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In search of internet governance: Performing order in digitally networked environments

Malte Ziewitz
New York University, USA

Christian Pentzold
Chemnitz University of Technology, Germany; Alexander von Humboldt Institute for Internet and Society, Germany

Abstract
Internet governance is a difficult horse to catch. Far from being a coherent field of study, it presents itself as scattered across a range of disciplinary approaches that come with distinct theoretical, methodological and analytical preoccupations. In this paper, we critically review existing literatures on governance of, on and through the internet and draw attention to the ways in which they help perform the worlds in which they have their place. Retelling the case of the 'Twitter Joke Trial', we highlight the contingent and at times conflicting roles attributed to people, technologies and institutions, as well as the concerns that come with these. Rather than striving for a coherent definition of 'internet governance', we draw on recent work in science and technology studies to show that acknowledging the performativity and multiplicity of different modes of governance can open up a productive line of inquiry into the recursive relationship between governance research and practice.

Keywords
Cyberlaw, governance, internet, multiplicity, performativity, story-telling, Twitter

Corresponding author:
Malte Ziewitz, Department of Media, Culture, and Communication, New York University, 239 Greene Street, 3rd Floor, New York, NY 10003, USA.
Email: malte.ziewitz@nyu.edu

A research field under construction

For more than 15 years, the field of internet governance has been 'emerging' or 'under construction' – and an end is not in sight. On the contrary, the contours of the 'Internet governance mosaic' (Dutton and Peltu, 2007: 63) as a topic for *and* area of research seem more blurred than ever. While some delimit the field to the 'design, administration, and manipulation of the Internet's actual protocological and material architecture' (DeNardis, 2010: 1), others emphasise the role of users and their 'individual responsibility to make the choices that help create social order online' (Johnson et al., 2004: 33). Some even turn to alternative terms such as 'internet policy' (Braman, 2010) or 'internet regulation' (Palfrey, 2010).[1]

Unfortunately, the underlying concepts do not help much to clarify things. While some would argue that the notion of 'governance' operates on a foundational distinction between the private and public sectors and refers to non-hierarchical types of regulation (Mayntz, 2003), others withstand such definitions and take the analyst's perspective as a starting point (Law, 1994). As a consequence, governance is largely regarded as an 'elevator word' (Hacking, 1999: 21–24) that escapes too limited determinations only to emerge in other discourses that hope to provide their final conceptual clarification. Consequently, it has been argued that governance 'appears to mean anything and nothing' (Frederickson, 2005: 285). Similarly, the notion of the 'internet', initially used to denote interconnected computer networks, has slowly expanded to cover a variety of loosely coupled practices and artefacts in 'digitally networked environments' (Benkler, 2006: 357). This leads to the question: what actually is special about the study of 'internet governance' if most of our everyday lives already involves networked ICTs? If 'governance' can be everything and the 'internet' is everywhere, couldn't anything count as 'internet governance'? And even if such anxieties can be dismissed, how can we make sense of this heterogeneity? What are the conceptual, analytical and methodological devices to handle it?

In this article, we address the multiplicity of internet and turn the question of its currency and status into a topic. Instead of capitulating in the face of heterogeneity or trying to homogenise the field, our focus shifts to understanding how and with what implications particular versions of governance are achieved. Specifically, it seems that what is accomplished in existing studies is not just a specific version of governance, but also a version of the world in which this notion of governance has its place. We will therefore attend to the *performativity* of different modes of internet governance: that is, the ways in which our readings of accounts of governance constitute rather than reflect the realities they purport to order (e.g. Butler, 1997; Callon, 2006; MacKenzie et al., 2007). In doing so, our goal is neither to provide another history of 'internet governance' nor to survey current policy issues. Even more importantly, we do not attempt to come up with a comprehensive definition of 'internet governance' or argue in favour of an existing one. Rather, we look at a few common approaches to studying governance in digitally networked environments, paying close attention to their performative aspects.

The article thus contributes to discussions about internet studies, and particularly to scholarship on internet governance, in two ways: it documents and critically reviews

internet governance as an important topos in internet studies and adds to the field's theoretical and methodological foundations by exploring issues of story-telling and performativity which have previously been neglected. Not restricting the overview through strong definitions of governance or the internet in the first place allows us to revisit and rethink a range of literatures. As such, this overview can be a point of departure for those seeking to explore alternative approaches to internet governance.

