About Internet's Free speech dystopia
And how the inability of our law system brings chaos to our internet lifes

CS3SC17 - Social, Legal and Ethical Aspects of Computing

Stefanos Stefanou

December 11, 2020

Abstract

In the following article, we will attemt to explain the current situation of social media from a free speech viewpoint. We will start from strong foundations, the Law, and we will try to explain our journey from the lovely days of 2005 into the current state of the world wide web. Finally, we will argue the need for government regulation on every social media platform.

Introduction

There is a huge discussion lately[15, 16] about the social media's attempt to control whats allowed and what's not in their respective platforms. Some argue that this affects free speech and political diversity[18], where others promote stricter censorship in light of out of control insidents[17]. This may be seen as, at first, a Freedom of expression issue. We will see, however, that this problem is not so straightforward, is a 'bug' of our society that threatens its existence.

Analysis

The Law Landscape

We will start with a brief explanation of the current Law regarding content on world wide web platforms. According to US Law Section 230[22] and Europes Counterpart Article 14[21] a commercial online platform may fall to 2 distinct categories, Publisher and Public Forum. The main difference in those two categories falls to the legal viability of each for the content that is posted and available in their services. A publisher has the exclusive right to upload content to a platform and is legally responsible for that content. An example of a publisher is the famous newspaper' Daily Mail'. Daily Mail chooses the articles and the content that is uploaded in its platform and is liable for any possible illegal content. On the other hand, a public forum is a platform that the information has become available through users, and not the company itself; as a consequence, the company is not legally responsible on the content in its services. This is something sensible given that a public forum contents are not directly associated with the company that runs the public forum, but with the users that use this platform on a daily basis. Such an example is Youtube, Facebook, Twitter, etc.

About Free Speech

The principle of free speech is, without a dought, one of the most important fruits of democracies. It is a fundamental right that makes societies to flourish. In recent times, there is much speculation around the topic, and many feel that 'Free speech' is at risk. But what is 'Free speech'?Under UK Law, Human Rights Act of 1998[14] States that everyone has the right to freedom of expression". But the Law also states that this freedom "may be subject to formalities, conditions, restrictions or penalties as are prescribed by Law and are necessary for a democratic society". In essence, the government has an obligation to guarantee your freedom of 'expression' as long as you honor the necessary conditions. This is the case because as a citizen of the country, it is essential to follow some rules, to follow the Law. It is not possible to structure a democratic and fair society without laws.
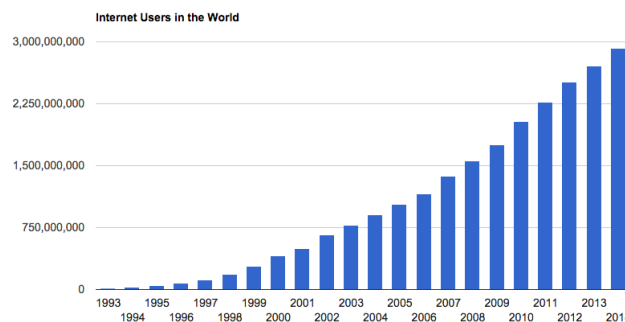
Unacountability on the internet

Social Life on the internet, on the other hand, is problematic when it comes to the implementation of 'democratic and fair society'. The very nature of the internet makes it structurally immune (to some degree) to law enforcement[13]. Removing the only way to enforce 'fairness' (the Law) makes the internet an anarchist society. Internet from its first days up until today is relatively easy to commit a crime, such as to harass or insult someone on the internet and get away with it. Prosecuting people on the internet is a huge and difficult problem, and no government in the world has managed to solve it up until now. There is a need to restore the legal viability of anyone for its actions on the web in order to stabilize our internet social life.

The explosion of the internet

In the first days of all majors social platforms, such as Facebook, Youtube, or Twitter, distant 2004-2006, there was almost no filtering by any known public forum platform. The instances of extremism and violations were few and scattered. The truth is that there very few people were on the internet back then, in comparison with todays numbers, no smartphones, neither wifi access points, and the majority of the internet users using its services for work. No violations, no problem, so no regulations; what could possibly go wrong?

Figure 1: Number of Internet users in years 1993-2014

The internet can be seen as a society, and the societys members are composing the population of that particular society. It is fair to say that as the population increases, the percentage of radical or extremists will remain the same(assuming that everyone is likely probable to have radical views), but the overall number will increase. This is something normal and expected. The problem with the extreme behaviors are that they need very few of them to create problem and disruption. A simmilar example are the muslim extremists. Those are a exceptionally small minority in the muslim world, But their views are so extreme so they create dirsuption to society.

