

Greater Good Gathering – Panel VI

Concentration: Political and Economic Power

Moderator

LINDA PEEK SCHACHT

Panelists

FRANKLIN FOER

JAMIE SUSSKIND

SIVA VAIDHYANATHAN

JULIE SAMUELS

The Greater Good Gathering held on February 6–7, 2019 explored the future of public policy and how best to advance the greater good in the 21st century in light of technological innovation, economic disruption, ideological polarization, and governance challenges. Event co-sponsors included Columbia University School of International and Public Affairs, Columbia Law School, Union Theological Seminary, The Academy of Political Science, and Public Works LLC/Brain Storm Consulting.

LINDA PEEK SCHACHT: I am Linda Peek Schacht. I have the pleasure of being here both in the capacity you see on the agenda, but also as the founding Director of the Andrews Institute for Civic Leadership in Nashville, Tennessee. I appreciate being able to moderate this amazing panel, all of whom have looked at the role of citizens democracy from the lens of technology.

One of the things that we have talked about is that we really are living not in a world where propaganda exists because of technology, but in a world that is propaganda. It's a world that was predicted by Jacques Ellul and by Marshall McLuhan decades ago—that we would eventually, because of technology, live in propaganda.

Two of our panelists are relatively pessimistic. Jamie is the one that I think is more optimistic, as seen by the subtitle of his book—*Living Together in a World Transformed by Tech*. The subtitles of the other authors' works that we will get to see are somewhat more negative.

Jamie, I want to ask you—we are going to look at this through two lenses. First is the informed, engaged citizen, and what does it mean to be an informed, engaged citizen today. The second is the effect, for those citizens, on the ability to deliberate in democracy. Jamie, I go to you. What is the next step for an individual citizen and for citizens collectively, to move toward the kind of radical rethinking that you have?

JAMIE SUSSKIND: Well, let us start with the private citizen. It is a very important word, because I think in the way most of us picture our technology, it is at consumers. A new technology comes out and we wonder whether we will be able to buy it. How much does it cost? The first thing I would say is that we need to think of ourselves as citizens, rather than as consumers. I think for too long, we have done the opposite. I think those who are in a position of political power, and those who are in positions of power through their positions in the tech industry, will play the real important roles.

It is, to me, insane that you can become a software engineer or a computer scientist operating in these world-changing industries without any rigorous training in ethics or morality on the political consequences of your work. That should be as odd to us as the idea of a lawyer or a doctor practicing without that kind of training.

As for politicians, we can call for regulation all we like. But we have a generation of politicians who are not as familiar with digital technology as they should be. I think that the Congressional hearings in recent months and years in the U.S. can be looked at as an example of that. My favorite moment was a U.S. senator holding up an iPhone to the head of Google and demanding an explanation on how all that works. And asking Mark Zuckerberg how Facebook made money but did not charge its users. And these are the people who have actually done some thinking about technology. What about the rest of them?

There is a responsibility on those three groups. In the end, our shared future will be determined by whether we get politicians who are sufficiently literate with technology to make wise laws. And by software engineers who realize that they are, whether they like it or not, social engineers. And by the rest of us, who must see that the digital is political now. We have to treat technology not just as consumers, but as citizens, by bringing the same skepticism, the same scrutiny, and the same willingness to challenge authority that we always put on other forms of political authority like churches, states, foreigners, conquerors, and princes of the past. Tech is the new form of power that we need to turn our gaze to, and if we do not, the changes will happen too fast for us to understand them.

PEEK SCHACHT: Thank you. Siva Vaidhyathan is with us and he has already raised his hand to respond. Siva, would you like to respond to what Jamie said?

SIVA VAIDHYANATHAN: I am with Jamie on most of that. I need to resist this dismissal of citizens as regulators. In 1787, we decided in this country that citizens would make our laws. We never expected them to master the intricacies of the catalytic converter or to master the intricacies of serotonin reuptake inhibitors. We never asked them to understand how carcinogens work. Yet, they regulate all those things and they have for decades. They have, for more than a century.

That is not a standard we apply to any other part of our regulatory world. We do not ask them to be highway engineers when they appropriate funds and set standards for building highways. We have expertise built into our regulatory structures in this country, through the executive branch, largely. We also rely on, and Congress relies on, experts, studies, academics, and councils, all to provide the guidance toward any regulatory effort.