The remainder of this article is organised as follows. First, we briefly outline the approach through which we will discuss different approaches to internet governance. We then review five versions of internet governance and illustrate them with parodies of the 'Twitter Joke Trial'. Finally, we explore the implications of attending to the performativity of internet governance for research and policy.

Respecifying governance, internet and story-telling

In light of the aforementioned uncertainties, we engage in an analytic shift that allows us to critically review and reconfigure the current debate on internet governance. Instead of seeking to define what internet governance is, we attend to the ways in which versions of governance are being studied and articulated in the context of ICTs. Following Law (1994: 83), we call these *modes of ordering*: 'fairly regular patterns that may be usefully imputed for certain purposes to the recursive networks of the social'. Modes of ordering are therefore situated readings that constitute and relate entities, ascribe agency, attribute identity and meaning and establish purposes, objectives, causes, consequences and so on. Adopting this starting point allows us to critically review existing literatures and take seriously the idea that articulating, analysing and researching issues under the label of 'internet governance' is an important and often neglected part of the practice of 'internet governance'. Further, we can cast the net wide and include emerging literatures that have more recently started 'ordering' the field.

The modes of ordering 'internet governance' assembled here result from a review of the literature. In presenting these modes, we join authors in their respective versions of governance as they relate to each other's writings and build on each other's vocabulary. We trace connections displayed in quotations, bibliographies, conference discussions, workshops and seminars, as well as references in articles and books. As a result, we do not claim to provide a *complete* or *definitive* version of the field. After all, our paper is inevitably itself a way of ordering internet governance, albeit one that turns this very feature into a topic. In fact, it is easy to dismiss one mode of ordering as not being 'about' governance or the internet, or missing out on an important contribution. Rather, we intend to show that these struggles about what counts as 'internet governance' are points of departure in their own right, and thus an important part of the phenomenon they set out to explain. The fact that researchers, policy-makers and activists are competing to demarcate the scope and boundaries of the 'internet' and 'governance', the status and identities of 'actors' and the nature of 'policy problems' highlights the importance of attending to the performativity of our vocabularies and descriptions. Hence, our aim is to make productive the ambiguity and heterogeneity of different ways of studying internet governance.

Our approach shares some sensibilities with ongoing attempts in policy analysis to mobilise concepts such as 'frames' to capture the constitutive and ordering aspects of governance research (Schön and Rein, 1995). This literature regards issues as being transformed and assembled into a meaningful whole by frames as a 'normative-prescriptive story that sets out a problematic policy problem and a course of action' (Rein and Schön, 1993: 153). Among other things, it has been argued that policy framing not only solves problems but also allocates power, as it purposefully selects some aspects of an issue at the expense of others to define problems, state diagnoses, pass judgements and suggest remedies (Jasanoff, 2005: 194–195). Our focus on performativity differs from this approach in that modes of ordering are – unlike frames – not external to the issues, enveloping things as stable entities or enablers of social reality. What we would like to focus on here is how the customary separation between epistemic processes of knowledge production and political processes of community and policy formation dissolves in the practice of studying internet governance – and how our analyses of internet governance are both constitutive of and constituted by the objects they purport to order (cf. Marres, 2007: 762).

To draw attention to the performativity of different modes of ordering, we illustrate them with variations on a recent case of internet-related conflict in the UK, the so-called 'Twitter Joke Trial'. In doing so, we follow the example of Neyland (2006: 19ff.) and mobilise a form of 'analytical parody'. As Mulkay (1985: 240) suggests, 'analytical parody enables us … to treat our own work as a textual artefact which uses selection, simplification and exaggeration along with humorous contrast and incongruity to propose new readings'. The goal is therefore not to make fun of texts, but to use them as a device for understanding and imagining versions of internet governance. Retelling five versions of the 'Twitter Joke Trial' through the lens of different modes of ordering 'internet governance' is thus an exercise in elucidating the respective vocabularies, concerns and mechanisms. This strategy ties in with recent work on the role of narratives (Czarniawska, 2004) in social science research.

