

Broadcast indecency may offer a path forward for social media regulation | Brookings

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The troubling information provided by Facebook whistleblower Francis Haugen continues to generate new insights into the failure of the social media platform to police bad actors and moderate harmful content. As a result, the broader question of whether and how government intervention into platform governance should be pursued remains an ongoing topic of deliberation, with the latest in a series of Congressional hearings on the topic taking place last week.

However, in the U.S., these deliberations are unlikely to lead to action due to our strong First Amendment jurisprudence, which maintain extensive protections for both disinformation and hate speech. In addition, the unprecedented hostility that the Trump administration held for the news media has served as a powerful reminder of why we should be leery of any kind of new government intervention in the media sector. That being said, if, in the ultimate cost-benefit calculus, we see our commitment to First Amendment absolutism actually undermining the democracy that the Amendment is intended to protect, then perhaps some reconsideration of how we treat speech on social media may be warranted. One possible path forward in this reconsideration is to revisit how we regulate indecency in broadcasting.

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