

THE TRUMP CASE

"Free until I say so." 'Socialcracy' is a problem

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In democracies, laws serve to guarantee and restrict our freedoms. The international community is guided by solemn declarations that recognise inviolable human rights such as the freedom of expression, a prerequisite for the enjoyment of many other rights of freedom.

The world wide web, long hailed as a realm of genuine freedom, is now

experiencing restrictions, limitations and censorship, all of which in the long run, risk totally destroying its democratic character.

The most striking case occurred last 8 January, when Twitter and Facebook decided to suspend the social media profiles through which outgoing US President Donald Trump has interacted with his followers. This led to an escalation of controversies and reactions that, regardless of political persuasion, underscored the ambiguity that social networks have in terms of the role they play in the dynamics of freedom of expression. Are they watchdogs and censors of any opinions that differ from the mainstream? Or are they private entities that wholly respect our freedom of expression and are simply interested in the commercial and advertising aspects of traffic generated on their platforms?

The debate has only just begun, but just yesterday some authoritative positions were taken which will contribute to increasing the heating further.

It all started with the statements made by some pundits who accused Trump of having benefited, in terms of his rise to power, from fake news spread through social networks. In addition, some of his opponents claimed that the assault on Capitol Hill by Trump supporters in Washington had been triggered by this very sort of fake news.

However, regardless of political affiliation, influential government officials in Europe and around the world have spoken out against Facebook, Twitter and the other social media giants. This is all the more so after yesterday's shutting down of Parler, the social network used mainly by Trump fans and right-wing activists. The platform went offline after being removed by Apple, Google and Amazon servers and app stores.

The crux of the matter is precisely that of entrusting private individuals with the keys to freedom of expression, the salt of democracies. Hence, there is also a need for a legal framework for platforms, in terms of their accountability and the legality of certain forms of conduct. Many have called for the introduction of an "unbiased" control on web content, an authority that could set the boundaries of users' rights, thereby relieving platform managers of any form of supervision. However, this hypothesis also lends itself to accusations of regimenting opinions.

According to the EU High Representative, Joseph Borrell, "It is necessary to be able to better regulate the contents of social networks, scrupulously respecting freedom of expression, but it is not possible for this regulation to be implemented primarily according to rules and procedures established by private entities."

German Chancellor Angela Merkel also dissociated herself from what social media did to Trump. "It is possible to interfere with freedom of expression, but according to the limits defined by lawmakers, and not by a decision of a corporate management," her spokesman, Steffen Seibert, explained at a press conference. "That is why the Chancellor considered it problematic that the U.S. president's accounts on social networks have been permanently shut down."

The European Commissioner for the Internal Market, Thierry Breton, also expressed his "perplexity" at the platforms' decision to ban the American president, Donald Trump, from their social networks "without legitimate and democratic control" and relaunched European plans to regulate the web giants.

"The fact that a CEO can pull the plug on the US president's loudspeaker without any checks and balances is bewildering," Breton said. "It is not only a confirmation of the power of these platforms have, but also shows deep weaknesses in the way our society is organised in the digital space."

The heart of these platforms' legal issues is, therefore, coming to the fore: they reject the status of publishers, but then they cannot and should not censor opinions or close accounts on the basis of an assessment of the content posted by their users. This ambiguity must be resolved, given that the concept of fake news, of incitement to hatred and violence, must be applied on a case-by-case basis, and therefore cannot be taken as an objective parameter to censor any account indefinitely.

If a private entity, of a corporate and commercial nature, and therefore lacking in democratic legitimacy and public authority, meddles in the exercise of rights guaranteed by national and international legal systems, it means that we need to ask ourselves some serious questions about the nature of the internet and the rules needed to prevent its further abuse. This means that we need to ask ourselves some serious questions about the world wide web and the rules required to prevent further showdowns by web giants.

Through a system of checks and balances, a moral equilibrium must be introduced between the freedom of enterprise, freedom of expression and other

personal rights guaranteed by national and international legal systems. Moreover, the European Union has already made it known that it intends to deal with the legal regulation of social media as soon as possible, reconciling the needs and expectations of all, while avoiding anarchy and anti-democratic censorship.