



Epsilon Theory

Facebook Delenda Est

August 20, 2020



Trump hosted Zuckerberg for undisclosed dinner at the White House in October (NBC)

“President Donald Trump hosted a previously undisclosed dinner with Facebook CEO Mark Zuckerberg and Facebook board member Peter Thiel at the White House in October, the company told NBC News on Wednesday.

Zuckerberg also gave a speech at Georgetown University the week before, detailing his company’s commitment to free speech, and its resistance to calls for the company to crack down on misinformation in political advertisements.

It is unclear why the meeting was not made public or what Trump, Zuckerberg and Thiel discussed.

The White House declined to comment.”



Facebook's Hate-Speech Rules Collide With Indian Politics (WSJ)

“The company’s top public-policy executive in the country, Ankhi Das, opposed applying the hate-speech rules to Mr. Singh and at least three other Hindu nationalist individuals and groups flagged internally for promoting or participating in violence, said the current and former employees.

Ms. Das, whose job also includes lobbying India’s government on Facebook’s behalf, told staff members that punishing violations by politicians from Mr. Modi’s party would damage the company’s business prospects in the country, Facebook’s biggest global market by number of users, the current and former employees said.”



Facebook's Zuckerberg promises Merkel action on hate speech (*Deutsche Welle*)

"Facebook founder Mark Zuckerberg on Saturday promised German Chancellor Angela Merkel that his company would work on measures to combat racist and hateful comments on the social media platform.

This comes after German Justice Minister Heiko Maas met with Facebook representatives in Berlin in mid-September following the posting of a number of right-wing extremist and racist comments about refugees.

Maas had expressed bewilderment that photos considered to be indecent were quickly deleted, while hate speech postings were often left on Facebook pages even after users had complained. Merkel had also called on the company to take measures to fight mass incitement."

So ... I'm pretty close to being a free speech absolutist. Or at least I have an old-school small-l liberal John Stuart Mill-esque belief in free speech, with an extremely high bar for the "harm" that speech must directly inflict on other citizens before a rightfully constituted government, based on the consent of its citizens, has a legitimate duty to regulate that speech.

And I believe that the US Supreme Court has been pretty much spot-on with its free speech decisions like *Brandenburg v. Ohio* and *R.A.V. v. City of St. Paul*, where they said (roughly speaking) that even speech calling for violent protest against the government is protected speech and that hate speech isn't a thing. Let me repeat that last one. **The US Supreme Court has repeatedly held that hate speech is not a thing.**

I think this is exactly right.

To be clear, I also believe that a private organization has the right to apply hate speech standards (or any other speech standards) to its members, *if those members have the ability to leave the private organization AND that organization does not enjoy unique government support*. So, for example, if I choose to attend a private religious college, and they have rules against hateful/blasphemous speech, then it's fine for them to kick me out when I start doing my hateful blasphemous speech thing. I'd never go to that college in the first place, and there are plenty of other schools I can attend. But if ALL colleges started imposing hate speech standards, or if the ONLY college started imposing hate speech standards, or if ANY public college started imposing hate speech standards ... well, I'd have a real problem with any of these circumstances.

And I believe that a just government has a duty to intervene in these circumstances.

Now I also believe that the US Supreme Court got it terribly, terribly wrong with *Citizens United*, where they decided (again, roughly speaking) that non-real life citizens – like corporations or other constructed legal entities – enjoy the same protections for political speech that real life citizens do. I'll repeat that one, too. **The US Supreme Court has held that constructed entities of pooled capital (corporations) or pooled labor (unions) or pooled political influence (parties) have the same protection for their political speech as unconstructed/unpooled you and unconstructed/unpooled me.**

I think this is nuts.

