MIT Case Studies in Social and Ethical Responsibilities of Computing

Censorship of Misinformation and Freedom of Speech on Social Media

Kevin Mills[1]

[1]Department of Philosophy, Massachusetts Institute of Technology

MIT Schwarzman College of Computing

URL: https://mit-serc.pubpub.org/pub/lkf63cu5

ABSTRACT

"The bird is freed." So tweeted Elon Musk after purchasing Twitter, thus ushering in a promised era of free speech on the platform. But is unrestricted free speech what we should want on a platform like Twitter (now "X")? The restrictions Musk was promising to eliminate were intended to address what are, plausibly, serious problems in need of serious solutions – especially hate speech and misinformation. Isn't it better to moderate such speech rather than let it spin out of control, something that can have real consequences? This case study argues that at least when the aim is to combat misinformation, the answer is often 'no'; censorship offends against reasonable democratic civility and is often unlikely to work anyway. To make my case, I draw on scholarship on the history of information flow in America. The internet and social media are often blamed for misinformation, but at least in the United States, this appears to badly miss the mark. Insofar as the problem is real and not exaggerated, its clearest origins are a breakdown in trust that began in or around the 1950s. Once we see this, it is a small leap to recognize that censorship cannot be the solution to these problems; a healthy climate of trust cannot be rebuilt while citizens declare one another to be beyond the pale and demand or embrace removing one another from the public forum.

Keywords: misinformation, disinformation, censorship, social media, free speech

Kevin A. I. Mills

Department of Philosophy, Massachusetts Institute of Technology

Learning Objectives

•Learn about the nature, extent, and history of our contemporary misinformation problems.

• Learn about the ways knowledge is a social product that depends on good social structures.

• Learn about the various social institutions that were constructed, especially in the early 20th century, to help with the production and dissemination of reliable information.

• Learn about how and why these institutions have, to an extent, broken down in the 21st century.

• Learn about why freedom of speech is important, and why censorship of sincere attempts to address the public involves serious moral and political costs.

• Learn about how digital technologies have, in some respects, worsened contemporary information flow.

Introduction

"The bird is freed." So tweeted Elon Musk after purchasing Twitter, thus ushering in a promised era of free speech on the platform. But is unrestricted free speech what we should want on a platform like Twitter (now "X")? The restrictions Musk promised to eliminate were intended to address what are, plausibly, serious problems in need of serious solutions – especially hate speech and misinformation. Isn't it better to moderate such speech rather than let it spin out of control, something that can have real consequences?

This question is too big as stated; there are various reasons for moderating speech on a platform like X and different ways of doing so.[1] I will restrict my attention to a limited but central case: preventing the spread of misinformation by deleting content and/or banning the people who post it (henceforth: "censorship"). Social media companies have increasingly been asked to do this, including by White House officials, especially in response to misinformation about the COVID-19 pandemic and allegations of widespread fraud in the 2020 United States presidential election.[2] Many of them have been willing to do so, with the (temporary) removal of President Trump from Twitter in the aftermath of the events at the U.S. Capitol on January 6, 2021, being a particularly notable example.

Against this trend, I argue that social media censorship is often a bad solution to misinformation; it offends against reasonable democratic civility and is often unlikely to work anyway. To make my case, I draw on scholarship on the history of information flow in America.[3] The internet and social media are often blamed for misinformation, but at least in America, this appears to badly miss the mark; insofar as the problem is real and not exaggerated, its clearest origins are a breakdown in trust that began in or around the 1950s.[4] Once we see this, it is a small leap to recognize that censorship cannot be the solution here; a healthy climate of trust cannot be rebuilt while citizens declare one another to be beyond the pale and demand or embrace removing one another from the public forum.

The Nature of the Problem

There is a widespread perception that we are experiencing a misinformation crisis. Amongst prominent misinformation scholars, Lance Bennett and Steven Livingston pronounce us to be living in "the disinformation age," Victor Pickard calls us "the misinformation society," Yochai Benkler and colleagues say we are experiencing an "epistemic crisis," and one can easily find similar sentiments expressed in the news media.[5]

Despite this widespread perception, the scope of the problem is rarely made clear and is difficult to pin down. Who exactly is misinformed? To what extent and on what topics? Is this new? And what are the consequences? It's difficult to find answers to these questions, perhaps because it's so difficult to get reliable data on them. As Benkler, Faris, and Roberts note,

> It is hard to conduct a large-scale study of the prevalence of false statements on different media, because it is difficult to find unambiguously objective arbiters, and harder still to find arbiters who make their data available in a way that is readily available to aggregate at the news outlet level.[6]

And of course, the situation is even worse than this (as these scholars are surely aware). First, because we really need to know not just how much misinformation is out there or even who sees it but what its effects are; how much of it is believed and/or undermines people's trust in reliable sources which might otherwise inform them? Second, because "false statements" is too narrow a focus: misinformation can take the form of exaggerations that aren't strictly false, and even true statements can be misleading and should sometimes count as misinformation depending on context (e.g. selective coverage of crimes committed by immigrants can exaggerate the scope of the problem). These difficulties perhaps explain why so much work on misinformation mostly takes the problem for granted and does very little to clarify exactly how bad it is.[7]

This isn't to say we are completely in the dark, of course; misinformation is clearly a serious problem, e.g. about vaccines (where diseases that were all but eliminated are now resurging) and climate science (where large portions of the public doubt it's even occurring).[8] The political situation is particularly bleak; the 2016 and 2020 presidential elections in the United States were both challenged by large segments of the public based on conspiracy theories that were never supported by sound evidence, and in my view, America is experiencing a misinformation crisis if only for this reason alone.[9] This crisis has proven difficult to substantiate, however, and there are reasons to doubt it is as widespread or novel as talk of a "crisis" might suggest.[10] "Fake news" and conspiracy theories are good examples here. They are often cited as massive problems, but according to the best research we have, fake news is primarily consumed by a comparatively small number of chronic social media users (at least per the somewhat restrictive definition of "fake news" the relevant body of research employs)[11] and conspiracy theories have always been a problem and there is no evidence they have gotten worse over time.[12] If there is a crisis here, just how deep, widespread, and novel it is appears to be anyone's guess.

Whatever the exact nature of our misinformation problems, the internet and social media are frequently blamed for them. There are a variety of considerations that can be advanced in making this case, and interested readers can find a brief discussion in the Appendix. Before laying our problems at the feet of recent technologies, however, we should bear two things in mind. First, although digital technologies have made information flow worse in some respects, there are others in which they have surely made it better (e.g., Wikipedia), and whether they have had net-negative or net-positive effects is no simple matter. Second, misinformation isn't new, nor is the perception that misinformation has reached dangerous and unprecedented levels. In fact, Joseph Uscinski and Joseph Parent, in their research on the history of conspiracy theories in America, proposed that conspiracy scares (the perception that belief in conspiracy theories is so widespread as to constitute a crisis) "are ubiquitous."[13]

Misinformation itself isn't new either, of course. There is no shortage of examples. The Iraq War was sold to the US public based on misinformation about "weapons of mass destruction,"[14] a significant expansion of the Vietnam War was justified based on an exaggerated (if not fabricated) confrontation in the Gulf of Tonkin, and the Cold War was replete with unsubstantiated communist witch hunts.[15] Some degree of vaccine skepticism has been with us for nearly as long as vaccines themselves,[16] and restrictive public health measures are often met with some manner of resistance.[17] Before (the most recent) conspiracies about elections and the Earth being flat, there were conspiracies about the moon landing, and a secret US government report detailing the need for perpetual war and opposing world peace.[18] "Clickbait" is just the latest form of sensationalism, a tactic that was particularly prominent during the "yellow journalism" of the late 19th century (and was, then as now, often an attempt to maximize advertising revenue).[19] And although people may be right to decry the recent rise of partisan media, it's worth noting that a partisan press presenting partisan takes for partisan consumption was the norm for significant parts of US history.[20]

I do not offer these examples to establish that misinformation is no worse now than it was in the past (a mere list of examples could never do this). My point is simply that we shouldn't assume that our current misinformation problems are unprecedented or that new technologies are the culprit; these problems are clearly precedented, at least to some extent, and anything done by technology didn't happen in a vacuum. A more careful approach is called for here.

High Modernism

One way to make progress on these issues is to invert the question; rather than ask why people are so misinformed these days (assuming they are), let's instead explore how they could become informed. A useful starting point is to think through what's wrong with a refrain that's popular in some circles: that you should "do your own research."

The basic problem is that for any reasonably complicated topic, I'm almost certainly unable to produce new research myself, e.g. by rigorously gathering new data, running a double-blind study, or meaningfully analyzing relevant datasets. Nor can I typically read and understand the research of people who are able to do these things. (For example, I would struggle to understand state-of-the-art vaccine research, let alone assess its strengths, weaknesses, and limitations.) "Doing my own research" will actually require me to consume other people's research, as filtered through the explanations of people who have (or claim to have) the expertise required to understand and assess it. But how am I to know which explanations are reliable? Not, typically, based on what they say; I'm relying on people explaining the research to me precisely because I'm unable to assess the content on its merits, and the fact that something sounds believable to me, a layperson, isn't good evidence that it's true. The only reasonable strategy I can employ is to assess sources not primarily based on what they say, but based on who's saying it. Is it coming from the relevant experts, or somebody who can be depended upon to reliably communicate what these experts believe? If so, it is trustworthy; if not, it should be

ignored. “Doing my own research” is thus either deferential to the relevant experts – the opposite of what the mantra invites me to do – or is irresponsible.[21]

There is a general point here, which is that becoming informed typically isn’t something you can do by yourself; it is a *social process* – we are massively dependent on other people gathering, analyzing, and relaying information to us – and success depends on good social structures. In particular, we need access to an information distribution system with at least two features: it must somehow provide us with representative (not biased) coverage of the various topics we want to be informed about, and it must contain adequate signals for us to distinguish between reliable and unreliable information (e.g., by signaling who is and is not an expert in some domain; credentialing systems are often employed here). Given the impossibility of “doing your own research” for all or even most topics,[22] your interactions with this system will typically require you to place your trust in various sources, and success will depend on trusting the right people.[23]

Given the obvious pitfalls here, it should come as no surprise that contemporary democracies, which tend to place a premium on informed citizens, have sophisticated institutions to help with this. In America, this was true from the founding of the nation,[24] but a better starting point for our purposes is the early 20th century, when a great deal of work was done to help bring order to an otherwise unruly information ecosystem.[25] The situation initially left much to be desired; the major resource Americans could draw on was the press, and they were quite disillusioned with it (e.g., because of the sensationalist excesses of late 19th century “yellow journalism,” distrust of enormous media conglomerates, the media’s role as propagandist during World War I, and the rise of “public relations” work in the interwar period).[26] But this would soon change; as Benkler, Faris, and Roberts put it, “the era of modernism saw a broad reorganization of social relations across diverse domains into structures oriented around expertise, objectivity, and evidence.”[27]

One important shift was the reinvention of universities as authorities on secular, academic knowledge and the gatekeepers of academic credentials;[28] this provided an epistemic backstop for specialized academic knowledge and fueled the rise of licensed professionals, on whom the public could rely to have appropriate expertise in some domain (e.g., medicine, law, or engineering).[29] Another was the rise of specialized government agencies which began to increasingly manage the flow of information. Some of these operate quietly in the background and solve information problems by imposing regulations that ensure the public does not need to become informed about some topic in the first place.[30] Licensing apparatuses for professionals are themselves a good example here, as are public health authorities like the Food and Drug Administration (essentially founded in 1906) and local health and safety inspectors (by helping to guarantee a good minimum threshold for food and drug safety, these institutions largely eliminate the need for the public to either learn about these topics themselves, or to track information about which companies adhere to appropriate standards).

