

Section 230: Social Media’s Cultural Influence and Associated Negative Effects

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Abstract

The Communications Decency Act became effective in 1996 and ushered in the modern-day Internet we know today. One of its main provisions was contained in Section 230 of Title 47 of the U.S. Code, which provided for a general immunity for websites with respect to third party content. Without the protection provided by Section 230, social media platforms, such as Facebook and X (formerly Twitter), would be inconceivable, as content on their platforms could potentially open the companies to liability for the posts of their users. Many have posited that Section 230 allowed the Internet to flourish and grow, however it has now come under scrutiny due to the types of content published on and the ways in which users interact with these platforms. This paper will look at the history of Section 230, the cultural influences of social media and how the negative effects of those influences affect individual wellbeing, environmental sustainability and government stability.

Introduction

Section 230 is part of the Communications Decency Act of 1996 (Brannon & Holmes, 2021) and was initially developed with good intentions nearly three decades ago, supporting interactive computer service (ICS) providers by creating a safe harbor against liability for third party content uploaded to or expressed on their platforms (Feira et al, 2022). Moreover, many argue that Section 230 served as the foundation for the online environment, and thus, ultimately “created the Internet” (Samuelson, 2021, p. 26). However, since the implementation of Section 230, the Internet, ICS companies and how individuals interact with these types of technologies have changed dramatically over time (Smith & Van Alstyne, 2021). In particular, recently Supreme Court Justice Elena Kagan stated that Section 230 was enacted before social media and the algorithms that power the platforms were implemented, and thus, this statute does not account for nor provide guidance relative to these technological factors (Liptak, 2023).

As the online environment has changed and evolved, so too have the issues that result from this progress. The review of the literature will explore a number of recent, yet troubling issues associated with social media platforms and while it is impossible to document all such issues associated with the evolution of the Internet and the rise of ICS companies, a brief review of recent concerns is useful in illuminating the types of matters placing Section 230 squarely into a debate for change. Likewise, while Section 230 applies to a diverse anthology of social media platforms, social networking sites and community-based online platforms such as Yelp and Airbnb, which are designed for content sharing and user interaction on the Internet (Elder, 2023; Hammer, 2023; Kronos, 2018), not all can be included in this review. However, this research will point out that some of the most often used platforms such as Facebook, YouTube, and Instagram (Nyst, 2023) are consistently associated with the Section 230 safe harbor and disconcerting content published on the Internet.

Scholars have considered the negative psychological and physical outcomes occurring in association with the lack of accountability and responsibility of social media companies, and how these companies have been shielded from liability through the application of Section 230 (Cinelli et al., 2021; Malaeb et al., 2020; O’Brien, 2018). For instance, the misinformation and disinformation created and shared on social media platforms, as well as the formation of echo chambers have changed the way individuals form opinions

(Cinelli et al., 2021). Furthermore, Malaeb et al. (2020) argue that these platforms have negatively affected individuals, in addition to upsetting social harmony and driving discord and division among society members (Cinelli, 2021). Moreover, scholars have discussed a number of specific factors associated with social media that negatively affect individuals and society, and over time have become normalized (O'Brien, 2018). For instance, sex trafficking, live streaming events, and cyberbullying have contributed to psychological and physical stressors, including anxiety, depression and feelings of isolation (Levine, 2017; Wang et al., 2012). Additionally, sensationalized content, amplified through social media algorithms, compels individuals to stay connected, intensifies public belongingness and creates often unending distractions for individuals. Therefore, a number of psychological and physical outcomes associated with social media in the context of the current state of Section 230 are explored in this research.

Section 230 Safe Harbor and Social Media

Social media platforms are some of the main ICS organizations at the center of the Section 230 change debate. These organizations are powerful technology companies, with millions of users, generating billions of dollars in revenue derived through advertising (Curry, 2022). Furthermore, social media technology has transformed how society functions (Dickinson, 2022), and along with that change, outcomes negatively affecting societal issues such as individual wellbeing, environmental sustainability and government stability have emerged. To further understand these issues, current research and the documentation of current affairs will be explored.

