

Can the Internet Rescue Democracy? Toward an On-line Commons

by [Peter Levine](#)

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American democracy is marred by low levels of participation. Poor and poorly educated people are especially unlikely to vote, which means that powerful officials can safely ignore their interests. Meanwhile, even citizens who do vote, join political associations, and give money to political causes often cannot find satisfying ways to participate.

A large literature now suggests that the Internet is a cure for these ills. As Tracy Westen writes, "To the extent that democracy needs saving, the new generation of interactive digital communications technologies [has] arrived—just in time to help" (Westen 1998, 56).

Enthusiasts believe that computer networks will make various forms of political participation more convenient, thus increasing participation. For example, we will be able to vote from home or make financial contributions with the click of a mouse. At the same time, information will be readily available, so citizens will possess the knowledge they need to participate effectively. Faced with an informed and powerful citizenry, various elites will grudgingly allow more public participation. Among other innovations, we may see frequent on-line referenda. Citizens may deliberate en masse, creating a kind of ongoing national town meeting. As a result, some argue, the public will make wise decisions without much need for mediating institutions such as newspapers, legislatures, parties—maybe even governments.

In essence, some political thinkers suggest the Internet will give citizens greater control over the decisions that governments have traditionally made. Howard Rheingold, an early and influential observer, calls the Internet "the great equalizer," because it changes "the balance of power between citizens and power barons" (quoted in Bimber 1998, 138). Computer networks may even render legislatures, constitutional courts, and other governmental bodies irrelevant, permitting direct rule

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by "the people." Lawrence Grossman puts the case forcefully when he writes:

Today's telecommunications technology may make it possible for our political system to return to the roots of Western democracy as it was practiced in the city-states of ancient Greece. Tomorrow's telecommunications technology almost certainly will.... The electronic republic

cannot be as intimate or as deliberative as the face-to-face discussions and showing of hands in the ancient Athenians' open-air assemblies. But it is likely to extend government decision making from the few in the center of power to the many on the outside who may wish to participate. (Grossman 1996, 33, 49)

Many analysts have criticized such predictions by invoking the "digital divide." They demonstrate that disadvantaged people are much less likely than privileged ones to use the Internet—especially from home, where citizens can most easily participate in politics. Income, education, race, and disability all have strong, independent effects on the likelihood that Americans use the Internet. Although more disadvantaged people are going online each year, the divide remains large. For example, in 2000, 41.5 percent of American households were connected to the Internet, but the rate was half that among single-parent African American families in central cities. Only about a fifth of disabled citizens were using the Internet (U.S. Census Bureau 2000b, xv, 6, xvi).

The digital divide is obviously an important issue, but I want to go beyond it in this chapter. Even if all citizens could use the Internet from home, computer networks would still not improve our democracy by giving citizens more or better control over decisions traditionally made by governments. However, the Internet does have a different kind of democratic potential if we handle it right. In this chapter, I first criticize the main assumptions of the standard optimistic view, and then offer an alternative.

MYTH #1: CONVENIENCE IS THE KEY TO PARTICIPATION

According to the Census Bureau, "Of the 40 million people who reported that they registered, but did not vote in the 1998 election, about one-third reported that they did not vote because they were too busy or had conflicting work or school schedules" (U.S. Census 2000a, 11). This statistic implies that turnout would increase if citizens did not have to travel to a polling place during limited hours on Election Day. Likewise, Robert Putnam notes that "I don't have enough time" is the most common reason Americans give for not volunteering in their communities (Putnam 2000, 189).

Clearly, the Internet can make political and civic participation more convenient and less time-consuming by bringing certain activities right into

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people's homes. An organization called Hands On Atlanta provides "flexible volunteer opportunities" for people who simply enter information about their interests and availability on a Web page. And citizens who were excited by Senator John McCain's 2000 Republican Primary victory in New Hampshire were able to contribute money through his Web page; he raised \$10,000 per hour online before the South Carolina primary (Fose 2000).

But it is important not to exaggerate the value of convenience. For instance, making a political contribution has never been difficult for people who have the money to give; the barrier for most

of us is financial. Besides, John McCain did not win the South Carolina primary because the Internet allowed him to collect contributions quickly; he was still out-spent and defeated.

Likewise, a lack of time is not a major reason for the decline in our civic connectedness. The busiest people are generally the most avid volunteers. People who feel tied to their communities have always found opportunities—and incurred obligations—to volunteer locally. But these ties have diminished, and most categories of Americans (including retirees and other non-workers) are now less involved in their communities than they used to be (Putnam 2000, 191, 203).