Whereas some specialized agencies remove the need for an informed public, others help to secure one, either by directly providing authoritative information, or by regulating the information the public receives through other channels. For example, the CDC (Centers for Disease Control and Prevention) was formed in 1946 and

became responsible for issuing authoritative statements on matters regarding public health, and the FTC (Federal Trade Commission) was formed in 1914 and was tasked with prohibiting false advertising.[31] Of particular note here is the FCC (Federal Communications Commission), which was founded in 1934 and enforced the "Fairness Doctrine" from its introduction in 1949 until its repeal in 1987.[32] This doctrine obliged broadcasters (who used public airwaves, which were deemed a public good) to "devote a reasonable percentage of their broadcasting time to the discussion of public issues of interest in the community served by their stations" where "these programs [must] be designed so that the public has a reasonable opportunity to hear different opposing positions on the[se] public issues."[33]

One of the most important public-facing developments of this period was the professionalization of journalists and the development of "objective journalism" as their professional creed. This was largely a response to disillusionment with the press, including amongst journalists themselves, and basically involved a two-part promise: that journalists would report the news in a way that was free from bias, and that their employers would grant them sufficient autonomy from business interests such that they could do so.[34] This helped revitalize trust in the press, culminating in what journalism scholars sometimes call the "high modernism" of roughly the 1960s, when "the news media seemed to have resolved the twin problems of private ownership and personal bias" and "it seemed possible for the journalist to be … independent, disinterested, public-spirited, and trusted and beloved by everyone."[35] If "modernism" involved "employing rational planning, expertise, and objective evidence in both private sector management and public administration," then "high modernism" was the culmination of these commitments as applied to journalism, and of public trust in the resulting media system;[36] journalists, now professionalized, were expected to engage in expert management of society's public information channels, thus making objective information and evidence widely available, and were broadly trusted to do this responsibly.[37]

It was never fully clear exactly what "objective journalism" required or why journalists were in a good position to provide it; it was more vague ideology than precise mandate, and was understood differently by different journalists and institutions. This being granted, Hallin offered three principles that "most journalists would acknowledge" and that "form the core" of objective journalism: journalists should (i) be free of outside pressures (e.g. from the government or advertisers); (ii) present "the facts" without passing judgment on them; and (iii) provide balanced and impartial coverage of political controversies.[38]

This might sound good in theory, but there were problems (as Hallin was keenly aware). Objective journalism essentially sought to deny journalists a voice – their biases were amongst those the creed was supposed to root out – thus avoiding "active political involvement" in favor of "the relatively passive role of transmitting information to the public."[39] But journalism can't really be voiceless. For one thing, giving equal space and attention to every view, no matter how fringe or crazy, is probably impossible and certainly undesirable, so journalists need to make judgment calls about which views will receive attention (in practice, "deviant" views like communism and atheism were typically thought to not merit objective treatment).[40] More generally,

journalists must somehow select a very narrow range of events to present to the public as "news" and must select a narrow range of facts, which are often contested, to adequately characterize this news. This is an active process – *somebody's* voice is going to be represented – and the most common "somebody" in the heyday of objective journalism was, in addition to journalists themselves, the "official source." Bill Thomas, then editor-in-chief of the *Los Angeles Times*, put it thus:

> … the press tended to rely almost solely on sources within so-called establishment institutions. A crime story quoted police spokesmen; an economics story rested on business and industry and chamber of commerce sources; stories about racial problems came from the mouths of government spokesmen and sociology professors. One heard little from black people, the poor, the dissident, the accused criminal, and others who spoke without institutional blessing.[41]

As this discussion suggests, the high modern information ecosystem had some notable shortcomings,[42] and we shouldn't treat it as an information utopia. That said, it also had some notable strengths,[43] was the culmination of a series of attempts to create the kinds of social structures that are necessary to make an informed public possible, and is probably the best historical example of a "managed information ecosystem" of the sort people seem to be advocating for when they endorse censorship of social media (during high modernism, a small number of putatively responsible companies controlled the major channels through which information flowed, thus empowering them to curate the information that reached the public in accordance with the dictates of alleged experts). As we seek to understand the misinformation problems that face us, and especially as we contemplate solutions for fixing them, it is thus important to understand why high modernism declined in the first place.

A Breakdown of Trust

John Nerone has usefully described the high modern news system as "hegemonic": there was a narrow, widely shared vision regarding what counted as "news" and how this information should be presented to the public, and a privileged few (professional journalists) were expected to expertly curate the contents of the public sphere in accordance with its dictates.[44] Their efforts were supported by media institutions, broadcasters, and ultimately the FCC, who worked to impose a similar vision somewhat more generally (e.g., for talk shows that aren't strictly "news"). In the resulting media landscape, the most popular business model involved "reporting from a consensus viewpoint and avoiding offending any part of your audience."[45] In addition to receiving a healthy (and sometimes unhealthy) amount of deference to official sources, Americans thus enjoyed a significantly shared, non-partisan information ecosystem that gave them a shared sense of reality.[46]

The situation is quite different today; objective journalism has been significantly dethroned, partisan media has returned, and the information ecosystem has fragmented. One of the best snapshots of this looked at the flow of political information on the internet during the 2016 election and found "two distinct, structurally different media ecosystems," one "anchored by Fox News and Breitbart," the other anchored by "the *Washington Post*,

the *New York Times*, CNN, Politico, and *The Hill*."[47] Two media ecosystems: one for Democrats and one for Republicans, albeit with many overlapping sources for non-political – or better, non-politicized – content.[48] The study also found that large parts of the ecosystem no longer operate according to standards of objectivity or evidence, but instead enforce ideological purity; false and unsubstantiated claims are tolerated (arguably encouraged) as long as they toe the ideological line.[49]

The short answer to why high modernism declined and partisan media reemerged in America, albeit one that oversimplifies things and belies a great deal of complexity,[50] is that a growing, redefined conservative movement objected to an informational hegemony they felt (often correctly) was hostile to their ideas and values. Technology didn't cause this, although it played a supporting role at certain important junctures (e.g., the emergence of FM radio created a content vacuum on the AM band that was filled with conservative talk radio).[51] But as Hemmer shows in detail, the origins of this development are primarily social and took a lot of hard work; beginning in the late 1940s and early 1950s, a small number of conservative activists, broadcasters, and publishers (including William Buckley, Clarence Manion, and Henry Regnery) worked to redefine what it meant to be conservative and began constructing a separate, conservative media system.[52]

One of the hallmarks of this separate system was distrust of the mainstream one and the institutions that anchored it. Conservative activists advanced the objection discussed above: that "objective" journalism, rather than being ideologically neutral, actually served to reinforce a left-of-center, liberal status quo that had entrenched itself during the New Deal. But this wasn't their only target. Buckley had risen to prominence (or infamy) with his book *God and Man at Yale* (1951), which objected to Yale's alleged tendency to "subvert religion and individualism";[53] this foreshadowed a growing hostility between liberal academia and religious conservativism that would help undermine one of the epistemic pillars of high modernism. Additionally, one of the foundational values of (this stripe of) conservativism was distrust of the government and government agencies. They were especially hostile to the Fairness Doctrine, which was seen (probably correctly) as functioning to censor conservative speech.[54]

These objections remained on the fringes throughout the 1950s but gradually became more mainstream. Sometimes this was clearly bad faith; for example, Greenberg shows how the idea of a biased "liberal media" gained adherents during the civil rights movement as a response to, and way of dismissing, negative media coverage of the pro-segregation South.[55] But as I read the history, the basic complaints often had merit (at least in the Cold War period),[56] even if they were sometimes used to defend morally indefensible views (like segregation) or to distract from legitimate criticism (e.g., by Spiro Agnew and Richard Nixon, whose accusations of media bias gave the issue widespread, national attention).[57]

Whatever their original merits, these objections were taken much too far by their most important and successful advocate, Rush Limbaugh, who gained a massive following after his talk radio show was nationally syndicated in 1988, and who consummated the marriage between conservative media and the Republican party.[58] According to Limbaugh, "science, the media, government and academia" were "the four corners of

deceit in the universe of lies,"[59] a view that, given the role these institutions play in making an informed public possible, essentially guarantees adherents will not be well-informed. This intellectual legacy was to some extent inherited by Fox News, which launched in 1996 and was the brainchild of Roger Ailes (who had formerly worked as Limbaugh's producer) and Rupert Murdoch; in addition to inheriting Limbaugh's audience, Fox News would continue to beat the drum of "liberal bias," especially by attacking "the mainstream media," and would maintain a flexible relation to science, especially climate science.[60] Distrust of the media would eventually grow to such extremes that in 2018, 51% of polled Republicans said that the news media was not "an important part of democracy" but was instead "the enemy of the people."[61]

In attacking science, not just academia, Limbaugh appears to have been influenced by some bad-faith attacks on science and scientists that are well documented by Naomi Oreskes and Erik Conway.[62] The short summary (of some truly depraved malfeasance) is that science is often used to justify regulating unsafe products and practices, and beginning in the 1950s, some well-funded industry professionals, political actors, and a handful of scientists realized that you could stave off regulations by attacking the science that justified them. A favorite technique was to "keep the controversy alive" by funding, cherry-picking, or to some extent fabricating research that contradicted scientific consensus;[63] journalists could then be convinced to present "both sides" of the "controversy" to the public. Another technique, when scientific controversy could not be made credible, was to attack scientists and regulatory agencies as corrupt – a corner of deceit in the universe of lies.[64] Tobacco companies used these techniques, ultimately unsuccessfully, to challenge the emerging scientific consensus that smoking causes cancer (despite knowing that it did).[65] Attacks on climate science were, unfortunately, much more successful.[66]

The liberal information ecosystem, for its part, mostly continued to embrace academia, something like objective journalism, and science (or at least, what journalists understood the science to be). Embracing science and academia was obviously a good strategy; say what you will about these institutions, but there is no alternative source of specialized academic knowledge, and you cannot distrust them and remain well-informed.[67] Its news institutions have had more mixed results. For one thing, the norms of objective journalism are subject to abuse and were never really as "objective" as advertised (as we have seen). Moreover, some left-wing news institutions clearly embrace blatant partisanship; MSNBC, for example, is arguably "a left-oriented mirror to Fox News,"[68] and one can easily find outlets that are worse. That said, one of the central findings of Benkler, Faris, and Roberts' network analysis is that the liberal (or "mainstream") information ecosystem is considerably more resilient to misinformation than the conservative one, because it's anchored by a plurality of (reasonably) responsible journalism institutions that fact-check one another and are "delighted to catch each other out in error"; partisan outlets that care more about ideology than truth exist, but they were found to occupy a much more peripheral part of the network than in the conservative case.[69] As a result of all this, while this ecosystem is still susceptible to unsubstantiated, partisan speculation (and other forms of biased coverage), it tends not to endorse claims that are blatantly contradicted by the best available evidence.

In sum, partisanship and misinformation are alive and well on the left and it would be extremely disingenuous to pretend otherwise. That said, while it's uncomfortable to propose that there is a partisan asymmetry here, misinformation appears to be significantly worse on the right than the left; Benkler, Faris, and Roberts' study is just one data point in an accumulating body of work that has found this.[70] At a minimum, given how much of our knowledge is social and depends on trust, any honest reckoning with contemporary misinformation needs to acknowledge both the problems introduced by conservative distrust of science and academia, and a point Benkler, Faris, and Roberts made: "At the end of the day, if one side most trusts Fox News, Hannity, Limbaugh, and Beck, and the other side most trusts NPR, the BBC, PBS, and the *New York Times*, one cannot expect both sides to be equally informed or equally capable of telling truth from identity-confirming fiction."[71]

Censorship of Misinformation on Social Media

With this background in mind, let's turn our attention to censorship of social media. The risks and benefits of this depend on the type of content being censored and the manner of doing so. For example, censorship of child pornography is uncontroversially a good idea,[72] censorship of hate speech is importantly different than censorship of misinformation, and government censorship carries a different risk profile than corporate censorship of privately-owned channels of communication. I will focus exclusively on censorship of misinformation by corporations in what follows,[73] and I do not intend my arguments to generalize beyond this.[74]

One reason to be wary of censorship is that censors are inevitably fallible, and by inhibiting the free exchange of ideas, they may hinder rather than promote our search for truth.[75] Another is that censorship can be abused to promote the private interests of those who wield it (e.g., commercial or political), and to take an extreme case, free speech is an important safeguard against tyranny and oppression (which can look unnecessary when democratic institutions are strong, but is especially important when they are weak; compare vaccines, which apparently look unnecessary when they work well).[76] My subsequent analysis does not depend on any particular theory of free speech, but requires only a reasonably strong, default prohibition on censorship, whatever its theoretical underpinnings. That said, as many of the classic defenses of free speech are arguably of dubious relevance to the modern information ecosystem, I will briefly discuss the defense given by Alexander Meiklejohn, who sought to take seriously the implications of a sincere commitment to democratic self-government.

