

# The predilection for contract in Internet governance: its rationale and limits

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The point of departure for this seminar is the massive reliance upon contract as the principal legal means for governing much of the Internet and its virtual worlds. Coupled with this contractual predilection is fairly widespread reluctance to develop statutory measures in the field. The seminar analyses how and why such a situation has arisen, and what its extent is. In doing so, it charts the interaction of contract and statute, particularly the ways in which each is used in the other's service and the ways in which they are in conflict. The basic contention is that contract is often preferred over statute because it enables flexible micro-management of the digital environment more easily than statute does. However, the relative roles played by each instrument are fluid and statute is assuming an increasingly salient position in particular contexts. Nonetheless, it is argued that the prospects of any new statutory overlay being introduced which dramatically overshadows or reduces the role of contract in the field are generally slim, especially at the international level.

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Preliminary results of the analysis are appearing as a book chapter titled 'Contract versus statute in Internet governance' in Ian Brown (ed.), *Research Handbook on Governance of the Internet*, Cheltenham: Edward Elgar, 2012 (forthcoming).

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