Who Owns the Internet?

By Elizabeth Kolbert, [www.newyorker.com](http://www.newyorker.com) 08/28/2017

On the night of November 7, 1876, Rutherford B. Hayes’s wife, Lucy, took to her bed with a headache. The returns from the Presidential election were trickling in, and the Hayeses, who had been spending the evening in their parlor, in Columbus, Ohio, were dismayed. Hayes himself remained up until midnight; then he, too, retired, convinced that his Democratic opponent, Samuel J. Tilden, would become the next President.

Hayes had indeed lost the popular vote, by more than two hundred and fifty thousand ballots. And he might have lost the Electoral College as well had it not been for the machinations of journalists working in the shady corners of what’s been called “the Victorian Internet.”

Chief among the plotters was an Ohioan named William Henry Smith. Smith ran the western arm of the Associated Press, and in this way controlled the bulk of the copy that ran in many small-town newspapers. The Western A.P. operated in tight affiliation—some would say collusion—with Western Union, which exercised a near-monopoly over the nation’s telegraph lines. Early in the campaign, Smith decided that he would employ any means necessary to assure a victory for Hayes, who, at the time, was serving a third term as Ohio’s governor. In the run-up to the Republican National Convention, Smith orchestrated the release of damaging information about the Governor’s rivals. Then he had the Western A.P. blare Hayes’s campaign statements and mute Tilden’s. At one point, an unflattering piece about Hayes appeared in the Chicago Times, a Democratic paper. (The piece claimed that Hayes, who had been a general in the Union Army, had accepted money from a soldier to give to the man’s family, but had failed to pass it on when the soldier died.) The A.P. flooded the wires with articles discrediting the story.

Once the votes had been counted, attention shifted to South Carolina, Florida, and Louisiana—states where the results were disputed. Both parties dispatched emissaries to the three states to try to influence the Electoral College outcome. Telegrams sent by Tilden’s representatives were passed on to Smith, courtesy of Western Union. Smith, in turn, shared the contents of these dispatches with the Hayes forces. This proto-hack of the Democrats’ private communications gave the Republicans an obvious edge. Meanwhile, the A.P. sought and distributed legal opinions supporting Hayes. (Outraged Tilden supporters took to calling it the “Hayesociated Press.”) As Democrats watched what they considered to be the theft of the election, they fell into a funk.

“They are full of passion and want to do something desperate but hardly know how to,” one observer noted. Two days before Hayes was inaugurated, on March 5, 1877, the New York Sun appeared with a black border on the front page. “These are days of humiliation, shame and mourning for every patriotic American,” the paper’s editor wrote.

History, Mark Twain is supposed to have said, doesn’t repeat itself, but it does rhyme. Once again, the President of the United States is a Republican who lost the popular vote. Once again, he was abetted by shadowy agents who manipulated the news. And once again Democrats are in a finger-pointing funk.

Journalists, congressional committees, and a special counsel are probing the details of what happened last fall. But two new books contend that the large lines of the problem are already clear. As in the eighteen-seventies, we are in the midst of a technological revolution that has altered the flow of information. Now, as then, just a few companies have taken control, and this concentration of power—which Americans have acquiesced to without ever really intending to, simply by clicking away—is subverting our democracy.

Thirty years ago, almost no one used the Internet for anything. Today, just about everybody uses it for everything. Even as the Web has grown, however, it has narrowed. Google now controls nearly ninety per cent of search advertising, Facebook almost eighty per cent of mobile social traffic, and Amazon about seventy-five per cent of e-book sales. Such dominance, Jonathan Taplin argues, in “Move Fast and Break Things: How Facebook, Google, and Amazon Cornered Culture and Undermined Democracy” (Little, Brown), is essentially monopolistic. In his account, the new monopolies are even more powerful than the old ones, which tended to be limited to a single product or service. Carnegie, Taplin suggests, would have been envious of the reach of Mark Zuckerberg and Jeff Bezos.

Taplin, who until recently directed the Annenberg Innovation Lab, at the University of Southern California, started out as a tour manager. He worked with Judy Collins, Bob Dylan, and the Band, and also with George Harrison, on the Concert for Bangladesh. In “Move Fast and Break Things,” Taplin draws extensively on this experience to illustrate the damage, both deliberate and collateral, that Big Tech is wreaking.

