

Forbes

Net Neutrality, the Mob and the Man

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The FCC's vote on Thursday to classify Internet service providers as public utilities was ultimately the result of massive popular support on the Internet, stoked by protests from the likes of Tumblr, Reddit, and Kickstarter. In the end, public action overwhelmed the lobbying efforts of the cable and telecommunications industries that tried to kill or weaken the regulations. This raises one very big question: why did the online public suddenly embrace what, not two years ago, was called “breaking the Internet”?

This behavior ought to scare people. The conventional wisdom has long been that government regulation of the Internet was a bad thing. When the media industry pushed for passage of the SOPA and PIPA anti-piracy legislation back in 2011-2012, massive outcry among the Internet population led to the bill's rapid demise. Open Internet advocates cried victory, while media industry executives complained about “the mob” and alleged — not without evidence — that the whole thing was an orchestrated campaign among Internet companies like Google, Wikipedia, and (once again) Reddit.

The power of “the mob” to influence legislative and regulatory activity is a growing phenomenon. One scholar in particular has tracked its growth: Bill Herman, who researched it for his PhD thesis at the Annenberg School for Communication at Penn in 2009 and is now a professor at Hunter College in New York City. Herman looked at a series of legislation about digital copyright, such as the Audio Home Recording Act of 1992 and the Digital Millennium Copyright Act (DMCA) of 1998, and he traced an arc of the increasing influence of online communication (as opposed to lobbying and the press) in determining the fate of these bills. Although the DMCA and other such bills passed, Herman predicted that the online crowd's overwhelming preference for looser copyright would eventually overpower the media industry's lobbying machine — and he was right. His rigorous research brilliantly presaged the SOPA and PIPA defeats. It's available as a book called The Fight over Digital Rights: The Politics of Copyright and Technology.

This time around, the politics were different. Whereas digital copyright hasn't particularly been a partisan issue, President Obama made net neutrality into one, leading Republicans to coalesce around the characteristic conservative stance of opposition to government regulation of business. In the past, that position would have lined up with the interests of Open Internet activists. But instead, the mob turned against Republican politicians and libertarian think tanks, and called for government regulation. When Senator Ted Cruz grandstanded about the FCC

reclassification of Internet services as “Obamacare for the Internet,” his Facebook page was bombarded with negative comments... from his supporters. Think tanks like the Cato Institute, often reliable partners of the tech industry, found themselves virtually howling in the wilderness.

Why is this? There are two main reasons. First, not supporting “net neutrality” is like not supporting “freedom” or “peace” or “love.” Second, to gather public support about any issue, it’s always helpful to have a “man” that everyone can stick it to: this time it’s ISPs like Comcast, Verizon, and AT&T, companies that are even easier to hate than the movie studios and major record labels who were behind SOPA and PIPA. It’s all just a little too simple — especially given the complexity and ambiguity around an issue like net neutrality.

Why isn’t this just a little bit shocking? Since when is the Open Internet crowd in favor of government intervention? Why aren’t more of them speaking out against it on principle, even while touting net neutrality as an ideal? What happened to the dream of the Internet as something that renders nation-states obsolete? Maybe this is the real reason why Google, usually the 800-pound gorilla of the tech industry’s lobbying presence, decided to stay on the sidelines this time around. (In fact, Google and Comcast both contribute funding to TechFreedom, an obscure think tank whose position is that the FCC’s Title II reclassification breaks the Internet.)

People ought to be looking at what just happened and separating out the substance of the FCC regulation from considerations of why and how the Internet population got so much power and wielded it in what seems like a capricious manner. We ought to start wondering what the mob will do with the next big slogan-and-bogeyman issue that comes around.

For the record, I’m in favor of net neutrality, and I’m glad that the FCC ruled the way it did. I like freedom and peace and love, too.