

# Speech, Thought, and the Marketplace of Ideas in the 21<sup>st</sup> Century

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*Abstract.* The ideal of free speech has often been closely associated with the view that society should have a marketplace of ideas, which will facilitate the triumph of good ideas over bad ideas. The marketplace metaphor does indeed convey a sense of some of our reasons for wanting speech to be free. At the same time, however, it mischaracterises some of the most important threats to the free exchange of ideas, and it obscures some of the ways in which shoddy ideas, unlike shoddy goods and services, can triumph when being distributed under market conditions.

## 1. Introduction

In this paper I explain an influential metaphor through which philosophers and legal scholars have tried to conceptualise what is at stake in debates around free speech and censorship. The metaphorical idea of a *marketplace of ideas* was suggested in an embryonic way in the writings of John Milton and John Stuart Mill, and the phrase itself came to prominence in the early 20<sup>th</sup> century, through a series of American Supreme Court decisions around the First Amendment.

In the first half of the paper I discuss why the marketplace of ideas has seemed like such an appealing idea, for defenders of free speech to invoke, while also identifying some of the shortcomings and limitations in this way of thinking about the justification for free speech. In the second half of the paper I present some

thoughts about how we might promote free speech and the exchange of ideas under our current (and changing) technological circumstances.

The marketplace of ideas metaphor is gradually turning into a relic. But the idea that this metaphor is meant to represent – that societies should facilitate a free exchange of ideas, and that this is conducive to human wellbeing – remains true and important. The question of how we can organise our communicative institutions in order to facilitate a free exchange of ideas has to be considered afresh, given that the majority of our communication nowadays is mediated by online communication technologies and information systems that only recently came into existence.

We need new metaphors, in this environment, which do a better job at drawing our attention to the specific threats and dangers to a free exchange of ideas that exist within those systems and technologies. With these new metaphors in hand, we will be in a position to see the implausibility of certain ideals that have been espoused in debates about communication technology. Many people who work in communication technology would have us believe that ‘connection’ is inherently good, and government regulation of communicative technology, inherently bad. I want to cast doubt on both claims.

## 2. The Basics of Markets

What are markets? They are institutions that facilitate the exchange of goods and services, in a way that’s shaped by forces of supply and demand. Liberal economic theory sees markets as a presumptively good thing, because – or at any rate, insofar as – they help to increase a population’s wellbeing via voluntary and mutually beneficial action. Consider a very simple example: Anna grows herbs in her garden. Bill knits woolly hats. Because Anna is good at growing herbs, she possesses more herbs than she can use for her own cooking. Because Bill is skilled at knitting hats, and because the wool he uses to knit with is cheap, he can cheaply produce more hats than he can use himself. If Anna and Bill agree to trade some of her herbs for one of his hats, they both end up better off than they would otherwise be. Through trade, they both acquire useful goods which benefit their welfare, and the acquisition is much easier and less costly than it would be if Anna had to knit a hat herself, or if Bill had to grow his own herbs.

In contrast to this sort of voluntary exchange, there are other ways to increase wellbeing that involve *involuntary* acquisitions and distributions of goods. Suppose there are twenty starving people who will get desperately sick if they don’t have a proper meal soon. And suppose there is someone who has a pet goat. If the hungry people slaughter the goat, the benefit to their wellbeing will probably outweigh the cost to the wellbeing of the goat’s owner. If we’re just trying to maximise general wellbeing in the short term, the mob seems to be doing something

justified. But in the long run, infringing against people's property rights creates a host of bad welfare effects, borne of resentment, mistrust, and the breakdown in beneficial forms of cooperation. If there is a way to redistribute goods to promote wellbeing, but without anyone being coerced or having their presumptive property rights infringed, then we should be eager to embrace it. Markets – so a classical liberal theory of economics tells us – are precisely such a mechanism.