Meiklejohn's defense of free speech involves two core ideas: that speech is one of the most important mechanisms by which citizens collectively govern themselves and that censorship illicitly disrupts this process.[77] His most original and powerful argument pertains to the importance of "public speech" and to the intellectual resources citizens require to engage in it (where "public speech" is roughly: speech addressing the public, collectively or individually, on matters relevant to the governance of society, broadly construed).[78] The problem with censoring such speech, or the information citizens believe is relevant to it, is not that doing so is likely to hinder effective governance (although it may certainly do that); the problem is that this censorship

excludes citizens from the governing process – it replaces their deliberation and judgment with that of their alleged superiors – and thus to some extent excludes them from the democracy itself.

In declaring this to be illegitimate, I see Meiklejohn as endorsing an extremely appealing conception of the bonds of democratic citizenship: that regardless of how misguided I may think you are, I still recognize that you are my moral, political, and rational equal, and that you are as entitled as anybody else to address the public regarding what you think we, as a society, should do (and to have access to the information you deem relevant to this process).[79] There is a real cost when citizens do not relate to one another in this way.

Consider now misinformation on social media. I would urge first that social media often involves "public speech," both in terms of its intended audience (which is often the public as a whole, although public speech can be addressed more narrowly than this) and its content. By all appearances, the urge to censor misinformation often comes precisely from the recognition that it may influence the public on matters of public importance (e.g., about COVID-19, vaccines, or election integrity; there's a reason why we don't see urgent calls for censorship of flat-earth conspiracies). Not all censorship is like this, of course; some censorship is intended to prevent serious, imminent harm rather than control public discourse, and any plausible theory of free speech will allow for at least limited censorship in such circumstances (e.g., of calls for violence or of acutely-dangerous health misinformation). Insincere speech (like blatant trolling, insofar as this is reliably discernible) is also more justifiably censored,[80] although the matter is delicate.[81] But on the whole, censorship should be a last resort and should play only a limited role; censorship involves serious moral and political indignities that must (at a minimum) be offset by equally serious benefits, but given the current state of things, it's often unlikely to accomplish its intended aims and may even backfire.

One reason for this is that an ideologically fragmented information ecosystem is likely to produce certain emergent patterns of misinformation even if the information initially presented to the public is all true. Any kind of biased coverage can do this; we form generalizations based on the limited information that reaches us, and insofar as we are presented with biased samples of evidence, such generalizations are likely to lead us astray.[82] Vague impressions about political figures or the general state of things are particularly problematic, but this also takes more specific forms. For example, vaccines are typically orders of magnitude safer than the diseases they prevent, but they do sometimes have serious side effects. An information ecosystem that preferentially reports on these side effects rather than the diseases vaccines prevent will leave a very different impression on its audience than one that does the opposite, even if everything reported is true.[83]

This can lead to a sort of problematic bootstrapping. For example, once you're convinced the COVID-19 vaccine is unsafe and unnecessary, you'll be disposed to take a negative view of Dr. Anthony Fauci, the leading public figure pushing for its widespread adoption. If you then conclude Dr. Fauci must be corrupt or incompetent, this is likely to reinforce distrust of public health authorities in general. This sort of problem, in which partial truths gradually snowball into falsity, is not something that can be easily combatted by

censorship; the root issue is not the presence of falsehoods but the absence of context, and by the time censorship arrives on the scene, it is especially likely to be seen as an illicit suppression of truth.

But there is a deeper problem. For something to qualify as "misinformation" it should be contradicted, or at least blatantly unsupported, by the best available evidence. One reason misinformation might spread despite this is that people are unaware of what the evidence supports. Insofar as this happens, there is an obvious but naive solution: share this information with them, e.g., by attaching notifications to misinformation (rather than censoring it). It bears emphasizing that sometimes this will work, but there are obvious limitations; for a lot of the worst misinformation (e.g. about elections, vaccines, or climate science), the problem isn't that adherents are unaware of competing narratives about what the evidence supports, but rather that they don't trust these narratives (and/or the experts who guarantee them).[84] But the idea that you can effectively combat entrenched distrust with censorship is absurd. Conservatives are the most likely target of this (because they are generally more skeptical of the authorities whose verdicts are likely to report or constitute the best available evidence), and they are particularly unlikely to respond well to it; as we have seen, one of the entrenched narratives in the conservative information ecosystem is that you can't trust various experts and institutions, and censorship is likely to just reinforce this (especially when sources conservatives do trust are actively spreading the misinformation in question).

In sum, I submit that calls for censorship are often premised on a fundamental misunderstanding of the sources of contemporary misinformation; they tend to treat bad information flow on social media as the cause rather than a symptom of the disease. But as discussed, there are excellent reasons to believe that misinformation is not, for the most part, a problem that emerged organically from the introduction of disruptive technologies.

One source of misinformation is that a large segment of the American population has been taught to distrust its experts and its knowledge-generating institutions. Another is that Americans have grown increasingly hostile to, and distrustful of, one another.[85] The first problem creates an epistemic vacuum in which misinformation can spread. The second results in partisan warfare and partisan speculation replacing reasonable discussion of certain issues and the outright fabrication of others.

Social media presumably interacts with all this in complicated ways, but the problems are fundamentally social, not technological, and are rooted in partisan isolation and distrust. Censorship, which is likely to be both deployed and seen as just more partisan warfare, cannot be the solution to this. What's needed is to somehow rebuild a healthy climate of trust in which people recognize and defer to the relevant sources of knowledge, and while censorship might yield some short-term benefits in dealing with specific misinformation, it seems overwhelmingly likely to make the underlying problems worse. As it involves significant moral and political costs anyway, it should, for the most part, be avoided.

Discussion Questions:

1. This case study discusses several examples in which misinformation appears to be worse now than it was in the past (e.g., vaccine skepticism and election conspiracies). Can you think of any other examples? How confident are you that this misinformation really is worse now?

2. This case study discusses several institutions that help (or helped) with the production and dissemination of reliable information. What are some other institutions that do this, and are these institutions working well in the 21st century?

3. If censorship were likely to be an effective tool in combatting misinformation on social media, would it be justified? Why or why not? And if so, in what cases and to what extent?

4. In what ways have digital technologies improved and worsened information flow in the United States? Do you believe these changes are net-positive or net-negative? How do you think different demographics might differ with respect to all this? (Note that the content of the Appendix is particularly relevant to this question.)

5. What things can you truly know by yourself, without relying on the trustworthiness of any other people and/or institutions?

6. What strategies can you employ to avoid falling for misinformation online?

Exercises (to be completed in small groups or individually):

1. One important development on the path to journalistic objectivity was a distinction between *news articles* and *opinion articles* (see e.g. Nerone, *The Media and Public Life*, 163-164). Many news outlets still employ this distinction today (e.g., at the time of publication, *The New York Times* and *The Wall Street Journal*). Find a news outlet that draws this distinction and compare and contrast its news articles with its opinion articles (make sure you read a few examples of each, but it's fine to use article titles once you get a feel for each category). How do these articles differ in terms of the topics they cover, the language they use, the information they present, and the viewpoints they adopt? What are the benefits of distinguishing these types of articles?

2. Liberals and conservatives sometimes treat opposing news outlets as purveyors of blatant lies, but for all but the worst establishments, the distortions introduced by partisan news coverage are typically subtler than this (see, e.g., Benkler, Faris, and Roberts, *Network Propaganda*, 101-4). To explore this, find a partisan news story (that is, a story about a topic that liberals and conservatives generally have opposing viewpoints on) that is covered by both a left-leaning news outlet (e.g., *The New York Times*) and a right-leaning one (e.g., *The Wall Street Journal*). Read both versions of the story. How are they similar and how do they differ? What facts and/or interesting viewpoints might somebody miss if they read only one of them? Is one or the other likely to leave readers misinformed to some extent?

3. The idea of "the news" (note the definite article "the," which suggests a clear, objective delineation between what counts as "news" and what doesn't) was an invention of the Penny Press that culminated in the largely homogeneous news coverage of High Modernism (on the Penny Press connection, see generally Schudson, *Discovering the News*). But deciding whether or not a story is important enough to qualify as "news," and especially deciding how to cover it, is an exercise of judgment and discretion that reasonable people can disagree about (and that unreasonable editors and producers can exploit to present a biased viewpoint to readers and viewers). To get a feel for this, look at the front page of a left-leaning news outlet (e.g., MSNBC) and a right-leaning one (e.g., Fox News). What stories are covered by one outlet but not the other? How do these outlets differ in the ways they frame their stories (e.g. the language used and the viewpoints expressed in the titles of articles)? What values or principles seem to underlie the selection and presentation of these stories? How might your worldview differ if you only encounter "the news" through one of these establishments?

4. Find a left-leaning online community (e.g., reddit.com/r/politics) and a right-leaning one (e.g., reddit.com/r/conservative) where users post comments and engage in discussions of news content. Find a few stories or topics that are discussed by both communities and look at these discussions. How does the "common sense" of these communities differ with respect to these stories or topics – in other words, what claims and viewpoints are taken for granted by one community that would be rejected by the other? Why do you think these communities differ in these ways? Try not to simply dismiss a community as ignorant or malicious; even if they are ultimately misinformed, there are probably historical reasons pertaining to the information that has reached them and the sources they trust that explain why their collective common sense is as it is, and you should try to unearth these.

Appendix: Misinformation and Digital Technologies

In my view, the most plausible respects in which digital technologies have contributed to misinformation are the following:

Increased Noise: The internet (and smartphones) decimated the gatekeeping function of traditional news outlets;[86] it's now extremely easy for misinformed or malicious actors to share misinformation, although getting eyeballs on it is another matter.[87]

Decreased Signal: Advertising had long subsidized journalism, whereas today "most online advertising revenue goes to companies that produce no content at all."[88] Good journalism takes work, and one of the major economic incentives to do this work dried up.[89]

Algorithmic Curation: The content people see online is significantly determined by algorithms, and there's evidence that many of these preferentially serve material that is ideologically congenial;[90] even where information is accurate, users may thus be presented with biased samples of evidence and segregated from opposing viewpoints. Moreover, many algorithms optimize for engagement, and inaccurate, exaggerated, or extreme content may be particularly engaging for certain audiences.

Echo Chambers: Some technologies may facilitate misleading information feedback loops. Consider an online group of people (not necessarily a "community" in any ordinary sense) who: (i) see content that is significantly determined by the evaluations and/or engagement of other members of the group (e.g., because it is user submitted, user ranked, or algorithmically curated based on engagement metrics); (ii) have started to be shown biased, not fully representative, or otherwise unreliable information (e.g., because of algorithmic or social curation);[91] and (iii) are comparatively insulated from opposing viewpoints and contradictory evidence.[92] Such people may enter a feedback loop: exposure to biased content may lead to biased evaluations of content, thus preferentially exposing the group to even more biased content.

Lack of Context: An important lesson in the history of journalism is that facts often don't speak for themselves;[93] they are typically only one aspect of a more complicated reality that must be situated in context.[94] One important function of journalism is to provide this context, but digital technologies often bypass this process and flood our lives with decontextualized facts (when they are even that) that can lead us astray. Examples include: (i) memes, captioned pictures, short videos, tweets, and user-submitted comments that, even if accurate, often provide simplistic and one-sided takes on phenomena that are sometimes quite complicated; and (ii) headlines, especially sensationalized ones, to articles that people often share without reading.[95]

Illusory Expertise: Digital technologies have empowered people to "do their own research," but as discussed in the body of the case study, people who do research poorly can end up worse off than if they had done nothing at all.

It's difficult to know what to make of these (and related) considerations. They collectively seem to make a reasonable case for technology being a significant cause of our current misinformation problems, but there are reasons to doubt this narrative. For one thing, they ignore the respects in which digital technologies have made information flow better. Yes, there is increased noise, bad communities, and some problematic algorithms. But there is also, symmetrically, a lot more high-quality information out there (think of Wikipedia, Archive.org, Khan Academy, or MIT's OpenCourseWare), including information produced by experts for public consumption (e.g., Katelyn Jetelina's public outreach during the COVID-19 pandemic). There are also good communities (such as Stack Exchange, or some of the academically oriented subreddits like /r/askscience, /r/askhistorians, or /r/learnmath), and algorithms that help separate signal from noise (e.g., Google Scholar or, more generally, Google search).