Ordering internet governance

The following review has been guided by a number of questions. What counts as 'governance'? Who, which or what are the subjects and objects of governance and how are they related? How does the 'internet' figure in these contexts? What are the main concerns and how are they addressed? Each mode is illustrated with a corresponding version of the following case, widely known as the 'Twitter Joke Trial'.[2]

The 'Twitter Joke Trial'

On Wednesday 6 January 2010, Paul Chambers found out that Robin Hood Airport in Doncaster, UK had been closed due to heavy snow. He was supposed to fly to Northern Ireland the following week to meet a friend. Seeing his trip in jeopardy, he decided to tweet the following 136-character message from his iPhone:

> Crap! Robin Hood Airport is closed. You've got a week and a bit to get your shit together, otherwise I'm blowing the airport sky high!!

Five days later, an Airport Duty Manager did a web search for his employer's Twitter account while off duty and accidentally came across the tweet. Not sure how to handle this, he forwarded the message to his senior manager, who classified it as a 'non-credible threat' and passed it on to the Special Police Branch at the airport. Two days later, on the afternoon of Wednesday 13 January 2010, two police officers arrived at Chambers' workplace and arrested him 'on suspicion of making a bomb threat against Robin Hood Airport' under the 1977 Bomb Hoax Act. They seized his telephone, keys and Tesco Clubcard and questioned him for over two hours. Chambers denied any criminal intent and explained that it was just a joke. The police concluded that '[t]here is no evidence at this stage that this is anything other than a foolish comment posted on Twitter as a joke for only his close friends to see'. Chambers was released on bail, but banned for life from Robin Hood Airport and suspended from his job. The Crown Prosecution Service decided to pursue the case because of the 'huge public and media interest'. Chambers was ultimately charged under section 127 of the 2003 Communications Act for sending a message of 'menacing character' by means of a 'public electronic communications network'. On 10 May 2010, a Magistrates' Court found him guilty of 'menace' and ordered him to pay a fine of £1000, which was later confirmed by Doncaster Crown Court. The case sparked a wave of high-profile support on Twitter, most notably the #iamspartacus campaign, in which users retweeted Paul's original message. Upon further appeal, Chambers' conviction was eventually overturned in a High Court ruling in November 2012.

a) Internet Governance

A first mode of ordering 'internet governance' can be usefully named 'Internet Governance', with a capital 'I' and a capital 'G'. While policy-makers and researchers had started wondering about the nature of public order in convergent communication technologies in the 1950s, this approach gained recognition when networked computing became accessible to a broader audience in the 1990s and words like 'web' and 'internet' entered the dictionary (Braman, 1995). The emerging internet was conceived of as a global network of information flows that transcended geographical boundaries and challenged ideas of state sovereignty and understandings of regulation that were based on the possibility of legitimate physical coercion (cf. Castells, 1996). While this has led some to suggest the existence of a space largely independent from existing governance arrangements (Barlow, 1996; Johnson and Post, 1995), others have emphasised the ongoing role and importance of nation states and their governments (Goldsmith, 1998).

A major focus of these debates was on the management of technical standards and protocols under the auspices of old and new organisational arrangements such as the International Telecommunications Union (ITU), the Internet Engineering Task Force (IETF) and the World Wide Web Consortium (W3C) (see Cave et al., 2008). In particular, the management and control of the Domain Name System became a fiercely contested issue (cf. Mueller, 2002: 109), which – among other things – resulted in the creation of the Internet Corporation of Assigned Names and Numbers (ICANN) and a

series of experiments with new and 'democratic' forms of participation (Johnson et al., 2004). At the national level, lawyers and government officials were discussing how existing regulatory frameworks needed to be adjusted. Over time, these debates extended to new arenas, such as the World Summit of the Information Society (WSIS) and the Internet Governance Forum (IGF), which aim to include a variety of governmental and non-governmental stakeholders in the governance of the internet (e.g. Dutton and Peltu, 2007; Mayer-Schönberger and Ziewitz, 2007). Issues like child protection, privacy and the digital divide dominate the agendas.

Unsurprisingly, Internet Governance research is closely tied to policy discourses and has developed a corresponding focus on the role of more or less institutionalised stakeholders at the national or transnational level. Governance is often thought of as the more or less targeted attempts by states and other regulatory bodies to advance the common good by implementing and enforcing policies. Digital technologies tend to be perceived as a challenge to existing arrangements, posing new questions about the legitimacy and efficacy of rules and regulation. As Hofmann (2005: 2) has written, Internet Governance can be understood as 'an open-ended, collective process of searching, which aims to fill a global "regulatory void" both conceptually and institutionally in a legitimate way'.

