

Towards a Humanistic Conception of Cyberspace. A Twofold Challenge for Netizens Mobilizing for a Democratic Internet Governance

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Abstract. Our paper critically addresses the involvement and the role of civil society entities in new participatory forms of governance, using the Internet governance (IG) debate as a case study. The Internet is first and foremost a global public space potentially available to everyone for the pursuit of the most heterogeneous interests. As this global space becomes crucial in everyday life and consequences of interests pursuit within it capillary innervate the offline dimension, new forms of governance are required to ensure that all stakeholders are represented and actively involved in the management and development of what can be conceptualized as a common pool resource (CPR). The commons of the Internet space and its service as a CPR necessitate the involvement of various competencies that are dispersed in intelligence networks to which private sector and civil society necessary belong. In particular, we examine the meaning and the potential for the inclusion of civil society entities in this debate in relation to the achievement of a universal (and not only global) Internet and the consolidation of a humanized conception of IG. To this end, we propose an analytical division of IG space in four sub-sectors (social commons; information and service commons; price commons; infrastructure commons) and we argue that civil society groups participation should be contextualized and actions modulated following this dissection of competence and eligibility spheres. Furthermore, the effort to achieve a democratic internet governance translates into a double challenge for civil society groups: on the one hand, occasions of direct influence must be fully exploited modulating actions in a way that overcomes the inherent heterogeneity characterizing public interests entities; on the other, a humanized vision has to be built up and consolidated in the IG field in order to provide a set of benchmarks dynamically interacting with market and traditional policy making logics. Finally, we will also explore the effect that the construction and the consolidation of a humanized perspective on IG will have in the translation of this domain from a mostly technical matter into a seed in an emerging field of contention built around information and communication issues.

Keywords: internet governance, common pool resource, civil society political participation, humanized conception of internet governance

JEL Code: D7, L31, NGOs, L86

1. Introduction

This paper addresses the challenge of how to approach internet governance from a multi-stakeholder perspective taking into account, at the same time, the peculiar conditions of the internet itself. More concretely its diversity, the dynamics and the complexity entailed in contemporary reform of global governance processes towards more open and participatory arrangements. We argue that the specific case study of internet governance can provide interesting insights on how collaborative patterns of interaction can nurture multi-actor politics also in different sectors. Our departure point is the recognition of the inherent social and human component of technology, in order to stress how technology can become, and actually has become, a global social issue soliciting interests from a plurality of actors who range from governmental institutions, passing through private sector entities and including the heterogeneous universe labeled as "civil society". Specifically, as far as the internet case is concerned, we employ the idea of the internet as a Common-pool resource (CPR) and we will sketch out its composition joining together different kinds of commons: social, infrastructural, service and access. The simultaneous co-presence of these commons within the internet and Cyberspace is what implies the necessity of involving at the same time all competences necessary to their management thus bringing into the internet governance field heterogeneous and possibly clashing interests.

Similar to other commons like the space and seas, the maintenance of the internet as a CPR poses a twofold challenge, on the one hand, to satisfy different needs characterizing different stakeholders and, on the other, to harmonize ways in which this CPR is conceptualized, handled and delivered to users. The dramatic centrality of the internet in contemporary societies poses this challenge at the very core of contemporary political debate: here this twofold challenge meets the inadequacy of current internet governance mechanisms to host the plurality of interests and visions sustained by different actors involved whilst preserving the broader context of political transformations at a global level within which traditional political actors are gradually accompanied in their policy making activities by new, non traditional, non governmental, albeit political actors.

In particular, our concerns go towards the need to systematically inquire about the involvement of the vast and heterogeneous universe of civil society in the IG field, which, somehow, stands as a residual category grouping non-governmental and non-profit oriented entities. In this broad meaning, civil society entails the technical community (that originally kicked off the Net as a global communication system) as well as its more human-rights side generating a fresh and human-oriented conception of the Cyberspace thus pushing towards a humanistic internet governance idea. If participation of the technical community in the IG discourse and effective management is not new, the wide mobilization of human-oriented entities is much more recent and has grown dramatically in less than a decade. Therefore, when we will refer to civil society we will not refer directly to the technical community, but rather to those actors who are mobilized in the name of public interest.

Yet, the meaning and the impact of civil society need to be critically assessed. We propose to read current transformations within the IG field in terms of progressive adjustments going in two directions: on the one side, in relation to institutional justice; on the other, looking more closely to participatory justice matters. From the first perspective, we will start from the well-known necessity to address global social problems involving at the same time a plurality of actors and competencies to supply an overall deficit from which traditional political actors are suffering. Thus, in this sense, we stress the key role played by networks as innovative organizational forms able to sustain, foster and hamper at the same time, collaboration between actors. From the second point of view, we will critically address the effective deployment of participatory processes (such as the Internet Governance Forum, IGF) and, in particular, the

meaning and potential for pushing civil society participation beyond formality or cooptation attempts thereby rendering it effective in terms of reforming global politics towards radically democratic practices.