I have to dismiss this sneering at the notion that the people who actually sit in Congress must have some sort of level of expertise, and, I must add, there are many members of Congress who actually do have that level of expertise. This includes my own senator, Mark Warner, who is a technology executive. He made his millions running a technology company and now is leading the regulatory effort to push back at Facebook and Google.

PEEK SCHACHT: Frank, you have interviewed Senator Warner fairly recently. What are you seeing there in Congress?

FRANKLIN FOER: I agree with Siva that if you were to go into a hearing on finance or air traffic control, they would perform at essentially the same level that they performed at that Facebook hearing.

Mark Warner published a white paper last summer, outlining various solutions to the problem of big tech, and because he comes from the world of technology, he has been a few clicks

more advanced in trying to think through the problem. He presented a white paper that had a whole series of regulatory solutions, one of which would be to repeal Section 230 of the Communications Decency Act. This would allow people to sue the big tech companies in state court and hold them responsible for the matter that is published on their platforms. He wanted to get some sort of U.S. version of the European privacy regulations, the GDPR.

He is very sophisticated and very good on these issues, but I was struck by one thing. Even the person who is most advanced in their thinking on these questions has not rallied around a single piece of legislation that they feel confident about bringing to the floor. He is skeptical of anti-trust as a solution. Ultimately, the big policy debate will be between people who feel comfortable with the power of these companies, but feel like they need to be constrained by certain rules of the road. That becomes the focus of the debate or solution that focuses on breaking the companies up. There is nothing inherently mutually exclusive, but in terms of thinking, this is the classic debate in the American political economy between Teddy Roosevelt and Woodrow Wilson or Herbert Croly and Louis Brandeis—the debate within the New Deal itself. What kind of economic structure do we want to live with?

JULIE SAMUELS: First of all, I think I am going to be the optimist, and I am probably even going to go a little further because I feel like someone has to.

I founded and run an organization called Tech:NYC, which is a coalition of about 700 tech companies and investors here in New York engaging in public policy, primarily now at the state and local level, but I have a long history. I know some of you in the room are sitting at the intersection of tech, policy, and politics. I was once an attorney at the Electronic Frontier Foundation, so I also come at this from a real Internet freedom standpoint. Jamie, I think we may have some alignment there.

The people who came up with me in those worlds really—and maybe we were, I will be the first to admit, somewhat naive—had this understanding that this technology was going to engender the purest form of democracy. You were going to have people everywhere learning and talking in a way that we never could before. That was the dream. For those of us who really believe, the tough part is looking at what has gone wrong in many ways. The almost inevitable conclusion is that some people suck. That is a hard conclusion to come to, because these technologies are tools, and what you are doing is uncovering bad behavior. Often, we are focusing on the regulation. Instead of trying to talk about the underlying behavior, we are talking about how to regulate the tools.

I think we need to do both. I also do not think there is any real debate in this country anymore that some of the platforms should or should not be regulated. There shall be regulation, it just depends what kind. Let me give you one quick anecdote of something that is happening here locally, to illustrate this point.

In City Council right now, there is a pending piece of legislation that says that every store and restaurant must accept cash. This is framed, very importantly, as a social justice issue. There are huge amounts of people who are unbanked in this country, and that is a real problem for many reasons. I could talk about that for a long time, but we will put that on one side.

On the other side, there is actually real value in establishments going cashless—if people have access to pay and assuming you do not have the unbanked problem. In fact, much of the world actually is cashless. Third-world countries are cashless. A cashless experience is often better for consumers and it is often better for shop owners. The data is very clear that robberies and theft go down.

Okay, now you have the two sides of this. It is a smaller issue, it is not the big stuff we have been talking about, but this is hard. I actually do not know how to think about this, or which is right or which is wrong. The underlying problem is not an establishment going cashless.

It is that huge percentages of Americans are unbanked. We cannot pretend that by passing a cashless bill, we have fixed the unbanked problem. We have not even touched the unbanked problem.

PEEK SCHACHT: Well, that really has been a theme for the last two days. Do we reform around the edges, or do we blow the whole thing up in order to reach those people who have not been engaged yet?

SAMUELS: In some ways, I feel very thankful to tech—that it has somewhat unearthed some of those problems.

