CONTENT MODERATION

What is content moderation policy?

Any Internet-enabled company that hosts content created and uploaded by its users is a platform. While people tend to think only of large social media companies, Internet platforms include websites with comment sections, apps that let users share messages, and services that let users rate and review products they've bought. Internet platforms can host, moderate, curate, recommend, etc. their users' content at their discretion without fear of being held legally liable for what users say or share thanks to the legal framework established by Section 230, which keeps Internet companies from being sued over their users' content, and the First Amendment, which protects Internet companies from both government obligations to censor speech and government obligations to host speech.

KEY TAKEAWAYS:

- Laws that protect Internet platforms from being held responsible for their users' speech are crucial for startups that host user-generated content and protect them from ruinous lawsuits.

- Proposals that limit how platforms moderate their users' content will make it harder for startups to keep their corners of the Internet safe, healthy, and relevant for their users.

- Startups are especially vulnerable to legal changes in this area as compared to the big tech companies that can afford to hire thousands of content moderators or build expensive filtering tools.

Why does it matter to startups?

Startups stand to lose the most if laws about platform liability and content moderation are changed. A small, new company that hosts user content will be unable to get investment, get off the ground, and grow its business if it has to constantly be prepared to face costly, time-consuming lawsuits over the content its users post and any moderation decisions it makes. Additionally, startups tend to serve niche purposes and audiences, and they need to be able to host and moderate content in ways that will keep their corners of the Internet safe, healthy, and relevant for their communities of users. And unlike the largest tech companies, startups do not have the time and resources to hire thousands of people or build expensive tools to monitor what their users share.

Where are we now?

Since 1996 Section 230 has done a good job of ensuring that new Internet platforms can get off the ground and compete with the biggest players without incurring ruinous legal costs. In recent years, Section 230 has come under attack from a variety of angles, starting with the passage of the Stop Enabling Sex Traffickers Act in 2018. Since then, policymakers have repeatedly threatened to further change Section 230 as a means to address a variety of problems online, including political misinformation, hate speech, opioid abuse, and alleged political censorship. Several states have considered—and a handful have even passed—legislation aimed at changing the ways platforms host and moderate content. Texas and Florida have laws on the books (though both were enjoined and are being challenged at the Supreme Court) that would make it more difficult for large platforms to remove content in a way that treats "viewpoints" differently. And a recent push around kids' safety online has surfaced proposals that would prohibit platforms from showing young users "harmful" content, which raises practical questions about how Internet companies can know when they're dealing with young users and whether policymakers and enforcers can agree on what should be considered "harmful."