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## **AMPLIFYING DISCORD OR FOSTERING FREEDOM? CONTRASTING IMPLICATIONS OF SOCIAL MEDIA ECHO CHAMBERS FOR DELIBERATIVE AND LIBERTARIAN CONCEPTIONS OF DEMOCRATIC FREE SPEECH**

### ABSTRACT

In the wake of social media driven insurrections in democratic states around the world, there has been widespread concern about the corrosive effects of online echo chambers on democracy and free speech. This article argues that the relationship between echo chambers, democracy and free speech is more complex than it appears. Whilst echo chambers may be problematic for a deliberative conception of democratic free speech, they are not necessarily problematic for a libertarian conception of democratic free speech. In fact, echo chambers may promote opinion formation, opinion expression and interest group formation in a libertarian conception of democratic free speech by enabling like-minded social media users to connect and express their views. This has important ramifications for the currently simplistic public debate about the effects of social media echo chambers on democracy and free speech. These findings suggest that the dominant discourse on social media echo chambers is driven by deliberative, rather than libertarian concerns, and reinforces the need to be aware of the democratic assumptions underpinning calls for reform on social media.

### I INTRODUCTION

**S**ocial media echo chambers are commonly assumed to be corrosive of free speech and democracy and have been implicated in attacks on democratic institutions around the world.<sup>1</sup> However, this assumption is overly simplistic.

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<sup>1</sup> For commentary in the wake of attacks on democratic institutions in the United States and Brazil, see, eg: Jonathan Haidt, 'Yes, Social Media Really is Undermining Democracy', *The Atlantic Monthly* (online, 28 July 2022) <<https://www.theatlantic.com/ideas/archive/2022/07/social-media-harm-facebook-meta-response/670975/>>; Laura Romero, 'Experts Say Echo Chambers From Apps like Parler and Gab Contributed to Attack on Capitol', *American Broadcasting Company*

This article demonstrates that social media echo chambers are much more normatively complex than is commonly thought.<sup>2</sup> It will show that whilst concerns about echo chambers might be warranted under a deliberative conception of democracy, it is not necessarily the case for a libertarian conception. This indicates that these concerns are primarily driven by a deliberative, rather than a libertarian understanding of democracy and free speech.<sup>3</sup> This finding highlights the importance of an awareness of the democratic assumptions that underpin views on free speech and new phenomena like social media echo chambers.<sup>4</sup> Such awareness may change how new phenomena on social media are discussed, assessed and potentially regulated.

Some commentators claim that there is little substantive difference between the two conceptions in practice.<sup>5</sup> However, the following analysis will show that there *are*

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(online, 12 January 2021) <<https://abcnews.go.com/US/experts-echo-chambers-apps-parler-gab-contributed-attack/story?id=75141014>>; Michael Fox, ‘Brazil’s Shocking — but Not Surprising — Attempted Coup’, *The Nation* (online, 12 January 2023) <<https://www.thenation.com/article/world/brazil-bolsonaro-brasilia-capital-attack/>>; Robert Braga ‘The Insurrection in Brazil is Part of a Broader Crisis of Trust’, *Time Magazine* (online, 11 January 2023) <<https://time.com/6246475/brazil-insurrection-bolsonaro-disinformation/>>.

<sup>2</sup> I employ the term ‘echo chamber’ to describe ‘echo chamber-like phenomena’ that have been examined in empirical studies and are related to the echo chamber effect, for example: ‘filter bubbles’; ‘recommender systems’; ‘clusters’ and ‘deliberative enclaves’; experiencing ‘polarisation’; ‘selective exposure’; ‘homophily’; and a ‘lack of interaction’ between users. Whilst I use the term in this article for the sake of simplicity, the metaphor has been heavily criticised as problematic and lacking definitional clarity and consensus, see, eg: Axel Bruns, ‘Echo Chambers? Filter Bubbles? The Misleading Metaphors That Obscure the Real Problem’ in Marta Pérez-Escobar and José Manuel Noguera-Vivo (eds), *Hate Speech and Polarization in Participatory Society* (Routledge, 2021) 33; Axel Bruns, ‘It’s not the Technology, Stupid: How the ‘Echo Chamber’ and ‘Filter Bubble’ Metaphors Have Failed Us’ (Conference Paper, International Association for Media and Communication Research, 2019); Axel Bruns, *Are Filter Bubbles Real?* (Polity Press, 2019); Amy Ross Arguedas et al, ‘Echo Chambers, Filter Bubbles, and Polarisation’ (Literature Review, Reuters Institute January, 2022) 7; Stefan Geiß et al, ‘Loopholes in the Echo Chambers: How the Echo Chamber Metaphor Oversimplifies the Effects of Information Gateways on Opinion Expression’ (2021) 9(5) *Digital Journalism* 660, 662.

<sup>3</sup> See, for example, deliberative-driven concerns about echo chambers and social media: Geoffrey Baym, ‘How Media Stifles Deliberative Democracy’, *JSTOR Daily* (online, 17 January 2023) <<https://daily.jstor.org/how-media-stifles-deliberative-democracy/>>.

<sup>4</sup> For a discussion of the importance of sound free speech methodology enabling a deeper theoretical understanding of free speech in debates see especially, Seana Valentine Shiffrin, ‘Methodology in Free Speech Theory’ (2011) 97(3) *Virginia Law Review* 549, 550.

<sup>5</sup> See generally, for an argument that the political responses in practice of the deliberative-aligned ‘left’ and libertarian-aligned ‘right’ at the extremes are substantially similar: Edward A Shils, ‘Authoritarianism: “Right” and “Left”’ in Richard Christie and Marie Jahoda (eds), *Studies in the Scope and Method of the Authoritarian Personality* (Free Press, 1954) 24–9.

differences in the free speech implications of these two conceptions, and that these differences are drawn out by the phenomenon of echo chambers on social media. It will show that — contrary to common assumptions — whilst social media echo chambers *do* undermine the commitments of a deliberative conception of democratic free speech, they are *not* entirely inconsistent with the commitments of a libertarian conception of democratic free speech.

Part II of this article will problematise this analysis by outlining the existing concerns about the impact of social media echo chambers on democracy and free speech. Part III will outline a framework of two alternative conceptions of democratic free speech: a deliberative conception and a libertarian conception of democratic free speech. Part IV applies this framework to social media echo chambers to demonstrate the different implications of each conception in practice. Part V concludes by drawing out the consequences of each conception for government intervention and regulation of social media.

## II EXISTING CONCERNS ABOUT THE IMPACT OF SOCIAL MEDIA ECHO CHAMBERS ON FREE SPEECH AND DEMOCRACY

Commentators have expressed various concerns about the destructive effects of social media echo chambers on free speech and democracy.<sup>6</sup> In so doing, they start from a premise, which is also adopted in the following, that echo chambers exist and are widespread on social media.<sup>7</sup>

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<sup>6</sup> See, for example, Bill Gates describing filter bubbles as “more of a problem than I, or many others, would have expected”: Kevin Delaney, ‘Filter Bubbles are a Serious Problem with News, says Bill Gates’, *Quartz Advisor* (online, 21 February 2017) <<https://qz.com/913114/bill-gates-says-filter-bubbles-are-a-serious-problem-with-news>>.

<sup>7</sup> It is important to note that the empirical research is far from conclusive as to the existence and prevalence of echo chambers. Many empirical studies suggest that echo chambers *are* present on social media, particularly studies that examine a particular issue (eg, vaccines), ideological divide (eg, conservative and liberal) or time period (eg, the lead up to an election). Other studies suggest that echo chambers exist but are not as widespread as commonly assumed by the general public. For the purposes of this article’s analysis of democratic free speech, it is sufficient and reasonable to assume that, while there is evidence on both sides of the debate, echo chambers — and related echo chamber-like phenomena — arise on social media at certain times, even though the research casts some doubt on how widespread they are. For studies that demonstrate evidence of the existence of echo chambers, see eg: Ana Lucía Schmidt et al, ‘Polarization of the Vaccination Debate on Facebook’ (2018) 36 *Vaccine* 3606; Matteo Cinelli et al, ‘The Echo Chamber Effect on Social Media’ (2021) 118(9) *Proceedings of the National Academy of Sciences* 1; Michela Del Vicario et al, ‘The Spreading of Misinformation Online’ (2016) 113(3) *Proceedings of the National Academy of Sciences* 554; Pablo Barberá et al, ‘Tweeting from Left to Right: Is Online Political Communication More than an Echo Chamber?’ (2015) 26(10) *Psychological Science* 1531; Michael D Conover et al, ‘Partisan Asymmetries in Online Political Activity’ (2012) 1(6) *European Physical Journal of Data Science* 3. For studies finding that echo chambers exist but are not as widespread as commonly assumed by the

First, commentators are concerned that echo chambers are problematic for democracy because they increase polarisation,<sup>8</sup> shielding constituents from alternative views which would normally moderate extreme or radical views.<sup>9</sup> The increase in extreme views results in greater polarisation amongst social media users. Polarisation is often considered problematic for democracy because it erodes the common ground and understanding that is required for healthy deliberation and decision-making.<sup>10</sup>

Secondly, commentators also argue that echo chambers decrease civic courage and tolerance of alternative views by insulating users from criticism and diverse discussion.<sup>11</sup> This is viewed as problematic for democracy and free speech for several reasons. If constituents are intolerant of other views, their own opinion formation and decision-making will be poorer because it is not informed by diverse information. Without exposure to diverse information, constituents will become increasingly hostile to views that challenge their opinions. In these hostile echo chamber environments, constituents with alternative views cannot speak freely

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general public, see eg: Jesse Shore, Jiye Baek and Chrysanthos Dellarocas, 'Network Structure and Patterns of Information Diversity on Twitter' (2018) 42(3) *Management Information Systems Quarterly* 849; Geiß et al (n 2).

