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Deciding the **Facebook Question**

In a world of infinite convenience, assuring the health of democracy will depend on how we define the rights of citizens.

Facebook, Apple, Amazon, Netflix, Google: the FAANGs. We have one big fat reason for loving them: they provide us with overpowering convenience. Thanks to the FAANGs, just choosing to do something is enough for it to be almost already done for you—as much socializing, shopping, infotaining, and general worldwide communicating as you can bear right now is accomplished *right now* with a waggle of your fingers. This effortlessness as a way of life is the real problem the internet leviathans present us with—meaning we will find solutions to the subproblems of data spills and disinformation, election twiddling and privacy invasion, depressed adolescents and monopolistic practice, only somewhere outside this comfort zone into which universal networking has herded us. If you have a beef with Google's microphones in all your products or Amazon's compilation of your medical chart or Facebook's experimentation with your mood swings, be advised: absolutely no relief from all this will be possible without our giving something up—and in each case, something we've been enjoying.

It's a size problem

When it comes to fixing the situation, one idea we throw around is that these overwhelming corporations should be broken up. That seems logical; how could it be a good idea for one company to be Facebook *and* Instagram *and* Whatsapp? We've done this dissolution trick before with Standard Oil and AT&T and it achieves the goal of dismantling the offending power. There are differences of opinion about whether that actually is desirable, and the corporate offspring have a tendency to reamalgamate like bits of the Blob (think ExxonMobil or Verizon), so the real utility of these actions is uncertain. Senator (and presidential hopeful) Elizabeth Warren has gotten lots of attention with her vow to take these companies apart, but that's more ideological than analytic. There's also the fact-or-coincidence that we don't seem to get around to dismantling the companies until the point when the advantage of monopolistic operation in the field has possibly run out anyway. And if, as seems perfectly plausible, Facebook is just the next MySpace, then maybe that problem takes care of itself.

Where the problem is wrong behavior more than wrong size,

we have our everyday sublethal antitrust remedies, such as those taken against Google. In 2010 the European Commission (EC) started investigating some alleged antitrust violations by Google. The immediate issue had to do with a small website that offered comparison shopping information and depended on Google searches for the great majority of its traffic. But Google had decided that it was interested in occupying the comparison-shopping space and tweaked its results algorithm, making the small site appear only far down the list of search results, while Google's own product comparison info was showing up near the top. Competition averted: the small site's traffic collapsed. After five years of investigating, the EC issued a Statement of Objections.

In 2016 the EC sent Google another Statement of Objections concerning other alleged antitrust violations, this time about licensing conditions that Google imposed on hardware manufacturers that made Android devices, requiring them to prepackage Google as the default search engine and forbidding them from preinstalling competing search engines. Russia's Federation Anti-Monopoly Service had opened a case against Google on similar grounds in 2014.

All those activities by Google were effectively anticompetitive and—if you believe that the corporation with the world's third-highest market valuation is good at what it does—intended as such. Google wants a competitor-free environment, because why wouldn't it, and it has the might to secure it. Does it have the might to avoid punishment for its behavior?

In 2017 the EC fined Google 2.42 billion euros in the comparison-shopping matter; Google is appealing the decision. In 2018 the EC fined Google 4.34 billion euros in the Android-developers matter; Google is appealing the decision. The Russians fined Google a much smaller amount in 2016 and Google appealed that decision too.

In the United States, the Federal Trade Commission opened an antitrust investigation into Google's search engine practices in 2011. Although the commission's staff concluded that Google was violating anti-monopoly laws, the commissioners dropped the case in 2013, reportedly due to disagreements about whether

the case was winnable.

Of course, this kind of domineering is what any healthy monopoly will try to do as long as it's able. To those of us who go around being small enough to fail it may seem that such anticompetitive practice is unfair, but to the monopoly this accomplishment by overwhelming is simply its nature. To a global corporation, a multibillion-dollar fine is just one of the costs of doing business: when you liquidate a rival, you pay some compensation to the widow—it shows respect. Then you carry on. This is also the model that governmental agencies follow: watch for things being done wrong, announce there has been something, laboriously prove the wrongness, laboriously prove it again on appeal, and then rap knuckles. Such regulatory gestures have symbolic importance and no effect, because the companies' strategies have been built around them. The accountants and lawyers have figured in a certain amount of systemic friction and have worked out in advance whether a plan is still worth it.