PEEK SCHACHT: Siva, you talk about how technology has been deified. We heard in the last panel that we should avoid having technology be the golden calf. You also said that it has caused us to undermine our staple beliefs. Can you talk a little bit about that?

VAIDHYANATHAN: Yeah. I prefer to be specific. I prefer not to talk about technology as a phenomenon or a cloud or a god, and too many people do. There is not one thing called “technology.” There is no unified field called “technology.” When I take a piece of chalk and I write on a chalkboard in my classroom, I am deploying a particular technology that has certain traits. It encourages certain forms of expression. It discourages other forms of expression. That is true of all technologies. All particular technologies have biases built into them. All technologies amplify certain aspects of our behaviors, and limit other aspects of our behaviors. When we use them smartly, we use them as extensions of ourselves, as Frank, and before him, Marshall McLuhan had pointed out.

That is what we have lost, because now we have been opting for immediate gratification in so many areas of our lives. We have been opting for specific technologies that maximize convenience and efficiency over all other values. I think that is our original sin. One of the things I say about Facebook is that it was designed for a better species than ours is, and I think this builds on what Julie was saying.

We are terrible. We are terrible to each other. I have a golden retriever—much better species, right? They are lovely. We are not lovely to each other. We are not lovely to the people in our own homes. First, it is one of those terrifying recognitions that makes us all want to go hug other people, and that is great. It is a multi-century process of addressing questions of justice, kindness, and goodness. That is why we have people of faith and people of science working on these problems in their own ways. Nonetheless, in 2019, we are still terrible to each other. In 2004, when Mark Zuckerberg launched Facebook, we were terrible to each other. Yet, at no point did he build into his system a recognition that terrible things go on, and that people do terrible things to each other, say terrible things to each other, or exploit each other. Then, he built into his system an internal method of exploitation on top of that.

It should be of no surprise, because it is not a flat panel of glass. Facebook chooses what and whom we interact with for us. It chooses for us at a distance, in a complex way, by milling through acres of data, years of our interactions, and a complex set of relationships going on among other people. Nonetheless, Facebook is ultimately governing our experience.

That is really how we have to look at this. There are three key aspects about Facebook that you should take away from here. Number one is its scale. 2.3 billion people. There has never been anything in human history that touched 2.3 billion people, except oxygen and water. It goes oxygen, water, Facebook. 2.3 billion—that is stunning. That is a whole lot of zeroes and please keep that in mind. Any time you think about responses, policies, reforms to Facebook,

whatever you think of has to matter to a good portion of that 2.3 billion people and we have never had a challenge like that.

Those 2.3 billion people are conversing in more than 100 languages. Again, that is a completely new level of exponential challenge. The other thing we have to remember is that process of algorithmic amplification. Facebook chooses to amplify the things it has predicted will generate the strongest and broadest response (in the form of shares, likes, comments, emojis). Anything that does that is going to kick around Facebook really strongly.

Those things are going to be extreme. They are going to be crazy. They are going to be funny sometimes, lovely sometimes, cute. There are going to be baby pictures and puppy pictures. However, there is going to be hate speech. There is going to be calls to genocide. There is going to be harassment. There is going to be general nonsense—conspiracy theories, doubts about vaccinations, denial that the Earth is round.

That stuff flies around Facebook. Why? Not that a whole lot of people believe it. If I were to post on Facebook this afternoon that I think the Earth is flat, and I linked to some webpage—and there are a lot of them—I would get hundreds of comments from my friends saying I am crazy. Whatever I posted would end up being one of the most shared things on Facebook. It would show up on thousands of people’s feeds specifically because those people argued with me. You cannot argue with the crazy on Facebook, because you amplify the crazy. It is through the looking glass. We are trained and raised to challenge nonsense in our daily lives, but to challenge nonsense on Facebook is to see it blow back.

PEEK SCHACHT: Frank, you were on the journalistic end of that, both when you went to the New Republic, and particularly after you got the new owner. Can you talk a little bit about what that meant from your standpoint as an editor, in terms of the amplification and how it drove your work?

FOER: I think Facebook is a machine based on manipulation, where you are supposed to inject things into the system. Of course, bad actors, as we call them, will jump in to exploit the system, because good actors are exploiting the system.

