalism studies), the chapters raise a number of innovative research questions and provide some fascinating theoretical and empirical insight. Yet, individual contributions can only contribute limited answers to the complex phenomenon of digitization. In this respect, the edited volume is greater than the sum of its parts. Rather, they collectively address three overarching research questions:

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RQ1: How do nation states, politicians, journalists, and citizens manage the Internet (and new digital media)?

RQ2: What (direct or indirect) impacts are digital media (including the Internet) having on (the relations between) politicians/political institutions, mass media/journalists, and citizens/voters/audiences in representative democracies?

RQ3: What effects are social media (and new media technologies more broadly) having on civic engagement in the public sphere in democratic and nondemocratic states?

The volume also contributes to the ongoing, multidimensional, and broad discourses on (a) the disruptive character of the Internet versus the reign and prolongation of old media; (b) the potential of new digital media for (re-)politicization versus the withdrawal to virtual parallel worlds; and (c) the integrative effects of social networks versus separation effects by the dichotomy of online-natives and offline-left-behinds. Depending on the individual background of the author, the reader finds chapters written by political scientists, sociologists, political communication experts, and journalism scholars, which draw from an array of theoretical concepts and methodological approaches.

To answer the research questions stated above, the collection is structured into three parts. Drawing from political science, Part I—titled *Challenges for Internet Regulation on the Global, EU, and National Level*—deals with political regulation of the digital transformation. Political regulation is not only the enforcement of the law by executive and administrative bureaucracy. Rather, for regulatory politics, some expert knowledge and specific information are needed to match the most situative developments in the very different policy fields. Policy regulation means to balance the tension of change and stability co-occurring in regulatory policy fields over time. To give structure to the wide range of regulation, it makes sense to distinguish state regulation (by legislation) from self-regulation (by private actors) and co-regulation (by public *and* private actors, the so-called regulated self-regulation). The three contributions in Part I provide some worth reading examples of political regulation. They analyze various policy issues (Internet censorship, European Data Protection, and German Copyright) with some interesting insights into certain constellations of conflict.

In the contribution by Andreas Busch, Patrick Theiner, and Yana Breindl, the authors investigate Internet censorship across 21 liberal democratic states. They start with making a strict distinction between democracies (without Internet censorship) and autocracies (with censorships of Internet content). Doubting that the hypothesis of *good* liberal democracies and *bad* Internet-blocking autocracies holds over time, they investigated whether democracies do, in fact, act similarly to autocracies when it comes to online content regulation (and if so, in which way). Interested in potentially problematic content (e.g., child porn, gambling, copyright), they show that liberal democracies seemingly follow autocracies in blocking access to web pages. On the other hand—and this is an interesting finding—the authors clearly distinguish autocracies from liberal democracies by identifying several types of regulatory features (from self-regulation without state interference to tight control via formal legislation). And although the pressures to deal with the problems related to the Internet as a global phenomenon are similar in all observed countries, the authors claim that they result in different regulatory approaches of varying intensity. This leads to a political landscape that reflects individual solutions of common, general problems among the country cases. The chapter provides some new empirical data with some interesting democratic-theoretical insight.

Since Internet blocking is famous due to the contestation of its effects, other regulatory issues remain rather unrecognized. One example of this is examined in the contribution by Stefan Lindow who asks how it can be explained that the sector of copyright—which is by policy example already mentioned in Busch's et al. piece—central to the digital revolution appears negligible to Internet policy. He, therefore, investigates the history of German Copyright Regulation (Urheberrecht) and is primarily interested in the question of whether one can find an Internet policy subsystem that fits *Urheberrecht* politics. Policy subsystems can be described as the aggregation of all state and non-state actors (even institutions) that affect a policy area or sector. Lindow's findings suggest that the more complex a specific policy is the more difficult it is to subsume it into a subsystem. This empirical observation, for the example of German Copyright, becomes even more important in light of a still underdeveloped theoretical framework. Lindow's conclusion, therefore, can be read as a plea for more theory (re-)constructive research.

In the final contribution of Part I, Murat Karaboga offers a comprehensive state-of-the-art investigation into EU data protection. The policy of data protection generally gains much more public interest than copyright issues do. Nevertheless, the author reports on poor research results. Political science scholars seem to struggle in contributing theoretical and empirical fruitful policy field analyses. He shows the eventful history of European data protection over some decades. Demonstrating the ongoing importance of the data protection policy for the political agenda, Karaboga calls for further research in this area.

In Part II—titled *Political Communication and Social Media: From Politics to Citizens*—the volume takes a closer look at the top-down logic of political communication in the digital age by investigating how parliaments, a parliamentary committee, politicians, and political news reporters from various European states (Belgium, Germany, the Netherlands, and the United Kingdom) are using social media (and the Internet more broadly). One of the challenges facing Western democracies is the growing democratic deficit, i.e., citizens seem to be withdrawing from traditional forms of political participation, growing distrustful of both media and political institutions, and are increasingly indifferent and cynical about politics. In light of these trends, the contributions in this section examine how, and to what extent, parliaments, politicians, and political journalists are tapping into the interactive, participatory, and public nature of social media platforms such as Twitter and Facebook. Are such platforms being used to foster a more "direct" (reciprocal, interactive, engaging, and accountable) relationship between politicians/parliaments and citizens? Are social media opening up political news reporting to alternative, non-elite news sources?

