

## **Doing well by doing good? Normative tensions underlying Twitter's Corporate Social Responsibility ethos**

Thorsten Busch & Tamara Shepherd  
PREPRINT VERSION – November 2013

Published version: Busch, T., & Shepherd, T. (2014). Doing well by doing good? Normative tensions underlying Twitter's corporate social responsibility ethos. *Convergence: the Journal of Research Into New Media Technologies*, 20(3), 293-315.

## **Doing well by doing good? Normative tensions underlying Twitter's Corporate Social Responsibility ethos**

### **Abstract**

This paper examines the rhetoric of Twitter.com in order to gain insight into the company's normative self-understanding, or ethos. From a business ethics perspective, we analyze Twitter's ethos in relation to debates around democratic communication and Corporate Social Responsibility (CSR). Partly thanks to its CSR strategy, Twitter has acquired the critical mass of users necessary to successfully establish a robust and financially viable social network. Despite its success, however, we argue that Twitter does not sufficiently address three ethical implications of its strategy: (1) from an ethical perspective, Twitter mainly seems to employ an 'instrumental CSR' ethos which fails to properly recognize the moral rights, responsibilities, and strategic challenges of corporate actors with regards to their stakeholders; (2) this issue becomes all the more pressing because online social networks to a certain extent have taken on the role of quasi-governmental bodies today, regulating what their users can and cannot do, thus raising questions of accountability and legitimacy; and (3) in Twitter's case, this leads to normative tension between the site's rhetoric, which is centered around civic motives, and the way its Terms of Service and licensing policies seem to favor its commercial stakeholders over its non-commercial ones.

### **Keywords**

Twitter, Web 2.0, online social networks, platform, regulation, rights, privacy, intellectual property, business ethics, Corporate Social Responsibility, CSR, corporate citizenship

### **Introduction**

Web 2.0 platforms – social media websites built on user sharing and participation – often promise to serve as public fora, connecting people from all over the globe so that they can discuss the issues that matter to them. Yet the commercial imperatives behind these platforms have led to increasing enforcement of user participation through asymmetrical regulation, such as Terms of Service contracts or licensing terms, which circumscribe users' rights. By managing not only the consumer rights but also the citizen rights of their users within digital spaces for public dialogue, Web 2.0 services act as quasi-regulators in the sense that they define what users can or cannot do on their digital territory. This is problematic for two reasons: On one hand, sites like Twitter are not merely private, commercial spaces, they are also public fora in which citizens discuss political matters. Private regulation thus creates spillover effects into civic life online. On the other hand, commercial contract law used by Web 2.0 sites frequently outpaces traditional government legislation around issues such as informational privacy and intellectual property, thus creating a gap in terms of legitimacy and accountability. Given this regulatory aspect of their business models, Web 2.0 companies often implicitly or explicitly invoke the concept of Corporate Social Responsibility (CSR) in what we consider to be an attempt to gain or regain social acceptance.

In this article, we examine Twitter.com as an exemplary quasi-regulator that frames its mandate in benevolent terms through CSR rhetoric, for instance when the company claims to fight for rights such as freedom of

expression, arguing that '[t]he open exchange of information can have a positive global impact' (Twitter, 2011a). Since internet corporations like Twitter often do have a far-reaching social impact online, CSR policies work to reassure users that their rights as citizens, and not just as consumers, will retain some degree of institutional protection. Unfortunately, however, many companies use CSR as a mere marketing tool in order to gain social acceptance (Carroll, 1999: 143; Ulrich, 2008: 400/427; Arnold, Beauchamp & Bowie, 2013: 51). This can be seen across a range of popular Web 2.0 platforms, including YouTube, Facebook, LinkedIn and Twitter, that profit from offering users free access to their services. Political trends toward deregulation and privatization over the last several decades, as Harvey (2005) has famously described in his work on neoliberalism, have created a regulatory backdrop where such platforms can integrate user-generated content without much constraint from government legislation, and thus it is private Terms of Service contracts that regulate the appropriation of users' free labour, the collection and use of their personal information, and the licensing of their intellectual property. The example of Twitter serves to highlight how a Web 2.0 platform, initially praised for its promise to bolster democratic speech by offering users a free 'real-time information network,' has mobilized the CSR ethos as part of developing its market share toward going public, which the site did in November 2013.

Indeed, an examination of Twitter's rhetoric indicates how the site positions itself as a benevolent social service rather than a business. However, its civic rhetoric has not prevented the site from frequently favoring its commercial stakeholders over its non-commercial ones, for example by retaining a license over all posted content or by collecting and using personal information in its advertising models (Greengard, 2012). In fact, we would argue, Twitter's seeming benevolence has played a significant role in rendering the site hugely successful in terms of accumulating the critical mass of users necessary to contribute their free labour toward the site's growing value. Twitter thus might present a classic example of what business ethics literature calls the 'business case for CSR': the ideological belief that a company will 'do well by doing good,' implying that 'investing in ethics' to present oneself in a morally positive light will translate to better business in the long run.

That being said, as far as internet companies are concerned, Twitter generally has been enjoying a rather good reputation in recent years because it is one of the few companies that make a relatively comprehensive effort to help its users protect their data from government access (Electronic Frontier Foundation, 2013; Twitter, 2013a). Not

even the scandal around the NSA and its surveillance practices, as revealed by Edward Snowden in mid-2013, has threatened the perception that Twitter is a relatively responsible company when compared to its peers (Firestone, 2013). Against this background, it is not the aim of this paper to portray Twitter as ‘evil’ or to assume that the company has some kind of sinister ulterior motive. Instead, our portrayal of Twitter as operationalizing CSR rhetoric in instrumental ways is based on the observation that Twitter itself chooses to use this type of rhetoric, and we are merely judging it by the standards to which it claims to adhere. Admittedly, we understand this approach as a provocation for thinking about the implications of social media corporations as quasi-regulators for notions of user rights and civil liberties online, as we will argue that Twitter does not merely regulate its customers in their role as consumers, but also, and more importantly, in their role as citizens.

Another caveat should also be mentioned at this point: while we criticize Twitter for reserving a wide range of rights that favor the site’s commercial stakeholders over its non-commercial ones, we should also point out that much of this regulation has not necessarily been put into place by Twitter’s own volition. Instead, many sections of Twitter’s regulatory documents reflect federal legislation in the U.S. (where Twitter is based), such as the Digital Millennium Copyright Act and the Communications Decency Act, according to which internet companies reserve certain rights in order to minimize potentially costly liability claims (George & Scerri, 2007; Sawyer, 2009; Sableman, 2013). Thus, we need to point out that *reserving* certain rights does not automatically mean *exercising* said rights. Focusing our analysis on Twitter’s rhetoric, both in terms of its marketing language and its regulatory documents, therefore creates a certain bias that limits the scope of validity of the paper in the sense that we will not be able to make any claims regarding Twitter’s actual performance when it comes to moral issues. In fact, a comprehensive empirical analysis of the company’s actions tends to escape the grasp of researchers due to the challenges of working qualitatively with “big data” and also because of the confidentiality and secrecy shrouding both the company’s decision-making process and the contractual, regulatory, and legal processes involved (boyd & Crawford, 2012). Even though the company has started publishing a transparency report which details government requests for user data (Twitter, 2013a), most of its interactions with private-sector entities remain less than transparent. The publicly available sources examined in the paper’s analysis include the company’s ‘About Us’ and ‘hope140.org’ pages, as well as its Terms of Service, Privacy Policy, and blog posts. These pages have been

examined from a general discourse analysis framework that attends to language as an expression of power relations (e.g., Van Leeuwen, 2007; Fairclough & Wodak, 1997), which was employed here in order to highlight how Twitter deploys normative claims to portray its mission, ethos, and values. Certain statements emerged from this analysis as effective for illustrating how Twitter uses and understands CSR, and these are organized here according to Ulrich's (2008) CSR typology. Through an application of this typology to the company's strategy, we present the results of our examination of Twitter's language, followed by a discussion of the growing importance of the regulatory role that online social networks have assumed in recent years. This role has increased the salience of corporate responsibility issues for online platforms; thus, the final section of the paper uses insights from the Twitter case to discuss corporate responsibility with regard to privacy, intellectual property, and online labor.

