

THE EVALUATION OF NATIONAL INTERNET POLICIES AS A GUIDE FOR CALIFORNIA

INTRODUCTION

By several measures, if California's economy was measured against those of independent nations, it would rank among the ten largest in the world¹. The size and strength of California's economy is related to many factors, including the diversity of its society, the physical infrastructure of the state, its broad range of natural resources, and the human capital of its population. This population includes an educated cadre of design and innovation professionals, a highly trained skilled technical workforce, and the related support systems and infrastructure necessary for firms working with high technology. Prominent among the industries that can be described by this broad term is the Internet, and the accompanying public face that it underlies, the World Wide Web. Much of the Internet's underlying technology was developed or perfected in California, dating back to its inception in the late 1950's². The importance of this technology is only expected to increase as it develops and grows in response to the collective demands and imagination of the public that uses it.

In anticipation of such changes, we have engaged to examine the ways in which other nations have handled the challenges posed by the internet, specifically the best approach, if any, to actively manage access to the resource. Owing to the disproportionate size of California's economy and the great diversity of the state's population, it would be both limiting and misleading to compare California with other states, or even regions of the United States. To get a better idea of the possibilities working on a large scale, this examination will look at four nation states which have differing levels of economic development, social integrity, and technological advancement. The four nations, in alphabetical order:

1. The Republic of Chile (República de Chile)
2. The Republic of Finland (Suomi)
3. The Lebanese Republic
4. The Republic Of Singapore

CHILE

Under Augusto Pinochet's dictatorship in Chile censorship was practiced in several forms. He was defeated in 1988 and the transition towards democracy sped up in the early 1990's. Today there is very limited censorship, and virtually none of it on the internet. As the Freedom House reported, "The Chilean constitution provides for freedom of speech, and post-Pinochet governments have had a reputation for respecting this right."³

In 1990 the number of Chilean internet users was so low that no estimates are available. By 2006 4.156 million people out of a population of 16.3 million used the internet regularly.⁴ This number seems more reliable than the optimistic estimate that "7 out of 10 people have regular access to the web."⁵ There are two major reasons for this shift. On one hand the government recognized early on the economic advantages of telecommunication and initiated numerous programs and policies to reap related benefits. On the other hand "numerous groups in Chile have recommended legislation to make access to the Internet a right, alongside access to clean water and shelter."⁶

Once the government realized the potential the internet held for helping the country, it set up a commission to examine what prohibits widespread use. The commissions found that "the problems blocking Chile's Internet development in 1998 could be grouped into four categories: network structure, government policies, the market and telecommunications industry, and societal or cultural factors."⁷ The commissions' charter, along with the governments focus was to figure out how to help businesses. They provided answers for the aforementioned four blocks, but "human rights, except as they related to access to information or broader reforms in society, were also not addressed."⁸ They recognized that digital divide is an important issue and set up the "goal of universal access to technology"⁹ and provided the means to start addressing

it. Intellectual freedom, freedom of speech, and censorship issues were only implicitly mentioned when increased internet use was thought of as a way "to deepen democracy, increase citizen participation, improve education, promote cultural development, and improve health care."¹⁰

"There were no reported government restrictions on the internet in 2005."¹¹ What is particularly interesting how censorship in the media was systematically removed after the Pinochet era. "*Consejo de Calificación Cinematográfica (CCC)* (Film Assessment Board) and the *Consejo Nacional de Televisión* (National Council for Television) [could] control the audio-visual media and apply diverse forms of censorship."¹² These organizations kept operating even after Pinochet's fall. The changes in the Chilean Constitution in 2005 finally prompted their demise. "On 30 October [2006], Chile's Senate passed a bill that strips the Film Ratings Council (Consejo de Calificación Cinematográfica, CCC) of powers to ban the screening of films." (Film Censorship) These two councils had no jurisdiction over the internet, therefore they did not practice their censorial powers there.