Consider the case of Levon Helm. He was the drummer for the Band, and, though he never got rich off his music, well into middle age he was supported by royalties. In 1999, he was diagnosed with throat cancer. That same year, Napster came along, followed by YouTube, in 2005. Helm’s royalty income, which had run to about a hundred thousand dollars a year, according to Taplin, dropped “to almost nothing.” When Helm died, in 2012, millions of people were still listening to the Band’s music, but hardly any of them were paying for it. (In the years between the founding of Napster and Helm’s death, total consumer spending on recorded music in the United States dropped by roughly seventy per cent.) Friends had to stage a benefit for Helm’s widow so that she could hold on to their house.

Google entered and more or less immediately took over the music business when it acquired YouTube, in 2006, for $1.65 billion in stock. As Taplin notes, just about “every single tune in the world is available on YouTube as a simple audio file (most of them posted by users).” Many of these files are illegal, but to Google this is inconsequential. Under the Digital Media Copyright Act, signed into law by President Bill Clinton shortly after Google went live, Internet service providers aren’t liable for copyright infringement as long as they “expeditiously” take down or block access to the material once they’re notified of a problem. Musicians are constantly filing “takedown” notices—in just the first twelve weeks of last year, Google received such notices for more than two hundred million links—but, often, after one link is taken down, the song goes right back up at another one. In the fall of 2011, legislation aimed at curbing online copyright infringement, the Stop Online Piracy Act, was introduced. It had bipartisan support in Congress, and backing from such disparate groups as the National District Attorneys Association, the National League of Cities, the Association of Talent Agencies, and the International Brotherhood of Teamsters. In January, 2012, the bill seemed headed toward passage, when Google decided to flex its market-concentrated muscles. In place of its usual colorful logo, the company posted on its search page a black rectangle along with the message “Tell Congress: Please don’t censor the web!” The resulting traffic overwhelmed congressional Web sites, and support for the bill evaporated. (Senator Marco Rubio, of Florida, who had been one of the bill’s co-sponsors, denounced it on Facebook.)

Google itself doesn’t pirate music; it doesn’t have to. It’s selling the traffic—and, just as significant, the data about the traffic. Like the Koch brothers, Taplin observes, Google is “in the extraction industry.” Its business model is “to extract as much personal data from as many people in the world at the lowest possible price and to resell that data to as many companies as possible at the highest possible price.” And so Google profits from just about everything: cat videos, beheadings, alt-right rants, the Band performing “The Weight” at Woodstock, in 1969.

“I wasn’t always so skeptical,” Franklin Foer announces at the start of “World Without Mind: The Existential Threat of Big Tech” (Penguin Press). Franklin, the eldest of the three famous Foer brothers, is a journalist, and he began his career, in the mid-nineties, working for Slate, which had then just been founded by Microsoft. The experience, Foer writes, was “exhilarating.” Later, he became the editor of The New Republic. The magazine was on the brink of ruin when, in 2012, it was purchased by Chris Hughes, a co-founder of Facebook, whose personal fortune was estimated at half a billion dollars.

Foer saw Hughes as a “savior,” who could provide, in addition to cash, “an insider’s knowledge of social media” and “a millennial imprimatur.” The two men set out to revitalize the magazine, hiring high-priced talent and redesigning the Web site. Foer recounts that he became so consumed with monitoring traffic to the magazine’s site, using a tool called Chartbeat, that he checked it even while standing at the urinal.

The era of good feeling didn’t last. In the fall of 2014, Foer heard that Hughes had hired someone to replace him, and that this shadow editor was “lunching around New York offering jobs at The New Republic.” Before Hughes had a chance to fire him, Foer quit, and most of the magazine’s editorial staff left with him. “World Without Mind” is a reflection on Foer’s experiences and on the larger forces reshaping American arts and letters, or what’s nowadays often called “content.”

“I hope this book doesn’t come across as fueled by anger, but I don’t want to deny my anger either,” he writes. “The tech companies are destroying something precious. . . . They have eroded the integrity of institutions—media, publishing—that supply the intellectual material that provokes thought and guides democracy. Their most precious asset is our most precious asset, our attention, and they have abused it.”

“He’s at that awkward age—too old to be cute, but not dead yet.”

