Big Tech and the Right to Freedom of Thought

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Abstract

Over the past few decades technology has become ubiquitous, with technology companies gaining increasing insight into the lives of individuals. This paper explores how technology companies use these insights to influence the ability to exercise free and independent decision-making. Through a critical analysis of social nudging, I establish the subtle but significant ways in which individuals can be susceptible to manipulation. Through this lens, I highlight some notable examples of how big tech companies have manipulated individual decision-making and the impact this may have on our democracy.

Keywords: Algorithm, Privacy, Nudging, Big Tech, Human Rights, Free Thought

In 1948, the United Nations established the Declaration of Human Rights and in 1982 the Canadian Charter of Rights and Freedoms came into force. Both these documents, which enshrine the fundamental rights available to people and Canadians, respectively, establish the right to free thought (United Nations, n.d.; Government of Canada, 2019). The right to free thought lays the groundwork for many other rights to be realized. For example, without the ability to think freely and make decisions based on the world that one perceives, it is impossible to cast an independent vote. In recent decades, people across the globe have embraced the services and conveniences offered by big tech companies such as Facebook and Google. While these tech companies provide services for users, it has become apparent that they are not as innocuous as previously assumed. This paper will demonstrate how tech companies' services have permeated our lives, manipulated our thinking, and alter not just what we think, but how we think. By doing so, tech companies create and perpetuate an environment that infringes on our ability to realize free thought.

Prior to understanding the impact technology and social media companies have on our lives, it is important to take a deeper look at social nudging. Nudging is a key element in understanding how and why tech companies are able to influence our cognitions. As defined by Nagatsu (2015), nudges are slight "behavioural interventions," nudge paternalism is the umbrella term referring to practices that are used to alter peoples' decisions for the benefit of the 'nudger' (p. 481). For example, Nagatsu (2015) describes an anti-littering campaign used by the Texas Department of Transportation called Don't Mess with Texas. The slogan was showcased on a number of media platforms and, by all measures, was a success, reducing litter by 72% in the first six years (Nagatsu, 2015, p. 488). According to Nagatsu (2015) the success of this campaign can be attributed to social nudging. One aspect of social nudging is the creation of expectation-based pressure, whereby an individual is pressured to change their behaviour because they believe by not doing so (i.e. continuing to litter) they would be engaging in counter-normative behaviour (Nagatsu, 2015, p. 488). A domino affect would ensue as more individuals altered their behaviour to meet what they believe is the norm (Nagatsu, 2015, p. 488). Nagatsu (2015) argues that such interventions do not take away from an individual's autonomy as the decision-making process is still in place (p. 489). Additionally, while the decision process may be subconscious, Nagatsu (2015) argues that individuals make many subconscious decisions on a daily basis, which they still claim to be their own decisions (p. 489). While this argument may support movements such as Don't Mess with Texas, it does not adequately support the social nudging practices utilized by tech companies. This indicates that influence exerted by social media and tech companies far out-scales that of local initiatives because online users are targeted directly

and personally. Further, tech companies have significantly more insight into the personal lives of individuals. The nudging utilized by social media and tech companies is covert and concealed from the target user.

To the average user, the role of tech companies is to provide a service. Facebook provides a platform for users to share events in their lives with family and friends. Google allows users to easily search for information in an efficient and intuitive way. While these services are provided to users, they are done so for free. These free services enable tech companies' primary business model, data collection. As Esteve (2017) describes, "personal data has become a new source of economic value" (p. 36). Once collected, data is aggregated and analyzed for valuable insights and tech companies are able to sell this information to advertising agencies and allow ads to be posted on their websites (Esteve, 2017, p 36). Esteve (2017) describes the two forms such advertisements can take: contextual and remarketing. Contextual advertising is used to describe ad placement on a website or social media platform (Esteve, 2017, p. 40). The opportune place for contextual ads is based on the users' current search, their search history, and their IP address (Esteve, 2017, p. 40). Remarketing advertising refers to the practice of drawing attention to a product or service that the user has previously expressed interest in (Esteve, 2017, p. 40). A common remarketing experience for users would be looking up an item they would like to purchase and then seeing ads for the item, store, or similar items elsewhere on the internet. According to Esteve (2017), remarketing is a form of behavioural advertising using highly targeting and specific ads (p. 40). Big tech companies use both forms of advertising and are able to utilize them through their ability to monitor, predict, and understand individual user behaviour (Esteve, 2017, p. 40). Tech companies' advertising model allows them to not only reach users on a personal level but take advantage of their ability to monitor and understand user behaviour in order to make a profit.

While many users understand being the target of ads as the cost of using online services, until recently few understood the reality of what big tech companies' influence could mean in their daily lives. Cambridge Analytica changed this; it rocked the technological, social, and political world all at once when it became known that, beginning in 2014, the data analytics company was contracted to the United States Republican Party to collect information on millions of US Facebook users (Cadwalladr & Graham-Harrison, 2018). The Party and Cambridge Analytica were interested in collecting users' personal information in an effort to serve targeted ads to voters ahead of the US 2016 Presidential election (Cadwalladr & Graham-Harrison, 2018). The Facebook and Cambridge Analytica scandal demonstrates the level of intrusion and influence big tech companies can exert on the lives of individuals. While many

may think that Cambridge Analytica was a data breach, the opposite is true – Cambridge Analytica did not breach Facebook at all (Wong 2019). Wong (2019) describes Cambridge Analytica as the result of someone utilizing the existing influential power of tech companies. In other words, Cambridge Analytica used Facebook's normal services to actively change the minds of millions of people by showing them ads designed to influence their opinions and understanding of the election. The two companies were able to change the online environment in a way that would foster users to think one way over another.

