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The Debate Over Social Media's Role in Free Speech

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Abstract

The debate over social media's role in free speech has become heated and complex, as illustrated by the variety of briefs filed in the case. It brings to the forefront widespread, critical questions regarding how platforms manage the content posted to them and the power that control confers upon them to direct public discourse. On one hand, proponents of free expression argue that allowing platforms unbridled latitude to regulate content will choke off diverse and alternative viewpoints in the wake of profit-driven advertising pressures. On the other hand, proponents of regulation argue that the unchecked power wielded by platforms can be just as dangerous to free speech, and perhaps more so, than even governmental intrusions on expression through platforms. Both also understand the case differently. The United States Solicitor General insists that “‘under color of any State’ is simultaneously broader and narrower” than the principles discussed because “the text, history, and purpose of the First Amendment reveal that provisions of the Bill of Rights that apply only to the Government direct restrictions against the Government, whether acting as regulator, lawmaker, contractor, or property owner.” Meanwhile, the Respondent perceives “a developing conspiracy against independent voices.” The four corners of the decision made by the highest court in the land will leave no barrier entirely unchanged. Before it is cast in stone, stakeholders both domestically and abroad must evaluate how it stands to shape the ways platforms manage content and the larger implications it carries for public discourse.

Keywords: Free Speech, Social Media, Content Regulation, Public Discourse, Censorship, First Amendment, Digital Platforms, Free Expression

Introduction

Speech has power over people, and that power is of concern to many. For the entirety of this year, socially and politically charged discourse and dissent began to reach its

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zenith. On one hand, using technology for digital suppression by monitoring, filtering, and the spread of misinformation for disinformation campaigns or likened to government propaganda, while on the other hand groups are inciting violence, suppressing votes, rioting nationwide, etc (Benge, 2019).

What is the balance between these powerful ideas: an invisible censorship, promoting dangerous behavior or restricting the spread of information? Free Speech and First Amendment have long been at the core of US, but also global identity in relation to democratic rights, according to the First Amendment or UDHR Article 19 cited in the preamble to join various human rights declarations. In addition to the need for political speech to criticize officials, provide checks and balances to the establishment, or generally be vital to a democratic society, the recent public sphere has been dominated by what would have been better for Geneva to name the semi-private platforms on which various industries have enabled speech, but also strive for profit so questionable moderation of content is prioritized. Parallels are drawn between private industry groups and quasi-monopoly digital warehouse services counting pixels. Topics such as transparency, public oversight, the limits of legitimate content moderation, developing or reducing tools, and how many carrots equal the necessary sticks necessary to counter misinformation are discussed. On the 27th December 2019, the first known patient to have come down with COVID-19 would be admitted to a hospital for treatment. A year later, the Covid-19 Design Advisory Consortium was convened to redesign a virus to what is credited to . Just a little over a year after being discharged from the hospital, is effectively rescued from an assignment on the rebuilding of the virus by the rapidly spreading pandemic. Traces of a single amino acid residue altered conservatively in a key protein isolate confer on the redesign significant potency (N. Guiora & Park, 2017).

Key Issues

Social media have become one of the major sites for the discussion over, and with, free speech, presenting a number of important issues. These include considerations over censorship in both directions, as speed and complexity of social media have hindered the dismantling and control of extremist messages. Controversy also surrounds the boundary between freedom of speech and what is considered hate speech, an offence interpretatively defined in various ways. Some social media have

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responded to this by insisting on acting as neutral platforms, separating themselves from responsibility for content, while others have treated this as a potential violation of safety standards. The sites are also hosts to a significant amount of urban legends and potentially dangerous false information.

A number of companies have consolidated the establishment of some regulations that are much more strictly enforced than their prior practices. This has allowed the silencing of voices traditional and not that fell outside the party line, a situation that is especially worrying in the context of the pandemic. It may set a precedent that would be easily appropriated by an authoritarian or corrupt government to suppress any kind of dissent, as has already been seen in other countries. Additionally, a monopoly is not as incentivised to provide a good service to its users, eliminating competition, which is also bad for public discourse. (Diep & Huy, 2022)

