

**“And the Answer to Internet Governance is ...”**

**Remarks at  
The Struggle Over Internet Governance: Searching For Common Ground  
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Good evening. Let me first thank Bill Dutton, Christian Ahlert and everyone else at the Oxford Internet Institute, as well as John Palfrey and Mary Rundle of Harvard Law School’s Berkman Center for Internet & Society, for their work in putting together such an excellent event. The area of Internet governance is well-served by these forums that bring people together to consider fresh approaches to the difficult questions before us.

I am in a precarious position to address you now. As an American congressman once remarked during a particularly long hearing on Capitol Hill: “Everything has been said -- but not everyone has had a chance to say it!”

Instead of commenting on what tonight’s speakers have said, I’d like to do something different. I’d like to tell three stories. They are simple stories -- true stories -- about Internet governance. I am certain that (with one or two exceptions) no one in the room has ever heard the stories before.

A journalist is sometimes bound by confidentiality. But I feel confident that the people concerned won’t object that these stories are now made public. (In fact, I am in the fortunate position that in only one of the three cases, is a person in a story with us here tonight -- to attest to my veracity!)

The first story, I call: “Snickering in the Cabinet.”  
The second story is called: “The Giggle Test.”  
And the third story is called “Pink Elephants.”

Each story tells a different lesson. But they all lead to one moral -- and it is nothing less than the answer to the issue of Internet governance. So I propose to conclude my remarks by giving you the answer to Internet governance.

I.

The first story: “Snickering in the Cabinet.”

Everyone knows that in 1998 when ICANN was being created by Internet stakeholders -- involving the private sector, the technical community and some, though certainly not all, governments -- it was due to the direct coordination of Ira Magaziner in the White House. He set up the Green Paper process in 1997 that solicited thousands of views from around the world via the Internet, which later became the White Paper, and culminated in ICANN.

But no one knows how Ira got involved with Internet governance in the first place -- it is one of the mysteries of American politics.... How did that happen?

We know that Ira had initially managed President Clinton’s health care initiative that got torpedoed quickly and nastily. Ira was bludgeoned by Republicans in Congress, and even sued for

how he described the composition of his task force! We know that Ira previously had a successful career as an international management consultant, and his intellectual prowess is legendary.

Yet by 1998, he was setting in motion the process that would lead to ICANN. How did that happen? The story is this:

In 1994, as the health care plan was in tatters and abandoned on political grounds, President Clinton called Ira into the Oval Office and basically said: "Ira, this is killing me!" Ira was told to lie low.

Now, of course, Bill and Ira are good friends -- a friendship that was forged, appropriately enough, here at Oxford, where both were Rhodes Scholars in the early 1970s. And Ira was particularly good friends with Hillary. So he wasn't jettisoned. He was told to go find a new issue -- anything he liked -- so long as it was: 1. non-controversial, and 2. out of the media spotlight.

(OK. So you can see where this is heading!)

It is 1995, and Ira is looking around at what are the interesting, emerging issues that he can turn his talents towards. And being the foresighted person that he is, he spots data-networking among small- and medium-sized businesses. It seems dry, and very few people, especially in government, are thinking about it. But Ira is convinced it is important.

Ira briefs the president about the idea, and as is Bill's way, he gets all excited. He invites Ira to address the cabinet. So now Ira is at a cabinet meeting and explaining the policy initiative he has decided to take on. Keep in mind that in 1995, to say you are working on data-communications among small businesses -- especially after trying to reform America's health care system -- sounds something like a joke.

And in Ira's telling of the story, as he is talking, he can hear a palpable sigh of relief fall over the President's cabinet; they're sitting around the table thinking: "Thank God! We'll never hear from him again! Perfect!" And, in truth, there is a slight wisp of snickering, too -- barely audible laughter under some people's breath. It is, we can empathize, a bit humiliating....

Of course, we all know how the story ends. Basically, this dry, unsexy and unimportant dossier is the Internet, right before it emerges as the central engine of economic growth in the United States and worldwide. Ira will end up leading the federal government's policy on Internet matters. And ironically, far from steering clear of controversy and staying out of the public eye, Ira ultimately will be responsible for establishing the framework of global Internet governance!

The lesson is this: you can't predict the future -- we just never know how things will unfold. Especially with the Internet, which is inherently unpredictable.

## II.

The second story is "The Giggle Test." It goes like this:

There was a phrase used by American officials overseeing ICANN between 1998 to 2000. They didn't use it publicly, but occasionally it would crop up in conversations, and it was often used internally. It was something called The Giggle Test.

And what was The Giggle Test? It went like this: If you can say “It is only a technical coordination body” to describe ICANN and the issue of domain name system management, and not break into peels of laughter because of the obvious ridiculousness of what you just said -- well, then you successfully passed The Giggle Test.