The benefits of markets can be scaled-up as markets become more sophisticated. Simple markets operate through a system of barter: “I’ll give you some herbs if you give me a hat.” By contrast, advanced markets make use of currencies, which increase the efficiency of exchange, by allowing more fine-grained and more readily comparable judgements about the relative value of goods, and by allowing people to trade goods for transferrable tokens of their value, which can be traded at later times. Also, simple markets rely on good faith or the threat of private retribution in order to ensure that traders adhere to the terms of trade that they agree to. By contrast, sophisticated markets have institutional mechanisms to ensure compliance with terms of trade, such as legally enforceable contracts, through which an authority acts as a regulator and guarantor of market transactions.

When a sophisticated market is operating well, it helps to create an efficient allocation of tradeable goods and services – where, by *efficient*, we mean something like: goods and services are distributed to people in a way that helps to optimise the satisfaction of people's preferences across a population. In other words, when a market is operating well, more people get more of what they want, than when goods are being distributed through some kind of centralised planning system. And again, crucially, this benefit is achieved through people acting in a voluntary, un-coerced, and cooperative fashion, unlike a planned economy in which many of the voluntary exchanges that people might want to make are disallowed.

### 3. The Key Insight Behind the Marketplace of Ideas

What can we learn about the marketplace of ideas from thinking about a liberal theory of markets? The marketplace of ideas metaphor is usually invoked as part of a *truth-based* theory of free speech. The basic idea of a truth-based theory of free speech is as follows. Some speech is disruptive to social harmony, offensive and hurtful to particular individuals, liable to provoke retaliation, or in other ways likely to reduce the wellbeing of a population. A truth-based theory says that we shouldn't necessarily restrict this speech, despite its downsides. We should generally tolerate false or offensive opinions, because in the long run more people are likely to have more true beliefs if we allow false and offensive opinions to be heard and challenged, instead of being suppressed and penalised. If we suppress these opinions we may be able to achieve an immediate benefit, by preventing wounded feelings and false beliefs on the part of the gullible. But we end up with a longer-term cost, as people lose track of why they believe what they believe, and become

more susceptible to believing other false claims. An open discussion of ideas – even false and offensive ideas – is a way of promoting true belief, in the long run, and this is conducive in turn to the realisation of human well-being.

In the next section I am going to criticise this sort of rationale, and argue that the marketplace of ideas is ultimately not a particularly helpful or enlightening way to try to justify free speech. But before I go on the attack, I want to identify what I take to be a number of important grains of truth that are captured or expressed in this way of thinking about the justificatory foundations of free speech.

Think for a moment about protectionist restrictions on trade. Sometimes the government will not allow certain goods that are produced in other countries to be sold in their own country. Often such restrictions are intended to protect the livelihood of local producers of those same goods. Suppose – as I believe is the case – that it is easier and cheaper to grow high quality tulips in the Netherlands than in Britain. If the costs of transport and shipping are low enough, then it may be that Dutch tulip-growers who sell tulips in Britain will always be able to charge a lower price for a better product compared to British tulip-growers, while still turning a healthy profit. If there is free trade in flowers between the two countries, then it may be that there is enough supply of Dutch tulips to fully satisfy consumer demand for tulips in Britain, and the likely result of this is that British tulip-growing will become unprofitable, and that local industry will die.

If the British government feels that this is a very bad outcome – perhaps they are being lobbied by representatives from the British tulip-growing industry – they may decide to levy large tariffs on Dutch tulips sold in Britain, the result of which is that Dutch tulip-growers have to charge more than British tulip-growers, in order to make a profit from their sales. In this way the British tulip-growing industry can be propped up and salvaged. But nearly everyone will be worse off as a result. The tulip-buying consumers in Britain have to pay more for an inferior product. The tulip-sellers in the Netherlands lose out on an opportunity to profit from their excellent value-for-money product. An inept and relatively inefficient industry is kept alive, resulting in significant opportunity costs for British horticulture as a whole, which – if the tulip-industry was allowed to collapse – would be forced to reallocate its resources to more suitable and efficient crops.

In our imagined scenario, there is really only one constituency that is benefited by the protectionist trade policy, and that is the small cadre of British tulip-growers. Pretty much everyone else is worse off as a result of the policy. And there seems to be something perverse about this. Some people *want* cheap, high-quality tulips. Other people *have* cheap, high-quality tulips that they want to trade. Those two groups of people can fulfil each other's preferences, if only they are allowed to trade freely. The government is inserting itself between these two actors, and preventing them from engaging in cooperative, mutually-beneficial behaviour.