Another example of limitations on free speech was the law that made "disrespect towards authoritarian institutions or figures"¹³ a punishable crime. This was a more controversial issue and it took a wider public discourse and "a two-and-a-half year debate in the legislature"¹⁴ to remove the corresponding law from the books. Finally, "in September [2005], Congress also reformed the constitution to eliminate defamation as an offense against public persons."¹⁵

The lack of regulation brings challenges as well. For example with the increase of e-commerce and internet use, the amount of spam, unsolicited email, multiplied exponentially. There was no law, authority, or regulation to address this issue. Chile, however, wished to enhance the quality of life for internet users and decided that they need to do something against it on the government level. As part of the solution "on 29 June 2004, a new consumer protection

law (19.955) was enacted. This law addresses the issues of spam and unsolicited commercial communications and established an opt-out system."¹⁶

Another area that was unregulated until recently is child pornography. In 2002 "an investigation by a local TV station in Chile has led to the dismantling of an Internet-based child pornography ring."¹⁷ There were two major consequences of the case. First, it drew attention to the "cybercrime brigade" of the police. It was accused of negligence, Armando Munoz, the head of the department offered his resignation, but ultimately his boss was hold responsible. More importantly legislation was passed so it would be "easier for the justice system to crack down on the production and consumption of child pornography."¹⁸

A case that shows lack of internet specific legislation involves computers belonging to a newspaper that reported on a bombing in 2004. The hard drives that "contained an e-mail message signed by the Movement of the Revolutionary Left (MIR), a far-left group that claimed responsibility for the bombing"¹⁹ were taken from the newspaper's premises and returned the next day. These actions were ordered by a judge under an anti-terrorist law.

Until the late 1990's most internet service providers (ISPs) did not open their networks to other ISPs, rendering the services incompatible with the wider net. They were forced to abandon this practice by law. That resulted in the birth of many ISPs. In the last few years the industry consolidated to a smaller number of larger size ISPs; many of them international corporations. One would think that the development of the industry would result in lower costs for the consumers. Most of the cost for them, however, was and still is, the per-minute phone charges. This changed in 2001, when

"Entel, possibly swaying to public opinion, decided to offer reduced telephone rates for Internet connections. Telefónica-CTC quickly followed this example even though the company lost money at the time. With this simple change, Internet traffic increased from

170 million minutes in August to 288 million minutes in October. During these same 3 months, the number of Internet users increased from 375,000 to 625,000."²⁰

Compañía de Telecomunicaciones de Chile used to have state ensured monopoly on the telecommunication sector of Chile. Now that the market is deregulated it is "battling to keep its top ranking in a highly competitive market. Operating as Telefonica Chile (formerly Telefónica CTC Chile) [... it] provides data transmission, directory services, pay TV, security systems, and public phones."²¹

Just because no central censorship exists and there is a free-market economy does not mean that all internet traffic flows smoothly in Chile. While blocking based on any policy is non-existent companies are using whatever they can to keep their competitive edge. For example, "in October 2006, Telefónica Chile was fined nearly USD 1 million for antitrust violations in blocking VoIP [Voice over Internet Protocol] calls."²² This verdict shows the government's intention of forcing anti-trust laws on the internet as well.

Subsecretaría de Telecomunicaciones (SUBTEL) is the agency responsible for regulating and managing the telecommunication industry, including the internet. As its name shows, it primarily focuses on business. A law (Republic of Chile Law 19,799, 2002) passed in March 2002 addresses concerns about e-commerce in Chile.²³ This gave a boost to an easier-to-use and wider-spread e-commerce. A significant accomplishment was that by 2003 "93 per cent of large businesses had Internet access, higher than the European Union average."²⁴

The government's other main internet related focus is to bridge the digital divide, approached not just in terms of access, but also use and bandwidth. They created new legislation towards this goal, "In May 2001, the government enacted a law (Republic of Chile Law 19,724, 2001) that gives subsidies to support the creation of community Internet access centers or Infocenters."²⁵ Then they provided the means as well to set up "700 full-time and 800 part-time

info centers or telecenters nationwide, to provide broad public access to the Internet."²⁶ The government continues to invest in providing internet access to the public. For the fiscal year 2008-09 "Chile's government has assigned US \$80 million to subsidize projects designed to boost internet coverage."²⁷

The government does not act alone. For example in the same year DIBAM (Directorate of Libraries, Archives and Museums) "had been awarded a \$9.2 million grant from the Bill and Melinda Gates Foundation to fund an estimated 1,800 computers, 17 training labs and four laptop training labs, in addition to wiring for Internet connections, installation of the computers."²⁸ This program is similar to NetDay that connected thousands of schools to the internet in the mid 1990s in the US.

At the starting of the service of free wireless internet access for a whole city, Salamanca, President Bachelet emphasized that "our challenge is to make the Internet a basic service."²⁹ This shows her commitment and alignment with the vision of pushing Chile deeper into the internet age and using the internet as a primary tool for growing the economy and improving the quality of life for all citizens.