The thing that is so hard for people to comprehend about the ways that the Russians, and others, were exploiting Facebook is that they were not walking in and bastardizing the system. They were using it in precisely the way it was designed, and their stuff only traveled so far because the rules that Facebook had set and the rhythms of its newsfeed. The data suggests that certain things float to the top—the bad actors came in and they supplied the system with precisely the things that the system appreciates.

I think it is terrible that as we have grown dependent on Facebook for revenue and traffic, we end up becoming something other than the self that we set out to become. Instead of adhering to our own values—assigning the pieces that we know to be the right ones to assign or thinking about our audience in a way where we are thinking about elevating our audience—we end up thinking about how we can serve the platform? As I said before, the values of the platform end up becoming our values, and they end up taking us away.

One of the ways in which it takes media away from itself is inherent in the ideals of the media that arose in the early 20th century. Media transitioned from being hyper-partisan. Ideas of objectivity, as flawed as those ideas are, started to take hold within the profession. There were certain ideals that values journalism was meant to practice, and those ideals have unraveled for a whole lot of reasons. But one of the primary ones was just the economics of the system. The heightened place of these handful of platform monopolies has distorted everything.

PEEK SCHACHT: One of the things I want to ask all of you is about solutions. One of the things that Frank has suggested is a data protection authority. How would that work? Then, I would like Jamie to react to that kind of intrusion.

FOER: I think what I was proposing is not such a novel thing, because it exists in Europe and in many other countries around the world. It is just gobsmacking that when you look at privacy regulations, we have them related to health information or certain parts of financial information. I think with tech, part of the problem is that we have created this thing, and especially in this country we assumed it was something different. We suspended a lot of our traditions, our way of thinking. We created a system that had no constraints. There are no speed limits. There are no safety belts. There are none of the things we have imposed on other systems as they have emerged. This is what is going to happen the fastest.

We had California pass a privacy law last year. I think it is a skeletal law. I think the tech companies are very happy to see those types of skeletal laws emerge. The tech companies are in a race to try to create something similar in Washington that they can get behind, and that will exist on their own terms. Meanwhile, you will have other state governments with entrepreneurial governors, who want to get out ahead of the system—who will try to outbid California. That is the thing that the tech companies ultimately want to try to preempt.

PEEK SCHACHT: I will come to you in just a minute, Julie. Jamie, what is your view of the next steps, in terms of regulation, in getting to the world that you envision?

SUSSKIND: I think there is a menu of options that, in a sense depend on what problem you are trying to tackle at any given time. What Franklin discussed is a structural approach to regulation. That is to say that the problem with many of these firms is their size, and they should have to be broken up. I support that kind of regulation, but I do not think that our existing competition law in Europe, what you call anti-trust laws in the States, is how we are going to deal with the problems that are thrown out by tech firms.

The reason I say that is that traditionally competition and anti-trust laws are designed to counter the abuses of the economic powers, things like price discrimination. However, in economic terms, what we get from technology is often not that exploitative. I know there are people who disagree with me, but in financial terms, the value for me—for my data that I give to Google in exchange for the wonderful services that I get—is a portal to a world of knowledge that I would never otherwise have. The actual financial amount that I would get if I sold that data is very, very small.

I do not see that the problem with Google is that it is economically exploiting me, and I trained as a competition lawyer. It seems to me like a lot of our laws and precedents are geared towards economic exploitation, whereas the real problem with technology is that they abuse a different kind of power. That is political power. They get us to do things we would not otherwise do. To believe things we would not otherwise believe. To distribute resources around the market system.

I propose a new type of anti-trust law, with a new separation of powers along a number of different vectors. Technology companies should never be able to acquire a particular extent of power functions through the technologies that they own and control. That, to answer your earlier question, is entirely new form of regulation that barely exists, and we are not very close to implementing it.

That is just one item on the menu. There is a perspective that says that technology companies should be made more transparent. The political principle here is that if you wield great

power, then the ways in which that power is wielded should be made as obvious as possible. That way the people know by whom this is wielded. This is why we ask our legislatures to deliberate in public and post their laws in public.