Therefore, reducing the time it takes people to identify volunteer opportunities is unlikely to raise the level of participation by much. Building social and emotional connections to communities is more important. And here the Internet may have just the opposite effect by insulating us from the kinds of people whom we could serve face-to-face.

Finally, what keeps citizens from voting is not the inconvenience of casting a ballot. Even if we allowed citizens to vote instantaneously from home, most would not be able to choose a candidate, either because they would lack relevant knowledge or because the choices would be unappealing (Delli Carpini and Keeter 1996). However, it is relatively easy for people with high social status to obtain political information, because they already read the newspaper for business and entertainment purposes and attend meetings at which politics is discussed. Also, the leading candidates tend to cater to their interests. Therefore, voting correlates with income and educational levels (Rosenstone and Hansen 1993, 14).

The group that the Census Bureau identified—registered voters who said that they did not vote because they were “too busy”—amounted to just 15.25 percent of adults. This group was more male, better educated, and more white than other registered nonvoters. (They were even more privileged compared to non-registered adults.) Thus allowing them to vote from home might raise turnout a bit, but it would also increase the proportion of voters who were wealthy, college-educated, white men.

If knowledge is an important resource whose scarcity keeps people from participating, then it follows that as we increase the intellectual demands on voters, we will see lower turnout—especially from those who

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do not have much money or education. Thus a system of frequent referenda is likely to produce much lower turnout than one in which citizens are asked to make occasional decisions about the general direction for their community. Participants in on-line referenda will be a privileged minority, even if everyone has Internet access at home. And this governing elite, unlike today’s elected representatives, will have no obligation to deliberate before they make decisions.

MYTH #2: WE NEED MORE INFORMATION

The last section suggests that more people would participate in politics and civic life if they had better access to information. If this theory is right, then the Internet might boost participation by providing free and accessible information. Access to the Internet might even facilitate more

direct democracy. Citizens could prepare themselves to participate in referenda by “surfing” the World Wide Web to gather relevant facts.

Indeed, the Internet now puts more information in people’s homes than ever before, but this is just a continuation of long-term trends that have brought data increasingly within everyone’s reach. Throughout the 20th century, educational levels climbed upward; thousands of libraries, bookstores, and colleges were built; and millions of books and periodicals were written and read. Yet there was no payoff in political participation. Indeed, turnout declined from about two-thirds of the adult population in the 1950s and 1960s (when most African Americans still could not vote) to less than half by the end of the century (Bimber 1998, 140-41).

We do need information before we can vote or take other political action. We need to know which positions to adopt and which candidates and organizations come the closest to supporting our views. Such information is available on the Internet (although it is mixed up with much misinformation that requires skill to detect). However, facts are not scarce. Long before we had personal computers in our homes, there was already far too much information at the local library and newsstand for us to process.

Thus we ought to ask: What makes people interested enough in complex issues that they gather facts and try to interpret and apply what they learn? In other words, what makes citizens turn available information into applied knowledge? If you think of yourself as an individual trying to pursue personal goals through political action, then it is not worth your time to collect enough information to vote. Moreover, you will not have enough conscious or definable interests to give you a personal stake in most of the issues that the government considers important, so your con-

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scious self-interest will not guide your voting. And no one will make a personalized appeal to persuade you to participate, because you are just 1 of 100 million voters.

The whole situation changes if you are an avid member of a group. Whether it is a political organization, an ethnic association, a sports league, or a gardening club, its welfare will sooner or later be affected by government decisions. If it has many members, then they may see a clear effect from lobbying, protesting, and voting together. When the members convene, they may persuade one another about political issues and convince one another to participate. Statistics show that group members are much better informed about politics, more likely to have been asked to vote, and more likely to discuss issues than nonmembers (even comparing people of the same educational and economic background: see Levine 2000, 93-94 for more detail). Because of a group’s clout, politicians and other important officials will appeal to its membership for support. This matters because people who are asked to participate in politics often comply, but most people are never asked (Verba et al. 1995, 135, 150). Above all, group members often feel a “we-ness” that gives them a clear sense of interests, ideals, and obligations, compared to what they would feel as individuals.