In Chile the relative lack of attention to freedom of speech issues on the internet has historical bases. After decades of heavy censorship they, both government and citizens, just want to be as free as possible. Regulations are brought up only when absolutely necessary. Meanwhile, the country is still catching up--but doing it fast—to the more industrialized world in terms of internet use. At this stage the major concern is to increase and broaden the net's penetration. The policies initiated and backed by the government and industry are effective both for consumers and businesses.

FINLAND

The Republic of Finland is a nation of approximately 5.3 million people, of whom over 2.9 million were estimated to be customary internet users in 2006;³⁰ which would give Finland, with a population one-sixth of California and 114th in the world³¹, the 54th largest population of “netizens” in the world³², and with more than 2.3 million sites, the nation ranks 23rd in terms of hosts, or computers that have direct internet access,³³ 1.5 million of which have high-speed “broadband” connections³⁴. It has been claimed that nearly four out of five Finns use the web, on at least an occasional basis, for every conceivable reason.³⁵ The United Nations estimates that 95% of Finnish businesses and 100% of Finnish governmental entities have access to the internet in the course of normal operations³⁶. By any measure, Finland has embraced the technology of the internet, and incorporated it into the operations of its economy and the lives of its citizens to a degree unsurpassed by any other nation.

It is notable that this achievement was consciously directed from a relatively early point as a matter of public policy. The Finnish University and Research Network (FUNET), founded in 1984, was an early adopter of the TCP/IP protocol that is the basis of World Wide Web operation³⁷. In 1995, The Ministry of Transport and Communications released a report evaluating various measures for improving the data infrastructure of the nation, building upon academic and government studies conducted earlier in the decade; over the next few years other ministries evaluated the utility of the internet in their areas of responsibility, notably the Education and the Finance Ministries³⁸. The successive governments of Finland have continually kept the goal of making their nation an information technology leader in mind when formulating, proposing, and implementing policy³⁹, and their efforts must be seen as largely successful.

The development of the internet policy in Finland has also been shaped by events outside official planning. During this same period in the mid-nineties, the Church of Scientology International was engaged in a campaign to confront its many critics, who were making extensive use of the internet in their own campaigns to expose what they called abusive and deceptive teachings. These critics including former members, some of whom used anonymity when criticizing the church for fear of legal or other types of retaliation. One such individual made use of anon.penet.fi, an internet remailer hosted on a home computer in Finland by IT consultant Johan Helsingius, who operated at his own expense as a public service. On February 2, 1995, Helsingius was contacted directly by the Church, and requested to reveal the identity of the person who had used anon.penet.fi to post internal Church documents. Helsingius refused, and less than a week later was served a subpoena by Interpol agents along with Finnish police, who intended to seize his hardware⁴⁰.

Helsingius avoided the confiscation of his server by giving up the location of the account, but the following spring was presented with a virtually identical situation. Helsingius was able to stay the subpoena until August 22, 1996, when the Helsinki district court effectively ruled that e-mail was not protected by Finnish privacy laws at the time. Helsingius ceased operations of anon.penet.fi on August 30, and appealed the decision, hoping to gain the same privacy protection for the internet as surface mail and phone conversations enjoyed under Finnish Law. When the Finnish Court of Appeals upheld the ruling, he again released the requested account locations, and left that aspect of the industry permanently⁴¹.

While this precedent is not readily discernable in available English translations of Finnish law, it is not unreasonable to imagine the insertion of Section 10 in The Constitution of Finland, explicitly guaranteeing the right of privacy to a broader range of communications, was

influenced in some measure by this event. Article 10 also gives the Finnish legal system the right to generate law that would encroach on this right “which are necessary for the purpose of guaranteeing basic rights and liberties or for the investigation of crime”, and “In addition, provisions concerning limitations of the secrecy of communications which are necessary in the investigation of crimes that jeopardise [sic] the security of the individual or society or the sanctity of the home, at trials and security checks, as well as during the deprivation of liberty may be laid down by an Act”⁴².

The government contemplated doing just that in 2001, with a law that required not only retaining archives of material posted on the web for two or three months, but for the existence of a real person as author, or “editor-in-chief”, who would have been liable for any *potential* criminal activity conducted via the internet⁴³. The law was opposed not only by electronic free speech advocates, but by business organizations that feared new areas of liability⁴⁴. In response to these concerns, the Finnish government substantially rewrote the law, removing the “editor” requirement, and reducing the required retention period to 21 days. While still unhappy about any requirement that presents potential obstacles to free expression, internet activists are satisfied with the revised law⁴⁵.

