

Vincent Munoz:

I think what we need to do is explain how our principles are free speech, free inquiry, will help serve the cause of justice.

Betty Friedan:

The First Amendment, the constitutional freedom of speech and freedom of conscience, that is the bulwark of our democracy.

Bettina Aptheker:

There was a passion in what was being said, affirming what people considered a sacred constitutional right, freedom of speech and freedom of association.

Michelle Deutchman:

From the UC National Center for Free Speech and Civic Engagement, this is SpeechMatters, a podcast about expression, engagement, and democratic learning in higher education. I'm Michelle Deutchman, the Center's executive director and your host. Welcome to episode 10. Today, SpeechMatters tackles expression on the internet, one of the hottest topics in the news, with law professor and tech law expert Eric Goldman. Before we dive into that topic, let's turn to Class Notes: a look at what's making headlines. Did you vote yesterday? While many states across the country have been implementing laws that make it more difficult to vote, students at higher education institutions nationwide are fighting to make it easier to do so.

For instance, students at Temple University are advocating for their university to make election day a holiday and cancel classes. Others like the UCweVOTE campaign - focus on instituting a non-penalized attendance policy for election day. This would allow students to be civically engaged without negatively impacting their grades. Hopefully, these innovations will gain traction, especially since young people historically vote at the lowest rates.

October saw two campus protests turn violent: At UC Davis, Turning Point USA's "Hulk Smash," featuring Stephen Davis, commonly known as 'MAGA Hulk,' was canceled after a fight broke out between about 100 protestors and counter protestors. This came just days after the cancellation of a planned comedy event at Penn State co-hosted by the founder of the Proud Boys, Gavin McInnes, after a peaceful street protest against the event also turned violent.

How does a Cornhusker find himself in the Sunshine State? Well, for Senator Ben Sasse, the junior senator from Nebraska, it took the hotly contested selection of the next president of the University of Florida. Sasse's conservative politics, including his stances on LGBTQ+ rights and racial justice, have led to massive on-campus protests. In one case, protestors interrupted a student forum with Sasse. In response, the university has conveniently reinstated its enforcement of a regulation prohibiting protests inside campus buildings. This comes as the University of Florida's faculty Senate voted no confidence in the presidential selection process that ended with Sasse as the sole finalist. In spite of the opposition to his appointment, last week the University of Florida 13-member board of trustees unanimously approved his hiring.

Between Elon Musk closing his \$44 billion Twitter deal and the Supreme Court adding one of the most consequential questions about internet speech to its docket, the landscape of digital speech may be changing. And it is for this reason that I've invited one of the internet gurus to join us today - internet law gurus, in particular. Eric Goldman is Associate Dean for Research and a Professor of Law at Santa Clara University School of Law. He also co-directs the school's High Tech Law Institute and supervises the

school's Privacy Law Certificate. Eric teaches and publishes in the areas of internet law, intellectual property and advertising and marketing law. He blogs on these topics at the Technology & Marketing Law Blog, which has been inducted into ABA Journal's Blog Hall of Fame. The California State Bar's intellectual Property Section has named him an IP Vanguard and Managing IP magazine twice named him to a short list of IP Thought Leaders in North America. Eric received his BA, his JD and his MBA from UCLA. Welcome, Eric.

Eric Goldman:

Thank you so much for having me. It's a delight to be here.

Michelle Deutchman:

So Eric, you are a triple alumni of UCLA, Go Bruins! Even though, I'm really a bear at heart. With a background in business and law, what did you learn or experience in college - kind of asking you to look back - that maybe drew you to focus your research and teaching on these topics?

Eric Goldman:

Well, actually it was really more of a lateral move I made in grad school. I came back to grad school hoping to become a real estate developer in Southern California. And so, all of my energies were invested and focused in that area. And then, in fall of 1991, when I started my classes in the business school, I got my first email account and it just blew my mind. It answered questions or solved problems I didn't know were solvable or necessarily that I even recognized I had. And it just set me on this new journey where I realized that the ability of people to talk to each other was going to be super important online and I was really passionate about that. So it was just that awakening in grad school to the possibility of a whole new way of humans talking to each other that got me fired up about internet law.