So Google and its fellow FAANGs are in this respect only yet another reiteration of the commercial great powers that we've been continually creating, complaining about, and striving to restrain since the US government passed its first antitrust legislation, the Sherman Anti-Trust Act, in 1890. Yes, by all means let us apply all the antitrust remedies against the FAANGs. But their unfair business practices are only the result of their being businesses. This is a problem of and among businesses.

It is not the FAANG problem.

No, it's a truth problem

Another aspect of the FAANG problem is the pollution of the informational environment: dissemination of faker-than-usual news, unauthorized propaganda, incitements to mayhem and other invented realities. And there is the related problem of informational disasters, with immense data spills exposing the personal information of hundreds of millions of people at a time. Both have to do with information getting into the wrong hands: the first about supposedly bad information wrongly getting into nice hands, and the second about good information getting into bad hands.

In response to demands that Facebook do something about such problems, the company first denied that there were any, then said it had things under control, and then said that it was working on it. The fact that those statements come in the reverse order you would want them to demonstrates that this is a situation beyond the control of the company. Social media platforms can't control their content—they can't control what people put into their systems and they can't control what gets out: it's not the kind of system you control. Facebook has huge crews of the gig-economy underemployed reviewing posts to keep the Russian troll farms down, but it has nowhere near enough Burmese-speaking staff to speedily stifle promotions of genocide against Rohingya; or Tagalog, Hausa, and Hungarian speakers to ward off provocations in those tongues. And no staff of any size can protect against data breaches resulting from zero-

day vulnerabilities that, by definition, the companies aren't even aware of until after they've been attacked.

The problem with the data breaches is easy to understand and locate: a criminal type gets my personal information by breaking into a vast data storage thing. But the actual problem here exists prior to the breach: the fact that a vast data store is there to be broken into in the first place. It's like Willie Sutton robbing banks because that's where the money was. Perhaps smaller companies would help here—that would mean smaller, less attractive targets—and perhaps industrywide best practices can help too, but there will always be data breaches, just as there will always be embezzlement.

The fake news problem is much more obscure. In the United States, the master story about fake news is that nefarious agents ("Russians," "Alex Jones") are sowing confusion among us by disseminating ideas that have been engineered to excite the excitable and aggravate controversies. Not many of us are worried that we have been duped that way ourselves. Fake news is something that mainly people on the other side from us are susceptible to and it makes them become more ignorant than they already are. The worry is that susceptible people are being led to believe things and support causes other than the things and causes they would subscribe to if left alone (with less-fake news), and that they then go around acting according to the falsehoods they've been fed, such as by voting for the wrong person.

When you look at announcements on Facebook invented just to get the antagonisms up—as happened with made-up stories about a child-sex ring in the basement of a pizza restaurant in Washington, DC, that triggered ongoing harassment of local businesses, or with fake stories posted by Myanmar military personnel that triggered anti-Rohingya riots—it does look as though the company is a major conduit through which "fake news" is sowing confusion, disruption, and to some extent death. But are any minds actually being changed? All the people who showed up at an anti-Trump demonstration announced by the Russian operation BlackMattersUS were already against Trump, and once they were there it was a real demonstration. If some real group had announced the same rally, everyone would have gone to it just as much. And xenophobes everywhere appear to be all too ready to mob up against their minority neighbors at any provocation.

Of course fake news is nothing new—in fact it has to be *nothing new*. From Hitler's big lie to the Gulf of Tonkin incident to the propaganda machines of the Soviet Union to lynch-inducing racist fantasies, the phenomenon itself is familiar, and governed by an unchanging basic rule: you must never say anything new; you can say only things that people already think or want. Belief is identity: people already have their identities and will select things to believe according to how the ideas seem to support who they are. All the malarkey, no matter how venomously expressed, is just a reflection of what people already see and want to be in the world.

You might say that Facebook (and YouTube and Google and

Twitter) is an enabler and an amplifier of the uproar, and that is partly true. Because when everyone gets to say everything to everyone all at once, everything will get said.

But fake news is a phony problem. Unless you believe that you yourself are at risk of voting for candidates or demonstrating for causes that you wouldn't otherwise support because of how you might be getting bamboozled by foreign agents and domestic public relations firms, then it is inconsistent for you to believe in fake news as a specific threat to democracy.

The problem is the inherently out-of-control medium that we have incautiously set upon ourselves. Fake news is just a mirror of our inner selves, freed by our keyboards from any possible inhibition, from the civilizing effects of norms, institutions, or neighborly empathy.

The tragedy of the infinite commons

Monopolistic behavior and fake news, that is, are merely the second-order consequences of what the FAANGs do, of the addictive, fattening, automatic weapons that they provide.