But the best reasons to doubt the significance of digital technologies are, in my view, the arguments given in the main body of the case study: first, that the problem may not be as bad as people think; and second, that misinformation has always been a problem, the 20th century saw the creation of a series of institutions to help address this problem, these institutions have either collapsed or are wrongly perceived by large segments of the public as having collapsed, and technology wasn't the major force that did this. This isn't to say digital technologies haven't played a role here, of course; they surely have. But theirs was a supporting role in a transformation that was primarily social and political (cf. Benkler, *A political economy*).

Bibliography

Allen, Jennifer, *et al*. 2020. “Evaluating the fake news problem at the scale of the information ecosystem.” *Science Advances* 6, no. 14: eaay3539. https://doi.org/10.1126/sciadv.aay3539.

Altay, Sacha, Manon Berriche, and Alberto Acerbi. 2023. “Misinformation on misinformation: conceptual and methodological challenges.” *Social Media + Society* 9, no. 1: 1-13. https://doi.org/10.1177/20563051221150412.

Bagdikian, Ben H. 1987. *The Media Monopoly*. 2nd ed. Boston: Beacon Press.

Bartlett, Bruce. 2015. “How Fox News changed American media and political dynamics.” June 3. https://ssrn.com/abstract=2604679.

Benkler, Yochai. 2020. “A political economy of the origins of asymmetric propaganda in American media.” In *The Disinformation Age: Politics, Technology, and Disruptive Communication in the United States*, edited by W. Lance Bennett and Steven Livingston, 43-66. New York: Cambridge University Press.

Benkler, Yochai, Robert Faris, and Hal Roberts. 2018. *Network Propaganda: Manipulation, Disinformation, and Radicalization in American Politics*. New York: Oxford University Press.

Bennett, W. Lance, and Steven Livingston. 2020. “A brief history of the disinformation age.” In *The Disinformation Age: Politics, Technology, and Disruptive Communication in the United States*, edited by W. Lance Bennett and Steven Livingston, 3-40. New York: Cambridge University Press.

Brint, Steven. 1994. *In an Age of Experts: The Changing Role of Professionals in Politics and Public Life*. Princeton: Princeton University Press.

Buckley, William F. Jr. 1951. *God and Man at Yale: The Superstitions of 'Academic Freedom'*. Washington, D.C.: Regnery Publishing.

Chen, Brian X. 2020. "How to deal with a crisis of misinformation." *The New York Times*, October 14. https://www.nytimes.com/2020/10/14/technology/personaltech/how-to-deal-with-a-crisis-of-misinformation.html.

de Vries, Nikki. 2022. “‘Porsche girl’: When a dead body becomes a meme.” *MIT Case Studies in Social and Ethical Responsibilities of Computing*, Summer (August). https://mit-serc.pubpub.org/pub/porsche-girl/.

Durbach, Nadja. 2000. “‘They might as well brand us’: Working-class resistance to compulsory vaccination in Victorian England.” *Social History of Medicine* 13, no. 1: 45-62. https://doi.org/10.1093/shm/13.1.45.

Eady, Gregory, *et al*. 2019. “How many people live in political bubbles on social media? Evidence from linked survey and Twitter data.” *SAGE Open* 9, no. 1: 1-21, https://doi.org/10.1177/2158244019832705.

Faris, Robert, *et al*. 2020. “Polarization and the pandemic: American political discourse, March – May 2020.” *Berkman Klein Center Research Publication*, no. 2020-9.

Feldman, Lauren, *et al*. 2011. “Climate on cable: The nature and impact of global warming coverage on Fox News, CNN, and MSNBC.” *The International Journal of Press/Politics* 17, no. 1: 1-29, https://doi.org/10.1177/1940161211425410.

Fiorina, Morris P. 2017. *Unstable Majorities: Polarization, Party Sorting, and Political Stalemate*. Stanford, CA: Hoover Institution Press.

Garrett, R. Kelly, and Robert M. Bond. 2021. “Conservatives’ susceptibility to political misperceptions.” *Science Advances* 7: eabf124, https://doi.org/10.1126/sciadv.abf1234.

González-Bailón, Sandra, *et al*. 2023. “Asymmetric ideological segregation in exposure to political news on Facebook.” *Science* 381: 392-98, https://doi.org/10.1126/science.ade7138.

Greenberg, David. 2008. “The idea of ‘the liberal media’ and its roots in the civil rights movement.” *The Sixties: A Journal of History, Politics and Culture* 1, no. 2: 167-86, https://doi.org/10.1080/17541320802457111.

Grinberg, Nir, *et al*. 2019. “Fake news on Twitter during the 2016 US presidential election.” *Science* 363: 374-78. https://doi.org/10.1126/science.aau2706.

Guess, Andrew M. 2021. “(Almost) everything in moderation: New evidence on Americans' online media diets.” *American Journal of Political Science* 65, no. 4: 1007-22, https://doi.org/10.1111/ajps.12589.

Guess, Andrew, Brendan Nyhan, and Jason Reifler. 2020. “Exposure to untrustworthy websites in the 2016 US election.” *Nature Human Behaviour* 4: 472-80. https://doi.org/10.1038/s41562-020-0833-x.

Hallin, Daniel C. 1984. “The media, the war in Vietnam, and political support: a critique of the thesis of an oppositional media.” *The Journal of Politics* 46, no. 1: 2-24, https://doi.org/10.2307/2130432.

Hallin, Daniel C. 1986. *The Uncensored War: The Media and Vietnam*. New York: Oxford University Press.

Hallin, Daniel C. 1992. “The passing of the ‘high modernism’ of American journalism.” *Journal of Communication* 42, no. 3: 14-25, https://doi.org/10.1111/j.1460-2466.1992.tb00794.x.

Harris, Jim. 2019. “Rash decisions: Anti-vaccination movements in historical perspective." *Origins: Current Events in Historical Perspective*, October. https://origins.osu.edu/article/anti-vaxxer-vaccination-measles-

smallpox-jenner-wakefield-immunization.

Harvey, David. 1990. *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change*. Cambridge, MA: Blackwell.

Hemmer, Nicole. 2016. *Messengers of the Right: Conservative Media and the Transformation of American Politics*. Philadelphia: University of Pennsylvania Press.

Hemmer, Nicole. 2022. *Partisans: The Conservative Revolutionaries Who Remade American Politics in the 1990s*. New York: Basic Books.

Hendershot, Heather. 2011. *What's Fair on the Air? Cold War Right-Wing Broadcasting and the Public Interest*. Chicago: The University of Chicago Press.

Lee, Michael. 2023. "Fake news sites, misinformation exploding thanks to new tech." *Fox News*, December 20. https://www.foxnews.com/us/fake-news-sites-misinformation-exploding-thanks-new-tech.

Lepore, Jill. 2018. *These Truths: A History of the United States*. New York: W.W. Norton.

Lepore, Jill. 2020. *The Last Archive*. Podcast. Pushkin Industries.

Limbaugh, Rush. 2009. "The universe of lies: Climate hoax lives, Obama to join Copenhagen." *The Rush Limbaugh Show*. November 25. Via the Wayback Machine. http://web.archive.org/web/20091128110904/http://www.rushlimbaugh.com/home/daily/site_112509/content/01125106.guest.html.

McCarty, Nolan. 2019. *Polarization: What Everyone Needs to Know*. New York: Oxford University Press.

Meiklejohn, Alexander. 1960. *Political Freedom: The Constitutional Powers of the People*. New York: Harper & Row.

Meiklejohn, Alexander. 1961. “The First Amendment is an absolute.” *The Supreme Court Review* 1961: 245-66, https://doi.org/10.1086/scr.1961.3108719.

Nerone, John. 2015. *The Media and Public Life: A History*. Malden, MA: Polity Press.

Nerone, John. 2012. “The historical roots of the normative model of journalism.” *Journalism* 14, no. 4: 446-58, https://doi.org/10.1177/1464884912464177.

Nerone, John. 2015. “Journalism's crisis of hegemony.” *Javnost: The Public* 22, no. 4: 313-27, https://doi.org/10.1080/13183222.2015.1091614.

Nerone, John. 2019. “Lying with impunity.” *Journalism* 20, no. 1: 48-51. https://doi.org/10.1177/1464884918807612.

Nerone, John. 2022. Review of *Not Exactly Lying: Fake News and Fake Journalism in American History*, by Andie Tucher. *International Journal of Media & Cultural Politics* 18, nos. 2-3: 187-92, https://doi.org/10.1386/macp_00067_5.

Nguyen, C. Thi. 2020. “Echo chambers and epistemic bubbles.” *Episteme* 17, no. 2: 141-61, https://doi.org/10.1017/epi.2018.32.

Nyhan, Brendan. 2020. “Facts and myths about misperceptions.” *Journal of Economic Perspectives* 34, no. 3: 220-36. https://doi.org/10.1257/jep.34.3.220.

Nyhan, Brendan, *et al*. 2023. “Like-minded sources on Facebook are prevalent but not polarizing.” *Nature* 620: 137-44, https://doi.org/10.1038/s41586-023-06297-w.

Oreskes, Naomi, and Erik M. Conway. 2010. *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming*. New York: Bloomsbury Press.

Pew Research Center. 2020. “U.S. media polarization and the 2020 election: a nation divided.” January 24. https://www.pewresearch.org/journalism/2020/01/24/u-s-media-polarization-and-the-2020-election-a-nation-divided/.

Pew Research Center. 2023. “Americans continue to have doubts about climate scientists’ understanding of climate change.” October 25. https://www.pewresearch.org/short-reads/2023/10/25/americans-continue-to-have-doubts-about-climate-scientists-understanding-of-climate-change/.

Pickard, Victor. 2015. *America's Battle for Media Democracy: The Triumph of Corporate Libertarianism and the Future of Media Reform*. New York: Cambridge University Press.

Pickard, Victor. 2020. *Democracy without Journalism?: Confronting the Misinformation Society*. New York: Oxford University Press.

Pressman, Matthew. 2017. “Objectivity and its discontents: The struggle for the soul of American journalism in the 1960s and 1970s.” In *Media Nation: The Political History of News in Modern America*, edited by Bruce J. Schulman and Julian E. Zelizer, 96-113. Philadelphia: University of Pennsylvania Press.

Quinnipiac University Polling Institute. 2018. “U.S. voters believe Comey more than Trump, Quinnipiac University national poll finds; support for marijuana hits new high.” Quinnipiac University, April 26. https://poll.qu.edu/images/polling/us/us04262018_ufcq23.pdf.

Schrecker, Ellen. 1998. *Many Are the Crimes: McCarthyism in America*. Princeton: Princeton University Press.

Schudson, Michael. 1978. *Discovering the News: A Social History of American Newspapers*. New York: Basic Books.

Shiffrin, Seana Valentine. 2014. *Speech Matters: On Lying, Morality, and the Law*. Princeton: Princeton University Press.

Shiffrin, Seana Valentine. 2018. "Deceptive advertising and taking responsibility for others." In *The Oxford Handbook of Food Ethics*, edited by Anne Barnhill, Mark Budolfson, and Tyler Doggett, 470-91. New York: Oxford University Press.

Starr, Paul. 2020. "The flooded zone: how we became more vulnerable to disinformation in the digital era." In *The Disinformation Age: Politics, Technology, and Disruptive Communication in the United States*, edited by W. Lance Bennett and Steven Livingston, 67-87. New York: Cambridge University Press.

Sundar, S. Shyam, *et al*. 2024. "Sharing without clicking on news in social media." *Nature Human Behaviour* 8: 156-168, https://doi.org/10.1038/s41562-024-02067-4.

Thakor, Mitali, *et al*. 2023. "To search and protect? Content moderation and platform governance of explicit image material." *MIT Case Studies in Social and Ethical Responsibilities of Computing*, Summer (August). https://mit-serc.pubpub.org/pub/701yvdbh/.

Tucher, Andie. 2022. *Not Exactly Lying: Fake News and Fake Journalism in American History*. New York: Columbia University Press.

Tyler, Michael, Justin Grimmer, and Shanto Iyengar. 2022. "Partisan enclaves and information bazaars: Mapping selective exposure to online news." *The Journal of Politics* 84, no. 2: 1057-73, https://doi.org/10.1086/716950.

Uscinski, Joseph E., and Joseph M. Parent. 2014. *American Conspiracy Theories*. New York: Oxford University Press.

Uscinski, Joseph, *et al*. 2022. "Have beliefs in conspiracy theories increased over time?" *PLoS One* 17, no. 7: e0270429, https://doi.org/10.1371/journal.pone.0270429.