Much of Foer’s anger, like Taplin’s, is directed at piracy. “Once an underground, amateur pastime,” he writes, “the bootlegging of intellectual property” has become “an accepted business practice.” He points to the Huffington Post, since shortened to HuffPost, which rose to prominence largely by aggregating—or, if you prefer, pilfering—content from publications like the Times and the Washington Post. Then there’s Google Books. Google set out to scan every book in creation and make the volumes available online, without bothering to consult the copyright holders. (The project has been hobbled by lawsuits.) Newspapers and magazines (including this one) have tried to disrupt the disrupters by placing articles behind paywalls, but, Foer contends, in the contest against Big Tech publishers can’t win; the lineup is too lopsided. “When newspapers and magazines require subscriptions to access their pieces, Google and Facebook tend to bury them,” he writes. “Articles protected by stringent paywalls almost never have the popularity that algorithms reward with prominence.”

Foer acknowledges that prominence and popularity have always mattered in publishing. In every generation, the primary business of journalism has been to stay in business. In the nineteen-eighties, Dick Stolley, the founding editor of People, developed what might be thought of as an algorithm for the pre-digital age. It was a formula for picking cover images, and it ran as follows: Young is better than old. Pretty is better than ugly. Rich is better than poor. Movies are better than music. Music is better than television. Television is better than sports. And anything is better than politics.

But Stolley’s Law is to Chartbeat what a Boy Scout’s compass is to G.P.S. It is now possible to determine not just which covers sell magazines but which articles are getting the most traction, who’s e-mailing and tweeting them, and how long individual readers are sticking with them before clicking away. This sort of detailed information, combined with the pressure to generate traffic, has resulted in what Foer sees as a golden age of banality. He cites the “memorable yet utterly forgettable example” of Cecil the lion. In 2015, Cecil was shot with an arrow outside Hwange National Park, in Zimbabwe, by a dentist from Minnesota. For whatever reason, the killing went viral and, according to Foer, “every news organization” (including, once again, this one) rushed to get in on the story, “so it could scrape some traffic from it.” He lists with evident scorn the titles of posts from Vox—“Eating Chicken Is Morally Worse Than Killing Cecil the Lion”—and The Atlantic’s Web site: “From Cecil the Lion to Climate Change: A Perfect Storm of Outrage.” (In July, Cecil’s son, Xanda, was shot, prompting another digital outpouring.)

Donald Trump, Foer argues, represents “the culmination” of this trend. In the lead-up to the campaign, Trump’s politics, such as they were, consisted of empty and outrageous claims. Although none deserved to be taken seriously, many had that coveted viral something. Trump’s utterances as a candidate were equally appalling, but on the Internet apparently nobody knows you’re a demagogue. “Trump began as Cecil the Lion, and then ended up president of the United States,” Foer writes.

Both Taplin and Foer begin their books with a discussion of the early days of personal computers, when the Web was still a Pynchonesque fantasy and lots of smart people believed that connecting the world’s PCs would lead to a more peaceful, just, and groovy society. Both cite Stewart Brand, who, after hanging out with Ken Kesey, dropping a lot of acid, and editing “The Whole Earth Catalog,” went on to create one of the first virtual networks, the Whole Earth ’Lectronic Link, otherwise known as WELL.

In an influential piece that appeared in Rolling Stone in 1972, Brand prophesied that, when computers became widely available, everyone would become a “computer bum” and “more empowered as individuals and co-operators.” This, he further predicted, could enhance “the richness and rigor of spontaneous creation and human interaction.” No longer would it be the editors at the Times and the Washington Post and the producers at CBS News who decided what the public did (or didn’t) learn. No longer would the suits at the entertainment companies determine what the public did (or didn’t) hear.

“The Internet was supposed to be a boon for artists,” Taplin observes. “It was supposed to eliminate the ‘gatekeepers’—the big studios and record companies that decide which movies and music get widespread distribution.” Silicon Valley, Foer writes, was supposed to be a liberating force—“the disruptive agent that shatters the grip of the sclerotic, self-perpetuating mediocrity that constitutes the American elite.”

The Internet revolution has, indeed, sent heads rolling, as legions of bookstore owners, music critics, and cirrhotic editors can attest. But Brand’s dream, Taplin and Foer argue, has not been realized. Google, Amazon, Facebook, and Apple—Europeans refer to the group simply as GAFA—didn’t eliminate the gatekeepers; they took their place. Instead of becoming more egalitarian, the country has become less so: the gap between America’s rich and poor grows ever wider. Meanwhile, politically, the nation has lurched to the right. In Foer’s telling, it would be a lot easier to fix an election these days than it was in 1876, and a lot harder for anyone to know about it. All the Big Tech firms would have to do is tinker with some algorithms. They have become, Foer writes, “the most imposing gatekeepers in human history.”