After all, technologies are not good or bad. But modern ones tend to be overpowered: whenever deployed they accomplish the task ... and then some. Automobiles make it much easier to do your marketing—and produce that desired effect so overabundantly that they go on to promote the rise of a recreational form called “shopping” and a landform called “sprawl” and a waste of time called “traffic.” Almost anything done with digital computers has this sort of superadequacy, and with a few billion networked computers, somewhat more.

You can see the hyperefficiency of this tech in the progression of our communications from books to websites to blogs to tweets; letters to emails to texts: at each step the unit gets smaller and the transmission more seamless and constant. If you're old enough you'll remember that all socializing used to be accomplished at specific places in discrete chunks achieved by an effort. Now socializing is always and anywhere with anyone. Everyone—including every friend you never met, plus everyone else—is in your pocket. The attractions of the total network for the consumer are undeniable: you can find things to buy, look up your symptoms, and keep an eye on your Friends, all without breaking flow from whatever else you might be doing. Every choice is available always and you never have to decide which thing you'll do. The idea of it all, as specifically developed in Amazon's no-click shopping plan, is to abolish the effort of acting, to make all things just happen for you—dissolving the boundary between thought and deed.

The same is true of internet platform companies' interest in us. Any motion we make that either relates to them or is remotely extrapolatable to any degree is already appearing to them—we are always already in their pocket, happening for them. And what we do in there is continually signal to each other, the total human whimsphere swirling through their servers and across their screens and into their algorithms and then value-addedly back out again as targeted ads and special deals and tailored news feeds. It's not exactly correct to say they spy on us; that would take decision

and focus, when all they're really doing is automatically—and therefore helplessly—*seeing* everything always.

Does that seem overpowered enough? These companies are curating the behavior of the world. And you have some complaints about how they're doing it? Well how would you do it? No one can do that—it's simply absurd. The FAANGs can't control the thing they do. The Facebook entrepreneur Mark Zuckerberg is standing on top of the caboose of an atomic freight train shouting about what a great job he's done steering it. You think there's something about that that he should be doing better? How could he do it better? How would you define “better”?

And worse: the overpowered technology has been distributed to us at effectively no cost. If you're sending an email to one person it's no more expensive to send it to a million, and that's why there is spam. The internet is a shared space in which the resources for almost any purpose are effectively unlimited. The three resources—storage, processing speed, and bandwidth—are cheap and fungible beyond any we have ever known before. And along with this material hyperabundance comes something even more powerful: for almost any purpose there are no opportunity costs. Doing any one thing in the network almost never stops you from also doing another and another and any number of others.

This ultimate cheapness creates a reverse-tragedy of the commons. It used to be that the mass media pastures were enclosed and governed by gatekeepers (publishers, editors, producers, agents, impresarios) who made all the decisions about what was good enough to publish or record or report based on the allocation of always-limited resources—and according to whatever biases they happened to cherish or get paid for. For exercising this control they were often reviled, and often rightly. One of the big idealistic dreams about the World Wide Web was that now there was room for everything to be published and everyone could be their own gatekeeper. Without self-important poohbahs demanding to know “Why should we?” there would be both justice and equality at last.

With the resources rendered limitless, everyone could do everything; the fences were torn down and the gates unhinged, and with nothing ever getting used up the answer to every question became “Why not?” In the infinite commons it never makes sense to ask “Wouldn't it be more worthwhile to ... ?” because every better thing can be deferred: if we do it the easy way now we can always do the better thing “later,” or someone else can, or it doesn't matter in some other way. This wrecks curated channels such as newspapers because they use the expensive, limiting processes of expertise and editing—exactly the decision-making that no one else is subjected to. Newspapers haven't been destroyed because they stopped being essential or couldn't adapt to the new medium, but because they couldn't keep up with all the free garbage that anyone and everyone could put online. Indeed, there's such a mass of garbage available that it would have been very difficult *not* to displace them with it. Many of them tried to keep up by becoming garbage themselves, but it didn't work; they remained insufficiently worthless. Some still

try to maintain the old standards but they survive only through subsidy from billionaires or gentrification of their subscriber base.