### **Framing Corporate Social Responsibility: Doing well by doing good?**

Corporate Social Responsibility, or CSR, has been a buzzword in academia, politics, and the corporate world for more than two decades now. However, CSR still is not a coherent or universally accepted concept. The academic literature evidences a wide range of conflicting definitions of CSR (for an overview, see Garriga & Melé, 2004; on the differences between US and European interpretations of the term, see Matten & Moon, 2008). The rather vague common theme of these definitions is that a company is supposed to 'behave ethically' in its business operations – but what that means is dependent on which normative framework business ethicists and practitioners choose to employ. Ulrich (2008: 376-442) maps out a typology of corporate ethics centered around four ideal-types, describing how management scholars and managers tend to think about the relationship between profits and ethics. These are Weberian ideal-types, which means that they are

formed by the one-sided accentuation of one or more points of view and by the synthesis of a great many diffuse, discrete, more or less present and occasionally absent concrete individual phenomena, which are arranged according to those one-sidedly emphasized viewpoints into a unified analytical construct. [...] In its conceptual purity, this mental construct [...] cannot be found empirically anywhere in reality. (Weber, 1949: 90)

As such, the following CSR types do not sufficiently describe every empirical case imaginable; instead, the four types are based on similar and recurring normative arguments regarding the role of CSR that frequently arise in debates on corporate responsibility.

The first type Ulrich identifies could be summarized as *functionalist business ethics*. This approach assumes that focusing on pursuing profits and maximizing shareholder value is ethically sound in itself because in doing so, a company supposedly maximizes value for society as a whole. Thus, ethics is seen as a mere function of economic activity. This ties in to what De George (2009: 3) calls ‘the myth of amoral business,’ namely the assumption that ethical reflection on business practices is simply unnecessary because companies engaging in competitive markets will neutrally and sufficiently take care of ethical aspects by merely doing ‘business as usual.’ The second type could be called *instrumental business ethics*, or the ‘business case for ethics,’ because ‘ethics’ is seen as a company’s instrument for making more profits in the long run. The underlying assumption is that a company sometimes may need to let go of short-term business opportunities if these are ethically questionable in order to build trust among its customers. In the long term, then, this strategically earned trust supposedly will lead to higher profits. Thus, this type claims that there is a financial incentive to morally sound business practices, and companies should thus ‘invest in ethics’ for strategic, self-interested reasons. The third type could be called *charitable business ethics* because it describes cases in which a company distinguishes between the way it makes its profits and the way it spends them: a company’s core business model, this approach suggests, should be free of moral considerations and just focus on maximizing profit instead. That way, a company would be able to use said profits to make substantial contributions to charity. And the more profit a company makes, the more money is available to be spent on ‘good social causes.’ Therefore, from the perspective of charitable CSR, maximizing profits is seen as a company’s primary moral duty as it is legitimized by increasing a company’s ability to invest in charity. However, since the amount of money intended for charity could also be directly reinvested in business activities, thus creating even more profits which could be spent on charity later on, this CSR type creates a paradox in which the incentive to reinvest profits wins out logically over the intention of spending them on charity.

Ulrich identifies these three approaches as questionable because none of them actually takes into account

genuinely ethical arguments. While the functionalist CSR type simply claims that maximizing profit is ethically sound in itself, both the instrumental and the charitable approach at least admit that the profit interest can sometimes conflict with moral concerns. However, both the instrumental and the charitable approach are in essence strategic in that they only take into account concerns that are driven by a company's self-interest. Companies following these two CSR types may occasionally do the morally right thing, of course, but they will not do it for the right reasons because they do not necessarily have an intrinsic interest in ethical issues such as human rights. This in turn renders their behavior entirely erratic and opportunistic, which is the exact opposite of what they claim to be when they 'invest in ethics' or give to charity, namely a company of integrity.

In light of these shortcomings, Ulrich (2008: 408-442) proposes a fourth type, *integrative business ethics*. According to this approach, a company's responsibilities are not merely restricted in one way or another to the profit principle alone, but to sound and critical ethical reasoning. From a Habermasian discourse-ethical perspective (Habermas, 1984; Scherer & Palazzo, 2007), Ulrich claims that a company needs to thoroughly reflect on the ethical legitimacy of both its core business model and the way a company's strategies influence the business practices and policies of its industry and society as a whole. Constant stakeholder dialogue, integrity, and transparency are seen as prerequisites for earning a reputation as an ethically sound company – that is, a company that pursues only those business opportunities which do not violate stakeholders' moral rights, such as their basic human rights or their civic rights like freedom of expression, for instance. This approach is part of a general trend over the last decade during which academic literature on business ethics has moved from framing CSR as a purely voluntary corporate strategy aimed at generating profits by boosting a company's social acceptance to much more elaborate ethical frameworks that include perspectives like social justice and human rights (Matten, Crane & Chapple, 2003; Scherer, Palazzo & Baumann, 2006; Palazzo & Scherer, 2006, 2008; Scherer & Palazzo, 2007; Ulrich, 2008; Kobrin, 2009; Wettstein 2009, 2010).

Echoing the academic state of the art, almost every 'Western' trans-national corporation (i.e. mostly, but not exclusively, the ones listed in major stock indices such as the Dow Jones or S&P 500) today claims to act responsibly, or to be a 'good corporate citizen,' either via its website, in its PR brochures, or through the work of charitable foundations (Arnold, Beauchamp & Bowie, 2013: 51). And in many cases, one has to admit, these claims

are not mere PR speak. At the same time, however, many corporations still understand CSR primarily as a marketing tool, or as some philanthropic add-on to their business model that is merely ‘nice to have’ but not essential, thus shying away from openly discussing ethical critiques and moral claims brought forth by stakeholders (Carroll, 1999: 143; Ulrich, 2008: 400, 427). As with many core concepts in business ethics, the definition of the term ‘stakeholder’ has been highly contested (Donaldson & Preston, 1995; Miles, 2012). The term had originally been developed in the 1980s in contrast to the dominant ‘shareholder value’ paradigm, stating that ‘[a] stakeholder in an organization is (by definition) any group or individual who can affect or is affected by the achievement of the organization’s objectives’ (Freeman, 1984: 46). While this original definition had a strategic tone to it, essentially assuming that only those stakeholders are relevant to a company who present a threat to its business success, both Freeman himself (1994, 2004) as well as other scholars (such as Ulrich, 2008: 421-432; Parmar et al., 2010) in recent years have addressed the problem posed by this strategic aspect of the definition. Thus, a stakeholder is now understood much more broadly as any group or individual with a moral claim to address toward a company, even if that claim is not commensurate with the power to influence said company or if the group or individual is not directly affected by its actions. This definition includes not only core members of the organization, such as employees, but also the entire supply chain of a company, as well as customers, competitors, political regulators, and so on. Crucially, the definition also includes NGOs, advocacy groups, and civil society organizations who are not necessarily directly affected by a company’s actions but are able to make moral claims on behalf of actors who might be affected but are unable to make their voices heard. Managing stakeholder claims presents companies with an enormous challenge because said claims usually are diverse and often in conflict with one another.

