The epistemic right to judgement is the core of resisting disinformation in the digital age

master thesis by

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> the ideal subject of totalitarian rule is not the convinced Nazi or the convinced Communist, but people for whom the distinction between fact and fiction (i.e., the reality of experience) and the distinction between true and false (i.e., the standards of thought) no longer exist.
>
> — Hannah Arendt, *The Origins of Totalitarianism*

> post-modern technology may have returned us dialectically to a transmuted version of the pre-modern world, and the chances of acquiring true beliefs by these means, except for those who already have knowledge to guide them, will be much like those in the Middle Ages.
>
> — Bernard Williams, *Truth and Truthfulness*

Introduction

In 1986, the Soviet authoritarian government denied the Chornobyl disaster and its gravity by disinformation based on censorship. In 2014, the russian authoritarian government denied its engagement in downing the MH17 aircraft by disinformation based on *censorship by noise* of an enormous flood of fakes. In 2016, the same authoritarian government interfered in US elections by disinformation based on *weaponised skepticism* (Rini 2021) that severely affected people's trust in their community and democratic institutions.

Authoritarian disinformation evolves and spreads relentlessly, day by day. Online troll farms learn, adapt and leverage the latest AI technology. We are caught in the middle of an escalating epistemic crisis (Dahlgren 2018). Quirky as it may seem, Descartes takes on new relevance in the digital age: malicious, powerful, cunning demons do all they can to deceive us by manipulating much, if not all, of our online experience. "So what remains true? Perhaps just the one fact that nothing is certain." (Descartes 1641, Med.2)

Democratic defence against authoritarian disinformation often falls short. One of its severe gaps lies at its conceptual foundation. The European Digital Services Act (DSA) that was recently adopted for the purpose of countering online disinformation, cites the protection of free speech as its rationale. Paradoxically, we try to use a Chornobyl-time anti-censorhip strategy against the massive AI troll farms of the digital age. We try to regulate the removal of platform content by invoking the freedom of expression. This inadequacy clutters our thinking and incapacitates our defence.

We yearn to return to our normal, quiet, rational public sphere, a deliberation space free from polarisation, resentment and excessive power. An idealist would say: we have a right to it! I take a narrower, yet realistic, stance. The present argument is the defence of the right to judgement, the crucial human epistemic capacity that lies at the core of resisting disinformation.

In the first part, I start by defining the key concepts of disinformation and its harms, proper judgement and its requirements such as knowledge, certainty and trust. Since disinformation involves deception, I explore the falsity of facts, norms, implicatures and semantic choices. This is followed by an overview of recent developments that exacerbated the spread of disinformation and the normative argument of why it should be resisted. Building from the rock bottom of the absolute evil of tyranny, I show that we ought to resist disinformation in order to avoid this evil. That can only be done through democracy, whereas disinformation disrupts it. The latter claim is

demonstrated by the proof that judgement is required for democracy on any of its definitions, while disinformation undermines it. Also direct harms of authoritarian disinformation to democracies are discussed. Overall, the first part elucidates the connections between disinformation, judgement and democracy.

The whole second part is dedicated to one question: if we protect judgement as a right, do we have to compromise on the freedom of expression? My answer is no, we don't. Judgment is already implied in the freedom of speech, whether it is justified by an appeal to truth, autonomy or democracy. We protected free speech to avoid authoritarianism, yet it is no longer sufficient for this task. In fact, free speech is just one of the epistemic goods necessary for judgement. To avoid tyranny, we have to protect all of them. Luckily, that is unproblematic: the right to judgement and the right to the freedom of expression correspond to duties that are not incompatible.

The final part presents my proposal for the epistemic right to judgement. First, I propose the epistemic goods to be protected, including the knowledge about information sources, verification of salient claims, platform regulation and general epistemic education. After an explication of the concept of epistemic rights, I argue that nothing short of a dedicated right would suffice if we are to resist disinformation power, preserve autonomy and affirm our dignity, whereas the interest of judgement is weighty enough to generate a right. And finally, I formulate the definition of the epistemic right to judgement and propose a few measures for its implementation to counter disinformation.

Part 1. What is disinformation and why should we resist it?

1.1 Defining disinformation

The term *disinformation* can refer to either things or activities. The former meaning is captured by Don Fallis. According to his analysis (Fallis 2016, 341), disinformation is "misleading information that is intended to be misleading or that systematically benefits the source". I would suggest to modify the second part of this definition to "… and that is intended to systematically benefit its source" since benefitting the source is the primary goal of such information that can nonetheless fail to be achieved. The latter, performative meaning of the term is captured by the claim of Étienne Brown (2021, 215) that "disinformation amounts to intentional misinformation, i.e. the *communication*[1] of false or misleading claims by actors who believe that such claims are false or misleading". Such deliberate activity turns Fallis's passive "source" into an intentional agent. I will refer to such agents as *disinformers*[2]. The intended benefit of disinformers is achieved through putting recipients of disinformation, i.e. its *victims*[3], at a disadvantage by causing them[4] to perform or avoid certain actions.

A few other important aspects can be derived from a polemical definition of disinformation given by Barack Obama (Stern 2022), namely "[…] a systematic effort to either promote false information, to suppress true information, for the purpose of political gain, financial gain, enhancing power, suppressing others, targeting those you don't like". So, firstly, disinformation is typically systematic, so we often speak about *disinformation campaigns* that encompass many separate activities aimed at some specific deceptive goal. Secondly, disinformation is often political, which is also the focus of my thesis. Finally, disinformation involves power and suppression. Part of my argument will be that disinformation is epistemic domination that leads to political domination and thus it should be opposed by the protection of rights.

For a good overview, let us position disinformation among some of its related concepts:

- **Misinformation** is a broader concept than disinformation since it does not require intentionality. Similarly to the distinction between misleading and deception (Mahon 2016), disinformers always intend to mislead the victims whereas misinformation can also mislead people without such intent. Whether the non-intentional cases of misinformation inflict harms similar to those of disinformation is a separate debate (eg. Brown 2018) that I do not address here. My analysis is confined to intentional misinformation, i.e., disinformation.

- **Propaganda** is another broader concept that subsumes disinformation. Although some researchers such as Risto Kunelius (2023) use the two terms interchangeably, most regard them as distinct. Jason Stanley (2017) argues that propaganda involves much emotion and "flawed ideology" to bypass its victims' rationality so that the veracity of claims becomes altogether irrelevant. Moreover, the claims of propaganda may actually be believed by the

1 Emphasis mine

2 Throughout my argument, disinformers are presumed to be states or state-related private agents. My main focus is on foreign disinformers, yet most arguments equally apply to domestic ones.

