

FREEDOM OF SPEECH UNDER BIG-TECH MONOPOLIES

8/16/22

The free speech debate has once again entered popular discourse as Big Tech creates new avenues of communication that they alone control. As private industry increasingly becomes a central player in managing not only *what kinds of speech* are allowed to be expressed, but *how speech is communicated*, Communists must be able to articulate a proletarian line on the highly contested issues of free speech, censorship, and “cancel culture.” It bears mentioning that even the most ardent free speech absolutist will readily admit that not *all* speech is protected, that certain kinds of speech present a danger or harm. Whether it’s death threats, false alarms (“yelling fire in a crowded theater”), copyright infringement, or, indeed, libel and slander, *certain kinds of speech are not considered protected speech*. On what basis are these distinctions made? Is it in the universal public interest to make these distinctions, or, on the other contrary, does it serve the interests of a particular group? We argue here that these distinctions are *not* made in a universal public interest and that, generally speaking, only speech *which harms the interests of the ruling class* is considered criminal. This hypocrisy is evident in the lack of interest in condemning speech which harms the interests of the working and oppressed masses. Consequently, we encourage Communists to oppose big tech censorship. Lastly, we articulate a strategy for dealing with fascist speech under bourgeois society which does not rely on class-collaboration as well as a vision for freedom of speech under socialist society.

Creating a false panic is the most classic example of unprotected speech. At face value it would seem reasonable that speech which causes a material harm shouldn’t be protected — and indeed this is true. Yet, this pretense is often used in practice to censor speech which not only exposes a *real danger* (as opposed to a false danger), but especially speech which challenges the hegemony of the ruling class. The phrase “yelling fire in a crowded theater,” likewise, *seems* compelling, but only when divorced from its historical context: this famous phrase comes from a landmark supreme court case *Schenck v. United States* (1919), in which Charles T. Schenck, general secretary of the US Socialist Party, was arrested for distributing leaflets opposing the draft. Not for literally yelling fire, not for creating a false panic, not for lying, but simply for advocating against the war. The supreme court upheld the right to prohibit free speech, stating: “the First Amendment may become subject to prohibition when of such a nature and used in such circumstances as to create a *clear and present danger*” (emphasis added). Not only did this

precedent acknowledge that speech can cause harm, but, crucially, it exposed the character of the harm under consideration: *harm to the power and profits of the empire*. Later, in the 1925 supreme court case *Gitlow v. New York*, the court ruled to replace the phrase “clear and present danger” with the even broader and more ambiguous phrase: “bad (or dangerous) tendency.” In this case, two Communist party members had been arrested for “political anarchy” for publishing a manifesto which advocated for revolution. Even though no violent action was precipitated by the article, the article was nevertheless considered dangerous to the political hegemony of the ruling class, and, thus, censored. More recently, there is the infamous case of Edward Snowden whose great “crime” was simply speaking the truth, for blowing the whistle on domestic surveillance and spying. Just like Charles Schenk nearly a hundred years prior, Snowden was charged with violating the Espionage Act of 1917. His treasonous crime? Exposing a “dangerous” truth — dangerous from the perspective of the empire! Hence, it seems speech is only free so long as it doesn’t target the imperialists.

Of course this isn’t the only kind of unprotected or dangerous speech — there’s defamation too. Here some may be compelled to argue that “well, at least everyone is equally protected from defamation,” but this is, likewise, only true in theory and not in practice. Consider that only those who can afford a lawyer, only those who can afford to take time away from work for a lawsuit, can actually sue someone for defamation (or, equally, to defend themselves against a false suit). This is one of many cases where an “equal right” disguises a distinctly unequal reality: the bourgeois right to free speech is, in fact, little more than the right of the wealthy to lie while suppressing the poor from speaking the truth. This is true outside the case of defamation: whether in the press, the media, or marketing, the ruling class is free to lie to the public with impunity — but would you dare to expose the truth about any of these groups, and you’d be hit with defamation suits (or some similar charge). Take, for example, the case of Steven Donziger, an American attorney who took on *and won* a case against Chevron for spilling millions of gallons of oil in the Ecuadorian Amazon and poisoning the water for tens of thousands of indigenous people and farmers. Consequently, Chevron was forced to pay out \$9.5 billion to the people of Ecuador in 2011. During this trial, Chevron attempted to defame Donziger, with Chevron’s “reputation manager” Chris Gidez saying behind closed doors that the strategy was to “[demonize Donziger](#).” Chevron failed in this endeavor, and, thus, for the heinous crime of costing them money, they launched a counter-litigation campaign against Donziger to make an example of him. After years of harassment, in which Donziger was stalked, smeared, disbarred, and even put under house arrest, Donziger was subject to one of the most blatantly

