

How should we (including social media companies and governments) respond to the fact that misinformation (e.g. about coronavirus) can be harmful (and even cost lives) while recognising the value of free expression (including online)?

Allowing harmony between rights and harm, does COVID care about your rights?

In this essay, I seek to outline (1) what exactly the *relevant* misinformation is, (2) a very harsh utilitarian attack on (1), (3) the concept of free expression, (4) a moderate defense of the importance of free expression, (5) practical applications that could be taken to allow harmony between minimising (1) & maximising (3), (6) a very popular, *general* philosophical solution to the problem of misinformation and free expression, and then outlining its inadequacy by itself through a logically possible scenario, and (7) conclude that the practical applications I present are sufficient for their functions.

1: Misinformation in the modern world

Here, I will be speaking of misinformation regarding the current state of affairs (COVID-19).

What is misinformation? I will be defining *misinformation*¹, as information that is shared which is not factually correct, but not with malicious intent. This currently materializes in the form of rampant skepticism to the response(s) given against COVID-19. Some examples are the conspiracy theories about the origin of the virus², and the conspiracy theorists against the vaccine³.

Why does it matter that there exists an abundance of misinformation regarding COVID-19? Well, data suggests that in the first 3 months of 2020, around 6,000 people were hospitalized because of the said

¹ To distinguish from ‘disinformation’, which assumes malicious intent.

² Ahmed, Wasim, et al. “Covid-19 and the 5G Conspiracy Theory: Social Network Analysis of Twitter Data.” *Journal of Medical Internet Research*, vol. 22, no. 5, 2020, <https://doi.org/10.2196/19458>.

³ “How Covid-Conspiracists and Anti-Vaxxers Are Getting Organised and Making Money.” *Sky News*, <https://news.sky.com/story/how-covid-conspiracists-and-anti-vaxxers-are-getting-organised-and-making-money-12206707>.

misinformation.⁴ So, clearly we ought to be doing *something* to minimise the spread of misinformation.

2: A utilitarian attack

Prima facie, it seems we could just adopt some sort of utilitarian framework (UF) in policy.⁵

UF: Policies should be put in place *iff* it allows for the most utility.

Whilst this could destroy (1), the purpose of this essay is to present method(s) which allows optimal harmony between (1) & (2).

3: Conception of free expression

As the terms ‘freedom of expression’ and ‘freedom of speech’ are often used interchangeably in political and philosophical discourse, I too will not be making a distinction in this paper.

The classical liberal doctrine of free expression asserts the priority of *speech* as an extension of the freedom of thought.⁶ Freedom of expression alludes to the ability of an individual, or a group of individuals to express their beliefs, thoughts, ideas and emotions about anything, free from government censorship.⁷

4: Defense of free expression

Whilst this isn’t a prerequisite for my essay, as the value of free expression is already presupposed for the topic, it should be appropriate to note that there are many classic arguments for freedom of speech, which can be traced back to 1644. These arguments are propounded by John Milton, James Madison, John Stuart Mill, Learned Hand, Oliver Wendell Holmes, Jr, and Louis Brandeis.⁸

⁴ “Fighting Misinformation in the Time of Covid-19, One Click at a Time.” *World Health Organization*, World Health Organization, <https://www.who.int/news-room/feature-stories/detail/fighting-misinformation-in-the-time-of-covid-19-one-click-at-a-time>.

⁵ By no means, will I argue for this.

⁶ Bejan, Teresa M. “Free Expression or Equal Speech?” *Social Philosophy and Policy*, vol. 37, no. 2, 2020, pp. 153–169., <https://doi.org/10.1017/s0265052521000091>.

⁷ “What Is Freedom of Expression?” *Freedom Forum Institute*, <https://www.freedomforuminstitute.org/about/faq/what-is-freedom-of-expression/>.

⁸ Stone, Adrienne, and Frederick F. Schauer. *The Oxford Handbook of Freedom of Speech*. Oxford University Press, 2021.

John Stuart Mill's case for the freedom of discussion includes 3 arguments:

P being any opinion,

- 1) Argument from fallibility⁹; P might be true, therefore P should not be suppressed.
- 2) Argument from improved justification¹⁰; P might be false, but should not be suppressed, for its airing can contribute to a better justification and understanding of the truth.
- 3) Argument from whole truth¹¹; P might be partially true, but should not be suppressed for its airing can help us achieve the whole truth.

5: Practical applications for allowing harmony

Obviously whilst searching for methods, we should attempt to avoid conceding one over the other as much as possible. And any application taken should of course be directly proportional to the magnitude the threat poses. In this section, I will delineate specific mechanisms we can take to the problem of misinformation.