3 Sometimes, I will refer to *a victim* meaning collectively some group of people, i.e. a society, affected by disinformation.

4 Recipients and victims of disinformation can also be different parties. For example, the victims of an indirect FIMI campaign can be affected by a disadvantageous decision of government officials who, in their turn, yield to the public pressure of disinformed citizens.

propagandists themselves. On that account, some propaganda goes beyond disinformation, though much of it can also be reduced to disinformation. Both of them harm judgement. My research focuses on protecting judgement from disinformation, yet this may fall short in cases of strong propaganda.

- **Conspiracy theories** are a special case of disinformation. These are narratives that spread virally and revolve around the idea of secret manipulation by powerful agents. According to Quassim Cassam (2019), all conspiracy theories ultimately serve political aims, which subsumes them under the category of political disinformation.

- **Fake news** is another special case of disinformation, comprising intentionally false content that imitates traditional news media (Brown 2021, 215).

- **FIMI** stands for foreign information manipulations and interference. This policy term was adopted by EEAS, the Diplomatic Service of the EU, for conceptual framing of foreign disinformation-related threats. Nicolas Hénin (2023) claims that FIMI partially overlaps with disinformation, because it includes only political disinformation by foreign agents, and in addition to content it also covers foreign agents' behaviours such as tactics, techniques and procedures. In my analysis, however, FIMI is a special case of disinformation, limited to political speech of foreign origin. The behaviours of disinformers fall not outside but under the performative aspect of disinformation. Hence, the harms of FIMI are the same as the harms of disinformation addressed by my argument.

1.2 The evasive deceptiveness of normative claims and implicatures

Before I turn to the discussion of why and how disinformation should be resisted, a few technical points must be made that will inform the proposed countermeasures.

So far I have mentioned that disinformation contains false or misleading claims that cause its victims to take certain disadvantageous actions. Since disinformers act intentionally, we can call their claims deceptive. Now claims fall into two different sorts, namely factual and normative claims. It is easy to see how factual claims can be false. On the correspondence theory of truth, a proposition is false if it does not correspond to any fact, so, roughly speaking[5], we can observe the facts and establish whether a factual claim, i.e. an assertion, is false. This, however, cannot be done for normative claims which are appeals to action and cannot correspond to facts in principle[6]. For example, the claim "Don't believe the legacy media's depictions!" does not represent some fact that demonstrably does not exist. Since the claim is not a false assertion[7], it could not cause a false belief and thus it could not be deceptive. Yet it does seem so to many intelligent people.

So, in what other sense can normative claims be deceptive? My proposal is to look at the fundamental norms and interests[8] of agents and to check whether a given norm is compatible with them. If a norm, such as the one mentioned above, is not compatible[9] then it is *normatively* false

5 and leaving aside many problems of the correspondence theory such as statements about the future, as well as the rival theories of truth such as discussed by John Capps (2025).

6 Moral cognitivists have an easy escape here: they can say that some norms are false because they contradict, i.e. do not correspond to moral facts. So they can save some time for the hard task of explaining the ontology and epistemology of such moral facts.

7 It can be a matter of fact whether a given norm exists in a given context, but the norm itself cannot be true or false.

8 As I argue elsewhere (Bell 2025), interests are merely a certain kind of norms. However, I keep the term *interest* for a clearer argument.

9 In some rare cases, it might be reasonable for an agent to abandon their prior fundamental norms and accept the incompatible ones. These cases are out of scope of my present argument.

that the agent[10] should adopt it. It is also *logically*[11] false that the norm is entailed by the agent's fundamental norms in conjunction with the relevant true factual premises. Let us call such norms *malign*.

In our example, if one fundamentally aims to avoid suffering, and tyranny is likely to cause suffering, and tyranny is prevented by professional journalism then it is false that one should discard traditional media.

Now one can accuse me of agent relativism, an untenable metaethical position that holds moral truths to be relative to individual agents. Quite rightly so. If we define falsity and deceptiveness of norms in terms of agents' subjective interests rather than objective facts, speculation about interests can be abused for the trivial fight for political power. For instance, North Korea could dismiss an appeal to address its hunger rather than build nuclear weapons as sheer disinformation by claiming[12] that military glory is a fundamental interest of its subjects, no less valuable than nutrition or survival. Indeed, the whole anti-disinformation effort of liberal democracies can itself be portrayed as a disinformation campaign against authoritarian states that protect their fundamental value of care by means of manipulation. And then, since[13] everyone engages in disinformation, everyone is also justified in doing so, including autocracies that launch disinformation campaigns to undermine democracies.

To avoid this problem, we need to reject value relativism and accept[14] that not all interests are equally good, reasonable or legitimate. Some interests are universal and fundamental[15] in the sense that they have priority over any other ones, for all agents, in the vast majority of cases[16]. A norm is *malign* if it is incompatible with a fundamental interest. One such fundamental interest is the avoiding the suffering caused by tyranny.

On to the next point. The boundary between factual and normative claims is often blurred, making it hard to spot falsity and deception. Evaluative terms account for most of this ambiguity. Words such as *good*, *admirable* or *desirable* seem to describe facts yet in essence they conceal the normative appeal that something should be done or acquired. For instance, the earlier example could be expressed as "Legacy media depictions are not worth believing!". It would be hard to assess the truth of the claim, if only because readers would disagree whether the statement is about some objective property or subjective interests. So, a falsehood can be accepted uncritically.

Another noteworthy phenomenon that obscures deception is implicature. Oftentimes speakers intend their hearers to accept an implicit conclusion by communicating a premise, or an implicit premise by telling them a conclusion. As a device of linguistic economy, implicature is indispensable because people cannot physically communicate all the innumerable premises relevant for most of their utterances, so they have to rely on shared contexts and hearers' capacity for reasonable inference. At the same time, implicature allows speakers to escape responsibility for the important messages that are kept implicit. Implicature is not even limited to assertions: questions, imperatives, fragments of speech or even visual media can all be used to convey hidden messages.

10 on the assumption that agents are rational, observe norm priority and do not adopt contradicting norms
11 in terms of deontic logic
12 and, if necessary, providing the testimony of its subjects
13 The argument "everybody does x therefore everybody is justified in doing x" is a non-sequitur unless properly justified, yet few autocracies seem to care to provide a valid reason.
14 A proof of this claim is obviously beyond the scope of the present work.
15 It is not uncommon for researchers to assume fundamental interests. Stanley (2017, 8) writes that flawed ideologies, hence propaganda, prevent people from realising – both *attaining* and *being aware of* – their true interests. This, in turn, presupposes essentialism, the problematic view that people have some permanent innate predispositions. However, as shown by Rahel Jaeggi in *Alienation*, this problem can be avoided by defining alienation in terms of freedom rather than of essentialism.
16 This point is both empirical and normative.