Some political theorists take this insight and extend it to cover many of the state's regulatory activities. They believe that much of what the state does functions in a similar way to hold back free, cooperative, mutually-beneficial activities. But even if we don't buy a strong libertarian thesis like this, it seems hard to deny that at least in certain cases, free trade agreements and policies are strongly preferable to trade policies that prevent cooperative, mutually-beneficial behaviour.

Some censorship is relevantly similar to protectionist trade policy. Certain people are expressing ideas – in literature, in political journalism, or in treatises on religion – that other people want to read, listen to, and think about. But the government – acting on behalf of certain narrow, vested interests – pre-emptively disallows the relevant informational or intellectual transactions (or more commonly, it threatens to impose exorbitant punitive costs for those who participate in these transactions). The speaker and the listener want to engage in free, cooperative behaviour, through which they can both realise a *prima facie* legitimate goal that they have: the speaker to share their ideas, the listener to engage with the speaker's ideas. The government is thwarting the realisation of these goals, and prioritising the goals of some other party – possibly its own private goals.

Moreover, note the analogical resemblance between the two cases in respect of the notion of *market competition*. The attitude that the British government should take towards the British tulip trade is something like this: “if their product is good enough to sell, we will try to help them thrive, but if not, then it is better that the country's horticultural resources are invested elsewhere.” Artificially propping up industries that produce inferior product is – in the long run – a bad way to promote well-being in a society. If the products are good enough, they will sell. If not, we should use our resources to make better products of other kinds.

Similarly, when political, religious, or artistic ideas are censored, the ultimate motive in the background is often to protect some rival political, religious, or artistic ideas, which the censor perceives to be at risk of being ‘out-competed’ if rival ideas are allowed to circulate. Perhaps the paradigmatic example of this in European history is the ongoing suppression of religious heresies by the Roman Catholic Church, including heresies borne of theological and philosophical discussion, and those borne of scientific inquiry. Still in parts of the West today – most notably in some conservative areas in the United States, where evangelical Christianity is the dominant worldview – information about theories of evolution is sometimes kept out of libraries and textbooks, in order to try to ‘prop up’ the idea of ‘young earth creationism’. In the marketplace of ideas, as in the trade of goods and services, we sometimes have to counteract the ‘protectionist’ tendency to prop up ideas that are destined to lose their widespread acceptance if exchanges (whether of goods or ideas) are kept free from regulatory interference.

To the extent that there is an analogy between the two cases, we have an even stronger reason to want to protect free trade in ideas, compared to free trade in

products. Think about the frustrated Dutch tulip-growers and English tulip-buyers, in the scenario where free trade is blocked by exorbitant tariffs. Both sides are likely to experience frustration at not being allowed to engage in voluntary, mutually-beneficial behaviour. But the frustration probably won't run especially deep. The growers will lose some of their potential profits. The buyers will pay more for shoddier flowers. These are genuine costs, to be sure, but they probably aren't going to cause anyone to be hurled into the depths of despair.

But people care deeply about ideas and arguments, in a way that makes the corresponding frustrations – in cases of censorship, as opposed to protectionist trade practice – overwhelming. And they are probably right to do so. As the American philosopher and legal theorist Seana Shiffrin has argued – building on Mill's ideas from the 19<sup>th</sup> century – there is a kind of constitutive relationship between speaking, sharing one's ideas with others, and thinking as such. To be prevented from sharing one's ideas with others, or from hearing the ideas of other people that one is interested in, is relevantly similar to being incarcerated in solitary confinement. The communicative isolation is very painful in itself, but the damage it does goes deeper than that. Over time it starts to impair one's capacity to be a sane, thinking being. Or to put the same point another way: a crucial part of how we maintain our sanity, and our powers of mind, is by voicing our ideas to people who are interested to hear them, and by listening to the ideas of others we are interested in. When it comes to the exchange of ideas, thwarting these kinds of preferences isn't just a matter of gratuitously holding back the promotion of the general welfare, as in the protectionist trade example. It is, rather, a matter of potentially jeopardising one of the preconditions for any kind of health human existence.