If group membership is the key to political participation, then the Internet may provide billions of Web pages full of data without raising the turnout rate by one person. The relevant question will be: What kinds of groups and collective activities does the Internet promote? People who participate in typical on-line activities (such as email among friends, chat rooms, game-playing, and file-sharing) sometimes initiate political discussions and organize political actions. However, the participants tend to be distributed across jurisdictions, which makes political organizing difficult. Also, it is a simple matter to exit an on-line forum when the talk unexpectedly turns political, whereas one cannot easily walk away from a card table or march out of a union hall. So there may be less pressure to think about politics on the Internet than there is in traditional associations.

A parallel argument can be made against those who think that a lack of information is what causes Americans to vote *unwisely*. Robert McChesney, for instance, believes that his fellow citizens would support more progressive policies if only they understood how badly corporations misbehave. Unfortunately, citizens are denied the information they need by the few powerful media companies that determine what news gets through to the public. “Long-term issues, like racism or suburban sprawl, tend to fall by the wayside,” McChesney thinks, while the media “tend to accept the elite position as revealed truth” on matters such as “the innate right of the United States to invade another country or the equation of private property

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and the pursuit of profit with democracy” (McChesney 1999, 50). McChesney argues that the Internet would have a progressive influence, except that it is being dominated by the same companies that control traditional media.

I read the mainstream, commercial press, and I see articles almost every day about the very issues that McChesney thinks are overlooked. Journalists actually cover some “progressive” issues more than many of their readers would like them to; for instance, most whites apparently think that “too much attention” is paid to “race and racial issues” (Morin 2001). And more information is available about the misbehavior of corporations than one could read in a lifetime. So mass-media corporations are not preventing us from acquiring facts. The problems are (1) a lack of persuasive *arguments* for progressive positions, and (2) a dearth of large and effective organizations that can motivate people to act against corporate interests.

MYTH #3: THE INTERNET IS A MASSIVE TOWN MEETING

Perhaps the democratic promise of the Internet lies not in its vast array of facts, but in its many egalitarian *discussions* of public issues. By talking on-line, citizens may acquire the motivation, knowledge, and even the wisdom they need to participate in politics. Indeed, deliberation is an essential element of any democracy. When discussions go well, citizens encounter alternative perspectives, articulate their goals and priorities in ways that appeal to others, sharpen their sense of realistic options and necessary trade-offs, abandon support for indefensible positions, and develop mutual respect that allows them to coexist and cooperate even when they disagree.

A great deal of deliberation can be found on the Internet. However, Marshall van Alstyne and Erik Brynjolfsson have drawn attention to an important problem. They argue that if most people want to expose themselves to diverse views, then the Internet is a wonderful tool because it makes an almost infinite range of ideas and perspectives available. But if people want—and are able to find—material that is tailored to their own initial values and interests, then they will naturally “balkanize,” creating many separate communities or conversations that are not in mutual contact. The Internet encourages balkanization, because it increases the universe of available material and also provides efficient tools for selection, such as search engines and filters (Van Alstyne and Brynjolfsson 1997).

Van Alstyne and Brynjolfsson do not argue that people actually prefer to see only a narrow range of material. They note that if we are generalists with a taste for diversity, then the Internet will promote deliberation. According to a survey taken in 2000, 67 percent of Americans considered

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it important to obtain “general news that gives you general information about important events that are happening,” whereas just 28 percent preferred to see “news that is mostly about your interests and what’s important to you.” These statistics suggest that most of us at least understand the value of a broad outlook. However, citizens may satisfy their desire for general news by glancing at headlines, while actually deliberating about much narrower issues. Besides, the same survey found that young people, men, and poorly educated people were relatively unlikely to care about general news, which implies that these groups may opt out of public deliberations (Pew Research Center 2000).

More generally, the trend in American culture is away from diverse, multipurpose organizations (such as unions, national churches, and strong geographical communities), toward single-interest associations with narrow niches. Dennis Thompson says that he has scanned the Internet and found: “Hikers to Free our Parks, National Whistleblower Union, Citizens against Daylight Savings Time, Citizens for Finnish-American Power, the U.S. Committee to Support the Revolution in Peru, and the Anarchists Anti-Defamation League” (Thompson 1999, 37). But as Andrew Shapiro notes, “you’d be hard pressed” to find a group “committed to the General Common Good” (1999, 113).

Meanwhile, the Internet provides few effective ways for people to put their case to others who are not initially disposed to listen. Shapiro argues that Web users are unlike visitors to a physical space, because they do “not have to hear the civil rights marcher, take a leaflet from the striking worker, or see the unwashed homeless person. Their world [can] be cleansed of all interactions save those they explicitly [choose]” (1999, 136). A similar logic suggests that the Internet may increase intellectual stratification as experts are able to talk only among themselves and ignore the rest of the public.