In our earlier example, some of the implicit premises are: “traditional media spread falsities”, “there exist some other media that can be trusted”. The utterance was normative and seemingly not truth-apt, yet its premises are factual and can convey real falsities.

Two interesting varieties of implicature are semantic and pragmatic implicatures. *Semantic implicature* communicates speaker’s presuppositions by their choice of terms[17]. For example, the same set of events, eg. the Iraqi war, can be referred to as *liberation* or *occupation*. The difference between them is the implicit statement of whether the military action was politically legitimate. Likewise, the term *legacy media* implies that they are inferior and less capable in some important respect than some other newly created media.

Pragmatic implicature leads hearers to infer implicit pragmatic premises, i.e. those that concern the process and the goals of communication. These include normative appeals about what to focus attention on[18], whom to trust, what terms to use, or factual inferences about who are the experts, what rhetoric means are tolerated, how much conflict or cooperation is happening, whether and how easily the truth can be established etc. To name a couple examples, the pragmatic implicature of the MH17 case with its enormous flood of fakes ranging from credible to absurd ones was that the truth is impossible to establish. The implicature of the 2016 US elections case is that any person who is talking to you online can be a foreign troll fabricating an identity to mislead people, therefore one should not trust any single person on online platforms.

The above discussion, while being far from a comprehensive analysis of disinformation, shed some light on how disinformers deceive the victims into taking disadvantageous actions. On the one hand, they can lead the victims to accept a false factual belief that, combined with the victim’s pre-existing sound normative beliefs, causes a bad action choice. On the other, a disinformer can implant a bad normative belief that leads directly to a manipulated action. The falsities are often subtle and difficult to recognise, some of them hidden in norms or implicatures. Ideal rational agents with unlimited cognitive resources would be able to expose the falsities and correct all their beliefs and actions. Real people stand far from that ideal, so exposing falsities is tedious, and changing beliefs is far from guaranteed.

There are also extreme cases where no amount of rational thought and persuasion leads to a reversal of false belief and action. That is where strong propaganda surpasses disinformation. An example from the past is nazi propaganda that was so deeply ingrained that some Germans insisted that the cinematic footage of concentration camps was staged (Carruthers 2001). Examples from the present include QAnon shamans assailing the Capitol building in the US or the denial of the reality of the Bucha massacre by the russian army in Ukraine. Perhaps, the persistence of such propaganda can partly be explained by coherentist accounts of truth, by the dynamic of echo chambers that severely affects what their victims accept as epistemic justification, or by excessive use of emotion that suppresses rationality including any (need for) rational justification of knowledge. Such strong propaganda is beyond the scope of my present argument. My focus is on disinformation the effects of which can be reversed and prevented if we help real people to get closer to the ideal rational agents. That can be done by facilitating their judgement.

17 Going into further detail, one could argue that terms (lexemes) are already norms that prescribe the rules of distinguishing some phenomena from others. Any use of a lexeme is then also an appeal to others to accept or reinforce this norm. Such appeals remain implicit most of the time.

18 Cf. the Distract tactic mentioned by Hénin (2023, 6)

1.3 Judgment is the key target of disinformation

Let us revisit once again the question of how disinformation harms its victims[19] by leading them to take disadvantageous action. As discussed in the previous section, the victims adopt false beliefs, and they judge those beliefs to be true. Obviously, disinformers do not coerce people into action[20]. Rather, because of the false beliefs, people take disadvantageous actions voluntarily because they judge those actions to be beneficial, reasonable or acceptable. So, we can say that their judgement about the acceptability of claims and consequent actions is flawed. The core mechanism of disinformation is then *flawed judgement*.

Now what is judgement, and how can it be flawed or facilitated? An articulated definition of judgement is hard to find in epistemology textbooks[21]. Historically, there has been much disagreement on the concept as well (Martin 2006). The uncontested use of the term can be found in the concept of *suspending judgement* that is opposed to both believing and disbelieving a given proposition, and together with them forms the trichotomy of doxastic attitudes. Derived from this use of the word, I propose the following definition[22]:

> *Judgment* is an individual's[23] mental process[24] that involves considering reasons and results in adopting the attitude of belief or disbelief in the truth of a particular proposition[25] with a non-zero[26] degree of certainty.

Oftentimes, the word *judgement* is used as a shell noun to refer to the result of some process of judgement, namely to the adopted belief, or, more accurately, to its correlative proposition.

My definition is neutral about the type of propositions, i.e. between factual and normative ones. A person may judge whether Russell's teapot exists, or whether they should donate to charity this month. The notion of truth will of course differ for these two types. For factual propositions, truth is likely to be explained by the correspondence theory[27]. For normative ones, adopting the belief in the truth of a norm means accepting the norm to one's[28] choice equilibrium, i.e. accepting the requirement to follow some rule[29].

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19 Fallis talks about benefitting the source rather than harming the victims. I assume that victims are harmed whenever the sources are benefitted, but also through taking the instilled disadvantageous actions. The harm can spread across multiple successive hearers and across actors along the causal chain of a disadvantageous action.

20 At least not on the Nozickian definition of coercion that would entail communicating a demand to believe (i.e. to accept) a proposition under a credible threat of adverse consequences.

21 Jon Elster (1997, 9) acknowledges the difficulty and proposes his few criteria of judgement.

22 I am aware that since there is no consensual definition of judgement, my definition can be subject to powerful objections. Yet I believe it to be sufficiently good for the purposes of my argument.

23 My definition of judgement is strictly individual. One could argue that judgement is (also) a process of collective epistemic agents. In the present work, I focus on the social influence upon individual judgement. Flawed judgement results from interference of other people, hence the facilitation of judgement is also a social matter.

24 One could argue that judgement is a mental *act* rather than a *process* because it clearly involves an agent. As Goldman & McGrath (2015, 258) imply, judgement is not mechanical. I accept such argument, but still choose to frame it as a process to emphasise its compositional complexity and all the things that judgement requires.

25 As I argue elsewhere (Bell 2025), it is more accurate to describe mental processes including judgement in terms of mental images rather than propositions, the latter being a representation of the former. However, for simplicity I frame this argument in terms of propositions.

26 If one has zero certainty in a given proposition, then one ought to suspend judgement, which rules out judgement.

27 although, as mentioned previously, it has many problems and rival theories of truth.

28 Third-person norms, eg. "a sociopath president should resign immediately" need a separate explanation that I deem plausible yet beyond the scope of the present argument.

