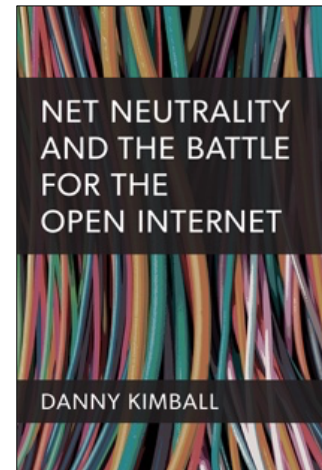


Danny Kimball, **Net Neutrality and the Battle for the Open Internet**, Ann Arbor: University of Michigan Press, 2022, 292 pp., \$29.95 (paperback).¹

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Network (or net) neutrality is a core Internet policy issue with serious economic, social, cultural, and democratic implications. Danny Kimball, author of **Net Neutrality and the Battle for the Open Internet**, uses the debates around net neutrality in the United States from 2002 to 2017 as a case study to shed light on the workings of media policy, industries, and activism in the Internet age. The “battle” in the title of the book concerns two very different, almost opposing, visions of the digital future: Should the Internet be a public resource for anyone to connect to or should it be a private resource governed according to the narrow interests of the big Internet access corporations? Kimball views net neutrality as a vision of fair and equitable technological, industrial, and policy structures of communications, as a necessary condition for “democratic communications infrastructure” (p. 25). For him, net neutrality is essentially “common carriage [regulation] updated for the internet age” (p. 29) and aligned with affirmative free speech policy: The first protects against the private gatekeeping power of Internet access providers to control what Internet users say and do online, and the second actualizes abstract free speech rights and protects against discrimination. For Kimball though, the best solution goes beyond net neutrality; it is “the internet as a ‘public good’: provided to all on an equal basis, outside of profit incentives, serving media democracy and justice” (p. 31). This vision is close to that articulated in the public service Internet and public service media manifesto (Fuchs & Unterberger, 2021).



The book has six main chapters organized chronologically and thematically. Chapter 1 lays out the theoretical framework. Kimball builds on both political economy and cultural studies, using an integrated model of policy, which allows him to examine net neutrality on the basis of “the language of its policy texts, the practices of its construction, its meanings in cultural discourse, and its affordances in technological infrastructure” (p. 18). He introduces the concepts of “privatized regulation,” which follows neoliberal logic and privatizes formerly public regulatory power, and “wonkish populism,” an advocacy strategy that borrows the technocratic language of experts while it democratizes practice by bringing in nonexperts (activists) in order to affect change. He contends that “net neutrality” is an “empty signifier” (p. 21) that allows diverse policy stakeholders to give it meaning through the specific values they attach to it, be it to fight against or for it.

Chapter 2 concentrates on the regulatory classification of “broadband” as either “telecommunications” or “information.” For Kimball, regulatory definitions are “terms of power”; they seem technical but they set the terms of the debate and political battle. The chapter explains how the classification of “broadband” as an “information service” (Title I of the Communications Act) by the George W. Bush

¹ Open access at <https://www.fulcrum.org/concern/monographs/n009w4626>

Federal Communications Commission (FCC) in 2002 reflected and reinforced the economic power of the incumbent telecom industry. The label "information service" essentially treats broadband providers as publishers with First Amendment rights (like newspapers), making regulatory intervention almost impossible, forgoing associated public interest obligations, and handing over responsibility for broadband and, importantly, the content made available on the Internet to private hands under limited, if any, regulatory oversight. Instead, the regulatory label "telecommunications" would treat broadband providers more like common carriers (like traditional telephone service providers), with network operators acting as conduits with corresponding public interest obligations such as nondiscrimination.

Chapter 3 shows how the two biggest industries most active in the debates that originally seemed to have conflicting views about net neutrality (the telecom industry against it, the tech industry for it) have both ended up opposing net neutrality. This change is the result of the growing market power of the tech industry (ironically, on the back of net neutrality) that sees net neutrality and associated nondiscrimination and equitable access rules as potentially threatening its power by allowing the emergence of disruptors. Through two case studies (the Google–Verizon compromise on which the FCC's failed 2010 Open Internet rules were based, and the Comcast–Netflix agreements on television traffic delivery from 2014–2016), Kimball demonstrates the significance of privatized regulation, whereby the corporations themselves get to work out the rules that will govern them.

