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## Philosophy and the Internet: a Question of Norms

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**Abstract:** Our intellectual and social, economical and political practices are based on normative systems which may be not infallible but whose core requirements can in no way be questioned. Nevertheless, the Internet and its conflicting logics significantly affect the certainty of an unquestionable relation of our practices with the standards that rule them. This paper addresses the issue of normativity itself, i.e. the relation that we are meant to maintain, in the context of an absolutely unique networking experience, with standards, laws, ethical and deontological rules, supposed to ensure the properness of our interactions in the "cyberspace."

**Résumé:** Nos pratiques intellectuelles et sociales, économiques ou politiques, sont adossées à des systèmes normatifs qui ne sont sans doute pas infaillibles, mais dont l'exigence n'est dans son fond nullement remise en question. Or l'Internet et les logiques conflictuelles dont il est animé ébranle notablement la certitude d'un rapport inquestionnable de nos pratiques aux normes qui les régissent. Nous posons dans le texte suivant la question de la normativité *en elle-même*, c'est-à-dire la question de la relation que nous sommes supposés entretenir, dans le contexte d'une expérience absolument singulière des réseaux, avec les normes, lois, règles morales ou déontologiques, qui sont supposées garantir l'ordre de nos interactions dans le « cyberspace ».

Original French version available on line: [Internet et la question de la normativité](#)

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As with all activities linked to technological advances, the Internet is regulated by various standards. These can be of a legal, ethical, deontological, even aesthetic nature, or perhaps standards developed over time. The disparate nature and the diversity of rules applied to Internet use, however, create a problem which can be discussed in philosophical terms of *normativity*.

However, this observation – the diversity of norms – cannot alone settle “the issue of normativity” as such, as it is vague, equivocal, undefined. One reason is that it encompasses all aspects of our daily activities, whatever their nature, not just those linked to technological advances. All our activities, whether practical or intellectual – whatever we think, say or do – take place in a given normative context: we are supposed to think “clearly”, to speak “well”, or do “properly”. Potentially at least, all our activities are expressions of technical, ethical, and/or intellectual rules, which are acted on more or less directly and consciously. Therefore to some extent, there is nothing specific to be said about our network activities and their “normativity”.

Now deciding philosophically on “the issue of normativity” really means considering the *function of normativity* as such, in other words the need to align a practical activity or thought with its accompanying standard(s), just as when lining up bricks in masonry, or when ensuring the rigueur of an argument made. As such, the heart of the question is not about the standard itself – whether legal, moral, traditional, technical, logical, and so on – but rather about the very correlation between the activity and the standard: What happens when we link an activity to a standard? Do we align the action to the rule, or do we progressively create rules which will determine our practice, for which a norm is still being drawn up? As far as understanding the Internet and its rules is concerned, this is the same as asking whether usage is subject to accepted standards, or the creational foundation for a completely original set of standards, namely, their “normativity”.

Such an alternative makes the Internet a unique concern.

First let us consider our ordinary activities, where we follow standards that we consider either to be fixed – the “right” or “wrong” of an action, the “truthfulness” or “falseness” of a thought, and so on – or necessary to impose in order to guarantee standard practices, as in implementing regulations that ensure air or maritime transport safety. What is certain in this case is that

“standards” are an essential concern, an objective and *a priori* obligation, and their necessity is not and should not be questioned at all.

Yet, as far as our Internet activities are concerned, our attachment to objective standards is profoundly undermined. This does not mean that we start replacing existing objective standards with personal and/or subjective standards. However, subjection to objective standards is undermined because of a *collapse of effectiveness* associated with their “objectivity”. In other words, we no longer consider the standards to which we hold in our Internet activities, as having the same necessary and unshakable nature as those linked to the law, morals and rules of our public and private material lives. Of course, our Internet activities are marked by “objective” standards: IT standards that govern networks, judicial standards that govern usage, or deontological standards that more or less determine our activities. However, there is no standard that manages to define stable (let alone definitive) “universal and necessary” directives, in the same way that it is accepted that Law is the “universal and necessary” standard for civil and political interactions. Nonetheless, it is definitively not appropriate to say that the “collapse of the effectiveness” linked to the “objectivity” of standards has brought on the dawn of a new world without standards, more or less forcing us to renounce our accepted standards in favour of, for example, an imaginary posthuman borderless technology-driven way of life. In fact the Internet “issue of normativity” is about understanding the nature of the processes leading to the *stabilizing*, *fixing*, and *establishment* of principles that could govern our network activities, and by extension our “real-world” lives.

My suggestion is that a new *normative regime* seems to be brought on by the development of the Internet, and our understanding of it might still be lacking the conceptual framework needed to grasp it clearly and accurately.