29 One could even argue that adoption of a factual belief is nothing else than adopting a normative belief, namely the (personal) cognitive rule that one should use the factual proposition as a true one in one's further considerations.

Philosophers often talk about specific *kinds of judgemen*t such as moral or political judgement. I believe that the process of judgement is identical in each case. Specific kinds of judgement refer merely to the specific kinds of resulting propositions. Thus we say *political judgements* to refer to normative beliefs about the exercise of power in society, *moral judgements* to refer to beliefs about right and wrong actions, and so on.

To answer the question of how judgement can be flawed, let us consider the opposite: ideal judgement, or judgement by an ideal epistemic agent. Arguably, *ideal judgement* results in true beliefs with high certainty. Also, ideal judgement is possible to exercise: one ought not to suspend judgement and is able to make it with a reasonable amount of resources such as time and knowledge.

Let us now focus on the *requirements of judgement*. Since judgement involves considering reasons, it depends upon several key constituents. The better the following requirements are met, the closer a real judgement is to an ideal one:

1. **Factual knowledge**: true factual[30] beliefs with ample epistemic justification[31]. Sound prior knowledge allows one to arrive at ideal judgements.

2. **Normative prudence**: understanding of what norms are *malign* prevents one from adopting false normative beliefs.

3. **Certainty**: the more certainty one has in the beliefs under consideration, the easier one can make the judgement and the more certainty one has in its resulting belief. On the contrary, low certainty excludes reasons from consideration, which can negatively affect the judgement.

4. **Contextual awareness**: before considering reasons, one needs to choose what reasons to include in the consideration and which ones to leave out. Hence, one needs to know the relevance criteria to determine the realm of facts and norms relevant for a judgement.

5. **Trust in epistemic sources**[32]. The epistemic predicament of humans is that they acquire the vast majority of their knowledge from the testimony of others. No one is in a position to examine all the evidence. We have to accept the division of epistemic labour and the ensuing division of democratic labour (Alfano and Sullivan 2021, 480; Christiano & Bajaj 2024, 4.2.5; Dahlgren 2018, 1). So we have to depend on epistemic sources and we need to trust them. For ideal judgement, the requirement is three-fold: there must exist virtuous epistemic sources that provide reliable knowledge, we need to know[33] who are those sources, and we should trust them to accept their testimony. Notably, since trust is required for most knowledge, all the above mentioned points also depend on it: we need to trust sources to obtain factual and normative knowledge, to be more certain about it, and also to know what is relevant for our judgement.

With these requirements in mind, we can define *flawed judgement*. Inasmuch as it is the opposite of ideal judgement, it suffers from the above requirements being met poorly or not met at all, and it is likely to result in a false belief or a true one with much lower certainty.

30 Including factual-normative beliefs about the existence of certain rules.

31 Assuming the JTB account of knowledge, since its fringe cases do not seem important for the problem of disinformation.

32 Hereinafter, *epistemic sources* are understood to be humans unless specified otherwise.

33 One may point out that since knowledge requires testimony, testimony requires trust and trust requires knowledge [about who to trust], this creates a circle. This is an interesting issue, however, it falls beyond the scope of my argument.

Note that even suspension of judgement, as well as reduced certainty, may result from a flawed judgement of a higher order. A person might unduly suspend judgement on an issue because they believe there are insufficient reasons to accept or reject it, merely because they leave out of consideration the legitimate reasons that they mistakenly judged to be false or very uncertain.

Now, if someone would claim that people who are born into totalitarian sects or otherwise suffer from severe epistemic domination still engage in proper virtuous judgement[34], we can object that their judgement is flawed compared to ideal judgement. Crucially, their judgement is flawed due to the deliberate action of identifiable agents who distort knowledge, undermine certainty and disrupt trust. Their judgement is flawed by disinformers.

Focusing on disinformers' agency, we can define *proper judgement* as one that approximates ideal judgement as closely as possible while being realistically attainable by non-ideal human agents in the absence of intentional interference.

And focusing on disinformers' power, we will define *epistemic domination* as unconstrained, unjust imbalance of power that enables some agents to control the conditions of other agents' judgement or to define its outcome[35].

Furthermore, let us consider the *harms* of disinformation. The *epistemic harm of disinformation* manifests itself in the impairment of a victim's judgement pursuant to the disinformer's interference with the requirements of the judgement, compared to the victim's counterfactually possible proper judgement[36]. The impairment of judgement means that it results in false beliefs, lower certainty in true beliefs or the inability to judge. The *substantive harm of disinformation* is the sum total of damages suffered by a victim that casually follow from the respective flawed judgement(s), counterfactually compared to their proper judgement(s).

The final question of this section is: how can judgement be *facilitated*? The answer should be self-evident by now. Judgement can be facilitated by improving judgers' capacity to meet its requirements. In particular, by allowing them to form true beliefs with proper justification, by fostering understanding of malign norms, by increasing certainty, contextual awareness and trust. Taken together, the favourable conditions of fulfilling the requirements of judgement can be called the *capacity for judgement*. Facilitating judgement increases this capacity. Disinformation degrades it.

1.4 Why has disinformation become so powerful in the digital age?

Dating back to as early as the 5th century BC Athens (Beaver & Stanley 2023, 1), disinformation as such is not a new phenomenon[37]. Neither is its abuse by authoritarian figures. The "lordly lies" of Plato's philosopher kings were aimed at preserving tribalism according to Karl Popper (2012, 132). Nothing changed in the early 20th century when Martin Lippman wrote "under the impact of propaganda [...] it is no longer possible, for example, to believe in the original dogma of democracy" (Brown 2021, 216).

34 C. Thi Nguyen implied such argument, claiming that since the victims of echo chambers engage in the same epistemic practices as people outside of the chambers, they are not blameworthy.

35 This definition loosely follows the general one offered by Richard McCammon (2025, par.1)

36 In other words, the harm is measured compared to the realistically attainable rather than ideal judgement.

37 In fact, disinformation may even have existed before humans did. For instance, Jared Diamond (2002, 131) notes that Vervet monkeys purposefully communicate confusing signals to rival troops.

Yet in the last two decades, optimistically labeled as “the digital age”, we witness a dramatic rise in the power of disinformation. The scale and effectiveness of the MH17 disinformation campaign is vastly greater than the Chornobyl case. The attacks have become more *powerful* in the sense that they affect the beliefs and actions of much larger groups of people using much fewer resources that before. They acquire enough synergy to create epistemic bubbles so that their effect lasts much longer. It seems easier than ever to wreak epistemic havoc and we witness it at an accelerating pace. The following four interrelated developments seem to account for this surge, at least in part.