Regulatory Frameworks

Once seen as the bastion of free speech, open debate and democratic exchange, social media platforms increasingly navigate the political, ethical and legal tightropes of moderating their users' content. Social media allows ideologically like-minded people to find each other, expand and maintain their network and organize. It can be used even in a small village to establish a community and preserve existing community ties. With easy access on mobile platforms, social media became for many the main, sometimes only platform of communication and information. With billions of users and continuous political interest for improving or curbing online communication, freedom of speech and the question of responsibilities of the platform providers, social media is a hot topic, professionally, academically, but also in politics. During the last decade social media platforms became part of everyday life and public discourse. Although they do not employ journalists and other professionals engaged in media operations, their activity can cause perceptible effects on the political discourse on a global scale. No doubt, they have some important resemblance to traditional media, like newspapers, news portals, TV channels, and radio services. Even more important are the differences, though. These originate from the above business models, the application of existing regulations that fit but awkwardly, and generally, from their young age and rapid development. On the one hand they do not edit the content, their algorithms sort and organize the material users can see, and there are questions

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how this could and should be done from the constitutional points of view. On the other hand, the biggest problem with them, in the eyes of many is the working with huge amount of personal data. From the economic/industrial policy point of view it is crucial that the market of the platform providers—Nonetheless the problem remains and cannot be just overlooked—ought to neutrally transmit ideas. On 12th September 2018 Juncker posed the following problem: social media companies, acting as private companies (let us be clear that we exclusively talk about the circumstances when they act as private companies, not when they are being used by state actors for propaganda purposes), have been the ultimate decision-makers over what content to allow or block. The argument is that their platforms have become so influential that they are capable of effectively silencing important public discourse, influence public opinion and affect election outcomes (Bayer, 2019).

Case Studies

This chapter concludes with a series of case studies as examples of the discussion so far. Each case is intended to explore how the categorization of a practical example fares given the discussion of the regulatory category earlier. Although the case studies are approached in the vein from earlier parts of this issue, the reader is required to think critically about the instances and present their own analysis of what might have gone wrong, or right, in the categorization.

Case studies: Case 1: Charlie Hebdo controversy on Twitter (2015) Charlie Hebdo is a French satirical magazine that operates by publishing cartoons and articles that can be considered offensive or controversial to a number of groups. The magazine has a high level of displeasure in comments to the magazine directly and the comments made about the magazine online, especially after publishing images related to Allah. Two Islamist gunmen retaliated to the cartoons by attacking Charlie Hebdo and killing 12 workers, sparking international controversy (Singhal et al., 2022). The platform surrounding the calls and concerns raised after such the event is intended to shed light on the complexities of universal guidelines of content moderation on one event. Twitter is the site of a large number of controversies. The event highlighted concerns related to issues of free speech, with politicians across the political divide taking to the site to air their opinions. Social network also played host to an outbreak of anti-fascist sentiment, directed at the far-right. The swelling number of comments

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and the proliferation of public comments on the site led to elevated irritation among some, with many such comments being anti-Semitic. Tensions escalated further on one major political incident that was posted to Twitter by one of the major political parties and was then accused of violating copyrighted material. The incident led to significant debate about the nature of space for text-based publication, specifically on which public conversations and dialogues can or can not be displayed (Benge, 2019). The event encompassed all of the complications alluded to earlier, and pushed Twitter, and by extension its controversial moderation partners, to navigate those complexities. The governments have been charged with politically riding the company, with members of the ruling party threatening the site with further regulation in response to the In short, the event has been characterized by overly simplistic categorization, and ends in a whole range of entities, peers, and think tanks.

Conclusion

Social media's role in free speech is a topic of ongoing and broad debate; a complex matter involving "important values, interests, and technological capabilities" (Benge, 2019) that has challenged the development of "stable and widely accepted" regulations. This is largely due to a combination of key issues: the difficulties and ambiguities involved in content moderation, different national regulatory environments or their complete absence, their feverish "changes in the internet ecosystem and online speech practices", and the complex and multifaceted structure of online misinformation. In light of these challenges and the limitations of current regulatory frameworks, the solution is best addressed with the suggestion of a collaborative, open dialogue between the many capsule stakeholder groups, aiming to develop "targeted and comprehensive" solutions that accurately reflect the specificity of individual platform types and promote the most "societal" good at large. In such a context, the two main goals of any online platform should be highlighted. The first is the classical functionality of a "place" where information can be easily exchanged regardless of content, thus promoting free speech, the exchange of ideas, and democratic debate. The second purpose is to maintain user safety, which includes addressing an extremely complex form of online abuse (harassment, trolling, doxxing, dog allies, etc.). This requires a radical content removal and banning, which seems; at face value at least, inconsistent with the above ideal of a free and open platform.

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Additionally, this multi-problem space has been somehow further aggravated by a set of rapidly changing, so-called “digital technologies” that perfectly command the spread of “increasingly sophisticated, realistic, and difficult to distinguish fake media, multimedia, and extremely easy and cheap” to concoct fake news. As a result, the promotion of free speech and the simultaneous control of social toxicity are more vital, but at the same time, the challenge is worse than ever before.

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