Footnotes

1. See also Mitali Thakor *et al*., "To search and protect? Content moderation and platform governance of explicit image material," *MIT Case Studies in Social and Ethical Responsibilities of Computing* (Summer 2023), https://mit-serc.pubpub.org/pub/701yvdbh/, which (amongst other things) discusses some of the psychological costs moderating child pornography imposes on those tasked with carrying it out; and Nikki de Vries, "'Porsche girl': When a dead body becomes a meme," *MIT Case Studies in Social and Ethical*

Responsibilities of Computing (Summer 2022), https://mit-serc.pubpub.org/pub/porsche-girl/, which discusses a particularly gruesome example of privacy-violating content. ↩

2. See, e.g., *Murthy v. Missouri*, No. 23-411, Supreme Court of the United States (June 26, 2024), which documents some efforts by White House officials to influence social media companies to address vaccine and election misinformation during the 2020 election season: https://www.supremecourt.gov/opinions/23pdf/23-411_3dq3.pdf. ↩

3. I apologize for the parochial approach to a global issue, but the topic would have otherwise been unmanageable. That said, there are some reasons to think the American case generalizes, especially insofar as the explanation for misinformation in the digital age is not technology, but broader social forces. See e.g. Yochai Benkler, "A political economy of the origins of asymmetric propaganda in American media," in *The Disinformation Age: Politics, Technology, and Disruptive Communication in the United States*, ed. W. Lance Bennett and Steven Livingston (New York: Cambridge University Press, 2020), 43-66, on 62-63. ↩

4. I especially follow Benkler, "A political economy," and Nicole Hemmer, *Messengers of the Right: Conservative Media and the Transformation of American Politics* (Philadelphia: University of Pennsylvania Press, 2016). ↩

5. W. Lance Bennett and Steven Livingston, "A brief history of the disinformation age," in Bennett and Livingston, *The Disinformation Age*, 3-40; Victor Pickard, *Democracy without Journalism?: Confronting the Misinformation Society* (New York: Oxford University Press, 2020); Yochai Benkler, Robert Faris, and Hal Roberts, *Network Propaganda: Manipulation, Disinformation, and Radicalization in American Politics* (New York: Oxford University Press, 2018); Brian X. Chen, "How to deal with a crisis of misinformation," *The New York Times*, October 14, 2020, https://www.nytimes.com/2020/10/14/technology/personaltech/how-to-deal-with-a-crisis-of-misinformation.html; and Michael Lee, "Fake news sites, misinformation exploding thanks to new tech," *Fox News*, December 20, 2023, https://www.foxnews.com/us/fake-news-sites-misinformation-exploding-thanks-new-tech. ↩

6. Benkler, Faris, and Roberts, *Network Propaganda*, 82. ↩

7.

To offer just a single example, consider Bennett and Livingston's opening chapter to their recent edited volume on disinformation (for the record, this chapter is a first-rate piece of scholarship). The bulk of the discussion characterizing the disinformation problem we are facing takes place in a single paragraph; the remainder of the chapter focuses on explaining where this problem comes from. I quote this paragraph in its entirety:

> Much attention has been focused in recent years on growing levels of disruptive communication – "fake news," disinformation, and misinformation – in contemporary democracies. Media organizations and social media platforms in many nations are circulating conspiracies, manufacturing "alternative facts," inventing imagined incidents, or blaming political opponents for real ones. By the time President Donald Trump reached his 1,055 day in office (December 10, 2019), he had misled or lied to

↩

8. For example, a Pew Research poll in 2023 found that 51% of Republicans believed climate scientists understood "not too/not at all well" whether or not climate change is occurring (compared to 12% of Democrats). This is misinformation; whatever else you might think about climate change, that it is occurring is indisputable. See Pew Research Center, Washington, D.C., "Americans continue to have doubts about climate scientists' understanding of climate change" (October 25, 2023), available at https://www.pewresearch.org/short-reads/2023/10/25/americans-continue-to-have-doubts-about-climate-scientists-understanding-of-climate-change/. ↩

9. The 2020 election is simpler, because we had the rare fortune of seeing some of the central claims litigated in the courts in Dominion Voting Systems v. Fox News Network. This litigation made internal Fox News documents part of the public record (Fox News was one of the main outlets pushing the conspiracy). These documents provide compelling evidence that many people working for Fox, including their own research department ("The Brainroom"), knew that the allegations of voter fraud they were airing were baseless. See *US Dominion, Inc. v. Fox News Network, LLC*, C.A. No. N21C-03-257 EMD (Super. Ct. Del. Mar. 31, 2023), https://courts.delaware.gov/Opinions/Download.aspx?id=345820. Amongst other things, the Brainroom explicitly concluded the following (all of these are quoted verbatim from the aforementioned court opinion):

> • There was "no evidence of widespread fraud."
>
> • "Claims about Dominion switching or deleting votes are 100% false" and claims that votes for Former President Trump were deleted are "mathematically impossible."
>
> • "No credible reports or evidence of any software issues exist."
>
> • "All U.S. voting systems must provide assurance that they work accurately and reliably as intended under federal U.S. Election Assistance Commission and state certification and testing requirements."

That Fox chose to air these baseless allegations anyway ended up costing them over $700 million, but perhaps saved their media division, which was hemorrhaging consumers; see *ibid*. 13-16.

For reasons to doubt the significance of Russian interference in the 2016 election, see especially Benkler, Faris, and Roberts, *Network Propaganda*, ch. 8. The basic point is not that Russia didn't try to interfere – they clearly did – but rather that their interference is unlikely to have significantly affected the outcome. Americans are already subject to extremely refined *domestic* political propaganda, and the idea that Russia can somehow penetrate this system and accomplish what extremely motivated and well-funded domestic actors cannot probably greatly overestimates what Russia is capable of. ↩

10. See e.g. Brendan Nyhan, "Facts and myths about misperceptions," *Journal of Economic Perspectives* 34**,** no. 3 (2020): 220-36, https://doi.org/10.1257/jep.34.3.220; Sacha Altay, Manon Berriche, and Alberto Acerbi, "Misinformation on misinformation: conceptual and methodological challenges," *Social Media + Society* 9 (2023): 1-13, https://doi.org/10.1177/20563051221150412. ↩

11. "Fake news" has been best explored in the context of the 2016 election, where its impact appears modest. For example: Grinberg *et al*.'s work on Twitter concluded that 1% of users accounted for 80% of fake news exposures; Allen *et al*. found that fake news comprises, as an upper bound, only about 5% of Americans' online news consumption (they also found that Americans consume five times more news via television than the internet, making this figure even less dramatic); and while Guess, Nyhan, and Reifler put the online fake news figure at 5.9%, they again found this to be "heavily concentrated among a small subset of people—62% of the visits that we observed came from the 20% of Americans with the most conservative information diets". See Nir Grinberg *et al*. "Fake news on Twitter during the 2016 US presidential election," *Science* 363 (2019): 374-78, https://doi.org/10.1126/science.aau2706; Jennifer Allen *et al*., "Evaluating the fake news problem at the scale of the information ecosystem," *Science Advances* 6 (2020): eaay3539, https://doi.org/10.1126/sciadv.aay3539; Andrew Guess, Brendan Nyhan, and Jason Reifler, "Exposure to untrustworthy websites in the 2016 US election," *Nature Human Behaviour* 4 (2020): 472-80, at 472, https://doi.org/10.1038/s41562-020-0833-x. Note, however, that this body of work defines "fake news" at the publisher level: "fake news" is any story coming from a publisher who has "the trappings of legitimately produced news but lack[s] the news media's editorial norms and processes for ensuring the accuracy and credibility of information" (Grinberg *et al*., "Fake news on Twitter", 374). There are good reasons to focus on this category of information, but it is quite narrow; for example, anything coming from organizations like Fox News and MSNBC is excluded by definition, since even though each arguably produces a lot of bad journalism, their editorial processes are seen (by these researchers) as generally strong enough that their news isn't outright "fake," regardless of its content. ↩

12. Joseph Uscinski *et al*., noting widespread belief in a modern conspiracy theory "crisis", explored whether belief in conspiracies has increased over time (see Joseph Uscinski *et al*., "Have beliefs in conspiracy theories increased over time?," *PLoS One* 17, no. 7 (2022): e0270429, https://doi.org/10.1371/journal.pone.0270429). They emphasize that it is difficult to amass systematic evidence for this, in part because "conspiracy theories became the subject of a sustained research program only around 2010" (*ibid*. 15). Noting this limitation, their major findings were negative: "In no instance do we observe systematic evidence for an increase in conspiracism, however operationalized" (*ibid*. 1). They did find plenty of evidence for modern belief in conspiracy theories; for example, 50% of 2021 respondents believed the government was hiding evidence of aliens and 43% believed the assassination of Robert Kennedy was "part of a larger conspiracy". But 49% of 1996 respondents believed the same thing about aliens, and 43% of 1981 respondents believed the same thing about Robert Kennedy (*ibid*. 8). ↩

13.
Joseph E. Uscinski and Joseph M. Parent, *American Conspiracy Theories* (New York: Oxford University Press, 2014). I quote the relevant passage at length:

> [In 2011,] the New York Daily News breathlessly declared: "It's official: America is becoming a conspiratocracy. The tendency for a small slice of the population to believe in devious plots has always been with us. But conspiracies have never spread this swiftly across the country. They have never lodged this deeply in the American psyche. And they have never found as receptive an audience. … [In 2004,] the Boston Globe suggested that we were then living in the "golden age of conspiracy theory." A decade previous, in 1994, the Washington Post claimed that Bill Clinton's first term "marked the dawn of a new age of conspiracy theory" when only two years earlier it had posited that we then lived "in an age of conspiracy theories." Back in 1977, the Los Angeles Times concluded the United States had set a world record: "we have become as conspiracy prone in our judgments as the Pan-Slav nationalists in the 1880s Balkans." Rewinding to the fall of Camelot, the New York Times was sure 1964 was the age of conspiracy theories because they had "grown weedlike in this country and abroad." … Presumably we could multiply examples back to Salem in 1692, but you understand the point: conspiracy scares are ubiquitous. (*ibid*., 105-6)

↩

14. Misinformation the media establishment was all too happy to spread even though, per one prominent journalism scholar, the evidence should have been recognized as flimsy by "any conscientious journalist – or citizen." See John Nerone, "Lying with impunity," *Journalism* 20, no. 1 (2019): 48-51, at 48, https://doi.org/10.1177/1464884918807612; cf. Jill Lepore, *These Truths: A History of the United States* (New York: W.W. Norton, 2018), 739-40. ↩

15. On the Gulf of Tonkin incident, see Daniel C. Hallin, *The Uncensored War: The Media and Vietnam* (New York: Oxford University Press, 1986), 20. On communist witch hunts, see e.g. Ellen Schrecker, *Many Are the Crimes: McCarthyism in America* (Princeton: Princeton University Press, 1998). These witch hunts didn't end with McCarthy, of course; compare e.g. the John Birch Society, as discussed in Hemmer, *Messengers of the Right*, and in Heather Hendershot, *What's Fair on the Air? Cold War Right-Wing Broadcasting and the Public Interest* (Chicago: The University of Chicago Press, 2011). ↩

16. Jim Harris, "Rash decisions: Anti-vaccination movements in historical perspective," *Origins: Current Events in Historical Perspective*, October 2019, https://origins.osu.edu/article/anti-vaxxer-vaccination-measles-smallpox-jenner-wakefield-immunization. ↩

17. See e.g. Nadja Durbach, "'They might as well brand us': Working-class resistance to compulsory vaccination in Victorian England", *Social History of Medicine* 13, no. 1 (2000): 45-62,

https://doi.org/10.1093/shm/13.1.45. ↩

18. Jill Lepore's podcast, *The Last Archive* (Pushkin Industries, 2020), is an excellent source on these and many other examples. The alleged (and completely fake) "secret government report" in question is "The Report from Iron Mountain." ↩