In the first place, information and communication technology has transformed drastically. Misleading information has become vastly cheaper and faster to create and nearly impossible to deter.

In the 1980s, people informed themselves by reading newspapers that were produced the previous day in many identical copies, brought physically to them and contained photographic evidence that was difficult to manipulate. Radio and television offered them a handful channels that were very expensive to produce and were often (self-)regulated to maintain political balance and quality. With the high production cost and centralised delivery, (dis)information was expensive to make and easy to censor.

In the 2020s, the tables have turned. Most people have their news delivered instantly to their gadgets by unaccountable algorithms of social media platforms. Newspapers, radio and television face a looming extinction and a fierce competition that pushes for quality compromises. At the same time, it costs progressively less to create and spread information. Generative AI can create text, audio and visuals in seconds, at a negligible cost and without much concern for truthfulness. By now, there is no way of knowing whether a given text, an audio recording, a photograph or a video are real, created by a human or are fabricated by an AI machine. Stories can be broadcast anonymously on the cheap, and if one has a little budget they can cater their content to specific (groups of) people with surgical precision. With the arrival and mass adoption of LLMs, the inexpensive tactic of LLM pollution (Burgess & Bernal 2025) allows covert, massive and prolonged spread of disinformation to unsuspecting chatbot users. In sum, (dis)information has become cheap as dirt to make and extremely hard to censor.

The second important development is the emergence of the oligopoly[38] of online social media platforms[39]. Citing Daniel Riffe and his co-authors (2019, viii), “never before in human history has mediated communication been so central, pervasive, and important to human civilization”. Platforms have proven to provide an excellent breeding ground for disinformation[40]. Some of the reasons are the following:

- **Anonymity and impersonation**: since platforms allow anyone to create any number of accounts and are lax with identity checks, disinformers can now spread falsehoods while remaining anonymous, or, conversely, posing as real people with credibility markers or even impersonating public figures, established media or official institutions. The emergence of online fora and platforms has led to the emergence of troll farms with massive epistemic impact.

38 The natural monopoly status of social media is shown by Mark Alfano and Emily Sullivan (2021, 485-7). I speak of oligopoly because several large platforms coexist.

39 Hereinafter I will use the term *platforms* for social media platforms.
I focus on platforms, but many of my arguments apply to search engines and messenger apps as well.

40 For a quantified empirical example, see the 2023 European Commission report on russian disinformation campaigns at https://doi.org/10.2759/764631.

- **Democratisation of news**: anyone can post “news” on platforms that is believed by many users. While some of this “grassroots” news is helpful, disinformers abuse and disrupt the users’ trust by impersonating or manipulating citizen journalists.

- **Globalisation**: in the past, infiltrating foreign media and public sphere was very costly. Disinformers had to invest extensively in their local agents abroad. With the arrival of the platforms, as showcased by the Lakhta project discussed by Rini (2021), delivering disinformation to foreign audiences has become vastly easier.

- **Microtargeting**: platforms enable detailed profiling of their users and delivery of tailor-made messages. As illustrated by the Cambridge Analytica 2016 scandal, disinformers succeed much better in manipulating their victims’ beliefs using personalised targeted messages than broad general stories.

- **Algorithmic feeds**: it has been shown (Törnberg et al. 2023) that even neutral news feed algorithms enhance polarisation and hence susceptibility to disinformation. Real-life algorithms seem to prioritise emotion-laden content in order to keep users on the platforms for as long as possible. Since algorithms prefer engagement over truth, disinformers can easily abuse them by tuning content to match algorithmic preferences.

- **Suppression of resistance**: real people or organisations that resist disinformation can easily fall victim to online bullying or (shadow) bans caused by mass reporting of their profiles by troll armies. Their posts get taken down by trolls why report them to violate platforms’ arbitrary “community rules”, and even their accounts can get disabled.

So far my discussion concerned privately-owned western platforms such as Facebook and Instagram, both owned by Meta Inc., that, as far as we know, does not intentionally engage in disinformation. In the pursuit of profits for their shareholders, platforms just earn a premium by undermining the liberal order that once enabled the technological and financial innovations that made them possible. Things get worse when platforms are acquired (eg. Twitter) or created (eg. TikTok) by authoritarian players. In that case, the whole palette of detrimental features of platforms gets intentionally used to profile users and feed them personalised disinformation.

We can conclude that not only a lion’s share of the public sphere of liberal democracies has been privatised by parties that care little about communicative rationality, but that many platforms are in fact the Troyan horses of (foreign) authoritarian powers. The novel technology of platforms yields substantially more horse-power to spread disinformation than any pre-internet mass media had ever before. In fact, this leap in power and the subsequent surge of disinformation is comparable to the previous technological shifts in history: the invention of the printing press leading to witch conspiracy theories and hunts, and mass adoption of radio leading to large-scale nazi propaganda (Harari 2024, chap.4 sec.7, chap.5 sec.10).

The third factor is the broader epistemic crisis of knowledge and trust. According to Peter Dahlgren (2018), the internet has brought about an abundance and a high speed of information. The former led to a lack of certainty, cynicism and the formation of epistemic bubbles. The latter impairs good reflective judgement. Moreover, new technology also erodes the cognitive capacities of imagination and attention. All of this makes people more vulnerable to disinformation.

Another aspect of the epistemic crisis is the disruption of social networks[41]. As maintained by Risto Kunelius (2023 0:19-22), people change their minds much more readily under the influence of their

41 i.e. real networks, not the online ones

social circles than of the mass media. Social networks used to provide “healthy social resonance”, guarding people from propaganda campaigns in media. Nowadays, those very social networks that used to be “a resource of resistance towards manipulation, [or …] at least a buffer zone” are digitised and weaponised by dsinformers.

Finally, the fourth noteworthy development that has driven disinformation is the increasing cooperation and co-evolution of authoritarian players, which is enabled by technological change. Anne Applebaum notes that disinformers can launch ever more powerful campaigns by sharing resources. “The troll farms and media networks that promote one dictator’s propaganda can also be used to promote another’s” (Applebaum 2025, Intro.).

1.5 Why should disinformation be resisted?

By now, one may have guessed that disinformation is somehow undesirable. It is misleading and it causes disadvantage. But are those enough reasons to defy it? After all, some consequentialists might argue that such inconveniences might as well be set off by some greater good of a greater number or by some higher degree of preference satisfaction. In this section, I argue that resisting disinformation is a moral obligation that rests on the solid ground of preventing tyranny.

To make my argument as clear as possible, I present it as a set of premises and conclusions:

P1 Disinformers intend to weaken democracies and to convert them to autocracies.

P2 Disinformation disrupts judgement.

