

## Dewey on Facebook: Who Should Regulate Social Media?

Henry Lara-Steidel

*The Ohio State University*

In late 2020, countries around the world began massive inoculation campaigns to tackle the devastating COVID-19 pandemic. By mid-September 2021, about 63 percent of the United States' eligible population had been fully vaccinated.<sup>1</sup> Vaccine hesitancy though hindered the US effort, leading the US to lag compared to countries such as Canada, France, the UK, and others.<sup>2</sup> While vaccine hesitancy in the US is likely due to a combination of factors, such as political leanings and different levels of education, misinformation spread via social media is a major concern.<sup>3</sup> “They are killing people,” US President Joe Biden famously remarked in July 2021, blaming the social media giant Facebook for the then stalling vaccination effort, as the Delta variant raged among the unvaccinated (although he later walked back that comment).<sup>4</sup>

The US vaccination effort is but one instance of the tremendous effects that the misinformation and disinformation found in social media have on our lives. Other examples would be our political processes, such as the Brexit referendum in the UK, and the US 2016 and 2020 presidential elections. Yet amid growing support for social media regulation, some of the ways of addressing misinformation, such as “deplatforming” influencers and misinformation spreaders, raise concerns about internet censorship, free speech infringement, and even political bias. In this paper, I draw upon John Dewey's political and educational philosophy to diffuse this tension. My focus is on the harm brought about by misinformation to the general public, but I also draw on Dewey for lessons on how to cultivate an online misinformation resilient public.

I will proceed then as follows: after this short introduction, I will briefly layout the case for social media regulation, and the tension with free speech and censoring concerns. Then I draw on Dewey's arguments from *The Public and its Problems* to argue that social media needs to be regulated by the state, not by the social media companies themselves, followed by how Dewey's arguments diffuse the regulation/free speech tension.

## OVERVIEW: VACCINATION, HESITANCY, MISINFORMATOIN, AND SOCIAL MEDIA

In the wake of testimony to congress by Facebook whistleblower Frances Haugen on Tuesday, October 5, 2021, there appears to be, at the time of writing, growing consensus on the US Capitol that new regulations and oversight of social media companies is needed.<sup>5</sup> Haugen testified, for example, that Facebook knows its systems harm teenagers' health, and that the company favors content that drives up engagement, without regard for the consequences of this content when it is disseminated across the platform.<sup>6</sup> By allowing misinformation and disinformation to spread, Facebook undermines democracy in the US and beyond. In what follows, I will use the example of vaccine and Covid misinformation, and very briefly the January 6, 2021, US Capitol attack, to go deeper into the harms caused by the spread of misinformation and show the case for social media regulation.

To start, vaccine hesitancy refers to “delay, in acceptance, or refusal of vaccines despite widespread availability of vaccination services.”<sup>7</sup> It is not a new problem. It varies across time, context and place. With regards to the COVID-19 vaccination efforts, vaccine hesitancy seems to be due to a combination of factors, “including misinformation, political leanings, and differing levels of education.”<sup>8</sup> These factors overlap, and can combine with others such as religious beliefs; for example, in the state of Ohio, Holmes County, a county with a 50 percent Amish population that voted 83 percent for then President Donald Trump in the 2020 US election, had the lowest vaccination rate (under 13 percent) in the state as of late April 2021.<sup>9</sup>

Recent work in philosophy of education sees social media as a neutral medium.<sup>10</sup> Such work notes the capacity for anyone to create and share content but puts the onus on the user to be safe while using social media and to be discriminating and critical when engaging with online content. Lauren D'Olimpio, for instance, sees parallels between how we ought to engage with social media and other mass media<sup>11</sup>. Thus, she and others advocate for computer literacy (including social media literacy) and robust critical thinking skills. I, however,

disagree with this view.

