

#Palladium of the People: A Kantian Right to Internet Access

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ABSTRACT

Lack of high-speed internet access remains a problem in the United States, particularly in rural areas, Tribal lands, and the U.S. territories. High-speed internet should be considered a basic right because it connects people to social media, the new public sphere. Critics worry about the politically polarizing effects of online social media, but its ability to unify, connect, and shape policy decisions should also be taken into account. Engaging with Jürgen Habermas's early work on the public sphere, I argue that the technical and cultural extension of access to social media can realize Kant's vision of the public sphere as a bridge between morality and politics.

Keywords: Social Media, Public Sphere, Internet, Habermas, Kant

It is not difficult to argue for a right to internet access. A necessity of twenty-first century life, the web connects us to news, employment, email, and art. Inability to utilize these vital resources frustrates personal and professional development; hence a right grounded in access to basic tools needed to protect autonomy and advance the individual's ability to make substantive life-choices. Likewise, the widely recognized value of a healthy and vibrant democratic community demands an educated citizenry. From the point of view of both the individual and the collective, it seems clear that establishing universal, high-speed broadband is ethically imperative.¹

¹ Despite advances in digital infrastructure, the "digital divide" remains an obstacle in the United States. According to the Federal Communication Commission's *Broadband Progress Report*, 34 Million Americans lacked access at a threshold minimum speed (25 Mbps download/ 3 Mbps upload) in 2016. The problem was especially acute in rural areas (39 percent lacked high-speed access), Tribal lands (41 percent) and the U.S. Territories of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands (66 percent total, including 98 percent of those living in rural areas, the last group alone amounting to over one million individuals). Add to these numbers the many times more who do not subscribe where access is available, often due to financial constraints or inadequate education in new technology. For results of the 2016 *Broadband Progress Report*, see <https://www.fcc.gov/reports->

I would like to argue for the same conclusion, but from, perhaps, less obvious premises: access to the internet should be considered a basic right because social media constitutes a public sphere bridging morality and politics. While likening the web to the older forms of the public sphere is not a new idea, it has fallen out of favor in recent years. Twitter, Facebook, and Instagram are typically viewed as polarizing forces, entrenching us in our prejudices, trapping us in confirmation bubbles, and inundating us with “fake news.” The public’s unsavory fixation on celebrity culture blends calamitously with politics, culminating in the authoritarian spectacle of @realDonaldTrump and kadyrov_95 (the popular Instagram account of Chechen strongman Ramzan Kadyrov). The consensus seems to have shifted toward the judgment formulated in *Wired* after Trump’s election: “The internet did a better job of fostering cross-community conversation eight years ago when Obama was first elected,” because “our digital social existence has turned into a huge echo chamber.”² In *New York Times* columnist Roger Cohen’s vision of a dystopian near-future, “the internet and hyperconnectivity had turbocharged the deep-seated human craving for authority while empowering those who knew least to shout loudest.”³

Even Jürgen Habermas has voiced a largely negative opinion of social media, contrasting the internet unflatteringly with the nineteenth century public sphere. The latter focused attention on a few crucial political questions. The web, in contrast, “distracts and dispels,” fracturing

[research/reports/broadband-progress-reports/2016-broadband-progress-report](#). Accessed June 28, 2017.

² Mustafa M. El-Bermawy, “Your Filter Bubble is Destroying Democracy.” *Wired*. 11/18/16. <https://www.wired.com/2016/11/filter-bubble-destroying-democracy/>. Accessed April 20, 2017.

³ Roger Cohen, “Life, Liberty and Ivanka.” *The New York Times*. 4/21/2017. <https://www.nytimes.com/2017/04/21/opinion/life-liberty-and-ivanka.html>. Accessed April 21, 2017.

attention and diffusing political consciousness.⁴ While noting social media’s potential to democratize public discourse, Habermas worries that “the rise of millions of fragmented discussions across the world tends instead to lead to fragmentation of audiences into isolated publics.”⁵