There are obvious problems with asking algorithms to be transparent and asking companies to reveal commercially sensitive data, but really, we are not even on the field when it comes to transparency. We should not have to wait for Jack Dorsey, the head of Twitter, to come to Congress and tell us, out of his goodwill, that the Twitter algorithm inadvertently downgraded 600,000 accounts—including those of some prominent politicians around about election time, potentially affecting the outcome of those elections.

We should not have to rely on Jack Dorsey to tell us out of his own goodwill. When you wield a form of power as potent as the one that Twitter does, to influence the democratic process, a system should be in place at a much earlier stage for civic-minded individuals to keep track of things that are going wrong.

Obviously, a third form of regulation, data regulation is significantly more advanced in Europe than it is in North America. The General Data Protection Regulation, the GDPR, is a long and extremely boring piece of legislation to read, but it is quite profound in what it does. It places limits on any firm or any institution on the types of data they can gather, the circumstances under which they store that data, and circumstances under which they can transfer that data to a third party.

Critics of that system, from the North American perspective, are saying that approach to data protection has meant that Europe has never produced a Google or a Facebook. It is difficult to make the laws of data protection so stringent to do that. That may well be the case, and I think the question we have to ask is if that is a sacrifice we are willing to make.

I think we have more power at our disposal to tackle individual problems like those posed by political chat rooms, or extreme hate speech on social media, than people think they do. You use Twitter in Germany, you are never going to see a swastika. The German government told Twitter to make sure that no one see a swastika because that symbol is illegal in their country. It is not the same here in the UK, and it is definitely not the same in the United States. We are just in the beginning, and there is a whole menu of options. I hope that we can have a public policy debate about it, which embraces the structural transparency and the data protection approaches.

PEEK SCHACHT: Thank you for that. Julie, I know you want to respond, representing the tech industry on the panel.

SAMUELS: These companies can, should, and actually already are being regulated. I think we can start from that baseline. No one reasonable is pretending that regulation should not happen and to the extent that it is. There are some countervailing things I would like to bring up that should be part of the conversation.

Number one: We are living in a truly amazing transformative time that has upsides and downsides, and it is truly unique. One of the things that has been amazing about it is that power structures are fundamentally shifting in ways that are some good and some bad. It is really quite difficult to get your head around. That window will close, and we will have new primary players, new winners, and new losers.

My instinct, as I think about this, is that as we regulate, we should also ensure that we are still surfacing good ideas and good people that should be part of the debate. We need to be incredibly careful, especially when we are talking about Internet-based businesses. Borders do not mean anything to the Internet. If you are a smaller startup who is dealing with the California law and all of a sudden you are dealing with 10, 15, 25, 45 state privacy laws—you know who

can afford to deal with that is Google, Facebook, and Twitter. You know who cannot afford to deal with that? The smaller competitors. The market is not perfect, and I am not saying that is where we should be, but that is something I think we absolutely need to keep in mind as we talk about regulation.

There was this moment in time, in the past 20, 15, 10 years, when nobody took seriously these companies. Regulators did not take them seriously. Competitors did not take them seriously. In many ways, the market was even slow to take them seriously. Then they exploded, and they did it oftentimes in office parks. They did it in a vacuum, I think, where people really were not paying attention. These days you do not see a new business model that does not get the attention of regulators. If anything, we pay attention too early. The pendulum will swing, and it should, but I think that we need to be careful about the unintended consequences of going too far and too fast, as well.

Why I think New York, by the way, is really well positioned to navigate that is because I believe that the entrepreneurs here, the founders here in New York—you cannot avoid other people. You cannot avoid other ideas. I moved here from San Francisco when I was pregnant with my first kid, because I wanted to raise a child here. He is now in school, and sure enough, my husband and I are the only parents who work in tech in his class. That is by design. That is the experience I wanted to live and I wanted my children to live. That is the experience that every tech company founder in New York lives by virtue of being in New York.

PEEK SCHACHT: I have been told we should go to questions, and then I am going to ask all of the panelists to give us a final word. I have asked them to think in terms of one thing that they could challenge each of you to do, that would lead us toward a better world in terms of democracy and technology. Okay. Questions from the floor?

QUESTION 1: Would it be helpful to abolish the anonymity of the Internet?