Public Forums Business Model

We need to understand that social media are commercial platforms, usually offering marketing services. Their product is their users. An army of very talented software engineers, marketing specialists, and designers are working around the clock to gain for their respective platform, even more users. Users are not the only metric, though; for the best results, users should be exposed to the platforms mentioned above as much as possible. It is a fact that social media tend to be designed to be as addictive as possible[11, 12]. This is something expected under fair market

competition; a company wants to earn more!. An unwanted side effect of this if the content on the platforms are affected by this trend.

The human phycology

A very interesting study[9] showed that tweets that contained emotional language were far more likely to become viral and seen by a lot of people than their non-emotional counterparts. Radical and extreme views are almost always emotional-oriented and not fact-based neutral tweets. The study suggests that human phycology is part of the problem; we are prone to be triggered by something emotional rather than something neutral. This is alarming for the socials media business model. And the reason lies in the technical details.

Antificial Inteligence

Artificial intelligence principles have found a great application on social media, especial in the optimization on keeping the users as much as possible on the platform, by showing the content that seems that keeps them the most[8] This is something that wasn't a problem in the early days of the internet. Given the target of 'keeping the users as much as possible in the platform' and the fact that emotional content is far more likely to be seen by a lot of people than the neutral counterparts; it is not a surprise that the social media algorithms are pushing radical and extreme behaviour[23].

Fake news propaganda

Donald J Trump, 45th president of the United States, used the problem of our social media life to gain popularity and convenience people with unchecked and fake facts[2]. Fake news is often emotionally-oriented. That mechanism can create a great propaganda machine for every malicious leader in the world. Unfortunately, this malicious use of our internet society bug was not the only malicious exposition of this problem.

Weaponizing the bug

This huge weakness of our online social system has been exposed multiple times by malicious groups to accomplish goals that undermine our day to day lifes. The most notable example of this is the incident of 2016 on United States Federal elections, when hackers of Russian origin spreaded misinformation to american citizens[3, 4, 5]. The potential here is huge. If a foreign power has this capability of 'hacking' our opinions, then our future is as dim as ever.
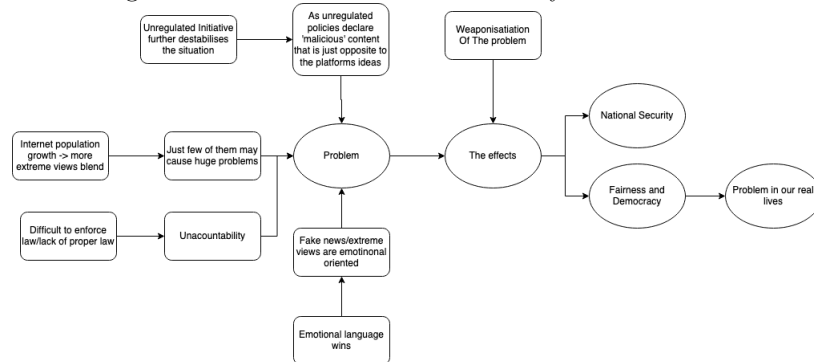
Unregulated Initiative

When things go to the extreme, everyone tends on opposite poles; this is exacly what happened when the situation with the violations, insults, and fake news on social media gone out of control in around 2018[10]. Twitter, without any external help or regulation from any legislative body, facing a sudden drop of its users because of the insults and the toxicity that occurred in the platform, started to massively close/ban accounts, that according to twitters policy, were 'responsible' for that content. The problem was that in multiple occurrences, a lot of innocent people that expressed their opinion on a hot topic banned[7] also from the platform. This situation is not a result of an algorithmic error of Twitter but part of twitters policy. Many voices on the internet were silenced as a result, starting a hot debate around free speech that continues to this day. Let me make this clear, a private company's policy affects the free speech

of citizens of all the governments on the planet. If this isn't shockingly alarming, then what is it? Twitter is not the only occasion of false positives because of bad company policies, Youtube[6] and Facebook[24] have also silenced groups falsely under the umbrella of 'extremism'.It is common theme for social media companies to suppress or handle unfavorably groups or specific ideologies, such as conservatives[6]. With the excuse of fairness, companies promote their favorable views and suppress others.