- <sup>8</sup> Cass R Sunstein, *#Republic: Divided Democracy in the Age of Social Media* (Princeton University Press, 2017) 68, 74, 88 ('#Republic'); Kalev Leetaru, 'The Social Media Filter Bubble's Corrosive Impact on Democracy and the Press', *Forbes Media* (online, 20 July 2019) <<https://www.forbes.com/sites/kalevleetaru/2019/07/20/the-social-media-filter-bubbles-corrosive-impact-on-democracy-and-the-press/?sh=600ccf81ad42>>; Nyshka Chandran, 'Obama to David Letterman: Media is Dividing Americans', *Consumer News and Business Channel* (online, 12 January 2018) <<https://www.cnb.com/2018/01/12/former-president-barack-obama-warns-on-polarizing-media-us-electoral-system.html>> citing 'Barack Obama', *My Next Guest Needs No Introduction with David Letterman* (Netflix, 2018); Haidt (n 1).
- <sup>9</sup> Sunstein, *#Republic* (n 8); Chandran (n 8). Professor Kai Riemer and Dr Sandra Peter claim that social media echo chambers increase 'fragmentation and segmentation resulting in political polarisation': at Kai Riemer and Sandra Peter, 'Algorithmic Audiencing: Why We Need to Rethink Free Speech on Social Media' (2021) 36(4) *Journal of Information Technology* 409, 417.
- <sup>10</sup> Sunstein, *#Republic* (n 8) 66–7; Leetaru (n 8); Kathleen Hall Jamieson and Joseph Cappella, *Echo Chamber: Rush Limbaugh and the Conservative Media Establishment* (Oxford University Press, 2008) 246.
- <sup>11</sup> Echo chambers 'also reinforces your sense of belonging to this group, and it reinforces your negativity and hostility toward other groups': Thor Benson, 'The Small but Mighty Danger of Echo Chamber Extremism', *Wired* (online, 20 January 2023) <<https://www.wired.com/story/media-echo-chamber-extremism/>>. See Mostafa M El-Bermawy, 'Your Filter Bubble is Destroying Democracy', *Wired* (online, 18 November 2016) <<https://www.wired.com/2016/11/filter-bubble-destroying-democracy/>>; Christopher Hooton, 'Social Media Echo Chambers Gifted Donald Trump the Presidency', *The Independent* (online, 10 November 2016) <<https://www.independent.co.uk/voices/donald-trump-president-social-media-echo-chamber-hypernormalisation-adam-curtis-protests-blame-a7409481.html>>.

and openly.<sup>12</sup> It is feared that this will result in a chilling effect on free speech as users with unwelcomed opinions may self-censor for fear of community backlash.

Another concern relates to the role that echo chambers play in generating, legitimising and amplifying harmful speech such as hate speech.<sup>13</sup> The concern is that social media users who are exposed to large amounts of harmful speech — that often thrives in echo chambers — will become more radical and confident in expressing and spreading such harmful speech online.<sup>14</sup> This speech undermines and silences people who have alternative views, or those that belong to minority groups, who are exposed to, or become the target of this harmful speech, such as hate speech.<sup>15</sup> Additionally, it is claimed that the prevalence of harmful speech online damages democratic discourse by encouraging division and increasing ideological and affective polarisation.<sup>16</sup> Some commentators also argue that this harmful speech

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<sup>12</sup> El-Bermawy (n 11); Hooton (n 11).

<sup>13</sup> Amanda Taub states that ‘over time, the online echo chamber can legitimize radical ideas, including calls for violence’: ‘On Social Media’s Fringes, Growing Extremism Targets Women’, *The New York Times* (online, 9 May 2018) <<https://www.nytimes.com/2018/05/09/world/americas/incels-toronto-attack.html>>. See also: Reimer and Peter (n 9) 419; Vasu Goel et al, ‘Hatemongers Ride on Echo Chambers to Escalate Hate Speech Diffusion’ (2023) 2(3) *Proceedings of the National Academy of Sciences Nexus* 1, 1.

<sup>14</sup> Karsten Müller and Carlo Schwarz, ‘Fanning the Flames of Hate: Social Media and Hate Crime’ (2021) 19(4) *Journal of the European Economic Association* 2131; Derek O’Callaghan et al, ‘The Extreme Right Filter Bubble’ (Working Paper No VI, Connell University, 28 August 2013).

<sup>15</sup> For the literature on the silencing effect of harmful speech such as hate speech, see, eg: Caroline West, ‘Words That Silence? Freedom of Expression and Racist Hate Speech’ in Ishani Maitra and Mary Kate McGowan (eds), *Speech and Harm: Controversies over Free Speech* (Oxford Academic, 2012) 222; Katharine Gelber and Luke McNamara, ‘Evidencing the Harms of Hate Speech’ (2016) 22(3) *Social Identities* 324; Katharine Gelber, ‘Hate Speech: Definitions and Empirical Evidence’ (2017) 32 *Constitutional Commentary* 619; Elisabeth Noelle-Neumann and Thomas Petersen, ‘The Spiral of Silence and the Social Nature of Man’ in Lynda Lee Kaid (ed), *Handbook of Political Communication Research* (Taylor and Francis, 2008) 339. Much of this literature, however, explores the silencing effect on women of hate speech in the context of pornography: Ishani Maitra, ‘Silencing Speech’ (2009) 39(2) *Canadian Journal of Philosophy* 309; Jennifer Hornsby, ‘Speech Acts and Pornography’ [1993] (10) *Women’s Philosophy Review* 38; Rae Langton, ‘Speech Acts and Unspeakable Acts’ (1993) 22 (4) *Philosophy and Public Affairs* 293; Caroline West ‘The Free Speech Argument against Pornography’ (2003) 33(3) *Canadian Journal of Philosophy* 391.

<sup>16</sup> Reimer and Peter (n 9) discuss ‘large-scale algorithmic manipulation of citizens that drive polarisation and create political echo chambers with detrimental effects for democratic structures’: at 422.

marginalises and dehumanises members of these target groups, such that they participate less in democratic deliberation.<sup>17</sup>

There is also a concern that the insulating effect of echo chambers reduces the epistemic quality of constituents' arguments and views, which degrades the quality of public discourse and decision-making. It is argued that in an echo chamber, constituents' views are not challenged or criticised and do not go through a process of refinement.<sup>18</sup> Constituents' views are less informed because they have not been exposed to a diverse range of information. Less informed and justified arguments decrease quality public discourse and democratic decision-making.<sup>19</sup>

The role of echo chambers in spreading and amplifying distorting speech, such as misinformation (false or inaccurate information spread without an intention to deceive), disinformation (deliberately false information spread with an intent to deceive), conspiracy theories and fake news, is also seen as undermining the epistemic quality of the public discourse.<sup>20</sup> This is viewed as having a negative effect on democracy and free speech because it distorts the public discourse,<sup>21</sup> erodes trust in democratic institutions (for example, through fake news about voting fraud)<sup>22</sup> and undermines truth-seeking in political decision-making, through the spread of

<sup>17</sup> Katharine Gelber, 'A Better Way to Regulate Online Hate Speech: Require Social Media Companies to Bear a Duty of Care to Users', *The Conversation* (online, 14 July 2021) <<https://theconversation.com/a-better-way-to-regulate-online-hate-speech-require-social-media-companies-to-bear-a-duty-of-care-to-users-163808>>; Taub (n 13); Tal Orian Harel, Jessica Katz Jameson and Ifat Maoz, 'The Normalization of Hatred: Identity, Affective Polarization, and Dehumanization on Facebook in the Context of Intractable Political Conflict' [2020] (April–June) *Social Media + Society* 1, 7.

<sup>18</sup> Samhi Boppana, 'TikTok is Bad for Political Discourse and Furthers Polarization', *John Hopkins News-Letter* (online, 21 August 2023) <<https://www.jhunewsletter.com/article/2022/10/tiktok-is-bad-for-political-discourse-and-furthers-polarization>>.

<sup>19</sup> Philip M Napoli, 'What if More Speech is No Longer the Solution: First Amendment Theory Meets Fake News and the Filter Bubble' (2018) 70(1) *Federal Communications Law Journal* 55, 57.

<sup>20</sup> C Thi Nguyen, 'The Problem of Living Inside Echo Chambers', *The Conversation* (online, 11 September 2019) <<https://theconversation.com/the-problem-of-living-inside-echo-chambers-110486>>; Australian Competition and Consumer Commission, *Digital Platforms Inquiry* (Final Report, June 2019) 280; Senate Select Committee on the Future of Public Interest Journalism, Parliament of Australia, *Future of Public Interest Journalism* (Final Report, 5 February 2018) 40–1; Caitlin Grant, 'Right-Wing Extremism in Australia' (Research Article, Parliamentary Library, Parliament of Australia, 21 June 2022); Yochai Benkler, Robert Faris and Hal Roberts, *Network Propaganda: Manipulation, Disinformation, and Radicalization in American Politics* (Oxford University Press, 2018) 5.

<sup>21</sup> Rafał Klepka, 'Information and Disinformation and the Transformation of Modern Democracy: From Media Bias through the 'Echo Chamber' and the 'Filter Bubble' to Fake News' in Georgios Terzis et al (eds), *Disinformation and Digital Media as a Challenge for Democracy* (Intersentia, 2020) 31–46.