As we acknowledge that multi-stakeholder arrangements are widely accepted as solutions to legitimacy, knowledge and access deficit characterizing single states as decision makers (Hockings 2005), we will particularly concentrate on participatory justice concerns, namely on what is really happening under the banner of multi-stakeholdersim and what kind of impacts collaboration between actors can actually have. Starting from the idea that technology entails more than mere technological artefacts and that, therefore, public interest entities are legitimate partners in building a common view of internet governance, what is the real sense of this participation in the context of a process such as the Internet Governance Forum?

In other words, what is the impact civil society can have in this governance arrangement? In this sense, our argument is twofold. In first place, we argue that power and impact have to be reframed in relational terms going beyond the sole connection of power to official binding outputs such as policies and regulations. Indeed, also binding outcomes can emerge as a result of civil society involvement in the process thus enhancing democracy and justice.

Secondly, we argue that, in order to obtain binding outcomes, civil society potential has to be strategically conceived and gauged according to the multi-layered character of the internet as a common-pool resource. Indeed, we would like to stress that civil society involvement does not have to be conceived as monolithic but has rather to be tailored on the bases of different types of commons entailed within the internet itself. Civil society involvement cannot be thought as equally effective on all four commons associated to the internet but has to be rather distinguished between direct and indirect ways of impacting internet governance. As we will subsequently explain in greater detail, direct influence can be played in relation to social commons and, surprisingly, also on infrastructural commons; while an indirect impact can be exerted on service and access commons where the leading role of other actors (such as Internet Service Providers and other profit oriented organizations), who's practices are determined through the logics of the free market paradigm, cannot be challenged, but can rather be monitored and contained within the realm of public interests, transparency and democracy.

Finally, we argue that the key aspect for civil society actors that will allow to efficiently face the double challenge of the direct and/or indirect impact upon internet governance depends mostly on the collective and shared construction of the internet governance discourse. If fragmentation of political processes can be read in terms of the existence of a multiplicity of hardly convergent political visions and perspectives, new multi-actor arrangements in the internet governance case have to start instead from the hardest task: to collectively build a humanistic conception of internet governance including at the same technological artefacts, human activities and human knowledge as the very substance nurturing and fostering the democratic growth of global political processes in the area.

2. Internet as a common-pool resource and a central political problem

It would be hard to explain the centrality of technology and, especially, of Information and Communication Technologies (ICTs) in contemporary society if we were to assign to technology only artefacts, and physical objects, while excluding further elements such as human competences and creativity in building and making use of those artefacts. Whether we adopt a social-constructionist perspective or a more technological oriented view (Olsen & Edgen 2007), we nevertheless perceive technology as artefacts *and* something more. Rickover has expressed this attitude in saying that "*humanistically viewed, technology is not an end in itself but a means to an end, the end being determined by man*" (1964:3). More recently, in addressing the tight intertwinement between technology and politics, Bijker has suggested to

understand technology as a multi-layered concept entailing at the same time *artefacts* (physical objects such as computer and infrastructures), *human activities* (designing making and handling machines and networks) and *knowledge* (what people know and do with technology) (2006: 682). In adopting what could be called a *humanistic conception of technology*, it becomes clearer that *"to the extent that technology is not just about artefacts but also about their societal potential and deployment, it matters politically, it reframes political spaces and it serve political interests"* (Padovani & Pavan 2008: 12). In this sense, technology and its central role become not only a social but also a political problem over which attention will be directed by a very vast plurality of actors – all those who see their interests at stake when a specific technology development or management is put into discussion. The internet plays a crucial role in contemporary society and it is worthy to stress that not only its sheer presence but, very interestingly, its absence and scarcity have dramatic effects. Governmental and non governmental actors are all interested in internet development and management as they all use this means of communication for the pursuit of their interests. Yet, the rhetoric of Cyberspace as an unlimited and unprecedented communication facilitator hides several critical points, firstly that not everybody is, as mentioned, included in exploiting the benefits that can be derived from the internet itself. In this sense, more than a public good, the internet can be considered a Common-pool Resource (CPR) (Hess 1995). In sum, while a public good is non-rival and a non-excludable, meaning that it is available to anyone and nobody can be excluded from its usage and benefits, a CPR suffers from the fact that the amount of resource available is limited and, therefore, the benefits enjoyed by some actors subtract something to the amount available for others¹ (Hess, 1995:7). In other words, the more usage of a resource is concentrated in few hands, the less there will be collective and overall enjoyment of the resource itself.

