



# Digital Wildfire Delphi round 3

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## Page 1: Introduction

This third and final round of the Digital Wildfires policy Delphi follows on from the findings of round 2. The round 2 report has been sent to you via email and is also available [here](#).

In this final round you are asked to read five forecasts for social media regulation and indicate your level of agreement or disagreement with them. These forecasts have been drawn up using the findings from round 2 and relate to the potential regulation of social media communications in the technical and political conditions of liberal democracies that are committed to preserving fundamental rights to the freedom of speech whilst, albeit unevenly, under pressure to reduce the harms that can be associated with this speech. You are invited to indicate your agreement with these forecasts and use free text responses to discuss the reasoning behind your views. A final free text question provides an opportunity for you to offer any further observations on the likely regulation of social media communications in the foreseeable future. You are also invited to use this open ended question on 'further observations' to provide feedback on your experience of participating in the policy Delphi as a whole and any key issues in the regulation of social media which you think require further thought and investigation.

**Finally, we would like to take this opportunity to reiterate our thanks to you for your contribution to the Digital Wildfires policy Delphi. You will receive a full and final report on forecasting the regulation of social media communications in early summer 2016. To this end, please submit your responses to this round 3 questionnaire by 6<sup>th</sup> June 2016.**

# Page 2: Question 3.1: Forecasting the regulation of social media communications in the foreseeable future

Please read each forecast and indicate your response to it by selecting strongly agree, agree, disagree or strongly disagree. You can present the reasoning for your view in the 'Reasons' free text box.

	Ranking * Required				Reasons
	Strongly agree	Agree	Disagree	Strongly disagree	
1.) Criminal prosecution of those responsible for causing digital wildfires is unlikely to be the principal strategy of regulation given the high volume of communications involved and cross-jurisdictional disputes over the definition of criminally liable communications across global social media platforms. This strategy is also unlikely to be regarded as feasible by authorities given the anonymity of many social media accounts and problems of	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

differentiating between original communications and their propagation. Prosecuting social media users for speech acts is also likely to provoke major political resistance to restrictions on freedom of speech and, where prosecution of platforms is concerned, for ambiguity over the concept of 'duty of care'. Finally prosecution is retrospective and is of limited use in curtailing wildfires as they unfold.

2.) Cautioning social media users as a means of reducing digital wildfires or even more specifically defined offences such as incitement, libel and defamation is unlikely to be the principal strategy of

regulation given the similar limitations encountered by criminal prosecution. It is also unlikely to be adopted as a strategy given the technical and political problems of either withdrawing licenses from cross-jurisdictional services to operate in particular jurisdictions or rewarding 'best practice' for 'duty of care', given the vulnerability of preferential tax regimes to expensive and time-consuming law suits for those disadvantaged.

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3.) Disrupting digital wildfires through controls on access to social media services is technically feasible and addresses the problem of real/near-time responses but vulnerable to 'work-arounds' and unlikely to be adopted as a principal strategy given political objections to restricting freedom of speech. Similarly automated censorship is unlikely to be pursued given objections to empowering either the state or social media services with the powers to filter communications as in the political resistance to the default 'opt-out' of access to adult internet sites.



4.) Cultivating self-regulation through educational programmes, particularly in schools, and through public service broadcast campaigns is likely to be the principal strategy for regulating digital wildfires in the foreseeable future given their technical and political feasibility. However, the impact of these on reducing the harms that have been associated with 'digital wildfires' by panellists on the Digital Wildfires policy Delphi is questionable.



5.) Given the questionable effectiveness of self-regulation in reducing digital wildfires and their associated harms the most likely scenario is a strategy of accommodating freedom of speech, no matter how damaging to particular individuals and vulnerable groups, as a price that is worth paying for retaining the benefits that social media has for knowledge exchange, innovation, the generation of economic investment and the revitalisation of citizenship in liberal democracies.



## Page 3: Question 3.2 Further observations

**3.2. Further observations: other forecasts and questions for investigating the regulation of social media** Please use this space to make any further observations on the likely regulation of social media communications in the foreseeable future. You can also use this space to provide feedback on your experience of participating in the policy Delphi as a whole and any key issues in the regulation of social media which you think require further thought and investigation.





## Page 4: Thank you!

Thank you for taking the time to complete round 3 of the Digital Wildfire policy Delphi. We will be in touch again soon with and a final report on forecasting the regulation of social media communication.

If you would like to know more about the project, visit our [website](#) or contact [helena.webb@cs.ox.ac.uk](mailto:helena.webb@cs.ox.ac.uk)

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