Feminist net politics

Perspectives and scope for action

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CONTENT

1. Introduction

Digital technologies and the Internet are increasingly permeating people's lives. They are becoming increasingly important in our daily lives, the world of work and business, political processes and the production of culture and knowledge, thus making way for new social practices, discourses and structures. The extent to which society changes due to digital media is becoming apparent in contradictions we are currently becoming aware of.

On the Internet, knowledge is no longer a scarce resource. Google and Wikipedia are pertinent examples of how radically access to information is changing. At the same time, knowledge is increasingly being subjected to privatisation. Intellectual property is an asset which capitalist players try to protect by means of treaties, such as ACTA.

New digital public spaces are being created on the Internet (Münker 2009), where people can network and talk politics. Western media and politicians often emphasise the role played by social networks in the Arab Spring, while digital technology is being used all over the world to monitor and control people. The European Union aims to enforce the retention of data and funds projects such as INDECT. Today, security enforcement merely takes fundamental rights into consideration, i.e. the limiting of basic civil rights is taken for granted.

The Internet's open standards and its basically open structure allow for computers to connect worldwide and for information to flow freely. At the same time, the power of large corporations keeps growing; it goes without saying that, in global capitalism, they need to find ways to further increase their profits. 'Free' information flows and user data become usable resources.

We are at a point that might mark the transition to a 'digital culture'. The aforementioned contradictions give rise to numerous conflicts at all political levels. Net politics is evolving into a significant and contested policy area. Political struggles on the Internet cannot be discussed separately from social conditions, as the above examples show. The assumption that the 'virtual world' of the Internet is a tabula rasa free from power relationships has already proved itself to be wrong. Those who design and use digital technologies come from a world that is marked by inequality at different levels. Accordingly, discrimination, hierarchy, exclusion, oppression and violence are also powerful factors in the digital part of reality.[1]

It is therefore also necessary to discuss net politics, develop positions and intervene in those conflicts from a queer-feminist and intersectional perspective. This study, the main aspects of which have been published here, was compiled in 2012 on behalf of the Gunda Werner Institute for Feminism and Gender Democracy. It outlines perspectives in queer-feminist net politics, summarizes existent gender policy approaches with regard to net politics, and describes the relevant fields from a feminist perspective. Net feminism, i.e. "feminism that uses the

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1. On the current state of research in the field of gender and Internet/Web 2.0 see Carstensen 2012a.

Internet as a medium" (Schrupp 2012) is different from net politics from a feminist perspective. Antje Schrupp argues that there is "a certain lack of feminist perspectives" in this area (ibid.). This study aims to fill this gap. Its structure is informed by the following research questions:

What are the points of intervention from a queer-feminist perspective in the area of net politics? What topics (e.g. net neutrality, data protection) are particularly useful to promote political interventions ensuring equitable participation on the basis of queer-feminist approaches? (chapter 2)

What topics are best suited to (intersectional) queer-feminist interventions?

The political perspective which this study takes as its basis for assessing current conflicts in net politics is referred to as "queer-feminist". It understands gender as a powerful, socially constructed category embedded in a hegemonic gender structure based on a heteronormative, naturalised, binary concept of gender. According to this concept, there are only two genders, which manifest themselves in different physical appearances and social modes of existence, and relate to each other in terms of sexual desire. Bodies, modes of existence and forms of desire that do not comply with this normative order are considered unnatural, abnormal and sick. Furthermore, the gender system is analysed as a hierarchical, sexist relationship. As an interdependent category (Walgenbach 2007), gender cannot be considered independently from other power relations. Therefore, the queer-feminist perspective is also an intersectional perspective aiming to analyse interwoven social relations and link perspectives of gender policy with categories such as class, body, 'race' and other categories of inequality and discrimination. A queer-feminist perspective is also an emancipatory project that aims to undermine normative and naturalising means of identification used to exercise power and to fight against discrimination, exclusion, oppression and violence. This study looks at the meaning of the foregoing considerations for net politics and explores the concrete points of intervention for queer-feminist politics. However, it addresses not only queer-feminist approaches, but also perspectives that assume a binary gender order or simply look for women participating in this field.

2. Net politics

The policy field of net politics has developed in parallel to the Internet during the last decades and, since the nineties, it has been understood as an independent policy or legislative area (Braman 2010: 140). As with many other policy areas, net politics cuts across traditional fields. It relates to home affairs as much as economic and justice policy, consumer protection, and family and youth policy. The German term "Netzpolitik" (net politics) encompasses Internet policy and Internet governance, but is also used in a wider sense.

Internet policy refers to the "laws and regulations that are either specific to Internet infrastructure and its uses (e.g., domain names, or trying to control spam) or apply to long-standing legal issues that have so qualitativly changed the nature in the digital environment that significant changes are required of the legal system (e.g., privacy or copyright). Some of the legal tools in play to regulate the Internet and its uses are familiar from earlier communication law; others are innovations specific to the Internet" (Braman 2010). The regulation of the Internet as a type of infrastructure is therefore subject to Internet policy. This includes technical standards, such as IP, assigned domain names and routing policies. Internet governance is the structural framework of such decision-making and regulation processes. An appropriate definition was drafted at the World Summit on the Information Society (2005): "Internet governance is the development and application by Governments, the private sector, and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet." (cited in Kurbalija 2010)