To be clear, I also believe that limitations on how much money or time real life citizens can spend on their political speech are similarly nuts. So, for example, I believe that really rich American citizens like Bill Gates or Jeff Bezos or George Soros or Charles Koch can spend as much money as they please – literally billions of dollars if they want – to proclaim whatever cockamamie political idea they want to proclaim. What is unacceptable in my view – but is exactly what *Citizens United* allows – is for really rich guys to spend unlimited amounts of money on political speech after they are dead, or (worse!) for corporations and unions and parties to spend unlimited

amounts of other people's money on political speech, *with the same legal protections as real life citizens.*

Government does not *exist* to protect the rights of a dead rich guy's money. Government does not *exist* to protect the rights of corporations, unions and political parties. Government **EXISTS** to protect the unalienable rights of its citizens, and that among these are life, liberty and the pursuit of happiness.

Do foundations and corporations and unions and political parties have rights? Do they enjoy the protection of our laws? Of course!

Can foundations and corporations and unions and political parties speak on the issues of the day? Sure!

But foundations and corporations and unions and political parties are conveniences, not citizens. They exist because they are useful efficiencies, not because they possess unalienable rights. They are not the same as voting citizens, and a government of the people, by the people, and for the people is under zero obligation to extend the same protections to the political voices of these non-people as it must to its actual people, much less **MORE** protections.

But that's where we are today.

These non-people ... these non-citizen, non-voting, artificially constructed legalistic entities of pooled capital, labor or influence ... they enjoy MORE free speech protections than you and me.

And I believe that a just government has a duty to do something about that, too.

Now if you don't mind, please hold those two thoughts ...

1. Ben doesn't think that hate speech is a thing. Ben also thinks there are (limited) circumstances where a just government must reach into private organizations to prevent them from applying hate speech standards.

2. Ben doesn't think that constructed entities like foundations and corporations and unions and political parties should enjoy the same free speech protections as real life citizens. Ben also thinks – and this is at the heart of what he wants to BITFD – that these constructed entities actually enjoy far more free speech protections from our government than the real life citizens our government was established to protect.

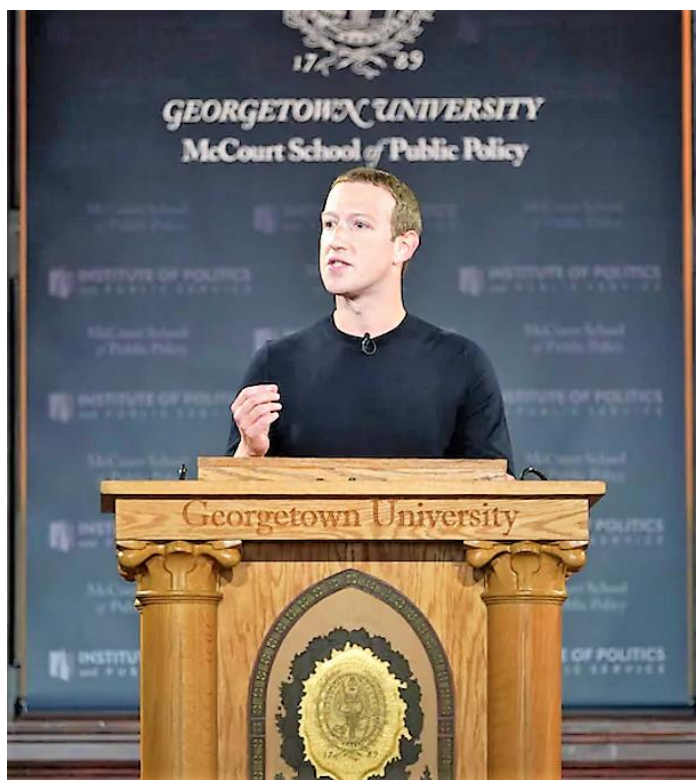
... and let's talk for a minute about Facebook.

The following facts are, I believe, not contentious. They are, I believe, clear and obvious facts to any observer of Facebook policy in the three markets that are most important to Facebook – the United States, India and Europe.

Fact #1: Facebook has constructed a standard of what they consider to be political hate speech and announced that they intend to apply it on their platforms within the United States, India and Europe.

Fact #2: Facebook applies this hate speech standard with rigor and unswerving attention against specifically the group who (IMO) should never have a hate speech standard applied against them ... individual, real life citizens of the United States, India and Europe.