Myanmar genocide and crimes against humanity

Roth (2018) reported that the Myanmar military committed a series of abusive actions, described as genocide, crimes against humanity and war crimes against the Rohingya Muslims in the Rakhine state. While Sloss (2022) argues that the Myanmar military used the Facebook platform to outline the campaign that targeted the Rohingya people, Amnesty International (2022) claims that in the years leading up to and including the time period when ethnic cleansing atrocities occurred, Meta engagement-based “algorithms proactively amplified and promoted content which incited violence, hatred, and discrimination against the Rohingya – pouring fuel on the fire of long-standing discrimination and substantially increasing the risk of an outbreak of mass violence” (p.75). Moreover, while Amnesty International contends that Facebook received and ignored warning signs of mass violence in Myanmar, despite this evidence, Sloss (2020) argues that although theoretically Facebook could be charged “in the U.S. for complicity in genocide, or for aiding and abetting ...the commission of a crime against humanity” (p. 1), Section 230 provides immunity to even this type of an outrageous and barbaric assault.

Live streaming mass shootings

In the aftermath of mass shootings, reports indicate that social media platforms have played key roles in radicalizing individuals and in providing them with outlets for documenting and sharing their assaults. In 2019, a shooter killed 51 people at two mosques in Christchurch, New Zealand (Cramer, 2020). In a similar situation, a shooter killed 10 people at a grocery store in Buffalo, New York (Katersky & Hutchinson, 2022). In addition to the situational similarities, both shooters live-streamed their horrific actions on social media platforms, evading algorithms designed to detect such violent content (Silberling, 2022). Furthermore, these shooters and the mass shooter who in 2023 killed 8 people at a mall in Allen, TX indicated they were inspired by material they followed on a variety of social media platforms, including Facebook and YouTube (Binder, 2020; Silberling, 2022, U.S. Department of Homeland Security, 2023). Furthermore, these individuals were inspired and motivated, ultimately becoming radicalized through the use of these platforms, as well as using them as sources for planning and implementation information (Franklin, 2022). Cramer (2020) argues that the reality of the liability protection afforded by Section 230 is a linkage in support of a culture of moral and ethical apathy at Facebook.

Political interference in the U.S.

In 2017, Facebook officials admitted that Russian operatives targeted the 2016 Presidential election on their platform (Stamos, 2017), and acknowledge that content, with information considered as disinformation, reached 126 million Americans through some 80,000 posts of 3,000 ads (Solon & Siddiqui, 2017) linked to

470 accounts (Kim et al., 2018). Furthermore, Kim et al. (2018) found that specific and divisive content, associated with the issues of abortion, guns, immigration, and race was targeted to battleground states such as Pennsylvania and Wisconsin, while more often low income, white voters were targeted with content related to immigration and racial conflict. For example, Wisconsin voters received gun ads 72% more often than the national average and white voters received 82% of all immigration ads. Yim (2018) argues that while Facebook received significant public criticism and governmental scrutiny over these revelations, Section 230 mitigated the liability of Facebook, and thus, any accountability stemming from these matters.

Deepfakes, characterized as machine generated or manipulated media intended to impersonate well known individuals, such as celebrities or politicians, are considered a form of misinformation (Ghaffary, 2020). Ghaffary (2020) states that much like other online content, these manipulated images have circulated and have been amplified through algorithms on social media including, Facebook, Twitter, YouTube and Reddit, with one altered video of Nancy Pelosi gathering 90,000 likes on Twitter. Trend Micro (2020) notes that the types of concerns raised over the development and deployment of deepfake impersonations range from the ability to undermine the U.S. government and democracy to warnings about how this media could be used to commit fraud.

