Introduction

Social Media as the Mirror of Our Times

Looking around the media landscape in recent years, social media is seemingly always in the news; and the news is grim. Politicians and traditional journalists, in particular, appear to loath social media, attributing to it most if not all of the ills of our time. Conservative politicians such as Senator Josh Hawley,[1] Governor Ron DeSantis,[2] and Governor Greg Abbott,[3] as well as their journalistic counterparts at Fox News and the *Wall Street Journal*, attack social media for its alleged bias against conservative speakers and messages. Progressive politicians such as Senator Elizabeth Warren,[4] Senator Amy Klobuchar,[5] and former Speaker Nancy Pelosi,[6] along with their counterparts at the *New York Times* and *Washington Post*, attack social media for failing to block harmful speech such as COVID disinformation, electoral manipulation, and hate speech. Others (notably the left-leaning Brookings Institute) have argued that social media lies at the roots of our increasing political polarization[7] (interestingly, conservatives appear less concerned about polarization).

[1] Jane Coaston, *A Republican Senator Wants the Government to Police Twitter for Political Bias*, Vox (June 26, 2019, 3:30 PM), www.vox.com/2019/6/26/18691528/section-230-josh-hawley-conservatism-twitter-facebook.

[2] NetChoice, LLC v. Att'y Gen., Fla., 34 F.4th 1196, 1205 (11th Cir. 2022).

[3] NetChoice, LLC v. Paxton, 1:21-CV-840-RP, 2021 WL 5755120, at *1 (W.D. Tex. Dec. 1, 2021).

[4] Cecelia Kang and Thomas Kaplan, *Warren Dares Facebook with Intentionally False Political Ad*, N.Y. Times (Oct. 12, 2019), www.nytimes.com/2019/10/12/technology/elizabeth-warren-facebook-ad.html.

[5] *See, e.g.*, Health Misinformation Act of 2021 (S.2448), www.congress.gov/bill/117th-congress/senate-bill/2448/text#.

[6] *Pelosi Slams Facebook for Not Taking Down Doctored Video that Makes Her Look Drunk or Impaired*, CBS News (May 30, 2019), www.cbsnews.com/news/pelosi-slams-facebook-for-not-taking-down-doctored-video-that-makes-her-look-drunk-or-impaired/.

[7] Paul Berrett, Justin Hendrix, and Grant Sims, *How Tech Platforms Fuel U.S. Political Polarization and What Government Can Do about It*, Brookings (Sept. 27, 2021), www.brookings.edu/blog/techtank/2021/09/27/how-tech-platforms-fuel-u-s-political-polarization-and-what-government-can-do-about-it/.

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And politicians and journalists of all stripes attack social media for failing to adequately protect children, as well as personal privacy. Many of these critics seem to be saying that we would be better off as a society without social media, or at best with a highly mutated and truncated version of it.

This book will examine these and other attacks on social media in some detail, and argue that while criticisms of social media certainly have some basis, they are vastly overstated, sometimes to the point of becoming caricatures. Social media, it is certainly true, is a very new and also highly disruptive communications technology. The same was true of other radically new forms of communication, from the printing press to broadcasting to cable television. But critics of social media tend to attribute almost magical properties to the technology, suggesting that its very existence has fundamentally undermined a previously functional and happy society. This is nonsense.

The truth is that the societal ills that critics attribute to social media clearly predate the technology, and while perhaps they have been exacerbated by social media, in fact no one really knows if that is true.[8] What is clear is that these social problems were already getting worse even before social media burst in on the scene, and probably would have continued to do so without the modern communications revolution. Consider political polarization. If one reads contemporary newspapers, one could easily come to believe that polarization did not exist before the explosion of social media after about 2010. But in fact, it is quite clear that at least as far back as the 1990s, as illustrated by Newt Gingrich's Contract with America and the impeachment of President Bill Clinton, political polarization was a major force in our society. Furthermore, there are good reasons to think that the most important accelerant for that polarization has not been social media but rather Fox News – which was launched in 1996.[9] Fox News, it should be noted, was enabled not by the internet but by the last communications revolution, the explosion in subscriptions to cable television. That is what made cable-only channels such as Fox News, targeted to specific audiences (in this case conservatives), financially profitable. But again, Fox News did not *create* political polarization, it merely benefited from it, and to some degree exacerbated it.

Conservative complaints about liberal bias in social media are similarly deceptive. Regardless of whether this bias exists or not (a question taken up in

[8] For a good summary of why empirical research has not given definitive answers regarding harms associated with social media, *see* Gideon Lewis-Kraus, *How Harmful Is Social Media?*, The New Yorker (June 3, 2022), www.newyorker.com/culture/annals-of-inquiry/we-know-less-about-social-media-than-we-think.