#### 4. Market Failure in the Marketplace of Ideas

So: the marketplace of ideas metaphor isn't a *totally* spurious way of understanding free speech. If nothing else, drawing an analogy between trade in ideas and trade in goods helps us understand – via the protectionist trade policies comparison – some of the reasons why restrictions on free speech are a bad idea.

Still, overall I think the marketplace of ideas metaphor obscures more than it illuminates, when it comes to thinking about free speech and censorship. Let me start with what I take to be the most fundamental problem with the marketplace metaphor. (In the next part of this talk, I will be drawing on collaborative work by the economist James Cox and the philosopher Alvin Goldman.)

In a marketplace of ideas, people don't buy the ideas that are true; they buy the ideas that they like better. I mean this point both as an abstract philosophical claim, and as a mundane remark about when and why people are willing to give their time and money to engage with certain ideas. Just think of a bookshop, if you like. Do books that convey falsehoods, misrepresentations, and half-truths

always get outsold by books that conscientiously strive to only convey truthful information? Of course not! People buy books because they feel some kind of attraction to the ideas that they contain. People may be reluctant to buy books that they consciously recognise as peddling falsehoods. But they do not buy ideas primarily because the ideas are true. The point is: we should expect a marketplace of ideas to function similarly to a marketplace of goods. Markets in consumer goods don't ensure the popularity of quality products over shoddy products. What markets do, when they're functioning properly, is facilitate an efficient allocation of goods in line with people's preferences. And so a marketplace of ideas won't magically sift truths from falsehoods, and ensure that the former are more widely believed than the latter. Markets in ideas will expedite the popularisation of ideas that people like or prefer, *irrespective* of whether they are true.

We shouldn't be so surprised, therefore, that liberal societies that have a strong commitment to free speech have witnessed a rise in beliefs that are absurd, dangerous, and ridiculous. Discussion forums and social media seem to have contributed to a greater acceptance of conspiracy theories and dangerous pseudoscientific ideas, compared to a few decades ago. There seem to be more people today who believe that the earth is flat, or who decline to vaccinate their children because of misinformation about the relationship between vaccines and autism. Does this mean that the marketplace of ideas has broken down? No, quite the contrary! Some people *like* the idea that the earth is flat: it appeals to a contrarian impulse that some people have to disagree with serious men in white lab coats, and the way those men speak with an authority that we never agreed to delegate to them. Similarly, some people *like* the idea that vaccines cause autism: these people are anxious about giving their children injections based on epidemiological science they don't understand, and the false belief about vaccines gives these anxious parents a way of justifying to themselves their medical choices. The increasing popularity of these ideas is an example of the marketplace of ideas *working*. Ideas are becoming more widely accepted not because they're true, but because people like the ideas, and markets help people to get more of what they like.

So this demonstrates the first big problem with the marketplace of ideas, insofar as it's supposed to be part of a justification for free speech. People invoke the marketplace metaphor when they're trying to explain and defend a truth-based theory of free speech. But to the extent that beliefs are exchanged in a way that resembles a free trade in goods, we shouldn't expect this to result in an increase in the prevalence of true beliefs in society. We should expect a marketplace in ideas to facilitate the popularisation of ideas that people find appealing and attractive, irrespective of whether those beliefs are true or well-supported by evidence.

The second big problem is about how unequal power and influence results in *market failures* and *market distortions*, within a marketplace of ideas. Return to our example of the Dutch and British tulip-sellers. Suppose the British tulip-sellers are lobbying the British government to impose heavy tariffs on Dutch flower imports,

but that the government are refusing to do so. (We can imagine that they have read their liberal economic theory, and they understand that protectionist trade policies are not conducive to general social welfare in the long run.) Having been thwarted on that front, imagine that our wealthy British tulip-sellers decide to spend millions of pounds on advertising, in an attempt to persuade the buying public – using a combination of half-truths, misrepresentations, and xenophobic slanders – that British tulips are perfect, and that Dutch tulips are second-rate. If the advertising is sufficiently clever and manipulative, it might eventually result in British tulips out-competing Dutch tulips in the British tulip market. If this happens, then the tulip market will have failed, in an important sense. The market might still be facilitating an efficient allocation of goods in line with people’s preferences. But the market has also allowed people’s preferences to be systematically distorted by manipulative advertising, and so people’s buying patterns will be misaligned with their *genuine preferences* – that is to say, the preferences they would have formed, if they had accurate information about the goods in question.