The use of the term "governance" alone underlines the fact that the players in this field are not restricted to states. International organisations are some of the major stakeholders in Internet governance. They comprise representatives of civil society, the private sector and the technical community who participate in the form of multi-stakeholder processes (see Digitale Gesellschaft 2012). The Internet Engineering Task Force, the Internet Architecture Board and the Internet Corporation for Assigned Names and Numbers (ICANN) are just a few examples. These institutions work in boards organised under the aegis of the Internet Society (ISOC), which was founded in 1992. The Internet Governance Forum (IGF) is another international platform for discussing Internet governance. It was founded in 2006 on the occasion of the World Summit on the Information Society. Recently, the International Telecommunication Union (ITU) held its world conference in Dubai. This specialized agency of the United Nations is composed of states only, and also deals with the Internet. As well as issues concerning infrastructure, which are dealt with within the framework of Internet governance, Internet policy comprises further areas of law and regulation. New political needs for action have

emerged here on the national, supranational and international level, which are related to the Internet and the specific characteristics of the global digital communication network.

Braman (2010) identifies "four big issues" that Internet governance deals with:

1. Access to the Internet: discussed under the term the "digital divide"; this also comprises the topic of media literacy.
2. Access to content: including censorship, net neutrality.
3. Property rights: (intellectual) property rights on the Internet and in digital culture, intellectual property, copyright, software patents, etc.
4. Privacy: data protection and privacy, anonymity on the Internet.

Most issues of net politics can be assigned to one or more of these "big issues". They all relate to freedom of speech and access to information (Braman 2010: 156), but are dealt with in separate threads, such as discussions concerning socio-cultural, economic or development issues (cf. Digitale Gesellschaft 2012: 23 *et seq*.). The "global scope" of the Internet requires legislative harmonisation that is to be achieved through different processes of policy transfer (Braman 2010: 140).

Thus, Internet policy comprises the regulation of Internet infrastructure as well as existing areas of law and regulation that are affected by the growing importance of the Internet. Beyond political and legal discourse, the use of the term "net politics" is, however, somewhat fuzzy. It is often used to refer to "politics on the Internet", i.e. where the Internet serves as a medium for political discussions. I would like to use the term in its stricter sense, and differentiate between net politics and politics on the Internet. Accordingly, this study does not deal primarily with the question of how the Internet can serve as an instrument for feminist politics.

The everyday use of the term, however, points to a need to be able to refer to political debates surrounding the Internet beyond the concrete policy processes that are supported by political players, organisations and institutions. This broader meaning of the term "net politics" is based on a concept of politics which understands the controversial debate on what is desired by society as being political (see Nonhoff 2006) and is therefore not limited to politics, policy and polity. Net politics in this sense therefore comprises all controversies related to the way the Internet is to be designed, used and regulated in the public interest. This also includes controversial opinions regarding the impact of its design, regulation and use in other areas.

This extension proves to be productive when discussing net politics from a queer-feminist perspective, as queer-feminist politics is usually not limited to institutionalised forms of politics. In the following, I will therefore present and assess from a queer-feminist perspective conflicts of net politics along the lines of the four issues identified by Braman (2010), extended to encompass a fifth area: the digital public and the culture of communication. This

extended meaning of net politics, which forms the basis of this study, allows us to include the culture of communication (section 2.5).

2.1 Access to the Internet

The topic of access to the Internet is usually discussed as digital divide. The digital divide describes a dimension of inequality with regard to access to digital information, i.e. a "divide in society between the 'information rich' and the 'information poor'" (Döring 2003: 14). At the global level, a clear divide becomes apparent between the world's poor and rich countries: In 2011, 73.8% of the population of 'developed' states was 'online', whereas the global average is 34.7%, and the typical value for 'developing' countries is 26.3%.[2] A divide can also be observed in Europe. In many southern and eastern European countries the number even falls below 50% of the population, whereas in western or northern European countries, as a rule over 70% of the population has access to the Internet.[3] The current number of Internet users in Germany is 75.9 % of the population,[4] whereas 81.5% of the interviewed men, and 70.5% of the interviewed women, use the Internet.[5] According to an ARD/ZDF online survey carried out in 2009, women aged 60 or older form the core of the 'offliners': "Almost two thirds of all women aged 60 and above do not use the Internet" (Gerhards/Mende 2009). Meanwhile, the gender gap in younger age groups with regard to Internet use has closed. In addition to gender and age, education, income, profession and household size are factors related to Internet use (cf. Nonlineratlas 2012). The categories of ethnicity/'race', citizenship and disability were not addressed in the two large representative population surveys of Internet use in Germany. Many people with disabilities are, however, faced with particular barriers, as not all Internet services comply with accessibility criteria, and not all access devices have the required entry and display tools.

