

The Internet Governance Network Transcript of Interview with Jonathan Zittrain

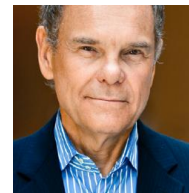
Guest:

Jonathan Zittrain, Professor of Law at Harvard Law School and the Harvard Kennedy School of Government, Professor of Computer Science at the Harvard School of Engineering and Applied Sciences, and co-founder of the Berkman Center for Internet & Society and a member of the Board of Trustees of the Internet Society.



Interviewer:

Don Tapscott, Executive Director of Global Solution Networks and one of the world's leading authorities on innovation, media and the economic and social impact of technology. He is CEO of the think tank *The Tapscott Group* and has authored 14 widely read books. In 2013, the Thinkers50 organization named him the 4th most important living business thinker.



The Interview:

Tapscott: Jonathan, multi stakeholder networks are becoming material in the world. One of the big issues that we're addressing is the question of legitimacy. You can say what you like about the UN being locked into an old model, but at least there's some kind of process whereby we're all represented in the UN and that's a big part of why the UN can claim to be legitimate.

So let me refer to the list of the global solution networks I sent you earlier. The issue on the table today is, are these legitimate? How could you say that TED or Kony or World Economic Forum or the World Wide Web Consortium or Human Rights Watch or whatever are legitimate?

Zittrain: Well, as I look at this I'm struck that "legitimacy" provides a noun, and I'm interested in a verb. Is the point of legitimacy to generate the "right" outcomes, or is it to assure the right process? Many of these organizations share in common an appearance of distributing voice and power not simply according to wealth.

If money can negatively affect substantive and procedural outcomes, what would our defence be? In particular I'm thinking about knowledge networks and policy networks. The ways in

which the barriers to participating in them credibly have lowered and that's a great story from a Wikipedia point of view. It's a less great story possibly from an AstroTurfing – that is, fake grassroots – perspective. Society will have trouble coming to a consensus on global warming, so as long as someone is writing cheques to people willing to argue against its existence — creating uncertainty in the public sphere about something for which there appears to be scientific consensus.

Tapscott: Well, there are all kinds of conflicting interests for sure. They are brought to bear on every one of these networks. But taxonomy is good as it is a set of nouns. It's a language, if you like. So if you wanted to solve a problem such as climate change, in the past you'd think, "well, I don't know, what do I do? I could advocate, but it seems that advocacy is one of about ten tools that we have to address this problem. Maybe I should be an operational and delivery network and try to get carbon reduced in our community."

Zittrain: That also suggests that for different issues of global concern there might already have been different levels of saturation for each of the ten tools, and if you were to map it out for a given issue you might find there aren't really global standards around global warming. Maybe that's something that could stand for some troops at the barricades.

Tapscott: Great. In our previous conversation you were talking about certain meta principles that might enable a network to function and to become legitimate.

Zittrain: Well, Wikipedia acknowledges that not all disputes can be settled through the application of pure reason, and that there can be rules that are agreed upon among all the users, or a vast majority of them. They quite often diverge on substance. As a law professor I'm really pleased and pleasantly surprised when I see Wikipedia put something through a dispute resolution process and, again, there's been a rule creating that process. That's the meta rule to which they are agreed, and when somebody loses — as may have to happen, as it is a dispute resolution process and it doesn't always end because the dispute goes away — it's great that they remain editors, and they actually work to implement the resolution with which they substantively disagreed. To me, this is one of the highest purposes of anything resembling law, and it's great to see law deployed through self-governance in what I assume you would call a knowledge network.

Tapscott: Yes, it is.

Zittrain: So it's a knowledge network. So are universities and professors who talk to one another. But they don't have a one-to-one, apple-to-apple mapping of a dispute resolution mechanism the way that Wikipedia has. I guess professors have a little bit in that in that they tend to agree on notions of peer review and what counts as good work, even if it's work that disagrees with other good work in a field, because it's procedurally good. It was submitted to peer review, it didn't argue by press conference, and so on. But that's much more vestigial than what Wikipedia in a short time has developed. Wikipedia has a way of keeping everyone

involved so long as those people subscribe to meta norms or meta rules, and can relish their disagreements, rather than see them as tearing apart the knowledge network.

Tapscott: Yes. Okay, let me pose to you a couple of specific things around legitimacy. So Vint Cerf said the ragtag ecosystem that runs the Internet is legitimate because it's effective. It works and that's all you need. For sure efficacy is key. But the Third Reich was effective in certain ways in doing what it wanted to achieve. Does that make it legitimate? I'm not sure.

So that's to go to an extreme. So we've got other people saying that you need a way that people are somehow represented, so there's the idea of conferred legitimacy. So if Bill Clinton says the Clinton Global Initiative is legitimate or if Tim Berners-Lee says the World Wide Web Consortium is legitimate, that helps its legitimacy because of their legitimacy as individuals, sort of passing that on.

Zittrain: Well, I think that's fair but it's not responsive to the Third Reich question because the Third Reich had something like 90% support among the people.

Tapscott: Exactly.

Zittrain: So was it legitimate? I think one way in which it was not legitimate was procedurally through the use of terror against opponents which would probably help account for the overwhelming support. But I also think that there are some things that are just wrong, no matter how many people agree or disagree. Now, if the regime is pushing an unethical agenda, maybe you would say it's legitimate but wrong rather than illegitimate. I don't know. You might want to get this sort of settled. If you're going to use legitimacy as a term of art, which you kind of are because you're talking about it both as a function of public approbation and as a function of something conferred by the nature of certain people or institutions who associate themselves with the entity, per your Tim example.

