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SOCIAL MEDIA ETHICS AND THE POLITICS OF INFORMATION

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A COMMENTARY IN THE **BUSINESS ETHICS IN TIMES OF PANDEMIC VIRTUAL SYMPOSIUM** ON Brett Gregory Johnson (2017), "Speech, Harm, and the Duties of Digital Intermediaries: Conceptualizing Platform Ethics," ***J Media Ethics*** 32(1): 16–27,
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ABSTRACT

Johnson (2017) conceptualizes the social responsibilities of digital media platforms by describing two ethical approaches: one emphasizing the discursive freedom of platform-users, the other emphasizing protecting users from harmful posts. These competing concerns are on full display in the current debate over platforms' obligations during the COVID-19 pandemic. While Johnson argues both approaches are grounded in democracy, we argue that democratic commitments transcend the freedom/harm dichotomy. Instead, a commitment to democracy points toward social media companies' responsibilities to structure their platforms in ways that facilitate perspectival diversity and collective deliberation.

THE POLITICAL ECONOMY of information is crucial to developing an effective response to the COVID-19 pandemic, as consumers and citizens seek guidance on how to behave in an unprecedented social and political moment. For businesses and organizations that figure prominently in this information economy, the pandemic thus creates an interesting ethical landscape. This is particularly true for social media companies like Facebook, Twitter, and YouTube. In contrast to traditional "legacy" media organizations that explicitly exert editorial

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control over what is published, social media companies supply platforms that serve as a common space for users to post, share, and discuss news and information among themselves. If there are moral stakes in how in-formation is communicated during a pandemic, then this shift in patterns of information dissemination raises ethical questions for such companies. What responsibilities do businesses have for assuring the veracity, legitimacy, or appropriateness of COVID-19-related com-munications on their platforms?

Johnson (2017) provides a helpful framework for conceptualizing the social responsibilities of digital platforms in moderating speech online, outlining two potential ethical approaches to content curation grounded in democratic commitments. First, Johnson notes that companies might aim to promote individuals' ability to speak, choosing not to remove content from their platforms. According to Johnson, this duty to protect individuals' right to post is derived from platforms' role as facilitators of democratic discourse. Alternatively, Johnson outlines platforms' duty to prevent harm to their users. This establishes a rationale for platforms to act as 'custodians' of public discourse and protect users from the harmful effects of content they might encounter on their platforms.

The competing ethical frames Johnson outlines are commonly deployed in debates over the proper role of corporations in moderating speech online. Indeed, debates often turn on precisely this balance: whether the potential harm of any given post outweighs its contributions to public discourse. Once framed this way, the matter appears quite clear in the case of COVID-19. Arguing that COVID-19-related misinformation is often a matter of life or death, many applauded social media platforms' "aggressive, effective, and necessary" tactics to "remove coronavirus misinformation that encourages people to take actions that could put them at risk" (Kreps and Nyhan 2020). If social media ethics require balancing a commitment to free speech with the potential harms of any particular post, then the ongoing pandemic – and its catastrophic potential for human suffering – would seem to put both thumbs on the latter side of the scale.

Despite its apparent successes against COVID-19-related misinformation, we argue that the speech/harm framework is too narrow to serve as a general ethical standard for social media moderation, for two reasons. Platforms' ethical responsibility regarding COVID-19-

related information, we argue, has less to do with deciding the proper balance between protecting speech and mitigating potential harm in any particular instance; this over-emphasizes individual users and the power of moderators. Instead, taking seriously the collective nature of democratic commitments, corporations have the responsibility to structure their platforms in such a way to enable and empower users to democratically determine such harms and identify appropriate responses to them.

I. Beyond Individuals

Johnson frames debates over the ethical obligations of content moderation as a tension between competing individual democratic values. On the one hand is what we might call the Millian value of "facilitating participation among individuals online" (Johnson 2017: 20).[2] On the other is what Johnson calls the Kantian respect for human dignity that requires protecting individual users from "unnecessary suffering" (22). Both find their justification, on Johnson's telling, in digital platforms' "preeminent" function of "facilitating democratic discourse" among "millions of everyday individuals" (22). Given their role as a new democratic public sphere, then, the ethical challenge for social media companies is one of balancing these two crucial, yet potentially contradictory, values.

The protection of individual participation in public discourse and respect for human dignity are crucial, especially if we begin with democracy as a normative commitment. Yet Johnson's framing of democracy as a question of these individual rights and activities overlooks democracy's fundamentally collective character. Focusing solely on the individual effects of the information they disseminate, in other words, gives us an incomplete picture of corporations' democratic obligations.

This is particularly true when it comes to social media platforms. Unlike traditional media organizations, social media are primarily interactive. They are not just a place for information consumption, in other words, but also for citizen-driven contribution, discussion, and deliberation. By couching harm in terms of Kantian human dignity or freedom in terms of Millian speech rights – which emphasize the rational obligations and liberties of *individuals*, respectively – Johnson

[2] Hereafter, parenthetical page references not otherwise attributed are to Johnson (2017).

and others miss the wider social context within which that speech takes place, and through which it comes to affect individuals.