It is within this context that we investigate Twitter’s ethos, or normative self-understanding. In order to identify which type of CSR Twitter deploys primarily, we have examined the language used to construct the company’s normative claims on its ‘About Us’ and ‘hope140.org’ pages, as well as its Terms of Service, Privacy Policy, and blog entries. In the following two sections, we will detail our findings before critically discussing them against the backdrop of the business ethics literature.

### **Twitter’s public image, self-understanding, and deployment of CSR**



In their large-scale review of mainstream press coverage of Twitter from 2006 to 2009, Arceneaux and Schmitz Weiss (2010: 1270) note that civic uses of the site, such as Barack Obama's widely lauded Twitter presence, often 'symbolized the increased access to political information that Twitter allowed, [... e]mbracing the vision of an expanded participatory democracy (a hope which has been bestowed upon all previous forms of electronic media).' While Twitter's image in the media thus represents a continuity of widespread technological optimism and previous celebratory depictions of new media and communication technologies as democratizing, recent touchstone events in Middle Eastern politics have seemed to crystallize and reinforce this popular notion. In an emblematic example, Grossman (2009) framed Twitter as 'the medium of the movement' in the aftermath of the June 2009 Iranian election, where the site broadcast 'information from street level, in real time' as part of a 'mass protest movement':

Twitter didn't start the protests in Iran, nor did it make them possible. But there's no question that it has emboldened the protesters, reinforced their conviction that they are not alone and engaged populations outside Iran in an emotional, immediate way that was never possible before.

Grossman's characterization of Twitter as a platform for dissenting voices that, as he claims, successfully countered Iran's 'monologue of tyranny' celebrates the site's (perhaps originally unintended) political implications in protests against totalitarian regimes. What this portrayal disavows, in addition to any acknowledgement of existing structures of political mobilization that provided the conditions of possibility for Iranians using Twitter in this way (and the subsequent use of Twitter by the incumbent regime for locating dissidents), is the promotional function that this event fulfilled in casting Twitter as a democratically robust networked public (for an extended critique of the role of Twitter in Middle Eastern revolutions, see Bailly, 2012).

In hindsight, the so-called 'Twitter Revolution' of 2009 can be identified and criticized as 'largely the product of media hype' (MacKinnon, 2012: 54). However, just two years later, the events of the 'Arab Spring' were framed exactly the same way in the popular press. Celebratory coverage in 'Western' mainstream media has thus positioned Twitter (along with fellow Web 2.0 site Facebook) as a key driver of the rapid spread of political emancipation in countries like Egypt, Bahrain, Libya, Syria, and Tunisia (Rosen, 2011; Jurgenson, 2012). Rather

than attributing revolutionary mobilization to the people of these nations, self-congratulatory Western press coverage that spotlighted their civic uses of Twitter further reinforced the notion that social web platforms primarily serve as spaces for democratic communication, and thus as a force for good. As Sedra (2011) asserts, Web 2.0 platforms like Facebook and Twitter ‘certainly aren’t solely responsible for the growing wave of revolutionary ferment in the Arab world,’ but they ‘helped to channel that frustration into action’: ‘Short of shutting off the Internet and mobile phone communications, these states have been unable to contain the viral anti-regime activities of their wired citizens.’ Sedra goes on to encourage Western nations to support these ‘wired citizens’ by ‘strengthening the Web 2.0 platforms that can facilitate the networking of activists, the sharing of ideas and the organization of movements.’

Against the background of celebratory mainstream media coverage, we can observe that Twitter itself has to a certain extent positioned its platform as a key driver of social and political change, using its positive media image in order to better position itself as a business. As The New York Times reports, ‘Alexander Macgillivray, Twitter’s chief lawyer, says that fighting for free speech is more than a good idea. He thinks it is a competitive advantage for his company. That conviction explains why he spends so much of Twitter’s time and money going toe to toe with officers and apparatchiks both here and abroad’ (Sengupta, 2012). Granted, Twitter is a privately owned company, not an NGO, and striving for profit is not necessarily a problem. Backed by venture capitalists and successfully going public in November 2013, Twitter for years has experimented with its business model, which – as with any Web 2.0 site – has been centered around growing its user base in order to monetize users’ social connections. The company’s revenue streams today focus on advertising, for which it harnesses user analytics, search, promoted tweets, accounts, and trends, as well as licensing data streams (BMI Matters, 2012; Dorsay, 2012; Twitter Analysis, 2012; Waddington, 2013). Given the fact that growing its user base is the biggest strategic concern of any Web 2.0 site, it does not seem far-fetched to assume that Twitter has been purposefully emphasizing its ‘civic’ image by utilizing CSR rhetoric as a marketing instrument.

Given the potential profitability of deploying CSR rhetoric, we ask how exactly does Twitter publicly frame its ethos, mission, and self-understanding? One central normative claim was introduced through the homepage of Twitter’s former hope140.org site (named after the maximum length of a tweet, 140 characters): ‘At Twitter, one

thing that drives us is our desire to make a lasting impact as a company. Being a force for good is at the heart of that mission' (2011). This is a bold moral claim, and one could argue that it might refer solely to Twitter's charity efforts. However, the quote explicitly states that Twitter wants to make a lasting impact as a *company*, and it is precisely 'that mission' which includes being 'a force for good.' From a business ethics perspective, what Twitter offers through its hope140.org site (which has, since 2013, been incarnated as The Twitter for Good Blog) might be seen as a refreshing take on framing a corporate mission that typically consists of variations on 'our mission is to become global market leaders by creating added value for our customers, delivering high-quality goods and services.' By contrast, Twitter's attempt to highlight the broader social value of its service expresses the company's desire to contribute to fair global communications. At the same time, however, it blurs the boundaries between the company's business interests, its charity efforts, and the romantic ideal of digital citizens coming together on Twitter in order to make the world a better place.

The rhetoric of hope140.org and The Twitter for Good Blog – promoting Twitter's 'open exchange of information' alongside images of sub-Saharan African villagers – constructs a particular version of the digital citizen. Twitter's self-portrayal references its mainstream media image as catalyst of the 'Arab Spring,' suggesting that, particularly in non-Western and developing contexts, access to Web 2.0 technology is the prerequisite for civic participation today. Papacharissi (2010: 104) claims that '[a]s a civic agent, the digital citizen is reified through his/her use of digital media, meaning that digital citizens enter the sphere of civic activity through digital media.' Not only was this version of citizenship central to news framings of the 'Arab Spring,' but it apparently also guided Twitter's own January 2011 blog post proclaiming 'The Tweets Must Flow': 'The open exchange of information can have a positive global impact. This is both a practical and ethical belief. [...] Our position on freedom of expression carries with it a mandate to protect our users' right to speak freely' (Twitter, 2011a). Again, this is a bold normative claim illustrating the way the company communicates its self-image as a benevolent civic actor. Accordingly, Twitter partnered with Google at this time to create Speak2Tweet, a telephone-based program where protesters without internet access could call a phone number and say something that would then be transposed into a real-time tweet (<http://twitter.com/#!/speak2tweet>). In this way, Twitter's explicit framing of itself as a democratic, free-speech platform aligns with mainstream news coverage, portraying the site as a technological platform upon

which users are constituted as world citizens through a romanticized, technologized version of the unfettered exchange of information and ideas as a central component of democratic social life.