<sup>22</sup> Nguyen (n 20).

false content.<sup>23</sup> It is also argued that distorting speech undermines the rationality and reasoning capabilities of constituents in their opinion formation and democratic decision-making.<sup>24</sup> Amidst these concerns, some commentators have offered advice on how to escape one's own social media echo chamber.<sup>25</sup>

Overall, concerns about the impacts of echo chambers on free speech and democracy are widespread in the commentary of journalists, academics, political figures and policy makers. However, much of this commentary tends to assume a deliberative understanding of democracy and free speech. The implications of social media echo chambers are rarely examined in the context of a libertarian conception of democratic free speech. Whilst concerns about social media echo chambers may be warranted under a deliberative conception of democratic free speech, this article demonstrates that, according to a libertarian conception, echo chambers do not necessarily undermine free speech and democracy. In fact, echo chambers may promote some of the core commitments of a libertarian conception of democracy and free speech. In this way, echo chambers are much more normatively complex than they appear.

To demonstrate this, Part III of this article will outline two key conceptions of democratic free speech, before applying each conception to the phenomenon of social media echo chambers in Part IV.

### III TWO CONCEPTIONS OF DEMOCRATIC FREE SPEECH AND THEIR IMPLICATIONS FOR DEMOCRATIC SPEECH MOMENTS

Free speech as it promotes democracy may be conceptualised in various ways.<sup>26</sup> This article focuses on two rival conceptions of democratic free speech that are prevalent in the literature. Whilst various additional and valid conceptions exist, this article focuses on two dominant conceptions that emerge, either implicitly

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<sup>23</sup> David Robert Grimes, 'Echo Chambers are Dangerous: We Must Try to Break Free of our Online Bubbles', *The Guardian* (online, 4 December 2017) <<https://www.theguardian.com/science/blog/2017/dec/04/echo-chambers-are-dangerous-we-must-try-to-break-free-of-our-online-bubbles>>.

<sup>24</sup> Benson (n 11); Grimes (n 23).

<sup>25</sup> Christopher Seneca, 'How to Break Out of Your Social Media Echo Chamber', *Wired* (online, 17 September 2020) <<https://www.wired.com/story/facebook-twitter-echo-chamber-confirmation-bias/>>; Steven Corby, 'How Social Media Algorithms are Manipulating What You Read', *The CEO Magazine* (online, 26 May 2022) <<https://www.theceomagazine.com/opinion/social-media-algorithms/>>; Wendy Rose Gould, 'Are You in a Social Media Bubble? Here's How to Tell', *National Broadcasting Company* (online, 22 October 2019) <<https://www.nbcnews.com/better/lifestyle/problem-social-media-reinforcement-bubbles-what-you-can-do-about-ncna1063896>>; Grimes (n 23).

<sup>26</sup> Whilst alternative justifications for free speech exist, such as the truth and autonomy justifications, this article focusses solely on the democratic justification for free speech.

or explicitly, from the democratic commitments of various established models of democracy. They will be described as the ‘deliberative conception’ and the ‘libertarian conception’ of democratic free speech. To fully develop these conceptions in their entirety is beyond the scope of this article. However, the following section provides a brief outline and expands on their normative implications in key moments of democratic speech. Key aspects of the case law on free speech, reflecting each of these conceptions at work in Australian jurisprudence, will also be discussed.<sup>27</sup>

The libertarian conception of democratic free speech emerges from certain free speech implications shared amongst representative, pluralist, procedural and libertarian models of democracy.<sup>28</sup> These democratic models typically share similar values which give rise to shared implications for free speech. For example, these models tend to be grounded in the core values of freedom from governmental intervention; freedom of choice; personal liberty; autonomy; self-determination; formal equality; and the rule of law.<sup>29</sup> As a result, this conception entails a suspicion of governmental intervention and the use of arbitrary power,<sup>30</sup> and a general scepticism of the ability of the state to know what is true or substantively ‘good’.<sup>31</sup> Political decisions in this conception tend to be viewed as a compromise of competing interests amidst a vibrant and unfettered encounter of opposing ideas.<sup>32</sup> As will be explored below, the values of this libertarian conception suggest a robust commitment towards content neutrality and a resistance of speech curation, with the exception of speech that incites imminent violence or unlawfulness.

<sup>27</sup> In Geoffrey Nettle, ‘Whither the Implied Freedom of Political Communication?’ (2021) 47(1) *Monash University Law Review* 1, 17, the possibility of doctrinal variation within Australian free speech jurisprudence is recognised by the Hon Geoffrey Nettle when discussing *Monis v The Queen* (2013) 249 CLR 92:

the phenomenon of doctrinal variations is hardly novel ... It is generally accepted to be an essential and valued aspect of the common law that its doctrines can and do develop and vary over time as they are applied on a case-by-case basis in new and different circumstances.

<sup>28</sup> This article draws this conception from democracy and free speech theorists and commentators across these models, see, eg; Joseph A Schumpeter, *Capitalism, Socialism and Democracy* (Routledge, 2003); FA Hayek, *The Road to Serfdom* (Taylor and Francis Group, 2<sup>nd</sup> ed, 2001); Robert Nozick, *Anarchy, State, and Utopia* (Blackwell, 1974); John Stuart Mill, ‘Of the Liberty of Thought and Discussion’ in David Bromwich et al (eds), *On Liberty* (Yale University Press, 2003) 86; James Madison, ‘The Same Subject Continued: The Union as a Safeguard against Domestic Faction and Insurrection’ (Federalist Paper No 10, 23 November 1787) 53; Ronald Dworkin, *Freedom’s Law: The Moral Reading of the American Constitution* (Oxford University Press, 1996); Robert A Dahl, *On Democracy* (Yale University Press, 1998).

<sup>29</sup> See, eg, Hayek (n 28) 81.

<sup>30</sup> See, eg, James Weinstein, ‘Free Speech and Domain Allocation: A Suggested Framework for Analysing the Constitutionality of Prohibition of Lies in Political Campaigns’ (2018) 71(1) *Oklahoma Law Review* 167, 208; *Thomas v Collins* 323 US 516 (1945) 545 (Jackson J concurring).

<sup>31</sup> Mill (n 28) 88.

<sup>32</sup> *Abrams v United States*, 250 US 616 (1919) (*Abrams*’).



Whilst Australia is not typically associated with the libertarian tradition, the case of *Coleman v Power* ('*Coleman*')<sup>33</sup> is an exception in that it reflects, in part, libertarian free speech concerns.<sup>34</sup> In *Coleman*, the High Court read down a Queensland law criminalising the use of insulting words in a public place, due to the law's potential to infringe upon the implied freedom of political communication.<sup>35</sup> The implied freedom was found to protect insulting words said by the appellant to officers as part of a political protest about police corruption.<sup>36</sup> This judgment adopted a broad interpretation of the kinds of speech that ought to be protected, extending protection to insulting speech — unless it is likely to result in violence.<sup>37</sup> This decision reflects an inclination toward libertarian commitments to content neutrality and a resistance to speech curation, up to the point of imminent violence. In arriving at this conclusion, the Court in *Coleman* appeared to expressly import libertarian concerns — more traditionally aligned with United States — into Australian case law.<sup>38</sup> Justices Gummow and Hayne invoked the 'fighting words' doctrine from the United States Supreme Court case of *Chaplinsky v New Hampshire*,<sup>39</sup> to stress the importance that 'kinds of speech which fall outside concepts of freedom of speech' are 'narrowly limited'.<sup>40</sup> Thus, the case of *Coleman* represents a move towards more libertarian violence-based exclusions of speech, and a move away from the more deliberative justifications for speech protection — such as 'individual dignity [and] equality' and democratic participation — that tend to be more aligned with a deliberative, and indeed typically Australian, conception of free speech.<sup>41</sup>

The implications of this libertarian-aligned approach for social media echo chambers will be taken up in Part IV. However, it is already apparent that this approach, if applied in the context of social media echo chambers, might favour broad protections for speech and minimal content moderation; with limits only

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<sup>33</sup> (2004) 220 CLR 1 ('*Coleman*').

<sup>34</sup> *Ibid* 2.

<sup>35</sup> *Ibid* 77–9 [193]–[199] (Gummow and Hayne JJ), 87–8 [227], 91 [237] (Kirby J).

<sup>36</sup> *Ibid* 30–1 [28] (Gleeson CJ).

<sup>37</sup> Adrienne Stone and Simon Evans, 'Australia: Freedom of Speech and Insult in the High Court of Australia' (2006) 4(4) *International Journal of Constitutional Law* 677, 679.

<sup>38</sup> Dan Meagher criticises the invocation of the United States' 'fighting words' concept into Australian case law in Dan Meagher, 'The 'Fighting Words' Doctrine: Off the First Amendment Canvas and into the Implied Freedom Ring?' (2005) 28(3) *University of New South Wales Law Journal* 852. See also Stone and Evans (n 37) 686.

<sup>39</sup> (1942) 315 US 568.

<sup>40</sup> *Coleman* (n 33) 76 [188] (Gleeson CJ).

<sup>41</sup> Meagher (n 38) states that the Court's findings in *Coleman* 'faithfully reflects the original 'fighting words' doctrine and not how it is now understood and applied by the Supreme Court' rather than values of 'individual dignity, equality and non-violence ... and the silencing capacity of such words': at 858. For a discussion of the deliberative tendencies of Australian free speech law, see Gerald N Rosenberg and John M Williams, 'Do Not Go Gently into that Good Right: The First Amendment in the High Court of Australia' (1997) *Supreme Court Review* 439.

on echo chambers containing content that provokes violence, rather than content which may undermine more deliberative-aligned values of equality and democratic participation.

