

AMERICANS WON'T BAN KIDS FROM SOCIAL MEDIA. WHAT CAN WE DO INSTEAD?

Free-speech norms and powerful tech companies make legal restrictions unlikely—but social changes are already taking place.

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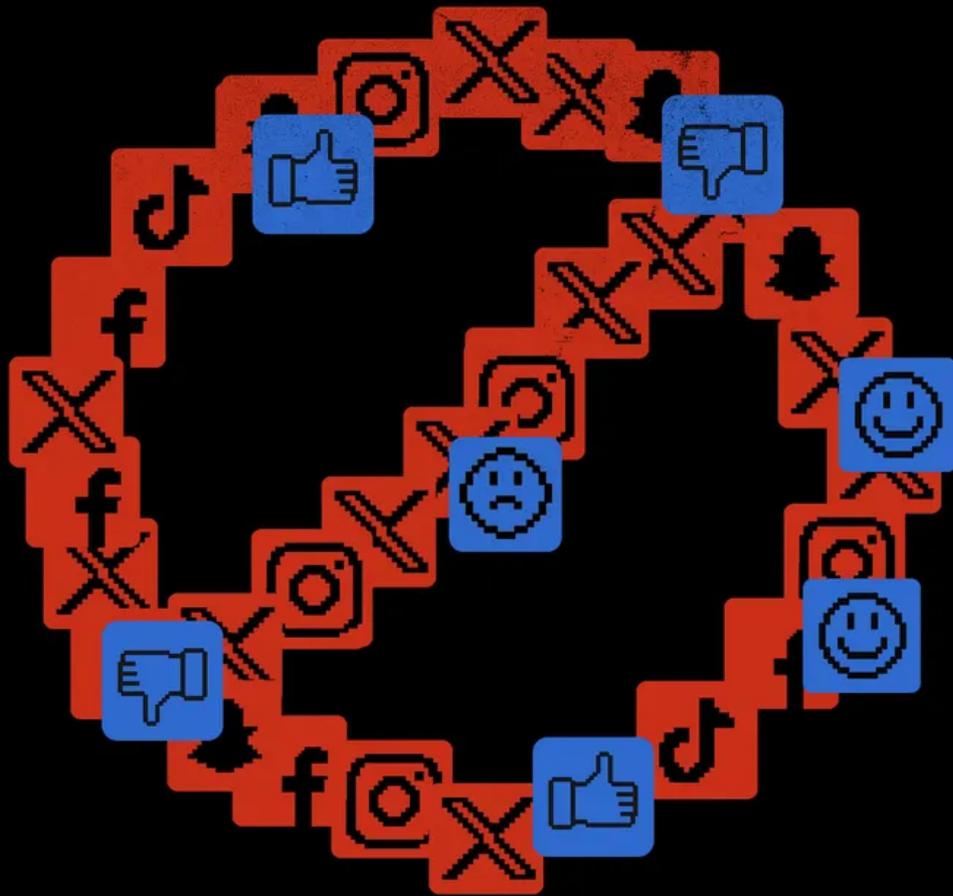
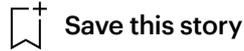


Illustration by Mark Harris



Let's say, for the sake of the following discussion, that we agree on the following:

1. Teen-agers have First Amendment rights.
2. Social media has become the place where people, especially young people, express their views.
3. Social media is very bad for kids.

The question, given these facts, is: How much are we willing to restrict the free speech of teen-agers in order to protect them from the ills propagated by social-media companies?

I posed this question a couple years back, when writing about legislation in Utah that would have placed strict age restrictions on the use of social media. To enforce this law, Utah could have required people to verify their birth dates using government identification—a method that would have excluded from the internet's public square not only kids but all sorts of adults who happen to lack government I.D. At the time I wrote about the legislation, I mostly agreed with arguments that were made against it by the A.C.L.U and

the Electronic Frontier Foundation: although I would rather my own children not touch a social-media platform until they are sixteen years old—or ever, really—the encroachment on free expression was too egregious to abide. Utah passed the legislation, but a judge blocked its implementation pending the resolution of a lawsuit filed by a trade organization backed by giant tech companies.

This month, an even stricter law, the Online Safety Amendment Act, went into effect in Australia. It effectively bans everyone under the age of sixteen from the major social-media platforms. Social-media companies are required to take “reasonable steps” to follow the law; any company in violation of this will be fined roughly thirty million dollars. There are no penalties in place for users or their families, but everyone in Australia who wants to use social media could have to submit to a fairly onerous series of age verifications—for instance, uploading a video selfie that will be analyzed by artificial intelligence.