Cass Sunstein, a political and legal theorist who has done much to advance our understanding of deliberation, summarizes the disadvantages of balkanization in his book *Republic.com* (2001).

Among other problems, balkanized groups tend to move toward the views of their own most radical members. Members of such groups do not understand other perspectives or learn how to relate to people who are different. Not realizing that some thoughtful citizens disagree with them, they assume that the government is corrupt when it takes contrary positions. And they constantly reinforce their own beliefs—even completely false ones—without ever being challenged. For instance, many people who are opposed to gun control have encountered the following quotation more than once online: “This year will go down in history! For the first time, a civilized nation has full gun registration! Our streets will be safer, our police more efficient, and the world will follow our lead into the future!” On numerous Web sites, this quote is

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attributed to Adolf Hitler, who is supposed to have extolled gun control in the *Berlin Daily* on April 15, 1935 (Page 3 Article 2). Everything about this alleged statement is false, including the implication that the Nazi government imposed gun control. But only Second Amendment purists are likely to encounter it, and their faith is never challenged (for a small sample of this, see www.urbanlegends.com/politics/hitlerguncontrol.html).

MYTH #4: DEMOCRACY WILL FLOURISH WHEN THE “POWER BROKERS” ARE GONE

What Andrew Shapiro calls the “Control Revolution” implies, among other things, a shift of power away from the leaders of formal organizations and toward individuals who have computers on their desks. As Grossman writes, “The big losers ... are the traditional institutions that have served as the main intermediaries between government and its citizens—the political parties, labor unions, civic associations, even the commentators and correspondents in the mainstream press” (Grossman 1996, 16).

The Control Revolution implies some advantages for democracy, because even highly democratic organizations usually concentrate power in their professional staffs, steering committees, and elected leaders. In other words, they reflect Robert Michels’s “iron law of oligarchy” (1915). In the 1960s, proponents of *participatory* democracy looked for alternative models that were more voluntary, individualistic, consensual, loose, and egalitarian than traditional parties and interest groups. Jane Mansbridge has analyzed the “unwritten rules” that governed these “free schools, food co-ops, law communes, women’s centers, hotlines, and health clinics.” Their norms included “face-to-face, consensual decision making and the elimination of all internal distinctions that could encourage or legitimate authority” (1983, vii, 21). College towns, especially along the Pacific Coast, were hotbeds for such experimentation. The same communities then played a crucial role in the development of personal computers and networks. Manuel Castells argues that the global, postindustrial “network society” arose in part out of “a sprawling computer counterculture” that was one of the “aftershocks of the 1960s’ movements in their most libertarian/utopian version.” “If the first industrial revolution was British,” Castells writes, “the first information technology revolution was American, with a Californian inclination” (2000, I, 49, 61). It embodied the spirit of Berkeley, California, circa 1968.

The Internet contributes to the general crisis of authority that has weakened traditional leaders, from politicians to clergy people and educators (Poster 1995). For example, membership organizations can now perform many of their functions (such as meetings, elections, fund-raising, and

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publishing) online, which means that their members can leave with the click of a mouse and find other groups that are less restrictive. Heads of organizations must therefore avoid imposing rules and dues on their members, whenever possible. The Internet also spells trouble for newspaper publishers and editors, who once exercised a lot of control over the content of the news; now citizens can search for any combination of stories they want. And computer networks undermine the authority of religious leaders, because individuals can search the Web for religious thoughts that appeal to them—any time of the day or night (Brinton 2001).

Finally, the World Wide Web further undercuts our already weak political parties, because now anyone can cheaply produce the on-line equivalent of a campaign flyer. The operator of www.voterepublican.net, for example, is a completely independent citizen who says, “If my site was run by the Republican National Committee, they’d be saying, ‘Do this’ or, ‘Don’t say that.’ I wanted to be involved promoting Republican conservatives. But I didn’t have time to get involved with the parties” (quoted in Wayne 2000). His site could potentially be as popular as the official www.rnc.org, yet the party would have no control over its content. A Web page could even be devoted to lambasting the party that it ostensibly supported. The publisher of a liberal feminist political site based in Texas predicts that “these sites will increase democracy in the long run,” because “you don’t have tightly scripted campaigns as the sole voice. You will have independent citizens voicing their opinions in a way they couldn’t before” (Wayne 2000).