Indeed, the normative claims expressed on the Twitter ‘About Us’ page have invoked the rhetoric of digital citizenship and democratic user rights to varying degrees since the site’s inception in 2006. Initially, the site’s About Us page simply framed Twitter as ‘an interesting side project’ of employees at Obvious, a San Francisco-based podcasting and social media company. Eventually, with Twitter’s growing popularity and public profile, its About Us page adopted more apparent socially conscious rhetoric. By Fall 2008, the site was positioning itself as a sort of global village, stating that ‘[i]n countries all around the world, people follow the sources most relevant to them and access information via Twitter as it happens – from breaking world news to updates from friends’ (About Us, 29 September 2008). The following year, Twitter’s About Us page was reformulated as a series of frequently asked questions, including ‘How do you make money from Twitter?’, the response to which evidences an early version of the site’s CSR claims:

Twitter has many appealing opportunities for generating revenue but we are holding off on implementation for now because we don’t want to distract ourselves from the more important work at hand which is to create a compelling service and great user experience for millions of people around the world. (quoted in Shepherd, 2009: 160.)

In claiming that profit-making was only a secondary concern in the development of the site, Twitter effectively set the stage for its image as a benevolent platform, illustrating that the lines between private and public entities have become blurry in contemporary social media environments (Baym & boyd, 2012). Accordingly, Twitter’s rhetoric along these lines has continued into the present day. Twitter’s 2011 About Us page, for instance, featured a section on ‘Twitter and the Community,’ stating that ‘[a]t Twitter, we believe that the open exchange of information can have a positive global impact. Every day we are inspired by stories of people using Twitter to help make the world a better place in unexpected ways’ (Twitter, 2011b). By 2013, this section of the About Us page had been renamed to ‘Twitter in the community,’ and it had been further expanded:

‘Twitter lends itself to cause and action. Every day, we are inspired by stories of people using Twitter to help make the world a better place in unexpected ways. Visit [stories.twitter.com](http://stories.twitter.com) to learn more. And with just a Tweet, millions of people learn about or show their support for positive initiatives that might have otherwise gone unnoticed. Programs like Twitter Ads for Good offer a way for non-profit organizations to promote their efforts the same way as businesses can. As more community-centric organizations join the platform, citizens will increasingly engage with the efforts taking place to move their community forward. Follow @TwitterGood and @TwitterSF for more on these topics.’ (Twitter, 2013b.)

In addition, Twitter extended its particular commitment to enhancing democratic communication globally through the [hope140.org](http://hope140.org) site, which directly addressed its users as peers and part of a movement:

At Twitter, one thing that drives us is our desire to make a lasting impact as a company. Being a force for good is at the heart of that mission. [...] The open exchange of information is just beginning to become an everyday part of how the world communicates. As folks like you spread positive knowledge through the platform, we’ll be collecting it and highlighting good social movements that you might want to get involved in. ([hope140.org](http://hope140.org), 2011)

The promotional language employed throughout the site thus encourages a perception of Twitter as public space for socially beneficial and democratic communication. The examples presented in this section demonstrate that Twitter openly and publicly presents this civic ethos as the core of its identity, demonstrating a persistent use of stark CSR rhetoric. The imagery used by the company references appealing ideals of democracy – where an increased number of voices equals a more engaged citizenry (Hindman, 2008: 17) – and ‘good’ citizenship – where people assume the responsibility to act locally as political intervention (Schudson, 1998). Interestingly, Twitter seems to be less eager to address its strategy’s commercial aspects in quite the same open way. Such reticence might suggest that the company deploys the romantic ideal of the internet as a democratizing force in order to stake its private claims on

networked publics (Hindman, 2008: 138). For Papacharissi (2010: 137), this means that civic communication has been fundamentally re-situated within a ‘private sphere and through the use of private media environments.’ This type of private sphere characterizes the commercial context in which companies, including Twitter itself as a publicly-traded entity as well as the myriad commercial stakeholders who use the site for their own promotional purposes, engage in CSR as part of more traditional marketing strategies.

### **Web 2.0 sites as private regulators of public discourse**

New technologies hold the capacity to alter space, to render public conversation in private spheres, where the everyday practices of people in digitally enabled democracies can be seen ‘both as an expression of distinct civic tendencies and as the tapestry upon which further tendencies form’ (Papacharissi, 2010: 16). In this context, Web 2.0 sites that work as communicative platforms might be interrogated from the point of view of their democratic value. As illustrated earlier, popular media coverage often portrays this democratic value in success stories of online political organizing and mobilization. While highly publicized world events such as the ‘Arab Spring’ of early 2011 may suggest that we have entered a phase of frictionless global civic engagement taking place in real-time, most internet users in fact do not engage in intellectually or culturally diverse contexts (Pariser, 2011; Zuckerman, 2013). Moreover, the backdrop of those interactions – the infrastructure of sites like Facebook, YouTube, and Twitter – serves to regulate user behavior through corporate strategies, legal contracts and, as Lessig (2006) emphasizes, the technological architecture of the site, where ‘code is law.’ While code as law is a crucial element of the way that Web 2.0 sites work as regulators of public discourse, we also suggest that ‘contract as regulation’ functions through Twitter’s Terms of Service, which maintain an asymmetrical regulatory role through discursive legitimization of the site as benevolent. Before looking at the Twitter case, though, it is important to address the background against which private companies regulate the public infosphere today.

The empirical observation that big companies, especially transnational corporations, have a strong economic, political, and social influence is not new. In the 1970s, for example, Ulrich (1977) claimed that transnational corporations should be understood as ‘quasi-governmental’ institutions due to the massive influence they have on people’s everyday lives all over the globe, and thus should be held accountable for their actions. In

recent years, business ethics and management literature has increasingly emphasized the public role of private corporations (Scherer & Palazzo, 2007), coining terms such as ‘corporate citizenship’ – a term which, just like CSR, is being used as an umbrella term rather than as a specific concept (Matten, Crane & Chapple, 2003). Because of the massive economic, political, and social repercussions of corporate strategies, a growing number of scholars agree that companies today should be understood not just as private entities, but as public actors (Scherer, Palazzo & Baumann, 2006; Palazzo & Scherer, 2006, 2008; Scherer & Palazzo, 2007; Ulrich, 1977, 2008; Kobrin, 2009; Wettstein, 2009, 2010). Accordingly, in their recent large-scale review of the academic literature on the role of transnational corporations in global governance, Scherer and Palazzo (2011: 919) identify a general trend ‘towards a new theory of the firm that emphasizes the public role of private business firms.’ Thus, when it comes to moral conflicts with stakeholders, transnational corporations cannot reasonably claim to just follow their ‘private’ business models without being responsible for their consequences. Whether they like it or not, transnational corporations are under constant public scrutiny. And this also goes for companies in the information and communication technology (ICT) sector, as De George (2003: 5) points out. He coined the phrase ‘the myth of amoral computing and information technology’ in order to illustrate the fact that ICTs are not ethically neutral. Instead, the complex nature and omnipresence of ICTs engender a wide range of accountability and responsibility issues.