The results of the representative population figures show that access to the Internet is marked by interwoven categories of inequality. The digital divide is therefore still an intersectional-feminist topic and a possible field of intervention, above all because it has played a relatively minor role in Germany in recent years in discussions concerning net politics in civil society. The online movement seems to assume that the digital divide is gradually closing of its own accord. Similarly, in discussions of issues of net politics, access to the Internet is increasingly being understood as a basic right. Currently, recipients of the German unemployment benefit ALG II are not entitled to a reimbursement of costs associated with a computer, because, according to case law[6], this is not required to access basic information. Also, costs asso-

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2. ITU statistics Internet users per 100 inhabitants, 2001-2011, https://www.itu.int/ITU-D/ict/statistics/.
3. http://www.internetworldstats.com/.
4. ARD/ZDF online survey 2012, http://www.ard-zdf-onlinestudie.de/index.php?id=onlinenutzung000. 74.7 % of respondents stated that they had used the Internet during the previous 4 weeks.
5. http://www.mediendaten.de/index.php?id=internet-onlinenutzung-nutzer.
6. https://www.justiz.nrw.de/nrwe/sgs/lsg_nrw/j2010/L_6_AS_297_10_Bbeschluss20100423.html.

ciated with an Internet connection are not being taken sufficiently into account in the monthly standard unemployment payments (ALG II) (cf. Englert 2010, also Carstensen/Derboven/Winker 2012). Private initiatives, such as "Computerspende Hamburg e.V." and "Hardware für alle" (http://hardware-fuer-alle.de/), provide hardware for people with limited financial means; the association "Freifunk" advocates free and public WLAN.

Yet, access to the Internet should not be limited to physical access to devices with an Internet connection. Winker (2004) defined three dimensions of use, i.e. autonomy of use, media literacy and variety of use, which allow for a more specific examination of Internet use in the context of social practices. This helps to answer the question as to whether people are indeed able to use the Internet autonomously in everyday life, and participate in the services that are relevant for them. I would like to explain this using an example: The employee of a counselling centre for female victims of violence reported in a personal conversation that although many women do have access to the Internet, they lack their own account or e-mail address on the computer, or that violent partners have knowledge of their passwords. Thus, Internet use becomes risky for them, in particular if they seek to participate in support and counselling services.

It is imperative from an intersectional and feminist perspective to support political demands for improved access to the Internet, from which, according to current research, people who already suffer social prejudice in many ways are particularly excluded. This includes demands for:

- Internet supply also in rural areas;
- Public, free Wifi, not only in tourist centres;
- Internet included in basic social services;
- Target-group-oriented promotion of media literacy and autonomous use (for example, classes by women for women, or classes for older migrants in their language of habitual use).

At the political level, access to the Internet, as far as feminist perspectives are concerned, is comparatively well positioned, and the category of gender is usually taken into consideration. At the international level, development NGOs and women's organisations work on this topic in particular when dealing with the Internet. In Germany, for example, services are provided via computer centres for women and adult education centres (see chapter 3.5).

2.2 Access to content

Access to content is the second major topic of net politics. The focus of political attention is on censorship and net neutrality, both dealing with freedom of information and speech. In my opinion it is useful to discuss access to content separately at the following four levels:

(a) Regulation at the infrastructure level of the Internet: At a very fundamental level, decisions are made regarding the structure of the Internet, types of top-level do-

mains and the ways different data networks interact with each other. This type of regulation impacts on the access to content, also because it may contradict governmental efforts to enforce censorship, which means that censorship can still be circumvented.

(b) Regulation through government censorship: While countries such as China or Iran are known to make the Internet subject to large-scale government censorship regimes, most countries control content in one way or another, for example, in areas such as pornography, protection of minors, gambling, services of prohibited organisations, and other content relevant to criminal law. In 2009, the Access Impediment Act (Zugangserschwerungsgesetz) was vigorously discussed in Germany. Internet sites that document sexual violence against children were to be redirected to a page showing a stop sign. Critics feared the foundation of a governmental censorship infrastructure, among other things. In 2010, the law was repealed by the coalition government.

(c) Regulation by software, Internet and Internet service providers: It is common practice for access and content providers to provide users with general terms and conditions or End User Licence Agreements (EULAs) which contain provisions governing the conditions for the access to offered content.

(d) (Self-) regulation in the context of public institutions, charitable projects (e.g. Wikipedia) and private services: Users also define who is able to access certain content, and under which conditions. Revocation blacklists are one such example. They are used by parents and schools to try and control the content which children and young people can access on the Internet. In addition, decisions made in collective processes regarding relevance criteria in Wikipedia or the individual moderation policy of a private weblog or forum also regulate access to content.

In practice, the different levels interact with each other: Internet providers delete content that is subject to government censorship, ISPs are forced to block access, and content providers are subject to applicable laws. In 1996, John Perry Barlow wrote his Declaration of the Independence of Cyberspace, in which he describes virtual space as being free of governmental and corporate influence. However, the Internet has never been as independent, free and open for all--or "a world that all may enter without privilege or prejudice"--as Barlow describes it. Nonetheless, his text today stands for the struggle for the right of sovereignty on the Internet. The extent to which freedom of speech and information should be restricted remains, however, a controversial issue.

A fundamental conflict has developed between the profit interests of content providers and ISPs and the demand to design the Internet as a neutral infrastructure that allows for non-discriminatory data transfer (net neutrality), and it currently influences the topic of access to content. Internet service providers want to be more than mere providers of connection lines.