With a service such as Facebook all your roles are blurred: you are author, reader, judge, jury, commenter. The one we see least of is editor—that's a gatekeeper role, concerned with making decisions and frequently saying "no." In a total availability environment the marginal utility of deciding anything is zero. That's what Facebookian "Like" means: I "Like" this, or whatever—think it's cute, deplore it with you, don't actually know but want to seem totally not unFriendly. Unlike publishing it's all unvetted; unlike conversation with a real person, all undirected. A social media platform supports no difference between someone who says something because they believe it and someone who says it because you do. Any social-media utterance tends to escape context, and with it, responsibility; social media are a dream-space, which is why our latest cultural fantasies are projected there and ravings against imagined enemies scrawled on its walls. Taken in their terabyte totality, social media constitute an infinite space without a plumb bob or square; anything we can do or say there is radically unbiased in that there isn't any "straight" that could be deviated from. Judgment fails, because there is no pattern, because there is no rejection, because there is no opportunity cost. We're living out the million-monkeys-at-typewriters parable *as the monkeys*. A lot of us turn out to be bashing out hate mail.

Every possible action is so cheap it's always already happening.

The will to decide

Decision is a barrier, an inefficiency; citizens decide which things we're going to do; we've decided together which things are more important than other things. We do this slowly and with difficulty, and in the process create the meaning of being humans. Our huge real problem is that we're increasingly surrounded by superadequate technologies that annihilate decision and not only replace it with superabundance but cede the process of creating meaning to the FAANGs. Facebook not only allows everyone to say everything, but it knows what everyone says. Google decides how to tell us what we want to know and keeps track of everything we've been kind of interested in. Amazon tells us what to have, lets us have it instantly, and keeps track of all that too. There has been no democratic discussion about this; no one decided that we would stop having to decide and that that would be the price of infinite convenience.

The benefit of these techs to consumers is identical with their harm to citizens. When the FAANGs allow us to give up deciding which thing we'll do or say because we're freed to choose everything, when they take it to the next level and predictively answer our correspondence and send the groceries we're about to want, then we become only recipients—pure consumers to a degree unimagined in anyone's theorizing. Forget these very ordinarily amoral corporations; the things we hate them for will happen with or without them because this decision-free, opportunity-cost-free world is *what the technology does* when we don't control it.

So, yes, Facebook Incorporated is a business with some terrible practices that should be penalized, and on poor corporate hygiene grounds alone its stock should be worth much less. But Facebook the existential threat is only a particular expression of much bigger problems. The only way to manage those problems is to put on our big-citizen pants and make decisions.

There are two possible paths for such decisions: the technical and the political. The technical path would rebuild the internet as a material-world-like scarcity-based system. Is this possible, technically or politically? I don't know, but to preserve our power of decision we must have more scarcity. Decision is impossible without priorities, and priorities are impossible without a reason for prioritizing; scarcity of resources has always been the most defensible reason to say "this before that." You can't do cost-benefit analyses unless there are costs; you can't sustainably justify doing something well rather than badly without a material justification. If it costs the same to distribute one copy of your thoughts as it does to distribute a million copies, it doesn't matter what thoughts you broadcast—just spew everything, anything. If everyone's reporting everything, it doesn't matter what reportage you aggregate—grab any of it. If the business model is based solely on people clicking on things, it's impossible for it to matter whether there's any reliability or truth—by the time the clickers have wondered whether this could possibly be true they have already clicked and the transaction is complete. Anything you do is like paying a dime for a million lotto tickets—each one worth zero but maybe one pays off. You never have to decide whether it's worth it to do something; you may as well just do it. And when you don't have to decide, you're free to just choose, to be a reflexive, unreflecting consumer. We shape our societies through our judgments and decisions; absent that, society will take whatever shape happens to emerge when all the stops are pulled out. If we don't like the state-of-nature feel of politics these days, we might consider what the FAANG technologies are revealing about our unrestrained selves.

Resource-based digital scarcity is out of the question—it's all so damnably cheap any restriction on that would be artificial and cheatable by definition; the first thing that would happen would be a black market in bandwidth. Instead what's needed is the imposition of opportunity cost in the digital realm so that doing one thing always means you can't do another: files that can be *either* read *or* transmitted and then are used up; connections that can receive only as much as they transmit; transmissions that can go to one destination or to another, not all. An infrastructure that worked like this could reimpose decision and judgment on what we say, learn, and consume; it could make the difference between publishing houses and troll farms, between observation of suspects and total universal surveillance.

This new Limitsnet is greatly to be desired—but it may not be possible; it may be the nature of digital computation to prohibit the necessary limits since it's basically made of patterns getting copied from one place to another. Second, we wouldn't do it. I myself would jump at the chance for an infrastructure within which things could be done only on purpose, for reasons and by consent, and

maybe you would too. But this doesn't translate into the logic of businesses and governments, whose survival rests on always doing things more, not better. Only individual humans are able to care about things being done right.