The chapter explains various key terms, which one encounters not just in the United States that Kimball discusses but in other jurisdictions too, including zero-rated services (for the debates in Brazil and India, see, for instance, Lorenzon, 2021, and Stallman, 2016, respectively). An interesting development concerning the Netflix–Comcast case is how Netflix managed to expand the debate on net neutrality from traffic between broadband providers and end users, which had been the focus thus far, to traffic between content and broadband providers, known as interconnection. Interconnection has recently resurfaced as an issue in the European Union. Under the "fair share" debate, broadband companies want the big online content providers to contribute to their network costs on grounds of the increasing volumes of data they generate. The European Commission is currently consulting on this (European Commission, 2023).

The remaining chapters follow a rough chronological order and focus more on advocacy and activism. Chapter 4 examines wonkish populism. The case study is the FCC's first Open Internet proceeding from 2009 to 2010. As a discursive tactic, wonkish populism served to encourage mass participation in the FCC proceedings, resulting in collective opposition to the hegemonic power of the big network operators. However, the FCC's limited authority under Title I—broadband as a lightly regulated information service—effectively ruled out a viable net neutrality policy. Supporters of net neutrality shifted their strategy to focus on the reclassification of broadband access under Title II ("telecommunications") of the Communications Act.

Chapter 5 examines this shift focusing on the FCC's second net neutrality policy from 2014 to 2015. Advocates of net neutrality led by a coalition of media advocacy groups, relied again on wonkish populism. They managed to stimulate broader public participation and, in the end, succeeded in overcoming entrenched opposition to reclassify broadband as a telecommunications service. Advocates' tactics served to catch the attention of not just citizens but also mainstream media, which in turn helped increase awareness and mobilization. Advocates framed Title II reclassification in terms of fundamental rights, and

the values of equality and justice. They promoted an "us versus them" imagery, a "Battle" between "Team Internet" (the online communities that made up the base of support for net neutrality advocacy) and "Team Cable" (the cable companies and other big corporations that dominate Internet access; p. 143). The polarization of the debate along those two camps worked to politicize the policy, forcing the people to choose between the two camps.

Chapter 6 examines the role of advocacy and activism in organizing and mobilizing people. Kimball argues that the 2015 strong net neutrality rules were a "people-powered win": The people took on one of the most powerful industries, telecommunications, and won "one of the biggest successes for grassroots progressive activism of the Obama era" (p. 163). One noteworthy aspect is the sheer diversity of the pro-net neutrality coalition, a rarity in movements. Indeed, Kimball doubts that it can be replicated given the changed political environment since the Trump administration. The impressive pro-net neutrality coalition cut across political, social, economic, ethnic, generational, and religious cleavages, reaching beyond the immediate constituency of media justice advocates and bringing together, among others, business conservatives, artists, and realtors. It is fascinating to read how the seemingly obscure issue of net neutrality became linked to stubborn issues of media mis- and under-representation, concentration of ownership in the hands of big corporations, and more broadly, historical oppression in mainstream media. I particularly enjoyed reading the section on racial justice movement and how parts of it (the grassroots, not the legacy, groups) became a core part of the coalition. Even though in 2017 the Trump FCC repealed the rules, net neutrality remains a live issue in the United States and indeed, as noted, elsewhere.

Net neutrality is a compelling issue and remains on the agenda because the rules governing broadband infrastructure are essentially about power over communication and culture and, as such, linked to equality, justice, and ultimately democracy. Seen in this perspective, the relevance of the book, even though a case study of the United States, is much broader. It is a must-read because the implications of net neutrality are fundamental to democracy and not specific to a single country. Kimball does a brilliant job at explaining and establishing net neutrality as a call for democratic infrastructure, and at providing a critical account of what worked in activism. It deserves a wide readership.

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