The “power brokers” are indeed in trouble, but before we jump to the conclusion that their demise will be good for democracy, we should consider a few problems. First, corporate managers are not threatened in the same way that the leaders of unions, parties, religious bodies, and newspapers are. There is a lot of chatter about companies’ new enthusiasm for decentralization and “empowered” employees (Nye in Kamarck and Nye 1999, 9-10). To some extent, there has been a real shift of authority in the workplace, thanks to the increased bargaining power of highly skilled workers in the “knowledge economy.” However, the people who clean bathrooms and prepare chickens still work at the bottom of powerful hierarchies. For them, the decline of unions and parties is a loss, not a gain. Besides, to a considerable extent, companies are simply using new strategies to maximize profits. When their employees’ interests conflict with their bottom line, top managers will make the ultimate decisions (which means that they really retain power).

Second, strong, organized nonprofit organizations would be missed if they disappeared from civil society, because they provide avenues for upward mobility. In the past, some rank-and-file industrial workers acquired real power by rising to union leadership positions. Some Catholic

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immigrant boys gained political influence by becoming bishops or cardinals. And quite a few people climbed out of poverty into political office with the assistance of parties. None of these paths to power was ever easy or fair, but at least there were many of them. In a society with only one category of powerful leaders—business executives—most people will have no hope of acquiring authority.

Third, citizens benefit from disciplined organizations that impose rules and make demands. Loose, voluntary groups cannot overcome pervasive collective-action problems that are especially damaging to disadvantaged citizens. For instance, poor individuals often do not give money to support political causes, because they reasonably believe that most of their neighbors will not contribute, and therefore their own donations would make no difference. But a powerful, disciplined organization such as a church or a civil rights organization can impose dues and use the money for political action. Similarly, an individual worker cannot force her company to raise wages, but a union can—precisely because it can compel all its members to stop working once it has called a strike (Levine 2001b).

Finally, voting and other forms of democratic participation depend on exactly the kind of organizations that Howard Rheingold and others think will be rendered obsolete by the Internet: ethnic and fraternal organizations, unions, activist churches, and political parties. Steven Rosenstone and John Mark Hansen have convincingly attributed more than half of the decline in voter turnout to a decrease in “mobilization,” by which they mean the kind of persuading and organizing work that these organizations perform (1993, 31).

THE INTERNET AS A COMMONS

So far, I have raised doubts about the thesis that the Internet will give citizens more or better power over their government. These doubts should not discourage anyone from experimenting with on-line deliberation or political organizing, but I believe that they will be swimming against the tide. On the other hand, no one today believes that a democratic government (whether direct or representative) should monopolize power. Private organizations and individuals ought to be free to pursue their own diverse interests. Besides, it is possible to generate free public goods and resources without relying on the state. There is a word for a system of social organization that does not rely on competition and private ownership, nor on laws and taxes. Such an organization is a “commons.”

A classic example is a field of grass, either outside a medieval village or in the center of a New England town, on which every citizen is entitled to graze privately owned cattle (Ostrom 1990; Taylor 1987). Although this

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kind of commons benefits a market economy, the land itself is held as public property and never sold. Moreover, in a classic commons, laws and governments are remote; most management is handled by the participants themselves. Thus a commons is attractive—at least at face value—because it avoids both competition and coercion while encouraging broad participation. It gives people opportunities to perform the very satisfying kind of “public work” that comes from producing a good that is available to all (Boyte and Kari 1996).

Unfortunately, well-known problems beset any traditional commons. On a public field that is open for grazing, each person may be tempted to put more cattle than the pasture can bear if everyone acts the same way. Although they are all harmed by the consequent deterioration of their shared property, as individuals they gain more from the free fodder than they lose as the field goes slowly to ruin. One person might be distressed by the state of the commons and consider limiting her own use of it. But even if she decides not to put her cow on the field, the grass will still turn to mud because of other people’s overuse, and she will have passed up free food. Since everyone faces the same dilemma, the pasture is doomed.