[9] *See, e.g.*, Gregory J. Martin and Ali Yurukoglu, *Bias in Cable News: Persuasion and Polarization*, 107 Am. Econ. Rev. 2565 (2017).

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Chapter 1), the idea that "wokeness" is a particular feature of social media is simply not true. Anti-woke warriors such as Governor Ron DeSantis of Florida regularly accuse almost every major institution in this country, including academia,[10] large corporations,[11] teachers, and civil servants, of being "woke" and biased against the political right. Indeed, that is the whole point of his recent legislative efforts such as his "Don't Say Gay" bill,[12] and seeking to strip Disney of special legal protections.[13] The short of it is that even if, as seems likely, employees and founders of tech firms tend to lean left politically (the two most important tech hubs are, after all, the Bay Area and Seattle), that simply reflects the broader sphere of elite institutions staffed by highly educated people.[14] In other words, this alleged "bias" is not a social media, or even a tech, phenomenon. Furthermore, prominent examples such Peter Thiel and Elon Musk demonstrate that too much should not be made of this – even if somewhat under-represented, conservatives are certainly present in the tech and social media firmament, and in the case of Musk one of them now controls perhaps the most important social media platform for political discourse.

Finally, consider the swath of publicity generated in the fall of 2021 by the disclosure of an internal Facebook study finding that Instagram usage worsened body image issues among teenage girls (the study was leaked by whistleblower Frances Haugen).[15] The results of the study, and Facebook's failure to respond to the findings, is potentially troubling, though as further discussed in Chapter 2, serious questions remain about the actual nature and extent of the problem. Regardless of that, the reports published at the time come close to suggesting that Instagram created this problem, or suddenly made it a serious issue. But this idea – that teenage girls in our society did not suffer from serious body image issues before Instagram's release in 2010 – is beyond ridiculous. Body image

[10] Stephanie Saul, Patricia Mazzei and Trip Gabriel, *DeSantis Takes on the Education Establishment, and Builds His Brand*, N.Y. Times (Jan. 31, 2023), www.nytimes.com/2023/01/31/us/governor-desantis-higher-education-chris-rufo.html.

[11] Katie Glueck and Frances Robles, *Punishing Disney, DeSantis Signals a Lasting G.O.P. Brawl with Business*, N.Y. Times (April 22, 2022), www.nytimes.com/2022/04/22/us/politics/desantis-disney-florida.html.

[12] Jaclyn Diaz, *Florida's Governor Signs Controversial Law Opponents Dubbed "Don't Say Gay,"* NPR (March 28, 2022), www.npr.org/2022/03/28/1089221657/dont-say-gay-florida-desantis.

[13] Mike Schneider, *Settlement Reached in Lawsuit between Disney and Florida Gov. Ron DeSantis' Allies*, AP News (March 27, 2024), https://apnews.com/article/disney-florida-ron-desantis-settlement-91040178ad4708939e621dd57bc5e494.

[14] Nate Cohn, *How Educational Differences Are Widening America's Political Rift*, N.Y. Times (Sept. 8, 2021), www.nytimes.com/2021/09/08/us/politics/how-college-graduates-vote.html.

[15] Georgia Wells, Jeff Horwitz, and Deepa Seetharaman, *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show*, Wall Street Journal (Sept. 14, 2021), www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739.

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issues (and related problems such as eating disorders) have been a severe, if seriously under-addressed, problem in our society for decades. Long before social media, these problems were stoked by the fashion industry (and the body types of the models they chose to employ), magazines, and of course Hollywood. Again, is it possible that social media (and Instagram in particular) have made the problem worse? Of course it is; but given the long-standing severity of this issue, it seems difficult to believe that social media is responsible for most of it.

Nor should any of this be a surprise. Social media, after all, is very new. The first true social media site, MySpace, did not launch until 2003, and the two first modern platforms, Facebook and Twitter/X, did not become available to the general public until 2006[16] (Instagram, as noted earlier, did not launch until 2010[17]). Furthermore, early in their existence social media were relatively niche services. Only with the widespread use of smart phones after about 2010 (the very first iPhone was not released until 2007[18]) did social media become a significant force in society. Yet the story told by social media critics is that somehow, in the merely six years from 2010 to 2016 (with its extraordinarily divisive presidential election), social media had turned American society topsy turvy and created an entire bevy of fundamental, new societal problems. That is very hard to believe, given the pace at which social transformations typically occur.