But it is precisely that wider context which makes public discourse democratic. Johnson invokes the philosophy of John Dewey to argue that individual freedoms are critical for public deliberation and critical inquiry into the common good (20). This is right. Yet for Dewey, crucially, negative freedom was insufficient for this end. Rather, the cultivation of a democratic public requires a specific "social order" or "form of social organization" (Dewey 2008: 25, 38) whereby individuals are not just speaking in public, but are directing their efforts into collaborative and experimental inquiry.

Johnson is right that if social media platforms have democratic obligations, then they must protect people from harm and assure their ability to freely participate in discourse and deliberation. However, to fulfill such obligations, it is not enough for these companies to determine an acceptable balance between the relative freedom and harm of individual speech-acts. Instead, companies must attend to how their platforms structure discussion among citizens—the social context within which users encounter and interpret that speech and harm. The individualistic harm/speech framework, however, has kept such considerations from emerging.

II. Beyond 'Community Guidelines'

We can see the effects of this narrow focus on individual social media users and posts when turning once again to discussions regarding COVID-19. Facebook, for instance, has been famously reluctant to remove or block users' content. But they have shown less restraint during the pandemic. In discussing Facebook's willingness to curate pandemic-related information, CEO Mark Zuckerberg explained that "it's easier to set policies that are a little more black and white and take a much harder line" since the potentially harmful effects of COVID-related speech appear obvious (quoted in Smith 2020). The implication is that social media companies can, and should, seek to police content the harms of which clearly outweigh the benefits.

This consensus around COVID-related speech reflects a widespread agreement that platforms' obligations around content moderation are best addressed though "community standards or codes of conduct" (23). The idea is that companies most effectively promote

democratic discourse by defining explicit rules about content moderation, thereby preserving the balance between free speech and mitigating potential harm (Klonick 2018). The implementation of platform ethics, as Johnson argues, is thus fulfilled by holding these companies accountable for deploying community guidelines through transparent self-regulation and industry-wide standards (23–25).

But addressing social media companies' obligations through "community standards" again misunderstands what a commitment to democracy demands of such platforms. The focus on guidelines and standards reifies the idea that platforms meet their ethical obligations when they enforce rules with transparency (23) and "consistency and uniformity" (Klonick 2018: 1634). But as a process of collective problem-solving, democracy is not only a set of rules to which all are subject. Democracy also requires structures through which those affected by rules are directly involved in setting, enforcing, and interrogating those rules in an ongoing, collective process.

When we understand digital platforms' relationship to democratic values in terms of this wider conceptualization of democracy-as-process, a different view emerges regarding platforms' ethical responsibilities. When a platform removes content deemed misleading or erroneous, whatever the merits for such an action, it renders users passive in the process; it places the power to decide what counts as right, important, or accurate in the hands of moderators instead of those using the platform. Johnson argues that platforms "must open themselves up for scrutiny and accountability through transparent management of users' content" (25). Yet transparency, while important, is not a substitute for providing the types of digital environments that can enable user deliberation about the contested information or commentary, empowering users to adjudicate this tension between harm/speech themselves. Platforms' democratic responsibilities, then, are less about setting and enforcing community guidelines to govern user content and more about building the right kind of digital infrastructure through which such content is shared and discussed.

In particular, given their vast influence on public discourse and deliberation, large social media platforms ought to be constructed in order to facilitate exposure to perspectival diversity and reflexivity—democratic commitments that are endorsed as crucial from both progressive (Knight and Johnson 2011) and libertarian (Gaus 2016)

camps. Moreover, platforms ought to be designed for *collective* deliberation, where users are self-consciously acting as members of a wider group. At the very least, such platforms ought not undermine such deliberative practices by cultivating echo-chambers or prioritizing atomistic consumption of information, which stunt users' engagement in the sort of democratic deliberation that they ought to be respecting. The content self-regulation Johnson proposes, in other words, requires *users'* participation and not merely the companies'; platforms should be designed for this end.

In the case of COVID-19, then, this might involve giving more support and structure to collaborative spaces like Facebook Groups, Google Docs, and subreddits—mechanisms that do not simply transmit information to users, but rather facilitate their use of that information for the purposes of collective problem-solving. Moreover, it could involve downplaying the effects of personalized algorithms designed to show users more of the same, and instead designing feeds that will present users with novel or unexpected encounters (Sunstein 2017). In such environments, censoring information is less urgent, as users are given the sorts of speech-contexts that facilitate critical approaches to multiple viewpoints.

Ultimately, this shift in emphasis from deciding information standards to designing democratic spaces also complicates the distinction between those content areas that are 'clear,' like COVID-19, and those that are 'political,' like campaign ads, hate speech, and misinformation campaigns. This makes navigating between Johnson's two frameworks far messier and more difficult. But this messiness is part and parcel of democratic life. Digital platforms should not see themselves as 'gatekeepers,' placing and policing the boundaries of public discourse. Instead, democracy requires that they set out to create the kinds of structures that invite users to do this work themselves.

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