In the contribution by Patrick Theiner, Julia Schwanholz, and Andreas Busch, the authors evaluate the extent to which national parliaments' websites from 28 European states are adopting different communication tools. When asking how first chambers of EU member states use the Internet and digital media tools to connect with citizens, the authors find distinct efforts to join social network communities. Although they cannot draw a clear landscape of winners and losers, the results do show a differentiated map of over- and underachievers who do not fit typical explanatory factors like country specific scores for Internet- and social media participation.

While the focus lies on institutional websites in the previous contribution, analyses in the following three chapters concentrate on individual MPs' social media use. In their contribution, Julia Schwanholz, Brenda Moon, Axel Bruns, and Felix Victor Muench take a closer look at the New Digital Agenda Parliamentary Committee in the German Bundestag by examining committee members' social media activities. Asking whether the new committee attracts a broader audience by using social media tools, the results made for sobering reading. It is "much ado about nothing" as stated in the title of their chapter. Neither committee members nor the digital committee itself (e.g., with an institutional account) uses Twitter to inform the public about their (legislative) performances, rather it is used by MPs for self-management reasons and constituency-related storytelling. In line with the previous contribution, the German Bundestag provides another poor example of social media use for interactive, participatory purposes. MPs, along with the institutional assembly, seem to be behind the curve regarding recent digital and social network developments when compared to other national parliaments in the European Union.

Moving on to election campaigns, in the contribution by Pieter Verdegem and Evelien D'heer, the authors investigate the relevance of Twitter and Facebook during the 2014 Belgium federal election. In the context of debates around media logic and the rise of social media logic, the authors question the extent to which social media alter politicians' dependency on mainstream media and/or generate new dependencies. Their mixed method approach reveals that Flemish politicians demonstrate a fusion of old and new logics in the contemporary media environment. The case study serves as an important counter-example to other more often studied EU countries, such as Germany. The authors can show existential differences between both logics (social media and "old" media), and at the end, they call for more exploratory research to better explain their findings.

One of the more talked about characteristics of (social) media logic has been personalization: the belief that news coverage has shifted from parties and ideologies to individual politicians and their personal qualities and lives. In their contribution, Todd Graham, Dan Jackson, and Marcel Broersma take a closer look at the concept of personalization by examining how British and Dutch politicians (during an election campaign) are using Twitter to disclose/share information about their private lives or personal interests/experiences. The authors develop an insightful typology of tweeting behavior in relation to personalization and show, for example, how personalized tweeting behavior on Twitter can potentially strengthen the relation with voters by creating a sense of closeness with followers.

In the final contribution of Part II, we shift focus from politicians to political journalists, the other group of political communication elites that create and disseminate political messages for mass consumption (often in competition with politicians and political institutions). Twitter has become one of the most popular social media platforms for political reporters (and politicians), raising questions over its impact on journalism practice, especially journalist-source relations. In the contribution by Bert Jan Brands, Todd Graham, and Marcel Broersma, the authors investigate how Dutch reporters are using Twitter as a source for political news coverage. Their findings show that Twitter has become a regularly used source for political news reporting, thus contributing to the agenda-building process—the process by which news organizations and journalists determine what to cover. They conclude, that rather than opening up political news coverage to a diversity of (non-elite) sources, Twitter, as a news source, is reinforcing political elites' stranglehold over the agenda-setting process.

Whereas in Part II the contributions focused on political communication elites' use of social media (top-down communication), Part III—titled *Online Civic Engagement and the Public Sphere*—examines the use of the Internet and new media technologies from a bottom-up perspective, i.e., how citizens/audiences are using such technologies in light of the public sphere. Over the past several decades, much has been made of the potential of the Internet for reinvigorating political debate, engagement, and participation in the public sphere. More recently, debates have emerged regarding new forms of participation and engagement afforded by social media platforms. With an increasing emphasis on interactive, citizen-led, bottom-up communication and participation, there is a need for new thinking on how the relationship between political actors/institutions and journalists/media organizations on the one hand, and citizens/audiences on the other should function. In this context, citizens are no longer viewed as passive receivers of political information, but rather they are viewed as actively engaging in political processes (both formal and informal), thus altering the traditional relationship between politicians, journalists, and citizens. The contributions in Part III begin to explore these new relations by investigating how citizens are engaging in everyday online spaces/online communities in light of the public sphere; whether and how such spaces/communities are cultivating and fostering civic engagement; and how citizens are using new media technologies to engage with the news and news organizations for civic purposes.