Such groups may have been looking at the broader picture of governmental activities, such as the law establishing concrete protection for electronic communications, as promised by the Finnish Constitution. The Act on the Protection of Privacy in Electronic Communications extends privacy protections to electronically transmitted messages of all types, including e-mail, SMS/text messages, or voice messaging, as well as governing what information may be collected about individual’s activities and restrictions on how it may be used. The last includes what

violations of the law or other situations may cause the protections to cease, and what the government's obligations in such circumstances are⁴⁶.

In November 2006 it was reported that Finland's major service providers collectively decided to filter child pornography, based on a list of sites provided by police⁴⁷. This plan, although termed "voluntary", apparently was developed at the suggestion of the government, and the participation of the largest single provider de fact mandates universal participation⁴⁸. This type of social filtering has become the normal approach in the European Union⁴⁹ toward what is termed "extreme pornography", particularly child pornography, a crime whose rarity does not diminish its universal repugnance. As opposed to mandatory legislative action, this seems to be acceptable compromise between government action, popular opinion, and the ideals of internet activists.

Finland society remains a paragon of transparency, in a three-way tie for first, with Denmark and New Zealand, in freedom from corruption⁵⁰. In free expression, Finland has another three-way tie, this time for fifth, with Belgium and Sweden, according to Reporters sans frontières⁵¹: The only significant censorship is a form common to most of the civilized world, and personal privacy protections are substantial and taken seriously. The light regulatory hand of the Finnish government seems to have paid off with tangible benefits to the economy of Finland, and improved every facet of Finnish society.

LEBANON

Its 17 year long civil war destroyed most of Lebanon's infrastructure. Since it ended in 1990 the reconstruction efforts managed to repair telecommunication network, including land lines, satellites, and mobile systems. They managed to turn the war-ravaged country into one of

the most technologically advanced in the Arab world. The 2005 war with Israel, however, temporarily disrupted this process.

The rapid growth is due to a combination of three factors. First of all Lebanon has much more freedom of speech and press than other countries in the area. Article 13 of the Lebanese Constitution states that, "freedom of expression verbally or in writing, freedom of press, freedom of assembly, and freedom to form associations are guaranteed by law".⁵² This freedom exists not only on paper, but in real life too. According to the Economist Intelligence Unit Lebanon is the highest ranking Arabic country on the index of political freedom.⁵³

The second set of interrelated factors contributing to the relatively advanced level of internet use in Lebanon, are the government's attitude, policies and deregulative efforts. The role of the Ministry of Telecommunication is to ensure free market operations in the telecommunication sector. The state/ministry has the right to provide local and international calls, but cannot be involved in any other market activity itself. Thus, ISPs are supervised by another agency, the Telecommunications Regulatory Authority. "The telecommunications law, i.e. law number 431 dated July 22, 2002"⁵⁴ regulates the technical and commercial aspects of any computer network.

Despite the freedom assured by the Constitution the government retains the right to censor "all audio, video, and printed media."⁵⁵ There are no specific rules or guidelines regarding what would constitute violation in the online or offline media, but in principle the above regulation applies to the internet as well. In reality however this vaguely defined right to censorship is rarely exercised. There is only one known case when an attempt was made to restrict free speech online. The ISP hosting gaylebanon.com was asked by the "moral police" to

"to reveal the names of the owners of the website and subscribers."⁵⁶ The manager declined, but did shut down the website.

There was no other restriction on internet use in Lebanon; no blocking or filtering is practiced by the government. Self-regulation may exist in limited, local networks. For example, in order to maintain a "healthy academic environment" at the American University in Beirut "pornographic sites are blocked as well as cult sites which encourage suicide and other macabre practices."⁵⁷

Similarly, some internet café owners decided to block sites with sexual content. Particularly after the December 2004 incident, when a bomb was set up in an internet café. The suspected reason for the attack was the fact that pornographic sites might be accessed from net cafes, to which extremists object. Internet cafes are an important and pervasive part of the Lebanese internet scene. Because pricing of access for a long time was prohibitive, net cafés popped up in all cities. The department established by the Ministry of Interior to fight cybercrime "suggested new legislation to oblige service providers in internet cafés to use specialized programs and devices to prevent visitors from accessing certain websites."⁵⁸ The legislation had not passed yet.

