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# The Trouble with Twitter

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### The Trouble with Twitter

“A whormonger, sex offender, pedophile, and drunkard—and if you follow him you’ll follow him to Hell!” I remember hearing those words screamed at me by an angry man across the street with a megaphone. I was 11 years old, trying to get some rest after performing in a church sponsored play—with little success. The man was talking about one of the founders of my church, and although this wasn’t the first or last time I’ve been vilified for my religion, I remember clearly how painful that experience was. That’s why it was of special interest to me when I read about a new restriction one massive social media platform initiated. Twitter now blocks content that is aimed at dehumanizing religious groups. Saying something like “[Religious Group] are viruses. They are making this country sick”, would now get your comments blocked or your profile banned (Mac). Twitter announced these new rules to put the brakes on online hate speech targeting religious groups; however, it’s only a test run at preventing this type of dehumanizing speech and will be expanded in the future. As a skeptic, I wasn’t sure what to think of the new policy. On one hand it seemed like such an obvious necessity, but on the other I couldn’t shake the nagging fear of censoring that’s part of my American upbringing. The internet really has complicated things because of its ever-expanding domain in our lives. This policy is another example of the age-old issue of censorship and free speech and how complicated it gets online; showing us that our “rights” are far less reaching than we think.

Now in an effort to be as open as possible, I'll outline the direction this paper will follow. In this paper we'll explore why freedom of speech and censorship are kept in a balance. Then we'll discuss the current way these forces are balanced today and the ways that social media specifically has changed the status quo. We will conclude our exploration with an argument for a democratized balance to protect reasonable freedom of speech online with oversight from our government. I expect that some of the material I cover may be new and worrisome to you. This is intentional—it's a subject that warrants concern. I suspect, however, that the heftiest dangers lay in a more distant future, one that we will be responsible for, but perhaps will only cause major issues for our posterity.

### **Why balance censorship and speech?**

Sticks and stones may break my bones, but words—well they've actually done a lot more damage than you might think. Let's explore this issue, taking direction from a modern expert in the global field of speech. The Dangerous Speech Project (DSP) is an organization devoted to researching the dangers inherent with certain types of speech. They act as an advisor to countries and companies—anyone who has their hand in the way public conversation happens ("What is Dangerous Speech?"). Specifically, in the US they advise for Google, Facebook, and Twitter. They define dangerous speech as "any form of expression (speech, text, or images) that can increase the risk that its audience will condone or participate in violence against members of another group" ("What is Dangerous Speech?"). They go on to pinpoint dehumanization as a key "hallmark" for dangerous speech which appears to always come before a tidal wave of violence. The pattern of violent outbreaks elicited by dehumanizing speech appears to be similar

regardless of country, culture, or time. This means that we may be more similar to the “intolerant and evil” generations that have committed genocide than we’d care to admit. Another hallmark of violence happens when any unpopular minority group is identified as being a mortal threat (“What is Dangerous Speech?”). Though we may seem far from genocide in the United States today, we don’t need to look too far back into our history to see times when we were outright activists of it. DSP presents a fair case for the need of reasonable censorship and counter efforts to dangerous speech. They also recognize that extreme censorship stops people from expressing genuine grievances—this then builds pressure and boils into even more violence (“What is Dangerous Speech?”). Twitter’s new censorship policy is clearly designed to protect its users from both hallmarks of dangerous speech; they prevent dehumanizing speech that is targeted at religious groups. From the DSP perspective, it seems only logical that what someone can say needs to be kept within a healthy window.

Censorship, the opposition to free speech, has its own limitations. Let's take a “big picture” view and look at the issue of censorship from the perspective of an organization that opposes the DSP. The National Coalition Against Censorship (NCAC) formed in the 1970’s in response to a landmark court case that narrowed the definition of obscenity. They proudly boast opposition to “censorship in all its forms” (“Internet”). They describe the internet as the haven of all conversations controversial and any restrictions to it as suppressive of unpopular viewpoints. With regard to companies like Twitter, the NCAC claims there are already issues of heavy-handed censorship which must be stopped.