Michelle Deutchman:

And at the time, did you have any sense of where things would be? A couple of decades following that initial email account?

Eric Goldman:

Yeah. I'd like to say I envisioned it perfectly and that I foresaw the future. But it's one of these choices that I think I see my students make in law school. They see a new market developing and they might decide to go all in on that market and sometimes those markets fizzle out or crater and then, they have to repurpose it somewhere else. And so I made that gamble in grad school, I said, "I think this is the next big thing. This is something I'm passionate about. This is what I want to do in my life." Did I know what it would look like circa 2022? No, of course, not. But I certainly had this vision that I thought we were on the cusp of a wide scale change in our society and I was excited about being a part of that.

Michelle Deutchman:

Well, it seems like you made a good bet and I also am going to date myself and say I remember right around the same time also getting my first email account and actually only being able to access by going into the computer lab at Berkeley and feeling like all of a sudden I could talk to friends who are studying abroad. And now, I think kids today just take it for granted. Before we get into the nitty gritty of Supreme Court cases and state cases, I want to ask you a little bit about your blog and of what inspired you to start that and tell us about that.

Eric Goldman:

Yeah, so I started my blog in 2005. I actually have two blogs, one is the main blog where I blog on internet law and ancillary topics. And then, I have a much less active personal blog. But the reason I started the professional blog was because I had all these things I was seeing in my research, that I was excited about sharing with an audience and I wanted to have my say or my take on that. And there wasn't an outlet for me to do that. So for example, a new development would occur and back at the time, there would be media coverage that in development, the reporters weren't calling me and it was really because they didn't know that I had something to contribute to a discourse.

So blogging was my way of being able to capture the things I was seeing in my research that I thought were most interesting, sharing them with an audience and then adding my voice to that conversation all on a rapid timeframe. And that of course, substantially raised my profile with reporters. So I ultimately did get all those calls I wasn't getting before the blog, but it was really the chance to give an outlet for my research efforts that was not working with the standard models I had available at the time.

Michelle Deutchman:

Well, and to be having a consistent ongoing well read blog since 2005, there's something to say for that. So congrats, and we'll definitely add a link to the blog in the podcast resources. All right, so let's turn to the Supremes. All the news right now is talking about some blockbuster cases that have been added to the Supreme Court docket. People are saying they could determine the fate of the internet as we know it. Can you tell us a little bit about these cases and about whether you want to call it the famous or infamous Section 230 of the Communications Decency Act and what's at stake?

Eric Goldman:

Let's start with just describing Section 230 and then the stakes will become a little bit clearer. So in 1996, Congress enacted a law that says, to summarize quite efficiently, websites aren't liable for third party content. And it's that basic legal premise that actually a lot of people support, even if they think that they're opposed to Section 230 or they're skeptical of it, if you ask them the question, "Who's responsible for harms online?" The answer is the person who commits to harms, it's not really that complicated. And then if you ask a follow up question, and what about all these other intermediaries in the chain? All these people who help people talk to each other. Consistently, the statistics suggest that people think that's not their problem. It's the problem of the people who are committing the harms, not the services that they're using, who should be responsible for the harms that they're creating.

And so, Section 230 captures that intuition that most of us have and that many people support. And so, based on that simple proposition, websites aren't liable for third party content. We just have seen over the last 25 years this revolution in how we're engaging with each other as a society. We have all these different ways of talking to each other, of communicating with each other, of sharing information that simply didn't exist in the offline world. Of course, that means that people are still going to commit harms online. And Section 230 has generally answered that question, saying that the websites that are being used to commit the harms aren't the responsible parties. But that of course has been controversial. There's no doubt that because people are being harmed, there's some concerns about what needs to be done to address their harms. And so, the cases going up on appeal involve two different sets of questions about when a website's being used to potentially perpetrate harm.