Moreover, these limitations are paralleled by the difficulty to exclude actors from feeling entailed of the right to use a CPR because of the *"lack of clear property rights"* (Hess 1995:7). In other words, while over-usage and usage-concentration threatens the CPR's collective enjoyment, the number of claimants is destined to increase. In the internet's case, this becomes a particularly crucial matter: the more technology and its uses become central, the more claimants will increase in numbers and requests. On the other hand, internet is far from being unlimited in practice (let's just think to the hoary matter of IP addresses availability or to the space users can occupy on servers): over-usage and usage-concentration constitute real threats to its future developments as well as to its inherent democratic potential. Pulling all threads together, if there is a plurality of governmental and non-governmental claimants assessing their right to enjoy and exploit the internet, these same claimants will ask for inclusion whenever the internet management and future deployments become the matter of political discussion. Yet, as a CPR, the internet is made up by a plurality of different commons in relation to which different groups/actors will feel the need to mobilize at different levels as well as by relations existing amongst them. Figure 1 depicts our understanding of interplay within the Cyberspace of four different commons:

a) Social commons are *"created by the use of the internet: electronic mail, discussion groups, newsgroups, interactive games, etc. It comprises new communities of people who are able to communicate electronically because of the technology infrastructure and their own investment of time and money."* (Hess, 1999:20). Overall, social commons are about relationships and communication. Within this context, two elements deserve attention. First, social commons are accompanied by rules for building relationships and communications – *"netiquette"* (Shea, 1994). Second, next to the thematic, relational and political potential which represents perhaps the most substantial end the internet caters for, there is the limited capacity of human time and

¹ For example if a region has only a relatively low-bandwidth connection the distribution of that capacity is similar to dealing with other scarce resources. Similarly when websites become really popular without being prepared can not serve their content to all requests.

attention, which can be interpreted as *"the scarcest and hence most valuable commodity"* (Gross & Coy 1995:80).

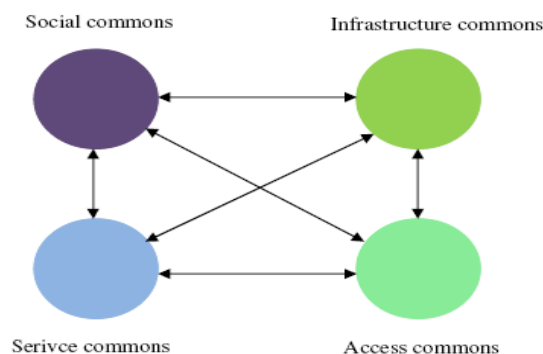
b) Infrastructure commons constitute the original internet governance site and deal with the overall technical architecture of the Net. In sum, they gather everything from the composition of the TCP/IP protocol to the routing of the packages. Until recently, internet governance has been synonymous with governance of infrastructure and mechanisms developed based on (formally) inclusive institutions, whereby membership is constraint by technological competence¹.

c) Service commons deal with the conditions of hosting a website or providing web service to users. In general, they entail the conditions a website host provides on his/her site. Hence service commons reach from Terms of Services employed on large scale services (like Gmail or FaceBook) to interventions a forum hoster allows herself to enact in order to ensure the atmosphere and quality of desired discussions. Thus, service commons refer to privacy conditions a host commits to maintain for its users. In comparison to rules of netiquette guiding the construction and the management of communication relationships, service commons are formal limitations imposed by providers that foster a certain kind of relations and hamper some others.

d) Access commons are a rather broad group dealing with all those elements that foster or hamper access to the internet as well as to knowledge enjoyment and production. Of course, access has not to be understood in a monolithic way. A first access level deals with economical considerations that are elaborated when infrastructure developments are planned. In this sense, different logics can be followed in evaluating infrastructure provision as "adequate" depending on what kind of conception of adequacy is at stake.

A second level of access, goes beyond the provision of infrastructure to include all conditions to access and production of knowledge. In other words, a fundamental part of access is provided by capacities and skills of users. Certainly, many economic interests stand behind the creation of opportunities to provide these capacities (e.g. education programs) as well as considerations on how capacity-building activities will empower individuals and groups thus increasing even further claimants and claims.

Fig. 1. Intertwinement of different commons within Cyberspace



Therefore, understanding the internet as a stratified CPR, composed of above modular commons (which are highly problematic on their own) better articulates the idea that technology and ICTs in particular entail not only artifacts, but also human and social elements in relations to which actors will feel the need to mobilize. Hence, conceiving the internet in this fashion allows us to understand the diversity, the dynamicity and complexity of internet governance that has to deal simultaneously with this plurality of intertwined matters where pulling one thread (as exemplified in figure 1) means interacting with the rest of the network.

¹ "There is no membership in the IETF. Anyone may register for and attend any meeting" (Malkin, 1993).