A Twitter message and national security in the age of the Internet

Paul Chambers' tweet uncovered an important regulatory gap at the intersection of global information networks and national security. Specifically, the incident raises questions about the threat of international terrorism in the age of the internet and the ability of modern societies to counter these. As the case shows, different readings of a simple message can pose a significant challenge to our legal and political institutions, which face considerable uncertainty, for example, regarding statutory requirements for liability under the 2003 Communications Act.

The challenge is to rework the institutional framework for the new information infrastructures to balance the fundamental values at stake, including freedom of expression, the right to privacy and national security. This will require concerted action by stakeholders from government, business and civil society. As the #iamspartacus campaign demonstrated, civil society has a fragmented but powerful voice that needs to be heard and recognised.

This dialogue is best achieved in a multi-stakeholder process that brings together key representatives and decision-makers to discuss the double challenge of security and liberty in the context of social media applications. Such a working group would be ideally organised by an international body such as the UN and have the mandate and legitimacy to negotiate a road map for revamping the current regulatory framework, complementing existing initiatives like the Internet Bill of Rights.

b) Cyberlaw

A second mode can be summarised under the label of 'cyberlaw'. While mostly originating from US law schools in the late 1990s, it is not exclusively doctrinal in focus, but draws on disciplines like economics, computer science and political science

to complement legal (and often normative) analysis. Unlike the Internet Governance tradition, cyberlawyers have not been concerned so much with large-scale technical infrastructure as with a new and metaphorical 'cyberspace' that provoked new ways of thinking about governance.

A key idea in these debates was that not only law, but also code and physical architecture, play an important role in governing human behaviour. While Reidenberg (1997) discussed the emergence of a new 'lex informatica', Lessig (1999) suggested that increasingly ubiquitous computer hardware and software can be regarded as a new modality of regulation. Technology (or 'architecture') came to be understood as both a constraint on and an enabler of individual liberties and freedom that can have structural effects on behaviour and advance explicit legal goals (Biegel, 2003). As a consequence, many judicial concerns about the accountability, transparency and legitimacy of governance institutions were applied to software code. If code is law, then who controls the code-makers? What are the merits of 'open' vs. 'closed' code with regard to transparency and choice? How can the design of technological infrastructure be used to afford certain forms of behaviour while preventing others?

While cyberlaw research shifted the focus from the management and control of large-scale network infrastructures through national and international actors to the political implications of technological design for the actions of individual users, it remained firmly grounded in a view of governance as a solution to preconceived public problems. It extended the analysis to private actors and in particular big software companies and their business models, which were assumed to have substantial regulatory effects. In this line of research, it is often assumed that different configurations of technology have normative implications and political qualities, embody social norms and give effect to different values. Similar to the Internet Governance community, cyberlawyers develop their arguments in close connection with public policy debates, focusing on issues like privacy, spam or copyright and categorising solutions as either social, legal, technical or economic (Bambauer, 2005). At times adopting a strong normative perspective, there is an emphasis on exploring alternative institutional and technological designs, often illustrated with empirical examples and future scenarios (cf. Zittrain, 2009).

A Twitter message and the future of the internet

'Code is law' – a lesson that Paul Chambers had to learn. While it is easier than ever to broadcast opinions at virtually no cost, they also leave data traces which can be easily picked up by search engines and other internet points of control. So although identifying bomb threats is clearly in the public interest, the officials' response shows the limits of traditional legal regulation in cyberspace. Should the trial end in a conviction, there is a serious risk that governments and private operators will impose further restrictions on the Twitter platform and deter innovators from developing new applications and services. Such a lock-down would run the risk of turning Twitter into an 'information appliance' at the service of a few.