VAIDHYANATHAN: I would not know how to do that. First, anonymity is a rare thing, in practice. Actually, to be anonymous through digital networks, you pretty much have to use strong encryption, and very few people have the patience or training to do that. Besides that, your identity is pretty much known, as is your location, your favorite hobbies, the kind of pornography you like—that is all pretty much well known, and anonymity is the least of our problems, at this point.

QUESTION 2: Follow up question—would it actually be helpful to increase visibility of that data identifying themselves on the networks?

VAIDHYANATHAN: Well, increasing the visibility of personal data increases the vulnerability of those who are most vulnerable. We have so many nested challenges and problems. One of the problems is that for a significant number, maybe even the majority of people who necessarily interact with each other through digital systems, there are significant exposures to vulnerability. There is harassment, threats, tracking, stalking, discrimination, and right through to genocide.

QUESTION 3: But increasing visibility to our own data?

VAIDHYANATHAN: Okay. Yes, except that puts the burden on the user. That puts the burden on the user to understand and comprehend how that data is being used. An important aspect of the GDPR in Europe is that you can request from these companies everything they know about you, and you get a tremendous amount of data.

If you have the spare time, if you have a job like mine, you can actually go through your files and figure out what they know, and what they are doing with it. That is a privilege I have and a handful of activists have—to spend that kind of time and money. However, for 99 percent of people in Europe, there is no such luxury, so it does not actually address a problem in a macro sense. It does mean we can have a few horror stories about the data that people have pulled out.

SAMUELS: Just to build on that, when you do open it up to researchers and to academics, that can push for change. I think that while it might not actually put the tool in the hand of the everyday user, it does open us up to people who are thinking more broadly, including someone like you, and then that can have impact.

FOER: I think that the privacy debate is the place where I think there is the greatest sense of fatalism. We have already crossed thresholds, there is no reconstituting privacy. I think there is a failure, broadly, to appreciate what it is about privacy that we care about and why we want to defend it. The question of intellectual surveillance is at the core of it. Jamie talked about it in his opening talk. When you are being watched, you cease to become yourself.

Part of the way we formulate our own ideas is that there is a mysterious conversation that happens inside of our brain, where we are turning over subversive ideas, we try them on for size, and we reject them. However, part of formulating opinions means that ultimately you should be turning over things you do not want people to see you turning over. This is a technology problem more broadly, as we move into these open-office spaces where you are existing in those panopticons. When chats in work are not things that happen face-to-face, but in Slack, and there is this sense of performance. I think that sense of performance is where we are destined to head.

VAIDHYANATHAN: I am far from a fatalist on privacy, or as I prefer to discuss it in these terms, data protection—because “privacy” actually means a whole other thing. We have to have the problem properly diagnosed.

The problem in 2019, in the 21st century, is not the panopticon. That is *a* problem. The problem is the cryptopticon. It is the systems of surveillance that we are not allowed to see or understand. It is not the cameras that we can easily spot, that might curb our edge behaviors—it is the ways in which police officers and systems have data on our individual behavior and our collective behaviors. How they have divvied up cities into grids of hot zones where they will swoop in whenever they know there are a large number of young men gathering.

That is a system that the subjects of that surveillance are not allowed to interrogate and are not allowed to understand. They are run by private companies that are not subject to Freedom of Information. The hidden versions of surveillance are where the dangers are and where the economic power is. That is true at a national security level, at a local police level, at Target, through Amazon, at Facebook, and Google. They do not want us to understand, and comprehend, and feel the full level of that surveillance. If we are going to address these problems, as I think we not only should, but also can, we have to understand the pervasiveness, the depth, and the real scale of the threat. It is awesome and terrifying.

QUESTION 4: This is a good point and I agree with Jamie’s point about the way we approach technology, in terms of being a skeptic. My question to the panel is can you provide some concrete examples of how regulation can occur, in terms of the technology companies? For instance, you hear stories about how judges are using technology to predict the likelihood someone will

commit a crime again, etc. There are biases that exist where technology is predicting that a person of color is more likely to commit X and Y crimes, compared to someone who is not a minority.

I guess my question is, what are some of the concrete regulations that can occur, in terms of holding the companies or those who are creating these algorithms responsible—making sure that these biases do not affect the algorithm that is being created?