rigged court cases of all time, landing him in prison for a ridiculous “criminal contempt” charge. Once again, what was his true crime? Not lying about Chevron, but costing them profits by telling the truth! As for Chevron, they got away scot free despite successfully defaming an innocent man. Here we see that it’s not just government secrets and public interests which are protected from exposure, but *private interests too!* [Donziger has even said](#) that he sees himself as a “*corporate political prisoner.*”

The shrinking division between the private and public spheres is a critical observation. As monopoly-capitalism develops, state involvement in private industry inevitably increases until the two are inseparable, that is to say, until state-monopoly develops. Even in the current period of neoliberal fiscal policy, where privatization reigns supreme, the largest capitalist firms are still wholly dependent on government contracts, subsidies, bail-outs, and the like; state involvement may have become less direct, but it has retained a high level of authority in directing the economy. Especially with the historically recent development of massive information-tech monopolies and globe-spanning social media platforms, and with the development of the ensuing controversies over internet censorship and cancel-culture, the very distinction between the public and private spheres has become a particularly acute cultural battleground. Unfortunately, it has primarily been the right wing to lead this attack on private interests, to suggest that the right to free speech should be respected by private industry; whereas, in an a fit of pure contrarianism, the left-liberal wing has decided to protect the despotism of silicon-valley tech giants, stating that: “your right to free speech only applies to government censorship.” As Marxists we must understand that the capitalist state is nothing more than the representatives of the bourgeoisie; the separation between the public and private spheres is only really the separation between the interests of the bourgeoisie as a class and the interests of individual, competing members of the bourgeoisie. If we intend to nationalize all industry under socialist society, then the collapse of the public and private sphere is inevitable — indeed it is inevitable even today as capitalism tends towards state-monopoly. Such a collapse is a progressive and necessary development, thus we must continue to attack this hegemony, continue to oppose the supremacy of private industry; we communists must take the lead in protecting free speech, as we have historically done before, *especially* as it applies here in the private sphere. If, indeed, social media truly has taken the place of the “public square,” then isn’t it a reasonable demand to see these platforms nationalized? If free speech is a right, and social media is its modern expression, then wouldn’t everything from electricity to an internet connection necessarily be a right too? We certainly think so!

Let us now look at some of the consequences of this position. Foremost, there is the question of hate speech: even if hate speech is intolerable, even if under the dictatorship of the proletariat it would rightly be censored, we nevertheless must not support endowing private industry and “big tech” with the uncontested right of censorship and must instead insist that they are beholden to the rights of the constitution. Under bourgeois society, hate speech regulation regularly becomes little more than a pretense for arbitrary censorship while people spreading and encouraging real hate towards oppressed minorities often face no consequences. Furthermore, such regulations disproportionately affect the working class, while the wealthy elite who do the most to sow division and hatred get nothing more than a slap on the wrist, build an audience out of being “canceled,” or, at worst, disappear for a couple months then return once the media spotlight has moved on. When, for example, a billionaire like JK Rowling continues to possess great wealth, continues to have a platform, continues to profit from the release of books and other media, continues to have an audience of worshippers adulating her for her Stunning And Brave opposition to the oppressive transsexuals, it is clear, then, that the ruling class only cares to censor, and furthermore to criminalize, speech which disrupts the interests of the ruling class, and not speech which disrupts the interests of the working class! Said another way, so long as a certain kind of speech is either *profitable* to individual capitalists or broadly *supportive* of the interests of the bourgeoisie as a class, it is unlikely to be censored no matter how harmful it is. The bourgeoisie has no real interest in preventing hate speech even if it claims to and it will continue to misuse and abuse such a pretense to silence revolutionaries. But that leaves a tactical question unsolved: how do we deal with those who incite violence, who doxx and slander people to get them fired or, in some extreme cases, even murdered? Lest we rely on the bourgeoisie to do our dirty work for us, this leaves only one choice: to fight fire with fire. Whether it’s Andy Ngo (a fascist fear-monger who doxxes left-wing activists) or Chaya Raichik (the founder of the hate group “libs of tiktok” which incites hate mobs to queer people) or *whoever*, so long as what they do is protected, then returning the favor must be protected as well. Such a strategy will likely result in one of two scenarios: in the first scenario, censorship becomes stricter *across the board*, in which case we get to oppose corporate censorship while, at the same time, our enemies will have been hit in the crossfire. In the other scenario, if we are censored while our enemies remain platformed, then it provides another opportunity for the left to become the underdogs being unfairly targeted by hypocritical and one-sided corporate censorship.