Fact #3: Facebook does NOT apply this hate speech standard with rigor and unswerving attention against the group who (again IMO) might well have a hate speech standard applied against them ... powerful non-citizen entities of pooled capital/labor/influence both internal *and external* to the United States, India and Europe. In fact, the more powerful the non-citizen entity of pooled capital/labor/influence might be over Facebook's business model, the more Facebook turns a blind eye to any violation of the hate speech standard by that entity and the more Facebook cracks down on any violation of the hate speech standard by that entity's political opponents ... particularly the small and helpless ones.



Sure, the Facebook hate speech policy is all wrapped up in powerful narratives of "Yay, Science!" and "Yay, Democracy!" and "Boo, Terrorists!", and sure, Mark cleans up real nice when he goes to Georgetown and name drops Elijah Cummings, Frederick Douglass, #BlackLivesMatter, #MeToo, Air Force moms, the war in Iraq, and Martin Luther King Jr. (I am not making this up) all within the space of a few paragraphs in his speech, ["Zuckerberg: Standing For Voice and Free Expression"](#).

That's the actual title of his speech, as provided by Facebook to the Washington Post, where they published it verbatim: ["Zuckerberg: Standing For Voice and Free Expression"](#). You know, just in case you weren't sure what cartoon Mark was trying to project. Again, I am not making this up.

But in truth, this is all just Free Speech Theater.

Facebook is not a content-delivery platform. Its business is not to "give people voice and bring people together", as Zuckerberg says in his best cartoon voice.

Facebook is an advertising-delivery platform.

Facebook's *business* - its entire reason for being - is to sell as many ads as possible based on free, user-generated content. Contentious, inflammatory user-generated content is great for selling ads - particularly if it IS an ad - but the content can't be so contentious that it generates a popular backlash, reducing demand/usage, or that it makes the ruling powers-that-be angry, generating a fine or some other profit-reducing regulation.

THAT'S the algorithm that Facebook is trying to solve. THAT'S the determining constraint on Mark Zuckerberg's "commitment" to free speech.

In every crucial jurisdiction where Facebook does business, Mark Zuckerberg meets privately with the chief executive of that market and works out a political accommodation.

What's your biggest "free speech" concern [wink, wink], Mr. or Mrs. Chief Executive, and how can Facebook tailor its policies to help you out?

- In the United States, Zuckerberg has dinner with Trump. Amazingly enough, Facebook does not apply its "fact-checking" or "hate speech" controls to political ads.
- In India, Zuckerberg has dinner with Modi. Amazingly enough, Facebook does not apply its hate speech controls to prominent members of the ruling BJP party.
- In Germany, Zuckerberg has dinner with Merkel. Amazingly enough, Facebook expands its hate speech controls to shut down and marginalize content critical of German refugee and immigration policy.

And in return, across all of these crucial markets, Facebook enjoys unique government support for a communications and social media platform - Facebook, WhatsApp and Instagram - that is *impossible* for a US citizen or an Indian citizen or a German citizen to escape.

And that's the rub.

Swearing off Facebook/WhatsApp/Instagram is no solution here. There is no meaningful way to opt out of a ubiquitous and universal communications and social media platform, because the *system* of a ubiquitous and universal communications and social media platform is impervious to your individual decision. It's like saying that you're going to opt out of Covid-19. Sure, you can move off the grid into the Alaskan wilderness and not get sick. Knock yourself out. But that's not a meaningful definition of opting out. Barring that sort of absurd action, however, your exposure to the virus, whether it's the virus of SARS-CoV-2 or the virus of Facebook/WhatsApp/Instagram, isn't so much dependent on *your* actions as it is on *everyone else's* actions.

These are the conditions under which a just government must reach down into a private organization like Facebook and turn their pernicious hate speech standards completely on its head.



Which leads us to the George Costanza legislative fix for Facebook.

