

Freedom of Listening: An Eighteenth Century Root for Net Neutrality

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Essay by [Lewis Hyde](#), November 29, 2008

In 1739 the Methodist minister [George Whitefield](#) arrived in Philadelphia to preach evangelical Protestantism. At first the local clergy shared their pulpits with the visitor, but soon they turned against him and forced him to deliver his message in the streets and fields. Benjamin Franklin, though he did not usually agree with Whitefield, objected to the way that the established churches denied him a roof and thus he and a group of friends raised a fund to build a large lecture hall —

expressly for the Use of any Preacher of any religious Persuasion who might desire to say something to the People of Philadelphia, the Design in building not being to accommodate any particular Sect, but the Inhabitants in general, so that even if the Mufti of Constantinople were to send a Missionary to preach Mahometanism to us, he would find a Pulpit at his Service.

This hall later became the initial building of the Philadelphia Academy and that Academy eventually became the University of Pennsylvania.

At its inception, this space would seem to have belonged to religious expression, but oddly so for all are invited (else it would have been a church); more properly it might be said to have belonged to religious difference or—when it eventually became part of a university—to difference in general as it arises in and among the branches of knowledge.

When the rival ministers of Philadelphia denied Whitefield their pulpits they suppressed a contending voice, one that called their sense of the truth into question. Arguably they were right to do so; not every human congregation is obliged to admit other values, especially those flatly in disagreement with its own. I see no reason to fault the ministers whose antagonism to Whitefield led them to draw the line.

At the same time, those who created a space where real difference could be spoken and explored made a useful contribution, and a distinction is in order, then, between the antagonism that closes the door, silencing opponents, and this other thing that welcomes conflict, entertains it, enjoys it even. One line of political thought now calls this latter category not “antagonism” but “agonism,” an [agon](#) in ancient Greek drama being a verbal contest between two characters on stage, both of whom appeal to the audience, neither having any clear claim to the truth.

More broadly, Greek democracy would seem to have borrowed from drama in this case, for democracy flourishes whenever antagonism can be converted into agonism. Antagonism pits enemies against one another, each side trying to destroy or silence its opponent; agonism, on the other hand, is a conflict among equals and while some will be more persuasive, none are silenced, all are in play. Seen in this way, the space that Franklin and his friends built belongs not so much to religion as to democracy, where democracy is conceived as an experiment in agonistic pluralism.

Agonism or discord—a welcome plurality of voices—was built into the governing structure of that Philadelphia lecture hall. In appointing the trustees, Franklin reports, care was taken “to avoid giving a Predominancy to any Sect, so that one of each was appointed, viz. one Church of England-man, one Presbyterian, one Baptist, one Moravian, &c.” The hall was clearly meant to accommodate freedom of speech, but as long as that speech is sectarian, and where at the same time no sect can dominate, it would be better to say that it was dedicated to freedom of listening. Individual speakers present singular views, but individual listeners entertain plurality. Listeners get the synoptic view, or rather the synauditory hearing. Over time they get to hear the multiplicity of Christian sects and of the non-Christian as well. The hall was thus built to serve the eighteenth-century ideal of replacing the individual or partial self with a public or plural one, one who is a host to many voices, even those otherwise at odds with the singular self you might have thought you were when you first walked in the door.

If we take free listening to be the true end of free speech, then freedom itself takes on a different aspect. The freedom to listen we have in our collectivity, not in our individuality. It is a common freedom, not an individual one. For the Greeks, each of us belongs to two realms of life, the private home and the public square, and we each must distinguish what is private from what is common. And for the Greeks, Hannah Arendt reminds us, “a life spent in the privacy of ‘one’s own’ (idion), outside the world of the common, is ‘idiotic’ by definition....” Intelligence, on the other hand, belongs to common spaces, and is available only to those who can master the difficult art of plural listening.

The trustees of Franklin’s auditorium were, as I say, divided such that no sect by itself could set policy or approve or disapprove of speakers. Their tasks were simple: to keep the door open and to preserve audibility. In this regard, their trusteeship was a model in miniature for what later came to be called the “divided sovereignty” of American governance. In practice, divided sovereignty can almost appear to be no sovereignty at all, for with it comes no center of power, no one leader with the kind of full command we associate with monarchs and dictators. However it gets described, the point here is that such intentionally diminished power is of a piece with plural listening and the practice of democracy.

And that means—to draw a line from the Founders to the present—that in regard to the governance of the internet, service providers should be common carriers, obliged to deliver content to the public without discrimination. In general, but especially where providers enjoy local monopolies, their first task is to allow “the Inhabitants in general” to hear one another, and to hear that “Mufti of Constantinople” as well. The Founders would have understood the opposite—allowing supposedly common carriers to discriminate among speakers—to be a form of tyranny.

Lewis Hyde is a Fellow at the [Berkman Center](#), in addition to being a poet, essayist, translator, and cultural critic with a particular interest in the public life of the imagination. His 1983 book, [The Gift](#), illuminates and defends the non-commercial portion of artistic practice. Hyde is currently at work on a book about our “[cultural commons](#),” that vast store of ideas, inventions, and works of art that we have inherited from the past and continue to produce.

Comments (3)

- [Jon Garfunkel wrote:](#)

I don’t think Mr. Hyde has solidly drawn a line from the Founders to today.

In response to a boycott of an unpopular preacher, Benjamin Franklin did not petition the colonial government to mandate that the churches make him speak; nor did he advocate such during the Constitutional Convention 50 years later. Instead, he put forth the proposition (in deeds, not code) that there should exist a default public alternative.

Indeed that’s been at the heart of U.S. communications policy.

Granted, without a default public alternative, you are at the mercy of private interests. So, our worry here is not that one channel may censor, but that all will— a coordinated group boycott.

The likelihood of this still remains tiny. Because any act of censorship (whether even accidental) will be outed and generally cause due embarrassment for the censor.

[I could argue further, and may someday, but will start with this for now.]

- [Kevin Donovan wrote:](#)

Brilliant contribution to the net neutrality debate.

- [Crosbie Fitch wrote:](#)

It’s quite simple. Communications providers can choose whether they’re a common carrier with no discrimination or a discretionary carrier that discriminates. If they feel the market prefers the latter, that’s up to them, but they can’t misrepresent their service.

If the law requires common carriers to discriminate, then fix the law so it doesn’t.

If the law renders discretionary carriers unviable because it requires infeasible discrimination then fix the law so it doesn’t.

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