For years, legacy media in Western democracies have acted as social glue, binding people, communities, and the nation together. Reading the morning newspaper over breakfast or watching the evening news are just some of the ways citizens stay informed and develop shared frames of reference, which enable them to participate in public life. However, in the digital age, where there are an increasing number of news platforms and tools and devices to access news itself, the ways in which people experience and connect to the news (to the public) are changing. In their contribution, Joëlle Swart, Chris Peters, and Marcel Broersma take a look at such changes by exploring how news media today are being used for the purpose of public connection and whether digital media foster new patterns of news consumption for connecting to public life. More specifically, through the use of semi-structured interviews and the Q-methodology with Dutch news users, the authors investigate the changing rituals of news use/consumption (brought on by digitization) for navigating everyday life. Their findings suggest that with the increasing pervasiveness of news through a growing number of online platforms (and mobile devices), people seem to be "connected" more than ever before. However, public connection through news does not necessarily mean public connection through journalism (i.e., the legacy media). Overall, their findings suggest a "re-ritualization" of public connection whereby old and new media interact.

Another issue facing legacy media today is one of trust. In many Western democracies, there has been a growing feeling of distrust in mainstream news media by the public, which has partly been fueled by the by-products of (the rise of) social media such as fake news, trolling, and polarization and increasing attacks on the trustworthiness of legacy media by political elites and politicians (think, for example, of Trump's recent attacks on the American media). In his contribution, Göran Svensson takes a closer look at media criticism, journalism hate, and trust in the media more broadly by investigating and analyzing what happens when a journalist sincerely attempts to engage with citizens on an online platform (*Flashback*) dedicated to media criticism with the intentions of listening to and trying to understand public criticism (in hopes of building trust). The analysis—which was based on a qualitative textual analysis of a discussion thread geared towards understanding the intentions of the participants, the objects of critique, and the process of the discussion itself—shows how such a platform can be used constructively to increase understanding and help overcome polarization. The findings presented by Svensson show how journalists and media organizations can engage with media criticism in productive and beneficial ways online that help foster reciprocity and (mutual) trust.

Some of the earliest studies of politics and the Internet were those which investigated and explored how people talked/discussed politics online. Indeed, there has been much said about the potential of the Internet in opening up spaces for public debate, thus extending and (hopefully) enhancing the public sphere. Over the past two decades, we have seen the field of "online deliberation" blossom, offering a growing number of theoretical and empirical insights into the (different) ways people engage in political talk online and what this means for the (health and state of the) public sphere. Building on this body of research, the final two contributions of this volume investigate everyday online political talk from two understudied perspectives. First, Jakob Svensson examines the role "lurkers"—someone who uses an online discussion forum but does not post comments to it—play in political talk in a Swedish, LGBTQ, online community called *Qruiser*. The chapter not only provides interesting insights into how people talk politics in everyday lifestyle communities, it also develops an innovative conceptual framework on the role of lurking in public debates. Instead of focusing on actual lurkers, Svensson conceptualizes lurkers as "an imagined audience willing to listen and be persuaded by active participants' arguments." In other words, the focus is placed on the impact of the perception of lurking on meaning-making processes of active participants engaging in online political talk. Based on netnographic research design (a pioneering form of ethnography adapted for studying online communities), his findings reveal that active participants were not (necessarily) engaging in rational-critical debate online to convince their active opponents, but rather they were addressing and trying to convince an imagined audience of undecided lurkers. Participants here were driven by the enjoyment of the "fantasy of persuasion," the possibility of persuading lurkers to adopt their views, thus creating "a politically harmonious society."

In the final contribution, we take a step away from Western democracies and explore how the Internet is impacting the Chinese public sphere, a country with close to 700 million Internet users. Yu Sun, Todd Graham, and Marcel Broersma investigate how Chinese citizens engage in political talk about environmental issues—some of the most pressing problems facing China today—in the online "green public sphere." Much of the current scholarship on the Chinese green public sphere focuses primarily on specific environmental events/movements with environmental NGOs as the central public. The authors, however, explore the green public sphere from the perspective of everyday Chinese citizens through the way they talk about such issues in three popular discussion forums (online communities). One of the original and revealing aspects of their study is that they move beyond political-based forums (those communities dedicated to talking politics) by examining online political talk in popular spaces dedicated to lifestyle issues (such as parenting and childcare) and comparing it to political talk that emerges in online spaces dedicated to (formal) politics. Their findings reveal that Chinese citizens are using such spaces online to voice their opinions and concerns on environmental issues. However, political debate in the Habermasian sense—in-depth, rational-critical debate—among Chinese netizens was infrequent. Rather, average citizens tended to engage in environmental politics through other civic ways, for instance, by voicing political contention (challenging authorities) through complaining and the expression of anger about environmental degradation and the government's ineffective environmental policies. Such talk did not confront the state directly but was expressed through the sharing of personal experiences and stories, fostering a sense of community and opening up new ways of being political in the Chinese green public sphere.

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Part I

Challenges for Internet Regulation on the Global, EU, and National Level

Chapter 2
Internet Censorship in Liberal Democracies: Learning from Autocracies?