Conclusion

The problem is rather obvious; the judiciary system has left public forums unchecked to solve the problem of the internet on their own, to act as publishers and control what information is to be seen by millions of people using arbitrary police and procedures; the effort is undermined because of the very nature of the business model of the respective companies, people are affected in malicious ways due to the inherited human phycology, and there are no law-enforcement bodies to stop this, leading to nothing but chaos[1]. There is a great number of factors that result in this situation. A simple visualization is given below.

Figure 2: Number of Internet users in years 1993-2014

Our justice system is clearly incapable of handling the situation as it is, and as long this is not changed, the problem will become bigger until, unavoidably, the wrong president will be elected in some part of the world. It is really nessesary to wait untill something bad happends before we act?Isnt it obvious that we need a major redesign of our judiciary system?. The structure of the judicial system in many countries has basically remained the same since the enlightenment, is clearly outdated for todays fast-paced online world. Everyone needs to be accountable for his online presence, and face consequences when necessary, The Law needs to step in and restore the order; we cant let private companies handle such important issues. Companies are legal entities with profit in mind, and we cant think only of the profits when the discussion comes in matters that affect national security, and probably our society as a whole. When the lesson will be learned?.

Reflection

CS3SC17 Was one of the most interesting courses of this semester for a number of reasons. Ethics helped me to redefine what's right and what's wrong, improving my internal checks and balances, exposing myself to the theory of ethics and the multiple ethical frameworks that exist out there

unlocked a huge improvement potential for me. Law made me understand just how complicated our societies are, and how much in need we were for good laws. I was totally unaware of their real value, and i was discrediting them before that course; this part helped a lot. I remember in one of the first lectures that 'Some programmers are not even aware of the usefulness of laws' and I was clearly one of them. I am very glad that this huge field is available now for me for further study, especially ethics, as in some sense, I can draw lessons from my personal development.

The group assessment was a challenge for me because it was pretty unorthodox for the standards of the university; I needed to study a lot about ethics and Law, in order to be able to detect the various issues involving our selected movie; it was a nice challenge that put my aforementioned knowledge with my critical judgment into action. I wasn't just forced to apply textbook knowledge 'dumb-ly,' and I am very grateful for this. The fact that this was group coursework gave me the opportunity to argue for my beliefs, to convince and to be convinced me to blend my knowledge and, most importantly, my critical ability with others and produce a nice result. I am very happy with my team as everyone was greatly prepared and well organized for this. I think that we produced a nice result.

In the final coursework, I had the chance to do my first great research on a topic. 24 references, ten videos, three academic papers, and one podcast later, I had formed an opinion about the reasons about todays internet situation, and the need for a legislative body intervention in order to restore order. I wrote and rewrote multiple times parts of this coursework, as I argued internally about various topics, and new findings from my research contradicted my old beliefs. This inductive process of finding the truth was amazing to me, and shielded me from any form of fake news. Now I have the techniques and the ways to find the truth, and this coursework was essential to gain the skills necessary. This course taught me something that I needed a lot; it taught me how to learn and how to do research properly. It taught me ethics and the useability of Law. The course structure had the right amount of explanation and not-explaining something, in order to search it later on my own and further my knowledge. It had the right mix of 'straightforwardness' and difficulty.

References

[1] *En.wikipedia.org. 2020. Murray-Hill Riot. [online] Available at: ¡https://en.wikipedia.org/wiki/Murray-Hill_riot¿ [Accessed 10 December 2020].*

[2] *BBC News. 2020. How 'Fake News' Entered The Mainstream. [online] Available at: ¡https://www.bbc.com/news/av/world-us-canada-46175024¿ [Accessed 10 December 2020].*

[3] *the Guardian. 2020. Russian Hackers Targeting US Political Campaigns Ahead Of Elections, Microsoft Warns. [online] Available at: ¡https://www.theguardian.com/technology/2020/sep/10/microsoft-russia-us-election-2020-hackers¿ [Accessed 10 December 2020].*

[4] *Nytimes.com. 2020. Russian Hacking And Influence In The U.S. Election. [online] Available at: ¡https://www.nytimes.com/news-event/russian-election-hacking¿ [Accessed 10 December 2020].*

[5] *(www.dw.com), D., 2020. Russia, Iran Meddling With US Elections: 'Hacking Of Our Hearts And Minds' — DW — 31.10.2020. [online] DW.COM. Available at: ¡https://www.dw.com/en/russia-iran-meddling-with-us-elections-hacking-of-our-hearts-and-minds/a-55454124¿ [Accessed 10 December 2020].*