P3 Judgment is required for democracy.

IC1 Disinformation disrupts democracy. (From P2 & P3)

P4 Democracy is required to avoid tyranny.

IC2 Disinformation leads to tyranny. (From (P4 & IC1) supported by P1)

P5 We ought to resist tyranny because tyranny causes great and unjustified suffering.

C We ought to resist disinformation. (From P5 & IC2)

In the remainder of this section, I will only focus on the premises 1 and 3. Premise 2 has already been defended in section 1.3 whereas premises 4[42] and 5 are assumed for my argument. Among numerous other sources, one may find premise 4 defended by Robert Dahl (2021)[43] and premise 5 established by Judith Shklar’s essay *The Liberalism of Fear* or Timothy Snyder’s book *On Tyranny.*

42 One may object against premise 4 by saying that democracy is not the only way to avoid tyranny, and cite the examples of the enlightened absolutists of the 18th century or the 20th century South Korea. While that debate is beyond my current scope, I can briefly state that unchecked power leads to power abuse, illegitimate power leads to resistance, and that the examples should be complemented by mentioning the hundreds thousands deaths caused by unjust wars of the enlightened absolutists, as well as the systemic torture and thousands of deaths inflicted by their modern South-Korean counterpart.

43 eg. p.186: “The most disastrous decisions in the twentieth century turned out to be those made by authoritarian leaders freed from democratic restraints“.

Let us begin with the claim that disinformers intend to weaken democracies and install autocracy[44]. That might sound quite lofty. First, one may object that disinformers can target undemocratic societies as well. Of course I acknowledge such possibility. Authoritarian states muddy each others' waters all the time. However, those situations are out of focus of my argument. In terms of political legitimacy, the decisions of authoritarian states are not legitimate in the first place (Peter 2024, 46:43), hence the use of their coercive power is not justified. If some of their decisions get manipulated by foreign agents, nothing is lost in terms of the acceptability of state power. Democracies, on the other hand, are legitimate forms of government[45] that do not subject their citizens to unjustified coercion. Successful disinformation campaigns targeted at democracies impose the disinformer's will on them and/or lead them to epistemically unjustified choices, and thus cause decisions that lack legitimacy. The use of state coercive power is no longer justified for such decisions. People start being subject to arbitrary power. My argument is focused on democracies because that is where the real harm is done by disinformation.

Broadly, I derive my premise 1 from the acclaimed work of Karl Popper (2012) whereas the specifics are drawn from Anne Applebaum's (2025) analysis of autocracies.

According to Popper, closed totalitarian[46] societies are bound by a constant necessity to undermine open humanitarian societies. The fundamental reason for this conflict is the tendency of power to preserve itself[47] combined with the fact that authoritarian power is much more difficult to preserve in the presence of democratic neighbouring societies. It is much harder to keep people in obedience if they see viable alternatives of self-regulation, autonomy and freedom. Thus authoritarian rulers have a fundamental need for the elimination of democracy[48]. In the words of Popper (2012, 173), "[rulers need to] shut out […] all equalitarian, democratic, and individualistic ideologies. […] Humanitarianism […] has become so universal that, in order to combat it effectively at home, it must be destroyed all over the world". Popper mentions the oldest written record of totalitarian ideology, the 'Old Oligarch', a 5th century BC Athenian pamphlet written by its ingenious albeit tribalistic intellectuals that "tries to show that there can be no compromise in a conflict between two worlds, the worlds of democracy and of oligarchy; that only the use of ruthless violence, of total measures, including the intervention of allies from outside (the Spartans), can put an end to the unholy rule of freedom" (Ibid., 178). Given that autocracies are ready to attack democracies physically, we can safely assume that they are willing to engage in disinformation campaigns that undermine them.

Some 80[49] years later, Applebaum analyses how authoritarian regimes increasingly cooperate and use the novel communication technology against democracies. The underlying aim of preserving authoritarian power does not seem to have changed since the ancient Athens: "[i]f people are naturally drawn to the image of human rights, to the language of democracy, to the dream of freedom, then those ideas have to be poisoned. […] It also requires an offensive plan, a narrative that damages the idea of democracy, wherever it is being used, anywhere in the world" (Applebaum 2025, ch.3). Such "grand" offensive narrative and its countless instances fall under the definition of

44 Following premise 4 and the footnote 42, I assume that autocracy automatically leads to (the evils of) tyranny.

45 This is of course an oversimplification: states can be more or less democratic, and the border between democracies and autocracies is vague. Yet this does not harm my argument.

46 Popper primarily addresses them as "tribalistic", focussing on their past.

47 Or, alternatively, the tendency of powerful individuals to attempt to preserve their power.

48 There is an inherent paradox to this. Democracies have no intrinsic reason to attack autocracies. They might do so for pragmatic reasons (eg. the invasion of Iran by the UK together with the USSR in 1941) or for humanitarian ones when tyrannies go too far in the violation of rights (eg. Kosovo 1999). Autocracies, on the other hand, engage in armed conflicts against each other much more often. So, if an authoritarian state A succeeds in converting a democratic state B into an autocracy, A comes under a much higher threat of an armed attack from B. Apparently, authoritarian rulers perceive the military risks to be much lower than the ideological threats to their power.

49 Popper's original edition of *The Open Society and Its Enemies* came out in 1945. "80^{49}" is not a mathematical expression.

disinformation since they often employ false assertions and lead people to believe that tyranny is desirable. Applebaum shows how authoritarian disinformation is used to inflict political, economic and military damage to democracies.

An example of political harm is the 2018 case of fake news about Taiwanese diplomats failing to rescue their citizens after a typhoon in Japan, so they pretended to be Chinese because China did send rescue help. Although subsequent investigation proved the news to be false and the sources to be affiliated with China, the harm was already done by reinforcing the belief "Taiwanese democracy is weak. Chinese autocracy is strong. In an emergency, Taiwanese people want to be Chinese." (Ibid.). The general political strategy is that "autocratic information operations exaggerate the divisions and anger that are normal in politics. They pay or promote the most extreme voices, hoping to make them more extreme, and perhaps more violent; they hope to encourage people to question the state, to doubt authority, and eventually to question democracy itself" (Ibid.). In addition, we see that authoritarian states rarely miss the opportunity to support the election of parties or candidates that possess more authoritarian traits and to erupt democracies from within.

