

CONCLUSION

At the beginning of 2019, tech reporter Kashmir Hill published a series of articles called “Life Without the Tech Giants.” Each week, with the help of a network engineer, she tried to block traffic from one of the top five “tech giants” dominant in the modern digital economy: Amazon, Facebook, Google, Microsoft, and Apple. After blocking each one sequentially, she spent the final week blocking all five. As she described in her articles, although blocking some of these platforms created more difficulties than others, blocking each one created unanticipated difficulties in accessing online services or using applications that had become part of her regular routine and on which she had come to rely for everything from talking to family to financial planning. During week six, when she simultaneously blocked all five of these “tech giants,” her digital life became virtually unusable (Hill 2019d).

While we should not act precipitously, we also cannot wait for absolute certainty. Nor should we delay obvious and necessary reforms while designing a comprehensive system of sector-specific regulation. In complex areas of our economy and society, Congress often proceeds by stages, sometimes substantially rewriting statutes when initial reforms prove ineffective. Congress enacted multiple precursors for regulating electronic communications and mass media before settling on the Communications Act of 1934. Although the overall structure of the Communications Act has proven remarkably effective and durable over its 85 years of existence, Congress has, when necessary, comprehensively amended it to reflect changes in our society as well as changes in technology.

While I expect that we will need to debate the points raised in this book for some time to come, I remain hopeful that Congress and the states will move quickly to stabilize the digital platform market and arrest what feels like the strong tide pulling toward concentration of economic power and manipulation by increasingly opaque and hidden algorithms that mediate our daily lives. As a society, we should not want our choices limited to which of four or five major platforms ultimately controls our home network (with its army of networked devices listening and recording everything to “serve us better”), or provides our news, or determines which jobs or goods and services to offer us. But such a future seems eminently possible, even likely, if we continue to do nothing.

The concluding chapter of the biblical Book of Ecclesiastes includes the following warning: “Take warning my son, for to the making of books there is no end, and too much discussion is a weariness of flesh.”¹⁸³ I stated at the beginning that I intended this book to begin the substantive

¹⁸³ Ecclesiastes 12:12.

debate on regulation of digital platforms as a distinct sector of the economy. I will conclude with a warning against overlong delay. Too many scholars, pundits and legislators have observed that unregulated digital platforms have created unprecedented concentration of wealth and power to dismiss these concerns as the alarmist fantasies of disengaged academics or complaints from competitors defeated in a competitive marketplace. While this sector has undoubtedly created enormous benefits for society as a whole, these benefits are unequally distributed, concentrating control over our daily lives in a manner that undermines fundamental values of our democratic society. We must move quickly to arrest these developments, or risk having the fundamental decisions in our lives increasingly made for us.