This “Tragedy of the Commons,” as Garrett Hardin called it, seems to imply that any valuable asset must be managed either by enforcing strict laws (the governmental approach) or by dividing the good among property holders who have incentives to preserve their private shares (the market approach) (Hardin 1968). The idea of a pure commons is said to be naive. But the Internet and other new electronic media have an unusual capacity to overcome collective-action problems (Barbook 1998; Moglen 1999). For one thing, “overgrazing” is much less likely when an asset is digitized. If I put a document or computer code on the Internet, it does not matter how many other people copy it for their own use; the file remains unharmed and ready for countless more appropriations. Consequently, I have much less reason to worry about other people’s selfish behavior (the “free-rider” problem) than I would in a classic commons.

Another typical barrier to maintaining a commons is simply finding and coordinating a large enough cadre of volunteers to provide the hard, skilled labor that is always necessary. Again, this problem is mitigated by the Internet. For one thing, we are relatively likely to volunteer if selfish behavior cannot ruin our work. So, for example, certain programmers spend a lot of time improving the technical details of HTML, the free language for designing Web pages, without worrying that HTML may be destroyed through overuse. More importantly, the Internet makes communications cheap and efficient, thereby allowing just a few enthusiasts out of the world’s six billion people to identify one another and to collaborate at low cost. An enormous amount of invaluable labor has thus been donated by programmers who have designed the protocols, computer languages,

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and norms that govern email, file-sharing, the design of Web pages, and most of the basic functions of the Internet. Efforts to explain why these people are willing to bear so many free-riders miss the point; the volunteers are rare (and often eccentric) exceptions to normal human

behavior. But it only takes a tiny percentage of the population to keep the electronic commons going.

So consider the Internet circa 1993. Beneath the sight of most users, computers exchanged information using protocols that were no one's intellectual property. Each computer or length of wire belonged to someone, but the system had been designed to be "interoperable," meaning that equipment could easily be substituted and messages could travel freely across the whole network. If someone tried to block a packet of data or charge for its passage, it would automatically find a different route.

At a more visible level, most people used free software for sending email, transferring files, and browsing the Web. The code for these programs was disclosed ("open source") and subject to improvement by anyone. Meanwhile, most Web sites, discussion forums, and emails were contributions of free material, ranging in value from pirated pornography to original research, art, and literature. There was widespread copying of good ideas for Web-page designs and discussion groups. Imitation was easy because Web pages were literally open-source documents that used accessible and replicable code.

Thus, the Internet was *open* in much the same way that the Boston Commons is accessible to the whole community, and it was full of *resources* (from the data on Web pages to the protocols governing email) that could be used by anyone at no cost. In these respects, it was quite close to a large-scale commons.

Two caveats are in order. First, the cyber-commons was never pure. Governments, universities, and industries had contributed to its development and continued to own and manage its elements. Nonetheless, market and state institutions coexisted with a powerful set of resources that were unowned and available to all. Second, a commons is not necessarily democratic: indeed, the two most famous examples came from medieval England and puritan New England, neither of which gave the vote to all citizens. A commons can even *threaten* democracy by undermining the public's ability to regulate the social world. Compare the traditional telephone network (which was centralized, corporate, and proprietary) with the email system (which is a good example of a commons). The telephone network is often described as undemocratic, because tremendous power belonged to the people who owned the lines and switches. They had the capacity to eavesdrop on any conversation or even to cut off citizens for speaking in a way they disliked. However, the American telephone network was also eminently regulable, being owned by a few companies that

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were clearly subject to U.S. law. Therefore, when Congress and the federal courts created rights to privacy and nondiscrimination, these rights were enforced. Often, the mere threat of public opposition caused telephone companies to act in acceptable ways. By contrast, the government would have difficulty guaranteeing the privacy of emails, because no one can be held responsible

for the passage of an electronic data-package across switches and lines that belong to hundreds of separate parties in several countries.

Nevertheless, a commons can serve some of the same values as a democracy: especially equality, participation, and freedom. And within a democratic society, a commons can provide resources (such as skills, information, and social networks) for disadvantaged citizens. It seems at least plausible that voluntary, collaborative work on the Internet teaches skills and habits that potentially transfer to politics. Thus a cyber-commons could perform some of the crucial democratic tasks that were traditionally handled by formal organizations. In his day, Alexis de Tocqueville attributed the vitality of our democracy to citizens' work in building the 19th-century "commons": free, local, public assets such as hospitals, churches, parks, seminaries, and schools (Tocqueville 1954, II, 114). Today the Internet is a promising venue for such public work.