The lesson from this isn’t that markets in consumer goods ought to be replaced with planned economies. The lesson is that in order to achieve their welfare-promoting aims, markets need regulation. In particular, if we can’t control misinformation, then we can expect bad products to outcompete good products, in such a way that markets won’t end up being conducive to people’s welfare after all. One of the ways that markets have to be regulated, then, is through disallowing false and misleading information to be circulated about products and services.

The crucial problem here, is: how could we institute these kinds of regulations when it comes to markets in ideas and opinions, as opposed to consumer goods? Consider debates between defenders of capitalist systems of social organisation, and defenders of Marxist or social democratic systems. In an idealised marketplace of ideas, we want people to be able to freely and open-mindedly consider which of these ideas they find more attractive. However, we are living in a world where the forces of capitalism have far more power to make capitalist ideas seem attractive and compelling, compared to their opponents. Wealthy individuals can spend millions of dollars setting up think-tanks, media companies, and academic institutions to promote capitalist ideas. They can pressure governments and businesses to break up labour unions, and in other ways try to discredit and inhibit the spread of socialist ideas and organisations. If we want to have a fair and functional marketplace of ideas, then – by analogy with the case of a market in goods and services – the thing to do in response would be to introduce regulations that constrain the ‘marketing’ of ideas in this marketplace. But such advertising and marketing would itself be a part of the marketplace of ideas. It doesn’t make sense to say “you can share capitalist ideas freely, but you can’t share *higher-order* ideas about *why* your capitalist ideas are good, and why socialist ideas are bad.” Those higher-order ideas are all part and parcel with the capitalist ideas themselves.

The point I am driving at is that a marketplace of ideas, to the extent that it can function as a market at all, will be resistant to certain kinds of regulatory controls – in particular, regulations that constrain the kind of information that distorts market mechanisms. Markets *need* those controls in order to serve their intended purpose effectively. Marketplaces of ideas are *even more susceptible*, than markets in goods and services, to being corrupted by the outsized influence of the powerful.

## 5. To Infinity and Beyond

Let's take stock. In general we want people to be able to share their ideas and opinions with others. And we want people to have access the ideas and opinions of the people that they want to listen to. We recognise that sometimes powerful actors use censorship to interfere in this exchange of ideas, in a bid to secure the popularity of ideas that align with their interests. Given how important an open exchange of ideas is, to human flourishing, it is tremendously important that we establish policies and legal structures that prevent this kind of interference. But we cannot effectively model these policies and structures on free market principles. In order to effectively promote human wellbeing, markets for consumer goods require regulatory constraints on advertising and the like. But there is no straightforward way to set up such constraints in a marketplace of ideas. If we have a marketplace of ideas, it will predictably result in the popularisation of ideas that align with the interests of the powerful – much like a market in consumer goods that doesn't impose restrictions on misleading advertising, will predictably result in increased sale of goods that are produced by the powerful.

Moreover, whatever policies we end up establishing in order to ensure that people are able to share and engage with the ideas they want to share, we shouldn't expect these structures to result in an advancement of truth and knowledge. People aren't necessarily motivated to believe and pay attention to what's true, or to what they have most reason to believe is true. People believe and pay attention to ideas that they find appealing, engrossing, and agreeable. The institutions that we use to discover and disseminate true beliefs will need to be separate, then, from the institutions that facilitate an exchange of ideas. Truth-promoting institutions need to be distinguished from systems that merely facilitate communication.

You will have already been contemplating the implications of these points, in relation to the technological systems that facilitate an increasing portion of our communications today – that is to say, social media services (like Facebook), messaging apps (like WhatsApp), and online discussion forums (like Reddit). It is important that we establish social policies and legal structures which prevent powerful actors from interfering in the free exchange of ideas through these kinds of communication systems. I have recommended that we move beyond the marketplace of ideas metaphor, as a way of understanding free speech and conceptualising the threats to it. But if we are going to replace this metaphor with a better

one, then we need to have a realistic grasp of what the threats to a valuable exchange of ideas really look like, with these new communication platforms.