Tapscott: Yes. I don't know the answer to the Third Reich thing, legitimate but wrong. I have trouble calling it legitimate. By global standards perhaps, broad historical standards, you know, it was not a legitimate regime.

Zittrain: Well, again I think the word gets used in so many different instances. For example, in diplomatic relations, was the Nazi regime the government of Germany? Was it accepted as the government of Germany? I think the answer is yes. In that sense, it was the legitimate government of Germany, and then it led the Germans into terrible things. But it's not like there was any other government. They were the government. Maybe there's a different word than legitimate that should be used for that.

Tapscott: Yes. Well, it comes up in our definition of GSNs. Is Anonymous a GSN? It kind of meets those four criteria, although Anonymous is not really a formal network although there are people in Anonymous that are doing great things and there are people in Anonymous who are doing awful things, so...

Zittrain: Well, how about WikiLeaks?

Tapscott: Or how about Al-Qaeda as an extreme case?

Zittrain: You know what? I think it's telling that you're calling them solution networks.

Tapscott: Yes.

Zittrain: And that is very World Economic Forum-like. It's presuming that everybody is pretty much acting in good faith and trying, say, to reduce poverty and the impacts of global warming and issues like that. And if that's the case, then you've got to have a gating function for those who are trying to mend pewter dinnerware rather than break it.

Tapscott: But it's quite intentional, the solution thing, because I don't want Al-Qaeda to be included in this taxonomy, so it doesn't get on this chart.

Zittrain: But if that's the case then what the chart gains is a sense of how these various entities might seek to work together because they already share a baseline of being committed to improve the state of the world, which I think is WEF's stated objective. As a standard, an organisation, it's probably facing the same questions, like how much is it just Swiss neutral versus how much it wants to improve the world? That's the solution piece.

Without it you would lose an opportunity to tie things together, because now Al-Qaeda's on the chart. But, you would gain a descriptive, social science aspect, because you would see that X institution is less powerful than it could be because there's a counterbalance of Al-Qaeda and here's how Al-Qaeda operates. There are things you could say using this taxonomy that might actually be revelatory about something like Al-Qaeda, but again it's offset by the disadvantage that now you're talking about global solution networks, you're talking about global networks or global power networks or something.

Tapscott: Yes. I confess that there's a real grey area because a solution implies a problem. So here's a possible problem: there are too many abortions in the world or a problem from the Tea Party: there's too much public education.

Zittrain: Yes!

Tapscott: So, one person's problem is another person's...

Zittrain: Well, that's where it might be worth thinking about how you would define solution, because, as you say, it's quite intentional that you put it there. You wanted the chart to exclude Al-Qaeda, and it would be interesting to think through what counts as somebody committed to a solution. Especially, because you can define the problem in such a way to open it up again. I mean, Al-Qaeda thinks of itself as a solution network.

Tapscott: Sure. Yes, the problem being the infidel, you know.

Zittrain: It might even be one way to do it that doesn't require you to somehow just be a moral arbiter. There's likely to be some clustering and, even among these ten things, some may be distinct but close to one another on the chart with rich ties. Other things may both be in the same category of network but not close to one another at all. But I can imagine thinking about, for example, the kinds of analytics people do to see what blogs are linked to what other blogs, revealing certain clustering and pools of opposition and such.

You're talking basically about one corner of what might be a larger universe of nodes and you could probably demarcate the epicentre of the corner. In other words, what counts as a solution network for these purposes is within a certain rough distance of the following networks. I mean, define it by the networks themselves. You could even include —, sorry to be provincial — both the Republican and Democratic Parties as within the sphere of solution networks, recent meltdowns notwithstanding. They just have different views about both ends and means, but they're still within this general sphere.

But when you look at links, by the time you're at Al-Qaeda you're on the other side of the chart, you know what I mean, and that would then let you just draw a circle that's more or less arbitrary to demarcate the networks you're talking about.

Tapscott: Oh, that's really thoughtful. In fact, there might be some kind of quantitative way to imagine this chart on an issue like, for example, sexual violence. So what kind of activity is going on in each of these circles and there would be a way of measuring it? I don't know how — perhaps by number of people involved, number of tweets, or some other measure of impact.

Zittrain: Well, if they have any digital presence, then you're into the realm of link, tweet, etc, analysis that will put them in proximity to the other things.

Tapscott: Yes, and then you could do a map where, say on sexual violence, maybe the circles that would be the largest would be advocacy, but maybe not. Maybe it's knowledge. I mean, there are all these research projects, for example, why do women not self-report? It turns out the reasons vary from village to village. Another example might be operational delivery, where people are trying to intervene and stop rape. I don't know, but it's an issue to which we have yet to step up. There is an inter-relationship between all these aspects of an issue.

A good project for you guys. Want to do it?

Zittrain: John Kelly has been affiliated with the Berkman Centre — he is a social media mapper, a cyber-social geographer, and chief scientist at Morningside Analytics. He would probably be worth talking to. He tends to do mappings of blogospheres and my guess is now he's moved on to Twitterspheres. By examining who follows whom, who links to whom, and how often, he can create basically a geographic map that shows data points in relation to one another.

My guess is if you ran it over the blogosphere or Twittersphere of the World Wide Web Consortium, the World Economic Forum, the Internet Society, the Democratic Party, you would probably have something that would let you draw a line that would pretty nicely separate out Al-Qaeda.

Tapscott: Okay. This is great. Thank you for your time.