They seek to design services in such a way that they are based on the unequal treatment of different types of data packages from different providers. With regard to unencrypted data, this can be implemented by means of Deep Packet Inspection. Currently, net neutrality is violated above all on the mobile web. Many providers block Internet telephony applications, such as Skype, as they compete with their own telephone services. Recently, the German provider Telekom entered into cooperation with the music streaming platform Spotify: Users can book the service as part of their contract, and the accrued connection data is not deducted from the available data volume.[7] In Germany, the topic of net neutrality as part of net politics has been taken up by different NGOs calling for its statutory setting. Representatives of Germany's former coalition between the Christian Democrats and the Free Democratic Party are of the opinion that net neutrality is ensured by the market. The example of the Telekom-Spotify deal gives rise to doubts as to this, because it shows that offers that violate net neutrality can still be attractive for consumers. Only at second glance does it become apparent that the offer involves disadvantages for consumers that prefer different music providers. Without net neutrality, there is a fear that ISPs will further develop their products in this direction. This could involve access to the "real Internet" being made available at a higher price, with basic packages that include only services of wealthy market leaders, such as Amazon, Facebook or the Axel Springer AG, available at a lower price. The consequences of a lack of net neutrality are strik-ing: "If network neutrality is lost, ISP's in essence have the legal right to censor Internet content" (Braman 2010: 159).

The scenario outlined here illustrates the value of net neutrality to queer-feminist politics: If the Internet is increasingly governed by the greed of large corporations for profit, and if such a two-tier model is introduced, the Internet will be deprived of its potential to foster democracy. This is a potential which is used, for example, by feminist projects to establish a counter-public and facilitate networking. It is already obvious that many large content, service and platform providers do not tolerate certain content. Recent examples are the feminist media organisation "Bitch", which is excluded from the use of Google services because of its name[8], as well as censorship of the term "vagina" – the title of the new book by the feminist author Naomi Wolf – in Apple's iTunes store.[9] Amazon once sorted lesbian fiction, feminist and queer theory and health books for women into the category of eroticism.[10] Facebook has also been criticised for blocking pictures of naked female upper bodies, for example of women breastfeeding.[11]

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7. http://www.spiegel.de/netzwelt/netzpolitik/netzneutralitaet-was-der-telekom-spotify-deal-bedeutet-a-853246.html.
8. https://bitchmagazine.org/tell-google-bitch-its-a-feminist-media-organization.
9. http://www.guardian.co.uk/books/2012/sep/13/naomi-wolf-vagina-apple-itunes-censors.
10. http://www.karnele.de/warum-ich-oder-das-elend-mit-den-amazon-kategorien/ und
http://www.karnele.de/erotische-lesben-bei-amazon/.
11. http://www.huffingtonpost.com/2012/01/12/emma-kwasnica-breastfeeding-mom-facebook_n_1203198.html.

Apart from supporting the fight against government censorship in other countries, it is also necessary to examine the terms and conditions of Internet companies and the way they control access to content, since decisions on what is appropriate or offensive are made by corporations and are materialised in codes.

In addition, the level of (self-) regulation in the context of public institutions, non-profit projects (e.g.Wikipedia) and private Internet services offers numerous points of intervention for queer-feminist net politics. In many cases, feminist knowledge and services are excluded, in part deliberately, and partly in an untargeted manner. Blocking filters, for example, used in schools not only block access to pornographic content and Nazi websites, but also to (left-wing) political sites, feminist blogs, and queer services.[12] The debates within the Wikipedia community are well-known. Not only is the percentage of female authors worryingly low, at 9% (Merz 2011; Wikimedia Foundation 2011), but there have also been several cases in which entries on feminist topics were blocked because they did not comply with the relevance criteria. The discussions on deletions demonstrate the sexist attitudes of Wikipedia participants (Carstensen 2009). Recently, "a coordinated and aggressive campaign within and outside of Wikipedia" became public knowledge, which "culminated in sexist insults and humiliations" (Kloppenburg 2012).[13] The example of Wikipedia brings to light many different mechanisms that shape the world's knowledge, which is represented on this platform along sexist structures.

On the other hand, feminist bloggers repeatedly face accusations of censorship, as they try to avoid discriminatory language on their own websites and have developed a corresponding moderation policy. They also call for protests against sexist, racist or other content on the Internet, for example, by reporting such accounts to platform providers such as Facebook. This way, users of these platforms seek to control the content that is made available (cf. Carstensen 2012b). However, voices are repeatedly being raised advocating an unrestricted freedom of speech and rejecting any form of content regulation, be it by actors from governments, the private sector or individuals. This makes it clear that, from a feminist perspective, it is necessary to enter into a complex and critical dialogue on freedom of expression on the Internet (cf. chapter 2.5). Within the meaning of a broader understanding of net politics, and considering the fact that users on the Internet not only consume services – i.e. they need access to content – but also produce content themselves, we need a differentiated debate on the culture of the (self-) regulation of web content in the context of topics such as discrimination, inequality, resistant knowledge and a counter-public.

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12. http://maedchenmannschaft.net/koennt-ihr-uns-lesen-unser-aerger-mit-filtersoftware/.
13. For an analysis of the German Wikipedia site, please refer to http://femgeeks.de/die-deutsche-wikipedia-unter-der-lupe/#2.

2.3 Property rights

The field of "property rights" includes intangible property rights, i.e. copyrights and associated exploitation rights as well as licensing issues such as patents, trademarks and trade secrets. New forms of property have emerged as a result of the internet that need to be regulated through internet policies. The example that most frequently comes to mind is the rights to domain names. The challenges posed by the internet go significantly further than that, however: "The transition from an industrial to an information economy has also brought very old forms of intellectual property rights to the center of the economic system and stimulated transformation in how those rights are managed" (Braman 2010: 160). Post-industrial societies are not only witnessing an increasing number of people become knowledge and information workers but also capitalist exploitation interests increasingly extending to "intellectual property". An aubergine is no longer merely a vegetable sold at a market but also its specific genetic code and thus an item of information to which property rights may exist that in itself constitutes a commodity.