The lesson of the story is that US officials knew from early on that these issues were not simply technical in nature, but effected broader issues of society, economics and public policy.

But there was a feeling that in the short-term, these wider issues needed time to mature and be recognized by others. And as that happened, what was most important was for the technical aspects of the Internet to be placed in a stable environment, to ensure the stability and reliability of the infrastructure. And so, the creation of ICANN, and so, The Giggle Test.

This is not to say that what was right for 1998 should be right for all time -- far from it. No one thought that then, and no one suggests that now. But the lesson of The Giggle Test is that these issues were acknowledged from the outset to pose big questions that didn't have easy solutions.

### III.

The third and final story is called “Pink Elephants.”

Around 1960, Vint Cerf and Steve Crocker, both among the original group of engineers who created the Internet, were in high school together in Los Angeles -- and we are fortunate to have Steve with us here tonight. At the time, they wanted to create a math team to compete against other high schools. There was only one thing they needed to do: they had to write a constitution for the club, and submit it to the principle.

This being high school, the math club was open to all, and some other kids were interested in the club, too. As these things sometimes go, they took the writing of the constitution seriously. Very seriously. Over the course of the school year, after-school debates would rage about the wording of the preamble, the provisions of the bylaws, and every detail that you might imagine -- or, probably never imagine -- about a high school math club's constitution.

An entire school year passed, and the math club never formed, never competed once, because the constitution was never submitted to the principle. Vint and Steve were deeply upset about it. It took an entire year until their persnickety classmates finally agreed on a math club constitution; an entire year wasted.

A few years later, Steve is now at university at UCLA, and he is part of a group of kids creating a computer club. Computers are new, big, bulky, complex machines, and the creation of a computer club will bring together some smart kids to work together on important future technology. In this instance, too, they need to establish a charter for their group with the school. And once again, there are a few classmates who relish the chance to take something that is fundamentally strait-forward and make it as complicated and bureaucratic as possible.

But this time, Steve, remembering the experience in high school, is well-prepared to counter it. Before the persnickety people have a chance to totally encumber the process, he strikes: “What if pink elephants were spotted walking down the hall?!” he asks. “There are no provisions for pink elephants!” Instead, he explains, it makes sense to simply address the immediate issues rather than create a document that attempts to foresee and treat every possible eventuality -- and that if pink elephants become a problem, one can tackle the matter then.

The UCLA computer club was thus born. And I like to think that the Internet and its governance, which Steve Crocker initiated through writing the first “Request For Comments” standards document, was fertilized from that experience.

The lesson -- and there are many, but the one I'd like to highlight -- is simplicity; to not over-design things. That it is more important to deal with what is before us than to expend our effort trying to account for every potential thing.

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I promised at the outset that these three stories -- “Snickering in the Cabinet,” “The Giggle Test,” and “Pink Elephants.” -- which have three different lessons, all lead to one moral, and that the moral is the answer to the issue of Internet governance. I will tell you what the answer is now.

It is probably not the answer you want to hear.

The answer is ... there is no answer.

As humans, we like to believe in order; in our ability to shape the world. And we hold to the notion of progress. We like to think that each day will be better than the one that preceded it.

And we like to feel that we are continually building; that history leads in the direction of betterment. This is the notion of progress, which we in the West inherited from the Enlightenment. It is characterized by the “American Dream” -- though it can be universalized -- which is an optimism about one generation's ability to improve upon the previous one. Similarly, it is tempting to think that we can completely resolve the controversies we face.

Yet, when you think about it, Internet governance is a lot like ... governance.

It entails timeless questions, that we try to answer for our own day. But there are no perfect solutions, no final answers. We make the mistake believing there are definitive answers, even as we acknowledge that the question we ultimately struggle with is “Who Guards the Guardians” -- forgetting that the phrase was formulated by as far back as Plato in “The Republic.” And if we still face this question -- today, in the context of Internet governance -- how should we presume that we can answer it definitively? Rather, it is a conversation across generations and societies.

We will always be discussing Internet governance, just as we always debate governance.

The American statesman Henry Kissinger broached the question of progress and policy early on in his life, in his doctoral dissertation at Harvard, which is published as a book called “The World Restored.” In it, he took issue with the traditional view of the Congress of Vienna, that regarded it as a futile attempt by European powers after Napoleon to turn back the clock of history.

Kissinger revolted against that view. Think about it: it brought peace to Europe for almost 100 years, Kissinger noted. How could that possibly be considered a failure?

And so, too, Internet governance. The best we can hope to achieve is a temporary, fragile harmony in our own day. And leave that as our legacy for the next generation to carry on.

Thank you.