19. One good illustration here is the somewhat common practice of faking interviews; see especially Andie Tucher, *Not Exactly Lying: Fake News and Fake Journalism in American History* (New York: Columbia University Press, 2022), chap. 3. This began in the 1830s – Tucher proposes that the very first interview officially printed in an American newspaper was "almost certainly a fake" (*ibid*. 56). But it reached its heyday during the yellow journalism of the late 19th century, which was notorious for "an emphasis on the sensational, the dramatic, and the garish … and reporting that tended toward exaggerated and even fabricated accounts" (Pickard, *Democracy without Journalism*, 18). For example, in 1898, William Randolph Hearst's *New York Journal* ran an alleged interview with then Assistant Secretary of the Navy Theodore Roosevelt. Roosevelt had apparently praised the Journal for "tell[ing] the facts as they exist" and shared some inside military information with them: that "there will be no backdown" of an American military intervention in what would soon become the Spanish-American War. Roosevelt vehemently denied this interview ever took place, saying he "would as soon think of dealing with a mad dog as to give [the Journal] an interview", and as Tucher points out, it is extremely unlikely he said what the (notoriously unreliable) Journal attributed to him. See Tucher, *Not Exactly Lying*, 73-74. ↩

20. One nice illustration of the partisan press is the controversy surrounding the Sedition Act of 1798. The press at the time was highly partisan, having recently been a battleground in which constitutional debates over the proper scope of federal power played out; "Federalists" and "Anti-Federalists" sharply disagreed on this, resulting in "some of the most heated political writing in American history" (Lepore, *These Truths*, 128-31; note the division, even then, into two distinct, ideologically opposed camps). In the years following ratification, this partisanship only deepened; things were so acrimonious that in 1798, the Federalist party (then in power) enacted the aforementioned Sedition Act, which it promptly used as a partisan weapon to suppress opposition press (John Nerone, *The Media and Public Life: A History* [Malden, MA: Polity Press, 2015], 60-62). This attempt to tame the press failed; there was intense backlash to this censorship and it arguably cost Federalists the next election (*ibid*.). The press would eventually be tamed (or at least, would tame itself to a considerable extent), but the 19th century was, on the whole, something of the Wild West for it. ↩

21. It is perhaps worth emphasizing the full generality of this point. The winning strategy for any complex topic of inquiry with an associated body of experts – vaccine science, climate science, history, law, political analysis, etc. – is for non-experts to defer to experts, including by withholding judgment where these experts cannot reach a consensus and there are no clear criteria for deciding between them. The experts may be

wrong, but they stand a much better chance of being right than you do, and if they can't figure it out, you probably can't either. ↩

22. And note that expertise isn't the only constraint here; we have limited time and cognitive resources, and while I can and should vet my sources at some point (to the extent this is possible), it isn't realistic to subject every new piece of information I receive to strict scrutiny. Even if I just focus on contentious claims about which different sources disagree (e.g. about COVID, vaccines, Gaza, climate change, election fraud, etc.), responsibly researching these topics, insofar as this is possible at all, is likely to be a major research project. Given the number of topics involved, I just don't have time for this. ↩

23. See especially C. Thi Nguyen, "Echo chambers and epistemic bubbles," *Episteme* 17, no. 2 (2020): 141-61, https://doi.org/10.1017/epi.2018.32. ↩

24. Constitutional protections for free speech and a free press are obvious examples, but there were also more active interventions; the Post Office Act of 1792, for example, subsidized the production and dissemination of newspapers, which were thought to be essential for an informed citizenry who could discharge their duties as good democratic citizens. See Nerone, *The Media and Public Life*, 56. ↩

25. Roughly following Nguyen, "Echo chambers," we might call the totality of sources somebody relies on for information their "information network." We can then define an "information ecosystem" as the superset of all information networks in some community at some point in time. ↩

26. Michael Schudson, *Discovering the News: A Social History of American Newspapers* (New York: Basic Books, 1978) is a good source on all of this. See especially 134-44 on public relations work. ↩

27. Benkler, Faris, and Roberts, *Network Propaganda*, 313. ↩

28. As Jill Lepore summarizes the history, prior to the late 19th century, American universities were predominantly religious institutions where "every branch of scholarship was guided by religion". The late 19th century saw their transformation to secular ones; "universities were divided into disciplines and departments, each with a claim to secular, and especially scientific, expertise" (Lepore, *These Truths*, 348). Universities thus became the epistemic backstop for increasingly sophisticated bodies of academic knowledge, as the communities of experts who develop, understand, and guarantee it. ↩

29. One good source here is Steven Brint, *In an Age of Experts: The Changing Role of Professionals in Politics and Public Life* (Princeton: Princeton University Press, 1994). In short, apparatuses for licensing professionals (like doctors and lawyers) typically involve a collaboration between professional organizations and licensing boards, where the former sets and the latter enforces the standards members of the profession must live up to (moral and technical). Historically, degrees were an important requirement for professionals, which made education a solid economic investment. Professionalization has obvious benefits for the public,

since a good licensing system creates a strong presumption that licensed professionals know what they are doing and will conduct themselves accordingly. ↩

30. For discussion the epistemic merits of this sort of system, see especially Seana Valentine Shiffrin, "Deceptive advertising and taking responsibility for others," in *The Oxford Handbook of Food Ethics*, ed. Anne Barnhill, Mark Budolfson, and Tyler Doggett (New York: Oxford University Press, 2018), 470-91. ↩

31. A nice illustration of what things looked like before the FDA and the FTC is the advertising that took place in the "Penny Press", which rose to prominence in the 1830s and was basically the first group of newspapers to successfully pursue mass circulation and, especially, the advertising revenue this could bring. This advertising included "everything from get-rich-quick schemes to miraculous cure-all tonics" (Tucher, *Not Exactly Lying*, 37) and involved claims that were often known to be dubious. One newspaper defended them as follows:

> "Some of our readers complain of the great number of patent medicines advertised in this paper. To this complaint we can only reply that it is for our interest to insert such advertisements as are not indecent or improper in their language, without any inquiry whether the articles advertised are what they purport to be. That is an inquiry for the reader who feels interested in the matter, and not for us, to make." (Boston Daily Times, October 11, 1837, quoted in Schudson, *Discovering the News*, 19)

↩

32. Although the origins of the Fairness Doctrine are commonly traced to an official report released by the FCC in 1949, the FCC claimed the Fairness Doctrine was merely "a restatement of the basic policy of the 'standard of fairness' which is imposed on broadcasters under the Communications Act of 1934" (29 Fed Reg. 10416, 1964). ↩

33. This followed their earlier enforcement of the "Mayflower Doctrine," which prohibited broadcasters from political editorializing; see Victor Pickard, *America's Battle for Media Democracy: The Triumph of Corporate Libertarianism and the Future of Media Reform* (New York: Cambridge University Press, 2015), 116, quoting 13 FCC 1246, 1949. This in turn followed various enforcements under the Communications Act of 1934, and the Radio Acts of 1927 and 1912 (see Benkler, Faris, and Roberts, *Network Propaganda*, 313-14, which discusses regulatory resistance to left-wing media in the early days of radio). Hemmer, *Messengers of the Right*, is a good source on the Fairness Doctrine in particular, and a public notice released by the FCC (29 Fed Reg. 10415-10427, 1964) is instructive on how the doctrine worked in practice. You can find it under July 25, 1964, here: https://www.govinfo.gov/app/collection/fr/1964/07/25 ↩

34. John Nerone argues that objective journalism is best seen as a sort of compromise made by media owners that helped placate both newsworkers (who wanted more autonomy, financial security, and status) and

regulators (who might otherwise have imposed more onerous regulations). See Nerone, *The Media and Public Life*, 163-164; cf. Pickard, *America's Battle for Media Democracy*, 194-95. In any event, the development and widespread embrace of objective journalism was a process that played out over a long period of time without any clear watershed moment. Significant moments include: Pulitzer's 1904 endowment for one of the first journalism schools at Columbia University (Schudson, *Discovering the News*, 152); Walter Lippman's 1922 publication of Public Opinion, the analysis of which "remains in the DNA of the ideology of professional journalism" (John Nerone, review of *Not Exactly Lying: Fake News and Fake Journalism in American History*, by Andie Tucher, *International Journal of Media & Cultural Politics* 18 nos. 2-3 (2022): 187-92, at 188, https://doi.org/10.1386/macp_00067_5; cf. Nerone, *The Media and Public Life*, 148-52); and the report released by the Hutchins Commission in 1947 (see Benkler, Faris, and Roberts, *Network Propaganda*, 314-15; Pickard, *America's Battle for Media Democracy*, 187-89; but contrast Nerone, *The Media and Public Life*, 177-80). ↩

35. Daniel C. Hallin, "The passing of the 'high modernism' of American journalism," *Journal of Communication* 42, no. 3 (1992): 14-25, at 15-16, https://doi.org/10.1111/j.1460-2466.1992.tb00794.x. ↩

36. The quote is from Benkler, Faris, and Roberts, *Network Propaganda*, 6. ↩

37.

For a slightly different take on what "high modernism" amounts to, see Nerone, *The Media and Public Life*, 182. Hallin introduced the term (Hallin, *The passing of 'high modernism'*, 16), and illustrated it with the following quote from David Harvey, *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change* (Cambridge, MA: Blackwell, 1990), 35:

> "High modernist art, architecture, literature, etc. became establishment arts and practices in a society where a corporate capitalist vision of the Enlightenment project of development for progress and human emancipation held sway… The belief 'in linear progress, absolute truths, and rational planning of ideal social orders' under standardized conditions of knowledge and production was particularly strong. The modernism that resulted was, as a result, 'positivistic, technocratic and rationalistic' at the same time it was imposed as the work of an elite avant-garde…"

↩

38. Hallin, *Uncensored War*, 68. ↩

39. Daniel C. Hallin, "The media, the war in Vietnam, and political support: a critique of the thesis of an oppositional media," *The Journal of Politics* 46, no. 1 (1984): 2-24, at 11, https://doi.org/10.2307/2130432. ↩

40. See e.g. Hemmer, *Messengers of the Right*, 117; Hallin, *Uncensored War*, 116-17. Hemmer is eliding some complexity when she says that atheists were not entitled to protections under the Fairness Doctrine on

the grounds that they did not, in the FCC's judgment "meet the definition of 'responsible groups'" (Hemmer, *Messengers of the Right*, 117). The FCC did explicitly say this about communists (see 29 Fed Reg. 10417-18, 1964), but as far as I can tell, did not explicitly say it about atheists. In fact, the FCC's response to Robert Harold Scott (11 F.C.C. 372), an atheist who sought airtime to reply to criticisms of atheism, strongly suggested that the Fairness Doctrine did entitle atheists to airtime, at least when atheism was "attacked" (see Virginia Law Review, Vol. 36, No. 4, May, 1950, 506). But this favorable response to atheism elicited massive backlash, including an investigation in the House, during which the FCC appears to have walked back on this position (see Hearings before the Select Committee to investigate the Federal Communications Commission on H.R. 691, 80th Cong., 2d Sess. 117, 126, 1948, cited in *ibid*.). All told, atheism does thus appear to have been beyond the Fairness Doctrine's protections, although ironically, this was somewhat controversial. ↩

41. Quoted in Matthew Pressman, "Objectivity and its discontents: The struggle for the soul of American journalism in the 1960s and 1970s," in *Media Nation: The Political History of News in Modern America*, ed. Bruce J. Schulman and Julian E. Zelizer (Philadelphia: University of Pennsylvania Press, 2017), 96-113, at 103. ↩

42. Including: (i) excessive deference to official sources sometimes omitted important voices; (ii) this deference could be abused by bad actors (e.g. by Senator McCarthy during the Second Red Scare and by the Johnson administration during the Vietnam War), as could the tendency to present "both sides" of controversial issues without discussing whether both sides had merit (which e.g. was exploited by tobacco companies to sew doubt about the emerging scientific consensus that smoking causes cancer); and (iii) despite surface appearances of neutrality, ideology couldn't really be exorcised from journalism (although it was deemphasized); it tended to just be hidden from view, determining which voices were heard and how stories were framed rather than taking the form of explicit advocacy – and often serving to reinforce the status quo. On McCarthy's abuses of objective journalism, see e.g. Tucher, *Not Exactly Lying*, chap. 8. On the Johson administration's, see Schudson, *Discovering the News*, 173-175; Hallin, *Uncensored War*, chap. 2. On the malfeasance of tobacco companies, which is also discussed shortly in the body of the paper, see Naomi Oreskes and Erik M. Conway, *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming* (New York: Bloomsbury Press, 2010), chap. 1, e.g. on 16. ↩