The deliberative conception of democratic free speech emerges from certain commitments shared by direct, deliberative, substantive and militant models of democracy.<sup>42</sup> Free speech in these models is necessary to promote high-quality, informed and diverse deliberation.<sup>43</sup> To enable such deliberation, constituents should be highly participatory, engaged, informed and open-minded.<sup>44</sup> They should consume diverse, high-quality information and be aware of the existence of alternative points of view.<sup>45</sup> Constituents are viewed as capable of making rational decisions that are informed by lively debate and a process of self-reflection.<sup>46</sup> Deliberation should be collective, equal and reasonable and should cross ideological divides. Some rational agreement — if not consensus<sup>47</sup> — on political decisions should ultimately emerge from this process.<sup>48</sup> As a result of this deliberation, political decision-making under this conception should ultimately be oriented towards promoting substantive equality; the common good; the search for collective truths; and the protection of democracy itself.<sup>49</sup> As such, the core values of this conception include: deliberation; diversity; participation; formal and substantive equality; reason; the search for truth; and an orientation towards the common good. As will be explored below, unlike the libertarian conception, content curation and

<sup>42</sup> This article draws this conception from democracy and free speech theorists and commentators across these models see, eg: Cass R Sunstein, *Democracy and the Problem of Free Speech* (Free Press, 1995) ch 8; Joshua Cohen, *Philosophy, Politics, Democracy: Selected Essays* (Harvard University Press, 2009) ch 7; Karl Lowenstein, 'Militant Democracy and Fundamental Rights, I' (1937) 31(3) *The American Political Science Review* 417; James S Fishkin, *Democracy and Deliberation: New Directions for Democratic Reform* (Yale University Press, 1991); Iris Marion Young, *Inclusion and Democracy* (Oxford University Press, 2002); Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (Polity, 2015); Robert Post, 'Participatory Democracy and Free Speech' (2011) 97(3) *Virginia Law Review* 477; Jeremy Waldron, *The Harm in Hate Speech* (Harvard University Press, 2012); John Rawls, *A Theory of Justice: Revised Edition* (Harvard University Press, 1999); Alexander Meiklejohn, *Free Speech and its Relation to Self-Government* (Harper and Brothers Publishers, 2014).

<sup>43</sup> *Whitney v California* 274 US 357 (1927) 372–80 (Brandeis and Holmes JJ).

<sup>44</sup> See, eg: Waldron (n 42) 15; Rawls (n 42) 197–8.

<sup>45</sup> David Estlund and Hélène Landemore, 'The Epistemic Value of Democratic Deliberation' in Andre Bächtiger et al (eds), *The Oxford Handbook of Deliberative Democracy* (Oxford Academic, 2019) 120–1.

<sup>46</sup> Rawls (n 42) 197–8; Habermas (n 42).

<sup>47</sup> Jürgen Habermas, *The Theory of Communicative Action: Lifeworld and System*, tr Thomas McCarthy (Beacon Press, 1981) 183.

<sup>48</sup> See, eg: Cohen (n 42) 230; Sunstein, *Democracy and the Problem of Free Speech* (n 42).

<sup>49</sup> See, eg, Lowenstein (n 42).

content sensitivity are not necessarily inconsistent with the commitments of the deliberative conception. Rather, the conception demonstrates more permissive tendencies with regard to the curation of speech.

In Australian free speech jurisprudence, this deliberative conception is reflected in a strand of case law that includes *McCloy v New South Wales* ('*McCloy*')<sup>50</sup> and *Comcare v Banerji* ('*Comcare*').<sup>51</sup> These cases reflect deliberative concerns as they permit limitations on speech in an effort to balance various deliberative-aligned interests that include, the promotion of the common good, and the preservation of representative democracy. In the case of *McCloy*, it was argued that certain restrictions on political donations found in the *Election Funding, Expenditure and Disclosures Act 1981* (NSW) impermissibly burdened the implied freedom of political communication.<sup>52</sup> The High Court found that, whilst the prohibitions *did* burden the implied freedom,<sup>53</sup> they served a legitimate and proportionate purpose of increasing political funding transparency and reducing corruption in politics.<sup>54</sup> Similarly, in the case of *Comcare*, it was argued that certain provisions of the Australian Public Service Code of Conduct<sup>55</sup> — under which the employment contract of a public servant who had posted anonymous criticisms on social media of various aspects of the Australian government and its departments was terminated — impermissibly burdened the implied freedom of political communication.<sup>56</sup> Whilst the High Court found that these provisions *did* burden the implied freedom,<sup>57</sup> their purpose was found to be both legitimate and proportionate.<sup>58</sup> Specifically, the provisions were proportionately adapted to the legitimate purpose of 'the maintenance and protection of an apolitical and professional public service ... consistent with the system of representative and responsible government'.<sup>59</sup> In determining whether a public servant's conduct undermined this legitimate purpose, the majority stated that the nature of the content of the public servant's speech was also to be taken into account.<sup>60</sup>

The cases of *McCloy* and *Comcare* broadly align with the deliberative conception of democratic free speech. Both cases demonstrate a permissiveness towards the curation of speech where it is deemed necessary for the common good and the

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<sup>50</sup> (2015) 257 CLR 178 ('*McCloy*').

<sup>51</sup> (2019) 267 CLR 373 ('*Comcare*'). It is not unusual to describe Australian free speech case law as having deliberative concerns or aims: see, eg, Rosenberg and Williams (n 41).

<sup>52</sup> *McCloy* (n 50) 193 [1] (French CJ, Kiefel, Bell and Keane JJ).

<sup>53</sup> *Ibid* 201 [24].

<sup>54</sup> *Ibid* 196 [5], 208 [47].

<sup>55</sup> Established under the *Public Service Act 1999* (Cth) s 13.

<sup>56</sup> *Comcare* (n 51) 389 [1] (Kiefel CJ, Bell, Keane and Nettle JJ).

<sup>57</sup> *Ibid* 399 [29].

<sup>58</sup> *Ibid* 399–405 [31]–[42].

<sup>59</sup> *Ibid* 399–400 [31].

<sup>60</sup> *Ibid* 449 [183].

preservation of representative democracy, albeit in slightly different ways. In *McCloy*, the High Court permitted the curation of speech, in the form of political donations, in order to uphold the legitimate purposes of encouraging transparency, reducing corruption and preserving of the independence of government.<sup>61</sup> These purposes reflect deliberative concerns about the common good and the preservation of representative democracy. In *Comcare*, the High Court also permitted curation of speech and regard to the content of speech where necessary to ensure the impartiality and independence of the public service, as an important component of representative democracy.<sup>62</sup> As such, this decision also reflects deliberative concerns about the preservation of representative democracy. The Court also stressed the limits of the implied freedom and the need to strike a balance between free speech and ‘other values’, reflecting a deliberative willingness to curate speech where it comes into conflict with other concerns.<sup>63</sup>

The more deliberative-aligned permissive approach adopted in both cases can be contrasted to the libertarian approach and its resistance of speech curation and strong commitment to content neutrality. As will be explored further in Part IV, in the context of social media, such a deliberative-aligned approach may be used to justify the regulation of echo chambers that destabilise representative government and promote anti-democratic content, such as conspiracy theories and extremism.

These contrasting conceptions of libertarian and deliberative democratic free speech briefly identified have different implications for what democratic decision-making should look like and the role free speech should play at each stage of that process. Specifically, free speech assumes a different role in key democratic speech moments of opinion formation, opinion expression and interest group formation under each conception.

### *A Opinion Formation*

The democratic speech moment of opinion formation is taken to refer to the stage in which constituents consume information and engage in dialogue and reflection in order to form an opinion on matters of political decision-making. The way in which opinion formation should occur — and the role free speech will play during this stage — will vary between the libertarian and deliberative conceptions.

Given the deliberative conception’s value of informed deliberation, ideal opinion formation in this conception should be based on high-quality information that is diverse and fosters an awareness of disagreement and alternative arguments. Speech, as a result, should foster high-quality, reason-based enquiry. Speech should be based on information that is oriented towards, and does not obscure, the truth. Such high-quality information enables constituents to be better informed and make

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<sup>61</sup> *McCloy* (n 50) 196 [5], 204 [36], 208 [46]–[47], 221 [93] (French CJ, Kiefel, Bell and Keane JJ).

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid* 442 [165].

decisions that are rational and in the best interests of society.<sup>64</sup> A diverse range of voices, opinions and information should be available for consumption and constituents should be aware of the existence of disagreement on political issues. In particular, constituents should be exposed to information that is opposing, critical or challenging so that their own ideas may be refined and gain legitimacy through a process of self-reflection.<sup>65</sup> This is because in this conception, a constituent is viewed as capable of rationality and personal reflection and growth, reflecting the conception's broader optimism about constituents' abilities.<sup>66</sup> Speech is also important at this stage for the formation of the whole individual, the development of their reasoning skills, open-mindedness and civic virtue. This kind of opinion formation increases the chance that political decision-making will be equal, respectful and inclusive; more accurate and justified; and more likely in the 'best interests' of society.<sup>67</sup> Speech that is anti-deliberative, on the other hand, in that it erodes common ground, understanding and equal deliberation (for example, hateful, extreme or abusive speech) will be of low value in this conception's opinion formation stage.