The act was passed a year ago in Australia’s House of Representatives by a vote of 101–13. And polling conducted in the past year shows somewhere between sixty-seven and eighty per cent of Australian adults support the bill. At the same time, less than half of the Australian public believes the ban will be effective—and, according to a recent poll published in the Sydney *Morning Herald*, fewer than a third of parents plan to enforce the ban in their households, by deleting the relevant apps off their children’s phones. What this means is that many young people will be able to get around the bans, for example by using virtual private networks, or V.P.N.s, which can make an internet user appear to be in a different country. Early reports indicate that kids are fooling the age-recognition software with sophisticated techniques such as drawing on facial hair and substituting celebrity photos for their own.

What seems most likely: the law will not be rigidly enforced, as teen-agers and social-media companies figure out ways to circumvent the ban, but the social norm established by the law and its robust popularity among

politicians and voters will lead to a significant downturn in social-media use by minors nonetheless. Not every fourteen-year-old is going to draw a moustache on their photograph or get a fake I.D.—and the law should be easier to enforce among younger kids, which may mean that in five or so years it will be rare to find a fourteen- or fifteen-year-old in Australia who has ever posted anything on social media.

This seems like a pretty good result—if you believe, as I do, that social media is obviously bad for children and adults alike. But it returns us to the question I posed at the start of this column, which has a particular relevance for Americans, who live in a country founded on the principle of free speech. The civil-libertarian argument against laws like the one that Australia has passed will probably win out in this country, if only because it happens to be aligned, in this case, with powerful domestic tech companies. That argument is simple, but bears repeating: we shouldn't place arbitrary age limits on who gets to express themselves in the digital town square, and we shouldn't require everyone who wants to express their opinions online to submit to an I.D. check. As a journalist, I'm also aware that, for many people, social media is a source of news. It may be a toxic and wildly imperfect alternative to legacy media, but I don't think we should use government force to effectively reroute children to more traditional sources of information.

In my column on this subject two years ago, I compared the attempt to restrict social-media use to adults to earlier efforts to do something similar with tobacco. The remarkably successful fight against youth smoking did rely, in part, on a shift in social norms; it also depended on a variety of legal restrictions, and heavy taxation—and I did not, at the time, see what equivalent measures might be taken with social media. Ultimately, I thought it might just come down to parents holding the line.

I'm less pessimistic now. One of the recurring themes I discuss on "Time to Say Goodbye," the podcast I host with the *Atlantic's* Tyler Austin Harper, is what a good life looks like today. When politicians, especially

liberal ones, discuss the society that they want to help bring into reality, what are the shared values that they imagine will hold people together? I'm not talking about kitchen-table issues, as important as they are, or even about tolerance and equality. What I have in mind is a vision of how Americans should live on a daily basis in a time when technology runs our lives. The *Times* columnist Ezra Klein addressed this recently in a piece about the "politics of attention" and the question of "human flourishing." He concluded, "I don't believe it will be possible for society to remain neutral on what it means to live our digital lives well."

I ultimately agree with Klein that we will not be neutral forever, even if our courts make an Australia-like ban nearly impossible. But I have come to believe that, in the not too distant future, the concerns of crusty civil libertarians such as myself will be pushed aside, and a new set of social norms will emerge, especially in the middle and upper classes. The signs of this quiet revolution waged on behalf of internet-addicted children are already all around us. School districts around the country are banning phones from the classroom. "The Anxious Generation," by Jonathan Haidt, which directly informed the new law in Australia, has been on the *Times* best-seller list for eighty-five weeks, and has inspired little acts of tech rebellion by parents around the country.

The nascent anti-smartphones movement in America is decidedly nonpartisan, for the most part, and this contributes to its potential and also to the vagueness of its outlines. It also has taken place almost entirely at the local and state level. More than thirty states in the country now have some form of cellphone ban in their schools, which should be applauded. I believe that teen-agers should have the right to post their opinions on social media, but I don't think they need to do that in the middle of geometry class. If this means that First Amendment rights are further restricted in schools, that may be a compromise that free-speech absolutists have to accept.

What world will this revolution bring about? And how long will it last before

a new set of online distractions replaces social media? Social movements are never clean and surgical; social-media companies will not be the only casualties. If there is an emerging national morality to the anti-smartphones movement, it's one that feels suspicious of technology in general—it reflects not only a worry about the effect of tech on children but also a deep displeasure with how adults conduct their business and their leisure. And as long as we cannot tear ourselves away from Slack, Instagram, or gossipy group texts, the rules that we socially dictate for our children will be compromised and incomplete. Australia's ban might be seen more fruitfully as a restriction not on children but on their parents: a comprehensive and wide-ranging demand that the state lay down rules Australian parents cannot enforce on their own.

A vision of a better digital life shouldn't just focus on children, but also on workplaces and adult social norms. We all need to put down the phones and make efforts to move the public square away from private technology companies that incentivize cheap engagement. The scope should also be widened to include prescriptions on what we should do with all our newfound time, especially with our children—because, I think, our aversion to social media and phones really stands in for a broader discomfort with how scheduled, atomized, and expensive their lives have become. ♦