Moreover, understanding the internet in these terms also allows us to consider the differences between actors within the internet governance field not so much in relation to their inbred qualities (such being representatives of governmental or non governmental entities) but rather from the perspective of how much emphasis they pose on each of these commons, making prevailing infrastructural, social, service or access considerations or combinations amongst them. And yet, when the management of the internet becomes a political problem and inclusive and participative processes such as the IGF (but also, in this same light, the WSIS process) are initiated in order to effectively gather the plurality of concerned actors, the sole recognition of the presence of a diverse interests in relation to different commons does not entail a concrete understanding of how these will effectively interact as it neither says anything about the dynamics that will develop between these conflicting interests.

3. Multi-actor internet governance

Since its inception, the internet's lack of geopolitical boundaries produced questions of governance that could not necessarily be answered by normative or traditional constructions of authority. The internet reiterated the idea that all of humanity belongs to a single moral community (cosmopolitanism) and this by itself was enough to open the debate on which forms of governance structure are suitable to orchestrate such a medium. The focal point of contrast between governance in Cyberspace and traditional governance arrangements is the resistance of the internet to be bound by physical boundaries and impose self-limitations by producing a restrictive and confined political mapping. This lack of physical boundaries imposes instead the necessity to cognitively identify contours of internet governance: what is needed is a shared collective construction of the IG idea based on the conscious choice to make full use of the potential of the internet and, thus, allow it to enter our cultural, political and socio-legal 'spaces'. Nonetheless, this choice generates a hoary question: how can we structure a governance framework that mirrors the nature of the internet whilst, at the same time, respects the logic and politic of those concerned?

To this end, Biegel suggests that *"the question is no longer whether cyberspace as a whole can or should be regulated, but whether and to what extent individual problem areas within particular cyber spaces can or should be addressed via regulation"* (2001:119). Reflections on the political impact of the internet as a new public sphere have also underlined the composite nature of Cyberspace which is better thought not so much as one *public sphere* but rather as a public *space*, where public dialogue can be carried on within and between the multiplicity of spheres forming it (Papacharissi 2002; Polat 2005). Governance challenge for the Internet implies, on the one hand, the necessity to re-define roles and competences within the same governance process given the variety of subjects and issues we have already seen are inherently involved in the internet governance framework; on the other, it requires to shape inclusive and participatory processes that can provide a space in which these roles can be performed. In this sense, a major step was taken when the Tunis Agenda offered the opportunity to meet this governance challenge by creating the Internet Governance Forum (IGF). The Agenda states clearly the inadequacy of current IG arrangements: *"We further recognize that there are many cross-cutting international public policy issues that require attention and are not adequately addressed by the current mechanisms"* (UN, 2005:par.60). The IGF comes into the scene as the space where policy issues can be singled out collectively and where present governance leaks can be identified while solutions can be collectively proposed.

Yet, accepting that jurisdiction and sovereignty rights can potentially impede any governance arrangements on the internet, the official political framework ratifies the *"spatial problematics of Cyberspace"* (Crampton 2003:9-22) namely the necessity to clarify the units that are allowed to participate in the debate, the boundaries of their contribution and, overall, their role in structuring rules that will facilitate the creation of a coherent internet governance structure.

Nonetheless, the answer provided by the Tunis Agenda is temporary. By instructing that "*Internet Governance is the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programs that shape the evolution and use of the Internet*" (UN 2005: par.34) the document legitimates protagonists (governments, the private sector and civil society) and the scope of their participation ("*in their respective roles*") yet without detailed specifications. At the same time, the drafters of the Agenda seem to have been conscious of the close nexus between governance and legal rules as well as of the difficulties that inviting governmental and non-governmental actors to participate to the negotiation of a final binding document: for these reasons, the IGF is meant to be a forum for the "*development of public policy*" (*ibidem*:par.68) rather than a forum for the creation of binding legal rules and principles.

In this context, it does not seem that the Tunis Agenda is seeking to create a form of government for the internet with the customized division between legislative, executive and the judicial function; rather, the terminology and the language used invites a broader structure that resembles more Rhodes's understanding of governance as *management* in association with three distinct areas: hierarchies, markets and networks (1996). Moreover, networks, markets and hierarchies are not only three different areas within which *management* is realized in different ways but correspond to three different organizational forms that can be chosen under specific circumstances (Powell 1990). The critical issue is whether the interactions, as developed within a system that needs to be managed, will utilize market, hierarchies or network arrangements. More in particular, network arrangements develop when qualities of items exchanged are not easily measurable and relations in which actors are involved are long-term without being bounded by a binding or legal framework regulating their contents and their developments (*ibidem*). Although reasons to start up networks as alternatives to markets and hierarchies might vary, uncertainty reduction, fast access to information, reliability and responsiveness can be identified as some of the main motivations to join in networks exchanges (*ibidem*:323). In this sense, networks arrangements are preferred as they are based on cooperation, foster mutual earning and the spread of knowledge, allow a fast translation of knowledge into action, help when resources are variable and the environment uncertain, favour the employment of knowledge and technical innovation (*ibidem*: 322; see also Leslie, 1997; Rhodes 1996). All these conditions easily apply to the internet governance area and ensure that flexibility in arrangements, which can ensure that different claims and concerns are adequately addressed.