Fragmentation, polarization, dispersal. Are these truly the effects of social media on political discourse? I shall argue that the undeniable phenomenon of online political polarization conceals a deeper unifying power. Habermas’s own early account of modern public discourse, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, identifies the instability in the early modern public sphere in Kant’s overt claim that only property owners—free to serve the state—can legitimately participate.⁶ Hegel and Marx were therefore correct in unmasking the public sphere’s pretense to universal, rational morality as ideology. Today’s social media has no such restriction in its self-awareness, although in practice many groups are excluded. What is now required to make good on the claim to moral dialogue is a material extension of access, both technologically and culturally. Increased inclusivity, made possible by the recognition of a universal right to internet access, would allow social media to fulfill its potential as a Kantian bridge between the moral and political. In what follows, I shall explain how Habermas’s interpretation of Kant’s version of the public sphere clarifies the role of

⁴ Jürgen Habermas interviewed by Markus Schwering. “Internet and Public Sphere: What the Web Can’t do.” Reset DOC. 7/24/2014. <http://www.resetdoc.org/story/00000022437>. Accessed April 20, 2017.

⁵ Quoted by Stuart Jeffries, “A Rare Interview with Jürgen Habermas.” *FT Magazine*. 4/30/2010. <https://www.ft.com/content/eda3bcd8-5327-11df-813e-00144feab49a>. Accessed April 20, 2017.

⁶ Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Tr. Thomas Burger with Frederick Lawrence. Cambridge, Mass.: MIT Press, 1989.

social media, borrowing from Kant's political theory to suggest that the internet's potential to bridge morality and politics is enough to establish a right to broadband.

Habermas's central thesis in *The Structural Transformation of the Public Sphere* is that a reading and debating public influenced modern government so as to constitute a limiting power on centralized authority. This version of civil society eroded with the replacement of the classical bourgeois social order by a welfare state integrated with a mass media apparatus.

Scholars have questioned the accuracy of his description of public opinion as a singular phenomenon. Nancy Fraser, for instance, claims that Habermas "idealizes" the official bourgeois public by understating its exclusions, especially in regard to gender, as a result of his failure to recognize competing public spheres composed of marginalized social groups.⁷ A plurality of public spheres existed from the start. Similarly, historian David Zaret argues that Habermas's neglect of the technological role of printing in the formation of the early public sphere leads him to misconceive public opinion as a solely bourgeois phenomenon, when in fact participation was historically earlier and socially diverse.⁸ Both critiques question the factual restriction of early modern public debate to a single social class.

While such revisions of the historical account of the development of the public sphere are both credible and relevant to its current online iteration, I am more concerned here with the self-understanding of public rationality charted by Habermas in sections 13 and 14 of *The Structural Transformation of the Public Sphere*. These sections, comparatively neglected in the secondary

⁷ Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy." *Social Text*, No. 25/26 (1990), p. 61.

⁸ David Zaret, *Origins of Democratic Culture: Printing, Petitions, and the Public Sphere in Early-Modern England*. Princeton: Princeton UP, 2000.

literature, are essential for understanding the political function of the public sphere in connection with moral philosophy.

Despite the German term *öffentliche Meinung* not entering common usage until nearly 1800, Habermas holds that Kant's political philosophy represents the most fully developed self-awareness of the bourgeois public sphere.⁹ Kant's principle of rationality in the ideal order, domestic and international, prohibits rule by autocratic will; only through practical reasoning can the constraint on liberty essential to state power be justified—a process guaranteed by actual debate transpiring between educated and informed citizens. Scholars initiate a conversation among the qualified public, a discussion serving to provide an enlightened and willing sovereign with knowledge to act and license to rule. Public argumentation unfolds in a condition of freedom, satisfying, as Kant identifies it, humanity's "natural vocation" to societal communication.¹⁰ A politics of publicly justified moral norms replaces a Hobbesian politics of brute domination.

A paradox hides here. Because the transition to legitimation by public opinion must rest not simply on the gradual evolution of civil society but "collective oneness of the combined will," the original constitution of a publicly regulated rule by moral standards would seem to require an initial coercive act, one that contradicts the norms of the intended rational order.¹¹ Civil society desires and deserves power while eschewing the means to gain it. Kant escapes the problem through the employment of a teleological account of historical development. As outlined in the first supplement to his *Perpetual Peace* essay, the mechanical force of our strictly self-interested nature suffices to bring humankind into a situation consistent with, if not rooted

⁹ Habermas 1989, p. 102.