Information and communication technologies (ICT) such as the internet are, on the one hand, an essential part of this information economy. On the other hand, every piece of information has the potential to be digitised, i.e. it can be copied globally via the internet without becoming lost. This presents a major challenge when asserting property claims, which ultimately makes it possible to exclude third parties from the corresponding commodities. Rights holders seek to restrict the illegal dissemination of copyrighted content in a variety of ways. Alongside moral appeals ("Copy Kills Music"), they revert to methods found in private law (written warnings) and seek to tighten existing laws. Examples of this include Germany's revised copyright law, the USA's Digital Millennium Copyright Act, France's Hadopi legislation with its "three strikes" rule – which deems that people with access to the internet lose their right of access if they are caught exchanging copyright protected works on three occasions – and ACTA, a multinational agreement that was not ratified by the European Union following civil protests in the spring of 2012. Opposing the advocates of stringent protectionism are those civil society actors who have come out in favour of open knowledge. Free and open source software, projects such as Wikipedia, and licensing models such as Creative Commons or the General Public Licence, are examples of an idea that knowledge and information must, first and foremost, be made available to the general public and that the financial interests of copyright holders are secondary. Added to this, the clear line drawn between users and producers is blurred on the World Wide Web. This conflict revolves around the fact that extensively protecting claims to ownership to intangible goods would be tantamount to a rejection of the fundamental principles and openness that are at the very heart of the internet.

At first glance, one might be forgiven for believing that this subject has little association with feminist discussions on internet policy. Intellectual property would appear to be gender neutral. However, a look at feminist jurisprudence reveals that the opposite is indeed the case: even copyright laws are fundamentally gendered. According to Ann Bartow: "Copyright laws are written and enforced to help certain groups of people, largely male, assert and retain control over the resources generated by creative productivity. Consequently, the copyright infrastructure plays a role […] in helping sustain the material and economic inequality between man and women" (Bartow 2007: 551et seq.). Accordingly, she concludes that: "Low protectionism is the vision of copyright law that feminists should actively pursue" (Bartow 2007: 554). Authors such as Bartow (2007), Burk (2007) and Halbert (2007) argue that copyright laws are based on a historically male construct of the creative author: "The author is thus envisioned as a discrete and solitary individual, separate from both the community that consumes the work and from the relational network of shared understandings and cultural images within which the work arises" (Burk 2007: 546). Traditionally feminine crafts such as quilting do not comply with this individualistic idea of the creative genius according to Bartow. It is interesting to note that contemporary online forms of culture such as Wikis tend to comply with the quilting model rather than that of the writing genius. Copyright laws are based on a "male vision of the ways in which creativity and commerce should intersect" (Bartow 2007: 557). The gendering of copyright laws can also be found in the fact that creative works that are traditionally ascribed to the realms of reproduction, e.g. the creation of recipes, or handicrafts such as knitting, sewing and crocheting, are not given any consideration (Bartow 2007: 572et seq). Added to this, women – as authors – even today reap fewer gains from the statutory regulations than men as a result of structural discrimination in the working world, arts, music, film and literature. Bartow even goes as far to assert that women – as authors – find themselves in a double-bind given the normative expectations facing them: "Female authors risk accusations of selfishness and greed if they violate perceived gender-linked social norms of sharing, caring, and selfless collaboration because they seek to procure and enforce individual authorship rights and attributive credit. However, women who adhere to collaborative norms and decline to rigorously anoint themselves 'sole authors' or to hold and enforce the full panoply of copyright based exclusive rights forgo attribution, income, and control" (Bartow 2007: 573).

The subject of copyright laws is having a particular effect on how internet policy is shaped. Not least of all, the demonstrations against the ACTA agreement have made the concerns of civil society heard also at the European level and simultaneously resulted in authors, institutions and enterprises that represent their interests also increasingly becoming involved in societal debates on internet policy. Until now, feminist standpoints on this matter have not been heard even though it would most certainly be interesting to develop these in the light of the arguments presented here. Moreover, feminist discussions on property rights and copyrights

could be linked to a number of topics that feminists have already extensively addressed such as the debate surrounding Commons (cf. Helfrich/Heinrich Böll Foundation 2012). Within the context of the globalisation debate, feminists have spoken out against the exploitation interests of the agricultural and pharmaceutical industries. There is also a number of feminist disputes with free software and free knowledge with male dominance above all being the focus of the discussion in these areas. Last but not least, countless women on the internet occupy themselves with topics such as cooking, handicrafts and fashion. Creativity and collaboration are the mainstays of these female-dominated corners of the internet that have thus far barely been connected to the issues surrounding internet policy. Here, it would be worth examining, for example, who profits on what basis from the creativity of those posting new recipes on the net for free and what political prospects women have in regards to copyright laws who occupy themselves online with knitting patterns and other creative technologies. Examples such as the hacker, Fabienne Serriere, who brought a knitting machine back to life through open hardware, also demonstrate that digital technologies and free knowledge enable innovation in this area.[14] It is possible that feminist prospects in regards to copyright laws may well prove to be the 'missing link' between online feminism, internet policy and the 'female knitting bloggers' who, to date, have literally stood for the non-political locations on the internet.