It is for these very reasons that internet governance mechanisms have always privileged networks arrangements that allowed actors to become involved both in the technical infrastructure as well as in policy-setting procedures with the consequent production of an innate congruence between the technical and social architecture of the internet. The Internet Corporation for Assigned Names and Numbers (ICANN) (Froomkin 2000; Mueller 1999) and the Internet Engineering Task Force (IETF) (Malcom 2008) constitute examples of entities where technical coordination and standard-setting rationales were blurred with policy-making aspects. At the same time, governments became more involved in the technological advancement of the internet, often encouraging its expansion and often limiting its potential (Auchard 2006;), whilst civil society groups and academia assisted in bridging the gap between the uncontrollable force of technological advancement and the cumbersome imposition of legal rules (Musiani 2006). At present stage, when discussion has come to include much more than the sole technical-infrastructure level, the networking opportunity provided by the Internet Governance Forum becomes even more crucial and consolidates a long-term tradition in the internet management field.

The mobility of the participating actors between the different levels of the internet's stratosphere (back and forth from contents to processes) has given rise to concerns about authority and, consequently, the application of justice. Mere participation does not guarantee

legitimate and democratic visions, especially in a governance arrangement like the internet, where there is a plurality of vision, concerns and interests. Indeed, a superficial understanding of the network concept is often feeding this "egalitarian" misconception of processes to which it is applied. The horizontal representation of dynamics provided by networks hides the fact that resources and competences flows entail power redistribution along network ties (Knoke et. al. 1996). In the case of internet governance this has been already tested to some extent within thematic networks developed online (Padovani & Pavan 2007 and 2008). The overall question that only systematic empirical research will be able to answer is: if official inclusion of actors of different natures within the debate responds to justice criteria, once actors have entered the discussion is their involvement regulated and developed following principles of justice? In other words, we do believe that the matter of justice within the internet Governance debate, which has so much to say in terms of democratic potential of the internet and its governance, can be approached from two different, albeit interconnected, angles: the justice structure of the current multi-stakeholder governance arrangement (institutional justice) and justice concerning the true participatory rights of the stakeholders (participatory justice).

As far as the institutional justice is concerned, we start from the assumption that multi-actor practices are being more and more developed in the political realm as a consequence of multi-stakeholderism. The validation process has started in 2001 with Res. 56/183 in the WSIS case and has consolidated on information and communication issues with the Tunis Agenda and, in particular, with the IGF Mandate (par. 72). As illustrated previously, this validation of multi-actor approaches to politics in the internet came from the very assumption that the internet could not be subjected any other form of governance than that of multi-stakeholder participation. The global nature of this means of mass communication, its resistance to sovereignty and defined borders and its social dimensions demand the participation of actors that are able to address these issues. This was recognized even at the early stage during the Geneva Declaration of Principles, adopted by the World Summit in Information Society (WSIS) in 2003, which advocated that "*the management of the internet should be multilateral, transparent and democratic, with the full involvement of governments, the private sector and civil society organizations*" (UN 2003:par.48).

However, although this multi-participatory model is based upon democratic and legitimate means to validate its existence, there are currently doubts whether, in essence, this model can truly support the equal participation of all its actors questioning this way the feasibility of "participatory justice". In this sense, we would like to highlight two tightly intertwined levels of considerations. In first place, the fact that global internet governance does not necessarily mean universal internet governance. This issue ties back to the hoary matter of digital divide: as long as digital divide exist, international participation becomes a chimera since issues of access, technical infrastructure and know-how create barriers to participation for certain groups within the debate (Weber & Grosz 2008). But if digital divide cuts off from the picture the so-called less developed countries, universal participation is at risk also where "development" is taken-for granted. Even though it is argued that these "non-dominant groups are a significant source of technical expertise" and can further contribute in an effective and constructive manner (Drake 2004:140-155), there are groups whose involvement is arduous whether for lack of resources or for lack of future perspective. A major obstacle to the realization of a democratic, inclusive and effective political dialogue between stakeholders is the perception shared by some segments of non traditional political actors that decisions are taken elsewhere and by the usual suspects. Therefore, their role is perceived as being more decorative than sizable in the debate (Milan et al. 2007). Beside resources (human and technical) what is missing is a clear perception of the scope, the role non traditional actors might play in the IGF process as well as in the IG context beyond the official process. Moreover, the lack of any binding outcome from the IGF process could potentially increase this feeling: will the different claims be actually kept into account into the discussion? How will they be validated? Can non-

technical emerging IG-related issues impact the very technical-infrastructure framework if not through hard law tools?