¹⁰ Quoted *ibid.*, p. 107.

¹¹ *Ibid.*, p. 108.

in, morality because commercial interests demand concord and prosperity, circumstances only possible with mutual cooperation and the cessation of violent conflict.¹² Once this stage of social development has been achieved, only a small step brings us to morally legitimate civil authority.

This thought (in truth a rhetorical gambit) leads Kant to restrict access to the public sphere to those with a direct interest in commerce: the owners of remunerative property. As Habermas points out, Kant's hesitant sociological categories capture nicely the distinction between traders in commodities and wage laborers.¹³ Only through the exclusion of economically unfree persons can Kant posit the coincidence of materially motivated self-interest and spiritually free moral agency. But—and this is the fatal contradiction in Kant's model—this maneuver makes the moral legitimacy of the public sphere's authority over the political depend on its historically contingent class composition, the “classic relationship of *bourgeois-homme-citoyen*.”¹⁴ It begins to look like the ideology of the bridge between morality and politics conceals the true purpose of civil society: the advancement of commercial interests. In Hegel's *Philosophy of Right*, therefore, we find public opinion's influence over governance checked by a civil power authorized to assert the interests of the whole against economic factions wearing a mask of universality.¹⁵

Even granting Habermas's critics' claim that the professional and business classes had no lock on public opinion, they *did* command the portion of public debate admitted as an influence on civil society, and ultimately the ear of the sovereign. From this critical function social classes deemed servile were expressly excluded. While printing technology permitted greater

¹² Immanuel Kant, “Toward Perpetual Peace.” *Practical Philosophy*. Ed. Mary J. Gregor. New York: Cambridge UP, 1996.

¹³ Habermas 1989, p. 110.

¹⁴ *Ibid.* p. 116.

¹⁵ *Ibid.* 120.

participation in public debate than hitherto possible, it was unable to bring about interpenetration of mutually exclusive spheres. The bridge between morality and politics remained unbuilt because the official exchange of ideas passed off economic interest as public morality, a ruse enabled by the nature of the medium of communication.

The internet differs profoundly in this respect. The temporal and spatial condensation it effects fundamentally destabilizes established communicative hierarchies. The nature of print allows the restriction of participation, generating distinct publics. The nature of the internet supports transparency and connectivity, characteristics only canceled out with great effort, and, as recent hacking and leaking scandals show, even then without complete success. Social media platforms in particular tend to evolve in the direction of broader inclusivity, a process illustrated by Facebook's growth from a local platform for Harvard students to a global public forum. This tendency is strengthened by the reverse not usually being possible: a shrinking online social network is headed for extinction or irrelevance. The logic of social media works to weave digital publics ever closer together. Just as important, the self-understanding of social media omits restrictions based on class or status.

The claim I am making—that social media unifies the public sphere—would seem to be at variance with the undeniable polarization of American political life transpiring online and in physical reality. Consider, for example, Pizzagate. Conspiracy theorists collaborated on Reddit and similar sites to detail an elaborately, if irregularly, substantiated narrative alleging the involvement of Hillary Clinton, advisor John Podesta, and other top Democrats in a child-sex ring operating in part out of the basement of a Washington, D.C. pizza parlor. Evidence included hints of homosexuality, a purportedly decadent connection to global culture elites including performance artist Marina Abramović, and similarities between local business logos and

clandestine pedophilia symbols. The theory gained currency over Facebook and YouTube. A North Carolina man was far from alone in taking the accusations seriously when he arrived to inspect the restaurant, acknowledging the falsity of the claims only after discharging an assault rifle in the course of his investigation. But the conspiracy theory would not die: over four months later, in March 2017, protesters in front of the White House demanded the government take steps against Clinton and her Pizzagate cult. Placards bore twitter-ready slogans such as #SAVE THE CHILDREN.¹⁶

The worst fears about social media's impact on society seem here to intersect: the elevation of partisanship above citizenship, the total immersion of the online subject in biased content, and even a rejection of truth as a regulative goal of discourse. Not only does social media fail to advance real dialogue, it entrenches political factions and inhibits conversation between them. It appears that the broad use of social media produces disunity. I shall offer, however, two reasons to think this view is false, one theoretical and the other empirical.

