

Borders in Cyberspace: Information Policy and the Global Information Infrastructure
 edited by Brian Kahin and Charles Nesson
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 0262611260, US\$25.00.

That the Internet is global is a truism, but it is one that many – and among them, unfortunately, most legislators – still completely fail to comprehend. *Borders in Cyberspace* is a study of some of the legal and policy issues raised by a ‘global information infrastructure’ (or GII, though most of the contributors write simply about ‘cyberspace’ or ‘the Internet’).

The opening chapter argues that cyberspace has clear boundaries and should therefore constitute a jurisdiction of its own, albeit an unusual one where genuine competition between alternative rule sets is possible. The second chapter sets the Internet in the context of global communication more broadly, stressing the continuities provided by traditional media organisations. There is some excellent material in this chapter, particularly about Africa and Eastern Europe, but there are also signs of cluelessness: among other things it calls Yahoo a browser and claims that the .com domain is for transnational corporations!

The next chapter reinforces the first, arguing that networks should be recognised as ‘semi-sovereign entities’, capable of regulating themselves.

The other chapters are a statistical analysis of correlations between democracy and email connectivity (suggesting that the latter is a better predictor of democracy than other indicators); a look at the consequences of anonymity and regulatory arbitrage for attempts at censorship of the Internet; and a survey of the jurisdictional issues which the Internet creates for existing courts and arbitration systems (this is legally the most technical of the chapters and the one most reliant on details of United States law).

Part two deals with particular issues in the context of the GII. A highly theoretical chapter on digital piracy applies theories of public goods (from Loesch, Samuelson, and Tiebout) to the Internet, considered as a marketplace for competition between different intellectual property regimes.

A chapter on ‘Free Speech and the GII’ calls for international law to regulate ‘speech that advocates the following irrevocably reprehensible behavior...: piracy, slavery, genocide, apartheid, aggressive warfare, terrorism, and torture’.

You don’t have to be a ‘free speech absolutist’ like me

to wonder if there might not be some disagreement about what belongs in this list, given that the English-speaking nations are more concerned about obscenity than anything else (it is worth noting that one of the authors of this chapter is German).

Other chapters address privacy (advocating cooperative privacy codes, though a little pessimistic about their likely success), cryptography (a comparison of the policies of the United States, France, Russia, China, and Japan), international information policy (with the sharing of meteorological data as an example), and consumer protection laws (from an Australian perspective!). One of the few features common to all these issues is the discordance between the positions of the United States and other countries within the developed world.

There is nothing radically new in *Borders in Cyberspace*, but it wastes surprisingly little space rehashing common knowledge or providing basic background information. One consequence is that it is not entirely suitable for those without online experience (or at least previous involvement with network policy issues). It is, nevertheless, the best introduction to the legal and policy consequences of a global Internet that I have seen anywhere: it really should be mandatory reading for anyone involved with developing law or policy for the Internet.

By Danny Yee.

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