By contrast, the libertarian conception does not require the cultivation of a particular speech environment at the opinion formation stage. Rather, opinion formation should be wholly unconstrained. Constituents should be free to choose what information and ideas they consume, if any.<sup>68</sup> All information and ideas, therefore, should be available to constituents. This reflects the conception's values of autonomy and freedom of choice. Similarly, information and ideas should not be censored, curated nor mediated by some other authority before they have had a chance to compete in an open marketplace of ideas. Thus, the ideal speech environment that we see in the deliberative conception — such as a particularly diverse, high-quality or equal speech environment — would not be required, and in fact would be inconsistent with, the libertarian conception. There should be no judgments made about the truth, accuracy or value of ideas by authorities before this competition of ideas has been able to occur.<sup>69</sup> As a result, all kinds of speech should be free from censorship and curation; including speech that might be regarded as false, inaccurate, anti-deliberative or anti-democratic, with the exception of speech inciting imminent violence.

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<sup>64</sup> Cohen (n 42) 249.

<sup>65</sup> Ibid; Sunstein, *Democracy and the Problem of Free Speech* (n 42).

<sup>66</sup> Meiklejohn (n 42) 16–17:

The freedom of mind which befits the members of a self-governing society is not a given and fixed part of human nature. It can be increased and established by learning, by teaching, by the unhindered flow of accurate information, by giving men health and vigor and security, by bringing them together in activities of communication and mutual understanding.

<sup>67</sup> Cohen (n 42) 190.

<sup>68</sup> Hayek (n 28) 26.

<sup>69</sup> Schumpeter (n 28) 251; Dworkin (n 28) 200.

### B *Opinion Expression*

In the deliberative conception, opinion expression, too, should be as unrestrained and unfettered as possible. Free opinion expression is important for a constituent's personal formation (as engaged, open-minded and civic-minded constituents) as well as their opinion formation process (because, through speaking, we refine our ideas). In addition, the unfettered exchange of diverse ideas enables better deliberation and decision-making that is more likely to be representative and in the best interests of society as a whole. Finally, constituents must develop better epistemic justifications for their views when faced with rebuttal or challenge in an environment with free opinion expression. Constituents' opinions are then better justified and gain legitimacy as a result.<sup>70</sup>

However, as with opinion formation, opinion expression, which detracts from the deliberative values of this conception, should not be tolerated. For example, in this conception, the expression of hateful, extreme or abusive speech may be devalued, if not prohibited, because it silences the speech of others,<sup>71</sup> and thus undermines the conception's commitment to civic equality and diversity of representation.<sup>72</sup> Such speech is also inconsistent with the deliberative conception because it erodes the mutual respect, collegiality and common ground necessary for rational debate. Ideally, in this 'safer' speech environment, the opinion expression of minority voices (which might normally be silenced in or intimidated by a less welcoming environment) is preserved and encouraged.<sup>73</sup> Similarly, the expression of speech that deliberately obscures the truth or undermines efforts to promote the common good will not be valued in this conception and may be restricted. In addition, the expression of extreme anti-democratic speech will be prohibited or devalued because it undermines this conception's commitment to the preservation of democracy.

Under the libertarian conception, by contrast, opinion expression should be entirely free from censorship, curation or mediation, with the exception of speech that incites imminent violence.<sup>74</sup> Such freedom is necessary to respect the personal autonomy of constituents. It also allows the airing of ideas, which might otherwise be kept private, to calcify and intensify. Free speech at this opinion formation stage allows these ideas to be uncovered and tested through open debate and conflict.

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<sup>70</sup> Engin Bozdag and Jeroen van den Hoven, 'Breaking the Filter Bubble: Democracy and Design' (2015) 17 *Ethics Information Technology* 249, 255.

<sup>71</sup> See, eg, Gelber and McNamara (n 15).

<sup>72</sup> Carl Fox and Joe Saunders, 'Introduction' in Carl Fox and Joe Saunders (eds), *Media Ethics, Free Speech, and the Requirements from Democracy* (Routledge, 2019) 1, 8.

<sup>73</sup> Rory O'Connell, *Law, Democracy and the European Court of Human Rights* (Cambridge University Press, 2020) 26.

<sup>74</sup> See, eg; *Virginia v Black* 538 US 343 (2003) 363 (O'Connor J); *Brandenburg v Ohio* 395 US 444 (1969) 448 ('*Brandenburg*'); See also Ashutosh Bhagwat and James Weinstein, 'Freedom of Expression and Democracy' in Adrienne Stone and Frederick Schauer (eds), *The Oxford Handbook of Freedom of Speech* (Oxford Academic, 2021) 82, 104.

This process may also have the effect that these views become moderated or less extreme. Again, this reflects the libertarian view that ideas can only be tested in the marketplace, not by authorities before they have had a chance to freely and openly compete. Unlike in the deliberative conception, prejudgments cannot be made about the ideal kind of speech environment. As a result, all speech is permissible (except speech inciting imminent violence), regardless of whether it might be false, anti-deliberative, hateful or anti-democratic.

### *C Interest Group Formation*

Unlike in the libertarian conception, the formation of interest groups may be curated where necessary in the deliberative conception. The ideal speech environment here encourages the formation of interest groups which promote the values of the deliberative conception, but discourages, if not restricts, the formation of interest groups which undermine the conception's commitments. Interest groups consistent with the deliberative conception include those that represent the interests of minority groups that have traditionally faced discrimination and underrepresentation (for example, Black Lives Matter and related interest groups). By contrast, interest groups that are inconsistent with the deliberative conception may be discouraged, devalued or restricted. They include groups propagating inequality; hate speech; extreme speech; anti-democratic speech; or abusive and violent speech (for example, White Supremacy interest groups). Deliberation should also be equal and representative in this conception. Interest groups that silence a portion of the community, or are disproportionately vocal, are also problematic for this conception's commitment to civic equality. By comparison, this would simply reflect the libertarian conception's affinity for pluralism and market-driven pragmatism.

No interest group, however extreme or anti-democratic, is inconsistent with the libertarian conception's commitments to content neutrality, freedom of choice and autonomy, unless it incites imminent violence. Given this conception's commitments to autonomy and freedom from state intervention, interest groups should occur freely, without governmental interference or curation. Constituents should be free to join any interest group they so desire, and all interest groups should be available to them. In addition, interest groups are not just anticipated, but are a vital mechanism of preference aggregation, allowing like-minded users to congregate online. By enabling the formation of diverse groups, echo chambers also play a key role in fostering pluralism in society which is another important value of the libertarian conception.

## IV IMPLICATIONS OF THE DELIBERATIVE AND LIBERTARIAN CONCEPTIONS OF DEMOCRATIC FREE SPEECH FOR SOCIAL MEDIA ECHO CHAMBERS

Now that the two conceptions of democratic free speech have been broadly drawn, Part IV will explore whether social media echo chambers further or detract from core commitments of the deliberative and libertarian conceptions of democratic free speech. This will be done by, again, tracking the key democratic speech moments of opinion formation, opinion expression, and interest group formation.

### *A Opinion Formation*

The impact of social media echo chambers on the democratic speech moment of opinion formation varies according to whether a deliberative or libertarian conception is relied upon. The following section examines the implications of social media echo chambers for opinion formation according to each conception.

#### *1 Diversity of Information Consumed by Users*

Echo chambers may decrease the diversity of ideas and views that social media users are exposed to. In particular, users may be shielded from critical or opposing views. This is due to the clustering; biased information diffusion; enclave deliberation; and a lack of interactions across ideological divides often associated with echo chambers.<sup>75</sup> The presence of echo chambers has also been found to exacerbate inherent challenge avoidance, homophily and selective exposure experienced by users.<sup>76</sup>

A lack of interaction with diverse, alternative and opposing views limits a user's ability to form opinions in a manner consistent with the type of opinion formation constituents should experience in deliberative conception of free speech. Before forming an opinion, constituents in this conception should be well-informed and open minded, and their opinions should be exposed to rebuttal and criticism so as to enable refinement.<sup>77</sup> This is because the deliberative conception values diversity of perspectives, open mindedness, and engagement with alternative (particularly critical) views. Insulating social media users from alternative views, criticism, and diverse information, is contrary to the deliberative conception's commitment to diversity and engagement with criticism at the opinion formation stage.

In addition, echo chambers may also decrease a constituent's awareness of the very existence of disagreement on certain issues by shielding them from opposing views or from the debate itself.<sup>78</sup> This is inconsistent with the deliberative conception's

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<sup>75</sup> See, eg: Schmidt et al (n 7) 3606; Fabiana Zollo et al, 'Debunking in a World of Tribes' (2017) 12(7) *PLoS ONE* 1, 8; Del Vicario et al (n 7) 554; Hywel TP Williams et al, 'Network Analysis Reveals Open Forums and Echo Chambers in Social Media Discussions of Climate Change' (2015) (32) (March) *Global Environmental Change* 126, 135; Wei-Chu Chen and Staša Milojević, 'Interaction or Segregation: Vaccination and Information Sharing on Twitter' (Conference Paper, Association for Computing Machinery Conference on Computer Supported Cooperative Work and Social Computing, 3-7 November 2018) 304; Barberá et al (n 7).

<sup>76</sup> See, eg: Cinelli et al (n 7) 1, 6; Barberá et al (n 7) 1537; Williams et al (n 75); Chen and Milojević (n 75); Alessandro Bessi et al, 'Users Polarization on Facebook and YouTube' (2016) 11(8) *PLoS ONE* 1; Schmidt et al (n 7); Max Grömping, "'Echo Chambers": Partisan Facebook Groups during the 2014 Thai Election' (2014) 24(1) *Asia Pacific Media Educator* 39, 40.