Andreas Busch, Patrick Theiner, and Yana Breindl

Introduction

The expansion and increased use of the Internet has profoundly changed the lives of many during the last two decades. This is most apparent in social life, where (especially for the younger generation) *social networks* play a central role in communication. The Internet also has high commercial relevance: consumers increasingly do their shopping online, at home with their computers, or on the go with their smartphones, much to the chagrin of established companies such as booksellers. Whether the widespread use of the Internet also forces politics to change, and if so, how, is still being debated in public and the sciences.[1]

What can be said with certainty is that politics has taken notice of the Internet's importance. At least since Barack Obama's energetic 2008 presidential election campaign, it seems clear that to be successful as a political actor, means to be *online*. All parties, most politicians, and even many political institutions present their positions on more or less sophisticated and updated online platforms; additionally, they share their viewpoints on current political events to an increasing degree via *social media* such as Twitter or Facebook (Schwanholz and Busch 2016).

Besides its use as a medium of image cultivation for political actors, the Internet also has the potential to improve democracy itself through expanded avenues of political participation (Margetts 2013). Early observers already saw the possibilities of technical solutions for democratic progress. More than a quarter century ago, democratic theorist Robert A. Dahl postulated that

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[1] For an overview, see Farrell (2012) or Dutton (2013).

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telecommunications could reduce the information gap between experts and citizens, which would lead to discussions with much broader participation (Dahl 1989, 339). Through decreasing transactions costs of acquiring information, easier ways to express one's own opinion to a broader audience, and simpler organization of political manifestations, the Internet could transform "an onlooker's democracy into a participation democracy" (Leggewie and Maar 1998). It was hoped that the well-known problems of party oligarchization could at least be mitigated, and political decisions could be taken faster and more directly through online communications (Siedschlag et al. 2002). Optimists even saw "organizations without organization" arise—new forms of collective action through mass mobilization, with the potential to change the world (Shirky 2008). Case studies about the central role that information and communication technology (ICT) played for social movements and political campaigns, such as those in Myanmar or the Philippines, or the protest networks advocating against the WTO, soon gave empirical credence to the relevance of these theoretical assumptions (Downing and Brooten 2007).

It is not surprising that states ruled by autocrats and dictators were highly skeptical towards the Internet as a medium from an early stage, fearing its emancipatory potential. They mostly reacted by restricting Internet access—in a physical sense (made easier by the fact that many of these states suffer from low economic development, which makes access costly), but also beyond: authorities succeeded in exercising control over content even where physical access was given. For the most part, such content control was accomplished through sophisticated filtering techniques, which precluded users from acquiring information from sources that authorities objected to.

Bringing such state interventions to light and documenting them is the chief goal of the "OpenNet Initiative" (ONI), a collaboration between researchers at the universities of Toronto (Citizen Lab at the Munk Centre for International Studies), Harvard (Berkman Center for Internet & Society), and Cambridge (Advanced Network Research Group).[2] The group's researchers have been collecting empirical data on Internet censorship since 2001 and have conducted systematic empirical tests on a first set of 40 countries since 2006. They found a wealth of evidence for Internet censorship through filters blocking access to certain websites.[3] State interference was strongest in specific regions, namely East Asia, the Middle East and North Africa, and Central Asia. Several former Soviet Union states also showed Internet filtering being employed (Deibert et al. 2008, 41). Access blocks were employed for websites featuring pornographic or "immoral" content, but often also for those with politically undesirable material. Filtering technology became more sophisticated over time: Early on, simple blocking pages were employed, while later advances gave states access control in real time, making it possible to manipulate the availability of media content or opposition websites during election times, for example (Deibert et al. 2008, 42).

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[2] More about the OpenNet Initiative and the results of its research can be found at opennet.net. On the history of ONI, see en.wikipedia.org/wiki/OpenNet_Initiative (last accessed Dec 13, 2016).

[3] See Deibert et al. (2008) or Zeidler (2005) for a German-language summary.

All results seemed to show that censorship of Internet content happened only under autocratic regimes. Where liberal democracies were investigated, ONI generally found "no evidence" for content filtering (OpenNet Initiative 2012). This pointed to a clear distinction between democracies and autocracies.

On these grounds, American foreign policy under the Obama administration looked to communication via the Internet as an avenue to foster democracy and freedom. In a programmatic speech on "Internet Freedom" in January 2010 in Washington, DC, Secretary of State Clinton took a strong stand against censorship: "We cannot stand by while people are separated from the human family by walls of censorship. And we cannot be silent about these issues simply because we cannot hear the cries" (Clinton 2010). To help those seeking to circumvent Internet filtering, the Department of State started a "Liberation Technology" Program in collaboration with Stanford University in 2009, which delivers know-how, software, and hardware to bypass censorship and make full use of electronic communication channels.[4]

But can we really uphold this initially plausible hypothesis of a strict distinction between democracies and autocracies when it comes to censorship and content regulation on the Internet—between "good," hands-off democracies and "bad," censorious autocracies?

