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THE NET AND THE NATION STATE

This collection investigates the sharpening conflict between the nation state and the internet through a multidisciplinary lens. It challenges the idea of an inherently global internet by examining its increasing territorial fragmentation and, conversely, the notion that for states online law and order is business as usual. Cyberborders based on national law are not just erected around China's online community. Cultural, political and economic forces, as reflected in national or regional norms, have also incentivised virtual borders in the West. The nation state is asserting itself. Yet, there are also signs of the receding role of the state in favour of online corporations wielding influence through de facto control over content and technology. The collection contributes to the online governance debate by joining ideas from law, politics and human geography to explore internet jurisdiction and its overlap with topics such as freedom of expression, free trade, democracy, identity and cartographic maps.

UTA KOHL is a senior lecturer in the Department of Law and Criminology at Aberystwyth University. She has written extensively on numerous aspects of internet governance, including the monograph *Jurisdiction and the Internet: Regulatory Competence over Online Activity* (Cambridge University Press, 2007). She is also a co-author of *Information Technology Law* (2016), now in its fifth edition, and the co-opted Human Rights Trustee on the board of trustees of the Internet Watch Foundation.

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THE NET AND THE NATION STATE

Multidisciplinary Perspectives on Internet Governance

Edited by
UTA KOHL
Aberystwyth University

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Organization for Scientific Research (VIDI scheme). The project focuses specifically on the legal limits and opportunities of unilateral action to further global justice and examines what role territoriality as a principle of jurisdictional order still has to play. Earlier, Cedric was project leader of an international research community on non-state actors funded by the Flemish Organization for Scientific Research, and he was involved in two EU COST actions.

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PREFACE

The Net and the Nation State brings together academics from law, politics, geography and media studies to offer complementary perspectives on online governance, exploring the dramatic effect of the internet on the role of the state as the key legal and political player for the last two hundred years. The collection is the outcome of a two-day symposium held in Aberystwyth in 2014 and sponsored by Google. What is striking about this topic of online governance is that it excites the 'real' world as much as it does the academic community. Google's concern at that time was the CJEU judgment in *Google Spain SL, Google Inc v AEPD, Mario Costeja González* on the 'right to be forgotten' under EU data protection law and its application to the US search engine. It seemed to foreshadow a new surge of European regulatory assertiveness over online platforms, and thereby too the end of the *world* wide web as we have come to know and love it. Understandably, Google was looking for answers, perhaps too easy answers, to the profound mismatch between national law and global cyberspace. Such quick fixes do not exist, and certainly not within classic international law on statehood or jurisdiction, or its private law equivalent of private international law. Indeed, if this collection manages to contribute to the debate on internet governance a sense of how deeply cyberspace has ruptured and unsettled existing legal paradigms, it does well. If it further manages to communicate that the regulatory debates have strong political and economic drivers and often replicate existing power inequalities, it does even better. Finally, if it conveys a sense of history in the making and that there is a debate to be had about alternative narratives and regulatory options that can make meaningful differences for our use of this new resource to which academics may and must contribute, the work here has been done.

On that note, the book's front cover image – Philip James de Loutherbourg's 'An Avalanche in the Alps' of 1803 – is a romantic painting that expresses the feeling of the Sublime.[1] The Sublime refers to the awe and powerlessness unleashed by an overwhelming force of nature, here the

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turbulence of the avalanche. In the 1970s, for Jean-François Lyotard, founder of postmodernism, the Sublime referred to the feeling that signalled the limits of reason and representation. Whilst this book is necessarily based on the optimism that reason and representation are possible, useful and crucial for something of the magnitude of the internet, the discussion is also imbued with a sense of awe about cyberspace and how it has completely changed everything (or almost everything) in only two decades. That awe is bound to come through in the sheer expanse of the topics and disciplinary discourses chosen. This range reflects the conviction that to make sense of cyberspace and its future within or outside the state we need an academic spirit of adventure and to go beyond our comfort zones. But interdisciplinary communication is hard and, no doubt, requires some initial suspension of disbelief in the value of the Other.

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