Economic harm can be exemplified by the illegal Catalan independence referendum of 2017, championed by the Catalan separatist president later shown to have russian ties, and severely affected by an "entire army of zombie accounts" supporting the independence camp. The referendum and its resulting turmoil, also fuelled by disinformation campaigns, affected the Spanish stock market severely. While the European-wide Euro Stoxx 50 index rose by 7%, the Spanish exchange only booked 1.4% increase in the months of these events. Catalan regional bonds also suffered a significant downgrade (Banco de España 2017, 32). Thus, besides the message that democracies are chaotic and dangerous to live in, autocrats can persuade their subjects that democracies are also economically unattractive.

Disinformation for military purposes hardly needs any introduction. A famous example is the Operation Bodyguard WWII disinformation campaign that led the Germans to believe the Allies were to attack in Calais rather than in Normandy (Fallis 2016, 337). In fact, jus in bello does not prohibit ruses of war, namely the deceptive tactics that disorient the enemy without affecting civilians. By contrast, the principles of jus ad bellum and post bellum have no room for disinformation, yet autocracies readily use their disinformation power to violate them. Applebaum mentions the recent example of russian campaign backed by China as well as the Qanon and Fox networks in the US accusing Ukraine of hosting secret US-funded biolabs, allegedly engaged in biological warfare. This conspiracy theory justified the 2022 russian invasion of Ukraine as a pre-emptive war and effectively stifled or delayed some military support to Ukraine (Applebaum 2025 ch.3). Military damage produced by autocratic disinformation contributes to defeat and occupation of democracies, thus subjecting them to authoritarian rule.

So far my premise 1 has received much support from Popper and Applebaum, but one may come up with a couple objections.

First, what if a given disinformation campaign is purely pragmatic? If it has some concrete practical goals rather than political ones, it seems that we are not justified in resisting all authoritarian disinformation on the grounds of avoiding tyranny. For example, in the MH17 case, one could argue that all russia wanted was to escape legal liability for mass murder and subsequent compensation to victims' families. Or, by way of a thought experiment, we could conceive of a case where China manipulates the public opinion in Canada regarding some environmental rules in order to block or inspire environmental protection laws that affect the world price of a certain commodity, say, neodymium, for an entirely economic interest.

My response to this objection is two-fold. First, what appears to be a pragmatic campaign is often still a political one. The MH17 mass murder was part of the 2014 russian invasion of Ukraine disguised as a separatist civil war. So, their denial campaign was rather intended to evade the recognition of their involvement and the presence of their troops and weapons on Ukrainian soil, and to support their ongoing military aggression against the neighbour state that chose the democratic path. Second, in a hypothetical case of a genuinely pragmatic campaign like the Canadian neodymium one, one needs to remind oneself of the perennial background conflict. Whenever autocracies have enough resources to attack democracies, they will do so, purely because of the self-preservation need of their rulers' power. Hence, any interaction resulting in a power differential is political. If a democracy willingly engages in a transaction with an autocracy, it should be aware of the resulting power balance and guard its interests. If a democracy is manipulated by a disinformation campaign, it is engaged against its will and knowledge in a disadvantageous interaction[50]. The power balance shifts to the advantage of the disinformer, accumulating their resources for next attacks.

Second, one may argue against limiting my argument to *authoritarian* disinformers only. Sometimes, it is democracies that are in the business of disinformation against other democracies. An example is the USA and the UK's 2003 campaign to mislead their Coalition of the Willing partners into accepting that Iraq possessed weapons of mass destruction. Although it would be an overstretch to claim that democratic disinformers try to convert their victims into autocracies, one could argue that *any* disinformation harms democracies and therefore we should focus on the *effect* of all disinformation rather than the *intent* behind some of it.

I certainly agree that all disinformation harms democracies regardless of its source. That point is elaborated by premises 2 and 3[51]. In fact, democratic disinformers may be hurt by the double-edged sword of disinformation even worse than their victims[52]. For one thing, they cannot disinform the victim unless they also disinform their own society, which leads to substantial eruption of trust in democratic institutions[53]. In the UK case, some[54] attribute the raise of populism that led to Brexit to the deep rupture of public trust following the Iraq affair. For another, democratic disinformers discredit their decent rule-of-law-abiding character and thus undermine their moral standing. They lend autocracies a welcome support of the narratives that all democracies are flawed, whereas disinformation is not wrong since everyone engages in the practice.

Nevertheless, my focus on the intent in premise 1 is important for several reasons. By far the most disinformation attacks are launched by autocracies. We can only explain those attacks by their intent[55]. The intentionality means that the attacks are persistent and evolving: failures lead to adjusted strategies and successes get scaled up and automated. A solid understanding of the threat equips us with better means of resistance. Finally, intentionality of the attacks provides a stronger justification for the resistance, since the right to freedom from intentional harm is stronger than the right to freedom from accidental harm[56].

50 Of course there can be Gettier-style luck exceptions, namely the cases when the action induced by a disinformation campaign turns out to be advantageous for a democracy, contrary to the intention of the disinformer.

51 Additionally, the decisions and actions that follow from disinformation attacks lack legitimacy because they are neither the product of the victim's democratic will nor epistemically justifiable (except for the improbable Gettier-style luck exceptions). Thus, people in the target state are subjected to illegitimate power that should be resisted as such.

52 that are weakened politically, economically or militarily and thus made more vulnerable to authoritarian attacks.

53 One could also argue that most decisions to launch disinformation campaigns are not legitimate. Thus, disinformation can be both the cause and the effect of democratic backsliding.

54 eg. Patrick Wintour (2023)

55 whereas most democratic disinformation is explained instrumentally

56 One could dispute whether this is still the case for the absolute harms of tytranny.

My final remark on premise 1, bridging it already to premise 3, goes back to Popper. Unlike other thinkers such as Douglass North who define the open society in terms of open rent and competition (North et al. 2009, 114), Popper's definition of the open society rests upon rationality[57]. He contrasts the tribalistic and totalitarian political power taking origin in collectivistic magic thinking or no thinking[58] with the humanitarian political power generated by individuals confronted with the need to use reason to make personal decisions. Responsibility and morality are only possible in the open society and ideally they lead to democracy (Popper 2012, 164-5). All these things – reasonable decision-making, responsibility and morality – require judgement. So we can say that judgement lies at the very core of democracy. Thus, if disinformation disrupts judgement[59] as I argued in section 1.3, then disinformation undermines democracy.

Now let us proceed to premise 3: judgement is required for democracy.

If, for some reason, one is not willing to accept Popper's argument that democracy and humanitarianism are based on reason and hence judgement, we can consider the broad definition of democracy given by Tom Christiano and Sameer Bajaj (2004) in the Stanford encyclopedia entry. According to them, democracy is "a method of collective decision making characterised by a kind of equality among the participants [...]". I take it to be self-evident that collective decision-making[60] depends on individual decision-making, which in turn requires individual judgement about what decision to choose from the available options[61]. In short, if democracy implies collective decision-making, then it requires judgement as part of the decision-making process. George Orwell (1946) must have presupposed this point when he urged for clear, rigorous thinking, it being indispensable for a decent political order.