This [censorship] is especially problematic on major platforms such as Google, Facebook, and Reddit; political leaders use these websites to spread their ideas, and citizens rely upon them for information. Although these websites are private entities and

are at liberty to adopt whatever speech policies they desire, their suppression of viewpoints and distortion of information harm open discourse (“Internet”).

The NCAC’s argument also holds water. In the race to create a utopian society, or even just one that doesn’t encourage violence to minorities, it seems very possible, if not probable, that we’ll overstep the bounds of censorship and suppress, either with naive innocence or maniacal calculation, ideas and thoughts that could be addressing very real problems. This would move public conversation away from challenging topics that need to be addressed. Depending on your values you may lean more towards the safety of censorship or the safety from censorship. Deciding which side is “right” is beyond the scope of this paper. What seems clear is that there is a need to decide where we set the balance between the two options.

These two counteractive concerns—the freedom *to* speak and the freedom *from* harmful speech—sit on a precarious balance. When one is lifted up, the other goes down and vice versa. Freedom of speech is considered a sacred thing in the US, while censorship lurks behind a curtain and leaves a dirty taste in everyone's mouth. However, when prescribed against the extremes, censorship makes us feel safe. As one Huffpost author put it, “The question, therefore, is not *whether* we ought to have constraints on speech but *what kinds* of constraints?” (Mauer). Another question that becomes concerning is if we really have the power to make that decision at all? While a democratic vote on the matter seems like a fair way to solve the dilemma—it’s far from the way this balance actually happens. In today’s world, you and I don’t have a say in where this balance lies—but shouldn’t we?

### **Censorship in the internet age:**

To come to an educated decision, it is important to look at the current state how censorship happens today. “Congress shall make no law... bridging the freedom of speech, or of

the press; or the right of the people peaceably to assemble” (US Const. amend. I). This is part of our first amendment rights. It means that no government (state or federal) can create laws that restrict the freedom of speech. There are limitations however; most of us recognize that shouting “Bomb!” in the airport is far from protected speech. In *Chaplinsky v. New Hampshire*, the Supreme Court limited the first amendment by ruling that it does not protect *fighting words* that “inherently cause harm or are likely to result in an immediate disturbance” (“*Chaplinsky v. New Hampshire*”). Although it protects from violent speech, the constitution does not protect from the type of hate rhetoric which the DSP points to as “dangerous” and a predecessor of violence. In fact, the Supreme Court has consistently ruled that hate speech—however vile—is protected by the first amendment. As Supreme Justice Lanham put it, “Speech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedom to express the thought that we hate” (Barnes). While a beautiful sentiment, this ties us into a knot when we try to combat violence caused by hate speech. We’ve moved most of the public conversation to platforms like Facebook and Twitter which outright ban hate speech, limiting first amendment rights, despite the courts tone of *laissez faire* (“The Twitter Rules”; “Community Standards”).

Let's take a look at how Twitter can regulate speech in the face of the Supreme Courts disposition. The reason is that Twitter is a private company, and isn't bound to protect our first amendment rights on its platform. I don't suggest you try this, but for example if you try pleading the first amendment after getting drunk and really offending a restaurant manager, you'll come to find out that while you can say what you want, you can't always say what you want *and* keep using a company's services. The critical difference is that a restaurant is private property; we don't go around forcing owners to allow any type of debauchery in their stores. In a

similar fashion, the tools that run the internet are also run by private entities and don't have to guarantee their users absolute freedom to run wild. For example, for a website to be accessible on the world wide web it needs to be registered by a website hosting service, such as GoDaddy or Google Domains. Some extremely controversial pages, like one Neo-Nazi cite owned by Andrew Anglin, have had their websites shut down by their website hosts (Chappel). While this only seems fair to respect the right of the hosting service to refuse to service something that seems detestable and dangerous, it makes me pause. What if it were my beliefs on the line—how fair would it seem to me than? Twitter operates much higher up at the user level and is also a privately-owned entity; as far as the owners are concerned, they can control what is allowed to go on there (Feldman).

