

# Short Outbursts on Twitter? #Big Problem



From left: C.J. Gunther for The New York Times; Amy Gussman/Getty Images; Doug Pensinger/Getty Images. SELECT COMPANY Alice Hoffman, left, Courtney Love and Mark Cuban.

By LAURA M. HOLSON  
Published: October 7, 2009

TIMES are tough for the “tweet before you think” crowd.

✉ Readers' Comments

Readers shared their thoughts on this article.  
[Read All Comments \(15\)](#) »

[Courtney Love](#) was sued by a fashion designer after she posted a series of inflammatory tweets, one calling the designer a liar and a thief. A landlord in Chicago sued a tenant for \$50,000 after she tweeted about her moldy apartment. And [Demi Moore](#) slapped back at Perez Hilton over a revealing photograph of the actress's daughter.

A growing number of people have begun lashing out at their [Twitter](#) critics, challenging the not-quite rules of etiquette on a service where insults are lobbed in brief bursts, too short to include the social niceties. Some offended parties are suing. For others, extracting a public mea culpa will do. In some cases, the payback is extreme: [Mark Cuban](#), the owner of the Dallas Mavericks of the [National Basketball Association](#), was fined \$25,000 for criticizing a referee in a tweet after a game.

Blogs, of course, have long been rife with the discontented heaping abuse on foes. But academics and researchers who study online attitudes say that same behavior has been less common on Twitter, in part, because many people use their real names. Now it is migrating to the service, attracting lawsuits and leaving users to haggle among themselves about what will be tolerated.

Complicating matters, there are few prescribed social norms on Twitter like those in more closed communities like [Facebook](#). The service has attained mass popularity without much time to develop an organic users' culture. On top of that, with tweets limited to 140 characters, users come right to the point without context or nuance.

“It's the same reason why schoolyard fights don't start out with, ‘I have a real problem with the way you said something so let's discuss it,’ ” said Josh Bernoff, a researcher and an author of “Groundswell: Winning in a World Transformed by Social Technologies.” “You get right to the punch in the nose. Twitter doesn't allow room for reflection. It gets people to the barest emotion.”

The same laws of libel and defamation that apply to traditional media and the Internet also apply to Twitter, according to free speech experts. (Defamation is when someone knowingly says something false that causes harm.) What is likely to shift, said [Floyd Abrams](#), the well-known First Amendment lawyer, is what language is considered acceptable and whether it is deemed harmful. In the 1950s, he explained, it was libelous to call someone a Communist; today it is not.

“The basic law will be the same, but I would think that a defendant might argue that the language used on Twitter is understood to not be taken as seriously as is the case in other forms of communication,” said Mr. Abrams, who has represented The New York Times. “We will have to wait and see how judges and juries figure out how to deal with this.”

Bryan Freedman is the lawyer in Los Angeles who is representing Dawn Simorangkir, a designer who markets clothes under the Boudoir Queen label, and who sued Ms. Love for libel in March. The lawsuit contends that Ms. Love “became infatuated” with the designer, asking her to create costumes using vintage material the singer owned.

When Ms. Simorangkir asked to be paid, Ms. Love balked at the price. Ms. Simorangkir, in return, refused to return Ms. Love's vintage material, according to legal documents filed by Ms. Love's lawyers. The singer accused the designer of being a liar and thief (among other things) in a number of rambling, misspelled tweets.

“You will end up in a circle of corched eaeth hunted til your dead,” read one tweet from Ms. Love in March.

Ms. Love and her lawyers, Keith Fink and Olaf Muller, declined to comment on the lawsuit. But in August Ms. Love's lawyers sought to dismiss the case, saying it would violate and inhibit her right to free speech. Mr. Freedman maintains, however, that Ms. Simorangkir's business has suffered because of Ms. Love. A hearing is set for this month. “I find with this kind of communication you will always end up saying something that will get you in trouble,” Mr. Freedman said.