Though we understand that certain types of speech are harmful, that certain types of speech *should*, ideally, be censored, the practical reality of our situation shows us that censorship in bourgeois society *disproportionately* advantages the capitalists, the landlords, the imperialists, the war-mongers, and so forth. Does this mean we must defend and support *every* person who is censored, silenced, or deplatformed? Certainly not! We need only defend speech which tends to threaten or weaken the interests of the bourgeoisie. There is a *disproportionate tendency* of bourgeois censorship to support the interests of the ruling class, but this does not mean that *every* act of censorship does so: when, for instance, a fascist or right-wing voice is censored, when the voice of a sex-trafficker, an exploiter, or a class traitor happens to be censored, we would make clowns of ourselves to stand up for their right to speech just as much as our own. Furthermore, various cases of censorship are born out of mass-outrage; that is to say, brought about as a capitulation or concession to the masses as a consequence of class struggle. This presents a second tactical option: so long as a demand for censorship *in a particular case* is coming bottom-up from the working class, then such a demand remains an expression of working class power and remains in the interests of the working class — the danger pertains only to endowing these technocrats with the *general* power of censorship. Should we be outraged when protests or boycotts result in Amazon taking a “race science” book off their catalog or when it results in a bookstore refusing to stock some conspiracy shlock about how the trans rights movement is a plot by George Soros to sell cybernetic enhancements? Absolutely not, these progressive demands from the masses should be supported and encouraged. To stand up for *all speech equally*, as is the rallying cry of the libertarians, would be to fall prey to liberal conceptions of universal or human right which is abstracted from class society. It would, in other words, be right-opportunism to portray *all* censored speech as against the interests of the ruling class, and, therefore, as in the interests of the working class; doing so can lead nowhere but defending the *currently* fringe views of fascists, white nationalists, and other reactionary ideologies. We do not support bourgeois censorship, *but neither should we defend our enemies from it*. And furthermore, censorship ceases to be bourgeois when it is brought about as a capitulation to working class demands.

There are, in essence, *two* distinct questions revolutionaries must be able to answer: rather than taking the question of free speech and censorship in the abstract, we must articulate a position first with respect to the capitalist system we live in today, and a second position with respect to the socialist society we hope to live in tomorrow. What would the right to free speech look like under the dictatorship of the proletariat rather than the dictatorship of the bourgeoisie

— what would free speech mean under socialism? We argue that just as the right of free speech under bourgeois society only protects speech in the interests of the bourgeoisie, then, likewise, speech under proletarian society can be nothing more than the right to speech in the interests of the proletariat. Rather than continuing to pretend to provide universal right within class society, a ruse which can do nothing but hamper class consciousness, we say quite proudly: free speech, but only for the proletariat! The censorship of reactionary and chauvinistic speech is both necessary and inevitable, and in no way represents a greater level of censorship than already exists in presently-existing society. Actually, *for the first time*, the proletariat will know a true right to free speech, while it is the bourgeoisie and class traitors who will be subject to censorship. In a more concrete and practical matter, how would speech be censored — who would make those executive decisions? This question remains largely hypothetical, but we envision one possibility: in the first place, there would be a mass-democratic system of flagging speech; indeed, this system already exists in the form of reporting on social media. But, at the same time, we must acknowledge how reporting systems can not only be overwhelmed by bots, but, indeed, by a “tyranny of the majority” which may be wrong in trying to silence a dissenting voice or opinion. Thus, just as the final say in censorship today belongs to the capitalist state (or to individual capitalist firms), then too the power to veto such reports must be maintained by the party of the proletariat, the most conscious and progressive representatives of the proletariat as a class. Therefore, we would advise that the *target* of censorship be led by the masses and that the *execution* of censorship be led by the party; “from the people, to the people,” as Mao would say. Finally, only in the eventual abolition of classes in their entirety — a state of affairs which necessarily presupposes a period of proletarian dictatorship — only then can speech attain the level of a truly universal and unrestricted freedom.