The main case, the one that most people are focused on is the Gonzales versus Google case that says that Section 230, this principle that websites aren't liable for third party content, shouldn't apply if the websites are engaging in algorithm recommendations. That once they engage in that algorithmic

editorial intervention, they should lose Section 230. The other case, the Taamneh versus Twitter case, involves whether a service like Twitter should be liable for the fact that some terrorists have used that service in order to communicate, just like lots of other people have used a service to communicate. Some legitimately, some not. And so, both cases raise this fundamental question underlying Section 230: are websites liable for third party content? And if the answer is something different than the current status quo, that has dramatic potential consequences for the rest of the internet.

Michelle Deutchman:

Thanks for setting the table that way. Let's start with what you think. How do you think the Supremes should rule? Let's talk about that and then we can get to how you think they might rule and move on from there.

Eric Goldman:

So I could tell you what I hope happens, but I'll tell you I'm also nervous that this is one of the less likely scenarios. My hope is that the Supreme Court interprets Section 230 consistent with the way it's been interpreted and says that in a way that doesn't garble the analysis. And says it with a clean majority that doesn't leave a bunch of piecemeal opinions that people have to try to divine the intent of the Supreme Court from. So if I had my choice, there would be a majority of the court saying that in the Gonzales case involving content that was uploaded to YouTube, YouTube is not liable for it, whether or not it engaged in algorithmic recommendations.

And it says that nice and cleanly, it says Section 230 applies, majority stands behind it, and they don't include any extraneous hypotheticals or qualifiers or hedging of bets or calls on Congress. All the kinds of things that most Supreme Court opinions nowadays include. So you can see why I'm a little bit nervous because for us to win here, for the internet as we currently have it, we have to not only get the Supreme Court to get the right results in terms of votes, we have to get them to write an opinion that doesn't clutter the issue.

Michelle Deutchman:

Yeah. Now I understand why you said that it might be unlikely. So, let's look at the other extreme. Let's say that they do make some significant changes to the way that Section (2)30 is interpreted and applied. What is that going to mean?

Eric Goldman:

Well, it's a little hard to predict because it really matters exactly what they say. It's possible that they could write an opinion that provides a reversal. In the Gonzalez case, it leaves a possibility of Google being liable for content posted to YouTube, but does in a way that wouldn't affect many other sites. And that's a Supreme Court special. They love writing these opinions that solve the particular case at issue, leave very little guidance for everyone else. And then, really the lower courts aren't sure what to do with that because it was written in a way that targeted a particular set of facts that don't replicate.

Michelle Deutchman:

Right.

Eric Goldman:

Or they could write an opinion that says Section 230 applies in almost no circumstances. And websites are routinely liable for third party content except in these very narrow cases. And if we got it wrong, Congress, go fix it, which they won't. So we could see a dramatically different internet if Section 230 survives and the Supreme Court through its drafting could easily do that in a way that doesn't make it seem like they're rewriting the statute, but really would have that effect.

Michelle Deutchman:

Yeah, I mean, the possible impact seems almost unbelievable about how tremendous it would be. But like you said, I think the devil's always in the details. Whatever the Supreme Court does, I think this issue of harm on the internet and mitigating it is going to continue to be evergreen. And I just wanted to know if you have any thoughts about that, especially if the Supreme Court continues to interpret Section 230 the way it has. As a scholar in this area, what should platforms be doing and also people, especially people in universities, be doing to think about mitigating harm?

Eric Goldman:

Super complicated question, and I'm going to answer it, I think in two ways. The first way is to start with an appreciation of the fact that the internet is a microcosm of the human condition. And there are many times that things that we see online are horrifying, but they're not unique to the internet. They're literally just a mirror in our society oftentimes showing us parts of the society that we might not see, because we don't hang out in those physical spaces or we're not part of those sub-communities. But a lot of the harms that people are upset about are not internet-specific, they're just the fact that humans have been antisocial and incivil to each other since the beginning of time. And the internet is another place where that manifests itself. So, a lot of the contextualization about the harms on the internet has to start with a baseline. What's taking place in the offline world and how much of what we're seeing actually really an internet problem, or how much of it is a humanity problem?