First, that conflict between factions is incited online does not imply that there is less moral and political unity than there was previously. In a situation of relative isolation, disunity exists without direct conflict. What we are seeing may well be explained by a higher level of engagement. While the danger exists of individuals reaffirming and consolidating their polarized positions as a reaction to inimical experiences with political opponents, it is just as likely that the factions will, over the long run, find harmony that was lacking when there was no contact between the groups. Colliding as antagonists allows us to, in Shaftesbury's phrase, "polish one

¹⁶ Michael E. Miler, "Protesters Outside White House Demand 'Pizzagate' Investigation." *The Washington Post*. 25 March 2017. Web. Accessed April 27, 2017.

another and rub off our corners.”¹⁷ The Pizzagate affair, for instance, has potential to spark discussion about norms of epistemic justification. That some individuals act rashly on unsubstantiated claims is not a new phenomenon caused by the internet. Social media does, however, make such behavior more visible, leading to the appearance of a causal relation where none exists. The visibility of irrational behavior may in truth act to regulate it, extending norms of critical thinking. We are still in the early stages of social networking. Any flare-up of hostilities should be understood as a temporary phenomenon concealing a more profound and lasting concord.

Second, and supporting this interpretation, empirical evidence indicates that current political polarization is caused not by social media but unrelated factors. Researchers with the National Bureau of Economic Research applied established measures of political polarization to various demographic groups in the United States. If the internet were a primary cause of polarization, one would expect the demographic groups most engaged with the internet to be the most polarized. The opposite turned out to be true. Polarization has increased more among people over the age of 75 than the 18 to 39 year-olds likely to be online. As the authors conclude, “[these] findings are difficult to square with a straightforward account linking the recent rise of polarization to the internet. This is especially true for accounts in which social media plays a central role.”¹⁸ Whatever has led to the fraught state of political affairs in America, one must

¹⁷ Anthony Ashley Cooper, Third Earl of Shaftesbury. “Sensus Communis, an Essay on the Freedom of Wit and Humor.” *Characteristics of Men, Manners, Opinions, Times*. Ed. Lawrence E. Klein. New York: Cambridge UP, 1999.

¹⁸ Levi Boxell et al. “Is the Internet Causing Political Polarization? Evidence from Demographics.” NBER Working Paper 23258. Cambridge, MA: National Bureau of Economic Research, March 2017.

conclude that social media is not a primary cause. In fact, the lower rate of polarization among groups who interface with each other through the internet is consistent with the claim that social media works against disunity.

A controversial illustration of social media's impact on public debate is the Black Lives Matter movement, which has used online communication to raise public awareness of police killings of black Americans. Internet activist Alicia Garza introduced the phrase "Black Lives Matter" in response to the acquittal of George Zimmerman for the killing of unarmed black teen Trayvon Martin.¹⁹ The exposure surrounding the 2014 protests in Ferguson, Missouri solidified it in the national consciousness.

Critics view the campaign as a slide toward the fragmentation of public life, pitting a racial minority against law enforcement and its supporters. Whether the complaints of police brutality are just or not, the thinking goes, it is unfortunate that public debate is taken over by antagonism and seemingly irresolvable opposition.

It is true that the format of much social media—Twitter especially, with its 140-character limit—reveals a weakness in this connection. Slogans and sound bites transmit better than well-reasoned argumentation. The reception of Black Lives Matter has consequently tended to reduce critical race theory to a limited aspect of the problem through narrow focus on police shootings, provoking an understandable response from harried police officers who feel they have been assigned far too much blame for an issue rooted deep in American history.

All things considered, however, the effort has been a success in its impact on the public understanding of race in America. On the most basic level, the term itself prompted thought on

¹⁹ Natalie Baptiste, "Origins of a Movement." *The Nation*. February 27, 2017. <https://www.thenation.com/article/origins-of-a-movement/>. Accessed April 29, 2017.

the discrepancy in treatment between black and white citizens in their direct encounters with law enforcement. For those willing to dig deeper, long-form pieces proliferated online explaining the context of the movement.²⁰ It would be difficult to overstate the importance of Black Lives Matter in bringing wider attention, in part through news coverage, to a new generation of writers on race and society. The significance of the awards bestowed on Ta-Nehisi Coates, Colson Whitehead, and Paul Beatty, along with the continuing relevance of Michelle Alexander's scholarly work on the penal system, can only be understood in the context of the popular elucidation of race relations conditioned by #BlackLivesMatter. All of this has gone toward determining a new range of opinion in the consensus understanding of racism in America, demonstrating social media's power to effect the renegotiation of moral norms.