<sup>77</sup> Sunstein, *Democracy and the Problem of Free Speech* (n 42); Cohen (n 42) 249.

<sup>78</sup> Chen and Milojević (n 75); Schmidt et al (n 7); Bessi et al (n 76); Cinelli et al (n 7); Williams et al (n 75); Del Vicario et al (n 7); Zollo et al (n 75).



valuing of different perspectives and awareness of disagreement during the opinion formation stage. This conception values awareness of disagreement at this stage because it is consistent with the conception's desired formulation of well-informed constituents who can then go on to engage in informed deliberation, armed with the knowledge of the existence of disagreement and differing perspectives.

In addition, a lack of diversity is similarly problematic for the deliberative conception because it will result in inequality of opinion formation among social media users. That is, users who experience echo chambers and are not exposed to diversity and disagreement will have poor opinion formation,<sup>79</sup> whilst users who do not experience echo chambers, and are exposed to higher quality, more diverse information, will have superior opinion formation. The resultant inequality of opinion formation between users caused by echo chambers is at odds with the deliberative conception's commitment to civic equality in democratic speech at the opinion formation stage.<sup>80</sup>

The libertarian conception, by comparison, is not as prescriptive about the importance of diversity, awareness of disagreement, and exposure to criticism. Rather, in a libertarian conception, users should be free to choose the kinds of information they consume online, and free to inhabit echo chambers if they desire. Indeed, echo chambers can be viewed as enabling user choice and autonomy by allowing users to consume only the kinds of information that they want to consume and allowing users to find outlets for their niche choices and preferences. As a result, a lack of diversity of information caused by social media echo chambers does not necessarily detract from the commitments of the libertarian conception.

There is, however, an argument that, in decreasing constituents' awareness of the existence of other information or views, echo chambers undermine several commitments of the libertarian conception.<sup>81</sup> First, echo chambers reduce users' liberty of choice by diminishing their awareness of disagreement and subsequent ability to choose to disagree, or at least engage with alternative opinions. Secondly, echo chambers prevent the free, open, and vibrant clash of opposing ideas valued in the libertarian conception as influenced by the work of John Milton<sup>82</sup> and John Stuart Mill.<sup>83</sup> This is because echo chambers divide social media into siloed communities and may subsequently prevent the clash of ideas from occurring in their fullness. Lastly, echo chambers may sequester some ideas into enclosed environments where they are unable to come into conflict and air in the marketplace of ideas, first envisaged in dissent by Oliver Wendell Holmes J sitting on the Supreme Court of the United States, and valued in the libertarian conception.<sup>84</sup> Thus, the

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<sup>79</sup> Barberá et al (n 7) 1532.

<sup>80</sup> Fox and Saunders (n 72); Cohen (n 42) 249.

<sup>81</sup> Bozdag and van den Hoven (n 70) 254.

<sup>82</sup> John Milton, *Areopagitica: A Speech for the Liberty of Unlicensed Printing to the Parliament of England* (Floating Press, 2009) 15, 17, 35.

<sup>83</sup> Mill (n 28).

<sup>84</sup> *Abrams* (n 32) 624.

impact of echo chambers in user choice and the clash of ideas can be construed as being inconsistent with opinion formation as it furthers the ideals of a libertarian conception of democratic free speech.

## 2 *Quality of Information Consumed by Users*

Echo chambers on social media may also decrease the quality of information available to constituents in the opinion formation stage.<sup>85</sup> This is because echo chambers reduce the diversity and breadth of information available to users experiencing the phenomena. This, in turn, increases the dissemination of conspiracy views, misinformation and disinformation which remain unchallenged and grow in popularity due to the insulating effect of echo chambers.<sup>86</sup>

This reduction in the quality of information available to constituents is contrary to the deliberative conception's commitment to high quality information, being information that is robustly challenged and justified, at the opinion formation stage. Such high quality information lays the foundation for well-informed and enlightened constituents who are then able to make rational decisions that are in the best interests of society according to the highest quality information available at the time.<sup>87</sup>

By contrast, the spread of conspiracy theories, misinformation and disinformation that is associated with, and perhaps exacerbated by, echo chambers is not inconsistent with the requirements of the libertarian conception. Rather, following the libertarian conception's values of autonomy and liberty, social media users should be free to make their own decisions about what information they consume and believe, regardless of whether the information is of high quality. Any government intervention to combat echo chambers would undermine the libertarian conception's core values of freedom and autonomy by violating a users' autonomy and freedom to choose what information to consume and believe. Instead, in a libertarian conception of democratic free speech, social media users should be free to choose to inhabit echo chambers and consume low quality information. In addition, any regulation restricting conspiracy theories, misinformation or disinformation would require a government to act as an arbiter of truth and decide what ideas are true or false. This would be inconsistent with the libertarian conception's general distrust of a government's ability to discern whether ideas are true or false.

In fact, the role echo chambers play in proliferating conspiracy theories, misinformation and disinformation is, to an extent, compatible with the libertarian commitment to the airing of diverse ideas. This is because echo chambers may help draw out ideas that might normally be kept hidden, for example, in the case of

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<sup>85</sup> Bozdag and van den Hoven (n 70) 252.

<sup>86</sup> Chen and Milojević (n 75); Schmidt et al (n 7); Bessi et al (n 76); Cinelli et al (n 7); Williams et al (n 75); Del Vicario et al (n 7); Zollo et al (n 75).

<sup>87</sup> Cohen (n 42) 249.

conspiracy theories and alternative facts.<sup>88</sup> If echo chambers draw out and amplify these ideas and views, they can be aired and moderated through healthy conflict and debate which is compatible with the values of the libertarian conception. In this way, the role echo chambers play in drawing out controversial ideas helps foster the kind of open opinion formation environment envisaged in a libertarian conception of free speech.

### 3 *User Choice and Autonomy in Consuming Information*

However, the commitments of the libertarian conception may be undermined by a specific kind of echo chamber called a filter bubble. The term ‘filter bubble’ describes echo chambers that are produced by social media algorithms, rather than by human choice.<sup>89</sup> This is to be contrasted to echo chambers that have been created by a user’s own autonomous selection of attitude-consistent information online (which is consistent with the libertarian commitment to autonomy and freedom of choice). Unlike echo chambers, filter bubbles undermine the libertarian values of autonomy and self-determination by removing a user’s ability to choose the content that they consume on social media.<sup>90</sup> This is one of the few moments in which the implications of the two conceptions overlap in relation to echo chambers, albeit as a result of different motivations. Algorithmically induced filter bubbles undermine the values of both conceptions: the libertarian conception’s values of autonomy and freedom, and the deliberative conception’s values of diversity and deliberation.

## B *Opinion Expression*

The following section will examine the implications of social media echo chambers for opinion expression under the libertarian and deliberative conceptions, respectively.

### 1 *Expression of Anti-Deliberative Speech*

Echo chambers may also result in an increase in the expression of anti-deliberative speech on social media. Anti-deliberative speech is that which ‘hinders people’s ability to participate in political discussions that affect them’,<sup>91</sup> which is taken to include hate speech; violent or abusive speech; extremely anti-democratic speech; and the communication of conspiracy theories; disinformation; harassment and trolling. These forms of speech may be viewed as anti-deliberative because, by

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<sup>88</sup> Zollo et al (n 75) 1, 8; Del Vicario et al (n 7) 558; Jonas Kaiser and Adrian Rauchfleisch, ‘Birds of a Feather Get Recommended Together: Algorithmic Homophily in YouTube’s Channel Recommendations in the United States and Germany’ (2020) 6(4) *Social Media and Society* 1, 2.

<sup>89</sup> Arguedas et al (n 2) 11.

<sup>90</sup> Bozdag and Hoven (n 70) 254.

<sup>91</sup> Spencer McKay and Chris Tenove, ‘Disinformation as a Threat to Deliberative Democracy’ (2021) 74(3) *Political Research Quarterly* 703, 709.

creating division, polarisation, and inequality,<sup>92</sup> they erode the common ground; mutual respect; open dialogue; good will; rationality; equality; and democratic processes that are valued in the deliberative conception.<sup>93</sup> Many studies suggest that echo chambers provide a safe-haven for these kinds of speech to flourish and spread, unchallenged by alternative views and uncorrected.<sup>94</sup>

Anti-deliberative speech significantly detracts from the deliberative conception's commitments to rational deliberation and debate. It undermines the deliberative conception's core values of civic equality, common ground, open-mindedness, and collegiality by increasing division, polarisation and inequality. For example, hate speech, harassment, and trolling promote inequality, increase polarisation and erode the common ground necessary to further the goal of open deliberation in a deliberative conception.<sup>95</sup> In addition, the increased expression of extreme anti-democratic speech and disinformation also undermines the deliberative conception's commitment to the preservation of democracy.

If echo chambers result in a significant increase in anti-deliberative speech (particularly hate speech, harassment, and trolling) on social media, this may reduce the opinion expression of groups that are the targets of these kinds of speech. There are arguments that such speech may silence certain, often minority, target group voices.<sup>96</sup> This may result in unequal opinion expression, as some users feel less free to express their opinions than others. For example, users who are the target of hate speech may be unwilling to speak up in a comment section that is already filled with hate speech. Users proliferating hate speech may then be encouraged by the presence of similar views in the comment section and post further hate speech on social media. The target group may, as a result, become even more unwilling to post in this comment section and their voices are not represented in the discussion. This goes against the values of a deliberative conception of democratic free speech, in which a diversity of views and perspectives is valued and sought after, and a civic equality of expression should be maintained.<sup>97</sup>

Echo chambers further exacerbate inequality of opinion expression by amplifying the voices of certain groups over others. Studies show that some users immersed in

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<sup>92</sup> Grömping (n 76) 40; Bozdag and Hoven (n 70) 251–2; Sunstein, *#Republic* (n 8) 9; Arguedas et al (n 2) 11; Ludovic Terren and Rosa Borge, 'Echo Chambers on Social Media: A Systematic Review of the Literature' [2021] (9) *Review of Communication Research* 99, 99–118.

