

The ‘Harm Principle’ and Information Disorder Online

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Misinformation propagation in its current form is a global problem that requires urgent solutions. Historically, instances of misinformation publicly propagated can be found as far back as the sixth century AD. Misinformation was propagated publicly when Procopius, the historian, wrote deliberate falsehoods to tarnish the image of Emperor Justinian [1]. In the history of misinformation propagation, three periods are generally recognised by scholars as turning points: World War II, the Cold War, and the 2016 presidential elections in the United States of America [2] [3] [4]. Scholars began studying propaganda as a concept during World War II [2].

‘Disinformation’ as a concept is a product of the Cold War, it is derived from the Russian word ‘dezinformatsiya’ [4]. During the Cold War state actors on both sides of the Iron Curtain engaged in misinformation propagation [3]. What is distinctive about present-day misinformation propagation is the speed, reach and virality, amplified by online social media. During the 2016 US presidential elections an estimated 126 million Americans were exposed to online content, containing misinformation, that was sponsored by a foreign country [5]. The gravity of the information disorder challenge, and its effect on global collective behavior, has led to calls for social media/information disorder to be designated a “crisis discipline” like medicine, conservation biology, and climate science [6].

Scholars and researchers have generally settled for a definition of ‘information disorder’ that reveals three main variants: misinformation, disinformation and malinformation. Misinformation is defined as (false or misleading information *not necessarily* intended to deceive), disinformation (false and misleading information with *intention* to deceive) and malinformation (*authentic* information with intent to cause harm) [7]. Two other variants: noninformation and offinformation have also been described [14]. What should be of paramount importance, in the fight against information disorders, is the potential of false information to cause harm.

Disinformation and malinformation are propagated with intention to cause some sort of harm. Misinformation is usually propagated without intention to cause harm. However, disinformation can be transformed into misinformation (when deliberate falsehood originally propagated to deceive is received by another person as truth and innocently propagated further).

The potential for harm must be the litmus test distinguishing free speech and speech that should not be free. Wardle and Derakhshan [8] show that malinformation and disinformation are harmful but misinformation is simply falsehood. Can misinformation be harmful, regardless of no intention to cause harm? We think so. People can innocently propagate falsehood, that they sincerely believe to be true, such falsehood can be harmful. A simple example: a sincere belief that children cannot be electrocuted, if propagated (innocently), could cause harm.

The ‘harm principle’ was proposed by the British philosopher John Stuart Mill [9]. Mill proposed that no government or person should interfere and prevent another person’s liberty to do or say anything. According to Mill, the only reason that permits interference with another person’s liberty is to prevent harm to others.

The ‘harm principle’ is more than 150 years old and needs an upgrade for the social media age. One such upgrade is proposed by Sunstein [10]. Sunstein sides with Mill and believes that free speech should be protected as much as possible for many reasons. Sunstein focuses on misinformation (falsehoods). He believes that both truth and falsehood play important roles in society: when falsehoods (part of free speech) are censored there would be a growing tendency for government to censor any speech it does not like. Also, if falsehood is censored, then paradoxically, truth would be threatened to some extent because many people would fear being censored for saying what they believe is true. Allowing falsehood may sometimes lead to the discovery of new truths eventually. If you want to know what people really think and not what they pretend to think, you must make allowance for falsehood. According to Sunstein the best response to falsehoods is usually to correct them rather than to punish or censor them. Sometimes punishment or censorship actually fuel more falsehoods.

There are limitations to the kind of falsehoods a society should tolerate. Sunstein presents a framework that builds on Mill’s ‘harm principle.’ He is careful to state that “...many false statements are not lies; people who make or spread them sincerely believe them to be true. Falsehoods are a broad category of which lies are a mere part. Some people say what they know to be false. Others are reckless; it should be obvious that they are spouting falsehoods, but they do not know it is what they are doing. Still other people are simply mistaken; they had reason to say what they did, but they turned out to be wrong. These differences matter.”). The decision to censor or punish falsehood or regulate it must distinguish between four types of peddlers of falsehood or ‘state of mind’ of the speakers: the liar, the reckless, the negligent

and the reasonable. In terms of harm: the magnitude of harm, the likelihood of harm and the timing of harm are all important considerations. How much damage can the particular falsehood cause (grave or moderate or minor or non-existent)? How likely is it that the falsehood will actually cause harm (for certain or probable or improbable or highly probable)? Is the harm from the falsehood immediate, imminent but immediate or likely to happen in the distant future?

The potential for harm should inform the type of intervention into combating information disorder. Disinformation, deliberate production and propagation of falsehood or harm online, can be countered with legislation or strict code of conduct rules: the UK Online Safety Bill and the European Commission Code of Practice on Disinformation are good examples [11][12]. The U.S. Surgeon General issued a health warning about misinformation on social media and the harm it causes to health, a warning similar the past campaigns against tobacco smoking [13].

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