This is emphasized by the underlying empirical trend that the lines between private companies and state agencies have become increasingly blurry: transnational corporations have taken over many responsibilities that used to be associated with the nation-state (Matten & Crane, 2005), while at the same time government agencies and other public institutions (like universities) increasingly tend to operate like businesses. Hence, today it is quite unclear what is meant by the terms ‘private’ and ‘public’ with regard to social institutions like companies or government. Ownership of these institutions might be narrowly defined from a legal perspective, but from a social and ethical point of view, the consequences of state and corporate actions have converged and become highly complex. The debate on corporate citizenship illustrates this new regulatory role of privately owned companies: traditionally, citizenship rights are governed by the nation-state, which defines and protects its citizens’ legal status and entitlements and provides them with access to political processes (Crane, Matten & Moon, 2008: 6). According to Marshall’s (1964) classic definition, entitlements include civil, political, and social rights, such as freedom of

speech, the right to vote as well as welfare entitlements. In recent years, however, corporations have increasingly taken over this governmental role, prompting Matten & Crane (2005: 173) to define corporate citizenship as ‘the role of the corporation in administering citizenship rights for individuals.’ In this role, companies – in addition to nation-states – increasingly act like ‘governments’ (Crane, Matten & Moon 2008: 50-87), namely as providers of social rights, enablers of civil rights, and channel for political rights. Thus, they argue, ‘[c]orporations are not citizens, they are not governments and they are not arenas of citizenship – but in some respects, and under certain conditions, there is a close enough resemblance to each for us to be able to consider corporate roles and responsibilities in new and at times quite powerful ways’ (Crane, Matten & Moon 2008: 202).

Transnational ICT companies, and especially social networks, illustrate this trend in their business models that aim to connect groups and individuals in many diverse ways. As such, private Web 2.0 companies today provide a ‘quasi-public sphere’ (York, 2010). Therefore, their strategies have a direct and far-reaching impact on stakeholders and their communication rights and practices (Lastowka, 2010). The recent trend to increasingly rely on tethered appliances and proprietary ‘walled garden’ strategies instead of open ways to access content via the Web – as exemplified by Apple’s integration of hardware, software and content into one centralized environment, but also by online social networks – has drawn sharp criticism from experts (such as Berners-Lee, 2010), and it demonstrates the fact that ICT companies have become quasi-regulators who govern citizenship rights in their respective online territories.

From an ethical point of view, one central question is whether ICT companies regulate their respective online spaces in a way that allows for generativity (Zittrain, 2008), or whether they exercise control over their stakeholders in a way that threatens citizenship rights, as outlined above in the section on corporate citizenship. Both Amazon and Apple, for example, have been criticized for ‘censoring’ articles in their online stores (Hodson, 2008; Stone, 2009), and online gaming networks such as Microsoft’s XBox Live Arcade drew similar criticism when they banned players from their services (Sapieha, 2008). Since Web 2.0 companies like Facebook and Twitter govern their online territories much in the same way a state would, the term ‘quasi-governmental’ seems apt. Online social networks might therefore be the most obvious examples of private ICT companies fulfilling a public regulatory role as corporate citizens, since they provide the technical and legal infrastructure upon which networked publics engage



in discussion, exchange information, and produce networked goods. Because of this almost state-like structural role, MacKinnon (2012) calls online social networks ‘sovereigns of cyberspace’ and ironically refers to ‘Facebookistan’ and ‘Googledom’ when discussing these companies’ far-reaching power in online publics. In a similar fashion, both Baym (2011) and Nakamura (2011) have also drawn parallels between social network sites and nation-states. This power of online platforms to determine what users can or cannot do on their respective online territories has led some critics to accuse Web 2.0 companies of a ‘new feudalism’ (Clark, 2011), or ‘digital feudalism’ (Meinrath, Losey & Pickard, 2011). Thus, quite obviously, this new public role of online social networks brings with it issues of corporate responsibility, where corporate strategies and normative self-understandings of online social networks play an increasingly important role.

We can therefore characterize Web 2.0 companies today as ‘quasi-governmental’ regulators on two levels: first, on the level of their core business models (how exactly do they make money?), which have a direct influence on stakeholders; and second, the way said business models interact indirectly with their stakeholders, for example by way of technical or legal industry standards, or by shared business practices within the industry (Ulrich, 2008). While the core business model of any given individual company may be fully rational, it might lead to unintended negative consequences for certain stakeholders. In a globalized, digital economy, such negative consequences can easily cross national, legal, cultural, or moral borders, frequently resulting in protest or conflict. Due to the way the digital economy works, ICT companies often feel they need to use business strategies that restrict competitors or customers from choosing certain options, relying on first-mover advantages, technical standards and restrictions (‘code’), network effects, lock-in strategies and the like. From an individual business’s perspective, such proprietary strategies make perfect sense when it comes to competing with other companies, but they might harm public interest by threatening not-for-profit companies and open projects that rely on user creativity (Lessig, 2006, 2008), commons-based peer production (Benkler, 2006), or open access to information (Busch, 2011). Yet even on platforms that rely on user participation, such as Twitter, proprietary logic manifests through their Terms of Service: one of the key regulatory tools employed in Web 2.0.

In his analysis of YouTube, Gillespie (2010) points out that the practices of Web 2.0 sites that contravene the public interest might be understood from the point of view of these sites as ‘platforms.’ Gillespie undertakes a

discursive analysis of the term platform as it is deployed to legitimize YouTube's integration of user content and commercial media products for its user base:

The term 'platform' helps reveal how YouTube and others stage themselves for these constituencies, allowing them to make a broadly progressive sales pitch while also eliding the tensions inherent in their service: between user-generated and commercially-produced content, between cultivating community and serving up advertising, between intervening in the delivery of content and remaining neutral. (Gillespie, 2010: 348.)

The term platform as applied to Web 2.0 sites thus enacts a kind of moral and rational legitimization (Van Leeuwen, 2007), where an evaluative depiction of the sites as level playing fields is grounded in claims around user content that tend to elide the way that industrialized content producers and other commercial interests exert control over user rights. Public interest issues are thus pushed to the margins through this discursive naturalization of the sites as egalitarian platforms.

A 'broadly progressive sales pitch' and its attendant platform dynamic might also be observed with Twitter's rise in popularity. Contrary to popular belief, Twitter as a social web platform is not exactly an *agora*, a central place where people from all over the globe can meet up. Instead, it is a highly fragmented network of networks, with millions of separate communities exchanging information. While a site like Twitter offers some version of a networked public – which boyd (2008: 125) has defined as 'the spaces and audiences that are bound together through technological networks' – this does not mean that all users of Twitter are part of the same community, actively exchanging information with all other users of the site; instead, user communities are fragmented into smaller publics (Zuckerman, 2013). Yet when taken together, Twitter's 'well over 200 million active users' (Twitter, 2013c) send 400 million tweets a day and thus comprise an audience too large to ignore by many companies and public agencies alike. Hence, over the last few years, a vast number of companies, groups, institutions, and individuals have joined Twitter as a means of more or less interactive communication with their respective peers and stakeholders. The way that Twitter manages and governs its growing platform directly

influences how this wide range of people can interact on the platform, regardless of where they are physically, socially, or legally located. Since the Twitter platform thus acts as a ‘quasi-governmental’ regulator, it is no wonder that users, bloggers, activists and citizens today tend to critically monitor the site, just like they do for Facebook or Google (e.g., MacKinnon, 2010a/b; 2012: 221-250; Project VRM, 2013).