Consider this remark from Renée DiResta, from the Stanford Internet Observatory, on her piece published in *The Atlantic*: “The problem is that today’s communication environment is perfectly engineered to discourage [getting the COVID vaccine]. Wild claims go viral, and partisans exploit any scientific uncertainty for political advantage.”<sup>12</sup> While DiResta argues that scientists need to adapt to the current media ecosystem, where influencers, not experts, are the ones able to reach the public, her comments point towards features of social media that challenge the “critical user” view mentioned above. Specifically, it shows how actors (“influencers”) can exploit the social media ecosystem so that their posts and content reach vast audiences. For example, an investigation by the Center for Countering Digital Hate (CCDH) found that 65 percent of anti-vaccine posts on Facebook and Twitter between February 1 and March 16, 2021 were generated by just twelve people. Their content was posted or shared on these two platforms 812,000 times during the period studied.<sup>13</sup>

The “Disinformation Dozen,” as the CCDH calls them, exploited social media platforms’ weaknesses, such as the failure to act when misinformation is flagged, and the difficulty their algorithms seem to have in identifying misinformation.<sup>14</sup> But there is also an infrastructure issue playing a key role here. Social media users are part of several networks (for example, people they went to school with, people they work with, dog lovers, and so on.) depending on their experiences, interests, and how much time they spend online “friending” new people. These networks in turn are organized in a “centralized” manner; the people with the most followers, the influencers, are at the center, connected to lots of people, while most people are at the periphery of any given network.<sup>15</sup> This results in a polarizing effect: the slightest sign of bias on the part of the influencers in a network gets amplified across the network, because social media algorithms favor influencer posts. That is, not everyone’s posts get the same exposure. Cross posting across different platforms (Facebook, Twitter, YouTube, and the like), bouncing posts from influencer to influencer, the use of bots, can all push the post of influencers to the top of people’s “feeds.” Further, controversial content that generates hot emotions is more likely to generate

“likes” and “shares” thereby being promoted by the platform’s algorithms; that is, on social media, lies spread quicker than true statements.<sup>16</sup> In turn this results in, for example, social media showing someone, who already has doubts about getting a COVID vaccine, post after post with misinformation and fake news that reinforces their doubts.

Given the exponential impact of influencers on social media, there have been calls to close their accounts and ban them from social media (so called “deplatforming”). The CCDH report quoted above, for instance, calls for deplatforming the Disinformation Dozen. It states that, “The most effective and efficient way to stop the dissemination of harmful information is to deplatform the most highly visible repeat offenders, who we term the Disinformation Dozen.”<sup>17</sup> The public, they argue, “cannot make an informed decision about their health when they are constantly inundated by disinformation and false content.”<sup>18</sup> Note that there is evidence that deplatforming works. Famously, following the attack on the US Capitol, it was widely reported that misinformation about the US 2020 Presidential Election went down 73 percent after several platforms banned former US President Donald Trump.<sup>19</sup> (Note that in addition to banning the former president, Twitter also banned 73,000 accounts pushing the QAnon conspiracy, which played a key role in the Capitol attack). Given the centralized nature of social networks, it seems obvious that removing misinformation super-spreaders lowers the amount of misinformation percolating online almost instantly.

Despite its efficacy, deplatforming raises concerns about censoring and free speech. While cries of free speech violations and censoring were common by former President Donald Trump and his supporters after his deplatforming (as would be expected given the history of accusing the media and “Big Tech” of unfair treatment), there are genuine concerns here. Even the Chancellor of Germany, Angela Merkel, found the move by Twitter and other platforms problematic, although in her case, her worries came about because the deplatforming move came from a big tech media company rather than the state.<sup>20</sup>

In the US, for historical and legal reasons, there is a long tradition of free speech. Thus, even in the face of an emergency, such as COVID 19 and the

aftermath of the US Capitol attack, the idea of censoring and deplatforming gives us pause. State-sponsored censoring, for instance, can be used to silence minorities and those facing injustice. Yet, as Merkel's worries above show, it seems equally problematic to let powerful social media companies, who may only act after intense public pressure, be the ones deciding which influencers they let operate and which ones they ban. We need an argument, therefore, that balances these two concerns: Given the case for regulation, who, if anyone, should police or censor social media companies, and does this policing infringe on the free speech of social media users? In what follows, I will address these two concerns.