As a first step towards this, I want to describe a relatively straightforward, speculative thought experiment. Imagine that a new technology company emerges in the coming years – let’s call it *Infinity* – and that it sets up a new networking and communication service which combines and improves on the functionality of today’s leading social media platforms, messaging apps, and discussion forums. In other words, imagine that *Infinity* is a bit like improved versions of Facebook, Reddit, and WhatsApp, all rolled into one. Let’s imagine that its services are more efficient and user-friendly than the services that it replaces. Let’s also imagine that it has more scrupulous data management practices than the current tech giants. It is more transparent about which data it collects, and better at allowing users to opt out of this. We would expect *Infinity* to quickly attract many users. For the sake of argument, let’s suppose that it is so successful that it eventually becomes the world’s most visited website, with the most active users. Finally, imagine that *Infinity* has an ownership and management structure which means that, like many of the leading tech and media companies in the world today, it is controlled by a small number of senior directors and executive staff.

Given the way I have described this hypothetical scenario, it sounds like we should be happy overall if something like this were to eventuate. There are a host of ethical worries that people have raised about the leading tech companies today, but probably the most persistent ethical concerns – particularly about Facebook – relate to issues of privacy. The leading tech companies seem to have a relentless tendency to engage in unscrupulous data-collection practices, and they seem to rely on a certain level of vagueness and a lack of transparency about those practices to ensure that users keep registering and logging on. If the leading tech companies were to be superseded by a company like *Infinity*, which is more scrupulous about privacy, then we would have a clear improvement with regards to at least one ethical issue, with no appreciable downsides to go along with it.

But how should we view this transition in terms of our desire to protect the free exchange of ideas between willing and cooperative parties? I haven’t said anything specific, in my description of the case, about how *Infinity* regulates communication between users. Does it censor hate speech? Does it ban users who use offensive language? Does it have some kind of ingrained political or ideological biases, that it favours in the way that it sets up its communicative platform?

One might think that we can’t really say anything about whether *Infinity*’s ascent would be a welcome thing, from the point of view of free speech-related concerns, until we have answers to these questions. You might think this is a bit like asking: “would it be a good thing from the point of view of business productivity, if the widely-used Windows operating system fell out of favour, and was replaced by a rival operating system as the default system of choice for business computing?” You might think: there is just no way to answer this question in the abstract, until

we know whether the new operating system improves on the weaknesses of the operating systems we are using now. The proof will be in the pudding.

## 6. Monopolies and the Separation of Powers

I think we can say more than this, purely based on the power structure that's implicit in the scenario I've described. Whatever the upsides might be, in Infinity's ascent, I think we should be deeply concerned about the scenario that I imagined above, or anything broadly resembling it. The problem is essentially about how vulnerable we become when a small number of people are controlling – without any democratic accountability or oversight – the communication platforms that everyone else relies upon. Even if the people running Infinity are well-intentioned on the whole, there is something dangerous about the accumulation of such an enormous amount of power and control in only a few pairs of hands.

For one thing, what will happen when the current directors or executives of Infinity step down? Without democratic oversight, we cannot be confident that Infinity won't be taken over by people whose intentions are altogether less benevolent. For another thing, what if the directors of Infinity come to have strongly partisan or parochial ideas about what kind of communication is ethically acceptable? What if they hold hard-line religious ideas, and decide to disallow any speech that offends against their religion? What if they regard Marxism and socialism as dangerous political cults, and decide to prohibit any speech on their platform that's hostile to capitalism? It would be alarmingly easy for Infinity – having already become the central hub through which much human communication flows, without any coercion or compulsion along the way – to turn into a kind of repressive intellectual dictatorship. Infinity is a private organisation, not a national government. But depending on just how integral it ends up being in the practices and structures that mediate human communication, Infinity could come to possess a greater power to thwart people's communicative intentions than many or most national governments in the world today.

