

PayPal May Seize Your Money Based on Your Political Viewpoint

PayPal users beware. Although PayPal has stopped saying it will seize the money in your PayPal account for posting or purchasing “misinformation,” it [still says it can seize your money](#)—and fine you \$2500—for “racial or other forms of intolerance” or the “promotion of hate” (including paying for publications that promote hate or discrimination—libraries buy copies of racist books like *Mein Kampf*).

“Promotion of hate” is defined by PayPal employees to [encompass](#) standard conservative [viewpoints](#) not motivated by hatred, such as the [belief that there are only two sexes](#). In the larger society, “Hate speech” is now broadly “[defined](#)” by many progressives to include “offensive words, about or directed towards historically victimized groups.” The concept of hate speech has [expanded](#) to include [commonplace views](#) about racial or sexual subjects. That includes criticizing feminism, [affirmative action](#), homosexuality, or gay marriage, or opinions about how to address [sexual harassment](#) or allegations of racism in [the criminal justice system](#).

These broad definitions of hate speech aren’t based on the First Amendment. In the past, the Supreme Court has ruled that there is [no “hate speech” exception](#) to the First Amendment, which [protects](#) speech [that](#) offends [minority groups](#). But foreign countries are [banning](#) hate speech on social media, and many legal scholars and civil-rights activists are now calling for America to follow their example and [ban hate speech](#) by limiting the First Amendment.

That’s a bad idea, because both normal people, and even experts, run the risk of running afoul of broad bans on “hate

speech.” For example, Twitter applied its “rules against hateful conduct” to briefly [ban](#) an expert on sexuality for stating in passing that transsexualism is a mental disorder. That was true even though the “[bible of psychiatry](#),” the DSM-5, indicates that transsexualism is a disorder, and the expert chaired the group that worked on that section of the DSM-5. Sharing his expertise was deemed hate speech. And even though the user it suspended, Ray Blanchard, was the “chairman of the working group on paraphilia” for the fifth edition of the “Diagnostic and Statistical Manual of Mental Disorders” (DSM-5).

Here is PayPal’s official [Acceptable Use Policy](#):

Violation of this Acceptable Use Policy constitutes a violation of the PayPal User Agreement and may subject you to damages, including liquidated damages of \$2,500.00 U.S. dollars per violation, which may be debited directly from your PayPal account(s) as outlined in the User Agreement (see “[Restricted Activities and Holds](#)” section of the PayPal User Agreement).

Prohibited Activities

You may not use the PayPal service for activities that ... relate to ... the promotion of hate, violence, racial or other forms of intolerance that is discriminatory or the financial exploitation of a crime ...

The “[Restricted Activities and Holds](#)” policy makes clear that “Actions We May Take if You Engage in Any Restricted Activities” are determined based on PayPal making the decision “in our sole discretion,” if PayPal “believe[s] that you’ve engaged in any of these activities.” Thus, as law professor [Eugene Volokh](#) notes:

So if PayPal “in [its] sole discretion” concludes that you’re

using PayPal “for activities that ... relate to transactions involving ... promotion of” “discriminatory” “intolerance”—presumably including distributing publications, or for that matter buying publications (since that’s an activity related to transactions involving the promotion of certain views)—it can just take \$2500 straight from your account.

Might you, for instance, be sharply criticizing a religion? Or saying things that sharply condemn, say, government officials (police, FBI, etc.) in ways that some might say involve “promotion of hate”? Or praising people who have acted violently (e.g., in what you think is justifiable self-defense, or defense of others, or even war or revolution)? If PayPal thinks it’s bad, it’ll just take your money.

Sounds like a good reason to think twice about using PayPal. I’ve just withdrawn the \$1000+ I have in my PayPal account, and I’m starting the process of disentangling myself from the service to the extent possible.

On the other hand, Paypal is no longer seizing your cash over “misinformation” in general. As [Yahoo! Finance](#) reported on Saturday:

A new [PayPal user agreement](#) that threatens to fine users up to \$2,500 if they use the service to “promote misinformation,” was sent out “in error,” a PayPal spokesperson tells FOX Business.

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