2.4 Data protection and privacy

Privacy and data protection are the fourth and last 'big issue' that Braman (2010) identifies for internet policy. The legal discussion surrounding privacy was linked to the development of media as far back as the 19th century – in those days, photography (cf. Warren/Brandeis 1890). In the 20th century, electronic data processing presents society with the task of reconciling the processing of personal data through state and private institutions with the right to privacy. The digital paper trails users leave on the internet every day are growing in number. Internet policy must address how data protection, communicative privacy and anonymity can be guaranteed on the internet (cf. von Lewinski 2012).

The first data protection law to be passed anywhere in the world occurred in the federal state of Hesse in 1970, with the Federal Data Protection Act (BDSG) following in 1977. The "Right to Informational Self-Determination" formulated by the Federal Constitutional Court in 1983 in the context of its census judgment is considered a milestone. As the basis for the individual's freedom of action, this right is intended to empower people, in principle, to determine, of their own free will, if and how their personal data should be disclosed and utilised. Instead of adapting their conduct by hastening to show obedience before surveillance by "Big Brother", the individual should thus be given the possibility to determine, of their own accord, how they wish to contribute to the common welfare. The safeguarding of one's privacy is viewed as a

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14. http://vimeo.com/53502895.

vital fundamental element for implementing other basic rights such as the freedom of opinion and assembly. The principles of data protection (data economy and data avoidance, necessity, purpose, data security and the deletion of accumulated data, the right to information and the impartial monitoring of data protection by data protection officers) are designed to enable citizens to keep track of what data relating to them is being collected (cf. Heckmann 2012). As a manifestation of the general right of personality, the Federal Constitutional Court formulated a "fundamental right to the guarantee of the confidentiality and integrity of information technology systems", also known as the "fundamental right to digital intimacy" as part of its judgement on online searches in North Rhine-Westphalia in 2008.

In computer science, privacy research and security are major fields of research and work. Here, one of the primary tasks is to ensure that third-party communication is protected through concealment methods and encryption.

In regards to internet policy, both state and private-sector encroachments into people's privacy have been the subject of discussion in past years. One especially contested issue remains the introduction of event-driven data retention resulting from EU Directive 2006/24/EC. In its judgement of 2 March 2010, the Federal Constitutional Court declared data retention to be "completely at variance with Section 10 of the Basic Law" and therefore unconstitutional.[15] A new regulation is still not forthcoming today. The introduction of data retention, coupled with the Access Impediment Act was the main driving force behind the rise of the German internet movement.

Polarised arguments on the protection of consumer online privacy are a further area of conflict. Here, social network providers have particularly been at the centre of criticism in past years for not having done enough to protect their users' privacy (cf. Bluhm 2012; Schmidt 2012). That the public debate frequently focuses on social networks should not, however, lead one to assume that the danger can be averted by not using them. Risks occur through more than Facebook alone: usable data accumulates when using e-mail services, search engines, e-books and shopping online (cf. Lüke 2012). The evaluation of personal data is a source of great interest for providers as many business models are founded on the sale of such data for marketing purposes (cf. Kurz/Rieger 2011; Fiedler 2012). Moreover, there have been reports of 'data spills', i.e. the unintentional release of personal data. When evaluating data, the individual is not the only point of interest but also specifically tailored demographic groups and contact networks. Whilst privacy advocates warn of the risks associated with this, state actors have a difficult time regulating multinational companies effectively. The premises of data protection and the concrete regulations are too heterogeneous to do so.

These specific areas of conflict aside, it can be said in general that the relationship between the public domain and privacy is exposed to significant changes as a result of the internet and that,

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15. Fed. Constitutional Court, 1 BvR 256/08 of 2.3.2010, paragraph no. (1 - 345),
http://www.bverfg.de/entscheidungen/rs20100302_1bvr025608.html.

in particular, the boundaries in place in the everyday practices of users are being renegotiated (cf. Ballenthien/Carstensen 2011). Accordingly, a political debate has also been sparked beyond the specific policy discussions, which is examining the risks and opportunities of the increasing 'datification', the digital public and the apparent disappearance of privacy. Under the banner of 'post-privacy', consideration is being given to how society could benefit from a life without privacy. One hypothesis is that mutual transparency would also lead to greater tolerance among people (cf. Heller 2011; Seemann 2012; for a critical examination: Ganz 2012).

From a feminist standpoint, I believe it is absolutely essential to consider the protection of privacy and informational self-determination from the aspect of power relations. Less privileged people, such as those on welfare, or asylum seekers, already find themselves confronted with considerable encroachments into their privacy through state agencies today and are, at the same time, very vulnerable. The funding and technical expertise required to safeguard people's communicative privacy and anonymity are unequally distributed. Similarly unequally distributed are the risks associated with the internet community. That women in particular are confronted with double standards in the internet community can be seen in the example of Birgit Rydlewski, a member of the Pirate political party and state parliamentary MP in North Rhine-Westphalia, who was characterised by the tabloid newspaper BILD as a "Twitter hussy" and heavily criticised by party colleagues after she took to Twitter to report on an HIV test.[16] Even for people not in the public eye, the internet community can pose a risk that is not fully within their control. In one case in point, while launching its "Buzz" service, Google initially gave people access to sensitive data with whom it had previously had frequent e-mail exchanges. In the process, one case in particular came to light of a violent ex-husband who acquired data on his former wife's current location.[17] Measures such as the 'real name policy' imposed by Google+ and Facebook on its users limits the freedom of action of some people on the internet. The fact that private web blogs and websites are required to post their legal or personal details in Germany and that the address of the owner of each registered domain can be looked up on the internet deters many women from sharing their own offerings on the web. Here, feminist calls could be made for regulations that are more conducive to the safety needs of women.