4. The twofold challenge for netizens: direct and indirect impact on global internet governance

The issues we highlighted in the previous section are challenging to the extent that the IGF is promoting multi-stakeholderism not only as a success story, but also as procedurally and substantially fair, silencing this way the initial concerns of the 'minorities' who seemed concerned about the level and the meaning of their participation. Therefore, one crucial issue is whether indeed the current internet governance arrangement is in compliance with basic principles of justice, especially in a 'space' where inequalities are inevitable with certain actors having more experience and 'power' than others. Our proposal here is twofold. Firstly, we will start from the recognition that institutional and procedural justice are actually accompanied by inequalities characterizing different actors as far as their levels of traditional power are concerned. Nonetheless, we acknowledge that the contemporary IG situation forces us to reconsider the meaning of civil society participation within global governance processes. Taking into account at the same time the specificity of internet as a CPR entailing different commons as well as the very necessity to rethink power into relational terms. That can help us understanding better what kind of dynamics develop within governance networks in the internet governance field. Indeed, rigid and unmodified conceptions of impacts based on traditional forms of power defined in connection to linear decision making processes do not allow to overcome the feeling of jeopardizing the effective realization of multi-actor participation to global politics.

Rawls (1989) offers an account of justice that takes into consideration issues of inequalities in social institutions whilst seeking, at the same time, ways to address them. He argues for a model of justice based on equality in relation to the opportunities afforded to the parties in question and argues that everyone should be given equal chances within the social framework they belong to. Rawls' conception of justice consists of two main principles: the first one is that each person engaged in an institution or affected by it has an equal right to the most extensive liberty compatibly with the fact that such liberty is enjoyed by all other individuals interested in that institution; the second one is that inequalities, as defined by the institutional structure or fostered by it, are arbitrary unless it is reasonable to expect that they exist to function to everyone's advantage, and provided that the opportunities that may be furnished are open to all. In this context, inequalities are functional to improve actors' expectations. Whenever this function is not satisfied, in other words, when inequalities stop serving common interests, they become injustice (Rawls 1989: 60-75). The organizational structure of the IGF falls short of this second principle – how can we find a way to allow the obvious inequalities to work to the advantage of civil society groups, the least developed world and the small and medium sized enterprises in an environment that uses principles of constitutional democracy?

The first principle identified by Rawls ties back to the twofold justice conception we proposed above. As mentioned, institutional justice has been validated but still needs to be critically assessed. In other words, one possible way to conciliate the anxieties of "minorities" would be to understand multi-stakeholderism through the lens of diversity and overall inclusiveness experimented in political processes that have been labeled as multi-actor (Padovani & Pavan 2007 and 2008). Internet governance arrangements should be inclusive both from a multilateral (all countries) and a multi-stakeholder (all stakeholder communities) point of view and should enable the effective participation of all through access, information as well as transparency. When it comes to participatory justice, all stakeholders have to be ensured, not only formally, the same rights in order to pursue their interests.

Yet, the first principle clashes dramatically with the evident fact that actors within the IG field are not only characterized by different understanding but also by a different degree of power, influencing participatory justice to a very large extent. Indeed, the sole inclusion of diverse perspectives does not say anything on the dynamics established amongst them in terms of reciprocal recognition and actual enmeshment. It is reasonable to think that perspectives and interests that come to be formalized within hard-law provisions and regulations will prevail over all other possible points of view. Nevertheless, this idea is based on a traditional conception of power, shaped on the influence actors exert in decision making processes and, according to which, power levels are proportional to the impacts actors exert on final binding outcomes. We believe that, if we really want to supply lacks in the understand the "respective roles" and impacts associated to different actors within the IG field, it is necessary to abandon the traditional one-dimensional idea of power and to reframe it in relational rather than in terms of inbred qualities. In other words, in a network context, like that of internet governance, we cannot any longer overlook other forms of power in which actors are entitled in virtue of the position they occupy in the collaboration network and not only because of inbred qualities such as representing governmental or non-governmental organizations. Only a relational approach to the evaluation of power held within network system can provide an answer to the meaning and the potential of multi-actor collaboration that, if valued using traditional policy-making criteria, would be little less than legal cooptation of different points of view.