<sup>93</sup> Sunstein, *#Republic* (n 8) 9; Meiklejohn (n 42) 16.

<sup>94</sup> Regarding hate speech and abuse see, eg, Müller and Schwarz (n 14) 34. Regarding extreme speech see, eg: Barberá et al (n 7) 1537; Benson (n 11); Geiß et al (n 2) 674. Regarding conspiracy theories, misinformation and disinformation see, eg: Zollo et al (n 75) 1, 8; Del Vicario et al (n 7) 558; Kaiser and Rauchfleisch (n 88) 2.

<sup>95</sup> Grömping (n 76) 40; Bozdag and Hoven (n 70) 252; Sunstein, *#Republic* (n 8) 9; Arguedas et al (n 2) 11; Terren and Borge (n 92) 99–118.

<sup>96</sup> Regarding the impact of hate speech see, eg, Gelber and McNamara (n 15).

<sup>97</sup> Cohen (n 42) 249.

echo chambers are particularly vocal and effective at disseminating their opinions, even if they are parts of smaller sized groups on social media.<sup>98</sup> For example, the smaller right-wing echo chamber has been observed to be particularly, and disproportionately, vocal on social media, when compared to other social media echo chambers.<sup>99</sup> This is contrary to the values of the deliberative conception in which representative, equal opinion expression is the ideal.<sup>100</sup> In addition, if the speech disseminated by these disproportionately vocal groups is anti-deliberative, this also undermines the deliberative conception's commitments to equality, common ground and the preservation of democracy.

Echo chambers may also decrease the quality of opinion expression by reducing the need for better epistemic justifications for those opinions. This is because echo chambers may insulate a user's opinion expression from rebuttal or challenge, resulting in more polarised, less justified and unrefined opinions.<sup>101</sup> This, in turn, may subsequently decrease the quality of deliberation and the legitimacy of democratic decision-making.<sup>102</sup> These effects are at odds with the deliberative conception's ideals of well justified, considered and legitimate speech, and high-quality deliberation and decision-making.

By contrast, anti-deliberative, low quality or unequal opinion expression is not inherently incompatible with the libertarian conception. As described in regard to opinion formation above, the libertarian conception of democratic free speech is not prescriptive about the kind of speech environment that should be cultivated and the kinds of expression which occur in a democracy. Unlike in the deliberative conception, truthfulness, accuracy and diversity of information are not required under the libertarian conception. Thus, opinion expression need not be particularly diverse, accurate or deliberative. As a result, any expression of conspiracy theories, misinformation or disinformation that may be amplified by operation of echo chambers is not inconsistent with a libertarian democratic free speech.

In addition, a libertarian conception does not require the cultivation of a particularly deliberative, equal, or ideal speech environment.<sup>103</sup> As such, anti-deliberative speech such as hate speech, trolling and harassment possibly proliferated by echo chambers is not inconsistent with libertarian conception, although an argument

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<sup>98</sup> Conover et al (n 7) 3, 9; Shore et al (n 7) 863, 849.

<sup>99</sup> Conover et al (n 7) 5; Wesley Cota et al, 'Quantifying Echo Chamber Effects in Information Spreading over Political Communication Networks' (2019) 8(35) *European Physical Journal of Data Science* 1, 5.

<sup>100</sup> Fox and Saunders (n 72) 8.

<sup>101</sup> Sunstein, *#Republic* (n 8) 69–71, 89; Cohen (n 42) 249.

<sup>102</sup> Bozdog and Hoven (n 70) 255; Sunstein, *#Republic* (n 8) 9–10.

<sup>103</sup> Pnina Lahav, 'Holmes and Brandeis: Libertarian and Republican Justifications for Free Speech' (1988) 4 (Winter) *Journal of Law and Politics* 451, 455; O'Connell (n 73) 6; Bhagwat and Weinstein (n 74) 101.

against such speech may be made on the grounds that it infringes on the personal autonomy of constituents.<sup>104</sup>

In a libertarian conception, rather, social media users should be free to express any view or idea openly and without mediation, suppression or censorship.<sup>105</sup> Any government intervention to minimise the effect of echo chambers because of their impact on diversity, accuracy, deliberation or equality would likely represent an overreach and an infringement of personal liberty and autonomy. Such regulation would undermine the conception's core commitment to freedom and would be inconsistent with the conception's general scepticism of truth and government power.

## 2 *Increased Opinion Expression*

Echo chambers also increase opinion expression in a way that is compatible with the libertarian conception of democratic speech. Echo chambers may embolden social media users to express their views by providing a 'safer', more enclosed environment for that expression. This is particularly the case for niche or controversial views which might normally be suppressed amongst larger audiences.<sup>106</sup> Echo chambers help users to solidify and gain confidence in their views away from the criticisms they might normally face outside of the echo chambers. This is consistent with and furthers the unrestrained marketplace of ideas envisaged in the libertarian conception of free speech.

Similarly, it is possible that echo chambers may have some effects on opinion expression that support a deliberative conception of free speech. This, at least in part, counteracts some of the undermining effects of echo chambers described above. Echo chambers may increase the expression of minority groups who might otherwise feel hesitant to express their opinion freely on social media. This is because echo chambers may assist minority groups to freely express shared views together, without fear of harassment and criticism.<sup>107</sup> Echo chambers also allow these groups to express their views in a more equal environment, without fear of being drowned out by louder voices. This may occur, for example, in a closed Facebook group of users with similar views, insulated from large volumes of highly critical (if not abusive) voices which may exist outside of the group on social media.

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<sup>104</sup> Post (n 42) 484. Post argues that the First Amendment refuses 'to distinguish between good and bad ideas, true or false ideas, or harmful or beneficial ideas ... within public discourse'. See, for example, in the more libertarian United States, hate speech is a protected form of speech under the First Amendment per *Brandenburg* (n 74) and *National Socialist Party of America v Village of Skokie* 432 US 43 (1977).

<sup>105</sup> *Abrams* (n 32) 630.

<sup>106</sup> Bolane Olaniran and Indi Williams, 'Social Media Effects: Hijacking Democracy and Civility in Civic Engagement' in John Jones and Michael Trice (eds), *Platforms, Protests, and the Challenge of Networked Democracy* (Palgrave Macmillan, 2020) 77, 79.

<sup>107</sup> Sunstein, *#Republic* (n 8) 86–7.

As with minority groups, users may fear expressing particularly challenging, novel or unusual views on social media for fear of backlash. The presence of echo chambers may create safe environments composed of like-minded users where these ideas may be expressed and developed freely, without fear of reprisal. The increased opinion expression of minority groups or users with minority views who might normally be reluctant to speak out supports and furthers the values of increased equality and diversity of views and perspectives prioritised in a deliberative conception of free speech.<sup>108</sup>

### *C Interest Group Formation*

The following section will examine the implications of social media echo chambers for the democratic speech moment of interest group formation as envisaged in each of the libertarian and deliberative conceptions.

#### *1 Facilitating Interest Group Formation*

Echo chambers support the formation of interest groups by gathering users with shared interests and preferences together online, more quickly and efficiently than would normally be possible offline. This is particularly the case for users with less common interests who might not ordinarily be able to gather in numbers in the offline world due to geographical and logistical barriers.<sup>109</sup> Echo chambers promote interest group formation due to their high concentration of users with common interests and insulation from rebuttal, which prevents dilution and dissipation of these groups. This effect is further compounded in echo chambers that are particularly vocal and effective at spreading their views and gaining new members.<sup>110</sup> Furthermore, echo chambers may themselves be viewed as interest groups. For example, some social media echo chambers may reflect large, influential social movements with real political effect, such as the Black Lives Matter movement.

The role echo chambers play in assisting the formation of minority interest groups is compatible with the deliberative conception when these groups accord with the conception's broader values. For example, the formation of minority interest groups online that form part of positive social movements is consistent with the conception's commitment to diversity, equality and the common good. Echo chambers may assist members of these groups to congregate in minority interest groups on social media and express their opinions, free from fear of criticism or dilution from majority groups or critical groups. For example, echo chambers can assist in developing and refining social movements; minority voices; diminishing epistemic injustice; and equalising voices.<sup>111</sup> These effects all further the deliberative values of equality,

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<sup>108</sup> O'Connell (n 73) 26.

<sup>109</sup> Olaniran and Williams (n 106) 79.

<sup>110</sup> Arguedas et al (n 2) 13; Chen and Milojević (n 75); Schmidt et al (n 7); Bessi et al (n 76); Cinelli et al (n 7); Williams et al (n 75); Del Vicario et al (n 7); Zollo et al (n 75).

<sup>111</sup> Arguedas et al (n 2) 21; Sunstein, *#Republic* (n 8) 86.

diversity of representation, and justice, and so promote a deliberative conception of democratic free speech.