Both general normative assumptions about democracies acting supportively towards the ideal of free speech, and the above-mentioned ONI data speak in favor of the assumption. However, several political episodes in recent years imply that democracies are not immune from the temptation of tampering with their citizen's access to online content. Germany saw political conflicts erupt in 2009 about the "Zugangserschwerungsgesetz" (Access Impediment Act),[5] which was designed to prevent access to child pornography on the Internet. The initiative necessitated a complex blocking infrastructure and was to involve the Federal Criminal Police Office; the law encountered constitutional concerns raised by experts (Schnabel 2009) and significant political resistance (Busch 2010), which led to its subsequent repeal.[6] Other liberal democracies have had similar discussions about, and shown evidence of, state tampering with the informational structure of the Internet. As early as 2004, the United Kingdom introduced its so-called *Cleanfeed* system, which was supposed to impede access to child pornographic material through self-regulation (McIntyre 2013).

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[4] More information on the program at liberationtechnology.stanford.edu (last accessed Dec 13, 2016). The text by Diamond (2010) can be seen as a programmatic manifesto of this approach.

[5] See Bundestag printed matter 16/13411, at dip21.bundestag.de/dip21/btd/16/134/1613411.pdf (last accessed: Dec 13, 2016).

[6] See Bundestag printed matter 17/6644, at dipbt.bundestag.de/dip21/btd/17/066/1706644.pdf (last accessed: Dec 13, 2016).

Only comparative research can answer the question whether such episodes are isolated cases, or whether democracies do, in fact, act similarly to autocracies when it comes to online content regulation (and if so, in which way). This chapter builds on insights generated in a larger research project on "Net Blocking in Liberal Democracies".[7] Its first part provides an empirical introduction to the topic by looking at Internet blocking in 21 liberal democracies. Next, we provide an analysis of factors influencing whether democracies erect access impediments, and point out some common driving forces and obstacles. Lastly, we discuss the results with a special view towards the topics of "embedded democracy" and "crisis of democracy" (Merkel 2015b).

Internet Blocking in Liberal Democracies

At first glance, the Internet does not seem like a very good case study for questions about the influence of primarily national political variables on political outcomes. After all, did the Internet not already transcend the national level in its inception, and does it not severely limit executives' capacities to regulate it? But a deeper look reveals that over time, governments have found a variety of ways to exert influence over the Internet.

What we today call the Internet was born without central planning or even intent during the 1960s in the United States, where state-funded research by the military and its *Defense Advanced Research Projects Agency* (DARPA) created a resource-rich environment that was fertile ground for innovative ideas, even those that did not immediately produce tangible results. The creators of the Internet, a small group of scientists and engineers who dominated its genesis in the 1970s and development until the early 1990s, were steeped in an avant-garde, libertarian culture deeply skeptical towards all state regulation (Busch 2016). This attitude—occasionally called "techno-utopian" (Hofmann 2012)—was reflected in the architecture of the Internet itself, which distributed data packets without a centralized controlling instance, and remained agnostic towards the content of these packets. This neutral routing along the shortest path was an engineering solution for the problem of packet distribution, and foresaw neither hierarchical control nor security measures against criminal intent.

An almost arrogant belief in the infeasibility of government regulation of this "global social space" was the pervasive sentiment during the Internet's early years. It possibly found its most concise expression in the *Declaration of the Independence of Cyberspace*, penned in the mid-1990s by John Perry Barlow, one of the founders of the *Electronic Frontier Foundation* (EFF). National governments, writes Barlow, those "weary giants of flesh and steel," had no sovereignty over *cyberspace,* and could not exert any real pressure to enforce their rules (Barlow 1996). A similarly optimistic assessment came from John Gilmore, another EFF activist, who asserted that "the Net interprets censorship as damage and routes around it" (Elmer-Dewitt 1993, 63).

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[7] The project was conducted between 2012 and 2015 in the research cluster *Digital Humanities* within the *Göttingen Center for Digital Humanities* (GCDH) at the University of Göttingen. A deeper analysis of some points touched upon in this chapter can be found in Breindl et al. (2015); more about the project at www.gcdh.de/en/projects/tp2-ins/politics/ (last accessed: Dec 13, 2016).

Yet in parallel with the Internet's rapidly increasing number of users in the late 1990s, and its new economic importance, the political and social relevance of this new communication medium became ever more apparent. Tensions grew between the decentralized, anti-authoritarian structure of the Internet on the one side, and the necessarily territorial, nationally organized systems to regulate it on the other. In the end, the conflict was resolved mostly in favor of the latter: national laws and regulations, organized by governments, were extended from their physical place of applicability into cyberspace. This was possible because the Internet had never been truly virtual; its technical infrastructure—its fibers, wires, routers, and servers—were located on state territory and thus also subject to rule enforcement by nation states.[8]

The more widespread the debate about enforcing existing legal standards on the Internet became (often combined with the rhetorical figure that the Internet could not be allowed to be an "extralegal sphere"), the more it became possible to assert political preferences. States reserved the right to unilateral content regulation—without coordination since they had strongly divergent preferences about *which* content to regulate and *how* (Drezner 2004, 2007, 95–101). The following section shows in how far liberal democracies actually used this right and which factors advanced or hindered the implementation of content regulation. We first present the empirical picture, before analyzing driving forces and obstacles.