### WHO SHOULD POLICE SOCIAL MEDIA?

In *The Public and Its Problems*, John Dewey writes: "The public consists of all those who are affected by the indirect consequences of transactions to such an extent that it is deemed necessary to have those consequences systematically cared for."<sup>21</sup> That is, in society, individuals engage in countless interactions, the direct consequence of which impact (at least mainly) those involved. We said of these "transactions" that they are private.<sup>22</sup> But often these interactions affect others beyond those involved; Dewey calls these others "the public." A conversation by any two individuals, for example, Dewey considers private. The consequences of this conversation ("trans-action") do not presumably go beyond the two participants. When the conversation starts affecting others, then for Dewey, it acquires a "public character."

The activities of users of social media, particularly the active spreading of misinformation, impact the broader public. They can have a major effect in democratic elections (for example, the US 2016 Presidential Election; Brexit in the UK; the aftermath of the US 2020 election; and so on). And, very pressing at the time of writing, they can also impact the vaccination efforts to combat the spread of the COVID-19 pandemic. Yet until the aftermath of the 2016 US Presidential election, social media companies resisted efforts to stop the spread of misinformation by arguing that it would amount to an attack on free speech.

Note that the free speech defense argument above shifts the focus

from the actions of the social media companies to their users. The companies are in essence saying that social media users are free, within their community guidelines, to use social media as they see fit. Regulating what people post, share, or comment about is akin to regulating what people talk about, and therefore a violation of free speech. But we saw that not all voices are equal in social media; the algorithms of companies like Facebook will push controversial content to the top in order to drive engagement. In addition, the network architecture of social media is not egalitarian, but rather centralized. The result is that users have their beliefs reinforced; voices that would moderate debate get less exposure or are never seen by those who would benefit most. Yet, again, the repercussions of the misinformation and disinformation spread by influencers on social media are felt by us all. So, it is not only the actions of individual social media users that spread misinformation and disinformation, but the actions of social media platforms in giving these individuals a platform, and then actively promoting their posts and content over factual or more moderate content, that is impacting the public.

Now, Dewey writes that the indirect consequences of the actions of individuals may be beneficial to the public, or they may be harmful.<sup>23</sup> Thus, the actions of social media companies may often benefit the public. For example, the brutal murder of George Floyd, a black man, by a police officer was widely disseminated through social media in 2020, leading to widespread activism (much of which was in turn organized via social media) and calls for police reform. So, the character or impact of the actions of social media companies, by giving agents a platform, and manipulating, via their algorithms, which content its users see, can be either harmful or beneficial for the public. The enabling of spreading misinformation and disinformation by influencers, the ossification of social media user views, promotion of controversial over factual views, and so on, are the sort of activities, I maintain, with consequences that negatively affect the public and need regulation and oversight. The question is who should do this oversight? Under intense public pressure, social media companies started, in 2020, to use fact checking labels on false US election posts and as noted in the introduction, has deplatformed and deleted user accounts on the grounds

that they violated their terms of use and policies. Prior to that, the norm was to only block content that may drive users and engagement away.<sup>24</sup> The problem is that social media companies, as businesses, tend to act on what is in their best interest, not the public's. The state's purpose though, in Dewey's view, is to protect the public from the indirect results of the actions of others. Therefore, the regulation and oversight of social media companies, and by extension the activities of its users, belong to the state. To see why though, we need to detour back into Dewey's philosophy.