In fact, the current palpitations over social media must be understood in the context of a long, historical trend of panic in the face of new communications and media technologies. The invention of the printing press around 1440 by Johannes Gutenberg triggered concerns among contemporary rulers, and the Catholic Church, about the possibility that widespread access to printed works would foment dissent. And certainly, in the case of the Church the concerns were legitimate given the crucial role of the printing press in the Protestant Reformation (Martin Luther is often described as the first best-selling author). These concerns in turn triggered responses such as the licensing of the press by the English King Henry VIII in 1538,[19] and the adoption

[16] *Meta: Who We Are, Company History*, https://about.meta.com/company-info/; Jonathan Vanian, *Twitter Is Now Owned by Elon Musk: Here's a Brief History from the App's Founding in 2006 to the Present*, CNBC (Oct. 29, 2022), www.cnbc.com/2022/10/29/a-brief-history-of-twitter-from-its-founding-in-2006-to-musk-takeover.html. After purchasing Twitter in 2022, Elon Musk renamed the platform "X" on July 23, 2023. For clarity and simplicity, that platform will be called "Twitter/X" throughout the book.

[17] Gareth Evans, *Instagram: The Dog That Launched a Social Media Giant*, BBC News (Sept. 25, 2018), www.bbc.com/news/technology-45640386.

[18] www.apple.com/newsroom/2007/01/09Apple-Reinvents-the-Phone-with-iPhone/.

[19] Michael I. Meyerson, *The Neglected History of the Prior Restraint Doctrine: Rediscovering the Link between the First Amendment and the Separation of Powers*, 34 Ind. L. Rev. 295, 298 (2001).

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by the Catholic Church of the Index of Prohibited Books (*Index Librorum Prohibitum*) in 1559.[20]

When motion pictures came around, the reaction was similarly panicked. Justice Antonin Scalia of the United States Supreme Court, in an opinion striking down a California law banning the sale of violent video games to minors, quotes a *New York Times* article from the early motion picture era expressing concerns that motion pictures will "turn the thoughts of the easily influenced to paths which sometimes lead to prison."[21] Indeed, these concerns were so widespread that the Supreme Court at first refused to extend *any* First Amendment protections to movies;[22] indeed, it did not reverse course until 1952![23] And as Justice Scalia also notes in the violent video game case, similar hysterical fears were raised about dime novels, radio dramas, and comic books.[24]

Turning to more recent times, consider the internet. Despite the enormous expressive and commercial potential of this new technology, Congress's first reaction to the internet was to pass a law (quickly invalidated by the Supreme Court) banning indecent or "patently offensive" materials on the internet, if they were accessible by minors.[25] Given the nature of the internet, especially in its early days, this law covered almost all online content. And it should be noted that the ill-defined terms "indecent" or "patently offensive" cover material that is, in the main, entirely legal and protected as to adults, and goes far beyond pornography (however defined). The effect of this law, then, would have been to reduce the entire internet to a level appropriate for children, an obviously terrible outcome; yet Congress adopted this silly provision by an overwhelming vote, driven by anxiety over the societal implications of the internet as a new medium of communication.

The current panic over social media, then, looks very familiar (and one suspects will look equally overblown in a few decades). Coming back now to specific concerns raised by social media, one might ask in closing where to draw the line between legitimate concerns about this new technology (which surely exist) and existential panic. Addressing that question is, in a nutshell, the theme and goal of this book. But to take a first cut at the answer now, it is worth considering how exactly social media has changed the social and

[20] Lucien Febvre and Martin Henri-Jean, The Coming of the Book: The Impact of Printing 1450–1800, at 244 (1976).
[21] Brown v. Entertainment Merchants Ass'n, 564 U.S. 786, 797 (2011).
[22] Mutual Film Corp. v. Industrial Comm'n of Ohio, 236 U.S. 242 (1915).
[23] Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495 (1952).
[24] *Brown*, 564 U.S. at 797–98.
[25] Reno v. American Civil Liberties Union, 521 U.S. 844 (1997).

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communicative landscape. One short answer, as Professor Eugene Volokh of UCLA predicted decades ago, is cheap speech.[26] The internet in general, but social media in particular, has radically decreased the cost of speech to ordinary people who, in the pre-internet age, had no practical way to reach large audiences at a reasonable cost. Relatedly, social media has democratized speech, eliminating the monopoly that traditional media and political elites had over the content of public discourse. Another way of putting this point is that social media has eliminated gatekeepers. During most of the twentieth century these gatekeepers, the traditional institutional media (newspapers, radio stations, and most importantly the Big Three television broadcast networks), had almost complete control over what speakers and content reached mass audiences (this is the topic of Chapter 5). Today, in contrast, cacophony prevails.