These examples are intended to illustrate why online privacy protection is a major topic, including from a feminist standpoint. However, I have an issue with hastily making the call for enhanced privacy protection a matter of feminist internet policy per se. The feminist examination of the relationship between privacy and the public domain has shown that women have

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16. http://www.spiegel.de/politik/deutschland/skandal-ueber-piratin-rydlewski-wie-privat-duerfen-piraten-sein-a-867110.html.
17. http://www.fugitivus.net/2010/02/11/fuck-you-google/; http://www.huffingtonpost.com/larry-magid/googles-buzz-raises-some_b_455711.html.

traditionally been assigned to the area of privacy which, in part, has accompanied their exclusion from the public domain, politics and business, prevented solidarity, and cloaked violent relationships that have played out in private. A renewed discussion of online harassment, stalking and online assaults solely along the lines of privacy would see history repeat itself inasmuch that the responsibility that should be borne by the perpetrators would be shifted to the victims who fail to pay sufficient heed to their privacy and wilfully make use of offers with inadequate privacy protection. This would result in victims having to relinquish their participation on the internet as they could never be sure whether enterprises would adequately protect their privacy. Women are therefore compelled to adopt certain forms of behaviour that they must uphold in order to protect themselves.

Feminist standpoints on the complex and gendered history of privacy and the public domain continue to be recited far too little in connection with the internet (cf., however, Schelhowe 1997; one exception to this recent discussion can be found in Heller 2011). The public domain and privacy as a classic feminist issue ("The private is political!") could move forward the debate on the internet and the shifting boundaries between the public domain and privacy, the associated everyday practices and also the questions as to how the political image (Bild der Politik) will change as a result.

2.5 The digital public and the culture of communication

The following considerations in connection with the culture of communication are based on two assumptions: First, I assume that the Internet has become a meaningful arena for public discussion which enables participation in society. The second assumption is that the culture of communication on the Internet plays an important role when it comes to choices users make regarding their Internet use, i.e. whether they limit themselves to passive consumption and forms of interaction, such as e-mails, or if they get actively involved in the digital public, i.e. if they shape it by means of their own contributions (cf. Emmer/Vowe/Wolling 2011). If the focus is to be placed on possibilities to participate via the Internet, we need to understand the culture of communication as being an important factor, or possibly even an obstacle.

Numerous Internet users involved in the digital public have a negative experience online at some point, be it through "trolls" derailing discussions, or as victims of discrimination, harassment, cyber stalking or threats. These phenomena do not affect all users in the same way. Social forms of discrimination, such as sexism, racism, hostile attitudes towards disabled people and homophobia are visible on the Internet, particularly since they are an integral part of everyday language, and therefore find expression independently of their object of discrimination, for example, in the form of insults. It seems that women are especially affected by the

risk of being threatened, just by speaking out on the Internet. Online harassment is a new version of structural violence against women and girls.

I have already explained in the foregoing section that, from a feminist perspective, I do not consider it appropriate to treat these vulnerabilities on the Internet exclusively as a privacy issue. Internet policy deals with these problems within the framework of cybercrime. It is, however, extremely questionable whether communication behaviour on the Internet should be the subject matter of net politics at all.[18] Many consider freedom of expression and the right to free speech a top priority, whereas a net political regulation--for example, of hate speech-- would be possible only if we accept a radical change in the Internet infrastructure. This would, however, significantly impact the privacy of users, the possibility to communicate anonymously and the freedom of speech. A narrow understanding of net politics that seeks binding decisions and their technical and legal implementation is therefore not enough to solve this problem. It is quite possible that a broader concept of net politics, which comprises all conflicts surrounding the way the Internet is to be designed, used and regulated on a socially desirable level, could address the issue of the culture of communication in the digital public without the discussion having to result in a new Internet policy. Accordingly, I believe that it is necessary to foster a debate on net politics in terms of the culture of communication on the Internet; a debate that aims to strengthen self-regulation on the net.

An examination of the performative character of speech in the context of hate speech provides a basic theoretical reference point for this discussion (cf. Butler 1997), since, particularly with regard to digital, i.e. semiotic, media, differentiating between language and behaviour seems paradoxical insofar as every interaction using a digital medium is based on linguistic signs. In contrast, authors such as Sandy Starr warn against an undifferentiated treatment of language and behaviour. Starr (2004) argues that the regulation of hate speech might have negative impacts on "the health of politics" (ibid: 130), and that language must leave room for emotions of this kind. By referencing the concept of thought crimes in Orwell's *1984*, she warns against attempts to make hate speech subject to censorship (ibid: 134). "Initiatives to combat online hate speech threaten to neuter the Internet's most progressive attribute – the fact that anyone, anywhere, who has a computer and a connection, can express themselves freely on it." (Starr 2004: 134). Starr rejects the concept of hate speech in general, but seems to recognise the existence of a problem as she finally calls on the Internet's power of self-regulation. Independent of the question about the relationship between language and behaviour, the question remains open as to what would be an appropriate reaction to such conduct.

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18. The Convention on Cybercrime of the Council of Europe has an additional protocol entitled "On the criminalisation of acts of racist or xenophobic nature through computer networks", which was signed by some member countries only. The problem of hate speech regulation became evident when the Convention on Cybercrime was drafted (cf. Herzog 2009).