The Empirical Picture

Firstly, we must ask in what way liberal democracies regulate Internet content. The following findings are based on the research project mentioned above, and the data it collected: Internet content regulation in 21 liberal democracies from 2004 to 2012.[9] Before this chapter presents results and developments based on this rich data source, we develop a typology content regulation approaches. Not only will this differentiation allow a more systematic evaluation of the empirical landscape, but also link the findings to the more general literature on regulative politics (Levi-Faur 2011). Three broad types of content regulation can be distinguished:

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[8] Whether internet pioneers and enthusiasts had truly overlooked this fact, or whether their attitudes were so deeply shaped by the idea of freedom of speech that they did not deem it significant, would surely merit its own study.

[9] The project collected and analyzed official documents and law digests, among other sources. Further information about the 33 regulation systems that the study is based on can be found in Annex A1 of Breindl et al. (2015). The cases are focused on regulatory systems with universal prevalence for internet access in a country. Individual cases of access restrictions are not considered, such as those imposed by court orders, or the practices of individual companies (such as

- *Self-regulation*—regulation by private actors without direct involvement of state actors. Examples include industry standards and codes of conduct on content filtering, typically initiated and coordinated by industry associations.
- *Co-regulation*—often called "regulated self-regulation"; regulation through cooperation of private and public actors, e.g., situations combining goals set by the public side with private-side implementation.[10]
- And lastly *legal regulation*, where rule-making is provided by the state as the sole responsible party.

The distinction drawn here is thus based on variation in the sources of regulation, or the extent of the involvement of the public side.

The main finding from overlaying this typology on the empirical data of the 21 states during the given period is a strong upswing in the prevalence and extent of Internet content regulation. We observe barely any systems of regulation at all in 2004, while less than a decade later the opposite is true: in 2012, there is practically no state that does not regulate Internet content in some form or another. As shown in Fig. 2.1, this trend is also reflected in an increase of all types of content regulation—all three forms show roughly linear increases during the first half of the study's time frame. Beginning in 2008, further increases in regulation levels are chiefly due to a greater number of legal, state-led instruments being employed. Thus, both private *and* public actors are responsible for the rise of Internet content regulation in liberal democracies.

But what are the reasons for this rise? Is it a product of a uniform increase across all countries, or do only some liberal democracies drive this development, while others resist it? As Fig. 2.2 shows, content regulation is a broad trend with a similarly broad base in the included liberal democracies. While there are two clear frontrunners (Denmark and France with four regulatory systems) and two laggards without regulation in place (Austria and Iceland), the clear majority of states (17 of 21) lies between these extremes and has introduced one or two Internet content regulation systems. States also employ all different regulation types of self-regulation, co-regulation, and legal regulation. Most countries with more than one regulatory system also internally mix these approaches—exceptions from the rule are only France and Italy (only legal regulation), and the United States (only self-regulation).

Google or Facebook). Such cases are not the product of state intervention, and are thus much less problematic from a political and normative viewpoint than the cases discussed here.

[10] The relationship between both components can vary greatly in this case; it ranges from cooperation on equal footing between the actors at one end of the spectrum to the private side acting under the "shadow of hierarchy" at the other. However, such differences are of secondary importance for this study.