Mr. Freedman's perspective is interesting because he also represents Perez Hilton, the gossip blogger known for taunting celebrities with embarrassing posts. In September, Mr. Hilton got into a public spat with Demi Moore on Twitter after he posted a link on his Web site to a photo of Ms. Moore's 15-year-old daughter in a low-cut blouse. In a series of tweets, Ms. Moore accused Mr. Hilton, whose real name is Mario Lavandeira, of flouting child pornography laws. Mr. Hilton went on the attack, posting tweets that said Ms. Moore was an inept mother.

Both parties' lawyers exchanged threatening letters. Through Mr. Freedman, Mr. Hilton accused Ms. Moore of defamation. On Sept. 4, Ms. Moore's lawyer, Marty Singer, responded in a letter calling Mr. Hilton “regularly crude, insulting and cruel.”

No lawsuits were filed. As Stephen Huvane, Ms. Moore's publicist, put it, “No one wins in these situations.”

In defense of Mr. Hilton, Mr. Freedman said that as long as his tweets reflect opinion, it doesn't matter if his targets think he is cruel. But he conceded that much of the tension arises from the unthinking way that some people use Twitter. “I'm not saying it is right or wrong,” Mr. Freedman said, “but I think we are seeing a blurring of lines between nastiness and free speech.”

According to legal experts, much of what is said on Twitter is opinion — even nasty name-calling — which means it is protected speech. “When you look at a lot of the things people are complaining about it is not actual defamation, it is a statement of opinion,” said David Ardia, director of the Citizen Media Law Project at [Harvard University](#). “In many cases, it's about two people who had a breakdown in a relationship and took that online.”

Twitter has made a choice not to become involved in such disputes. “We don't want to be a mediator,” said Alexander Macgillivray, Twitter's general counsel. In June, though, the company began verifying accounts after complaints from celebrities about others falsely using their identities.

Some have settled disputes over their Twitter outbursts without lawyers. In June, the author [Alice Hoffman](#) apologized after tweeting that a [Boston Globe](#) book reviewer was a “moron.”

In the case of Mr. Cuban, the N.B.A. exercised its right to fine him for comments it deemed out of line. And it took matters one step further: it now bans players, coaches and other team personnel from tweeting or posting to other social media sites 45 minutes before a game through the end of post-game interviews.

Mr. Ardia said that a far more chilling scenario, in his view, is a case involving Horizon Realty Group, a real estate firm in Chicago that filed suit in July seeking \$50,000 in damages from a former tenant, Amanda Bonnen, who tweeted about mold in her apartment.

In an interview with The Chicago Sun-Times, Jeffrey Michael, an executive at Horizon, said the tenant's tweet was untrue, adding, “We're a sue first, ask questions later kind of organization.” He later apologized for the comment and, in a press release, explained Horizon was involved in another legal matter involving Ms. Bonnen.

Neither Mr. Michael nor Ms. Bonnen return phone calls seeking comment. Mr. Ardia said that corporations who sue customers who post comments on Twitter may find that the strategy backfires as it sparks criticism of them.

“The old way of silencing someone doesn't work” online, he said. “We as a society have to realize this type of behavior isn't going to go away. We are not going to have civil conversation in all corners of the Internet. Part of that means we have to develop a thicker skin. We should not accept physical threats, of course. But what we recognize as upsetting and hurtful will diminish over time.”

It is anybody's guess who will emerge as hallway monitor for the “have three drinks and tweet how much you hate your boss” set. Maybe it will be someone like Tyrone Schiff, a graduate of the [University of Michigan](#) who lives in suburban Chicago and who in August started the Web site [Twaxed.com](#), whose slogan begins, “Beware of What You Share.” Mr. Schiff trolls Twitter to find the most obnoxious, embarrassing tweets and post them on his site.

So far it is a collection of tweets about sex, sexual organs and the occasional jab at an ex-girlfriend or co-worker. While Mr. Schiff seeks to entertain, he wants also to send a message. “You never know how your words are being used, or used against you,” he said. “We are living in a world where people don't censor themselves; they don't use their words carefully. I'm not sure if that's a good thing or a bad thing, but it's reality.”

🐦 TWITTER

🌐 LINKEDIN

💬 COMMENTS (15)

✉ SIGN IN TO E-MAIL

🖨 PRINT

📄 REPRINTS

➦ SHARE