5.1: Through transparency

One way governments can confront misinformation without infringing on anybody's rights is through transparency. By publishing correct information in a transparent manner, this could prevent people from looking at misinformation that has the virtue of transparency and easy accessibility. An example to portray the importance of transparency goes as follows:

Consider that an individual (L) looks for information regarding the certified COVID-19 vaccines (CV). L looks online for information regarding CV, specifically if it's safe. L finds information, which is factually correct, that shows CV is both effective and safe. But the information is not very comprehensible to L, so L leaves it. Now L finds information regarding CV, that is false, but L believes it because it was easily comprehensible.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

5.2: Nothing to hide, so trust us

Another way both governments and social media companies can fight misinformation without infringing on anybody's rights is by not *removing* the misinformation regarding COVID-19. This may not seem so intuitive at first, but simply removing misinformation from one platform won't kill off the misinformation, it will just lead to it being aired on a different platform.

Consider that an individual (O) is posting misinformation (M) regarding the certified COVID-19 vaccines (CV) on a social media platform (SM1). SM1 removes M, believing that now the misinformation is gone. 2 issues arise however:

- (1) O now probably has strengthened their case M, and includes SM1 in their misinformed claims regarding CV, let's call this case now M+1. This could possibly lead to other individuals turning to O and believing M and M+1 too.
- (2) From (1), O may also turn to a social media platform that doesn't remove any misinformation (SM2) and spread M+1 on SM2, which could lead to even more individuals believing M+1.

So, in lieu of merely eradicating any misinformation regarding COVID-19, the government and social media companies could post right above it any easily accessible *true* information about COVID-19.

This proposal is very similar to the fact checker Instagram has in place.¹² Of course, this may be subject to criticism on the same sort of reasoning given above, but there are 2 reasons to prefer this method over the former:

- (1) It maintains the importance of free expression, so it can't be criticised from the lens of autonomy arguments.
- (2) Whilst maintaining (1), it provides a counter to the spread of misinformation, by spreading *correct* information in an easily accessible and transparent manner.

6: The general philosophical solution

Here, I will outline a very popular, general solution that attempts to diminish the spread of misinformation, and still uphold freedom of expression to the greatest extent possible. I will then, very

¹² Instagram. "Combating Misinformation on Instagram." *Instagram*, Instagram, <https://about.instagram.com/blog/announcements/combating-misinformation-on-instagram>.

briefly, provide an objection to the solution demonstrating that by itself it is not a sufficient response to misinformation.

6.1: Counterspeech as a way out?

One way to respond to the misinformation is through a concept called ‘counterspeech’. The term itself means exactly that, to counter speech. But many philosophers define it more specifically than that. It is a referent to the range of responses, critiques and disapproval that occurs after F is stated.¹³ F being any speech that is perceived as generally offensive, unpopular or hateful. F is false in most cases. Consequently, this is viewed as a powerful way of debunking any incorrect propositions. It’s argued that the truth will prevail, certainly from the arguments for free expression, and this concept maps it out. Here’s an example of counterspeech:

Agent A states something incorrect, e.g. “There are only 2 homeless people sleeping on the streets of New York”. Agent B states “There are actually more than 2 homeless people sleeping on the streets of New York” and points to 3 homeless people sleeping in New York. Agent A’s first claim is now shown to be false, and the truth prevailed.

I’ve argued to something similar to counterspeech in *Section 5.2*, where the posts do not get removed, but fact-checked in a sense. I do not believe the objection I levy against counterspeech in *Section 6.2* has any force on what I outlined in *Section 5.2*, as the objection is one of inadequacy by itself, not necessarily against the concept and thus doesn’t seem to apply to the particular solution I stated in *Section 5.2*.

6.2: Brief objection to counterspeech in and of itself

¹³ Hans, Gautam. “Changing Counterspeech.” *SSRN Electronic Journal*, 2021, <https://doi.org/10.2139/ssrn.3788738>.

The objection is influenced by the amount of technological advancement. How can truth prevail if there is such an information overload?¹⁴ This may not be a direct criticism but consider the following scenario, where counterspeech *in and of itself* may not suffice as a remedy against misinformation:

Individual (S) goes on his phone to look at the news regarding the certified COVID-19 vaccines (CV). On his phone, 7 news outlets appear claiming to have information about CV. 6 of which are propounding false information, misinformation, and only 1 is presenting correct information. This manifests 2 independent issues;

- (1) S and others like S will more than likely come across the false information regarding CV.
- (2) S and others like S will believe the false information rather than the correct information regarding CV, because there are more news outlets airing the false information.

Thus, the scenario I provided seems to serve as a defeater for the adequacy of counterspeech by itself. (QED).

7: Concluding remarks

In conclusion, then, I have identified specific strategies we can take to curtail misinformation whilst maintaining the importance of free expression, relevant to the current state of affairs. In doing so, I have also criticised current ‘solutions’ that either do not recognise the latter or are simply just not compelling in terms of adequacy. I would also like to thank the New College of the Humanities for allowing me to participate in such an event.

References

¹⁴ Menczer, Filippo, and Thomas Hills. “Information Overload Helps Fake News Spread, and Social Media Knows It.” *Scientific American*, Scientific American, 1 Dec. 2020, <https://www.scientificamerican.com/article/information-overload-helps-fake-news-spread-and-social-media-knows-it/>.

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