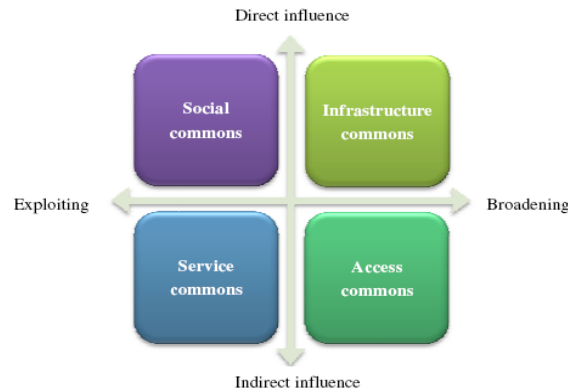
In this sense, we would like to borrow from Singh (2002) the idea of power as a threefold concept. In first place, there is traditional instrumental power, namely the ability actors have to influence political outcomes; secondly, there is structural power, referring to the ability to affect rules and institutions; and, finally, there is meta-power which refers to the possibility provided by ICTs (and, we would add, also by institutions with concrete processes such as the IGF) to enable previously underprivileged groups to play a role in global politics. Adopting such a multi-faceted idea of power neither means to equate the three kinds of power nor does it imply that all actors involved in political processes, whether governmental or non-governmental, possess all three kinds of power in the same way. In particular, civil society is in the lower level of the food chain mechanism as far as instrumental and structural power are concerned, but has the chance to exploit at maximum its meta power: lack of power does not mean lack of any impact capacity. In other words, civil society can actually *impact* traditional decision making processes culminating with binding provisions through *strategic exploitation* of structural openings (provided by institutions) and *maximizing its meta-power*, namely its very expertise, knowledge and social sensibility in order to supply deficiencies affecting traditional political actors. It is in connection with a re-conceptualization of power that the idea of participatory justice becomes clearer and better defined. This kind of justice is *based* on inequalities characterizing different actors in relation to different action-spheres and power types. When we speak about participatory justice we are not suggesting that civil society has to intervene directly everywhere nor that it has to substitute political actors in the decision making process. On the contrary, while acknowledging inequalities, we call for transparency and actual participatory settings that allow civil society actors to maximize their potential whether it is a potential for direct influence and for indirect impacts.

Here lays our proposal to conceive civil society engagement in global governance processes as based upon a twofold challenge: if the right conditions are ensured, civil society can actually play a central role in relation to all commons included within Cyberspace both directly and indirectly. More specifically and as shown in figure 2, we believe that civil society's involvement within global governance processes over internet governance can be read crossing two different axes. The first (vertical) axis, opposes direct, active influence civil society can exert to indirect, secondary influence. According to this perspective, civil society can directly impact social and infrastructure commons, while it can influence indirectly service and access commons. Thereby, the vertical axis has to be conceived more as a continuum where direct and indirect capacities enmesh progressively in different proportions. The second axis (horizontal),

opposes two different strategies for exerting impacts: on the one side we have exploitation of possibilities provided by commons; on the other, we find the broadening, the enlargement of commons. In this sense, social and services commons can be exploited while infrastructure and access commons are to be broadened.

Looking more closely at our picture and coming back to the description of commons we have made in the first section, we assess that civil society can directly influence social common by exploiting the very relational potential provided by internet technology. It is the construction of communities online (Wellman et al 1996; Sassen 2004; Pavan 2008) supporting and implementing offline political processes that will allow civil society to effectively organize and contribute to the overall internet governance discussion and democratic development. As far as services commons are concerned, while the strategy always consists in exploiting spaces and communication possibilities provided by service hosts, the influence civil society can play is, in this case, indirect as each service provider has the right to offer his service with the policies he deems adequate for providing services. Yet, what civil society can do is play the classical watchdog role as, for a long time, has been playing in relation to public authority in the offline world (Consumer Watch NGOs etc.). It is in the name of public interest that privacy and transparency in service host policies have to be ensured and civil society actors, whether at individual or at the organizational level, have to play this role.

Fig. 2. Influence and strategies for impacting global internet governance debate



Civil society can neither substitute governmental actors in their decision to set up new infrastructures to allow new access points nor can it replace them (or private firms) in their financing roles for creating large capacity building programs. Indeed, although NGOs can engage in building infrastructures or in providing capacity building programs, they cannot carry this whole burden on their own without institutional help. Moreover, although they can promote e-literacy programs within schools (let's think to the example of charter schools in the US), they cannot substitute states in drafting education policies that include e-literacy as fundamental as literacy with paper and pen. In sum, with some exceptions, civil society can have only a limited direct impact on guaranteeing access commons but its potential can be better exploited in terms of indirect impacts. Indeed, it is up to civil society to make sure that market prices are not the only benchmarks upon which access commons have to be managed through private investments or public policies. Rather, civil society consolidate the need for a satisfied and informed community, promote values such as transparency and accountability of governmental actors, outline the necessity of responsible development of internet system and, above all, work towards the demise of the digital divide.