Like George, every instinct that Mark Zuckerberg has regarding free speech is wrong, and so Facebook should be required by law to do the exact opposite of what they're doing today.

Specifically, that means that it is *precisely* the slick political ads and

user-generated content from non-real life citizens like corporations, unions and political parties that Facebook should scrutinize carefully and hold to some fact-checking and hate speech standard. It is *precisely* the gross and insulting and hateful and mean-spirited user-generated content from real life citizens that Facebook should let slide.

I know. LOL. There's a snowball's chance in hell that any legislative body in the world would ever pass this sort of law. But a guy can dream, right?

Barring this sort of legislative fix to the core Facebook business model, the only other solution I see is to tear down Facebook on antitrust grounds, by which I mean force Facebook to divest WhatsApp and Instagram (Messenger, too), and maybe hive off the Indian and European operations from the US mothership. Over time - over a LOT of time - I think that this sort of Ma Bell solution could maaaaybe weaken core Facebook to the point where users have a real choice in what communications and social media networks they use, making Facebook's hate speech standards no less pernicious but allowing a true opt-out. But I'm not holding my breath on this solution, either.

It's frustrating.

We can see so clearly how Facebook is undermining our democracy and our most integral political rights.

We can see so clearly how Facebook has bought and paid for political cover at the highest levels of American, Indian and European government, political cover that prevents any of the actions we might take as a society to rid ourselves of this cancer.

What do I mean when I say BITFD? What is it that I want us to burn the fuck down?

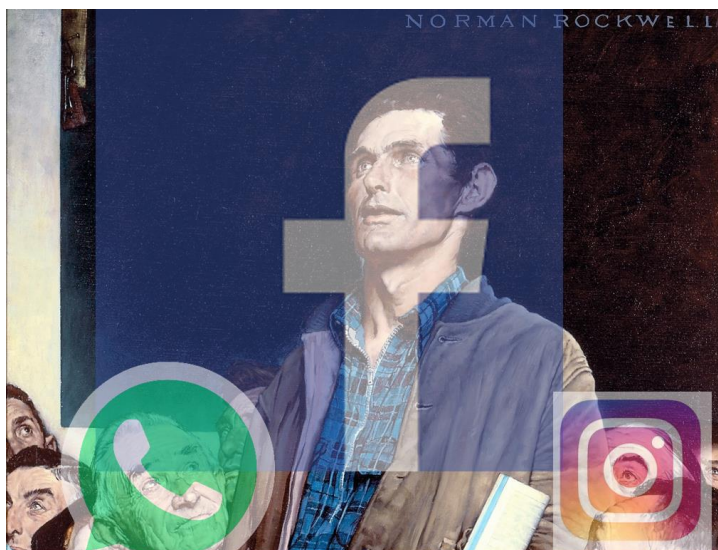
This.

This system of bought and paid for political patronage that companies like Facebook use to nudge us into social ruin.

More than 2,000 years ago, the renowned Roman soldier and orator Cato the Elder would end every speech, regardless of topic, with the phrase *Carthago delenda est* ... roughly translated, Carthage must be destroyed.

It wasn't that Carthage posed an imminent threat to Rome. No, Rome had already defeated Carthage soundly in two wars, and Carthage was no longer a competing empire but merely a wealthy city. It was the *idea* of Carthage as an alternative to traditional Roman principles that Cato believed was so dangerous ... *the potential of Carthaginian wealth and business prowess to subvert Rome from the inside through law and custom that Cato believed had to be stopped.*

It's exactly the same thing with Facebook.



Mark Zuckerberg's *idea* of free speech and its proper limitations – where “hate speech standards” are rigorously enforced when it comes to individual citizens and conveniently set aside when it comes to the most powerful entities of pooled capital/labor/influence in our society – is a profound threat to liberal democracy, whether that's in India, Europe or the United States.

Not because it competes with us from the outside. Not because it presents itself as a competent external alternative. Facebook is not China.

But because it subverts our most important principle of representative government – the free expression of a citizen’s political views – from within.

Facebook delenda est.

BITFD.

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