Two kinds of underlying principles are suggested in the concerns I am raising here. One is about the corrupting dangers of monopolies. When one actor or group is controlling a large domain of activity, it becomes all too easy for them to engage in abusive, exploitative, or otherwise welfare-damaging practices. The other underlying principle is about the separation of powers. Advanced political societies don't assign complete law- and policy-making control to any one branch of government. They divide this power up between the legislative branch (which creates new law), the judicial branch (which administers the law), the executive branch (which executes a range of governmental acts), and the administrative branch (which administers a variety of routine social services). Most advanced political societies have an even more complex way of dividing up political and policy-making power, by having a nested structure of national government and

local government (sometimes with a provincial or municipal level of government, in-between the two). Anti-monopolistic practices in the corporate world, and the separation of powers in the worlds of government and civic society, are both measures aimed at combatting an over-concentration of power.

There are some people – Libertarians and Anarchists – who are above all afraid of what happens when *governments* amass huge amounts of power. There are other people – Marxists and Social Democrats – who are more afraid of what happens when *business* and *corporations* amass huge amounts of power. Those who are genuinely interested in protecting the free exchange of ideas needn't choose sides in this. The sensible position is to fear both dangers in roughly equal measure. Although he is often championed by Libertarians, Mill – the most influential defender of free speech – held the sensible middle ground position. In *On Liberty*, Mill wasn't arguing for limitations on state authority in particular. He was arguing that we need to counteract closed-mindedness and repressive conformity, regardless of whether they are coming from government actors, or from private actors whom the government is trying, on everyone else's behalf, to constrain.

None of the major tech companies in the world today are as powerful or influential as Infinity, in the scenario I have imagined. But the major tech companies have proven themselves sufficiently adept at amassing power, within specific domains, that we shouldn't see my example as mere speculation. My example represents a somewhat exaggerated version of the world we are already living in. Certain companies and platforms have become embedded as gatekeepers and choice architects in global communication systems, largely due to accidents of fortune as to which product was best positioned to fill an emerging communications niche at the right moment in our society's technological evolution. The directors of those companies have a disproportionate amount of influence in determining how the free exchange of ideas between individuals is managed, today, and what limitations will be imposed upon it. And the people with this power are not subject to democratic oversight in any meaningful sense. They are answerable to corporate shareholders, in some contexts, and beyond that they do much as they please.

## 7. Two Lessons

Those of us who are working the communication industry – as engineers, designers, marketers, researchers, and theorists or philosophers – are not in a position to single-handedly transform the political and technological conditions I have been describing. But we need to have a reflective, critical consciousness in how we perform our roles. If we care about the free exchange of ideas, then we need to make sure we are not facilitating the development of communication systems that are likely to inhibit and suppress the free exchange of ideas in the long term.

Does that mean we should be trying to create a new, technologically-adapted, online marketplace of ideas? I don't think that's the right lesson to draw here. The marketplace of ideas metaphor was always a distinctly limited way of conceptualising what is at stake in seeking to facilitate the free exchange of ideas. In the 21<sup>st</sup> century, the inherent limitations of that metaphor have become even more pronounced. There is a better way to conceive of what is at stake in this area, I believe, and that is simply to think of a person, living in today's technologically advanced society, who is free to choose between a whole variety of communicative systems in order to convey his thoughts to other people, either in conversation or through one-way written texts. Suppose I want to share some ideas that I have been reflecting on, with my friend Erin, who lives in Australia. I can email her (via my work email, or my Gmail), or send her a message on Signal, or post on her Facebook timeline, or comment on her Twitter. I can call her up on an international phone plan, or write a letter on paper and mail it to her via international post. These communicative tools are not totally costless, but they are for the most part relatively affordable. And of course there are other – slightly less commonplace – communicative options available to me besides these ones.