So we need the political solution: a fundamental, Constitution-level description of what a person and its identity and its control over that are. We've stumbled backward into this Cubist situation where I can hotly proclaim my identity, others can coldly demand it, bits of it are copied and miscopied, strewn all around and sold to people I've never heard of, and in some jurisdictions I can insist that it be erased. This incoherence is antidemocratic; people without control over what is done with their selves are subjects, not citizens.

The essential condition for that self-control is privacy. A declaration of the person appropriate for the United State—one that can clarify that mutual duty between society and citizen—requires a return to the model formally articulated as legal doctrine by Samuel Warren and Louis Brandeis in 1890 in a *Harvard Law Review* article titled “The Right to Privacy”:

Recent inventions and business methods call attention to the next step which must be taken for the protection of the person, and for securing to the individual what Judge Cooley calls the right “to be let alone.” Instantaneous photographs and newspaper enterprise have invaded the sacred precincts of private and domestic life; and numerous mechanical devices threaten to make good the prediction that “what is whispered in the closet shall be proclaimed from the house-tops.”

What they were interested in was basically a protection from publicity; they had rejected a description of privacy in terms of intellectual property, but instead “in reality not the principle of private property, but that of an inviolate personality.” This right to be let alone was born from the irritation of rich guys getting exposed by paparazzi but fundamentally concerns freedom for all from the formation of opinions about ourselves without our participation. In court, we're guaranteed the opportunity to testify on our own behalf; we now need to extend that to the general case, to society at large. The inviolate personality is one permitted to represent itself, to make its own case and then be judged on that basis—not according to prejudices generated by secondhand accounts, never mind algorithms. The problem is no longer “publicity,” which here in the future we strain to produce ourselves with incessant Facebook postings and Instagram feeds; Warren and Brandeis would have considered this bizarre (and *déclassé*) but acceptably our own problem. The realm in which one can be most intensively discussed—formerly “in public”—has disappeared into the databases and algorithms seen by no one but their owners, which autonomously mutter against us and judge with almost no opportunity for review or amendment. They steal us from ourselves and make up their own story of all of us. That story of how we fit into automated corporate and

government purposes has more weight in the world and more effect on what we are free to do than any act we can perform as and for ourselves.

When people say “Google knows you better than you know yourself” (which they frequently do—google the phrase and see) the “you” in question isn't the you that you are, it's a you that Google has made. It's made of the pieces of you detected by Google's compound eye and assembled according to its priorities. And since Google made it, it knows it much better than you do and it can use it to make predictions about what your next move is going to be, and yes, its predictions could well be more accurate than your own sometimes. And that whole your-next-move transaction is worth maybe a tenth of a cent—but Google does that a billion times today and a billion times tomorrow, and pretty soon you're talking real money.

What Google doesn't necessarily have in its you is your reasons for doing things and the feelings you have about doing them. And what makes original you exist in the world as a person instead of a pinball is not all your next moves but those reasons and feelings you have. So the fair-market value of you doing things according to what's important to you is zero, while a realized prediction of you is worth a tenth of a cent. Which one of you is more important in the world? Which one gets represented by more lobbyists?

A democratic republic must have citizens; only people with freedom to act can be citizens, and freedom to act requires the control of one's self. If we don't have the control of ourselves, then we obviously can't have any control of our society—something else will. Common-law rules about the redress of injuries don't suffice; to be the kind of people who decide what we will do in the world, we have to declare who we are in that world—what distinguishes us from it.

The question we have to answer will be: who says who I am; does my identity belong to me or does it belong to the cultural-political matrix—society, that is? I don't know, but then again neither do you. There isn't an answer because we've never bothered to decide what we can agree to about it. Indeed, the answer we get doesn't matter, we just have to have one because it's only from this process of answering that we have a foundation for saying what kind of treatment society and individuals owe each other. The world has changed—we can see that. Now we can either be the kind of people who enter that changed world to act on purpose or we can be the kind of people that the new world happens to.

Ultimately the Facebook problem is only coincidentally related to Facebook—or to Google, Amazon, or any of that lot. What we're actually facing is a previously unsuspected environmental protection problem: protection of our civic, social environment from information pollution. Once again there are actions within our power that could prevent this environment from heating up and collapsing; once again we have an opportunity to show whether we have the seriousness to think beyond immediate wealth and convenience.

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