SAMUELS: I think that is a great question. We have not actually talked much about the algorithm and AI, and the bias in data sets that lead to that situation you are talking about. New York City and Chicago are doing something like this in the very early stages. New York City, by law, has put together a task force out of the mayor’s office. I sit on that task force. We are figuring out, essentially, how the city can and should be using algorithms for that very reason, and trying to set up some recommendations. Chicago and New York are fighting to try to be first.

I think that those questions are hard, and I would go back to a point I made earlier, that I think is important. The reason you get those bad outcomes—the reason you are ending up at that square block you are talking about—is because that is baked into the data. America—and much of the world, but let me talk about America for a second—has a horrible history of racism, and that is in the data. What we do when we take the data of hundreds of years of history, and use that to train our algorithms, we are training our algorithms with racist data.

Again, are the algorithms racist? I do not know. Use your language however you want to use it. It is important, but what is most important to me is that we also do not fail to look at the core of the problem. While we do not bake in the racist data, let us also try harder not to be racist. That is difficult, but as far as your question directly, I do not know a good example, yet, of a jurisdiction regulating on the algorithm side of the house, but they are in other areas.

VAIDHYANATHAN: There is motion on that specific question. I will give you one example that just happened today, in a different part of life, going back to Facebook. Just today, the German data authorities have ruled that Facebook may not merge the back-end data produced by WhatsApp users and Instagram users with the data they have for Facebook users. This is a core part of Facebook’s strategy over the next few years, to try to fuse these different systems. So if you are going around saying you do not use Facebook, you use Instagram—not for long. It does not matter. Facebook owns them all. That data is going to merge. All of it is going to be used to target ads and content in the same way it is on Facebook.

The German government said they cannot do it this way. They have to keep that data segregated. Facebook is going to appeal all the way through the EU process. This is one of the early challenges to this sort of regulation. It is going to take years to figure out what the actual terms of use are going to be for that company, but it is a very bold move on behalf of the German government, and a big start. We do see some level of awareness.

However, I would question the use of the word “solution.” There are no solutions. Again, think about the scale of the problem: 2.3 billion people in more than 100 languages. Think about the number and range of problems that have been created. We have problems of misinformation, disinformation and propaganda, calls for genocide, whatever you want to call it. I tend to call it garbage.

You have a garbage problem. You have a surveillance problem. You have a behavioral manipulation problem. You have a political power problem, because Facebook has so much political power. By the way, Facebook owns your senior senator, if you live in New York. Chuck Schumer is the largest recipient of money from Facebook. He is very good friends with Cheryl Sandberg, and his daughter works at Facebook. Therefore, we will not see any strong regulation

come up through the U.S. Senate any time soon, as long as Chuck Schumer is in office. Goodbye to U.S. legislation.

Jamie talked about competition law, and he is right. It has to transform to be effective, and we should, on both sides of the Atlantic, work on this. We should be talking about whatever limitations we can put on the garbage, but in this country, that is zero. The First Amendment stops any meaningful regulation of garbage.

I just want to get our heads out of North America and Western Europe for a second. There are 220 million Facebook users in the United States. That is 69 percent of the United States. There are 250 million Facebook users in India. That is only one quarter of the population, and it is growing at a much faster rate in India—the world’s largest democracy, which has an election this year and operates in more than a dozen languages. So, all of the problems you see with Facebook, that you think have messed with America? We got off easy. Wait until you see what happens in India later this year with that election.

PEEK SCHACHT: Okay, Jamie, you have the last word.

SUSSKIND: Well, my last words are this. The problems and challenges that we are talking about today come alongside them with a host of extraordinary opportunities and remarkable developments in humankind. I think we are privileged and lucky to live through it.

My take on it is that I think we talked and jumped to the end of the intellectual argument when we ask about regulation, laws, and even about personal conduct. Whereas I think that, particularly in academia, but also in public discourse, we do not talk enough about the underlying principles, which should govern our thinking about this sort of stuff.

What is it, precisely, about the fact that when you type the words “Why do Jews...” into Google, it offers the autofill, “...have big noses?” What is it, precisely, about that, that offends us, or that is wrong? Only once you have asked that can you ask, what will put an end to that? You can ask, what will we sacrifice by doing that, in terms of our free speech, and in terms of our understanding of what other people are typing into Google at the same time?