[6] *Cdn.ca9.uscourts.gov. 2020. [online] Available at: ¡https://cdn.ca9.uscourts.gov/datastore/opinions/2020/02/26/1 15712.pdf¿ [Accessed 10 December 2020].*

[7] *Medium. 2020. Twitter'S Suspension Bots Are Out Of Control. [online] Available at: ¡https://onezero.medium.com/the-upgrade-5a5cc79fc9bb¿ [Accessed 10 December 2020].*

[8] *Datascience at home podcast. 2020. The Dark Side Of AI: Social Media And The Optimization Of Addiction. [online] Available at: ¡https://datascienceathome.com/the-dark-side-of-ai-social-media-and-the-optimization-of-addiction/¿ [Accessed 10 December 2020].*

[9] *Tago, Kiichi & Jin, Qun. (2018). Influence analysis of emotional behaviors and user relationships based on Twitter data. Tsinghua Science and Technology. 23. 104-113. 10.26599/TST.2018.9010012.*

[10] *Fast Company. 2020. "Did We Create This Monster?" How Twitter Turned Toxic. [online] Available at: ¡https://www.fastcompany.com/40547818/did-we-create-this-monster-how-twitter-turned-toxic¿ [Accessed 10 December 2020].*

[11] *BBC News. 2020. Social Media Apps Are 'Deliberately' Addictive To Users. [online] Available at: ¡https://www.bbc.com/news/technology-44640959¿ [Accessed 10 December 2020].*

[12] *Business Insider. 2020. Instagram And Facebook Are Intentionally Conditioning You To Treat Your Phone Like A Drug. [online] Available at: ¡https://www.businessinsider.com/facebook-has-been-deliberately-designed-to-mimic-addictive-painkillers-2018-12?r=US&IR=T¿ [Accessed 10 December 2020].*

[13] *TechRepublic. 2020. What Makes Cybercrime Laws So Difficult To Enforce. [online] Available at: ¡https://www.techrepublic.com/blog/it-security/what-makes-cybercrime-laws-so-difficult-to-enforce/¿ [Accessed 10 December 2020].*

[14] *Human Rights Act 1998.*

[15] *Koetsier, J., 2020. Social Censorship: Should Social Media'S Policy Be Free Speech?. [online] Forbes. Available at: ¡https://www.forbes.com/sites/johnkoetsier/2020/10/25/social-censorship-should-social-medias-policy-be-free-speech/?sh=34ed5860489a¿ [Accessed 10 December 2020].*

[16] *Yaraghi, N., 2020. Regulating Free Speech On Social Media Is Dangerous And Futile. [online] Brookings. Available at: ¡https://www.brookings.edu/blog/techtank/2018/09/21/regulating-free-speech-on-social-media-is-dangerous-and-futile/¿ [Accessed 10 December 2020].*

[17] *Amnesty.org. 2020. Toxic Twitter - Triggers Of Violence And Abuse Against Women On Twitter. [online] Available at: ¡https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-2/¿ [Accessed 10 December 2020].*

[18] *Jr., D., 2020. Free Speech Or Censorship? Social Media Litigation Is A Hot Legal Battleground. [online] ABA Journal. Available at: ¡https://www.abajournal.com/magazine/article/social-clashes-digital-free-speech¿ [Accessed 10 December 2020].*

[19] *How to Adapt Regulatory Framework to the Digital Age? (2017) INTERNAL MARKET AND CONSUMER PROTECTION COMMITEE-European Parliament.*

[20] *Reform of the EU liability regime for online intermediaries (2020) European Parliamentary Research Service, Tambiama Madieg.*

[21] *Eur-lex.europa.eu. 2000. DIRECTIVE 2000/31/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL. [online] Available at: ¡https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0031&from=EN¿ [Accessed 9 December 2020].*

[22] *Eur-lex.europa.eu. 2000. DIRECTIVE 2000/31/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL. [online] Available at: ¡https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0031&from=EN¿ [Accessed 9 December 2020].*

[23] *The Conversation. 2020. Youtube's Algorithms Might Radicalise People – But The Real Problem Is We've No Idea How They Work. [online] Available at: ¡https://theconversation.com/youtubes-algorithms-might-radicalise-people-but-the-real-problem-is-weve-no-idea-how-they-work-129955¿ [Accessed 10 December 2020].*

[24] *En.wikipedia.org. 2020. Criticism Of Facebook. [online] Available at: ¡https://en.wikipedia.org/wiki/Criticism_of_Facebook#Kurdish_opposition_censorship¿ [Accessed 10 December 2020].*