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Free Speech on Social Media: Unrestricted or Regulated?

Nobody could have predicted thirty years ago how connected the world is today. Social media has revolutionized the way people communicate by allowing anyone with an internet connection to participate in discussions, share information, and freely express their thoughts, opinions, and ideas to a global audience. Yet, the rise of social media platforms in the twenty-first century has dramatically changed the speed and extent to which misinformation, hatred, and extremism can be spread (“Social Media and Free Speech”). Chris Hughes, co-founder of Facebook, claims, "Every week brings new headlines about privacy violations, election interference, or mental health concerns" (“I Co-Founded Facebook”). Consequently, social media companies have attempted to combat, identify, and remove inappropriate content, such as fake accounts, misinformation, hate speech, threats, or promotion of violence (“Social Media and Free Speech”). Social media regulations have sparked a legitimate debate about the viability of the concept of free speech, dividing people into two camps: those who believe there should be no restrictions and those who believe there should be limitations.

Those who oppose regulations believe that social media corporations should prioritize free speech over censorship rather than imposing limits. David French declares that “there are reasons why viewpoint neutrality is the hallmark of First Amendment jurisprudence ... no one has a sufficient monopoly on truth to serve as a philosopher king over speech and debate” (“Social Media Censorship”). The definition of what speech is harmful or not is constantly changing, and therefore, regulating and imposing which side of the coin to ban would be

impartial and unfair. Smith has drawn attention to the fact that "not a single one of these cases [misdemeanors on First Amendment rights by blocking or censoring them] has afforded social media the same level of protection afforded to public venues like streets and parks" (959). Those who oppose the regulation of freedom of speech in social media would assert that there is no difference between a public space and an online space since ideas can be shared in both. French claimed that "users of social media have the ability to carefully govern their own environment, they can block what they do not want to hear." Compared with college students, who cannot block or mute bad speech, French declared that "they have to learn how to answer bad speech with better speech." The regulation of free speech in social media restricts access to the exchange of potentially valuable speech, depriving one of the First Amendment's most important rights.

On the other hand, supporters of the regulation argue that due to the negative responses of some people, freedom of speech in social media must be limited to ensure that social media platforms are a safe space that does not have a negative influence on society. When a Facebook user sees a post promoting ideals that have received many likes, the user's tendency to "think anecdotally rather than statistically" leads them to believe that there is "widespread community support" for the ideals that the post promotes, even though only a tiny portion of Facebook users have indicated support (Mixon). People are less likely to question the legitimacy of a post if it has received positive feedback or received a large quantity of likes. Dow et al. acknowledge that "unlike traditional journalistic outlets that have more formalized accountability to federal laws and ethics standards, social media allows high-status individuals unmitigated, direct access to the general public and the ability to promote largely unchallenged ideas." The attack on the United States Capitol on January 6, 2021, is a vivid example of how this can have major real-life consequences when many people approach radicalism. In the words of reporter Libby Cathey, "US President Joe Biden recently asserted that, by allowing misinformation and conspiracy

theories to proliferate, social media platforms were reducing vaccination rates and ‘killing people’” (Dow et al.). Thousands of people have been harmed because of the spread of false information, whether through the deaths of friends, coworkers, or even family members. Anyone with internet access can post incendiary, false, exaggerated, manipulated, hateful or extremist content and reach many people, which is why some think free speech must be restricted.

People on both sides of the debate agree that the Internet and social media have provided numerous benefits and are effective tools for making one's voice heard. Mixon noted that “the internet and social media can connect and foster interactions and communications with people and points of view in previously unimaginable ways” (401). Everett emphasizes, "At its base level, the internet lends itself to principles of accessing and sharing information” (116). Mark Zuckerberg, the founder of Facebook, delivered a speech on free expression in which he stated that he is proud that his company's values are inspired by "American tradition," which is more supportive of free speech than elsewhere (“Facebook CEO Mark”). However, Zuckerberg also highlighted that “even American tradition recognizes that some speech infringes on others' rights.” Cloudflare co-founder and CEO Matthew Prince stated, “My moral compass alone should not determine who gets to stay online” (qtd. in Everett). The question of what should be said online is one for the courts or people to decide. Both supporters and opponents agree that social media has many advantages and disadvantages; therefore, they or the courts must make decisions about which speech is allowed and which is not.

Similarly, because of this conflict, innovative solutions have been developed that do not favor one side over the other. Chris Hughes believes that guidelines should be established by the government, rather than by Facebook employees in Menlo Park, who have little to no accountability (“I Co-Founded Facebook”). Involving the government, which represents the people, is a far better and more equitable option than having this case overseen by employees

who would benefit the individual rather than the common good. Smith illustrates, “The government can do either or both of the following: (a) rescind the venue’s public forum status at will; or (b) at the forum’s ‘opening’ to the public, reasonably limit access to certain types of speakers or certain uses” (971). Legal measures can potentially be avoided if there is a committee involved in the process of problem-solving. In *Emory International Law Review*, Mixon proposed a statute to remove offensive or hateful speech from social media (425). The goal is not to suppress the content of the speech because of a "disagreement with the message it conveys," but to eliminate the offensive behavior associated with the speech (Mixon). There are numerous arguments for and against this issue, as well as numerous solutions; all that is required is for people to act and select one or a combination of them that ensures fairness and impartiality.

Deciding whether restrictions on free speech in social media are the best option is a complex issue. Censorship, according to opponents, is not an acceptable alternative because it violates the rights guaranteed by the First Amendment. However, supporters of the regulations believe it is the best way to avoid the mass sharing of malicious content that can affect and endanger the lives of others. Both parties agree that this decision should be made by the people or the courts, rather than by these companies and their employees. Solutions that do not favor one side over the other have been proposed, based on the common ground of supporters and opponents, with the goal of eliminating offensive behavior rather than censoring because some disagree with the message. Taking all this information into account and acknowledging the complexities of the subject, decisions regarding the imposition of limits on social media must strike a balance between the protection and regulation of free speech.

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