### **Ethical problems arising from Twitter’s instrumental CSR approach**

In the previous sections, we have shown how Twitter frames its ethos and illustrated why its normative self-understanding matters, as private companies today have become powerful corporate citizens governing public discourse. Based on Ulrich’s (2008) aforementioned typology of corporate ethics, we find that Twitter utilizes CSR rhetoric mainly, but not exclusively, according to the type of *instrumental CSR*. This might be problematic from an ethical point of view, as many companies still see profit maximization as a prerequisite for doing the morally right thing, following the motto: ‘We would certainly like to do [insert social cause here], but only if it is good for our marketing and reputation.’ This is what defines the so-called ‘business case for CSR’: the belief that companies should ‘invest in ethics’ because it supposedly pays off in the long run. According to this belief, if stakeholders demand certain ‘social’ activities, the company should abide, as long as that claim comes at a reasonable price. Contributing to social causes might be costly in the short term, but the long-term gains in reputation, or the preclusion of reputation risks, supposedly will outweigh such costs significantly. From this perspective, ‘ethics’ is seen as an instrument for the financial success of a company, and this notion is reflected in the aforementioned statement by Twitter’s general counsel who reportedly claimed that ‘fighting for free speech is more than a good idea[, ...] it is a competitive advantage for his company’ (Sengupta, 2012).

Instrumental CSR suffers from at least two major conceptual problems (Ulrich, 2008: 376-408; Nijhof & Jeurissen, 2010): first, in modern societies, which are functionally, socially, legally, and culturally fragmented, we cannot know beforehand what ‘the right thing to do’ is in any given case. While material ethical theories – such as Kantian ethics of duties, virtue ethics, or utilitarianism – give us regulative ideas on what a ‘good’ action is, they are problematic for various reasons (Ulrich, 2008: 11-110), not the least of which being that they are difficult to translate to and operationalize in a corporate context. Hence, Ulrich (2008: 408 ff.) claims that we need not a

material, but a procedural approach to corporate ethics. Building on Habermasian discourse ethics (Habermas, 1984; Scherer & Palazzo, 2007), Ulrich holds that a company in any given conflict needs to engage in open and unconditional discourse with all its stakeholders on a case-by-case basis, in order to find out what ‘the right thing to do’ would be, depending on the context. Hence, a ‘good corporate citizen’ is a company that unconditionally respects the dignity and fundamental rights of its stakeholders, trying to take into account their conflicting claims as long as these are reasonable and fair to all parties involved, including the company itself. Multi-stakeholder fora such as the Global Network Initiative ([www.globalnetworkinitiative.org](http://www.globalnetworkinitiative.org)) – a nonprofit that provides private technology companies with rights-based frameworks to incorporate in their legal documentation – are an effective practical tool used to operationalize this theory.

Second, even if a company is willing to engage in open discourse with its stakeholders, the result of such deliberation might turn out not to be profitable for the company. Some business opportunities are simply ethically illegitimate because they violate stakeholders’ basic rights, no matter how much profit a company could make. The Mafia is a good metaphorical example for this argument because it illustrates the point rather drastically: if profitability were the only ethically relevant criterion for corporate ethics, the Mafia could be considered morally legitimate – after all, it has both a moral code (ethos) and a rather successful ‘business model’ (Gond, Palazzo & Basu, 2009). Obviously, even if the Mafia supports all kinds of social causes, its business model could hardly be considered ethically sound. Accordingly, the litmus test for CSR claims is whether a company is actually willing to unconditionally discuss conflicts around its core business model, and whether it does in fact live up to its mission and principles, instead of just occasionally straying from ‘business as usual’ when instrumental CSR activities promise to deliver a business opportunity (Nijhof & Jeurissen, 2010). At its core, instrumental CSR theory does not take into account ethical claims at all. It merely uses quantitative terms, asking ‘how much CSR’ a company might need in order to boost its reputation, or to retain its ‘license to operate’ as granted by society. From a purely economic perspective, a company will merely weigh the financial benefit of CSR activities against their cost. This illustrates that economic rationality ‘systematically lacks the moral vocabulary necessary to address [moral] problems not only in more adequate but also in more effective ways. The new vocabulary we need in order to find adequate and effective answers to these global problems [...] is the one deriving from the language of rights’

(Wettstein, 2008: 249). Understood this way, CSR is not about making smart business decisions based on self-interest. Instead, it is about respecting stakeholders' basic rights. This requires transparency as well as open and unconditional discourse with all stakeholders – especially in the case of online social networks, whose very business model is communication.

Introducing a rights-based framework to understand Twitter's deployment of CSR rhetoric as a moral activity implicates the site's political economy. As a Web 2.0 platform fundamentally based on the appropriation of user labour and user data, Twitter makes money from advertising models directed toward its more than 200 million users (Twitter 2013c). These models include the promotion of sponsored tweets, accounts and trending topics – raising their profiles in keyword searches, for example – where user clicks and actions are compiled into marketing profiles for additional targeting of these sponsored products. The integration of Twitter across the web through search engines as well as various other websites, moreover, pushes its regulatory role outward across diverse online spaces. Because Twitter's reach is so broad, the profit imperative that shapes its content and approach to users as consumers constrains its appeals to open and free communication (Gillespie, 2010). For example, in January 2011, the site announced it would introduce the ability to selectively delete certain tweets by country. On Twitter's blog, this move was framed as an attempt to address hate speech, but it could just as easily be used to regulate user communication in the private interest of its advertising partners, or, since the site's initial public offering in November 2013, its shareholders (Twitter, 2011a). The site's apparent movement toward favoring its commercial stakeholders while framing itself through the language of social benevolence complicates the moral component of CSR in terms of regulation in the public interest and user rights.

### **Moral conflicts over privacy and intellectual property on Twitter**

Public interrogation about the ethos of a site like Twitter and its role as a corporate citizen raises the issue of user rights, such as in debates around users' privacy and intellectual property rights as they are circumscribed by Twitter's Terms of Service and Privacy Policy. These documents serve to rhetorically delimit user rights through their function as binding contracts; in this way, as Lessig (2006: 185-7) explains, private law of contract is used by what we would term 'corporate citizens' to displace government regulation on the internet according to the profit

motive. While users can contribute some degree of input regarding the fairness of these contracts through traditional channels like the court system, or through new technological channels like the development of alternative internet architectures, private enterprise still dominates the platforms of Web 2.0. In this way, while users seem to be afforded ever more expanding participatory opportunities, Terms of Service contracts constrain user control – particularly with regard to rights of privacy and intellectual property – over cultural production on sites such as Twitter.