43. For one thing, deference to official sources is exactly what you want when these sources are responsible representatives of communities with specialized knowledge (many contemporary misinformation problems would be solved if people would defer e.g. to public health authorities or climate scientists). For another, while the veiled ideology of objective journalism was certainly problematic, it was probably preferable to the blatant partisanship that infects much contemporary media. ↩

44. See e.g. John Nerone, "The historical roots of the normative model of journalism," *Journalism* 14, no. 4 (2012): 446-58, https://doi.org/10.1177/1464884912464177; John Nerone, "Journalism's crisis of hegemony," *Javnost: The Public* 22, no. 4 (2015): 313-27, https://doi.org/10.1080/13183222.2015.1091614. ↩

45. Benkler, "A political economy," 50-51. ↩

46. Take the early 1970s as an example. Television was the most popular news source and coverage was dominated by the "Big Three" broadcast networks – ABC, CBS, and NBC – operating under the Fairness Doctrine (Nerone, *The Media and Public Life*, 180-81; Benkler, "A political economy," 51). Newspapers were the second most popular news source and while they weren't subject to the Fairness Doctrine, ownership was again increasingly concentrated in the hands of few small companies (Ben H. Bagdikian, *The Media Monopoly: Second Edition* [Boston: Beacon Press, 1987], 4), there was a growing number of "one-newspaper towns" (Benkler, "A political economy," 50), and as this was the heyday of objective journalism, consumers, journalists, and editors often demanded "fair," "neutral," and/or "objective" reporting anyway. ↩

47. Benkler, Faris, and Roberts, *Network Propaganda*, 49, 75. This study looked specifically at linking patterns amongst news publishers and sharing patterns amongst social media users. A more recent study of the flow of political information on Facebook during the 2020 election found similar ideological segregation (see González-Bailón *et al*., "Asymmetric ideological segregation in exposure to political news on Facebook", *Science* 381 (2023): 392-98, https://doi.org/10.1126/science.ade7138). These separate media ecosystems correspond to significant differences in who Democrats and Republicans trust as news sources. A Pew Research Center poll from 2019, for example, found that 65% of Republicans trust Fox News for political and election news (this is the only category of news the poll asked about) and that on average, they don't really trust any other source (including, notably, other right-wing ones; per the same poll, only 12% trust Breitbart, 27% trust Rush Limbaugh, and 30% trust Sean Hannity; their second most trusted source was actually ABC News, although coming in at only 33%, it was a distant second to Fox). Democrats, you will be unsurprised to learn, mostly do not trust Fox News (only 23% do). The sources they trust for political news are more diverse; looking at only the top few sources: 67% trust CNN, 61% trust NBC, 60% trust ABC, 59% trust CBS, 56% trust PBS, and 53% trust the *New York Times*. See Pew Research Center, Washington, D.C., "U.S. media polarization and the 2020 election: a nation divided" (January 24, 2020), https://www.pewresearch.org/journalism/2020/01/24/u-s-media-polarization-and-the-2020-election-a-nation-divided/. ↩

48. See especially Michael Tyler, Justin Grimmer, and Shanto Iyengar, "Partisan enclaves and information bazaars: Mapping selective exposure to online news," *The Journal of Politics* 84, no. 2 (2022): 1057-73, https://doi.org/10.1086/716950; see also Andrew M. Guess, "(Almost) everything in moderation: New evidence on Americans' online media diets," *American Journal of Political Science* 65**,** no. 4 (2021): 1007-22, https://doi.org/10.1111/ajps.12589. ↩

49. See generally Benkler, Faris, and Roberts, *Network Propaganda*, chap. 3. ↩

50. The most notable omitted complexity is that as Hallin has argued, there was actually a very special set of historical circumstances that made high modernism possible in the first place (Hallin, *Uncensored War*, 16). First, because only an ideologically unified, economically secure public was likely to accept an allegedly neutral accounting of "the" news that systematically deferred to the official version of what was happening; as Benkler plausibly argues, "Under conditions of economic threat and uncertainty, people tend to lose trust in elites of all stripes, since they seem to be leading them astray" (Benkler, "A political economy", 61). Second, because the media could only provide this singular narrative if they had monopoly control over the major channels of communication, and would only do so if they were properly incentivized (Nerone, "The historical roots", 5-6). Postwar America was an ideal environment for all this, and not just because of its well-known economic boom and obvious technological limitations. There was considerable ideological unity, chiefly rooted in: (i) the ongoing Cold War, which made it easy to dismiss anything significantly left of the New Deal as "communism"; (ii) the Great Depression, which made anything economically right of the New Deal unpalatable; (iii) World War II, which made people generally wary of extremism; and (iv) an unflattering moral naivety about minority rights, which would soon prove quite divisive. Moreover, media monopolies had emerged in the late 19th and early 20th centuries and were immensely profitable, often distrusted, and subject to serious regulatory threat if they didn't demonstrate their social responsibility to the public (Nerone, *The Media and Public Life*, 163-64; Pickard, *America's Battle for Media Democracy*, 194-95; Nerone, "Journalism's crisis of hegemony," 323-24). These various conditions allowed the seeds of high modernism to take root, and it is not particularly surprising that as they declined, high modernism declined with them. The manner of its decline, however, and especially the rise of conservative media, is extremely informative. ↩

51. See especially Benkler, "A political economy," 52. ↩

52. See generally Hemmer, *Messengers of the Right*. A rough proxy for both what these new (or in a sense, old) conservative values were, and how they were perceived by the public, is Barry Goldwater's 1964 campaign and its resulting "ignominious defeat". For the connection between the Goldwater campaign and this conservative movement, see Hemmer, *Messengers of the Right*, ch. 8, e.g. 154-55; for a quick overview of Goldwater's positions and their reception, see Lepore, *These Truths*, 614-17. Note that while the Goldwater campaign was, in a sense, an ignominious defeat, there is another sense in which it was a massive triumph for the conservative movement behind it, as these previously neglected values had been elevated to form the basis for a presidential campaign. ↩

53. William F. Buckley Jr., *God and Man at Yale: The Superstitions of 'Academic Freedom'* (Washington, D.C.: Regnery Publishing, 1951), 41. ↩

54. The Fairness Doctrine imposed obligations on broadcasters who covered controversial material, and as Hemmer points out, "In midcentury America, modern conservativism was by definition controversial," i.e., not mainstream. Official intent of the doctrine notwithstanding, it was often financially safer for broadcasters to avoid conservative content altogether, rather than incur the obligations that could arise from broadcasting it (Hemmer, *Messengers of the Right*, 124). ↩
55. David Greenberg, "The idea of 'the liberal media' and its roots in the civil rights movement," *The Sixties: A Journal of History, Politics and Culture* 1, no. 2 (2008): 167-86, https://doi.org/10.1080/17541320802457111. ↩
56.
As discussed in note 50 (above), postwar America was unusually ideologically homogenous. There was, for example, significant, bipartisan support for New Deal economic policies and for an interventionist foreign policy committed to American global leadership and opposed to communism. A lack of significant dissent apparently made it possible to see this arrangement as "post-ideological", but as Hallin put it, "This silence … represented not the end of ideology, but the triumph of a single ideology over all competitors" (Hallin, *Uncensored War*, 50; cf. Lepore, *These Truths,* 591-93, Benkler, Faris, and Roberts, *Network Propaganda,* 315-16, Hemmer, *Messengers of the Right*, xii). There were morally legitimate (and illegitimate) traditional ideologies that fell outside this consensus, especially of the "small government" variety, and accusations of "liberal bias" reflected entrenched opposition to these ideologies amongst the media and *both* political parties.

This latter point is important. In dismissing the legitimacy of "liberal bias," scholars sometimes seem to fail to appreciate that these activists were working to redefine conservativism (away from its New Deal incarnation) and felt that their ideology was not well represented by *either* party. Greenberg, for example, in challenging the idea of "liberal bias," argues compellingly that the 1950s press leaned Republican rather than Democrat (Greenberg, "The idea of 'the liberal media'," 171). But this is beside the point; leaning Republican is compatible with liberal bias if, as these activists claimed, both Democrats and Republicans were substantially liberal in ideology owing especially to their bipartisan embrace of the New Deal. Consider, in this regard, that Clinton Rossiter could compellingly write in "a standard 1960s political parties textbook" that:

> There is and can be no real difference between the Democrats and the Republicans, because the unwritten laws of American politics demand that the parties overlap substantially in principle, policy, character, appeal, and purpose—or cease to be parties with any hope of winning a national election. (quoted in Morris P. Fiorina, *Unstable Majorities: Polarization, Party Sorting and Political Stalemate* [Stanford: Hoover Institution Press, 2017], at 45.)

↩

57. Hemmer, *Messengers of the Right*, 218-19. ↩

58. Nixon and Reagan had both courted conservative media to some extent, but weren't particularly beholden to their interests. But as Nicole Hemmer has shown, this changed with Rush Limbaugh (see Hemmer, *Partisans: The Conservative Revolutionaries Who Remade American Politics in the 1990s* [New York: Basic Books, 2022]). For just a smattering of examples: (i) in 1992, George H.W. Bush invited Limbaugh to the White House in an attempt to help stave off a primary challenge from Pat Buchanan; Limbaugh would subsequently be fond of recounting the fact that the President of the United States had carried his bag (*ibid*. 102); (ii) also in 1992, Limbaugh received a signed letter from Ronald Reagan declaring him "the number one voice of conservativism in America" (*ibid*. 107); (iii) the 1994 Republican Congress "made [Limbaugh] an honorary member of their caucus (*ibid*. 133); and (iv) in 2009, when a Gallup poll asked "Who is the main person you think speaks for the Republican Party today?", Rush Limbaugh was the number 2 answer, losing only to "no one" (*ibid*. 277). ↩

59. Rush Limbaugh, "The universe of lies: Climate hoax lives, Obama to join Copenhagen," *The Rush Limbaugh Show*, November 25, 2009, via the Wayback Machine, http://web.archive.org/web/20091128110904/http://www.rushlimbaugh.com/home/daily/site_112509/content/01125106.guest.html. ↩

60. See e.g. Lauren Feldman *et al*., "Climate on cable: The nature and impact of global warming coverage on Fox News, CNN, and MSNBC," *The International Journal of Press/Politics* 17, no. 1 (2011): 1-29, https://doi.org/10.1177/1940161211425410; Bruce Bartlett, "How Fox News changed American media and political dynamics," (June 3, 2015), https://ssrn.com/abstract=2604679; Benkler, Faris, and Roberts, *Network Propaganda*, 180-83. ↩

61. Quinnipiac University Polling Institute, "U.S. voters believe Comey more than Trump, Quinnipiac University national poll finds; support for marijuana hits new high", Quinnipiac University, April 26, 2018, https://poll.qu.edu/images/polling/us/us04262018_ufcq23.pdf. I learned of this poll from a talk given by Benkler *et al*. on the work in Benkler, Faris, and Roberts, *Network Propaganda*. ↩

62. Oreskes and Conway, *Merchants of Doubt*. ↩

63. See, e.g., Oreskes and Conway, *Merchants of Doubt*, 5; the "fabricated" research I have in mind typically took the form of misleading summaries, e.g. as described on *ibid*. 95-101. But consider also *ibid*. on 190-97. ↩

64. Oreskes and Conway, *Merchants of Doubt*, chaps. 4-5, e.g. on 148. ↩

65. Oreskes and Conway, *Merchants of Doubt*, 32. ↩

66. Oreskes and Conway, *Merchants of Doubt*, chap. 6. ↩

67. That said, when it comes to science in particular, one must sometimes be mindful of what the science does and doesn't tell us. The best response to COVID-19, for example, was not just a scientific question but also an economic and political one, and the view that far-reaching lockdowns were not justified (which was predominantly popular amongst conservatives) was arguably more rational than belief that they were (which was predominantly popular amongst liberals). This is a fraught value judgment, of course, which must weigh e.g. conomic costs and educational opportunity costs for children against the value of saving lives; but its fraught, value-laden nature is precisely my point. ↩

