

Election Interference and Platform Responsibility

Tehilla Shwartz Altshuler

2016 elections, but also because of various other phenomena, ranging from revenge porn, via livestreamed lethal attacks around the world, to antitrust practices. The voices in favor of regulation have become dominant, and have succeeded in bringing this issue to the center of political debate due to a raft of related concerns, include privacy rules, antitrust regulation, consumer protection, hate speech, the protection of democratic elections, artificial intelligence and deep-fake videos, and of course, the responsibility of the social media platforms for the content they publish. The tech companies themselves are also keenly aware of this shift, and as a defensive step-- have made various attempts at self-regulation and have called for legislation that will clarify what is and is not permitted. **All of these are new developments that have occurred during the 2016 election campaign.**

Therefore, we should prepare ourselves for a reversal of what happened four years ago: If during the 2016 elections it was foreign powers who sought to influence the outcome, and Facebook was merely the platform that made this possible, in 2020, it may well be Facebook that is the party seeking to exert influence, and the foreign powers who act as its enablers.

This scenario poses a far greater risk to American democracy than what happened in 2016. What is clear is that anyone who remains focused on the issue of transparency or fake news of paid advertising is busy preparing for the last war. Anyone who wants to prepare for the next war will have to pursue a much longer and more difficult path.

On an ideational level, this path requires grasping a particularly hot potato. The philosophical idea behind the First Amendment is that the expression of falsehoods is to be countered also by means of expression (of the truth), and thus the right to free speech must not be limited. But what are we to do if it turns out that this idea is deeply flawed in a world of algorithms that prefer and promote expressions of false statements if these promote user engagement? In a world in which any attempt to disprove false statements is like trying to extinguish a fire with gasoline? What are we to do when a founding philosophical principle becomes a monster that turns on its creators, and how can we fix the underlying problems that make this happen? We also need to honestly ask ourselves: What happens to the core democratic act of elections when personal data can be harvested and processed so as to create mechanisms to influence public opinion, behavior, and voting patterns of individual voters, which are far more powerful and effective than anything previously seen?

On a practical level, there is a major challenge to be overcome: Section 230 of the Communication Decency Act, which absolves the social media platforms of any responsibility for the content published on them. Section 230 was essential for the rise of the social networks (including all the

benefits they have brought), but it is also the basis both for foreign influence on public discourse and for the immense power now wielded by the platforms themselves. **Instead of arguing about the transparency of paid advertising, politicians must cease being afraid and begin to address the Section 230 issue, regarding the basic responsibilities of the social media platforms. This is no time for political cowardice; there is simply too much at stake.**

They must also develop proposals for detailed legislation that will regulate what kinds of personal data may and may not be gathered, how personal data may or may not be processed, and to whom psychographic profiles may be sold. This will also require an honest reckoning with the costs of such regulation to the convenience of the public, who are the main products in the surveillance capitalism industry. But without such a reckoning, collaborations between foreign states and the social media platforms will continue to wield great power.