That these changes have occurred is obvious. That they have important consequences is also obvious. And that some of those consequences are negative is also surely true. Human beings being what we are, some people have inevitably misused the new power of communication they possess by doing things like defaming their enemies, lying about all sorts of things, spreading hatred of vulnerable groups, doxing vulnerable individuals, up to such grotesque things as posting nonconsensual intimate images (including "revenge porn") and incitements to violence. All technology can be misused, and social media is surely no exception.

But to focus solely on such negative consequences is to miss the big picture. In many ways, the elimination of elite gatekeepers is a highly positive development in that it empowers ordinary people to decide for themselves what matters. In other words, it is in many ways a good thing that the universe of speech available to all of us has exploded thanks to social media and other internet-enabled phenomenon such as Substack. It is also a good thing that ordinary people can potentially have a real voice in public discourse, and reach mass audiences when they have something to say without convincing a gatekeeper that what they are saying is worthwhile. Gatekeepers inevitably have their own, self-serving agendas, and there are upsides to being free of them. No longer can media elites – who often were entangled with political elites – decide what citizens should and should not know, such as whether political leaders have committed personal improprieties (consider JFK's adultery) or worse. It is also true that social media grants people a level of interaction with the wider world, including with friends and relatives in faraway places, that never existed before – I for one have had more contact with my

[26] Eugene Volokh, *Speech and What It Will Do*, 104 Yale L.J. 1805 (1995).

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cousins in India in the past decade than in my entire life before put together, all thanks to social media. In short, democratizing speech, like democracy in general, empowers ordinary people, both as citizens and in their personal lives. And this should generally be seen as a valuable development, to be embraced rather than feared.

Given these fairly obvious points, it may seem strange that so much of the commentary over social media is so negative. But then consider the source of the commentary: It is precisely those media and political elites, the gatekeepers and dominant voices of the earlier age, who have been most harmed and disempowered by this technological revolution. Their negativity, then, should come as no surprise. The more interesting question is why criticisms of social media resonate so much with the rest of us, who have on the whole gained rather than lost power and access thanks to social media. The answer must lie, I would suggest, in the general malaise and divisiveness that our broader society has suffered in recent decades. Our current problems – such as political polarization, deaths of despair,[27] economic stagnation in the heartland and among the working class, and a general decline in sociability and community[28] – are very real, and they have been building for decades. And since 2020 they have been amplified by the COVID pandemic and attendant lock downs (and opportunistic political reactions to the same, on both sides of the political aisle). But importantly, while social media may play some role in amplifying some of these problems (such as polarization and the decline in social contacts), their roots lie elsewhere, and some issues such as economic stagnation and deaths of despair surely have little or nothing to do with social media or the internet.

Nonetheless, many people, including some extremely serious and well-respected public intellectuals,[29] associate the rise of social media with some or most of these ills. The reason that is so, one suspects, is that social media is the place where these problems are displayed to most people. As former Justice Anthony M. Kennedy of the US Supreme Court put it in a case involving regulation of social media, "the most important place … for the exchange of views, today … is cyberspace – the 'vast democratic forums of the Internet' in general, … and social media in particular."[30] In other words, social media is today, for most ordinary people, their primary source of news and information.

[27] Anne Case and Angus Deaton, Deaths of Despair and the Future of Capitalism (2020).

[28] Robert D. Putnam, Bowling Alone: The Collapse and Revival of American Community (2000).

[29] Jonathan Haidt, *Why the Past 10 Years of American Life Have Been Uniquely Stupid*, The Atlantic (April 11, 2022), www.theatlantic.com/magazine/archive/2022/05/social-media-democracy-trust-babel/629369/.

[30] Packingham v. North Carolina, 137 S. Ct. 1730, 1735 (2017) (*quoting* Reno, 521 U.S., at 868).

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So, because today teenage girls are most likely to view unreasonably perfect body shapes on Instagram, we attribute the problem to Instagram. And because today, vociferous political statements are most likely to be spread via Twitter/X, ditto.

But this association is an attribution error. The problems that contemporary commentators are fixated on long predate the rise of social media, and have at best been modestly amplified by it. The truth is that the supposed ills of social media are in fact the ills of our broader culture. It is just that the pervasiveness of social media makes it the primary mirror in which we see ourselves; and apparently, we do not much like what we see.

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