



INTERVIEW: TIMOTHY WU

*Alice Horning
Dana Driscoll
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From the Author



Tim Wu is a professor at Columbia Law School, the chairman of the media reform organization, Free Press, and the co-author of *Who Controls the Internet?* (Oxford UP, 2006). In February, 2011, he was appointed a senior adviser to the Federal Trade Commission's Office of Policy Planning in Washington, DC.

Professor Tim Wu, one of the authors of the 2010–2011 OU community book, *Who Controls the Internet?*, visited Oakland in October of 2010. He gave a campus-wide presentation and visited with various other groups of students and faculty during his time on campus, including a brief interview with Writing

and Rhetoric faculty members Dana Driscoll, Alice Horning, and Kasia Kietlinska, as well as a Writing and Rhetoric major, Amanda Deschamps. Following is an edited version of the interview transcript.

Alice: Our first questions are about writing. You were asked this morning [at the community-wide presentation] about your collaborative process with Jack Goldsmith. I was hoping you'd say a little more about that.

Wu: Let me start by speaking about collaboration in general, and then speak about my process. I think collaboration is high-risk/ high-reward kind of undertaking. It's very hard to find a good collaborator but if you manage to do it, it can pay off.

The essential challenge with collaboration is respect. If you don't respect your co-author or the person you are working with, that is what ultimately leads to breakdowns. I think substantive disagreements are easier to work out than aesthetic issues. If someone thinks a sentence is ugly and someone else thinks it's beautiful, there's not a lot of room for collaboration on that point. If you disagree on a substantive thing, you can present both views or meet somewhere in the middle, but it's extremely challenging to collaborate with someone who you think is a bad writer, or if he thinks you're a bad writer.

Let me talk about Jack and also about my new book. With Jack, I think we have the good fortune of essentially respecting each other and both thinking of each other as good writers. We adopted, naturally, a process where one person was the alpha and the other was the beta. Every chapter had a lead writer and the other person took on an editing role. With textual editing as well one person naturally became the writer and one person naturally became the editor. In the end, everything we did reflected both people's input, but definitely there was that separation.

On my new book, I had the benefit of a very active editor at Knopf; his name is George Andreou. He was a collaborator, too. Often editors are not credited as co-authors but he was a

very important collaborator. Maybe the most important thing an editor and a collaborator can do is just to say, “Make it better.” You need to have someone you give things to who says, “This is good; here’s how it can be better.”

A writer naturally shies away from the parts that are kind of weak, that you don’t feel like really dealing with. So often I think the most useful thing is someone who just puts pressure on you, who disciplines you to do it again. And the editor I had did that, saying, “You know this chapter’s good, but it’s not there yet,” and sent it back to me. Jack, when working on *Who Controls the Internet?*, would say that. He’d say, “You know, this is good, but we’re not totally there.”

My new editor on my new book, *The Master Switch*, also was a magnificent prose stylist; he’s a much better writer than I am. Working with him was really an interesting experience. The only experience I can compare it to is working with a tailor or a talented hairdresser. Because you walk in and you’re yourself, but you actually end up looking better when you walk out. So my new book is me, but in some ways the prose is better than I’m capable of.

Kasia: May I follow up on that question? Coming back to *Who Controls the Internet?* and the collaboration: Were there cases when you disagreed with Jack Goldsmith on issues, and if so, how did you resolve the disagreement?

Wu: When Jack and I disagreed, there were a number of things. Sometimes we could change the level of abstraction with which we discussed the issue. That may sound complicated, but it means we would find the point at which we agree and stop there.

Dana: Can we get an example?

Wu: So Jack and I might both agree on principle that an Internet firm should obey the laws in a democratic state where it has a physical presence, unless the law is deeply immoral in some sense. But we might not agree on whether Germany can block, say, Nazi websites—actually we agreed on that, but it’s

just an example. So sometimes you agree with a principle, and then on its application have a slight difference. So some of it is like that in the book. We had the benefit, when we started this book, of being in agreement. We had written articles in the '90s where we agreed. So that was always an important seed. But there are differences: just politically, Jack is a Republican; I'm a Democrat. Jack worked for the Bush administration during the publishing of this book. He was in the Office of Legal Counsel under Bush, in a very senior position in the Justice Department. So there's a political gap between us. But maybe sometimes that made it easier in the sense that we decided to keep politics out of it. And I don't know if you noticed it, but we knew that this is true, so we kept away from it.

Kasia: Yes, this was difficult. I was trying to figure out a sense of the politics, and it was not that easy because it was pro-government but at the same time there were a lot of other issues when it was not so obviously on the democratic side—pro-government in the sense of the role of the government.

Wu: I think both of us made an unspoken agreement to keep politics out of the book. Politics would have wrecked the book.

Amanda: I have a question before we move on to the one dealing just with the book. I think it is a really important question that we should get on record because also it goes with revision, not just revising words for the prose, but your ideas. If you felt that you were somewhere in the middle on an idea and you couldn't really commit to one side or the other, how do you decide how you will present the issue in your book, where you're trying to persuade the audience to believe one way or the other or inform them one way or the other?