While Facebook went through one of the more public scandals related to influencing users, it is not the only tech company whose services have been designed to change the minds of individuals. YouTube, owned by Google, also exemplifies the way that big tech can hinder free thought by giving disproportionate attention to topics and individuals that are shocking or extreme. For example, Solnit (2019) describes the use of big tech in the sudden and unexpected rise of Brazilian President Jair Bolsonaro. Within the political field, Bolsonaro was relatively unknown; he grew popular online due to his far-right YouTube videos (Solnit, 2019). YouTube's viewer algorithm – an extreme version of “if it bleeds, it leads” – provides a viewership advantage to creators with extreme content. Viewers were “diverted” to far-right YouTube channels due to the algorithm, making it easy for people to access Bolsonaro's videos (Solnit, 2019). Solnit (2019) credits YouTube's algorithm with the rise of white supremacists and other problematic movements. From the perspective of YouTube, increased viewership leads to increased revenue, making it in their best interest to connect viewers to videos that will “hook” them (Solnit, 2019). By continually attracting viewers to the same videos and opinions, manipulation occurs. Individuals will begin to hear and see one perspective until they are fully entrenched in their views. Limiting users' ability to hear diverse perspectives inhibits their ability to form an opinion that is truly their own. Rather, YouTube perpetuates the parroting of extreme ideas, polarizing people and making homogenous masses at either end of the spectrum. While Facebook and Cambridge Analytica hoped to influence users with repetitive ads in their online environment, YouTube does the same thing by siloing viewers to the most extreme versions of their opinions while eliminating alternative perspectives. In their own ways, the services provided by tech companies are severely hindering individuals' ability to make decisions in good faith, seek alternative perspectives, and exercise independent thought.

While Facebook and YouTube demonstrate the more extreme versions of tech companies' influences over individuals' thinking, more subtle and acute versions of this have been happening since far before the Cambridge Analytica story broke. In 2012, unbeknownst to 700,000 Facebook users, researchers along with the Facebook company temporarily hid certain

words and posts that were deemed emotional from some users' newsfeeds (Arthur, 2014). The purpose of the research was to determine if the content on users' newsfeeds would influence their mood (Arthur, 2014). When the study became public there was widespread shock and anger primarily due to the fact that the "participants" were unable to provide informed consent (Arthur, 2014). Indeed, the research practices were questionable, but what was largely forgotten in the ensuing debate was that the study did find an affect termed "emotional contagion"; the content that users saw had an impact on their emotional state (Arthur, 2014). This finding presents a serious issue for those concerned about the impact of big tech on individuals, especially since emotion often plays a large role in the way people think. This conclusion is made more significant by the fact that users felt "betrayed" by Facebook for using their information without consent; they felt like their Facebook accounts were "their space" (Radiolab, 2015). This reaction demonstrates that users believed that they were the sole authors of their digital life and everything they were seeing was a result of their actions only. This was evidently not the case – Facebook was not only able to edit the content that they saw but were able to create a visceral, offline impact in users' lives. This demonstrates that Facebook's ability to edit users' online environment can influence how they think, feel, and act offline.

In a similar situation, Facebook conducted a study on voter turnout. During this 2010 experiment, Facebook placed an item on users' profiles notifying them of their nearest voting location (Radiolab, 2015). When a user voted, they could share this information on Facebook by clicking on a small "I voted" button (Radiolab, 2015). In response, Facebook would share with the user six of their friends that also voted (Radiolab, 2015). In this experience, Facebook revealed that they were able to increase the likelihood that someone will vote, by showing some of their friends who had also voted (Radiolab, 2015). Additionally, according to the study, those that voted as a result of the experiment were people who otherwise would not have taken part in the election (Radiolab, 2015). This is an explicit example of social nudging. At first blush, increasing voter turnout may seem like a prosocial impact of nudging; however, this type of manipulation has potential to introduce bias into the electoral system. For example, critics of Facebook's studies have stated that the social media platform could use the tool to increase voting for a candidate that they prefer (Radiolab, 2015). In another instance, a party may be able to pay Facebook for 'ads' that accomplish a similar objective – enticing only the users that are undecided or more likely to vote for the advertising party. In both of these hypothetical – though plausible – situations, Facebook is constructing an artificial environment whereby users are presented with information designed to manipulate their thinking. The repercussions of this influence would challenge our ability to execute basic democratic values and practices such as free elections and the integrity of the press.

In each example discussed, the same phenomenon occurs – tech companies slightly alter our environment in a way that changes our cognition. It is becoming increasingly necessary for users to consider online pressure and manipulation when making decisions in the online and offline world. Our environment informs everything we do and having access to a realistic representation of the world around us is essential in achieving the right of free thought. As more of our lives shift online, the ability to achieve true free thought will be harder than ever as our thinking will be based less on what is objectively true and more on what tech companies want us to perceive. In such an environment, the right to freedom of thought will always be out of reach.

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