We have kept infrastructural commons for last, as this is a less likely combination among all four. Hardly civil society can on its own provide and manage the infrastructures that are needed to sustain a global communication system, as we actually just showed for the access commons. Yet, exactly as in the access commons case, civil society can directly impact –and

actually has impacted– the infrastructural level broadening the very idea of infrastructure. Indeed, the most notable impact civil society engagement has had since institutional opportunities for networking with more traditional political actors in the IG field have been provided is the fact that, beside IP addresses, domain names management and multilingualism, issues such as freedom of expression and privacy protection, have all been elevated to issues of infrastructure. There is no chance to manage transition to IPv6 without calling upon the right to access or the necessity to ensure more balanced provisions of contents in different languages. There is no chance to manage domain names without entering the freedom of expression field. What civil society has done in few years sounds very promising for the future: the expansion and the management of an always increasing internet system is not thought as a pure technical matter but rather as a social, human matter standing on foundations of a technical nature. The engagement of civil society within the internet governance debate has actually enlarged the IG framework in a humanistic sense. At present stage, internet technology can be really thought as being made up by artefacts (computers and communication protocols), human activity and creativity (to design and implement the system), and human beings (actual and potential users and their knowledge).

5. Conclusions

In this paper we have proposed an innovative approach to frame the meaning and possible results of civil society involvement in global processes over internet governance under the conviction that this specific case study can help us addressing the broader matter of multi-actor politics and their development. Our point of departure has been the inherent human and social element of technology that serves as a base for setting up participatory and open processes whereby a plurality of governmental and non governmental actors are involved and try to pursue their interests. As far as the internet case is concerned, we have articulated this idea through the employment of the concept of common-pool resource to stress the necessity for a balance in internet usage that can prevent over-usage and usage-concentration thus limiting the collective possibility to make full use of the internet's potential. Furthermore, we have highlighted how the plurality of actors connected to internet and its governance is based on the simultaneous inclusion of four different commons: social, infrastructure, services and access. When the governance of the internet becomes a political problem, we have seen, the plurality of actors claim for involvement. In this sense, we have brought into the picture a twofold idea of justice, grounded both in institutional matters (all those who feel interested should have a voice) and in participatory matters (all who are involved have to be guaranteed the same rights for participation). Thus, we have connected participatory justice to the evidence of inequalities characterizing different actors and have posed the central question of this paper: how is civil society involved in IG? Abandoning traditional conception of power tied to linear decision making processes and reframing power in relational terms, we have argued that involvement of civil society in global governance networks has the potential of impacting directly the debate on internet governance where civil society has the possibility to directly intervene (especially with the occasion of the Internet Governance Forum) but also indirectly, where other actors beside civil society (typically, technical community, the private sector and institutions) play a leading role. It is in these terms that we have defined the involvement of civil society as a twofold challenge - the double and strategic effort to exploit both direct and indirect chances of intervention.

Yet, nothing has been said so far about what is needed in order to effectively exploit both direct and indirect occasions of intervention. We have seen how the most valuable impact of civil society involvement over the internet governance discussion has been provided by broadening of the internet infrastructure idea up to the inclusion of humanistic perspective, based on civil liberties and human rights, beside more traditional themes such as DNS management or global compatibility. It is exactly the articulation or, better, the framing (Snow et al. 1996; Snow & Benford 1998) of internet governance in humanistic terms and the

consolidation of this frame within main IG narratives that will allow civil society actors to impact the debate from all sides. The collective construction of internet governance as a social problem (Hilgartner & Bosk 1988) including a wide variety of issues is the key process that supporters of public interest must exploit in order to innervate the rest of the discussion.

The Internet Governance Forum provides an unprecedented opportunity to bring the wide heterogeneous universe of civil society together in networks of collaboration aimed at collectively shaping a humanistic vision of Internet governance. It is through network exchanges of communication, knowledge and competencies that the technical aspects of internet governance are being progressively translated into social terms, recalling the early days of environmentalism and anti-nuclear protest (Gamson 1992). The technical patina surrounding early discussions on environmental matters has not hampered the progressive growth of the interest around the area and the rise of a mobilization tying together local and global concerns. Still, the current situation suggests that global interest and mobilization dynamics over internet governance are pretty distant from environmentalism and, perhaps, will never get to that stage. Currently, the internet governance experience shows the presence of many obstacles to the realization of radically transnational and inclusive collaboration networks (Pavan 2008).

Nonetheless, internet governance is not meant to become a new transnational social movement but rather a cooperative area where actors are joined together in the common effort to affirm and consolidate a humanistic vision of Internet governance. Commitment towards this effort is fostering collaboration between actors from different backgrounds and with different perspectives (both between and within sectors). Thus, results of this common engagement are evident in the change of the IG master frame (Snow & Benford 1988) from a pure technical one to an integrated vision of technology and humanity. Nonetheless, in this paper we have spoken about civil society and public interest impacts on the debate but it should not be forgotten that this is just one part of the story and that whilst much meta-power is growing in importance and relevance, other, more traditional forms of power still exist and structure relations between actors. The limited involvement of private sector in overall discussion dynamics, together with its high amount of power both in institutional and structural terms, still constitute a major constraint to the realization of democratic and just multi-actor politics. Either democratic reform of political processes is a universal goal or the global Internet governance will never be universal and humanistic.

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