However, just as echo chambers assist in the formation of interest groups that are consistent with a deliberative conception, they also assist in the formation of interest groups that are not consistent with a deliberative conception of democracy. For example, echo chambers may facilitate the formation of interest groups that engage in radicalisation and promote extremism amongst social media users.<sup>112</sup>

As a flow-on effect of echo chambers, these groups may have very few interactions with opposing views or ideas which, in turn, may become hyper-polarised or hyper-partisan.<sup>113</sup> These kinds of interest groups promote values contrary to those of a deliberative democracy. Where a deliberative democracy is concerned with: the preservation of democracy; the furtherance of substantively ‘good’ outcomes; and the encouragement of equality, rationality, and collegiality, these groups encourage division and polarisation, and erode the common ground needed for rational debate.<sup>114</sup> Whilst, in some cases, polarisation may be viewed as playing a positive role in a deliberative conception of free speech,<sup>115</sup> extreme polarisation (even if only psychological rather than ideological) erodes the common ground and good will necessary to engage in the rational, open debate and deliberation called for by a deliberative conception.<sup>116</sup> In facilitating the formation of these normatively undesirable groups, echo chambers destabilise the foundation upon which the deliberative conception’s core value of deliberation may occur. In this respect, social media echo chambers are not compatible with the deliberative conception of interest group formation.

Whilst the deliberative conception is selective about the kinds of interest groups that should be tolerated in a democracy, the libertarian conception is not. Rather, the libertarian conception values the clash of a pluralism of ideas in the free marketplace, regardless of ideology or extremity (at least, up until the point of threatening imminent violence).<sup>117</sup> This conception, therefore, is not prescriptive about the kinds of echo chambers that form on social media. Indeed, these echo chambers represent the different kinds of interest groups anticipated by and valued in the libertarian conception, helping foster the vibrant clashing of ideas.

<sup>112</sup> Müller and Schwarz (n 14) observed an increase in anti-refugee sentiment amongst users after exposure to far-right content on Facebook. The radicalising effect of YouTube’s extreme right filter bubble on users was observed by O’Callaghan et al (n 14); Von Behr et al discussed the online radicalisation process in ‘Radicalisation in the Digital Era: The Use of the Internet in 15 Cases of Terrorism and Extremism’ (Research Report, Research and Development Corporation Europe, 2013).

<sup>113</sup> See, eg: Conover et al (n 7) 1; Barberá et al (n 7) 1537.

<sup>114</sup> Sunstein, *#Republic* (n 8) 6–7, 9, 57, 67–8, 76–8, 88; Barberá et al (n 7) 37.

<sup>115</sup> Arguedas et al (n 2) 21; Sunstein, *#Republic* (n 8) 86.

<sup>116</sup> Sunstein, *#Republic* (n 8) 68, 74, 76–7, 88.

<sup>117</sup> *Brandenburg* (n 74); See, also: O’Connell (n 73) 6; Bhagwat and Weinstein (n 74) 101.



By increasing polarisation and fragmentation of ideas and interest groups online, echo chambers promote a diverse and free marketplace of ideas. Unlike in the deliberative conception, any heated disagreement that may occur as a result of this division and polarisation is not inconsistent with the libertarian conception. Indeed, the libertarian conception anticipates disagreement because it views democratic decision-making as a contest between competing, and often irreconcilable, interests.<sup>118</sup> Any polarisation and subsequent interest group formation caused by echo chambers online is not inconsistent with the libertarian conception of democratic free speech. In fact, under the libertarian conception, any government intervention to minimise these online interest groups through minimising echo chambers, would represent an impermissible interference by government into the formation of interest groups and the autonomy and freedom of its members under a libertarian conception of free speech, due to the conception's concern with autonomy and freedom from suppression.<sup>119</sup>

Echo chambers may also create inequality between interest groups by enabling the amplification of some voices on social media over others. Echo chambers may assist some groups of users, for example, those inhabiting particular clusters or echo chambers organised according to interest, to express their interests and recruit members in a disproportionately vocal and efficient way.<sup>120</sup> Some studies suggest that this is particularly the case for right wing echo chambers.<sup>121</sup> This may ultimately result in these groups having a disproportionately large effect on policy decisions. That is, groups in disproportionately vocal echo chambers on social media may create a false impression of strong support or opposition for certain policy proposals or decisions, which may influence political decision-makers to adopt or abandon these proposals or decisions.<sup>122</sup> For example, the literature implicates particularly active echo chambers in the outcome of the 2016 United Kingdom European Union membership referendum.<sup>123</sup> This inequality of bargaining power between interest groups, whilst not inconsistent with the market-driven libertarian conception, goes against the values of a deliberative conception of democratic free speech where equality between interest groups is paramount.

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<sup>118</sup> David Held, *Models of Democracy* (Polity Press, 3<sup>rd</sup> ed, 2006) 87; O'Connell (n 73) 13; Bhagwat and Weinstein (n 74) 98.

<sup>119</sup> Fox and Saunders (n 72) 7; Lahav (n 103) 461.

<sup>120</sup> See, for example, the right-wing echo chambers described in Conover et al (n 7) 3; Cota et al (n 99) 1, 6.

<sup>121</sup> Conover et al (n 7) 13; Cota et al (n 99) 5.

<sup>122</sup> Sunstein, *#Republic* (n 8) 9–10.

<sup>123</sup> Max Hänska and Stefan Bauchowitz, 'Tweeting for Brexit: How Social Media Influenced the Referendum' in John Mair et al (eds), *Brexit, Trump and the Media* (Abramis Academic Publishing, 2017) 31, 31–5; Samuel R Yates, 'The Rise of New Media and its Impact on the EU Referendum Vote' (2023) 33(1) *Journal of Sydney Society of Literature & Aesthetics* 138, 149.

## V CONCLUSION

This analysis reveals that, at each key democratic speech moment, the different commitments of the deliberative and libertarian conceptions of democratic free speech have distinctly different implications for echo chambers. Echo chambers and their effects on key democratic speech moments threaten the deliberative conception's aims significantly more than they further them, and significantly undermine the values of a deliberative conception of free speech. As a result, government intervention may be justified under a deliberative conception where it is necessary to preserve or foster the kind of ideal speech environment called for by the conception; an environment in which anti-deliberative speech and polarisation is minimised, and diverse, high-quality ideas are preserved. Such government intervention may range from light-touch mechanisms (for example, education programs for social media users that increase awareness about echo chambers) to more prescriptive mechanisms (for example, laws or policies aimed at eradicating the presence of echo chambers on social media). Despite this, whilst light-touch mechanisms have been widely adopted in some liberal, Western democracies,<sup>124</sup> few have been willing to implement more prescriptive mechanisms to combat anti-deliberative phenomena on social media.<sup>125</sup> This suggests that libertarian, rather than deliberative, concerns drive the reluctance of liberal democratic governments to regulate social media. A notable exception to this, however, is the implementation of the *Online Safety Act 2021* (Cth) in Australia which, although not aimed at social media echo chambers per se, aims to 'improve online safety' by minimising harmful online content.<sup>126</sup> This suggests that liberal, Western democracies may see a move towards more deliberative-aligned regulation of social media in future.

The picture is not as clear-cut when we examine the libertarian conception of democratic free speech, however. For some key democratic speech moments, echo chambers further the values of the libertarian conception, through, for example, enabling the clash of ideas or the formation of interest groups. In other key speech moments, echo chambers have little to no effect on values of the conception, for

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<sup>124</sup> For example, various media literacy mechanisms have been implemented in democratic countries around the world, including the 2023 'Stop and Consider' campaign in Australia in relation to the accuracy of information circulating regarding a federal election and the United Kingdom 'News Literacy Network' established in 2022, offering critical literacy teaching resources.

<sup>125</sup> For example, Australia, the United States, and the United Kingdom are yet to implement regulation explicitly aimed at regulating disinformation on social media. This is despite evidence of interference in the democratic mechanisms of each country through disinformation campaigns on social media: see, eg, Samantha Bradshaw and Philip N Howard, 'The Global Disinformation Disorder: 2019 Global Inventory of Organised Social Media Manipulation' (Research Project Report, Oxford Internet Institute, 4 September 2019).

<sup>126</sup> *Online Safety Act 2021* (Cth) s 3. In the case of *eSafety Commissioner v X Corp* (2024) 303 FCR 354, the eSafety Commissioner sought various orders against X Corp for contraventions of the *Online Safety Act 2021* (Cth). This would have been a test case for the strength of this legislation, but the case has since been discontinued.

example, regarding a decrease in diversity of ideas or an increase in low-quality information. Occasionally, echo chambers offend key values of the conception where user autonomy is undermined by algorithms and corporate control.<sup>127</sup> Given these mixed results, combined with the libertarian conception's general suspicion of government intervention, any formal regulation of echo chambers would be inconsistent with this conception. Such intervention would not only be unnecessary in a libertarian conception, but would also undermine the conception's core values of freedom from government intervention and arbitrary power, autonomy, self-determination and freedom of choice.

This analysis of the implications of both the deliberative and libertarian conceptions of free speech for social media echo chambers draws out the contrasting commitments and constraints of each conception. This case study illustrates how the different commitments of each conception dictate the ways in they respond to new changes in speech environments caused by social media. This is not something which has been done in any significant detail by the literature (particularly in regard to the libertarian position), nor is this a nuance recognised in the commentary on the effects of echo chambers on social media. The distinct differences in implications of these two conceptions for social media echo chambers demonstrate the need for commentators to be aware of the democratic assumptions underpinning policy discussions and proposals for reform on social media in the future. Policy discussions about the effect of social media on democracy and free speech must entail a deeper awareness of the kind of democratic free speech we are trying to protect.

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<sup>127</sup> Bozdag and Hoven (n 70) 251.