The third important factor helping the internet to succeed in Lebanon is financial. The government itself helps through initiatives. "For example, the late Prime Minister Rafik Hariri launched the 'Computer for Every Student and Teacher' project. This aimed to provide each Lebanese student and teacher with the opportunity to get a computer with access to the internet."⁵⁹ This is just one of many ways the government attempts to close the digital divide between Lebanon and the rest of the world.

Because of the free market conditions competition has been blooming. "Lebanese ISPs offer aggressive pricing and fewer restrictions compared with other ISPs in the region."⁶⁰ This was even more exaggerated so during the dot-com era of the late 1990's. Several ISPs tried to provide access for free or low cost, hoping to create revenue from ads on their portals. Most of them have folded by now, because the business model did not prove to be working for such a small market.

As a result of the above factors about 950,000 people are using the Internet, out of a population of 3.925 million.⁶¹ As the Freedom House puts it, "unrestricted internet access is widely available."⁶² This is not just basic access, "one-quarter [of households] in Lebanon has a broadband connection."⁶³ This is particularly noteworthy, considering that DSL connection became available only in March 2006, much later than in other Arabic countries.

SINGAPORE

An argument can be made that despite obvious dissimilarities on the surface, the Georgian and Victorian periods of English culture meshed quite well with the seemingly dissimilar Confucian ethic of Chinese immigrants and the traditions of the local Malay peoples in what would become Singapore. The modern city-state was founded in 1819 by Sir Stamford Raffles with what now appears an odd mixture of high-minded morality and the basest economic opportunism. Indentured convict labor was imported to build the harbor and structures of the new city, whose citizens were constrained from traditional past times like gambling, cockfighting, and smoking opium by new colonial laws⁶⁴. Some elements of Raffles' planning were very progressive for their time, such as allowing religious freedom, forbidding the institution of crimes based solely on racial identity, and promoting education and business. However, there was no question of the British-originated government sharing power with the

local populace. All governing decisions were made by the elite for their own benefit and perpetuation of their rule.

The direct descendant of this attitude is present in the Republic of Singapore. The nation has been ruled by the People's Action Party (PAP) since full independence was achieved in 1965⁶⁵, personified by the first Prime Minister of the country, Lee Kuan Yew. Lee served as Prime Minister from 1965 to 1990, and then the position of "Senior Minister", created for him, from 1990 to 2004 under a hand-picked successor. Lee currently holds the post of "Minister Mentor", again created for him, in the administration of the current Prime Minister, Lee Hsien Loong -- the eldest son of Lee Kuan Yew⁶⁶. All are members of the PAP, which has won majorities in every post-independence election held⁶⁷.

All of this history is important in understanding the context in which the internet is used in the resource-poor city-state, with a population of roughly four and half million people⁶⁸, of which 1.7 million are estimated to use the internet⁶⁹. This figure ranks Singapore 61st out of all nations in number of internet users⁷⁰. There are more than 950,000 computers with direct connections to the web in the city, which ranks it 36th in the world, ahead of Greece, Portugal, Israel, and South Korea⁷¹. The regulatory organ with jurisdiction over the internet is the Infocomm Development Authority of Singapore (IDA), whose strategic goal in its own words is:

... to cultivate a vibrant and competitive infocomm industry in Singapore - one that attracts foreign investment and sustains long-term GDP growth through innovative infocomm technology development, deployment and usage in Singapore - in order to enhance the global economic competitiveness of Singapore.

IDA seeks to achieve this objective in its roles as the infocomm industry champion, the national infocomm master-planner and developer, and the Government CIO⁷².

The emphasis of the IDA appears to be on a macroeconomic level, with consumer services a secondary matter. In a nation lacking in every physical resource, including fresh water, it is perhaps understandable, even laudable, to develop an industry that relies on human capital, which the country possesses in abundance, thanks to its emphasis on education and commerce.

The difficulty begins with the realization that separation between the government of Singapore and the PAP organization is entirely theoretical. Both overt censorship by the government using the IDA, which has the power both to license service providers and to compel action by ISPs against individual customers, and prophylactic self-censorship are common practices in Singapore⁷³. As successor to the Singapore Broadcasting Authority, the governing authority over Singapore's internet before December 1999, the IDA has tools in the form of the Defamation Act, Sedition Act, and Maintenance [sic] of Religious Harmony Acts. These laws are applied to the internet as readily as they are to print and broadcast media⁷⁴.