The subject on the Internet is exposed to the risk of being offended by language (cf. Butler 1998). Feminist bloggers seem to belong to a particularly susceptible group, as shown by the following quote by Sady Doyle (2011): "As feminists go, I have it easy. I've only received one explicit death threat. I've gotten rape threats, but not many. No one has contacted me at home; I've received only one anonymous message warning me that I was being ‚watched.' Of the people who have called me gendered slurs or lied about me online, only one of them has done the same to my mother.

If this seems strange – being grateful for only a few threats, only minimal harm to my family, only a few dozen people who would like to see me raped or killed – then you're probably not a feminist blogger."

The feminist blogger scene has had considerable experience of the above-outlined problems in the course of, but not limited to, the discussion with masculists. In response, numerous different ways of dealing with the issue have been developed – from moderation rules for blogs to creative forms of discussion such as the platform hatr.org (cf. Bretz/Ganz/Lantzsch 2012, also Habersetzer-Debus/Wesp 2011). In addition, first approaches were made to initiate further discussions. Nadine Lantzsch outlines the problem as follows: feminist bloggers sometimes acquire a "strange reputation" based on their positions, which leads to their being regarded with hostility in public, or even 'attacked' by people or used as a target for people to vent their complaints on at any given opportunity. It is not possible to permanently ignore this fact, particularly as the rule "don't feed the trolls" "would shift responsibility to the people affected". As a result, we are once again left with the option to withdraw from the Internet or attempt to establish 'safe spaces', which, however, make it more difficult to intervene in the broader public arena. In this context, Lantzsch raises the question as to how communities can deal with this situation in a responsible manner and what lessons can be learned from how sexual violence is handled and concepts like 'community accountability' (Lantzsch 2012).

A critical approach to the culture of communication requires us to discuss the specific characteristics of Internet culture; that is, to develop an understanding of when analogies to *real life* are helpful and where we are dealing with new problems. The available legal and technical means are limited: Threatening e-mails are usually sent by anonymous users via a disguised connection – methods for preventing offenders from being identified and held legally accountable. In other contexts, they are however important tools for political work and vulnerable persons. Additionally it is important to differentiate between different forms of negative communication, instead of playing them down by summarizing them under the term "trolling". The blogger Esme Grünwald (2012) proposes different ways of dealing with trolls, offending content and stalking.[19]

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19. "Therefore, I take the following decision: If someone disturbs with illogical statements that, however, do not insult the author*, I would call it "trolling". If insults or even threats come into play, I would clearly call it: insult,

Important issues which must be addressed from a feminist perspective within the framework of a debate on net politics in terms of the culture of communication include:

- What are the available possibilities and where are the legal and technical limits with regard to dealing with offending communication?

- What educational media literacy services are suitable for improving the culture of communication on the Internet? What target-group-specific services could provide victims with recommendations for action, and prevent people from becoming perpetrators?

- To what extent are platform providers (in particular social networks and online media) responsible for the communication on their websites?

- How can communities (i.e. social user communities, and not platform providers) on the Internet contribute to a better communication environment?

- To what extent should individual, opinion-leaders be held responsible for the behaviour of their followers toward third parties?

It is not only from a feminist perspective that it is relevant to what extent the culture of communication impacts our lives and causes the major part of the Internet to remain dominated by a heterogeneous group who are apparently unable to abide by its unwritten rules of conduct. People working in the areas of the protection of minors and youth media education should also be interested in this question, as well as all of those who take the Internet seriously as a social space that allows for participation in society.

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threaten or – depending on type and frequency – mobbing or stalking. To me, "mobbing" in general means damage to reputation and insulting for the purpose of intimidating a person, "stalking" means to continuously follow a person – be it repeated and undesired contact via e-mails, telephone, on different networks or via friends – without adhering to the request to refrain from contact." (Grünwald 2012).

3 Conclusion

The dream of a global virtual space that is free of power and control has long come to an end. The Internet is increasingly being no longer perceived as a different, virtual world. Rather, digital media permeate people's reality of life. Accordingly, the time has come to refrain from dealing with issues of net politics exclusively from a universal perspective, but to take a pluralistic approach, which specifically takes other factors of social inequality into consideration.

This analysis has shown that all traditional areas of net politics can also be examined from a feminist perspective: Access to the Internet is today still marked by social inequality. The aim is to make political demands that enable all people to develop diverse forms of use and a comprehensive media education. Access to content is currently threatened by political, but also market-driven, censorship, which must be fought from a feminist perspective so as to allow the Internet to further realize its potential with regard to communicating emancipatory concerns. Property rights relating to digital goods and conditions for the production of culture in the digital age have long been under discussion. Recognising that intellectual property rights are based on a gendered concept of how creative achievements should be exploited commercially could bring new impulses into this discussion. The distinction between private and public is also being made subject to gendering, but seems to be currently undergoing a fundamental transformation through social practice on the Internet. On the other hand, the associated risks are unequally distributed along social power structures. Protecting privacy and data while also enabling users to act anonymously are important feminist concerns, but must not be the only response to the problem of vulnerability on the Internet, since this would mean that marginalised groups are systematically excluded from the digital public. From a feminist perspective, we must therefore understand the digital public and culture of communication as being a part of net politics.

The five issues identified could serve as starting points for intersectional and queer-feminist discussion processes and political interventions.

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