In order to preserve the openness of the platform, we need to think about more generative and transparent solutions. One option at the level of architecture would be to

introduce more nuanced privacy controls on the Twitter platform. For example, users could choose to have a public account, but opt out of the public timeline or being indexed by search engines. With regard to social norms, regulatory authorities could introduce programmes that train their staff in the use of new media applications. Finally, one may think of forms of distributed threat assessment that harness the collective wisdom of internet users, such as a citizen-based rating scheme that flags suspicious tweets.

c) Online self-governance

Most of the literature that comes under the label of 'online self-governance' shares an exclusive interest in online environments and their independent ordering. A distinction is drawn between online and offline spheres, which are assumed to be separate. Studies in this area tend to exclusively use data that has been gathered online. Online self-governance is seen as endogenous organisation, order and control coming into effect in a separated online environment, executed through online mechanisms. A key interest is therefore to understand how governance is organised through interactions in the shadow or the absence of the law and state interventions.

As a consequence, users are usually regarded as autonomous agents who organise themselves and engage in patterns of action which, in turn, are interpreted as governance arrangements highly specific to the contexts in which they occur. Analyses in this area are often grounded in case studies of specific platforms or online communities tracing the emergence of rules (cf. Dutton, 2008). These processes are understood as 'self-governance', suggesting that order does not necessarily depend on the intervention of a regulatory authority, which somehow stands outside the governable social activities. Self-governance ought to be legitimate when all actors affected take responsibility – a position which reverberates with ideas in cyberlaw (Johnson and Post, 1995).

Often mentioned examples of such 'private ordering' are text-based MUDs and MOOs (Dibbell, 1998), virtual worlds (Lastowka and Hunter, 2004), mailing lists and newsgroups (Baym, 1999) and the work of Wikipedians (Forte et al., 2009). While early studies in this area focused on participatory attempts to self-govern online environments and emphasised the role of 'netiquette' or FAQs as efforts to both shape and describe practices, later studies added the vocabulary of sociology and institutional theory, including reputation, division of labour, trust and norms of reciprocity (Benkler, 2006). For example, analyses of governance regimes in MUDs or listservs claimed that online interactions develop user hierarchies, where norms are enforced by 'gods', 'wizards' or 'administrators' who inflict punishments such as bans or blocks with ultimate authority, often backed by technical devices.

A Twitter message and the clash of governance regimes

Paul Chambers is a digital native. Not only did he meet his future girlfriend online, he also communicates and maintains relationships with colleagues, friends and family through a variety of web-based applications. Tweeting from his iPhone or computer is a daily routine. For Paul, Twitter is not a medium to broadcast information, but one of many ways to communicate within his social network.

The rules and customs in this online space are somewhat different from those mobilised in the Twitter Joke Trial. As Paul stated, his tweet was not meant to cause panic or suspicion. Neither was it understood like that by his followers. In the web's own culture of ranting, mocking and playful comment, the message was nothing more than a joke, not sanctioned or perceived as 'menacing' among his peers.

Against this backdrop, the Twitter Joke Trial exemplifies a common challenge in the governance of online environments: a clash of governance regimes. On Twitter, a system of rules and customs has developed, based on social control and reputation, through 'retweets', 'follower counts' and 'mentions', as well as public 'replies' or private 'direct messages'. In the trial, however, this system of self-governance is challenged by the English common law and its offline institutions. As the #iamspartacus campaign suggests, the solution may not be to overrule the native governance regime with an official one, but rather to explore the mechanisms of 'Twitter governance' and find ways to strengthen and develop it.

d) Governmentality and surveillance

A fourth mode of ordering revolves around issues of governmentality and surveillance in the neo-Foucauldian tradition (Foucault, 1977; Rose, 1996). Building on the idea that 'what government has to do with is not territory but rather a sort of complex composed of men and things' (Foucault, 1991), these scholars develop an understanding of governmental control as 'a kind of intellectual machinery or apparatus for rendering reality thinkable in such a way that it is amenable to political programming' (Rose, 1996). Governance is conceptualised not as constraints or rewards imposed by an external authority, but as compliance through the internalisation of subject positions. This subjectification is thought of as a consequence of material and discursive arrangements, the 'conditions of possibility', under which individuals come to regard themselves as 'calculable' units of performance (Miller and O'Leary, 1994). A key question here is 'whether it is possible to govern without governing society, that is to say, to govern through the regulated and accountable choices of autonomous agents—citizens, consumers, parents, employees, managers, investors' (Rose, 1993).

