Twitter Thread by Nate Persily



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Ten thoughts on today's decisions by the Facebook Oversight Board:
1. The Oversight Board is actually up and running and functional. This was not a forgone conclusion. Whatever its decisions, it is the beginning of an experiment that will affect the future of speech on line.

2.The results in these decisions are less important than the signals/precedent set for how the board will operate, how it considers its jurisdiction, what info about FB and its posts will be revealed in the decisions, and how ambitious the Board will be in checking Facebook.

3.The absence of signed opinions, the noting of minority views but not extensive dissents, the significant use of experts, the willingness to issue advisory opinions on policy – all are precedent setting as to how the Board (and public) will view its role.

4The considerable reliance on international human rights standards gives us a sense of the body of law that will govern. Not a foregone conclusion & is bound to trigger some conservative reaction in the US as int'l standards are not as speech protective as the 1st Amendment.

5.However, the fact that the Oversight Board overturned four of the five takedowns gives us a sense that it is likely to take more libertarian and speech-protective positions than Facebook.

6.This is not where most public opinion is, of course. Whether in the U.S. or the world, most observers think the problem with FB is that it takes down too little speech, not too much.

7.For those who thought the Board would necessarily be a PR win for FB – I am not so sure. It shows some source of outside accountability, but if it tends to return controversial speech to the platform, observers will continue to criticize FB for it.

8. The most significant decision, I think, is the French case dealing with COVID and hydroxychloroquine. It also has potential implications for the Trump takedown because it combines disinformation with the threat of offline harm.

It reflects the challenges in implementing Board decisions or complex context-based rules during situations where the real world costs of underenforcement exceed the speech costs of overenforcement. Should FB be more permissive in leaving up

borderline science during a pandemic?

https://t.co/QXZqvnnZTm of the most important remaining questions is how these decisions will lead, if at all, to changes in content moderation “at scale” and whether the care taken by the Board is something that can be implemented to a billion pieces of content every day. /end

Bonus tweet -- these 5 cases are from a pool of 150,000 filed appeals. The case selection process will be one of the most important aspects of the Board's work, given that they can only weigh in on a tiny sliver of Facebook decisions. But it's a start!