

A Madisonian Remedy to the Social Media Revolution

COMMENTARY

By [Peter Berkowitz](#) - RCP Contributor
June 22, 2019

Factions, argued James Madison in [Federalist No. 10](#), had ever been the bane of governments grounded in the consent of the governed. However, an improved political science informed the new charter of government that he and his fellow delegates drafted a few months before in Philadelphia over the course of the summer of 1787. Well-designed institutions that minimized freedom's costs offered a more promising approach to preserving freedom. So effective is Madisonian political science that it provides remedies for such up-to-date threats to freedom as social media and the giant companies that monopolize the provision of information about us and about others.

According to Madison, one way of “curing the mischief” of factions — citizens’ propensity to act on passions and interests hostile to the rights of individuals and to the public interest as a whole — was to eliminate the causes. This would require either changing human nature or destroying liberty. Since the former was impossible and the latter would defeat a leading purpose of political life, it was necessary instead to control factions’ destabilizing effects.

That, Madison maintained, could be achieved through representation and increasing the size of the republic. Well-designed representative institutions would cool the people’s passions and refine their judgments. The creation of popular government on a continental scale — a feat never before attempted because it had been assumed that democracy could not extend beyond the confines of a city — would allow for “a greater variety of parties and interests.” This would render “it less probable that a majority of the whole will have a common motive to invade the rights of other

citizens.” And if such a common motive were to form, a larger population and the accompanying proliferation of factions would substantially increase the difficulty of acting on it.

In these ways — and in several others — the Constitution furnishes, according to Madison, “a republican remedy for the diseases most incident to republican government.” That is, the Constitution is constructed on the premise that free and democratic governments are susceptible to a variety of maladies. In remedying them, however, the Constitution relies only on measures that are consistent with the principles of freedom and democracy.

In “The Social Media Upheaval,” an incisive contribution to a series of extended essays on contemporary issues published by Encounter Books, Glenn Harlan Reynolds offers a wonderful example of Madisonian political science. A law professor at the University of Tennessee, Knoxville and the indefatigable founder of and chief blogger at Instapundit.com, Reynolds was a pioneering figure in the heady early days of what was not yet known as the blogosphere. With this short book, he provides a freedom-friendly remedy for social and political diseases that stem from a free and democratic Internet.

A lover of tools, gadgets, computers, cars, and technological innovation in all its bountiful forms, Reynolds is also a lover of individual liberty as well as a shrewd student of culture, society, and politics. In his new book, he examines the astounding rise of social media — Facebook, Twitter, Instagram, LinkedIn, and all the other Internet platforms that have enabled people around the world to communicate instantly at a distance. This revolution has radically democratized the free flow of information, which Reynolds regards as a great good. It has also, he reports, infected us with “viruses of the mind” that spawn “toxic ideas and emotions that spread like wildfire.”

The problem with social media, Reynolds suggests, is akin to a problem that afflicted the earliest cities in emerging agricultural civilizations. “A bunch of people and their animals would crowd

together in a newly formed city, and diseases that weren't much of a threat when everybody was out hunting and gathering over large areas would suddenly spread like wildfire and depopulate the town almost overnight," he writes (citing the Yale political scientist James Scott). Similarly, opinions and ideas that posed little danger when they traveled by word of mouth, by book, by newspaper, and even by broadcast news, now "spread at the speed of light, and are shared almost as quickly, at the click of a mouse."

Cities eventually learned to contain disease through "sanitation, acclimation, and better nutrition." Similarly, we can keep in check the infirmities transmitted by social media, counsels Reynolds. Grasping how social media operates — accompanied by an understanding of the spirit and structure of our constitutional system — is critical to reducing our exposure to the afflictions generated by the willy-nilly transfer of communications and daily life to keyboards and flashing screens.

Social media, according to Reynolds, fashions algorithms that prey on the passions. The "'share' buttons allow each user to pass" cursory and inflammatory opinions "on to hundreds or thousands of friends, who can then do the same," he observes. "This repeated sharing and resharing can produce a chain reaction reminiscent of a nuclear reactor with the control rods removed."

The result is a chaotic overflow of flawed information: "it is too fast, it is too incomplete, it is too emotional, and it is too untrustworthy." The political reverberations can be seen all around: "Social media makes people less informed but more partisan."

By isolating and inciting individuals and putting a premium on casual vitriol and swift denunciation, social media undermines the virtues of civility and tolerance. It erodes concentration. It induces addictive behavior. And it weakens empathy by diminishing opportunities for face-to-face conversation in which tone, facial expression, gesture, and body posture refine our appreciation of the effects of our remarks and conduct on others.

It is small wonder that the social media revolution correlates with an alarming rise of teen suicide and the advent on campus of the most fragile and shrill generation.

Reynolds examines several proposals for ameliorating the downsides of social media by regulating expression and content. First, government could require all who use the Internet to register with a “reputable body,” which, in the event of transgressions, could track down miscreants. But who doubts that such authority will be readily abused?

Second, government could withdraw the protection from liability that services such as Facebook and Twitter enjoy for the content users post on their sites. This approach, however, would unite social media giants with traditional media companies in opposition to assigning platforms and publishers greater legal responsibility for the content they disseminate.

Third, social media companies could be encouraged to regulate more aggressively the content of their websites. However, these giant organizations — whose top executives and general workforce for the most part subscribe to a progressive point of view — have demonstrated a tendency to curtail the expression mainly of conservative opinions.

Fourth, government could impose an obligation on social media companies to check facts and prohibit lies. Again, what grounds do we have for confidence that companies would perform these tasks without bias, or that government regulators would impartially enforce companies’ obligations?

Fifth, social media companies could be required to provide “algorithm transparency” to enable users to understand more clearly how the platforms “manipulate us and hold our attention.” This would be consistent with the traditional practice of regulating addictive substances such as alcohol and drugs and addictive behaviors such as gambling. In the case of social media, such regulation would target the manner in which companies present words and images. Such expression, however, is protected

by a deeper tradition in the United States than the regulation of addictive substances and behaviors — namely, the modern tradition of freedom, which establishes free speech as among the most fundamental of individual rights.

Reynolds’s alternative is simple and elegant. “Rather than focusing on the content of what individuals post on social media, regulators might better focus on breaking up these behemoths, policing anticompetitive collusion among them, and in general ensuring that their powers are not abused,” he writes. “This approach, rooted in antitrust law, would raise no First Amendment or free speech problems, and would address many of the most significant complaints about social media.”

In addition, this approach, rooted also in the Constitution, would vindicate Madisonian political science.

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