This is a simple, satisfying narrative, and it allows Taplin and Foer to focus their ire on GAFA gazillionaires, like Zuckerberg and Larry Page. But, as an account of the “unpresidented” world in which we live, it seems to miss the point. Say what you will about Silicon Valley, most of its major players backed Hillary Clinton. This is confirmed by campaign-finance filings and, as it happens, by the Russian hack of Democratic National Committee e-mails. “I hope you are well—thinking of all of you often and following every move!” Facebook’s chief operating officer, Sheryl Sandberg, wrote to Clinton’s campaign chairman, John Podesta, at one point.

It is troubling that Facebook, Google, and Amazon have managed to grab for themselves such a large share of online revenue while relying on content created by others. Quite possibly, it is also anti-competitive. Still, it seems a stretch to blame GAFA for the popularity of listicles or fake news.

Last fall, some Times reporters went looking for the source of a stream of largely fabricated pro-Trump stories that had run on a Web site called Departed. They traced them to a twenty-two-year-old computer-science student in Tbilisi named Beqa Latsabidze. He told the Times that he had begun the election season by pumping out flattering stories about Hillary Clinton, but the site hadn’t generated much interest. When he switched to pro-Trump nonsense, traffic had soared, and so had the site’s revenues. “For me, this is all about income,” Latsabidze said. Perhaps the real problem is not that Brand’s prophecy failed but that it came true. A “computer bum” sitting in Tbilisi is now so “empowered” as an individual that he can help turn an election halfway around the world.

Either out of conviction or simply out of habit, the gatekeepers of yore set a certain tone. They waved through news about state budget deficits and arms-control talks, while impeding the flow of loony conspiracy theories. Now Chartbeat allows everyone to see just how many (or, more to the point, how few) readers there really are for that report on the drought in South Sudan or that article on monopoly power and the Internet. And so it follows that there will be fewer such reports and fewer such articles. The Web is designed to give people what they want, which, for better or worse, is also the function of democracy.

Post-Cecil, post-fact, and mid-Trump, is there anything to be done? Taplin proposes a few fixes. To start, he wants the federal government to treat companies like Google and Facebook as monopolies and regulate them accordingly. (Relying on similar thinking, regulators in the European Union recently slapped Google with a $2.7-billion fine.)

Taplin notes that, in the late nineteen-forties, the U.S. Department of Justice went after A.T. & T., the Google of its day, for violating the Sherman Antitrust Act. The consent decree in the case, signed in 1956, compelled A.T. & T. to license all the patents owned by its research arm, Bell Labs, for a small fee. (One of the technologies affected by the decree was the transistor, which later proved essential to computers.) Google, he argues, could be similarly compelled to license its thousands of patents, including those for search algorithms, cell-phone operating systems, self-driving cars, smart thermostats, advertising exchanges, and virtual-reality platforms.

“It would seem that such a licensing program would be totally in line with Google’s stated ‘Don’t be evil’ corporate philosophy,” Taplin writes. At the same time, he urges musicians and filmmakers to take matters into their own hands by establishing their own distribution networks, along the lines of Magnum Photos, formed by Robert Capa, Henri Cartier-Bresson, and others in 1947.

“What if artists ran a video and audio streaming site as a nonprofit cooperative (perhaps employing the technology in some of those free Google patents)?” he asks at one point. “I have no illusion that the existing business structures of cultural marketing will go away,” he observes at another. “But my hope is that we can build a parallel structure that will benefit all creators.”

Foer prefers the model of artisanal cheesemakers. ( “World Without Mind” apparently went to press before Amazon announced its intention to buy Whole Foods.) “The culture industries need to present themselves as the organic alternative, a symbol of status and aspiration,” he writes. “Subscriptions are the route away from the aisles of clickbait.” Just after the election, he notes, the Times added more than a hundred thousand new subscribers by marketing itself as a fake-news antidote. And, as an act of personal resistance, he suggests picking up a book. “If the tech companies hope to absorb the totality of human existence,” he writes, “then reading on paper is one of the few slivers of life that they can’t fully integrate.”

These remedies are all backward-looking. They take as a point of reference a world that has vanished, or is about to. (If Amazon has its way, even artisanal cheese will soon be delivered by drone.) Depending on how you look at things, this is either a strange place for meditations about the future to end up or a predictable one. People who worry about the fate of democracy still write (and read) books. Those who are determining it prefer to tweet.