January 6, 2021 insurrection at the United States Capitol

The world watched as an angry mob descended on the U.S. Capitol building on January 6, 2021 to stop the certification of electoral votes that would make Joe Biden the 46th president of the country. However, Timberg et al. (2021) stated that it is now known that not only were there warning signs across social media leading up to January 6, the riot had been years in the making. Heilweil and Ghaffary (2021) stated that extremist groups like QAnon, Proud Boys, the Three Percenters had been organizing, creating large, networked communities and recruiting members on social media platforms for years, with their messages being amplified by the algorithms on these sites. Heilweil and Ghaffary reported that one firm that tracks misinformation online documented over “367,000 postings mentioning ‘civil war’” (pg. 6) on mainstream social media platforms. Moreover, Heilweil and Ghaffary go on to state that extremists used social media platforms for planning purposes, including providing directions on unpoliced streets and explaining which tools were needed to break into the Capitol building, while “at least a dozen people posted about carrying guns into the halls of Congress” (para 2) on those sites.

Although mainstream media, which was on hand that day to cover then President Donald Trump’s “Save America” rally at the White House Ellipse, delivered the story live as it unfolded at the Capitol building, members of the mob were also uploading pictures and livestreaming their participation in the event on social media via their personal phones (Heilweil & Ghaffary, 2021). Moreover, Heilweil and Ghaffary (2021) state that followers of those livestreaming the events shared the content through downloads across social media platforms and encouraged the mob through online comments demanding further violence. After the violence on January 6, Heilweil & Ghaffary (2021) state the rioters and their followers celebrated on social media, hailing the woman who was killed by Capitol Police for attempting to enter the Speaker’s Hall leading to the House of Representatives as a martyr.

Following the insurrection many fear for the future of U.S. democracy; however, based on the role that social media played before, during, and after the events of January 6, 2021, “the infrastructure and behavior is part of society now, and the line between offline and online extremism – if there ever really was one – has been blurred” (Heilweil & Ghaffary, 2021, p. 11). Furthermore, while the mainstream social media platforms have taken measures to remove content or suspend accounts, Section 230 provides protection against liability for the actions of those inciting or participating in the insurrection.

COVID misinformation and disinformation

Misinformation and disinformation are not new phenomenon within today’s society, and thus, it is no surprise that speculation, conspiracy theories, and false, even harmful information emerged during the COVID 19 pandemic, as well as throughout the deployment of the vaccines meant to combat the virus (Simpson & Conner, 2020). In the early stages of the pandemic, the World Health Organization, along with several other global public health and welfare agencies, expressed concerns regarding what they labeled as an “Infodemic”, described as “the overabundance of information, which entailed [a] deliberate attempt to distribute wrong information” (WHO et al., 2020 as cited in Demuyakor et al. 2021, pg. 2). Simpson and

Conner (2020) argue that those who produce disinformation, which is intentionally misleading or inaccurate content, do so in order to create confusion and chaos. During the pandemic, Brennen et al. (2020) suggest that misinformation, in the form of recontextualized, distorted, or completely fabricated content, accounted for as much as 87% of social media interaction within their data sample. Likewise, these factors were particularly prominent during the time when most individuals were not only staying home but were spending large amounts of time online consuming social media content. It was a time when most individuals were not only captive, but focused and eager to understand the uncertainty of situational and contextual matters associated with the pandemic. (Simpson & Conner, 2020).

Following an unprecedented 10-month development timeline, on December 11, 2020, United State public health regulators approved two vaccines meant to combat and eventually eradicate the virus (U.S. Food & Drug Administration, 2020). However, early on and similar to what occurred during the original onslaught of the pandemic, the acceptance of the COVID 19 vaccines was plagued by misinformation and disinformation (Basch et al., 2021). Schaffer (2020) found that nearly 75% of Americans had been exposed to a conspiracy theory, while nearly 25% of the same group believed that at least part of the claim was true. Furthermore, Demuyakor et al. (2021) state that not only did misinformation on social media contribute to fear and anxiety over the vaccines, but negative beliefs associated with the vaccines was related to higher levels of distrust and mistrust.

