Deplatforming and the Case for Breaking Up Big Tech

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Tuesday, June 4th, 2019

On May 30, YouTube became embroiled in yet another hate speech controversy[1] as LGBT writer Carlos Maza's viral tweet drew attention to far-right online commentator Steven Crowder repeatedly referring to Maza as a "lispy queer." YouTube's response, after several days of radio silence, contradicted itself several times and culminated in this instant classic of corporate mishaps:

[1] *https://buzzfeednews.com/article/mathonan/susan-wojcicki-youtube*

Figure 1: When you definitely haven't missed the point.

When the dust settled, YouTube chose to demonetize (that is, disallow him from collecting ad revenue on any of his videos) Mr. Crowder's entire channel but did not ban him altogether. Though this was not quite the full "deplatforming" we've seen in recent months as when most major social media platforms banned Alex Jones[2] or when Cloudflare banned the Daily Stormer[3] in the aftermath of Charlottesville, it nonetheless kicked off a predictable round of outrage from conservative media[4] accusing YouTube of censorship and depriving Mr. Crowder of his First Amendment rights[5].

On the flip side, defenders of the decision were quick to point out that as private companies, platforms have the right to control what appears under their banners. They are, of course, correct. Despite the reactionary sound and fury, there is no real debate as to whether YouTube has a legal right to ban Mr. Crowder–it is unserious under any sane legal framework to say that it does not–or even whether it *should* ban Mr. Crowder. Social media platforms, like any private company, must make decisions in the interest of bettering their users' experiences, and it is not the business of government to restrict them in this fashion.

But such a debate over the legal merits of "deplatforming" belies

[2] *https://www.reuters.com/article/us-apple-infowars/apple-inc-bans-alex-jones-app-for-objectionable-content-idUSKCN1LO04G*

[3] *https://blog.cloudflare.com/why-we-terminated-daily-stormer/*

[4] *https://www.realclearpolitics.com/video/2019/06/07/tucker_carlson_voxs_carlos_maza_a_classic_leftist_archetype_a_fascist_posing_as_a_victim.html*

[5] *https://thefederalist.com/2019/06/06/youtube-costs-commentators-free-speech/*

the true free speech dilemma that these actions present. We must instead confront the fact that YouTube, Facebook, and other platforms are fundamentally not like other private businesses: they have much more power over our ability to interact with the world. As we have become more connected to the internet with each passing day, the internet has become not just an outlet of expression, but the dominant *medium* of it. It is, in the words of Justice Kennedy, "the modern public square"[6]. But in that fundamental truth lies a crucial misnomer, for the internet is not publicly held in any sense of the word: we access the internet from browsers created by private software companies through internet service provided by private telecoms. To access a website by its domain name, we must then make a request to a private DNS provider (e.g. Cloudflare, remember them?). Once that's done, we carefully examine results on a privately-owned search engine at which point we finally click onto a private social media platform. In short, we've planted our shiny new "public square" on a whole bunch of private land owned by multibillion-dollar corporations.

[6] *https://www.supremecourt.gov/opinions/16pdf/15-1194_08l1.pdf*

In a sense, social media bans are the tip of the iceberg–one can always start a website with your own content. But what if Amazon Web Services won't host the website, Cloudflare refuses to serve DNS requests to it, or Google removes it from search results and prevents Chrome users from navigating to it directly? The First Amendment was designed to protect speech and expression from the whims of government, but the Founding Fathers could not have foreseen the public square coming under new ownership. We have granted a handful of monolithic corporations quasi-governmental authority, except that they are not subject to the First Amendment and its centuries of thoughtful caselaw or accountable to the general public in any way.

I am not suggesting that the First Amendment be applied to private platforms or that internet infrastructure be nationalized - both are terrible ideas for their own reasons and would have a rash of unintended consequences. The fact remains though that no corporation should be allowed to wield so much unchecked power over the medium that our speech (and lives, for that matter) increasingly flow through. For this new age, we must find a way to protect the sacred freedoms we inherited from past ages in a way that is consistent with our Constitution and does not unduly stifle private enterprise. The answer, I believe, is a new vision of antitrust as a tool to dilute not just economic dominance, but societal influence as well.

In the coming weeks and months, Congress will begin the arduous process[7] of scrutinizing the technology industry as they look to fashion new antitrust regulations as it has done at several points in the past[8] with other industries. This time, though, Congress must consider not just how to create a more efficient market for consumers,

[7] *https://www.nytimes.com/2019/06/03/technology/facebook-ftc-antitrust.html?module=inline*

[8] *https://hbr.org/2017/12/the-rise-fall-and-rebirth-of-the-u-s-antitrust-movement*

but how antitrust can be used to preserve the integrity of public discourse and expression. It will not be easy to create a comprehensive and pragmatic framework to accomplish this; as H.L. Mencken once said, "For every complex problem, there is an answer that is clear, simple, and wrong". But splintering internet companies at every level (i.e. telecoms, DNS providers, large platforms) as in the internet's infancy would greatly dilute the power of any one company to bottleneck free speech and expression online.

Antitrust is of course not the only answer to the internet's ills. Net neutrality should be enshrined in law at the telecom, DNS, and browser levels to ensure that the providers of internet access cannot interfere in the serving of online content, among other fairness measures for search engines and similar services. Still, as firms like Facebook and Google continue to increase their already significant portion of all global traffic[9] while exhibiting reckless social irresponsibility[10], it has become abundantly clear that an internet ruled by an oligarchy of large tech companies lies in our future if we fail to act now with decisive antitrust measures.

The internet has connected us in ways unimaginable before its existence and become an increasingly integral part of the human experience in its brief existence, but its continued consolidation under large corporations presents an existential threat to our freedoms as we know them. Our world is fundamentally different from the one we knew just two decades ago, and so too must be our approach to protecting our rights in the years to come.

[9] *https://www.newsweek.com/facebook-google-internet-traffic-net-neutrality-monopoly-699286*

[10] *https://www.nytimes.com/2018/11/14/technology/facebook-data-russia-election-racism.html*