At present I think most of us take it for granted that people in future societies will have access to a similarly wide variety of communicative tools, as most of us do currently. I believe it would be a serious mistake to take this for granted. One of the things that the major tech companies are working very hard to do is to aggregate and synthesise the different platforms that we use to communicate. Sometimes this is a matter of corporate acquisitions, like when Facebook purchased WhatsApp. Sometimes it is a matter of integrating different kinds of communicative systems, as with Google's efforts to create a multifaceted online software suite, combining communicative functions like Gmail, with informational services, like Google Search, Google Maps, and Google shopping. To the extent that they succeed in these aims, the major tech companies may easily end up reducing the number of communicative platforms available to us. How long will it be before a corporate tech giant like Amazon makes a bid to acquire the mail and telephone utilities of a whole nation? It is hard to predict what a company like Infinity would look like, but it would be naïve of us to imagine that such companies cannot come into existence, especially as the globalisation of corporate activities continues to accelerate. The rapid advances in communicative technology might seem to radically improve the possibilities of human communication. But the democratically unaccountable corporate control of those technologies is such that there is as much risk of a communicative dystopia, as anything else.

### *7.1 The Big Lie about Connection*

I do not pretend to have a roadmap for averting these worrying prospects. But I do think we can steer things in a better direction if we are conscious of some of

the misleading ideas and slogans that certain actors in the tech industry sometimes invoke, in the way they talk about the future of communication. I will finish this talk by identifying two main ideas that I think we should be sceptical of, as we try to figure out how a free exchange of ideas can work in the 21<sup>st</sup> century.

The leading tech companies in the West – Facebook in particular – have regularly espoused the idea that communicative connection is a good thing in itself. Of course there is a grain of truth in this. Very few of us would be happy to return to the days where moving abroad meant not talking to one's friends and relatives back home, or only being able to speak on the phone for exorbitant fees. Being able to speak and write to people we care about, easily and with little cost, is one of the great privileges of living in our present age. But this doesn't mean that connection is something we should embrace at all costs. If the price of connection is that we have to submit to the managerial control of a democratically unaccountable tech company, then we may be better off remaining unconnected. This is not just an abstract hypothetical. In some parts of the developing world where internet coverage is limited, tech companies like Facebook provide wi-fi internet services, while requiring people to be Facebook users in order to access those services. Tech companies portray this as an act of benevolent service provision. But of course they do this not out of a sense of charity, but because the costs of service provision are more than balanced-out by the benefits of having monopolistic control over the communications and data of an entire regional population.

What it makes sense to want from our communication technology, so far as we care about the free exchange of ideas, is not just easier and more affordable connection *per se*, but an increasingly diversified and decentralised set of tools and platforms that facilitate such communication. The right response to Facebook's monopolistic ambitions isn't to retreat to an anti-tech position. The right response is to call for a diverse abundance of communicative technologies, and thereby counteract the emergence of a global communication regime in which everyone is constrained by a small cadre of unelected corporate leaders.

## 7.2 *Regulation is Risky, but Deregulation is Even Riskier*

Tech companies have also encouraged us to view government regulation of the tech industry as a presumptively bad thing. Their motive in doing so is largely about maximising the profitability of their businesses. From the perspective of the population at large, government regulation – while it runs the risk of being abused – is an important tool we have to counteract the monopolising intentions of powerful tech companies. Monopolies are bad for business and bad for consumers. Having the power to break up companies that are acting monopolistically is one of the many ways in which governments provide a benefit – rather than a threat – to the autonomy of their citizens. By contrast, if we follow the advice of tech companies, and the Libertarian political philosophers whose views tend to

align with them, we will be depriving ourselves of one of the best tools we have for protecting ourselves against the exploitative practices of these companies. Government regulation of the technology and communications industry is risky, of course. But the erosion and withdrawal of such regulation is risky too.

To view the exchange of ideas as a kind of marketplace, is to characterise government as a pernicious source of interference between individuals, who are seeking to benefit themselves in free, cooperative, mutually-advantageous interaction. Given that metaphorical framing of the issue, any limiting of the government's power to regulate communication systems seems like a sensible measure. But the exchange of ideas in the world today is importantly unlike a well-run marketplace. Many of the most severe threats to individuals wanting to gain in free, cooperative, mutually-beneficial communicative interaction, come from those same platforms and services through which people are seeking to communicate. Under those conditions, a limiting of the government's power to regulate communication systems is not conducive to the free exchange of ideas. Sometimes it is private companies that want to control our speech. And when that is the case, we desperately require that government – acting on behalf of the citizenry's collective interests – prevent them from acquiring the means or power to do so.