Now the other problem that we run into is that there's a very deep partisan divide on what interventions that the partisans want internet services to make. And I'm going to summarize very glibly to say that in general, the liberals want the internet services to do more content removal and policing work, and the conservatives want internet services to do less content removal and policing work. Now that the question about what steps we should take to mitigate harm have become partisanized, there's not really a lot of intelligent conversation left to discuss, because it's always about which team do you support and how can you advance your team at the expense of the other team. So, we can't really even have the kind of healthy conversation that we need to have about what we can do to mitigate harms on the internet, especially those that are unique to the internet and not part of the human condition generally, if all we're going to do is have a partisan food fight.

Michelle Deutchman:

No, that's really helpful. And I don't think that we're going to be able to solve the existential questions about the human condition on this podcast. But I appreciate you're talking about whether it's really an internet problem or a larger problem, because I think there's a lot of, sort of, blame the internet. And in terms of, I don't want to ask you which camp you're in, but in terms of the ways that you think make the most sense or are the most effective in terms of mitigating harm, are there things that you feel like you've seen that have been most effective or more effective that you would like to see more of?

Eric Goldman:

Yeah, actually. So this is the third act of the conversation. We talk about how people are being terrible to each other online, and we talk about the fact that partisans can't agree on what intervention should be made. The third act is Section 230 is actually the answer to all of the questions that we've just addressed. What we want is internet services to decide what steps they're going to take to help make their environment appropriate and productive for their audiences. And the point is that different audiences have different needs. Some of them need heavy curation. They need to have an active editing function to police the conversation. Others should be and would only exist if they're relatively rough and tumble, if you can allow people to have their say without the kind of policing that you'd expect in other services.

And Section 230 allows all of those particular options on the spectrum, anywhere from the heaviest curation to the lightest intervention and says, those are all equally good in terms of the law. And therefore, the publishers, the services can decide what they think is the best approach for their audience. So we don't have to have a single one size fits all answer for the internet. We can allow a diversity of editorial approaches and that diversity is likely to yield better results. And if we go one side or the other on the partisan question.

Michelle Deutchman:

So it's really sort of a platform autonomy where they can make the choices, like you said, that they think meets their constituents best.

Eric Goldman:

But notice that the platforms in that equation are really proxies for their users. The services are the ones that are allowing the users to talk to each other. And so, when we talk about platform autonomy, what you're really saying is that it's really empowering the community members to figure out which community is best meeting their needs and finding a place to go and have their say in the ways that they want.

Michelle Deutchman:

No, and thank you. I appreciate that. This is, you know, I'm learning while I talk to you. And of course, as a center that deals with speech and civic engagement, one of the issues all the time is about how people elevate or amplify their voices. And certainly using the internet is one way to do that. And I was wondering if you could talk a little bit about the relationship between Section 230 and free speech, because I think oftentimes people are like, "Oh, it's the First Amendment," but it's like, "No, not the First Amendment." This is not about not government intervention with or stopping censorship of individuals. This is private platforms. And so, can you talk a little bit about how that works with speech when we're not kind of under a constitutional rubric?

Eric Goldman:

Yeah, it's actually, I think one of the most important questions that doesn't get the attention it deserves. And this is the point I'm likely to make to the Supreme Court. I'm likely to file an amicus brief in the Gonzalez case to really address that particular question, this interplay between the constitutional principles expressed in our First Amendment. And then, Section 230 is a statutory solution. So let's talk that through for a moment. So the Constitution guarantees the right to free speech and free press. And those rights are fundamentally unamendable, we could in fact go through and amend the Constitution, but it's just really hard. It takes away the power of the legislature to take away the rights to free speech

and free press, even if it would be popular, even if the legislature, it would have all the legal backing to do so. The Constitution says you cannot do that.

But the Constitution then also opens up the door for legislatures to do more, to promote free speech. To not just do the minimum required by the First Amendment, but to say that they can do active interventions that will help spur the kinds of conversations that they want and extend those free speech principles through statutory interventions. And that's essentially what Section 230 does. I described it as a speech-enhancing statute that is built on the Constitution, but takes those principles further than the Constitution requires. Now, why would Congress do that? Why wouldn't the Congress just go to the minimum required by the First Amendment? And the answer is that we get a bunch of procedural benefits by Congress taking those principles and then implementing them statutorily. And let me just mention a couple of things that we get from that. The first is that it allows courts to resolve cases involving challenges to a service's editorial decisions on a much faster basis.