The new “normative regime” implies two points that can be considered jointly. *Firstly*, the multiplication of network sources of normativity, currently including not just Law, whether national or international, but also on one end of the normativity spectrum, semi-public and/or private authorities – the leading example being ICANN, a private limited Californian organisation that has been set up by the U.S. Department of Commerce to regulate distribution of domain names all over the world; and on the other end of the spectrum, individuals and/or groups participating in Net life, thus creating rules for their co-existence and the sustainability of networks. Surprisingly enough, the legitimacy of such rules lies exclusively in the fact that they are applied. Notable examples are discussion forums and more generally what is called “netiquette”. Therefore and above all, “new normative regime” means: “conflicting and competing rationalities” – partly because as in ordinary judicial interactions, conflicts arise between differing interests, and partly because of the more spontaneous and chaotic ways the Internet works. As a system for

exchanging and communicating, it is merely made of the activities that, in their own complexity, are themselves an integral source of normativity. Hence a paradox. Whereas in the ordinary run of things, conflicts can arise due to competing interests, on the basis of accepted and recognised rules (normativity), in the differential and volatile Internet space, barely identifiable competing normativities (sets of rules, whether ethical, legal, etc.) are provoked by competing practices.

*Secondly*, "new normative regime" also refers to the fragility of the standards and the spaces for exchanging that they govern. This serves to further explain what is meant by "collapse of effectiveness" associated with the "objectivity" of standards.

Two fairly symmetrical arguments should be considered to clarify the issue. *On the one hand*, it is known that the development of P2P networks has damaged various current judicial mechanisms protecting authors' rights. For instance, whilst it is fairly difficult to be a "criminal", because it requires a lot of determination, a fair amount of contempt for the law, and various technical skills, it is on the other hand extremely easy to carry out illegal activities, such as pirating music, films and so on. This distinction is paradoxically neither secondary nor incidental, but rather very important. By its very existence, independently of whether one would wish to damage or infringe human or authors' rights, the Net is a place where (parts of) the Law can be ignored for the "wrongdoer" to act with impunity, no matter which methods are used to protect a producer's so-called "cultural" assets. *On the other hand*, symmetrically, all attempts to implement a classic and coercive normative model to the Internet – such as the implementation of technical tools that enforce rigid application of rules designed to protect authors' rights – would practically close it down and by extension simply negate the Net's reason for existing. It would lead to the creation of networks designed exclusively for consumerist use, and to quote what Prof. Lawrence Lessig once said, to a "Read Only Internet", rather than what it currently is, a dynamic and intricate network of networks that allows for both the reading and the writing, the consuming and the creation, of information.

Therefore, the idea of a collapse of traditional normative practices is not simply the product of philosophical imagination, but rather covers an issue that in our daily lives we all come across, namely the "governance of networks". Thinking about normativity and its new regime, means thinking about the ways – not just the rules – in which we want to equip ourselves to deal with the emergence of a radical change in living and communicating; it means thinking about human communicational practices as such, and more importantly about their reflectivity. What is under consideration here is not just an optimal judicial system for communicating efficiently, but rather new means and new horizons for rules without barriers, a new "normativity" for embryonic skills and know-how, and reflective methodologies opening roads towards the future of our "togetherness".

These “means and horizons” encapsulate the broad, yet perhaps vague and undetermined idea of *governance*. “Governance” may incorporate the methods implemented and applied in order to maximise communication activities and exponentially expand them in the future. However, we come against two types of almost insurmountable problems. Firstly, the Net’s *security*, which rather than being a tangible reality, both in the long and short term, remains an illusion. The only way round this would be to create a type Internet that would not allow for productive exchange of information, thereby overcoming this problem! The second problem is that of *conflicting rationalities*. Fundamentally this has to do with conflicting ethics – civil, religious, personal, common, etc. – not just a discrepancy between private and/or public interests. Therefore, we need to deal with an axiological issue rather than a practical one. Take for example “hacking”. It can just as easily be viewed as pirating, as it is can be viewed as the expression of morals based on militant logic, such as that used by *open source* or *free software* socio-political movements.

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Let us make a final remark, by loosely paraphrasing from an issue of *Le Monde Diplomatique*, 1997. “Normativity” need not be viewed with either awe or terror. Sceptical optimism is rather called for. Obviously the Internet does not herald the collapse of traditional judicial frameworks for humanity. Neither does it herald a change from a world based on justice and freedom to a world locked by injustice and alienation. Instead, slightly stretching the analogy, we should think of our communicational present as being analogous to the Renaissance, when conflicts of many sorts gave rise to the Classic Era. The discovery of the New World brought into question the validity of systems by which the political and religious Ancient World had until then been structured, following more than ten centuries of intellectual and political development.

We might very well be facing the discovery of another New World, not topographical this time – where America and Europe are still miles apart – but *chronographical* – all its parts being considered as in synchronization and interconnected. This is a world with a new tempo, with communicational practices slowly changing the timescale of our everyday lives. We are compelled to speculate that the Internet should be accepted for what it is, with the potentially infinite, or at least unpredictable, existential mutations it is bringing along. For it is most certainly marked by its eternally *con-current* practices, which at the same time are *re-currently* shaping it and constantly differentiating it from itself. As a consequence, we may need to think less about our practices and their rules, and more about “normativity” and its infinite mutations, possibilities and intangibility.

Which is paradoxical. The “issue of normativity” certainly cannot be looked at from a purely objective standpoint – the lawyer’s, the judge’s, the moralist’s – but rather as a symbol of the

extreme difficulty surrounding our appropriation of the normative foundations for our communicational practices, to which we will nonetheless be increasingly obliged to identify ourselves and our lives.