Consider, for example, work that young Hmong and Latino people are doing today in St. Paul, Minnesota, as part of a project organized by the Jane Adams School for Democracy. They are building a database of the community's "learning resources": everything from formal classes at the high school to an elderly Mexican immigrant in a retirement home who is willing to teach traditional Indian medicine. Soon citizens will be able to visit a computer in the public library, enter a word that describes their interests, and see the local learning resources displayed on a map. The information on the map will be a free public good. The process of gathering information is already building local trust, skills, and networks. And because the map is stored in digital form, it can be widely disseminated at low cost; therefore, the project is not heavily reliant on support from formal organizations or the government. The participants justly claim that they are building a "St. Paul Information Commons;" and their work has considerable democratic potential (Levine 2001b).

THE COMMONS UNDER THREAT

The English medieval commons gradually vanished as the lord of each manor asserted property rights and evicted the peasants so that he could graze his sheep for profit. There is often money to be made from privatizing a common resource—if one can get away with it. Following this

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pattern, much of the global Internet commons has been privatized since the early 1990s. For instance, many people looked at early Web pages by using Mosaic, which was free, open-source software. But the Netscape Corporation borrowed Mosaic's technology, developed a new version that was incompatible with it, and copyrighted its version as Navigator (Bollier 2001, 51-52). Now most people browse the Internet using such proprietary software.

On a much wider scale, Microsoft™ has adopted a policy of "embrace, extend, and extinguish" toward open-source software. The company adopts free and publicly accessible programs, adds wrinkles that allow it to copyright a new version of the program, and then makes only the copyrighted version compatible with its other products, such as Windows. It has used this

strategy to undermine HTML; Java, the versatile programming language; and multimedia applications such as RealAudio and QuickTime (Bollier 2001, 52).

Although the Justice Department sued Microsoft™ partly for this reason, the federal government has sometimes abetted the new enclosure movement. An example is the Digital Millennium Copyright Act of 1998, which prohibits copying information that is protected by a technological measure, even if individuals have a right to see that information. For instance, citizens are allowed (under the fair use doctrine) to broadcast snippets of music or film for critical purposes. But making a good copy of a movie from a digital video disk (DVD) would require defeating technological barriers, and this has become a criminal act. Copying part of a movie and inserting it into another film—even for a school project, even for the purposes of parody—is illegal (Benkler 2000, 571). Furthermore, people can now be prosecuted for making or selling products or services that are used to circumvent technological protections, even if the devices in question are used to view (and not to copy) material that people have a right to see. At least one person is in jail for designing software that could be used to commit copyright violation (Lessig 2001).

Meanwhile, private companies have won patents for Internet business methods (for instance, Amazon.com’s “1-click” method of paying for products), which means that the “look and feel” of their sites has become private property that cannot be copied (Bollier 2001, 58). Companies are also trying to control the Internet more broadly by steering people to their own Web sites and by preventing certain kinds of hostile sites from attracting audiences. When a citizen searches for “McDonaldSTM,” the McDonaldSTM Company wants to make sure that she only finds its site—not pictures of a family with the same name or (worse) a vegetarian, pro-labor, or anti-American site that might use the word “McDonald’S” in its text, its links, or its domain name. When companies sue outsiders for using their trademarks in Web pages, they sometimes lose on First

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Amendment grounds. But corporations tend to prevail before the non-governmental organization that distributes domain names, ICANN, which decides who should have the most desirable addresses. Moreover, companies are able to purchase favorable treatment from many of the leading search engines (Cohen 2001, 18-23).

The enclosure of the commons is troubling because it means that ordinary people cannot collaborate to produce public goods online without running afoul of property claims. Too much of the Internet is now being managed by companies that pursue their own economic interests that are not publicly accountable. Constitutional values are undermined, because almost no part of the Internet now qualifies as a “public space” in which free speech would enjoy the strongest protection (see Cohen 2001). People who use private Internet service providers and Microsoft™ Explorer to look at corporate Web pages are visiting private property in which their constitutional rights are limited.

Unless we intervene forcefully at this stage, it is likely that most people will use the Internet in the following way within a few years. They will receive high-speed video and email service from a massive corporation such as AOL Time Warner or Microsoft'' that also has holdings in various entertainment and news companies. This corporation will require them to go on-line through some kind of portal with a proprietary search engine and a few prominent links. Both the links and the search engine will direct customers, whenever possible, to sites owned by the Internet service provider. Most of this material will be slick, multimedia programming created by paid professionals for large audiences—without the participation of ordinary citizens. Since there will be some competition among service providers, they may decide that they should permit customers to view low-budget, free material as well. But they will do their best to downplay such offerings, since only their own sites will generate advertising and sales revenue. According to the Center for Digital Democracy, the top four “digital media properties (AOL Time Warner, Microsoft™, Yahoo, and Lycos) ... attract more visitors than the next 14 combined. And the top 10 companies (which include NBC, Disney™, and Amazon) attract more visitors than the rest of the top 50 combined. The traffic patterns of today’s Web, in other words, are much closer to those of network television in the 1960s than to those of the Internet in the early 1990s” (Chester 2001).

