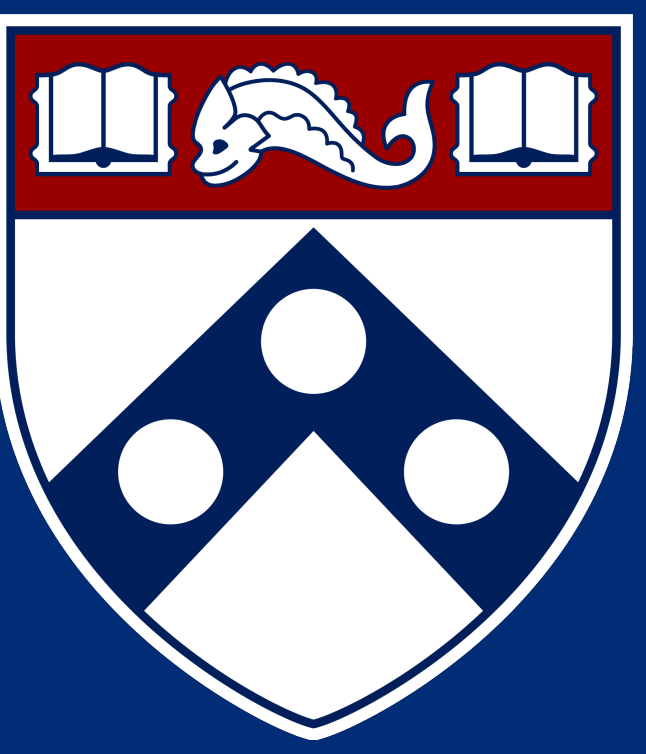


Analyzing the Influence of Private Tech Through the Basic Structure

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Research Question

Which basic structure model best applies to the influence of private technology corporations and, consequently, how should Big Tech be regulated?

Abstract

John Rawls exclusively focuses on governmental institutions as the exclusive subject of the basic structure. But with the increasing influence of tech into the public sphere, big tech companies have begun to usurp government as the primary actor of the basic structure. In my research, I applied Rawls's basic structure argument to big tech in an effort to prove the replacement of government by tech. I analyzed a select work of foundational philosophical works relating to the basic structure. This project set the foundation for my senior thesis and has influenced my eventual pursuit of a JD/PhD in political theory.

Background on the Basic Structure

In 1971, the preeminent American philosopher John Rawls first defined the concept of the basic structure in his seminal work *A Theory of Justice*. According to Rawls, "the role of institutions that belong to the basic structure is to secure just background conditions against which the actions of individuals and associations take place" (Rawls, 266). These basic structure institutions— which Rawls primarily limited to governmental systems like the political constitution and the electoral process—are bound to the rules of democracy because they have a profound effect on the lives of all citizens. One of the most prominent critiques of Rawls's basic structure comes from philosopher G.A. Cohen who criticizes Rawls's view that the basic structure is restricted to institutions. Cohen argues that justice cannot exist just in formal structures, but must also exist in practice, in the day-to-day lives of individuals.

The Issue of Private Tech Companies Influence

I argue that institutions of technology today have started to usurp government as the primary actor of the basic structure. While much of early technological innovations were confined to the private sphere, recently, the impact of technology has increasingly affected the public sphere as well. I focused on two primary examples that showcase the outsized influence of technology on liberal democracy today:

Surveillance Capitalism:

The dangers of surveillance capitalism— the market driven process centering around the commodification of personal data— are broadly pervasive and has begun to affect the public sphere. Professor Shoshanna Zuboff of Harvard Business School argues that we are living in the midst of an epistemic coup; our ownership rights over our personal information are being controlled by unelected surveillance capitalists. This thereby weakens our democratic institutions to the point where epistemic dominance is eventually institutionalized and our democracy is overthrown by private surveillance capital.

Social Media Platforms and Free Speech:

Increasingly, speech occurs on private social media platforms which are not subject to First Amendment concerns. As a result, content moderation falls to private, corporate compliance teams, raising questions about the outsized role private corporations play in monitoring and regulating speech.

Next Steps

1. Now that I have established that technology companies play an outsized role in the basic structure, I plan on attempting the more complicated question: which basic structure model— Rawls or Cohen (or neither thinker)— applies to the influence of private tech and how should we approach tech regulation?
2. I will spend my senior year continuing to research and analyze philosophical works as well as interviewing tech policy experts.

References

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- Zuboff, S. (2019). *The age of surveillance capitalism: The fight for the future at the new frontier of power*. London: Profile Books.
- Rawls, J. (1993). *Political liberalism*. New York: Columbia University Press.