Simpson and Conner (2020) argue that the concerns regarding misinformation and disinformation, particularly around the COVID 19 vaccine, pose significant public health issues and contend that from a micro perspective, more people will die needlessly. However, at the macro level, Loomba et al. (2021) argue that misinformation exposure is negatively associated with vaccine intention, and this outcome raises concerns regarding the consequences associated with the eradication of the virus. Notwithstanding, while Section 230 provides a safe harbor, shielding social media platforms against liability, regardless of the potential harm caused by the misinformation and disinformation phenomenon, calls persist for more regulation and oversight within this technological ecosystem.

Cyberbullying

Traditional bullying is characterized by three primary factors including aggression, a power imbalance and repetition, and is a process used to threaten, harass and humiliate individuals (Smith et a., 2012). Contextually, characteristics of cyberbullying are similar to traditional bullying, however the former is perpetrated through online technologies, often through the use of social media platforms (Whitaker & Kowalski, 2014). Statistics show that 25% of students, between the ages of 13 and 17 years old, have been targeted by cyberbullying, an increase from 17% in 2016 (Patchin, 2023). Additionally, researchers found differences between traditional bullying and cyberbullying outcomes and argue that because social media platforms provide a sense of anonymity and lack proximity to victims. Specifically, cyberbullying can take place at any time (Suciu, 2021) and cyberbullies may lack empathy because they do not realize the effects of their actions (Giordano et al., 2021).

Illegal wildlife trade

The Alliance to Counter Crime Online (2020) state that social media platforms such as Facebook and Instagram provide the largest operational infrastructure for the illegal wildlife trade market, supporting a global value of \$23B. Numerous types of animals, such as big cats, reptiles and primates, and animal products, including elephant ivory or rhino horn, are traded on these sites despite the fact that some of these species are listed as endangered. In addition to the wildlife trade, social media platforms also stream videos of animals being abused, tortured or even killed (Szpargala, 2021; Talamo, n.d.). In the case of YouTube, those posting these videos profit from the channel being monetized by the platform (Szpargala, 2021). Of particular concern is the plight of certain species of macaque monkeys in the Southeast Asian countries of Indonesia and Cambodia, whereby Lady Freethinker (2021) states that baby macaque monkeys, primarily long tail and northern pigtailed macaques, are taken from their mothers, often at a very young age, and are tortured and killed on camera for profit. According to Serhadli (2022) both types of macaque monkeys are classified as endangered species.

Section 230 and social media effects on culture and society

Social media platforms have fueled changes in culture and society from both a micro and macro level. Moreover, since social media emerged as a communication and information sharing mechanism scholars have evaluated both positive and negative dimensions related to the use of the tool and individual well-being (Dickenson, 2022; Lim & Choi, 2017). Positively, and from a micro perspective, social media platforms have allowed individuals to modify their approaches to communication, information sharing, shopping, working and learning (Rife, 2022). For instance, social media allows individuals to identify new friends easily and provides an inexpensive way to connect with both family and friends. These mechanisms have improved connection capabilities, and thus lessens the effects of time and distance.

Culturally, and at a more macro level, social media is a mechanism that supports the need for belonging, which is considered a basic human need for most individuals (Maslow, 1948). Additionally, at a macro level, social media platforms have benefited society through improving the speed of communication and expanding global connectivity (Parrack, 2022). The world is no longer considered a large and foreboding environment.

