

POTENTIAL WITHIN THE ARCHITECTURE: EXPLAINING THE DEBATE OVER THE CONSTRUCTION OF SOCIAL MEDIA.

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My intentions with this essay, which is a response to Aubrey Burris's call for more federal oversight of the world of "revenge porn,"¹ is not to challenge or support the explicit legal analysis, but rather contribute a voice of explanation as to why such a world exists to begin with. The answer is hidden in the deeper layers of what social media actually is: By understanding the revolutionary DNA of social media, one can begin to understand its potential uses, and by understanding its potential uses, sociological principles can be applied to figure out why exactly someone would use such a tool for nefarious purposes, like posting unapproved pornographic photos of others.

Let's start with one basic understanding: Social media is an absolute revolution, one paralleled in the history of mankind only by the application of the Gutenberg printing press.²

Social media is a revolution because of its architecture—the very way the sites, programs and applications are built. They are designed for us to have a personal stake in the information being shared, to use photos of ourselves, to "write ourselves into being."³ There is no central control over social media. There are limited filters, no organizational limitations, and power is openly distributed to anyone who wishes to contribute content in the form of writing, photos, links, etc.⁴ Every other form of mass communication, from the bell-ringing town crier to the glut of cable television, has had centralized input and one-way consumption. Social media is all about architecture that allows the most people to contribute and interact without even needing central control.

But with this revolutionary new architecture comes questions over how to best use it. The debate over how that architecture gets used takes two forms, yet both focus on the potential. On one side, potential greatness. On the other, potential catastrophe.

Tech theorist Clay Shirky perhaps best sums up the positive outlook in his book *Cognitive Surplus*, where he argues that social media allows us to

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1. *Hell Hath No Fury like a Woman Porned: Revenge Porn and the Need for a Federal Nonconsensual Pornography Statute*, 66 FLA. L. REV. 2325 (2014).

2. Tom Standage, *Social Media in the 16th Century: How Luther Went Viral*, *ECONOMIST* (Dec. 17, 2011), available at <http://www.economist.com/node/21541719>.

3. danah boyd & Nicole Ellison, *Social Network Sites: Definition, History, and Scholarship*. 1 J. OF COMPUTER-MEDIATED COMM. 210 (2007).

4. CLAY SHIRKY, *HERE COMES EVERYBODY: THE POWER OF ORGANIZING WITHOUT ORGANIZATIONS* (2008).

use the power of content creation for good.⁵ He argues that the decentralized nature of the inherent architecture means that people who were previously only consumers of content are now very much producers of content.⁶ Even something as simple and mindless as a “lolcat” is creating something new. That mindset allows people to create something like Ushahidi,⁷ an open-ware social media platform used for everything from election-fraud tracking in Kenya to snowstorms in New York City.⁸

On the other side of that debate is Andrew Keen, a former Silicon Valley investor turned tech skeptic, who in his book *#digitalvertigo* argues that the architecture allows for the opposite kind of potential.⁹ Keen argues that the amateurization and decentralization of media has forced our mental states into valuing privacy less than the temporary pleasure we gain from exposure.¹⁰ The panopticon—the method of exposed architecture made famous by the likes of Jeremy Bentham—is the architectural model of the modern online social network, one where people behave a particular way not for their own good, but because they know they are being monitored.¹¹ The final, and crucial argument Keen makes is that societal fears over a single, authoritative Big Brother are misguided. Rather, Keen argues, we have much more reason to be afraid of an “Army of Annoying Little Brothers.”¹² Combine that with the pressure to be more exposed online, and you end up with a volatile mix that potentially leads to something like revenge porn.

So who is right about the overall future of social media in our society? We’re not going to know this for some time. Perhaps both are right, perhaps the very act of potential itself means that the positive must be taken with the negative.

And what about who is right when it comes to the issue of revenge pornography? Neither outright addresses the issue in either of their books. Keen would most likely say that there is no stronger evidence for his hypothesis of the “Army of Little Brothers” than sites based on posting pornographic pictures of others anonymously. I can only guess what Shirky’s rebuttal would be, but I imagine it would be pointing out that anti-bullying efforts have largely been fostered in the same social media

5. CLAY SHIRKY, *COGNITIVE SURPLUS: CREATIVITY AND GENEROSITY IN A CONNECTED AGE* (2010).

6. *Id.*

7. USHAHIDI, <http://www.usahidi.com>.

8. Clay Shirky, *How Cognitive Surplus Will Change the World*, TED (June 2010) http://www.ted.com/talks/clay_shirky_how_cognitive_surplus_will_change_the_world/transcript?language=en# (last visited June 23, 2015).

9. ANDREW KEEN, *DIGITAL VERTIGO: HOW TODAY’S ONLINE SOCIAL REVOLUTION IS DIVIDING, DIMINISHING, AND DISORIENTING US* (2012).

10. *Id.*

11. *Id.*

12. *Id.*

biospheres as the bullying, in the form of blogs and hashtags on Twitter.

So what can we do at this point? We know that the open-architecture design of social media allows everyone with an active connection to contribute to the information sharing. We also know, simply by using the programs, that we can often be anonymous on social media. So what does the world of the social sciences have to say about how people behave anonymously online?

Well, again, it depends on whom you ask. Social media researchers like danah boyd argue that anonymity is crucial to protecting underprivileged demographics,¹³ and that it's one of the key components of its importance to younger users.¹⁴ The very language used by people in anonymous settings changes.¹⁵ It allows them the ability to find themselves with less worry of being harassed.¹⁶ Research from the other side suggests that anonymity in the online space allows for negative behavior, exaggeration and mistruths.¹⁷ It allows for the fostering of hatred and discrimination.¹⁸ It acts as a habitat for cyberbullying due to a sense of disconnected consequences.¹⁹

I am a firm believer that future historians will look at the Internet in terms of pre-social media and post-social media. Social media is the greatest information tool we've seen in our generation. But that power comes with the need to protect the potential. Because, as both major sides of the debate say, it's all about the potential.

It's clear that sociological phenomena are permeating on the decentralized platforms, wherein people granted anonymity are using the platforms for nefarious ends—posting pornographic photos of people without their permission. If we truly want social media to grow to its full potential, if we want the future historians to be proud of how well we used the promethean fire we created, then we need to act now with smart Federal protections to make sure the good side outweighs the evil.

13. danah boyd, *Social Network Sites as Networked Publics: Affordances, Dynamics, and Implications*, NETWORKED SELF: IDENTITY, COMMUNITY, AND CULTURE ON SOCIAL NETWORK SITES 39–58 (2010).

14. danah boyd, *Why Youth (Heart) Social Network Sites: The Role of Networked Publics in Teenage Social Life*, MACARTHUR FOUNDATION SERIES ON DIGITAL LEARNING – YOUTH, IDENTITY, AND DIGITAL MEDIA VOLUME (2007).

15. Guy Merchant, *Teenagers in Cyberspace: An Investigation of Language Use and Language Change in Internet Chatrooms*, 24 J. OF RESEARCH IN READING 293 (2002).

16. *Id.*

17. J.B. Walther et al., *The Role of Friends' Appearance and Behavior on Evaluations of Individuals on Facebook: Are We Known by the Company We Keep?*, 34 HUMAN COMMUN RESEARCH 28–49 (2008).

18. Hiroaki Morio & Christopher Buchholz, *How Anonymous Are You Online? Examining Online Social Behaviors from a Cross-Cultural Perspective*, 23 AI AND SOC'Y 297 (2009).

19. Elizabeth Whittaker & Robin Kowalski, *Cyberbullying Via Social Media*, 14 J. OF SCH. VIOLENCE 11 (2015).