It has also had an impact on state power, spurring reforms in policing. In one typical case, the Justice Department under Obama extended an ongoing investigation of police techniques in Baltimore after the 2015 death of Freddie Gray while in police custody. The incident was widely discussed due to attention from Black Lives Matter activists. The city agreed to submit to federal oversight in matters of discriminatory police practices, an arrangement upheld by the judicial branch in 2017 despite coming under attack by the Trump administration.²¹ Recent years have also seen the adoption of body cameras in many police departments. These include New York City, as mandated by federal order.²²

²⁰ For examples, see Emily Perper, "Black Lives Matter: A Reading List." *Longreads*. <https://longreads.com/2016/07/11/black-lives-matter-a-reading-list/>. Accessed April 29, 2017.

²¹ Pema Levy, "A Federal Judge Just Ignored Jeff Sessions and Approved Baltimore's Police Reforms." *Mother Jones*. April 7, 2017. <http://www.motherjones.com/politics/2017/04/jeff-sessions-couldnt-stop-consent-decree-baltimore>. Accessed April 29, 2017.

²² Ashley Southall, "New York's First Police Body Cameras Take to Streets in Upper Manhattan." *New York Times*. April 27, 2017. Accessed April 29, 2017.

Black Lives Matter, then, demonstrates how social media can constitute the link between morality and politics envisioned by Kant as the proper function of the public sphere: by forming public opinion about racial oppression, the movement helps set moral parameters within which government policy is shaped. That there is dissent from that public opinion does not undermine the model; in Kant's version of the public sphere, moral understanding is advanced through argument and debate. Social media marks a real achievement in unifying the public sphere precisely because it allows that debate to happen in a broader and more interconnected forum than previously possible, affording admission to anyone with internet access. This means that the essential inadequacy of the early-modern public sphere documented by Habermas—its express limitation to the propertied classes, at least insofar as it helped constitute the legitimate power of civil society—has finally been surpassed, at least in potential. All that remains is to solve the technical problem of securing high-speed access universally.

Social media's ability to bridge morality and politics is reason enough to insist on a right to broadband. As Kant taught, a healthy public sphere promises a twofold benefit: it advances enlightenment and it protects from tyranny. Kant describes the former function in the essay *What is Enlightenment*, in which he maintains that robbing the people of the capacity to publicly debate social and religious issues "is to violate the sacred right of humanity and trample it underfoot."²³ This is not mere rhetoric. If we accept an ethics valuing autonomy and freedom, it is incumbent on us to promote critical thought and argument-sharpened freedom of opinion. We must at the same time support a discursive environment in which such debate is normatively regulated and rationally substantiated. Since social media unifies the public sphere while giving

²³ Immanuel Kant, "An Answer to the Question: What is Enlightenment?" *Practical Philosophy*. Ed. Mary J. Gregor. New York: Cambridge UP, 1996. P. 20 (Academy Edition 8:39).

individuals a platform for self-expression, the right to enlightenment translates in our historical moment into a right to access the internet. This is true even if we don't always agree with the outcome of public debate.

As long as the online public sphere flourishes, we will be safeguarded against many of the worst effects of any negative outcomes. Authoritarianism can only take root when civil society is closed off from public comment on government activity. A glance at Twitter will show that citizens continue to criticize the state freely. We might update Kant's saying about the freedom of the pen and hold that the *freedom to tweet* is "the sole palladium of the people's rights."²⁴ This freedom consists not only in the absence of restrictions on online expression, but also in the extension of the technical and cultural conditions affording every person access to social media, the new public sphere.

²⁴ Immanuel Kant, "On the Common saying: That May Be Correct in Theory, but it is of No Use in Practice." *Practical Philosophy*. Ed. Mary J. Gregor. New York: Cambridge UP, 1996. P. 302 (8:304).