Additionally, the IDA has inherited the ability to apply additional restrictions on internet users, prohibiting access to sweeping categories of information in four broad areas⁷⁵:

1. Public Security and National Defense
2. Racial and Religious Harmony
3. Public Morals
4. Other Regulated Contents

The first three areas are obviously quite broad; the last area effectively gives the IDA carte blanche to enforce the laws as the government chooses to define them. A reading of Chapter 137A, the chapter of Singaporean law which established the IDA, discloses in section 6 a list of duties the agency is charged with, including subsection (1)(j): "to encourage, facilitate and promote the greatest practicable use of industry self-regulation by the information and

communications industry in Singapore;”, and in sub-section (1)(q): “to establish and maintain, to the extent permitted by any law, standards and codes for the monitoring and regulation of such aspects of information and communications technology data privacy and protection as the Authority thinks fit;”⁷⁶.

Section 7 details in much briefer fashion the powers granted to the agency in order to carry out their responsibilities. Particularly pertinent is subsection (1), which reads:

Subject to this Act, the Authority may carry on such activities as appear to the Authority to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its functions and duties under this Act or any other written law, and in particular, the Authority may exercise any of the powers specified in the Second Schedule [speaking of granting licensure.

Nowhere in the statute are limitations on the governmental body prescribed. Section 26 does provide that employees and agents of IDA will not disclose any of the workings of the agency, under pain of imprisonment and fine⁷⁷.

Without restraint, the PAP is free to use the mechanisms of the government to perpetuate its own benefit. The application of this principle has curious effects. Far from being corrupt, the government of Singapore invariably places within the top ten in the list of least corrupt nations maintained by Transparency International⁷⁸ (for 2007 Singapore tied at number 4, with Sweden). Far from being impoverished, the nation continues to enjoy a high rate of economic growth, and maintains its reputation as a leader in high technology⁷⁹. The price paid for this success is the extinction of any political expression outside the ruling party, as well as loss of liberty to engage in many cultural, entertainment, and religious activities taken for granted in other nations.

Freedom House notes that nearly all internet service providers are either owned or controlled by the state or by companies with ties to the PAP. Licensing requirements for media

apply to websites, and have been used to suppress political and religious entities. Before the May 2006 parliamentary elections, the Communications and Arts minister warned bloggers and web masters that they had no rights to express opinions on political matters. The government's approach to bloggers who criticize it was described as "zero-tolerance"⁸⁰. Freedom House assigned Singapore spot #154 (out of 195) in a four-way tie with Afghanistan, Djibouti, and Gabon⁸¹.

Reporters sans Frontières noted many of the same incidents, including the conviction of Singapore Democratic Party (SDP) activist Yap Keng Ho for posting video of an unauthorized party meeting on his blog. When Yap refused to pay the \$2000 Singapore dollar fine, he was jailed for ten days⁸². At one point in the mid-1990s, the SDP had a website without any pages, in an abundance of caution over violating the law⁸³; in that light, Yap's predicament has to be seen as progress.

It remains to be seen whether the climate of censorship in Singapore will ever change. The government of Singapore steadfastly maintains that the laws of the nation serve to protect its citizens, and point to continued prosperity as proof of efficacy. At least one study indicates that Singaporeans either tolerate or support the censorship, the later particularly when dealing with material for young people, or racially offensive items (large-scale ethnic riots in the 1950's are still remembered by many people)⁸⁴. Despite some earlier predictions that censorship would become untenable with technological advances, there has been no sign of waning enthusiasm for censorship from the government. It may be that Singaporean officials have succeeded in their attempt to, as Bill Gates put it, "have their cake and eat it too"⁸⁵. One can only imagine how much more enjoyable the cake might be if it didn't have to be watched all the time.

SUMMARY AND RECOMMENDATIONS

California already has a considerable advantage over most of the nations profiled in being a center of technological development, artistic expression, and part of the most prosperous economies in the world, both in its own right and as a part of the larger United States. Beyond cases at the local level (teen-aged bloggers facing suspension for mocking a school principal), censorship issues are very small in California, thanks to the protection afforded by the US Constitution to individual speech and the resulting general climate encouraged thereby. Similar conditions prevail in Finland, which also has a thriving business and political climate that is expressed on the through the web, and in Chile, which is in the very beginning stage of developing an internet culture as that nation redevelops its democratic institutions.

