

FORCIBLE DISINTERMEDIATION IS FOLLY

SHOULD SOCIAL MEDIA ORGANIZATIONS BE FORCED TO DISINTERMEDIATE?

The SCOTUS is discussing the recent Florida and Texas laws restricting the ability of social-media organizations to regulate the content displayed by their services.

< <https://www.reuters.com/legal/us-supreme-court-weigh-florida-texas-laws-constraining-social-media-companies-2024-02-26/> >

The very *idea* that private organizations can be *stopped from controlling content* on their sites is a dangerous move that deliberately conflates First Amendment restrictions on *government* interference with speech and the ability of private companies to regulate the content they distribute.

I have been teaching students about the distinction between *censorship* (defined as restrictions on speech by *government* agencies) and *intermediation* (defined as restrictions on speech by *non-governmental* entities). *Disintermediation* is the term for *not* controlling content; examples of disintermediation in communications include phone services and Internet Service Providers (ISPs), which impose little or no restrictions on content by their users. Extensive lists of articles on these issues are freely available in the materials for my *Politics of Cyberspace* course that I taught at Norwich University for over a decade:

Censorship:

< https://www.mekabay.com/courses/academic/norwich/cs407/cs407_resources/cs407_links_files/sheet011.htm#RANGE!A1 >

Disintermediation:

< https://www.mekabay.com/courses/academic/norwich/cs407/cs407_resources/cs407_links_files/sheet016.htm#RANGE!A1 >

Intermediation:

< https://www.mekabay.com/courses/academic/norwich/cs407/cs407_resources/cs407_links_files/sheet021.htm#RANGE!A1 >

There's also a series of my articles about the topic here:

< https://www.mekabay.com/opinion/disintermediation_news_comment.pdf >

Facebook and other responsible social media have rules which block posts that, among other things, include misinformation (MISINFO), disinformation (DISINFO) and materials that violate their *Community Standards* about such issues as hate speech and obscenity. The company posts a simple definition:

Reasons your content may have been removed

- We received a report from a third party that the content you posted infringes or violates their rights.
- You managed a Page representing a company, organization, or other entity that we have reason to believe you are not authorized to represent. < <https://www.facebook.com/help/370657876338359> >

Even comments may be restricted by the Facebook algorithms:

When you select the comment section of someone's Facebook post in your Feed, you may notice that some comments are covered because they might be offensive.

We'll cover an offensive comment with a message that says, "This comment is hidden because it might be offensive." The comment will still be visible to the person who wrote it but will be hidden for everyone else.

How does Facebook determine if a comment is offensive?

We may label a comment as being offensive (example: hate speech or violence inciting content) if it appears to go against Facebook's Community Standards and is unranked. A post's comments are unranked if the comment ranking setting is turned off for the profile. This means that comments on a post will appear in most recent order by default. Learn more about comment ranking. < <https://www.facebook.com/help/409971847445195> >

Individual users *currently* have the right to restrict the comments on their posts.

< <https://www.facebook.com/help/841213946569182/> >

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As a Facebook user, I monitor every comment about my posts. When anyone requests to “friend” me – and thus be permitted to comment – I send them the following note:

Hi!

Delighted to welcome you to my Facebook page!

Rules for participating in my Facebook page:

- * I encourage well-written postings even when I disagree with their content; however, I do not tolerate postings that express bigotry such as racism, misogyny, homophobia and other prejudices.
- * Stick to the topic in discussions of a posting.
- * Provide evidence where possible to support your position.
- * Don't post disinformation (claims that aren't true such as anti-vaxxer propaganda or Trumpist lies).
- * Don't use ad hominem attacks on other posters on the page when you disagree with them.
- * Don't use obscenities and vulgarities.
- * I delete offensive posts and send a warning about them to the writer.
- * I block people who persist in violating the rules for MY page.

Have fun!

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This attempt to force disintermediation on social media can easily be extended to radio and television news programs – and it’s hard to reconcile this attempt on non-governmental organizations with the insistence on liberty espoused by its sponsors.

If laws prevent *companies* from controlling the content being placed on their services, there are serious threats to communications in the US:

- Uncontrolled postings of hate speech and propaganda will increase massively.
< <https://www.bostonglobe.com/2023/10/18/opinion/i-worked-twiters-rules-hate-speech-social-media-platforms-are-failing-us-right-now/> >
- A logical extension of the restriction on controls will be to stop *companies, schools,* and other private organizations from preventing their employees’ or students’ content on the *entities’* communications channels; for example, employees are routinely prevented from posting critical or defamatory comments on their employers’ websites or publications; students are normally restricted in their use of their schools’ communications channels.
< <https://www.carnegielibrary.org/the-first-amendment-and-censorship/> >
- The worst-case scenario is that the people pushing for total disintermediation will seek to punish *individuals* who restrict speech on, say, their own websites, discussion groups, and social media pages.

In summary, the notion that governments can *remove the ability to control content on private communications channels* is outright folly. It is a gross interference with the obvious responsibility for *intermediation* in the private spheres of communications.



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