The state, in Dewey's view, is the public organized to address or control the indirect consequences of the actions of individuals: "The characteristic of the public as a state springs from the fact that all modes of associated behavior may have extensive and enduring consequences which involve others beyond those directly engaged in them."<sup>25</sup> The consequences that affect all of us that come from the actions of social media companies is just the sort of consequences, in Dewey's view, that the state is there to regulate. It makes no sense then to argue that social media companies should be the ones policing themselves. It is worth quoting Dewey in full here:

Consequences have to be taken care of, looked out for. This supervision and regulation cannot be effected by the primary groupings themselves. For the essence of the consequences which call a public into being is the fact that they expand beyond those directly engaged in producing them.<sup>26</sup>

In the case of social media companies, Dewey's views are particularly prescient. As I stated all throughout, while social media companies present themselves as a marketplace of ideas and views, the reality is that they are not. They function more as a marketplace of the stuff you are very likely to buy. Because they are designed to drive engagement (and thus digital ad revenues), they hide views that may make us reconsider or moderate our own views (or worse, put down our devices!). This, in my view, together with the deplatforming of misinformation influencers, is the sort of stuff that needs state oversight.

The reader may worry at this point that, in using Dewey's conception

of the public to advocate for the regulation of social media companies, I seem to be reading Dewey in a way that makes him sympathetic to Walter Lipman's concerns raised in *Public Opinion* (1922) and *The Phantom Public* (1925). I lack the space here to fully engage with the Lipmann-Dewey debate. But note that, in laying out the dangers of misinformation and disinformation, my concern is not that of individuals easily manipulated by social media, in need of an "intelligentsia" that makes sure they read the right information. My concern is a new industry that allows a few, self-selected voices, which by means of their exploitation of the weaknesses of social media systems, reinforce and even radicalize the views of their users in a way that shuts out opposing views and thereby democratic debate.

Before moving to the next section, it should be noted that the introduction of new technologies is the sort of change that rapidly reshapes the scope of, or introduces, new indirect consequences.<sup>27</sup> They also, if powerful enough, can obstruct the organization of the public: "They prevent that development of new forms of the state which might grow up rapidly were social life more fluid, less precipitated into set political and legal molds."<sup>28</sup> Because they are a new industry, social media giants exploit the inchoateness of the new public that their indirect consequences impact; the public looks to the already established state mechanisms while the reality is they "cannot use inherited political agencies," because these may not be suited for the task.<sup>29</sup> The state, in the form of new agencies or officials, must be established anew. This process is not guaranteed though; industry may succeed in delaying, or even stopping altogether, their establishment. Thus, the resistance of social media giants, as a new industry, to government oversight is to be expected.

I have argued in this section that social media, as a new industry/technology with indirect consequences on the public, is the sort of industry that the government ought to regulate. Because social media companies resistance to oversight on grounds that it infringes on the free speech of its users shifts the conversation away from the actions of the social medial companies themselves, I maintain that whether regulating social media companies infringes on the free speech of individuals is a moot point. Still, it may be said that the issue of



free speech has not been dealt with. Oversight and regulation of social media companies may, after all, still be some sort of control over their individual users. We turn then, in the next section, to the issue of free speech.

### ON FREE SPEECH

When we talk of free speech, we are not talking of course entirely in legal terms. What we mean by free speech is the sense that two people, in the US and other democratic societies, are taken generally to be having a conversation where they can speak as they please. If the conversation between the same two people happens in front of an audience of a couple people, or several thousand people, they are still free to say as they please. But there is a sense in which we expect them to abide, depending on the context, by certain standards. If the two people are in front of cameras, on national television, we expect them to follow broadcasting regulations, which have been enacted by the state on behalf of the public. What is interesting (and perplexing) about social media influencers, is that for years social media companies have insisted that what their users post and share on their platforms ought to be treated the same as a conversation among individuals with no consequences for anyone else. Yet, we have seen that social media users are not treated the same in social media platforms; influencers have tremendous power on dictating the tone and content of conversations online; that is, while everyone may have the ability to post and share content online, not everyone's post will get the same visibility. The real concern is with social media influencers, who often have a reach comparable to that of traditional media yet have none of the accountability and oversight. If we regulate the latter, then it follows that we ought to regulate the former.