It means that they can often decide them on a motion to dismiss, which is the lowest cost option for a defendant to end the case. And that ability to end the cases quickly and cheaply actually is emboldening services to make the kind of editorial decisions they think are best for their audience. If they didn't have that kind of legal out, then they would make a different set of editorial choices that would ultimately likely be sub-optimal. So there's a value to that procedural fast lane that Section 230 provides even if the Constitution dictated the same result. The other benefit I just want to point out is that when you think about constitutional litigation, that sounds scary because whatever the courts say the constitution means, the legislatures can't change it. That's the whole point of the Constitution.

And what we don't want is every challenge going to the internet services' publication decisions of being a constitutional litigation question. That raises the stakes of every single case, it means judges are going to proceed more cautiously and slowly. And it means that if any judge does something goofy there, the legislature might not be able to fix it. So by doing a statutory solution, we avoid having millions of constitutional cases in our courts with really high stakes reach, and we make it so that we can get a much more comforting ground for the judges to make a decision that reaches a good result, but also allows for freedom of different decisions in the future.

Michelle Deutchman:

Got it. And I think your answer sets us up well to talk a little bit about some of the ways that state legislatures have gotten involved in Texas and in Florida, passing laws that are prohibiting platforms from having autonomy or removing certain types of content, even if it's false or even if it's extreme. And I think there's going to be a showdown because I believe the Fifth Circuit and the Eleventh Circuit have ruled differently on these types of laws. And I was wondering if you could just talk a little bit about that and where you think that's headed.

Eric Goldman:

Yeah, so just to set the context for a moment before we get into the specific laws, state legislatures have for the first 20 or so years of the commercial internet have generally stayed away from trying to dictate how the internet should operate. But as part of the broader 'techlash' state legislatures have just said, "We're going for it. Whether or not we have the constitutional authority to tell internet services what to do, we're just going to pass laws anyway." And that's happening in red states, blue states, purple states, across the board, there's just been the unleashing of regulatory energy at the state level that poses a very dire threat to the future of the internet. So the two laws we're going to talk about are example about that, but they're not alone and they're not just a red state phenomenon. So I want to make sure that everyone understands this is a partisan problem and it's on both sides of the partisan equation.

What's happened in Texas and Florida is that they passed laws that were designed to basically restrict the discretion of internet services to remove content that was legal, but the internet services nevertheless did not want on their service. They do so in slightly different ways, but the general gist of the laws are to take away the power of the services to decide what's fit for their audience and to constrain those decisions to force them to carry content that they don't want to carry. This is consistent with the partisan objective, I mentioned earlier about how conservatives generally want internet services to be doing less content removals or interventions that got codified in two red states with Republican majorities in their legislatures and a Republican governor. They went ahead and just codified that into law. Now we ask some obvious questions. Does the First Amendment permit that? Is that something that legislatures can tell services what they can do?

Is it consistent with Section 230 that said that websites are liable for fair content? Does this interfere on that? And it raises the fundamental question of all state legislature interventions, which is, how do you decide when something is taking place in Florida or Texas or taking place on the internet in this ethereal, non-geographic specific place? And the legislatures used to worry about those questions and they've stopped. And so, we get these laws that look really weird because they don't really fit the regulatory paradigms that we expect from state legislatures. But this is all part of the broader techlash.

Michelle Deutchman:

Well, I mean, there's techlash, but this concept of restricting discretion, I think you can think of that also with some of the education gag orders we're seeing where the state wants to be able to control more closely what is taught, what is not allowed to be taught, books and so forth. It's sort of interesting to look at it through that lens.

Eric Goldman:

And if I can add to that, I agree with you. And actually what's even more important there is that censorship is actually a bipartisan goal, policy objective. Both sides have their views about what kind of censorship they'd like to see. They don't agree on what that censorship should look like. But what we're seeing is that this groundswell of newfound enthusiasm for government censorship of discourse in the classroom, in the libraries and online. And so, the threats to our free speech are multiplying. It's an incredibly dangerous time for free speech both online and offline. And so, the battles that are taking place over the online censorship effort are really, I think, a microcosm of this broader battle. And it shows that we have to win them all if we're going to continue to think that we have free speech in our country.