68. Benkler, Faris, and Roberts, *Network Propaganda*, 312. ↩

69. Benkler, "A political economy," 48; see generally Benkler, Faris, and Roberts, *Network Propaganda*, chap. 2. ↩

70. The left has their own set of problems, especially their refusal to tolerate dissenting speech (let alone listen to it), but studies consistently seem to find that partisanship and misinformation are worse on the right. Other examples include: Grinberg *et al*., "Fake news on Twitter"; R. Kelly Garrett and Robert M. Bond, "Conservatives' susceptibility to political misperceptions", *Science Advances* 7 (2021): eabf124, https://doi.org/10.1126/sciadv.abf1234; Guess, Nyhan, and Reifler, "Exposure to untrustworthy websites"; and González-Bailón, "Asymmetric ideological segregation on Facebook". One notable contrary finding, at least with respect to partisanship, found that on Twitter, "conservatives [are] more likely to follow media and political accounts classified as left-leaning than the reverse." See Gregory Eady *et al*., "How many people live in political bubbles on social media? Evidence from linked survey and Twitter data," *SAGE Open* 9, no. 1 (2019): 1-21, https://doi.org/10.1177/2158244019832705. ↩

71. Benkler, Faris, and Roberts, *Network Propaganda*, 328. Note that they are discussing survey data that shows precisely these patterns of trust. ↩

72. At least from a free speech perspective. On some other controversies such moderation involves, see Thakor *et al*., "To search and protect?" ↩

73. Freedom of speech is often thought of as a restriction on the powers of government ("Congress shall make no law…"). Historically speaking, this is unsurprising, as governments were the primary form of centralized power that threatened free expression, and they often limited it for self-serving reasons (see e.g. Nerone, *The Media and Public Life*, 14-19). But government curtailment of speech matters only if speech itself matters, governments are not the only threat to free speech in the modern world, and many justifications for restricting government censorship also apply to other powerful actors (as we will see). ↩

74. Although for the record, government censorship of misinformation on social media would surely be even worse. ↩

75.
A particularly strong version of this claim is the "marketplace of ideas" hypothesis, the classic statement of which was given by Justice Holmes, who said that "the best test of truth is the power of the thought to get itself accepted in the competition of the market" (Abrams v. United States, 250 U.S. 616, 1919). The weakness of this proposal is that it is a speculative empirical hypothesis, and one that is difficult to establish rigorously. Its legal invocations have often recognized this; for example, Justice Holmes followed the previous quote by adding: "That at any rate is the theory of our Constitution. It is an experiment, as all life is an experiment. Every year if not every day we have to wager our salvation upon some prophecy based upon imperfect knowledge" (*ibid*.). And Judge Learned Hand followed a similar sentiment with the caveat: "To many this is, and always will be, folly; but we have staked upon it our all." (United States v. Associated Press, 52 F. Supp. 362, S.D.N.Y. 1943).

Whether we should continue to stake our all upon it in today's propaganda-rich, technological environment is, I think, something one might reasonably doubt. After all, the classic defenses are of dubious relevance here. John Milton argued for a version of this idea in Areopagitica, but his target was really crown censors exercising prior restraint on learned authors, and his vision was for a narrow audience of upper-class gentlemen readers, not the free dissemination of ideas amongst the masses (Nerone discusses some of this at Nerone, *The Media and Public Life*, 20-22). Its most rigorous defender was probably John Stuart Mill, who emphasized the fallibility of human judgment, that false statements often contain a portion of the truth, and that our apprehension of truth and our appreciation of its significance are greatly enhanced by the collision of truth with error; see Mill, *On Liberty* (1859), chap. 2. These are important arguments, but their applications to social media are quite speculative; for example, there are reasons to doubt they are good arguments for environments that contain significant quantities of insincere speakers, as social media surely does in droves; see Seana Valentine Shiffrin, *Speech Matters: On Lying, Morality, and the Law* (Princeton: Princeton University Press, 2014), 140-144. ↩

76. This being acknowledged, the common claim that censorship is a "slippery slope" to tyranny is not straightforward; the details of this argument matter and are rarely made precise. For one thing, our speech is already subject to a great many restrictions, e.g. (to pick some examples that are more interesting than somebody shouting "fire!" in a crowded theater) when we prohibit fraud or false testimony while under oath. For another, there is an obvious difference between empowering the government to legally prohibit speech and empowering private entities to regulate speech on privately owned channels of communication. The latter is what's at issue regarding censorship of social media, and while it may not be a good idea, it's been the norm in America since the founding of the country. If there is a slippery slope here, it thus pertains not to censorship in all its forms, but to something more specific (e.g. when private censorship looks alarmingly like government censorship because certain media or communications entities essentially function as an arm of a political party.) ↩

77. Alexander Meiklejohn, *Political Freedom: The Constitutional Powers of the People* (New York: Harper & Row, 1960). In making his case, Meiklejohn often appeals to the "marketplace of ideas" hypothesis, and such defenses inherit this hypothesis' strengths and weaknesses (see especially *ibid*. 57, but compare Meiklejohn, "The First Amendment is an absolute," The Supreme Court Review 1961: 245-66, at 263, https://doi.org/10.1086/scr.1961.3108719). That said, he isn't always consistent on this, and I regard his more important argument as the one discussed above. Note that I briefly discuss the strengths and weaknesses of the "marketplace of ideas" in note 75. ↩

78. "Public speech" is a tricky concept to pin down. To illustrate "private speech", Meiklejohn discusses "a merchant advertising his wares" and "a paid lobbyist fighting for the advantage of his client", which seem clearly different than e.g. sincere discussion of public policy or politicians (Meiklejohn, *Political Freedom*, 37). But it's unclear there's a sharp distinction to be drawn here, and we might do better to operate with a continuum concept, where speech is public to the extent that it bears on public issues, or our thinking about these issues. We might then hold that the more "public" some speech is, the higher the bar should be for censoring it. ↩

79. Meiklejohn officially declares freedom of "public speech" to be absolute, but we needn't follow him this far; we might hold simply that censorship of sincere, public speech (or the resources citizens deem relevant to it) involves serious moral costs, and should only be employed when there are extremely compelling reasons to do so. That said, the "absolutism" label is somewhat misleading for his position anyway. First, because he allows for various procedural curtailments of public speech as long as they are consistent with public discussion and are not intended to suppress some idea or doctrine. For example, he allows that somebody may be legitimately ejected from a town meeting for shouting over other speakers (*ibid*. 24-28); technological examples could include deleting spam because it floods the channels of communication and deleting irrelevant content from social media groups for which it's out of scope (e.g. a community dedicated to mathematics deleting political content). Second, because he allows for substantive (i.e. content-based) censorship when speech is likely to cause serious, immanent harm and there is no time for public discussion of the issues it raises (*ibid*. 48-50). I am interpreting this "emergencies" exception somewhat more liberally than he does, but technological examples could include deleting calls for violence and health misinformation that is causing serious harm in real time. Meiklejohn's proposal, at least as I believe it is best interpreted, is thus not that speech must be an unregulated free-for-all, but rather that speech restrictions should: (i) be consistent with the full public discussion of the issues facing society; and (ii) never be used to suppress specific ideas or doctrines except when some temporary emergency renders their full discussion impossible. ↩

80. See especially Shiffrin, *Speech Matters*, chap. 4. ↩

81. For one thing, because there are obvious difficulties involved with inferring sincerity. For another, because people who have been duped by insincere speech may spread the same content sincerely, and this is

no longer neatly categorized as "insincere speech" (and censoring it involves different costs). ↩

82. That said, it bears emphasizing that ideological fragmentation is particularly problematic here, because it feeds into the core mechanisms by which this problem occurs: selective, disproportionate attention to certain issues and one-sided coverage of these issues. Any issue for which liberal and conservative media take opposing positions that are broadly "pro" and "con" is likely to exhibit this problem to some extent. ↩

83. COVID-19 coverage contains other examples of this phenomenon; once COVID-19 got politicized, coverage of it was generally distorted by "partisan media seeking to pass off isolated stories and anecdotes as evidence of broad trends", e.g. about the dangers and effectiveness of hydroxychloroquine as a potential treatment (see Robert Faris *et al*., "Polarization and the pandemic: American political discourse, March – May 2020", *Berkman Klein Center Research Publication*, no. 2020-9 [2020], 19.) For a non-COVID example, consider an article from NBC titled "Trump says he is cutting off Biden's access to intelligence material", with the deck "Former presidents are traditionally allowed to receive intelligence briefings if they are being consulted about events that occurred while they were in office." All of this is true, but while removing Biden's security can be (and was) sometimes presented as violating established norms, this narrative is hard to sustain given that President Biden also revoked President Trump's access to intelligence information in 2021 (a detail that is often contained in the body of the article, but not the headline or deck, which is the only content most social media users read; see S. Shyam Sundar *et al*., "Sharing without clicking on news in social media," *Nature Human Behaviour* 8 [2024]: 156-168), https://doi.org/10.1038/s41562-024-02067-4. ↩

84. This was essentially the diagnosis of Nguyen, "Echo chambers," who draws a useful distinction between lacking information and distrusting information. ↩

85. The technical term for this is "affective polarization"; roughly, this is the tendency for people to dislike and distrust people in their political and/or ideological out-groups (e.g. Democrats increasingly dislike Republicans and conservatives increasingly dislike liberals). Whether and in what ways the American public has polarized is typically quite contentious, but that Americans have polarized affectively is widely accepted; see e.g. Nolan McCarty, *Polarization: What Everyone Needs to Know* (New York: Oxford University Press, 2019); Benkler, Faris, and Roberts, *Network Propaganda*, chap. 10; cf. Fiorina, *Unstable Majorities*, chap. 2, for an important perspective on ways in which the American public has not polarized. ↩

86. Some brief discussion can be found in Nerone, review of *Not Exactly Lying*. ↩

87. At a minimum, one's ability to do so is no longer constrained by the discretion of editors (who in recent history had often, although by no means always, practiced objective journalism). This can be a good thing (e.g., people can now easily upload videos exposing police brutality), but it opened the floodgates, and there's now a lot more low-quality information at people's fingertips. ↩

88. Paul Starr, "The flooded zone: how we became more vulnerable to disinformation in the digital era," in *The Disinformation Age*, ed. Bennett and Livingston, 67-87, at 71. ↩

89. See generally Pickard, *Democracy without Journalism*. Of course, there are important, information-based services to provide other than producing content, and a drastic reduction in content production could be a net benefit if the information that remains is still sufficiently high quality and is rendered more accessible (although local news is likely to lose out). Google, for example, at least at its best, provides unprecedented access to reliable information by separating signal from noise (Google isn't always at its best, of course, but neither was journalism). YouTube is another good example; it can be a mixed bag, but it contains a treasure-trove of specialized information that is typically funded, both in dissemination and production, by advertising revenue. ↩

90. This was found to be true on Facebook by both González-Bailón *et al*., "Asymmetric ideological segregation", and Brendan Nyhan *et al*., "Like-minded sources on Facebook are prevalent but not polarizing," *Nature* 620 (2023): 137-44, https://doi.org/10.1038/s41586-023-06297-w. ↩

91. In addition to algorithmic curation, González-Bailón *et al*., "Asymmetric ideological segregation," found that users are subject to ideological segregation because of social curation, i.e. because they preferentially populate their social networks with ideologically congenial people, Pages, and Groups. ↩

92. If we look more broadly than just social media feeds, which of course are only one part of the story, the extent to which people are informationally segregated from opposing viewpoints remains a matter of dispute. Guess, "(Almost) everything in moderation," analyzes web browsing data and argues that this is uncommon in general, but Tyler, Grimmer, and Iyengar, "Partisan enclaves," present evidence that it's common for "political news" in particular. In any event, the effect is perhaps not as dramatic as some people fear; changing metrics, Nyhan *et al*., "Like-minded sources", found that only "20.6% of Facebook users get over 75% of their exposures from like-minded sources" (139), although the remaining sources tend to be ideologically moderate (or "neutral") rather than ideologically opposed (*ibid*.; Tyler, Grimmer, and Iyengar, "Partisan Enclaves," found essentially the same thing). ↩

93. This is one of the central arguments of Schudson, *Discovering the News*, and underwrites his distinction between "naïve empiricism" and "objective journalism." See generally *ibid*. chap. 4, e.g. 121-22. That said, I worry that Schudson is replacing naïve empiricism with naïve relativism, and I do not aim to entirely follow his view here. ↩

94. For example, what should we make of a young and otherwise healthy person having a severe reaction to a vaccine? This may be part of a trend and thus be evidence that the vaccine is unsafe, or it may, more likely, merely be the inevitable statistical consequence of deploying an intervention with non-zero risks at scale. Knowledge of the broader context is necessary to derive the right lesson here. ↩

95. By one team's estimates, 75% of links on Facebook are shared without being opened. See Sundar *et al*., "Sharing without clicking." ↩