Under these conditions, citizens who try to operate their own sites for democratic purposes will become increasingly discouraged, since few visitors will be able to find their work and will be legally barred from using the patented production techniques employed on commercial sites. Thus the Internet will begin to look like the next generation of cable television instead of a decentralized, participatory medium. Most nonprofit sites will be as marginal as public-access television stations today.

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BUILDING THE COMMONS

Preventing this calamity requires three important steps. First, the federal government must impose statutes and regulations to preserve the openness of the Internet. How best to achieve that goal is a complex matter beyond the scope of this chapter, but some promising strategies include:

- * preventing Internet service providers from discriminating among Web sites and search engines and not allowing them to impose any particular portal or software on their customers;

- * separating Internet service providers from the producers of news, information, and entertainment;

- * requiring Microsoft™ (and any other software company that attains monopolistic control of a particular field) to publish its software in a form readable by human beings so that it can be imitated and modified within the limits of intellectual property law;

- * reducing the scope of intellectual property, especially companies’ ability to *patent* software and business methods; and

- < making federal grants to support the development of open-source software, public protocols, and noncommercial search engines.

As long as the federal government uses traditional antitrust arguments to regulate companies such as Microsoft™, its interventions will probably be too moderate. The main problem is not the potential of monopolies to lower the quality and raise the cost of consumer goods. The main issue is that our democracy requires a commons to release the civic energy of its citizens.

Meanwhile, the government and foundations must support the creation of attractive, exciting, free material that can be disseminated online. Documents, data, and images can be produced at low cost, but the really valuable ingredients of the cyber-commons would include whole libraries and museums translated into digital form, information-rich maps, massive databases (e.g., of pollution statistics or candidate profiles), and exciting multimedia presentations. Such offerings are expensive, and if their owners pass the costs on to consumers, then many people will not be able to afford access. In their *Digital Promise* report, Lawrence Grossman and Newton Minow recommend auctioning the broadcast spectrum to generate revenues that would fund free on-line material (Grossman and Minow 2001).

Third, we need networks of human beings who are committed to the idea of a commons and who can share skills, experience, and even software. The young people who are building the St. Paul Information Commons are working more or less alone, so they must invent all their own

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models and strategies. If they belonged to a broader movement, then they would benefit from many economies of scale—not to mention mutual support and encouragement. Indeed, networks have begun to grow up among groups that maintain nonprofit community portals and that try to use the Internet to build civic bonds. But it would be beneficial to broaden these networks and to bring them together into one fairly cohesive force devoted to commons-style work. That is the purpose of a new institution, the Public Telecommunications Service, an organization that I am presently helping to form.

Today there is no groundswell of popular support for legislation or regulation that would support the commons. As long as issues such as software patents pit a small cadre of Washington-based activists against industry lobbyists and lawyers, the latter will always win. But citizens who actually use the Internet for civic purposes will sooner or later encounter concrete, practical problems that will motivate them to support appropriate reforms. For instance, volunteers who try to map the assets of their communities can initially manage perfectly well using the hardware and software of today's Internet. But when they try to build larger and more elaborate projects, they will find that commercial search engines do not lead people to their sites and that privacy concerns keep residents from listing themselves as "community assets." Volunteers will not be able to afford to advertise or to buy the necessary equipment to serve a larger audience. They may even find themselves in competition with companies that offer databases of "community assets" without including a full range of informal, nonprofit resources (Levine 2001x). Faced with these problems, they will join a constituency for the cyber-commons.

CONCLUSION

The fact that the Internet can work as a commons hardly guarantees that American democracy will flourish. It is not clear that even a vibrant commons could serve the functions of political mobilization and socialization that ordinary people need before they can influence public policy. Nor will the Internet *necessarily* operate as a commons; in fact, the odds favor an increasingly privatized and commercialized cyberspace. Nevertheless, one of the most promising strategies for democratic renewal today is to try to keep the Internet a publicly accessible space in which citizens create and share free public goods.

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