As probably the most vexing issue in social web platform governance, the way that privacy rights are defined in sites' Privacy Policies has been subject to both civic and scholarly interrogation. With issues such as privacy, the boundaries between private regulation by corporate citizens and public regulation by nation-states become increasingly complex, particularly outside the U.S. where social media platforms like Facebook and Twitter are based. Canada offers one relevant example of how jurisdictions extra-national to the U.S. might deal with private regulatory issues. For instance, the Canadian Internet Policy and Public Interest Clinic filed a complaint with the Office of the Privacy Commissioner against Facebook in 2008, charging that the site violated Canadian privacy regulations as set out in Canadian privacy law under the *Personal Information Protection and Electronic Documents Act* (2001). This case highlighted some of the key concerns not only for non-U.S. regulators, but for international users of social network sites, and recent changes in Twitter's Privacy Policy reflect the impact of online privacy's rising public profile globally.

As a way to work around the discrepancies between various national privacy laws, Twitter's Privacy Policy tends to frame the user individually, addressing her or him as 'you' and stipulating that personal information is provided with individual user consent: 'We may share or disclose your information at your direction, such as when you authorize a third-party web client or application to access your Twitter account' (Twitter 2013d). In this way, much of the international and global implication of privacy regulation through platforms like Twitter is actively elided by the sites' tendency to focus on individualized user privacy as opposed to collective notions of privacy rights. Moreover, stipulations about user controls ('Our default is almost always to make the information you provide public but we generally give you settings to make the information more private if you want') position the site as affording user agency while it still sets its defaults at the most public levels (Twitter, 2013d). Yet the site's

Privacy Policy still retains an emphasis on making information public, couched in vague wording that might enable Twitter to use personal and personally identifiable information for commercial purposes, such as now-ubiquitous behavioral marketing (Stallworth, 2010; Turow, 2012). Marketing practices like this, based on the commodification of personal information, contribute to the way user rights are compromised within commercial online spaces that support networked publics.

If Twitter's Privacy Policy applies contract law to personal information, then its Terms of Service expand those contractual obligations to everything else users contribute to the site. Boyle (1997) places the intellectual property rights laid out in Terms of Service contracts at the heart of internet law today:

In terms of ideology and rhetorical structure, no less than practical economic effect, intellectual property is the legal form of the information age. It is the *locus* of the most important decisions in information policy. It profoundly affects the distribution of political and economic power in the digital environment. It impacts issues ranging from education to free speech. The 'value' protected (and in a sense created) by intellectual property in the world economy is in the hundreds of billions of dollars and growing all the time. (Boyle, 1997: 90, emphasis in original.)

Despite the consequences of online property regimes, federal regulation that deals with intellectual property online – such as the Digital Millennium Copyright Act in the U.S. – tends to focus narrowly on defining, and in fact criminalizing, activities that constitute 'piracy' (Lessig, 2008). Along these lines, Twitter's Terms include stipulations that protect copyright industries from what are framed as malicious illegal uses by people on the site: 'Twitter respects the intellectual property rights of others and expects users of the Services to do the same. We will respond to notices of alleged copyright infringement that comply with applicable law and are properly provided to us' (Twitter, 2012). And under the section titled 'Twitter Rights,' the Terms even more explicitly lay out the site's own copyright claims: 'All right, title, and interest in and to the Services (excluding Content provided by users) are and will remain the exclusive property of Twitter and its licensors. The Services are protected by copyright, trademark, and other laws of both the United States and foreign countries' (Twitter, 2012).

These kinds of strict copyright stipulations for users in Terms of Service contracts are typically expressed alongside the sites' appropriation of user content through unrestricted licensing schemes. Consider Twitter's statement on licensing user content:

By submitting, posting or displaying Content on or through the Services, you grant us a worldwide, non-exclusive, royalty-free license (with the right to sublicense) to use, copy, reproduce, process, adapt, modify, publish, transmit, display and distribute such Content in any and all media or distribution methods (now known or later developed). (Twitter, 2012.)

As stated in the introduction, Twitter is required by law to obtain this license, and the vague wording of this broad provision for various uses of content posted by Twitter users is not unusual for the Terms of most social network sites. Moreover, the Terms extend these provisions to 'the right for Twitter to make such Content available to other companies, organizations or individuals' and that the site 'may modify or adapt your Content in order to transmit, display or distribute it over computer networks and in various media and/or make changes to your Content' (Twitter, 2012). Contrasting the copyright restrictions on what users may do with professionally produced content, these licensing provisions are significant in a context where emblematic Web 2.0 users are also producers. So while user contributions of original and remixed content may be repurposed in ways that presumably increase the site's profitability (Humphreys, 2005: 303), users are criminalized for similar activity. Thus even as Twitter does not claim ownership and merely follows national law in this case, its licensing and archiving strategy represents a marked imbalance in the intellectual property rights available to users of the site and stands in stark contrast to its otherwise 'civic' rhetoric.

As users build up more and more robust social networks through Twitter, the more popular the site becomes, and the more advertising revenue is generated for the site. As of mid-2011, '[t]he microblogging service has no problem luring deep-pocketed investors. In July 2011 the company was in the process of raising \$400 million in a deal that values the company at \$8 billion. ... [T]he company makes about \$200 million a year from online advertising and is close to profitability' (New York Times, 2011). By March 2013, the site already had more than



200 million active uses (Twitter, 2013d) and went public in November 2013 to intense anticipation (Sengupta, 2013). Contrast this against the fact that ‘as of mid-2009, the site operate[d] at a loss: “While our business model is in a research phase, we spend more money than we make”’ (quoted in Shepherd, 2009: 151). In the last few years, significant growth of the site’s user base and public profile has meant that it benefits from network effects of free user content – ‘free’ both in the sense of free labour (Terranova, 2000) and in the sense of free license to users’ intellectual property and private information. As such, and to adapt Lessig’s (2006) four ways of regulating information technologies through law, markets, code and norms, contracts on sites like Twitter thus work to enshrine its stakeholders’ communication norms and rights within legal jargon that legitimizes the site’s increasingly market-based imperatives. In statements such as ‘Our Services are primarily designed to help you share information with the world’ (Twitter, 2012), the Terms work to consolidate the site’s value to users in line with the way Twitter presents itself throughout its promotional discourse, through the benevolent posturing of CSR.

It seems to us revealing, then, that Twitter does not seem to explicitly talk about its users’ rights. Twitter instead tends to overemphasize the rights of copyright holders, for example in its Terms of Service, as discussed above. Moreover, Twitter does not openly state that it is a commercial enterprise; instead, it focuses its marketing messages on ‘sharing information for free’ and, as seen during recent political conflicts all over the globe, ‘exercising citizenship rights.’ The site thus seems to try to instill the image of a benevolent intermediary that does not follow its own agenda, but rather provides a neutral service. Yet, Twitter’s valuation upon going public – \$31.7 billion USD (Gelles, 2013) – evidences the serious commercial interests involved in its growth as a global communication platform.