Echo chambers

As people seek to satisfy belonging needs, they will identify with others who share similar values, beliefs and perspectives, and will seek to form groups and develop shared narratives with those individuals (Gireesan, 2022), and over time, social media platforms have provided the mechanisms for people to accomplish goals associated with these needs (Cinelli et al., 2021). Likewise, Garimella et al. (2017) argue that as individuals seek out information that matches their personal preferences, echo chambers emerge. According to Cinelli et al. (2021), an echo chamber is defined as “environments in which the opinion, political leaning, or belief of users about a topic gets reinforced due to repeated interactions with peers or sources having similar tendencies and attitudes” (p. 1). Furthermore, Sunstein (2018) contends that echo chambers bolster confirmation bias, and through the use of repeated narrative and selective exposure, divide and separate individuals, creating isolation from other viewpoints and perspectives. Additionally, Sunstein (2002) explains that group polarization theory suggests that in an echo chamber, as an individual's interaction with the group increases and their exposure to the group's opinions intensifies, their beliefs shift to that of the group. Moreover, as this shift among individuals occurs, the reinforcement of opinions within the group creates a polarizing effect, driving the group toward separationist views, and even extremist ideas and through this intensification, individuals become inclined to ignore other's views and can only find truth from the group in the echo chamber (Cinelli et al., 2021).

Using examples such as the 2016 U.S. election and the January 2021 insurrection, where individuals converged and became radicalized by the intensity of the discourse manifested through these social media mechanisms (Heilweil & Ghaffary, 2021; Solon & Siddiqui, 2017; Timberg et al., 2021), echo chambers have polarized the political environment in the United States. Echo chambers have not only created divisiveness in politics. Echo chambers of radical views also emerged years prior to the Myanmar genocide (Amnesty International, 2022). Likewise, misinformation and disinformation, including a variety of conspiracy theories associated with the COVID-19 pandemic and vaccine provide insight into how echo chambers can be harmful to individuals and society by affecting overall public health (Simpson & Conner, 2020). Moreover, as the videos depicting abuse against infant macaque monkeys in Southeast Asia grew into torture and killing, a private echo chamber of monkey haters emerged, intensifying the levels of cruelty against these primates (Lady Freethinker, 2021).

Isolation tendencies versus belongingness

The functions of engagement on social media can either isolate or connect individuals and can manifest as either positive or negative outcomes. For instance, Sunstein (2018) argues that political polarization, which is based on the perspective that individuals have created collectives, isolate them from others' ideologies and viewpoints. Since the use of social media tends to reduce face-to-face interactions, such networking connections may serve to isolate individuals and actually reduce strong relational social interaction (Rife, 2022). In particular, Rife (2022) contends that individuals who are focused on social media use experience a decline in social involvement activities such as quality time and communication with family, while when individuals compare themselves to others on social media and determine incongruity, their self-esteem

is negatively affected (Schmuck, et al., 2019). Conversely, social media interactions and the ability to join on-line groups improves individuals perception of belongingness (Büttner et al., 2023), and individuals who seek belonging based on their beliefs and values will seek out other like-minded individuals for validation (Garimella et al., 2017).

Connection overload

The constant pressure to be connected all the time, and the subsequent demands associated with these factors, has been described as FoMO, or the fear of missing out (Baker et al., 2016), and leads to what is known as connection overload (LaRose et al., 2014). Definitionally, FoMO is “a pervasive apprehension that others might be having rewarding experiences from which one is absent, characterized by the desire to stay continually connected with what others are doing” (Pryzbyski et al., 2013, p. 1). On the other hand, the definition of connection overload is described as those “who are continually distracted from important life activities by interruptions from multiple channels of electronic communication, sources of distraction that are present all hours of the day and that they carry with them wherever they go” (LaRose et al., 2014, p. 59). Scholars have stated that both phenomena, FoMO and connection overload, are associated with social media platforms and negative psychological and physical outcomes, such as stress, depression, insomnia, and a reduction in physical activity (Baker et al., 2016; LaRose et al., 2014).