Wu: Well, I think that honesty is the touchstone. And I think readers are very sensitive to dishonesty and authenticity. So I don't think you get anywhere by pretending to be more sure than you are. You can lose people. On the other hand, there is such a thing as having a belief, but also having some doubts about it. And I think, if you've done it correctly, the doubt

strengthens it; people can understand where it's coming from if they understand that you've considered the other side in a really serious way. If you want to be superficially persuasive, tell someone something they already know and think and that's fine, they'll agree with you. If you want to be deeply persuasive, you need to be fully honest about your doubts, but nonetheless explain why you arrived where you did anyway.

The most courageous stance of all is to arrive at a position, but then explain honestly why you got there and your misgivings along the way. And the very best writers, judges, lawyers do that. And the audience is with them all the way, and if you really want to persuade someone who actually disagrees with you, that's the only way you'll persuade them. If you want to persuade someone who already agrees with you, you don't need to do that. But then you actually don't need to persuade them; you just need to tell them what they already think.

Dana: For the next question, I guess we were interested in knowing what gave you the idea to write *Who Controls the Internet?* Why this book? Why at this time?

Wu: I started writing this, in a sense, in the late '90s. You know books take a long time to germinate. In some ways, you begin writing a book the moment you're bored. They're always somewhere inside of you. And actually Jack gave me the idea and got the book contract and we just did it. We had some other ideas and he knew more about international law and I knew more about Internet stuff and we decided we'd write a book. So I guess that's the way it is. And one thing we noticed is that it's an interesting question.

Why did we decide to write it? There was a big enough topic for a book.

Kasia: My next question is about strategies: students really like when I teach it in my courses, and students have really appreciated the strategies that you have used. The strategies are recurrent so students can see the patterns, like the beginning of every chapter with the person plus a little story. Then you also

include the idealized early fathers of the Internet and what they thought were the ideals of the utopian stage and then you gradually refute these ideas. You also have those little passages in every chapter that say, “Now, this chapter is going to do this.” Students also find this strategy very helpful. I was wondering, what kind of audiences you were thinking about when you formulated these strategies?

Wu: That’s a good question. I don’t think we ever said what audience we had in mind explicitly. I just think we knew it was not for academics only. I mean academics would read it, but we wanted it to be accessible to non-academics.

Kasia: It is so heavily researched, so that kind of went against this claim.

Wu: Yes, that’s true—although it’s researched in some ways that are not that academic. We had some interviews and kind of things academics don’t expect. An academic historian would think that we didn’t do this in a proper way because they are obsessed with archives and primary sources and we were not. There’s some primary source material, but many historians are often much stricter than we are. So, it’s not meant for professional historians and also not meant for academics or legal academics. It’s not necessarily only for lawyers, either. That was a very dangerous thing for us, because we realize it’s so easy to write a book that only lawyers understand.

Take a word like “jurisdiction.” A lawyer uses the word “jurisdiction” as if it’s the word “cabinet.” It’s a very easy. But if you’re not a lawyer you don’t have this deeper sense of the word “jurisdiction” or even a word like “regulation.”

Alice: Yes, those are specialized words.

Wu: You know, even what a lawyer means by the word “law” is much different. We have a strange way of understanding what law is. And part of it was to actually unpack things that lawyers use without thinking and putting them in there. So no, I don’t

think we had a fixed audience, actually. I don't think we did. We just thought people might be interested.

Kasia: But how could you step out of your own frame of reference since you are lawyers? How did you “un-lawyer” yourself?

Wu: That's a very interesting question. I used to work in marketing, and when I worked in marketing, the challenge was to take excessively complicated language and engineering specifications and make it clear to the trade press and investors what the product did. Along the way I became very sensitive to what points people lose, to what is normal English language and what isn't. I guess I have developed that skill, but how I developed it, I'm not sure. Languages are another hobby of mine, and that makes me sensitive to how meaning gets lost, because other than English, I don't speak any of them well. Teaching requires a similar skill. Teaching is something that naturally forces you to be aware of when you are confusing people.

When you really look carefully at language, you realize how often you use metaphors, or words that have some kind of symbolic meaning. You just have to be very careful with language and think about what every word means.

Kasia: I'm currently working with the students on writing a review of your book. I have assigned them to read a few reviews of the book that have been published. In some of these reviews that I have looked at, you have been criticized for cultural relativism in what was supposed to be a tacit acceptance of human rights violations in relation to the Internet. So what is the role of your China chapter, and how do you reconcile your clearly pro-government argument in the debate with the warning that the China's policies provide? Is it just basically censorship, some sort of version of a censorship question?

Wu: I wouldn't characterize our book as pro-government as much as I would characterize our book as anti-anarchy. So the underlying premise behind our book is that there are two

problematic political states. On the one side is tyranny, on the other side, anarchy, and what we're looking for is something in the middle. And so to say I'm against anarchy is not to say I'm in favor of tyranny. So being pro-government is true in the sense that we're against anarchy, but it doesn't mean we are pro-government when it reaches the extent of repression. What we've suggested in the book is that if there are important decisions to be made about the Internet as an influence to society, it seems to us that a democratically accountable government, rather than companies, should make some of the big decisions.