Michelle Deutchman:

I'm so happy you made that point. I mean, because I think when we started, when the Center was born five years ago, I don't think the stakes were nearly as high as they are now. We're talking about undermining like democratic principles and fundamentals, not just same thing in the classroom, but in society. And I think one of the things that we talk a lot about is misinformation and disinformation and how that issue plays within the academy where we're supposed to be creating and transmitting knowledge. And I'm just wondering if you can talk a little bit about the things that you think universities should be doing now or be thinking about doing in the future to educate students about how to identify false and accurate information or any of the other things that sort go in that framework of mis and disinformation.

Eric Goldman:

Yeah, I mean, this is, I think perhaps one of the top three biggest questions facing our society, which is how are we going to teach our community members how to be savvy, thoughtful consumers of information? And it blows my mind as someone who grew up in a different era to see how many people are excited when their government officials lie to them. And when those government officials get caught that they aren't punished, they aren't voted out of office, they're celebrated, they get even greater political contributions. It's like there's a whole segment of our society that's excited about the fact that we are routinely lied to and they're okay with that. And I don't know how we're going to fix that. But if we don't, then it really does become a situation where we'll have parallel universes where people are just in a completely different space about what they even want from each other and what they want from our government.

I think that education of students at the university level is far too late. This education has to be done at the K through 12 level and closer to K than 12. And the efforts to control what's being taught to our K through 12 students is a microcosm of the fact that there's a retrograde effort to actually prevent us from teaching our K through 12 students how to be better consumers of information. We're taking away their ability to think critically and to question the facts that they're given. And if we do that, then they're going to grow up never actually learning the tools that they need to cope with misinformation, disinformation in our future. So the battle is taking place in the K through 12 arena, and I really don't know who's winning that battle, but the fact we're even having that battle is a net loss for society. If we don't figure that out, Gen Alpha is going to grow up in a world where they won't know what to do with the fact that everyone can talk to each other.

Michelle Deutchman:

Yeah, I think we're raising more questions than solving them, but that's okay. There's a lot to think about. I could see someone making the argument, 'Oh, well that's why more regulation by the state or by the federal government is better because that's going to lessen the amount of dis or misinformation.' And I was wondering if you could speak to that cause I'm not sure that holds up.

Eric Goldman:

Yeah, it really doesn't hold up. And a lot of it comes with the weakness of the term misinformation or disinformation. Usually there's a variety of different categories of concerns that are lumped into that umbrella terminology. And it matters a lot because many things that people would consider to be misinformation or disinformation are nevertheless protected by the constitutional protections for free speech and free press. And this may sound counterintuitive to most people, but the reality is that not only does the constitution protect truthful information, it protects some categories of false information. And as a result, the legislatures may have no role in regulating those categories of misinformation, disinformation. The Constitution literally prohibits them from doing so. Now to point out the obvious, Section 230 says, if you want to take action to remove misinformation, disinformation, the law protects you to do so. We actually get some of the socially valuable efforts to police misinformation and disinformation because of Section 230.

Section 230 is part of that solution. It's actually not part of the problem. But once we recognize that we have this constitutional limit on misinformation, disinformation, it forces us to look at the non-legal tools or the non-regulatory tools, What are we going to do about that? Last thing I'm going to say on this point is that it's heartbreaking, but it has been documented over and over again that some of the prime sources of misinformation and disinformation are people that are paid with our tax dollars. Our government literally lies to us. And if we can't figure out how to fix that, then all these other efforts to police and suppress misinformation, disinformation have no chance of success. If our government's lying

to us, that becomes a poison that seeds into the well that we can never eliminate through any downstream coping mechanisms.

Michelle Deutchman:

The stakes couldn't be higher. And I agree that often law is a blunt instrument and we're trying to use it in situations where it's not going to be able to create the kinds of remedies that we need. And on that note, I always like to end the interviews with the same question because I think it's really important to leave our listeners with some ideas about how to make an impact, because you don't have to be a law professor and have a blog and be the IP Vanguard of the year to really make an impact. And so I'm wondering if you could think of some things that folks can do to advance, protect speech or civic engagement. It can be obviously about what we're talking about, which is the internet landscape or otherwise.