I ask all of us to try to bring an analytical and philosophical narrative to the way we think about these things, because we jump straight into asking what the laws and regulations should be. You miss the deeper questions that matter about what we are actually trying to achieve as a society. Once we have, if not an agreed upon set of goals, but an agreed upon set of arguments about the goals you need with particular technologies, only then can you move safely to a stage in which we are in the position to make sure that the technologies are our servants, not our masters.

PEEK SCHACHT: That is a great way to close. Let us thank our panelists.

ABOUT THE PANELISTS

FRANKLIN FOER is a staff writer at *The Atlantic*. For seven years, he edited *The New Republic* magazine. He is the author of *World Without Mind: The Existential Threat of Big Tech*, which was named one of the best non-fiction books of 2018 by the *New York Times*, *Los Angeles*, and NPR. He also wrote the international bestseller, *How Soccer Explains the World: An Unlikely Theory of Globalization*, which has been translated into 27 languages.

JAMIE SUSSKIND is an author, speaker, and practicing barrister. A past Fellow of Harvard University’s Berkman Klein Center for Internet and Society, he studied history and politics at

Magdalen College, Oxford, graduating first in his year before turning to the law. Jamie is passionate about technology (from AI to Blockchain, Robotics, and Virtual Reality) and politics. He is the author of *Future Politics: Living Together in a World Transformed by Tech* (Oxford University Press, 2018), an Evening Standard Book of the Year, a Prospect Book of the Year, and a Guardian Book of the Day. He writes and speaks about the future of power, freedom, justice, and democracy.

LINDA PEEK SCHACHT has advised government, business and nonprofit leaders on communication and strategy, and created programs that bring together those leaders to find innovative solutions for the common good. A veteran of the Carter White House press office, she held the top communication positions for *USA Today*, the Majority Leader of the U.S. Senate and the Senate Democratic Policy Committee, and a national Presidential campaign. As vice president, global communications and public affairs strategy for The Coca-Cola Company, she was the chief spokesperson and represented the company at the World Economic Forum. In 2010, Linda became the founding director of Lipscomb University's Nelson and Sue Andrews Institute for Civic Leadership, one of the foundations of the College of Leadership and Public Service established in 2015. The programs of the Andrews Institute reflect her life-long commitment to the development of people and ideas to make organizations, cities and countries better.

JULIE SAMUELS is the founder and Executive Director of Tech:NYC, an organization representing New York's fast growing, entrepreneurial tech industry. Before that she was Executive Director at Engine, a nation-wide nonprofit focused on technology entrepreneurship and advocacy, where she remains a member of the Board. Julie is a frequent commentator on technology and policy issues for national media—particularly in the intellectual property space—and she has filed briefs with the Supreme Court and testified before Congressional Committees. She previously worked at the Electronic Frontier Foundation, where she was a senior staff attorney and the Mark Cuban Chair to Eliminate Stupid Patents. Before joining EFF, Julie litigated IP and entertainment cases. Prior to becoming a lawyer, Julie spent time as a legislative assistant at the Media Coalition in New York, as an assistant editor at the *National Journal* in D.C., and she worked at the National Center for Supercomputing Applications (NCSA) in Champaign, IL. She was recently named one of *Crain's* New York 40 under 40.

SIVA VAIDHYANATHAN is the Robertson Professor of Media Studies and director of the Center for Media and Citizenship at the University of Virginia. He is also a fellow at the New York Institute for the Humanities and a Faculty Associate of the Berkman Center for Internet and Society at Harvard University. Vaidhyathan earned a Ph.D. in American Studies from the University of Texas at Austin. He is the author of *Antisocial Media: How Facebook Disconnects Us and Undermines Democracy* (Oxford University Press, 2018) and *The Googlization of Everything—And Why We Should Worry* (University of California Press, 2011), among others. He has appeared in an episode of The Daily Show with Jon Stewart to discuss early social network services. Vaidhyathan has appeared in several documentary films, including *Terms and Conditions May Apply* (2013), *Inside the Mind of Google* (2009), and *Freedom of Expression* (2007). In 2016 Vaidhyathan played a prominent role in the higher-education documentary, *Starving the Beast*. Vaidhyathan was portrayed as a character on stage at the Public Theater in New York City in a play called *Privacy* (2016). Vaidhyathan served on the board of the Digital Public Library of America from 2012 through 2018.