Between those two, five or ten people in rooms in Silicon Valley and elected representatives who supposedly—at least technically—are supposed to be accountable to the public, I think I'd choose democracy. Some people would choose Silicon Valley, and there's reasons they choose Silicon Valley; they like those people. They think, "You know, maybe they'll be better, because they understand technology better," but you have to realize at some point even when you say all that, that's the same thing some people have always said about dictatorship or monarchy: they like them better. They want to trust one or two people to run something, but, it's profoundly anti-democratic.

Neither of us thinks government is all-knowing or perfect or incredibly flawed. We have mixed feelings. But it is also how we make decisions in an accountable process-based way that's open and there are many people throughout history who have been frustrated with democracy and have always said, "Why don't we just have a dictator do this? Why don't we just have someone who really knows what's going on do this?" And we're suggesting that is attractive, but on the other hand, that doesn't mean we think that actual political dictatorships are good, either. And that's what the China chapter is all about. So it's actually a plea to return to the very American values which are belief and democracy and accountability even when something else seems more attractive. Yes, Americans had this revolution, but they still have this internal taste for monarchy.

Kasia: We have the same thing in class discussions; it was very easy to accept the French Nazi paraphernalia case and accept the role of the government. The students wrote in favor of going against America dictating values to France, and nobody had a problem with this, but at the same time, how do we make that distinction if that country doesn't happen to be France, but it happens to be China? All of a sudden it's a very different ballgame.

Wu: Well, it happens with the underlying legitimacy of the state. I think we suggested that deciding who makes that decision on the legitimacy of the state is difficult.

But I think we make those kinds of decisions about nation-states all the time. We have to decide what we regard as legitimate and what we don't. We may respect this country more than another; we have to make those decisions. Your students can make the distinctions all the time, so they can be made. How's that?

Alice: When you frame it that way, when you talk about tyranny and anarchy and France, versus China and why we prefer or choose the one and not the other, it really crystallizes the argument, for me. It's not that I didn't understand the book when I read it. I think I understood it pretty well, but when you frame it that way, it puts it into very clear areas.

Kasia: My enthusiasm was immediately curbed by the China chapter. I thought, "Okay, but now who makes that distinction?" As you said, we do it all the time.

Wu: And I'm trying to get back to basic principles, which we seem to forget in the Internet context. If we were talking about it as if it wasn't high-tech but something more straight, let's say taxation policy, and you said, "Well you know, let's have a bunch of companies decide tax policy." Right—who gets taxed? They're very smart; they'll work it all out. We'll let the accounting companies decide tax policy. You'd say that's ridiculous, that's crazy.

Tax has to be a publicly decided thing, we have to be able

to vote and you know we might like it for awhile, but what if they decide to do something crazy, what are we going to do? It just seems because it's high tech and no one understands it, it's new, that we're very willing to say, "Oh well, give it to the experts and keep it away from government." But at stake are very public issues, free speech being the most crucial among them.

Alice: And do you think that arises because of how the Net started, because of the EFF guys and the idea that it was all going to be a free and open?

Wu: Yes, it was embodied with very strong values from the beginning. It is also extremely complicated and it is true that if something is complicated you are more tempted to let an expert run it. You know, you don't fix a car using a democracy. But when it comes to emissions or bailing out a car company, suddenly there's a public stake. So there's this line you cross where it becomes a public concern. The Internet started with very libertarian values.

Alice: And in some ways it's still, pardon the expression, a free-for-all.

Wu: Yeah, there are some people also who believe, and I'm not among them, but there are definitely people who are very absolute in matters of free speech. To the extent that they don't ever think that elected government has the right to infringe on it. So they think that Germany's and France's and Israel's laws are wrong. They just think they're wrong; they're immoral. And that's an absolutist position and somebody will have that position, especially other people who are associated with the Internet.

Amanda: So our final question is about social networks. In *Who Controls the Internet*, you talked about the utopian identities on the Internet and that they were identity-less: that a person who has a beard, could be a woman, and you know they could be whatever they wanted on the Internet. But now the new

phenomenon is that the Internet allows people to have an extension of their identity.

Wu: Yes, that's right.

Amanda: People have their names on Facebook, and they have pictures, and Google's even talking about having a face recognition system, where any picture that's posted on the Internet will be associated with the person's identity. So, the utopian idea of being identity-less has kind of disappeared, in a way. In a lot of ways, especially for the youth culture more than anything. There's definitely areas where people can escape it, but what is your opinion on the issue, and as it relates to our theme of "Frontiers and Border"?

Wu: I didn't say that the original attraction of the Internet was just anonymity. I said it was an even greater capacity to exercise choice with respect to parts of your identity that previously seemed unalterable. So, for example, the reason why I brought up gender or appearance is that a lot of our identities are constituted by gender, or appearance, or age, and if you believe in choice, in the sovereignty of choice then you might ask, "Well, why can't I choose my appearance, why can't I choose my age, why am I forced to be this gender?" And so one of the interesting things about the early Internet for some people was this idea that you could choose all these aspects of your identity.