# CYBERLIBERTARIANISM IN THE MID-1990S

Jonathan Pace
Stanford University

There is something libertarian about the internet. The relationship between anti-statist thought and digital technology has been the subject of considerable discussion among scholars and critics, who have approached this relationship from three perspectives. In the first perspective, technology groups depict the internet as a means to bring about a libertarian society. Barbrook and Cameron (1996) describe a "Californian ideology", according to which digital systems will usher in a communitarian utopia of free markets. Winner (1997) employs the term "cyberlibertarianism" in reference to the epochal predictions of Alvin Toffler, Esther Dyson, Stewart Brand, John Perry Barlow, and Kevin Kelly, who view the internet as an autonomous evolutionary force that will liberate the individual from oppressive governments. Turner (2000) considers how midcentury computational metaphors resurface in 1990s cyberculture, informing the idea that network communication will inaugurate a libertarian commonwealth by embodying its self-regulatory dynamics.

In the second perspective, technology groups identify as libertarian, and this political identity informs their discussions of the internet. Streeter (1999) highlights the libertarian views of Stewart Brand and Theodor Nelson, who understate the role of governmental research in the development of digital technology. For Rankin (2018), this understatement is central to a mythologized version of computer history, cast as a series of discrete entrepreneurial breakthroughs. Borsook (2000) connects the libertarian leaning of Silicon Valley to the regional popularity of "technolibertarianism", or the idea that free markets are the singular conduits of innovation. Wolf (2003) and Friedman (2006) follow Borsook in linking the anti-statist ethos of Wired magazine to the libertarian views of its founder, while Levy (2001) and Brunton (2018) highlight the anti-statist motivations behind advancements in cryptography and cryptocurrency.

In the third perspective, technology groups draw on libertarian thought in articulating their opposition to internet regulation. Golumbia (2017) uses the term "cyberlibertarianism" in reference to a belief that the state should not regulate the

internet, focusing on entrepreneurs who purvey the ideology to stave off governmental oversight.  In their survey of 700 technology executives, Broockman, Ferenstein, and Malhotra (2018) find that industry leaders hold libertarian views on technology regulation, even when they do not formally identify as libertarian.

Several questions follow from this body of literature. How do these three perspectives relate to one another? Which groups subscribe to a libertarian view of the internet, whether prognostic, political, and prescriptive? And to what extent do historical circumstances inform their anti-statist outlook? In this paper, I offer a set of preliminary answers these questions. Drawing on critical discourse analysis, I examine the conceptual nature of libertarian internet discourse, the motivating characteristics of its speakers, and the material conditions of its circulation. I focus on conversations in the United States surrounding the 1996 passage of the Communications Decency Act, which criminalized obscene and indecent content on the internet. During this episode, hackers, early adopters, computer professionals, technology lobbyists, and civil society advocates embraced a libertarian way of thinking about the internet and the state — a way of thinking I refer to as cyberlibertarianism.

These groups had long-standing libertarian dispositions, although their anti-statism varied in style and intensity, ranging from a left-libertarianism, concerned with concentrations of power in the state and in the market, to a civil-libertarianism, concerned with the integrity of constitutional protections, to a right-libertarianism, concerned with laissez-faire market conditions. In responding to the events of the decade, and following from their established dispositions, these groups converged on a libertarian narrative about the internet and the state. According this narrative, the state was overbearing, intrusive, compromised, and uninformed — and therefore a threat to the internet as a sphere of freedom, individualism, competition, and innovation. This libertarian narrative structured their arguments against specific acts of state intervention. In the case of the Communications Decency Act, they argued that the regulatory measure undermined the promise of the internet as a venue of free speech, an object of the free market, and a conduit for the free flow of information. The triplex of disposition, narrative, and argument coordinates the three approaches to libertarianism described at the outset: political orientation underwrote a vision of the internet and the state, and this vision animated individual claims against governmental involvement.

As contemporary technology companies alternate between courtship of political figures and evasion of institutional regulation, the complexity of the relationship between the internet and the state calls for a longue-durée perspective on its fraught dynamics. By providing an analysis of libertarian discourse during a critical episode of internet history, this paper serves as a point of departure for future research into this evolving relationship. Moreover, the relative age of landmark studies of cyberlibertarianism, many of which were composed in the 1990s and the 2000s, warrants a conceptual reconsideration of their foundational claims. Such a reconsideration can help illuminate the contours of our present circumstances, speak to the policies necessary to transform them, and hold open the possibility of an equitable digital future.

# References

Barbrook, R. & Cameron, A. (1996). The Californian ideology. *Science as Culture*, 6(26), 44—72.

Borsook, P. (2000). *Cyberselfish*. New York, NY: Public Affairs.

Broockman, D., Ferenstein, G., & Malhorta, N. (2018). Predispositions and the political behavior of American economic elites. *American Journal of Political Science*, 63(1), 212—233.

Brunton, F. (2019). *Digital cash*. Princeton, NJ: Princeton University Press.

Friedman, T. (2005). *Electric dreams*. New York, NY: New York University Press.

Golumbia, D. (2017). Cyberlibertarianism. Paper presented at Rice University Humanities Research Center, Houston, TX.

Levy, S. (2001). *Crypto*. New York, NY: Viking.

Rankin, J.L. (2018). *A people's history of computing*. Cambridge, MA: Harvard University Press.

Streeter, T. (1999). That deep romantic chasm. In A. Calabrese and J. Burgelman (Eds.), *Communication, Citizenship, and Social Policy* (pp. 49—64). Lanham, MA: Rowman & Littlefield.

Turner, F. (2006). *From counterculture to cyberculture*. Chicago, IL: University of Chicago Press.

Winner, L. (1997). Cyberlibertarian myths and the prospects for community. *Computers and Society*, 27(3), 14—19.

Wolf, G. (2003). *Wired: A romance*. New York, NY: Random House.