These ideas are especially prominent in the area of surveillance studies, with its emphasis on the role of ICTs in identifying, recording, tracking, sharing, checking, sorting, comparing, predicting, simulating and evaluating data about groups and individuals (Gandy, 1993). As Poster (1990: 93) suggests, '[t]he quantitative advances in the technologies of surveillance result in a qualitative change in the microphysics of power'. Furthermore, these technologies allow such activities in real time and continuously, regardless of spatial, political or personal barriers. Thus, the particular quality of 'new surveillance' (Marx, 2002) is precisely the use of software and hardware to extract, create and compute data. What qualifies surveillance as governance is therefore its increasing contribution to the reproduction and reinforcement of social divisions through normalising, matching, linking, clustering and sorting. Internet governance, then, is not the ordering of some entity called 'internet', but the omnipresent, routinised and systematic monitoring, calculation and management of individuals, be they strategic interventions or unintended consequences (Lyon, 2007). The prime character of governance, then, is not repression but the voluntary conformity of conduct and the standardisation

of subjectivities (Mehta and Darier, 1998). Similar to that seen in the previous section, the empirical work on governmentality and surveillance mostly consists of single case studies of consumer modelling in search engines (Roehle, 2009), public policy polling (Howard et al., 2005), customer relationship management (Zwick and Dholakia, 2004) or the protocological organisation of the internet (Galloway, 2004).

A Twitter message and disciplining technologies

What had been intended as a private message soon became a very public issue in the emerging 'superpanopticon' of Twitter. A complex system of computers and search technologies enabled an airport officer to find an electronic message that previously would have gone unnoticed. As the casual circumstances of this discovery suggest, this new form of surveillance cannot be attributed to the penetrating gaze of a single Big Brother, but is a result of the distributed actions of multiple observers – clear evidence for what Haggerty and Ericson called the 'surveillant assemblage', which joins systems of monitoring and evaluation that would otherwise remain scattered in discrete social spheres.

Under these changing conditions of possibility, it is not clear to what extent Chambers has internalised a relevant subject position. While the discourse of national security and terrorism implies an alert and responsible social media user who is sensitive to the current societal climate, Paul's account indicates a subjectivation as an outspoken and spontaneous 'Twitter self'. The trial thus results from an act of resistance against the material-discursive practices of a legal system and the novel ways in which activities by specific parts of the population are rendered accountable.

The question is therefore whether the trial, the accompanying media campaigns and possible changes in the architecture of Twitter will contribute to a new discourse of security-conscious social media use that will result in the widespread internalisation of subject positions. Since this is a long-term process, it is unclear to what extent users might be programmed through these increasingly pervasive technologies of the self.

e) Techno-scientific governance

A final literature that has engaged with questions of governance in the context of ICTs is the interdisciplinary field of science and technology studies (STS). A key characteristic here is that science is not simply regarded as a formalised method of investigation that adds to an abstract body of knowledge. Neither is technology viewed as science applied to achieve a specific goal; rather, the language of STS often speaks of knowledge and artefacts as 'achieved', 'constructed' or 'enacted' in everyday practice, thus problematising the boundaries between the social, technical and political (Irwin, 2007).

Perhaps the best known sensibility in techno-scientific approaches to governance is a focus on analytic symmetry and the tracing of 'actor-networks' (Latour, 2005; Law, 1992). Put simply, no *a priori* distinction is made between human and non-human agents for the purposes of analysis. Rather, entities are what they are by virtue of their relations with other entities. Consequently, notions like 'agency' or 'accountability' are not regarded as attributes of people or institutions, but as contingent accomplishments in their own right that undergo a process of 'translation' to enter temporarily stable

assemblages (Callon, 1986; Neyland and Woolgar, 2002). As a consequence, much recent STS suggests that techno-scientific artefacts are central to the creation and maintenance of networks of governance and emphasises non-deterministic approaches to information and communication technologies (Bijker et al., 1987). Familiar claims include 'artifacts have politics' (Winner, 1980), the view of technology as 'action at a distance' (Latour, 1987) and 'configuring the user' (Grint and Woolgar, 1997).

Especially the role of electronic technologies has attracted interest since the late 1990s (Woolgar, 2002). While studies in this vein have rarely identified as 'internet-specific', they either comprise a range of ICT-related governance practices, including email (Brown and Lightfoot, 2003), airport control rooms (Suchman, 1993), virtual worlds and the IGF (Cheniti, 2010), or engage in the development of novel methods for investigating and intervening in these settings (Rogers, 2004). In contrast to more conventional approaches, intentionality and agency are not greatly emphasised, but are rather understood as contingent accomplishments. Consequently, most analyses in this tradition are grounded in ethnographies of governance practices in specific case studies.