### **Why involve the government?**

It would seem that because every social media platform is a private company there shouldn't be any room to debate change at all. Privately owned platform equals suspension of first amendment rights, plain and simple. The reality is murkier than that however. Public platforms can be set up on social media pages. These act like public townhalls, where government officials legally can't censor unwanted comments (McGee). We've seen this recently play out in our court system. President Trump was charged with violating first amendment protections by blocking some users on his personal Twitter account in *Knight First Amendment Inst. at Columbia Univ. v. Trump*. Because Trump used his personal account to conduct official government business, the court decided his account was acting as a public platform and he couldn't block any voices from being heard without violating their first amendment rights (McGee). This opens us to a peculiar issue, if there are public platforms within

privately owned social media websites, who has the final say in what can be censored—the company or the constitution?



*(President Trump's private account that was ruled to be a public platform)*

The issue seems to be that more of the public debate is being moved onto social media. What used to be argued in print is now hashed out online and speech freedoms are still trying to catch up with the change. What exactly constitutes an online public forum has yet to be concretely decided. In a review of the court case involving president Trump, the American Bar Association says that, “There will almost certainly be more cases involving Twitter and Facebook and Instagram that could also constitute a designated public forum” (McGee). Deciding what constitutes a public platform could completely change the way censorship happens.

Now obviously if Twitter decided to take this censorship power to the extreme it would create public outrage and financially impede itself. This is a form of financial Darwinism in which in order to service a wide variety of customers the company must behave kindly to all sides of the political spectrum. While reasonable in theory this becomes messy in practice. For example, California GOP Rep. Devin Nunes has filed a lawsuit against Twitter for alleged

“shadow-banning” (Flood). Shadow banning is hiding someone's comments from observers while making it appear to the author that their posts are visible online; Twitter denies that it shadow bans (“Setting the Record Straight on Shadow Banning”).

There’s another issue with financial Darwinism, it really only protects those who can pin a corporation in a financial stranglehold. Minority groups (racial, ideological, or political) make up such a small portion of the of users that if they just left a platform it would have nominal affect. Their best option would be to turn to a more populous majority for support against a company. Enter the paradox. Minority groups that are censored are usually not the poster children for “nice” society—the whole reason any unfair censorship would happen in the first place is because they *are* unpopular. Unpopular minorities cannot tackle unfair censorship alone, especially when they have no legal footing to stand on.

I believe that we should give unpopular minorities a legal footing to protect themselves. I will not argue specifics of any policy as that would fall far outside the scope of this paper and I don’t have nearly the skill set to devise an effective policy. What I argue is that this legal footing should become an issue and an object of discussion for the public to take up. Without some legal framework, we as a country will continue the timeless pattern of abusive power. We must also be aware of the inherent dangers of other kinds of aggressive and hate spreading speech, especially as the internet brings the tumult of voices into ever closer contact. Modest legislation can work to find a balance between the two extremes of censorship and dangerous speech to provide a backbone, created by a democracy, not a market, that can protect all voices.

### **Conclusion:**

Freedom of speech and censorship act as two necessary forces that help maintain the environment we live in today. Speech, when made deadly by dehumanization and the targeting

of unpopular minority groups, needs to be counterbalanced by moderate censorship. Censorship, which can be oppressive to new ideas and beliefs, needs to be kept in check by moderate legislation. In public discussion the freedoms created by the constitution have historically favored freedom of speech over the dangers presented by hate speech.

However, the location of public conversation has started to become most common online. This poses an issue because the services that facilitate public conversations about politics, ideas, and beliefs are privately owned entities. They do not have to respect first amendment rights. Some companies that provide services as basic as web domains hold limitations to the types of speech they will allow and they have revoked unpopular, non-mainstream websites for violating their terms.

Because the power of censorship is currently held by private companies, balance between censorship and free speech has been co-opted into the domain of financial controls. This is a system that will eventually lead to abuse of power that will unfortunately be entirely legal if we continue to sit idly by and let corporations continue to decide what needs to be part of the “public conversation”. Let’s not only eat what someone else chose for us—lets decide for ourselves where to draw lines of what can be said, for the protection of unpopular minorities as well as our future.

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