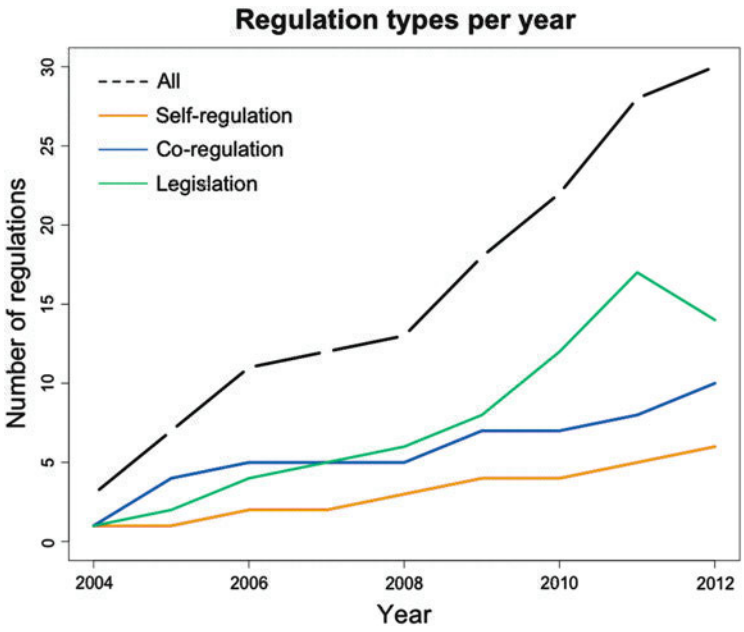

Fig. 2.1 Internet content regulation, total and by type, 2004 to 2012

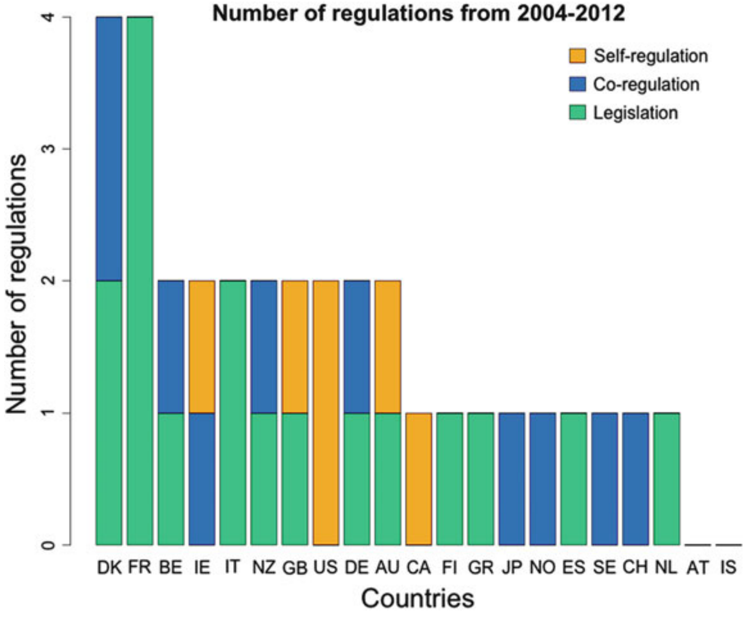

Fig. 2.2 Regulatory measures by country and type, 2004 to 2012

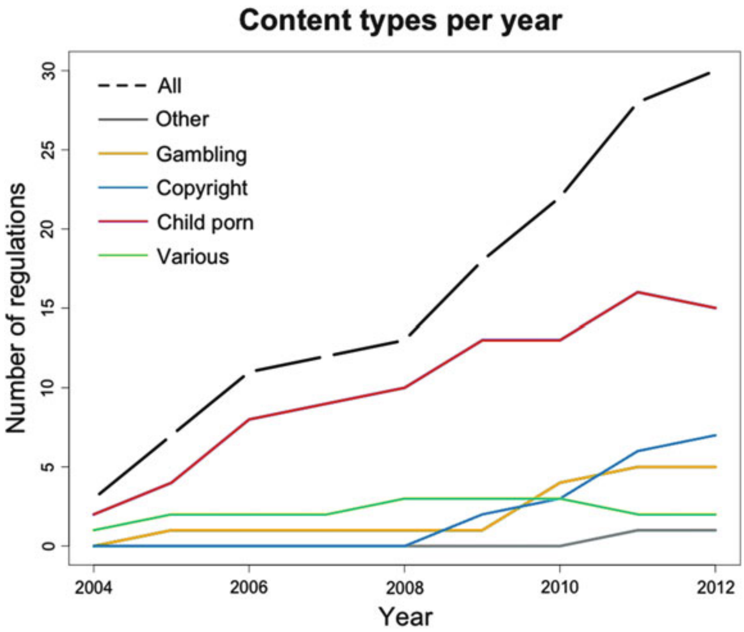

Fig. 2.3 Regulatory measures by issue area, 2004 to 2012

Despite this variation, one thing is clear: after its rapid and widespread adoption, Internet content regulation has become a common phenomenon in liberal democracies.

Next, we look at which types of potentially problematic content are being regulated. Figure 2.3 shows that the increase in regulation was mainly driven by the topic of child pornographic material between 2004 and 2009.[11] Practically, all countries that did in fact introduce content regulation at all also regulated against such material; only Greece and Spain are exceptions. Rules targeting child pornography thus constitute a "baseline" of content regulation. The introduction of these rules faced its share of criticism: commentators argued that once the systems were in place (especially in terms in technical infrastructure), there was little to stop their misuse to block other forms of content by political or state actors—a "thin end of the wedge" or "mission creep" argument. Figure 2.3 does nothing to dispel this critique: regulations in other areas (such as gambling or copyright) seem to increase in number only *after* child pornography has been access restricted. Similarly, Fig. 2.4 shows that the greater the number of regulations in a country, the more issue areas are being regulated. Further research is needed as to whether the same infrastructure is indeed used for this. However, it could be assumed that different

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[11] The term "child pornographic material" is employed here because of its widespread use. However, the term is not entirely accurate in capturing the problem, which would better be described as a form of child abuse that is organized and documented through media.