A Twitter message and its mobilisation in heterogeneous networks

The Twitter Joke Trial comprises a complex assemblage of heterogeneous entities including people, computers, screens, databases, paper files, an airport, police officers, iPhones and a joke. It also shows how the 'menace' posed by Paul Chambers' tweet can be understood as a relational achievement, resulting from a translation of the material text into heterogeneous networks of governance.

While initially enacted as a moody message among friends, the online search of an airport employee enrolled the tweet in the complex web of airport security relations. Through the obligatory passage point of the Twitter search tool and by virtue of the officers' reading of the text, the tweet soon came to be enacted as potentially threatening. As a consequence, Paul Chambers was re-performed as a potential terrorist in the material–semiotic practices of the legal process, first at the local police station and later at the prosecutor's office. Objects like 'security' and 'public interest' were mobilised to stabilise the network and reconfigure relations of accountability. As an upshot of this process, Paul Chambers now appeared as a suspect in a bomb threat case and was henceforth held responsible for a judicial reading of his tweet.

The ongoing trial thus engages in a recursive struggle over the stability of identities and networks, an active process of cutting, blocking and filtering, in which Paul Chambers' tweet is gradually simplified and alternative readings eliminated. As a consequence, accountabilities are being redistributed and thus temporarily establish who, which or what is accountable to what, which or whom. Against this backdrop, the #iamspartacus campaign can be best understood as an attempt to undermine the official reading of Paul Chambers' tweet by deliberately mobilising the text in new contexts. The joke thus becomes a boundary object that allows different actors to perform a variety of competing audiences in a shifting network of governance.

Conclusion: performing 'internet governance'

The study of internet governance is many things at once. As the previous section has shown, it is concerned with large-scale infrastructure and transnational institutions; it focuses on modalities of regulation and, in particular, code to afford an open internet; it examines the private orders created by autonomous users online; it explores the disciplining power of surveillance technologies; and it traces agents through recursive sociomaterial networks. In view of this diversity, attempts to triangulate these modes seem problematic. While some start with assumptions of rather fixed identities of governors and governed, others make the status of these entities the topic of inquiry. While some are satisfied with high-level accounts of governance challenges and regimes in the interest of generalisation, others turn to historical analyses or focus on more in-depth empirical work. While some regard technology as a set of standards and protocols, others are interested in its regulatory capacity or potential to afford collective action. So what is gained by bringing together these modes of ordering in the first place? What is the point if they do not share much more than vague references to 'governance' and 'internet'?

As laid out at the beginning of this article, it is possible to make sense of this diversity without defining or capitulating. A useful concept here is the idea of *performativity* as it has been mobilised in the social sciences, and especially in economic sociology, feminist literature and science studies (Butler, 1997; MacKenzie et al., 2007). Put simply, the claim is that our analyses do not just point to some otherworldly existence, but are situated constructions of our own making. The 'reality' of governance is not given but achieved in our readings of discussions, seminar presentations, articles or policy briefs.

As the renditions of the 'Twitter Joke Trial' show, these readings can have considerable consequences. What first appeared as an undisputed, clear-cut case turns into a variety of stories, variously revealing a regulatory gap, threatening the promise of an open internet, interfering with Twitter's self-governance, indicating a change in discourse or reconfiguring networks of governance. What appeared as 'the same' story needed to be adjusted considerably to serve the modes' conceptual, analytical and methodological repertoires. Similar to Kurosawa's film *Rashomon* (1950), where subtly contradictory eyewitness accounts leave the audience in limbo about what 'really' happened, the stories of Paul Chambers demonstrate – albeit on a less elaborate scale – how multiple modes of ordering are brought into being. As Schatzki (2006: 1864) put it: 'Governance … happens with performance'.