Whether or not Singapore has produced a better business climate with its management of the internet than Finland, or California is open to many variables. It can be readily argued that Singapore's generous subsidies for research and favorable tax policy toward high technology enterprises do more to stimulate business than its paternalistic web censorship policies. Whether or not censorship really has any effect protecting minors or anyone else from the perceived evils of the web is beside the point in California and those parts of the world where people make their own decisions. Beyond the extremes of sex with minors or other actual crimes, there would be neither popular support nor, in all likelihood, a legal basis for censorship of private internet connections by governmental entities at any level.

Of special note when discussing censorship is the practice of requiring ISPs and/or individual web users to become licensed or to register in some way, as in the case in Singapore and Lebanon. In the former, the requirement is used as an instrument of political repression and censorship of all kinds; it also has the potential to do so in the latter. The history of Chile in the last half of the last century gives a graphic example of what political repression can do to

nations. Even more than restrictions on use of the internet for entertainment and artistic expression, limitations on political speech are dangerous to a free society. Again, even if the popular and legal cultures of the United States and California could actually allow for such activity, censoring the internet for political content would likely be a counterproductive activity at best, and an increasingly destructive force at worst.

A discernable common factor of the approach taken toward the internet by the two nations most successful in harnessing it, Finland and Singapore, is the integration of the internet into the educational system. Virtually every school in both of those nations can give students access to the internet, and practical experience using it. California has nearly the same availability as those two much smaller nations, but to date much less success integrating its use in fundamental ways. To develop genuine proficiency, California students cannot think of the internet as an interesting condiment, but part of the main course of curriculum offerings.

Another factor the more successful states have in common is use of the internet for transactions between the citizenry and their government. Finland's government ministries have universal access to the internet, and are presumably universally accessible. Singapore may repress political dissent, but does its utmost to make its agencies accessible to citizens for daily business, particularly involving commercial matters. It also provides public forums where a (presumably proscribed) debate can take place, including one recent string with 173 pages of citizens debating the legalization of homosexual relations in the city⁸⁶.

California has had fair integration of such services as drivers license appointments and election results, but could easily improve. The state could also very possibly benefit from allowing citizens to contribute to public debate on issues, in a legally non-binding but still symbolically significant way. If Singapore can do it, California should also be able to.

Lastly, direct funding for research and development on and about the internet, in public universities and private businesses, is a feature of the successful states, and increasingly in Chile. Moreover, the infrastructure of the internet itself is recognized to be as important as the transportation network or power grid, and given appropriate treatment in the budget processes of the countries hoping to harness the potential of the web. California should do no less if we expect to operate in a global economy as part of a worldwide community of nation states.

California is one of the birthplaces of the internet, and possesses a vast pool of skilled researchers and talented entrepreneurs in a politically open environment. It would be almost difficult to make nothing of the natural advantages the State begins with, but neglect and misdirected priorities have the potential to produce that unfortunate result. Censorship and regulation have little to do with how California should manage the internet; education, accessibility, and investment must be our priorities if the World Wide Web is to figure in our future economy and society.

¹ Economy of California. Wikipedia. < http://en.wikipedia.org/wiki/Economy_of_California#Rankings_from_different_sources > Accessed 9 December 2007

² History of the Internet. Wikipedia. < http://en.wikipedia.org/wiki/History_of_the_Internet > Accessed 9 December 2007

³ Chile (2006). Freedom House. 8 December 2007 <<http://www.freedomhouse.org/modules/publications/pfs/modDisplayCountryDetail2.cfm?country=6940&year=2006>>

⁴ The World Factbook: Chile. Central Intelligence Agency. 8 December 2007 <<https://www.cia.gov/library/publications/the-world-factbook/geos/ci.html>>

⁵ Internet access. Wikipedia. 8 December 2007 <http://en.wikipedia.org/wiki/Internet_access>

⁶ Latin America. The OpenNet Initiative. 8 December 2007 <<http://opennet.net/research/regions/la>>

⁷ Hawkins, Eliza Tanner. "Creating a national strategy for Internet development in Chile." Telecommunications Policy 29.5/6 (2005): 351-365

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Chile (2006).

¹² World Report: Libraries and Intellectual Freedom: Chile. IFLA/FAIFE. 8 December 2007 <<http://www.ifla.org/faife/report/chile.htm>>

¹³ Ibid.

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