The second point I would like to raise here with regards to influencers is that even if they have a right to say what they want, nothing says that they have a right to a platform where they can sway the actions of thousands and impact the lives of even greater thousands. Again, if influencers are going to act like traditional broadcasters, they ought to abide by the same constraints and be accountable in the same way.

More important though, I want to be clear in stressing that the focus should be on social media companies, as opposed to just on social media users

and the content they create and share online. Clearly, no business enterprise has the right to affect the welfare of the general public indiscriminately under the premise that they are somehow protecting *one* right, that is to say, free speech. The public also has a right to be protected from harm to their health and lives, which in the case of the COVID 19 pandemic, for instance, vaccination hesitancy among the public, fueled by misinformation and disinformation circulating online, has infringed upon. The public also has a right to fair and free democratic elections, which in the case of the 2016 US elections, and the aftermath of the 2020 US elections, were to great extent put under stress by social media. The current *lassiez-faire* approach to social media companies just does not work.

I will draw on Dewey to make one final point in this section. Dewey states that “behavior in intellectual matters”, that is, what we believe, think, and say, or in other words, “free speech,” has generally moved from the public to the private realm.<sup>30</sup> While this move has been urged and justified on grounds of “intrinsic and private right,” it cannot be from this right that it originated. If that was the case, Dewey argues, it would seem strange that “mankind lived so long in total unawareness of the existence of the right.”<sup>31</sup> The idea of “a purely private consciousness,” he goes on, where what goes on does not affect the public (“has no external consequences”), came from political and ecclesiastical changes, that is, from the separation of religion and state. The move of religious matters from the public to the private realm, in Dewey’s view, preceded the rise of the “private consciousness” where what is thought (and more important for us, what is said) is deemed to not indirectly affect the public. Now, it is worth quoting Dewey in full on what he says next:

The observation that the interests of the community are better cared for when there is permitted a large measure of personal judgment and choice in the formation of intellectual conclusions, is an observation which could hardly have been made until social mobility and heterogeneity had brought about initiation and invention in technological matters and industry, and until secular pursuits had become formidable rivals to church and state.<sup>32</sup>

We have here not only the origin of the idea of free speech, but also its purpose: the caring of the interests of the community. In other words, free speech is but a tool to be used in the care of the community. But the spreading of misinformation on social media, we have seen, acts against the community. Given that social media influencers are abusing their free speech rights, regulating and deplatforming them does not infringe upon their rights; it protects the rights of the public.

It may be argued that the “purpose” of social media though is to allow people to express their views, whatever those views may be, not to be a news broadcaster. It does not follow from this that social media ought to remain free of regulation though. While it may be masked by its ubiquitousness in everyday life, social media remains a new technology and a new industry, the use of which by some has consequences for all. It is, therefore, the sort of thing that the state, in protecting the public, ought to regulate.

#### CONCLUSION

Drawing on arguments from *The Public and Its Problems*, I have argued for the regulation and oversight of social media companies by the state, because social media platforms are designed to allow misinformation to go viral while fact checking, and much needed facts and information, receive less exposure. I maintain that state oversight does not violate the free speech rights of social media influencers and users; rather it is the former that violate the rights of the latter, and beyond that, of the general public. Yet state oversight is but one of the steps needed to address the problem. The public can pressure social companies to be more transparent, while the companies themselves can do more to act ethically and see to it that their interests do not harm the public. Finally, education has much to offer, in the teaching of computer literacies and critical thinking skills, and beyond, in addressing the dangers of extremist and conspiracy-like views that are the root of much of the misinformation circulating online.

The list above is not exhaustive; the discussion on what types of regulations the state should enact, for instance, will have to wait. What I have shown instead is that state regulation of social media is compatible with respecting individual free speech and above all, that the problem requires the attention

and voices of all of us, that is, the public.

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