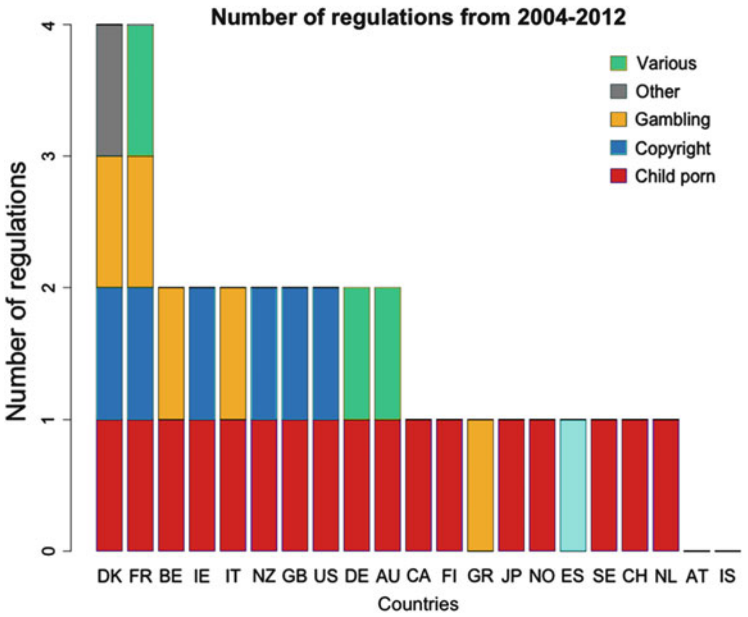

Fig. 2.4 Number and type of regulatory measures by country, 2004 to 2012

regulatory types (legal, co-regulation, self-regulation) also require different infrastructure implementation, which would imply the opposite effect.

As a last piece of the empirical picture of content regulation in liberal democracies, we examine the connection between substantive issue areas and types of regulation. Here, it is especially interesting to see whether there is a correlation between particular regulatory regimes being used more often to tackle specific issues. Looking at Fig. 2.5, no definitive answer presents itself: instead of generalizable insights, we see significant variation. As an example, gambling is regulated through legal means in all five countries that restrict its accessibility (see also Fig. 2.4). In contrast, combating child pornographic material is attempted through all three forms of regulatory schemes. The same is true in the case of copyright protection/piracy prevention, even though self-regulation and legal regulation clearly outnumber co-regulatory efforts. Taken together, there does not seem to be an overarching trend where each issue area has its own type of regulation.

As this—necessarily brief—exploration of characteristics of the data set has shown, liberal democracies have utilized Internet content regulation to a significant degree during the period under observation. Where there were only four regulatory schemes in 2004, by 2012 this number had risen to 33. In addition, this increase was evenly distributed (save for two of the 21 countries) and a product of a variety of regulatory regimes and instruments involving public and private actors. However, in nearly all countries the fight against child pornography seemed to be an important driver and catalyst for the introduction of further regulation, even though the

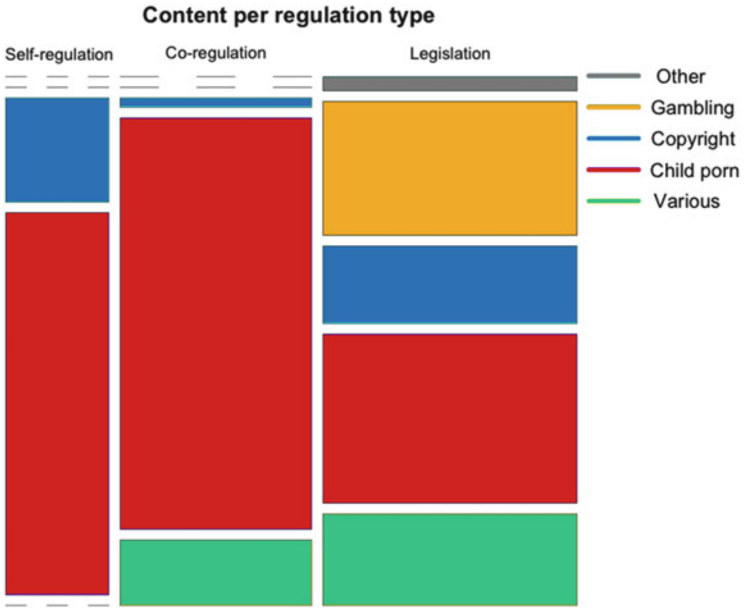

Fig. 2.5 Regulation type and content type

instruments employed to control access vary across cases. This contrasts with the issue of gambling, for example, where states exclusively use legal regulation.

While content type and regulatory instruments did not show a clear correlation, it is possible to discern some patterns when it comes to the relationship between political variables and the introduction and shape of Internet content regulation, which is especially interesting from a political science perspective. For a start, there are similarities within regions: English-speaking countries (North America, Great Britain, Ireland) seem to prefer the instrument of self-regulation, while the overwhelming majority of EU members and states in Oceania are more likely to choose the two other regulatory regimes (co-regulation and legal regulation). Whether these patterns are really the product of the systematic influence of institutional and political variables will be examined in the following section.

Analytical Framework: Driving Forces and Obstacles

After giving a primarily descriptive overview of the regulation of Internet content in liberal democracies, we now turn our attention to the question which institutional and political factors can explain the extent and variation of this regulation. The significant *variation in regulatory behavior* described above is especially in need of an explanation because of the *commonality of problems* (primarily caused by the increase in Internet communication).