Psychological and physical effects of social media

As the popularity of social media has grown over time, scholars have evaluated the psychological and physical effects of the usage of these platforms. For example, the use of social media has been tied to depression among adults (Lin et al., 2016) and adolescents (Hoare et al., 2017), which when extreme can lead to suicide (Choi & Noh, 2019). Likewise, depression from cyberbullying on social media platforms can also lead to depression (Gómez-Guadix et al., 2013; O’Brien, 2018), and suicide ideation (Hinduja & Patchin, 2010). Researchers have determined that social media usage can lead to anxiety or insomnia, which can be caused by exhaustion and the fatigue of being excessively connected (Dhir et al., 2018; Nursalam et al., 2018). Furthermore, Baker et al. (2016) found that individuals experience more physical issues, described as headaches, shortness of breath, sore throat, and chest pain, as a result of constant social media usage.

Social media has normalized negative behaviors

The rise of social media has been swift and is now a part of our daily lives. Moreover, it has changed culture and made many behaviors normal, but not always in a positive way. For instance, O’Brien (2018) states that “we’re starting to see civility as a luxury ... and it has become normalized to talk to each other with disgust and contempt and moral outrage” (p. 9). With respect to the insurrection, Wood (2021) states that:

“we basically let a bunch of big companies set the rules, giving [social media] companies more power than government has, and these are companies that let radicalization and targeted harassment and death threats and organizing violence become a pretty common feature of our actual national politics just because it was good business” (para. 11).

Regarding political echo chambers, Barberá (2020) reiterates that “if you are getting all your information off algorithms being sent through your phone and it’s just reinforcing whatever biases you have, which is the pattern that develops, at a certain point, you just live in a bubble” (Obama as quoted in Hamedy, 2018).

Horizon for change

Having been implemented in the early days of the Internet, scholars argue that Section 230 is now outdated. For example, Cusumano et al. (2021) argue that social media companies should self-regulate themselves, while MacCarthy (2022) calls for more transparency requirements. The U.S. government has partisan views of Section 230 reform, but both the Republican and Democratic parties agree that changes are necessary (Goodman & Whittington, 2019). While the status of Section 230 remains untouched, in reaction to the negative outcomes associated with social media content, there is no shortage of discourse recommending a variety of changes. Some changes have been implemented by social media companies, while other recommendations have emerged as legislative changes. While it is difficult to document all potential

avenues of input or associated recommendations, it is beneficial to provide an overview of the horizon of change focused on social media companies and Section 230.

Social media companies are private companies and are largely unregulated (Coldewey, 2020). However, Díaz and Hecht-Felella (2021) indicate that all the major social media companies have implemented content moderation policies, however, these policies are divergent among organizations and were developed as afterthoughts due to perceived potential governmental pressure and real public outcries for change. Legal scholars, social organizations, and lawmakers have recommended a variety of proposals to amend Section 230. Goodman and Whittington (2019) argue that a variety of congressional efforts to amend Section 230 focus primarily on the regulation of speech, while legal scholars and social organizations have focused their efforts on either regulation of process or business process proposals. Dickenson (2022) contends that in 2020 and 2021 over two dozen Section 230 reform proposals were introduced in the U.S. Congress, however, according to a recent search of Congress.gov, none of these bills moved further in the legislative process beyond initial introduction.

Conclusion

When considered mindfully, social media and the use of technology can serve as a valuable and constructive resource for learning and to connect and interface with individuals, providing opportunities beyond other traditional forms of communication or interaction. Conversely, these resources can also create stressors in the lives of individuals which can impact their livelihood, physical and emotional well-being, and overall personal and familial relationships. Furthermore, examples where social media content has negatively affected both individuals, the environment and overall society are prevalent, and these matters continue to manifest and flourish in everyday life and throughout the global culture. Negative outcomes of social media content have become normalized and are acceptable in society. Moreover, the liability shield afforded by Section 230 absolves social media companies from addressing the societal issues affecting individual wellbeing, environmental sustainability and government stability. Clearly, such technology has been inculcated in the culture, and thus, it is here to stay. However, there are calls for change to make social media companies more accountable and responsible for negative content posted to their sites.

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