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THE INTERNET AS A SERIES OF ANALOGIES: THE POWER PLAY OF IMPERFECT METAPHOR IN INTERNET GOVERNANCE

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Introduction

In 2006, Alaskan Senator Ted Stevens became a laughingstock and enduring meme for arguing during legislative deliberations that the internet could be understood as "a series of tubes" and "not a big truck" (Belson 2006). The unintended humor of his analogies was ridiculed as evidence that this older lawmaker was too out of touch with modern communications technology to effectively govern them. Yet the episode itself can be understood as evidence of a larger truth—one that both exculpates Stevens somewhat and underlines a broader challenge for internet governance: Namely, that nearly all internet laws and regulations necessarily rely on imperfect metaphor and analogy to keep them in accordance with pre-digital law and constitutional principles, and that even lawmakers and judges with considerable expertise in the field must also rely upon these figurative language. Furthermore, because analogies and metaphors are fundamentally interpretive, rather than indexical reflections of the things they describe, their use in internet governance amplifies the risk that the prevailing laws and regulations will overdetermine their application in a way that benefits some users over others, and some uses over others. The internet, in other words, is like a series of analogies.

Critical Framework

Just as researchers must critically examine how "lively" and "uncanny" machines shape our daily lives, scholars must also investigate the "wild west" of the rhetorical framing of analogies used as a power lever to control the discourse surrounding these technologies. The public imaginary is both like a breeding ground and competitive arena with biases baked into it. The creation and adoption of metaphors, analogies, and other figurative language represent the inherent biases of stakeholders, wielded as a form of

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weaponized language on the internet governance battleground (Kurbalija 2016; Levy & Hwang 2015). Metaphors permeate daily life, framing our conversations and helping shape the way we think and behave (Lakoff & Johnson 1980). As such, metaphors and analogies have become critically important in guiding policy discussions (Sinnreich 2013). More than just an artistic flourish to emphasize a point in governance and policy debates, the mass amplification of a metaphorical rhetoric— “a series of tubes,” “data is the new oil,” or “cookies are like business reply cards”—facilitates the dominance of certain viewpoint. A real danger of these seemingly elegant, sometimes cutesy, and often overly simplistic analogies, is their pervasiveness, permeability, and long life. After all, the internet as a “series of tubes” is still referenced in conversations of net neutrality today.

Moreover, the Avant Garde war for control of a technological metaphor indicates the power of the metaphor in framing public discourse. The wide scope of metaphors for the same technology also represents a fundamental difficulty in understanding new emerging technologies in policy and governance discussions. Arguing from analogy in legal cases is widely used to “fill the gap between facts and rule” (Weinreb 2005). These rhetorical comparisons seek to translate the digital into analog as a way to facilitate understanding and also to help streamline the matter of performing legal gymnastics to apply outdated, pre-internet legislation to the rapidly evolving legal challenges of today. However, these metaphors do more than merely translate for purposes of clarification, they transform and mold perspectives in a politically charged power move.

This paper asks: When are certain analogies/metaphors adopted in terms of internet governance? How are they used or weaponized in internet governance and policy discussions? How do different stakeholders use, adopt, and amplify certain figurative rhetoric? What are the interests served by these adoptions?

Methodology

This paper will construct a taxonomy of metaphors, analogies, and similar figurative rhetoric applied in discussions of internet governance and new/existing technologies. Applying a top down approach, searching Google Books for comparisons to what “the internet is like,” this study determined a list of common recurring metaphors:

- Water metaphors
- Geographic/Road metaphors
- Colonialism/Expansion metaphors
- Biological/Natural metaphors
- Sociopolitical metaphors
- Media metaphors
- Food metaphors
- Library metaphors
- Innovation metaphors
- Drug/medicinal metaphors
- The internet as unknowable except through metaphor

Next, considering the breadth and variety of metaphors in use, this paper will focus on three case studies of internet governance applied to US law: section 230 of the Communication Decency Act (CDA), the Digital Millennium Copyright Act (DMCA), and the Computer Fraud and Abuse Act (CFAA). The corpus of analysis for these three acts will focus on active policy and governance decision makers and so will include case law, congressional records, congressional hearing transcripts, and news media articles. The purpose is to examine how certain metaphors become adopted over others, determine possible biases towards certain framing of technologies, and to investigate the interests served by metaphor adoptions.

Regarding section 230, in a public workshop addressing the current role of 230 in nurturing innovation or fostering unaccountability, Attorney General Barr stated, “No longer are tech companies the underdog upstarts; they have become titans of US industry” (Opening Remarks 2020). Barr added that when proposing legislative fixes, it is necessary to “ensure that the proposed cure is not worse than the disease.” Here, Barr frames the players within a sociopolitical metaphor and the law within a medicinal metaphor, both of which position tech companies and section 230 negatively—“titans” and “disease” respectively. Interestingly, when pitched with potential changes to section 230, proponents of the current law often retorted with the metaphor of “death by ten thousand duck-bites,” referencing the pivotal 2008 *Roommates.com* case, where the expression was first introduced.

Conclusions

As scholars critically explore the “lively” machines that have become entwined in our daily lives, scholarship must also examine the rhetorical devices applied as a means to translate and transform the public’s understanding of digital technology. Through a comprehensive examination of the analogies created, implemented, and amplified throughout the multistakeholder model of internet governance, this paper will provide a taxonomy of the figurative rhetoric used to guide public and political knowledge of technology. The implications of this research into the role of analogy as a proxy for political power may have profound impact in the governance, policy, and regulation of lively machines.

The act—and art—of using analogies, metaphors, and other forms of figurative language in internet governance moves beyond an attempt to merely translate new technology through analog terminology. Rather, it becomes the governance battlefield where power struggles over these very technologies play out. In other words, in this game of metaphorical, multi-sided tug-of-war, whichever side controls the analogy has a power grip on the internet governance, regulation, policy, and public discourse of the technology.

References

Attorney General William P. Barr Delivers Opening Remarks at the DOJ Workshop on Section 230. (2020, February 20). Retrieved from <https://www.justice.gov/opa/speech/attorney-general-william-p-barr-delivers-opening-remarks-doj-workshop-section-230>.

Belson, K. (2006, July 17). *Senator's Slip of the Tongue Keeps on Truckin' Over the Web*. The New York Times. Retrieved from <https://www.nytimes.com/2006/07/17/business/media/17stevens.html>.

Kurbalija, J. (2016). *An Introduction to Internet Governance* (7th edition). Diplo Foundation.

Lakoff, G., & Johnson, M. (1980). *Metaphors We Live by*. University of Chicago Press.

Levy, K., & Tim Hwang, T. (2018, April 7). 'The Cloud' and Other Dangerous Metaphors. The Atlantic. Retrieved from <https://www.theatlantic.com/technology/archive/2015/01/the-cloud-and-other-dangerous-metaphors/384518>.

Sinnreich, A. (2013). *The Piracy Crusade: How the Music Industry's War on Sharing Destroys Markets and Erodes Civil Liberties*. University of Massachusetts Press.

Weinreb, L. (2005). *Legal Reason: The Use of Analogy in Legal Argument*. Cambridge University Press.