Against this background, we suggest that the notion of performativity is particularly useful when thinking about internet governance as a field of study. First, attending to performativity sheds light on the traditionally close relationship between governance as a field of political practice and governance as a field of research. Specifically, both governance and governance research depend on their capacity to perform realities. In the same way that a call for change in the regulatory framework would only seem convincing after a 'gap' had been identified, an analysis in the 'Internet Governance' mode could only make sense if a world of stakeholders, infrastructure and statehood was established. As the versions of the 'Twitter Joke Trial' set out above demonstrate, these realities can be manifold and lead to divergent and contradictory calls for

action, including changes in the statutory framework, greater reliance on community interactions and more attention to surveillance practices. In the same way that policy-makers strive for a coherent reality, researchers tend to depend on unchallenged *a priori* accounts to make their claims. Attending to performativity does not necessarily change these dynamics, but shifts the focus on a different issue. By not claiming 'truth' as the basis for political action and research, it is possible to conceive of explanation and analysis as both constituted by and constituting a specific rendering of things. The boundary between research and policy begins to disappear and a new perspective on 'politics' is opened up that requires us to be more sensitive to the similarities between research and policy practice.

Second, attending to performativity allows us to critically review our understanding of the 'internet' and its currency in accounts of governance. As often indicated by a definite article and a capitalised 'I', the notion of 'the Internet' tends to be presented as an unproblematic marker to bound the field and juxtapose it with other entities. However, as the previous section suggests, the meanings invoked differ wildly. 'The Internet' variously denotes a technical infrastructure of computers, cables, routers, protocols and standards as the object of governance, a separate space that requires specific regulatory regimes, a platform that affords self-organising behaviour, an assemblage that traces and monitors personal data and a temporary upshot of a complex socio-material network. Instead of ignoring such varieties and summarising them as 'internet', researchers and policy-makers could ask what work the concept does in a specific study and what kind of attributions come with it. This may also provide an opportunity to have a closer empirical look at the 'underlying' socio-technical activities and practices, which may generate new insights and vocabularies.

Third, attending to performativity draws attention to the often neglected role of methodology and methods. If we accept that analyses of governance perform their own concepts and realities, then *how* we do the research matters. At first glance, this appears to be a rather trivial insight, because all research settles on specific questions, chooses strategies and makes sense of data in one way or another. Yet, especially when policy and research are so closely intertwined, the interactivity between the process of observation and the phenomenon to be observed is critical. Given the role of governance research in rationalising, justifying and legitimating political interventions, methods cannot be viewed as neutral instruments. Interestingly, however, questions of methodology are only rarely discussed in studies of internet governance. Most studies still tend to rely on case studies that are largely presented as unproblematic representations of reality, which are not further questioned in the course of the analysis. The absence of such methodological reflection makes sense in that it contributes to the performativity of governance by not inducing the reader to question the text and its authority. Specifically, it black-boxes the author and positions her as a distanced observer and analyst of 'neutral data'. Attending to the performativity of modes of internet governance could open up opportunities to become more sensitive about our conceptual, analytical and methodological devices and their implications.

In sum, the project of studying internet governance presents itself as a largely virtual enterprise – virtual not in the sense of the technologies referred to, but with regard to the issues being researched. Attending to performativity and modes of ordering 'internet

governance' can help researchers deal with and conceptualise the heterogeneity of the field in a productive way. Rather than continuing struggles over what counts as 'governance' or how to scope the 'internet', it seems useful to turn these questions into a topic. This is also an invitation to perform the same kind of interpretative work on our text and pay attention to the ways in which we performed 'the field'. All of that will not only open up new areas of research, but also help us to become more critical users – and 'governors' – of internet governance.

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Notes

1. For other recent overviews, see Bygrave and Bing (2009), Mueller (2010) and DeNardis (2009).
2. Having attracted a great deal of media attention and controversy, the 'Twitter Joke Trial' lends itself to such an exercise. Besides traditional media coverage, see the ongoing reporting by Paul Chambers' lawyer (http://jackofkent.blogspot.com/) or the more compact case history provided by Bowcott (2012).

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Author biographies

Malte Ziewitz is a postdoctoral research fellow at New York University, studying the politics and practicalities of governance in, of, through, and despite digitally networked environments.

Christian Pentzold is a lecturer at Chemnitz University of Technology and an associate researcher at the Alexander von Humboldt Institute for Internet and Society. He studies the practices of digitally mediated cooperation, transmedia memory work and the production, distribution and regulation of audiovisual formats.