Communication and Digital Lords Select Committee
Freedom of Expression Online
24 November 2020

Witnesses:
- Ayishat Akanbi
- Dr Jeffrey Howard, Associate Professor, UCL Department of Political Science

Overview

The committee questioned the witnesses on the philosophical and moral implications for free speech in regulating social media platforms. They heard the perspective of younger internet users as well as reasoned arguments to help identify the issues needed to ensure safer online interaction.

Brief Personal Perspective from the Witnesses

The chair, Lord Gilbert of Panteg (Con), opened by asking the witnesses for "a brief overview" of their personal perspectives "on the issue of freedom of expression online". Ayishat Akanbi, "a fashion stylist and writer" replied that this seemed to be a "fraught issue" "with a lot of hot topics surrounding identity, race, gender" around which "the threat potentially to free speech" was often raised. Dr Jeffrey Howard, Associate Professor, UCL (University College London) Department of Political Science replied that in his work he defended the idea of free speech as "one of the most important rights" if people were to be "free and equal citizens". However he argued that the right to free speech was "limited by a moral responsibility we owe to others not to endanger them or otherwise wrongfully harm them". He highlighted the harm done by "terrorist propaganda, forms of hate speech and dangerous disinformation" and believed it was not a violation of free speech "to demand that social media companies take action to combat this problematic content". He agreed with the chair that some categories were already illegal in the UK but he was in favour of social media companies suppressing "more speech than is already independently illegal".

Online versus Offline Expression

Lord McInnes of Kilwinning CBE (Con) asked the witnesses to define the difference between online and offline expression and the implications for free speech online. Akanbi suggested that online people were "more combative" and released "a lot of frustrations and maybe resentments" that they could not "in the public sphere". She argued this was a problem because so many people spent a lot of time on social media and it coloured the way they looked at the world. She agreed with Howard that social media companies had a responsibility to "limit harmful ideas". Howard said that what differentiated online speech was "the easy amplification and connection" which he accepted could have "enormous benefits", such as with the Me Too Movement and Black Lives Matter. He argued that there was also "a dark side" because those who sought "to nefariously cause harm" had "clearly weaponised social media platforms". He said that "the central task of content moderation" should be to protect the legitimate use of the internet "while limiting its abuse".

Harmful Ideas

In reply to the chair, Akanbi said that she would define "harmful ideas" as "incitement to violence" and "the encouragement of harming yourself" which she suggested was "particularly rife on young media".

Exclusion from Democratic Expression

Baroness Bull CBE (Cross) acknowledged the positive contribution that social media had made but asked if there were perhaps people or communities who were excluded through fear of unpleasant criticisms as highlighted in comment sections below online articles.   Howard replied that it was clear that "some individuals feel more comfortable expressing their views than others" online.   He reiterated that "heated disagreement" was a part of democracy but he did worry that "the pervasive culture of publically shaming and engaging in ad hominem attacks" was "counterproductive". He highlighted however that some people were reluctant to speak online because they feared for their safety and argued that the "remedy" was "to try to tackle some of that abusive content by getting it off the platform or at least demoting it in people's feeds". Akanbi replied that she thought there were spaces online "for people from vulnerable communities to criticise with ease" more than for people who held counter views to the prevalent one and she feared this created "a double standard" which made the discussion needlessly fraught. When pressed by Bull for an example, Akanbi explained that people could say anything about the "cis straight white male" which they could not "get away with saying about any other group".

Protective Characteristics

Bull asked Howard if he had a view on how protection of freedom of expression online might relate to "protective characteristics" (PCs). Howard replied that it was "a fraught matter" to define PCs but he pinpointed the "unifying principle" would be "something like a vulnerable social identity" that involved "greater risk to subjection to violence, to harassment, to abuse, to discrimination". He acknowledged that this would "vary contextually in different societies" which posed problems for coming up with "some master specification".   He said that the benefit of platform moderation was that it could be more flexible in specifying PCs than the mechanism of the criminal law could.

Public Attitudes to Freedom of Expression

Rt Rev Lord Bishop of Worcester (Bishops) asked if there had been a change in public attitudes to freedom of expression. Akanbi said that it might be "specific to the areas and communities" that she frequented but she felt people assumed "nefarious intention" around the term "free speech", interpreting it as "the freedom to be prejudiced" rather than the free exploration of topics.   Howard said he was not qualified to give an evaluation of how public attitudes to free speech had changed but that as a philosopher he believed that "freedom of speech remained just as important a right as ever" and that in a democratic society it was and was seen to be "indispensable, notwithstanding its limits". In reply to Worcester's polling quotes, Akanbi agreed that people she knew who talked about free speech did "skew male" and it was "definitely not coming from young people". The chair questioned whether this attitude was because the right to free speech was "still pretty uneroded" and so they had not thought what its erosion would mean for them as individuals. Akanbi accepted that there was a "youthful hubris" that meant many could not imagine losing the right to free speech. She

acknowledged the need to fight for freedom of expression online and to distinguish between "hate speech and speech we hate".

Digital Citizenship

Rt Hon Lord Vaizey of Didcot (Con) declared that he worked "for a not-for-profit based in San Francisco called Common Sense Media" which provided digital citizenship material for schools and with NewsGuard that rated news websites "for their veracity".   He asked the witnesses for their thoughts on digital citizenship. Akanbi replied that the problem with social media was that there was "no established social etiquette". She said it was important for people to embody their ideals with how to use the platform and that it would be "really helpful" to distribute an etiquette through schools. Howard completely agreed with Akanbi and described "good digital citizenship" as "a package of civic virtues", such as "epistemic resilience" so that citizens were "not easily duped by misinformation" and the ability to debate issues with those with opposing views in a reasonable and reasoned manner.