Given these commercial implications, one could assume that CSR is used – not only, but also – to obscure the predominance of private contract law online, which presents political and ethical consequences for the internet as an architecture that supports networked publics (boyd, 2008). Due to the lack of an overarching, global policy framework that outlines the conditions of free speech online, intellectual property distribution in democratic countries is less about government censorship, and more about private censorship (Boyle, 1997: 89; MacKinnon, 2012). Especially when free speech implicates users’ rights to copy and distribute proprietary content, the circumscription of these rights by Terms of Service contracts tends to supplant the fair use rights as provisioned in

U.S. copyright law. Part of this has to do with the blurry jurisdiction for intellectual property rights online, especially when users from other countries contribute content to U.S.-based websites like Twitter. Such jurisdictional confusion is compounded by the aggressive stance toward litigation taken by the majority of the U.S.-based copyright industry, which ‘recognizes that risk-averse users will probably back down before taking on a well-financed lawsuit from a corporate entity’ (Murray & Trosow, 2007: 76). The threat of legal action, based on Terms of Service contracts, encourages self-censorship among users, creating a chilling effect on free speech and the creative re-appropriation of culture industry products. This move can be seen as part of the broader discursive trend to position users as consumers as opposed to citizens (e.g. Livingstone, Lunt & Miller, 2007), which obscures and in fact prevents any consideration of their rights online, particularly the rights to privacy and intellectual property.

In light of the appropriation and/or criminalization of users’ online cultural production, new contractual and ethical frameworks for protecting user creativity are essential, since its ramifications extend beyond Web 2.0 and the internet itself; as Lessig (2008) asserts, read-write activity – adding to cultural works by creating and re-creating around them – is fundamental to democracy in that it employs access to ideas toward literacy, and literacy toward civic engagement. The copyright claims outlined in Terms of Service reflect narrow, proprietary attitudes around professionalized content that miss this larger picture of its public function. The web was in fact built for this public function, as a writable medium composed of layers of code. And this is where Lessig argues that Terms of Service contracts will soon lead federal regulation in order to fundamentally circumscribe user activity by controlling the architecture of online spaces: ‘if code is law, control of code is power’ (Lessig, 2006: 79). User participation, and the legislation that seeks to delineate it, are both contingent on the internet’s architecture. But they are also contingent on the offline architecture of political, economic and institutional configurations. So long as instrumental CSR offers a rose-tinted, corporate interest-driven version of these configurations, commercial web platforms as corporate citizens will remain exempt from serious accountability for their shaping of user rights.

### **Conclusion: Moral conflicts and private regulation on Twitter**

This article is meant as a provocation for critically thinking about the inherent normative tensions between Web 2.0 sites as platforms for civic engagement and as commercial entities – a tension that usually does not get addressed by

either mainstream media or Web 2.0 sites themselves. However, this tension has become increasingly clear recently, as *The New York Times* (Sengupta, 2013) reported that Alex Macgillivray, Twitter's chief lawyer known for championing free speech rights, stepped down just as the company prepared to go public in 2013. This move is significant, because, as we have shown in this paper, Twitter's portrayal of itself as a benevolent democratic platform that enables civic engagement worldwide is met with its simultaneous function as a corporate citizen that regulates its stakeholders' rights in a top-down fashion, often favoring commercial stakeholders over non-commercial ones. We therefore argue that Twitter mainly utilizes an instrumental CSR approach in order to turn its relatively clean and democratic public image into opportunities for growing its business, even though in fairness it has to be said that the company does indeed sometimes show signs of following an integrative CSR approach, especially when it comes to protecting its stakeholders from excessive state surveillance.

Regardless of Twitter's intentions and motives, it is important to highlight the ways that actual, on-the-ground uses of a platform like Twitter are often difficult to predict or control. For example, in the aftermath of 'Arab Spring' protests in Iran and Syria, government security forces reportedly used Twitter to identify and prosecute protesters, and participants in the London riots of August 2011 used Twitter to help orchestrate widespread looting and violence, activities that did not quite lend themselves to the site's celebratory promotional rhetoric (Christensen, 2011). In this way, regulatory forces in Web 2.0 as a space of networked publics are mitigated by bottom-up communication practices that are not necessarily intrinsically positive.

In the context of everyday communication on social media platforms that are often vexingly immune to instrumental CSR logic and thus Web 2.0 regulation, what might be alternative modes for engaging user autonomy and bolstering user rights in order to provide a genuinely democratic forum? One avenue suggested across the academic literature is government legislation, such as around proposals for policymaking in the public interest on issues of intellectual property (Boyle, 1997), privacy (Office of the Privacy Commissioner of Canada, 2011), and communication rights online (Raboy & Shtern, 2010). Because global political regulation will be difficult to achieve in the foreseeable future, self-regulatory standards of behaviour could be set up or strengthened in the industry, as illustrated by efforts such as the Global Network Initiative. An established and effective tool for such processes could be multi-stakeholder dialogues that help stakeholders have their say on the issues that matter to them, while

giving companies a chance to critically assess and legitimize their business models; the critical aspect in these processes is transparency (York, 2010: 29). Participatory design is another area that might offer a number of strategies for opening up the governance of social media platforms, fortifying their claims about communicative democracy through democratic approaches to involving users in building system architectures (Rheingold, 2008; Eubanks, 2011). Moreover, another potential means of instilling public understanding of rights online might be through digital literacy policies and classes that not only use social media as teaching tools (Vie, 2008), but that also go beyond skills learning to include education about contractual and legislative delineations of user agency (Livingstone & Brake, 2010). There already is empirical evidence that ‘school education has a positive impact on privacy care’ (Vanderhoven, Schellens & Valcke, 2013), for instance, and frameworks such as digital policy literacy (Shade, 2012) offer the potential to contribute to young people’s understanding of ‘how the effective use of digital media involves learning and negotiating the policy processes, political economic parameters, and infrastructural affordances that shape technologies’ (Shade & Shepherd, 2013).

From an ethical perspective, the democratic appeals contained in the concept of integrative CSR hold promise for improving the transparency of Web 2.0 sites’ circumscription of user rights, along with supporting effective stakeholder dialogue, as the integrative approach and its constant insistence on open stakeholder discourse would likely lead to a better balance between Twitter’s civic and commercial uses. But while we would certainly like to be (at least cautiously) optimistic when it comes to the democratic potential of Web 2.0 sites, we should not ignore the fact that these are businesses that adhere to the logic of economic self-interest – not exclusively, but to a large and perhaps increasing degree – as illustrated by the case of Twitter. Thus, going forward, we will most likely observe a growing tension between Twitter’s self-proclaimed ‘democratic’ mission and the allegedly ambitious financial opportunities of the site, especially since it has gone public (New York Times, 2011; Sengupta, 2013). Because investors have a habit of expecting financial results to improve year over year, it remains to be seen whether Twitter will be able to maintain both its ‘civic’ rhetoric and its ‘democratic’ mission, even during times when stockholders insist on growing profit margins and avoiding potentially costly lawsuits over issues such as intellectual property infringement. While Twitter at present may be the most important player in the microblogging market, the value of the service and its brand is highly dependent on user trust and the site’s credibility. Going

public, abandoning its mission, and becoming just a ‘normal’ stockholder-driven company might hurt Twitter’s brand and integrity in a way that could prevent users from further cooperating via the Twitter platform. Yet we hope that cooperation might serve as a much more promising and more ethically legitimate business model than the proprietary practices of the past (Benkler, 2011).

### Acknowledgements

This work was supported by the Social Science and Humanities Research Council of Canada (Award no. 752-2010-2356) and the Swiss National Science Foundation (Fellowship PBSGP1\_141961). The authors would like to thank the anonymous reviewers and [several colleagues whose names should be added later on] for their valuable feedback which has greatly improved the overall quality of the paper.

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