Eric Goldman:

And I appreciate the opportunity to talk about this because there are things that people can do. We sometimes feel powerless like the government isn't working for us, but they are ultimately accountable to us and we need to hold them accountable as a result. And what worries me, troubles me, keeps me up at night is that many of the people that we're paying with our tax dollars are working to effectuate a different vision of the internet than I think their constituents actually want. That there's so much political benefit to sounding like politicians are tough on tech and that they're fixing these human wide social problems, but only trying to fix them on the internet. That people are not recognizing that the consequences of those efforts from these taxpayer paid employees are going to change the internet in structural ways to make it so that it's actually harder for us to talk to each other and that the government's going to decide how we talk to each other, which is sounds like censor, because that's exactly the vision that's being implemented by people with our tax dollars supporting them.

So what we should do as a community, what your listeners should do as engaged citizens, is that they should make sure that they understand what their politicians are doing when it comes to the internet and they should be giving them feedback if they're doing the wrong things. And so when politicians say, for example, I'm just protecting kids online, they're probably not. And the steps they're taking are probably going to change the internet in ways that are horrifying, that you actually say, that doesn't help the kids and it sure hurts everyone else. And so, once people realize that their politicians, the people that they're voting for, the people that they're paying with their tax dollars are working towards a different vision of the internet than they probably want. It's emboldening because then tell them that, let them know what you want. They're not hearing it, never assume that they're working towards the interest that you have and never assume that they understand the consequences that you might experience during the choices they're making.

Michelle Deutchman:

Thank you. I like that you really broke it down. Ask questions, get information, use the information to assess and then use your voice. And of course one way to use your voice is November 8th, which is to vote, but it's not just about voting in midterms or presidential elections, but sharing your feedback with your representatives all year round. So I could honestly ask you questions all day, but we're really getting close to the end. I want to give you an opportunity to add anything that you feel like you haven't had a chance to share or that you think would enhance our discussion.

Eric Goldman:

Yeah, I do want to close with just a reason why maybe you could get sense a little bit of the panic in my voice. I remain incredibly concerned about the future of the internet because I think that we are at the or near the end of the Web 2.0 era, which was all about allowing us to talk to each other. And I think that the Web 3.0 era isn't going to be more freedom, it's going to be less. And what it's likely to look like is professionally produced content that has lower legal risks to the services; that they will gatekeep who gets the access to the audience and they will set up paywalls to pay off the professional producers to do the work that they're doing. And so, I feel like it's going to look a lot like what I call a Netflix-type internet where we're going to pay to get subscriptions, this really great set of content, but it's not going to allow us to talk to each other.

It's going to be talking at us with only a limited number of voices. And so we need to be on our guard to watch as we just make step after step. When you start seeing the paywalls go up, you start seeing the user generated content features being turned off. That's actually taking us down this downward spiral of Web 2.0 and that could accelerate with the legal developments taking place over the next six months to a year. And so, this is the time for your listeners to speak up because if that's not the future that they want, if they want to be able to talk to each other and not just passively consume Netflix online, that decision is going to be made for them in the very near future and it may not be what they're hoping for. So, please pay attention as you see this waning of Web 2.0 and the emergence of what I've described as 3.0. Know that that's the future if we don't fight back.

Michelle Deutchman:

Well listen, not only do I appreciate your time and your insight, but I appreciate your framing at that, in that context. Because I think sometimes with all of the noise, it's hard to know what's really at stake and you've elucidated that very clearly and it should make people concerned. So, I will look forward to reading your amicus briefs and then hopefully having you back so we can talk about Internet 3.0 whenever it is that that begins. Thank you so much.

Eric Goldman:

Thanks so much for having me. It's a real pleasure to have this conversation.

Michelle Deutchman:

It is hard to believe that we are hurtling toward December. The Center will finish this year with our November 16th webinar, Beyond Voting: Nurturing Democracy on Campus, featuring four experts on democratic learning and engagement. And we will have our final podcast of 2022. Thanks so much, and talk to you soon.