Platform Moderation Policies

Viscount Colville of Culross (Cross) declared that he was a producer of a TV series for Netflix and Smithsonian which would also appear online.   He observed that social media platforms had been opening up their moderation policies with "very varied" "take-down rules" and asked if it was possible for them to be balanced and maintain freedom of speech.   Howard replied that the platforms had "made enormous progress in this area" but he did not think they were doing "the maximum that the public could reasonably expect of them". He argued that the platforms had "a moral obligation to reduce the prevalence of harmful content" because they were "in a unique position to do so". Howard wanted to resist framing the question between respecting free speech and reducing harm because he believed "some kinds of speech" did not "deserve protection at all" and that restricting some content empowered others and supported free speech "by eliminating an atmosphere of abuse or violence". Akanbi agreed that moderating harassing speech did empower free speech on social media.

Colville observed that at last month's US Senate committee Mark Zuckerberg had testified that Facebook removed 89 per cent of hate speech posts which still left billions and asked if the witnesses thought the social media platforms were too big to be governed. Howard pointed out that if these companies were broken up they would have fewer resources for expensive content moderation which was "a pretty difficult business".

Platform Design

Baroness Rebuck DBE (Lab) declared that she was a director of the Guardian Media Group. She asked whether the design of platforms affected how users expressed themselves online and highlighted one site where 75 per cent of what users saw was personalised. Howard agreed that the platforms should address harmful content "further upstream" rather than just deal with problematic content.   He said that platforms had an incentive to provide users with content that raised advertising revenue and so effective regulation had to be about "engineering the system" "to reduce the demand for that content" and "to try to open up those noxious echo chambers" where people were "only exposed to

points of view with which they already agree".   Akanbi suggested that eliminating "likes" on social media might make content less attractive to users.

Disinformation

In reply to the chair, Howard said that dealing with disinformation on social media was "one of the more fraught issues". He said that it would be "a clear mistake" "to ban disinformation categorically" and argued for "a much more targeted approach" where a falsehood was "incontrovertible" and "clearly linked to real-world harm".

Freedom of Expression

Lord Storey CBE (Lib Dem) pointed out that there was no freedom of expression where the platforms agreed with restrictions imposed by totalitarian regimes. He observed that there was "a generational issue" which meant that older people were frightened to offend by using the wrong word in the wrong context. Howard replied that it would be "morally wrong" for platforms to do the bidding of totalitarian regimes but he did not think that it had bearing on the UK's approach to appropriate regulation. He agreed with the "counter-productivity" of the shaming abuse online but pointed out that language evolved and it was appropriate to point this out to discourage people from using out-dated terms if they were inappropriate. Akanbi pointed out that people got "social capital" out of shaming online and this incentivised the practice which reinforced the need for "some etiquette".

The Role of the State in Regulating

Rt Hon Baroness Quin (Lab) asked if there were changes to the current system that the witnesses would like to see. Akanbi replied that it would be good to look at regulation to make it possible to permanently remove things from people's "internet presence" because it was not helpful that "an unthinking moment sort of stains us for ever". She added that she was more interested in what users could do to improve social media. Howard favoured the European view that social media platforms constituted "such a profound and pervasive site of democratic discourse" that they had to be "subjected to some kind of democratic oversight". He argued that in the short term it was important to apply direct public pressure to the social media companies which now accepted the need for content moderation. He said that in the medium to long term "proper official regulation" was "essential" and he did "cautiously support many of the elements of the Online Harms white paper", namely the "degree of flexibility" it offered in "working directly with platforms to devise the best technological response to the problem of online harm".

Platform Algorithms

Lord Allen of Kensington CBE (Lab) declared that he was chairman of Global Media & Entertainment which ran UK radio stations and highlighted one – Leading Britain's Conversation – where listeners

heard different perspectives. He argued that platform algorithms narrowed the conversation and asked what could be incorporated into legislation to open people's minds up. Howard agreed that it was "crucial" to think about "algorithmic design" but it required engagement with the companies' technological expertise. He suggested that simple mechanisms such as requiring users to open an article on Twitter before being allowed to re-tweet it would "slow down the rapid pace of discourse on social media" so that people had to stop and think. Akanbi agreed.

Donald Trump

Baroness Grender MBE (Lib Dem) asked, in the context of free speech, whether Twitter had been right or wrong to moderate the tweets of "a particular cis white male, Donald Trump". Akenbi replied that since Donald Trump's presence had made political conversations a lot tenser they might have been right. Howard agreed that Twitter's guidelines on election integrity were "defensible" but added that it would be useful to get some empirical evidence as to whether their tags had made a difference or not.

The Harm of Anonymity

Baroness Buscombe (Con) argued that the possibility of being anonymous online caused "so much harm" and asked the witnesses for their views. Howard completely shared Buscombe's "concerns about anonymity" but thought there was a case for balance. He said that it could bring "important benefits" but it was a shield that protected "both the righteous and the sinner". He added that it was important to be able to identify the source of speech in order to identify its credibility. He underlined the difference between anonymity and "fake accounts" and argued that a platform should be able to confirm whether a user's account was "linked to a real human". Akanbi had reservations about restricting anonymity but believed that inauthentic accounts and "bots" might be "more risky".