Hearing this, one could protest and argue that authoritarian states are historically much more common than democracies, that judgement is a universal human capacity, and thus it would be absurd to say, as Popper seems to do, that people in autocracies do not engage in judgement, or that it is permanently suppressed. From my own experience of living in an autocracy, I can confirm that political judgement is noticeably impaired. Most people either do not dare[62] to engage in judgement and deliberation over political issues, or their judgement is flawed, i.e. they hold skewed factual beliefs and normative beliefs that are inconsistent with their fundamental needs and values. At the same time, authoritarian subjects have no difficulty engaging in other kinds of judgement such as practical judgement. Perhaps most importantly, since there may still be some subjects with proper political judgement, we can conclude that political judgement is a necessary yet an insufficient condition for democracy[63].

Another possible objection is that proper judgement is never as good as the ideal one. Humans are fallible, they might lack relevant knowledge or their IQ levels might be subject to the equalitarian brute luck. Had all of us had ideal judgement, we would long have been living in the Kantian Kingdom of Ends. So, the sceptic's question is then: how much judgement is exactly required for democracy? Is there some threshold of judgement under which it cannot sustain democracy, and how do we know where that threshold lies? If autocracies exploit the weaknesses of judgement, where is the critical point of collapse? My only answer is that these questions are legitimate and

57 The definition of rationality is a separate debate altogether.
58 also known as "tradition"
59 Stanley (2017, 49) makes a similar argument regarding rationality: "Propaganda [...] attempts to unify opinion without attempting to appeal to our rational will at all. It bypasses any sense of autonomous decision".
60 The discussion on reducibility of collective epistemic agents to their members is beyond my present scope.
61 Together with judgement about what options are available.
62 Which is of course also a political judgement, albeit an unconscious one, in favor of taking an "apolitical" political stance
63 This point is supported by the claim of North, Wallis and Weingast (2009) that the transition to the open access order that enables real democracy also requires several institutional conditions.

interesting ones, and need a separate study that is far beyond my argument. We can assume that there is some threshold and that it is quite far form zero level, since democracy without judgement is impossible.

In fact, a similar study was done by Jamie Terence Kelly (2012). He investigated how ideal democratic theories are impacted by bounded rationality, i.e. the real-world psychological limitations of human judgement. The reason I mention Kelly's work is his contention that on some theories, democracy does not require judgement. I would like to refute this point.

So far I have based my argument on the broad definition of democracy proposed by Christiano and Bajaj. Incidentally, there appear to be dozens of theories of democracy that try to capture and/or prescribe its defining features. Kelly proposes a taxonomy of the major eleven theories ranged according to their "demands on the correctness[64] of individual judgements" (Kelly 2012, 44). At the bottom of his list, he cites three *preference-based* theories of democracy that supposedly require no judgement at all. Kelly contrasts *preferences* with *judgements*: the former merely report individual attitudes whereas the latter are truth-apt claims about some common good or collective interest (Ibid., 3). So, while judgement-based theories can suffer from bounded rationality, the preference-based ones are said to be immune to it since they do not require judgement[65].

In what follows, I will show that on each of its three "preference-based" theories, democracy still requires judgement and that the theories collapse if judgement is disrupted.

1. Social Choice Theory

According to Kelly, "theories of social choice recommend procedures that can successfully aggregate individual preferences in a way that allows them to influence government policies" (Ibid., 47). On this view, democracy is any system that tracks people's subjective preferences about government policies. The implication is that preferences reflect private egoistic interests rather than some common good[66].

Now, broadly, it seems obvious that aggregation of preferences entails that people form their preferences. Forming one's preferences is an exercise of judgement, regardless whether private or public interests are considered. More specifically, a few points should be made about certain kinds of judgement.

First, private interests are often pursued and enabled in cooperation with others. Many social situations can be modelled as (repeated) prisoner's dilemmas. So, in order to pursue one's interests one needs to judge whether to cooperate or to defect, hence to judge what others intend to do[67]. If that judgement is impaired by disinformation, one's preference cannot be formed, expressed and

64 Kelly's political cognitivist position allows him to say that some judgements are more correct than others. This raises the further problem of what exactly objective correctness is and how it can be known. My notion of ideal vs. flawed judgement also faces this theoretical problem.

65 There is a noteworthy parallel between Kelly's judgement-preference dichotomy and the distinction between instrumental and intrinsic justification of democracy discussed by Christiano and Bajaj. The judgement-based theories fall in the camp of epistemic democracy since they posit that democracy has to track some objective social truths. This constitutes an instrumental justification of democracy. On the other hand, preference-based theories, also broadly classified as proceduralist theories, posit that democracy owes its identity to certain formal procedures only. This resonates with the intrinsic justification of democracy that avoids any consequentialist demands.

66 This view is reminiscent of interest group pluralism and Robert Dahl's early views discussed by Christiano and Bajaj (2024, sec. 4.2.2).

67 I would argue that the problem of polarisation can be productively viewed through this lens. Parties at the opposites of the political spectrum assess each other's intensions to either centralise or extremise, and act accordingly. The Nash equilibrium is maximum polarisation, while the Pareto equilibrium is moderate centralisation. If their signaling becomes disrupted by foreign interference, the parties can no longer convert the PD into a coordination game and polarise to the extremes.

aggregated. In other words, without reliable judgement about the intentions of others, one cannot form their preferences.

Second, in order to form preferences, one needs to know what options are available. If that knowledge is distorted or restricted, one cannot judge well and cannot form preferences.

Third, as I mentioned earlier, people dramatically depend on others as epistemic sources of testimony. Thus they need to judge who they can trust. If one's judgement about the epistemic trustworthiness of sources is disrupted by disinformation, one is forced to suspend almost all of their judgement, and cannot form preferences on the vast majority of issues that lie beyond their immediate sense perception, including their government's policies.

Fourth, a person's preferences that are caused by false beliefs imposed by disinformation cannot be viewed as truly theirs, at least on the reasons-responsive account of autonomy (Brown 2021, 217-8). In other words, the preferences aggregated are not the real preferences of the citizens if their judgement is manipulated.

Generally, since authoritarian disinformers intend to convert democracies into autocracies, and since the preferences of authoritarian subjects rarely influence government policies, judgement is required at least to protect the continuity of preference aggregation. If people cannot judge well whether their preferences are manipulated, the aggregation thereof will stop quite soon.

One may point out that the above points reiterate the argument of Jon Elster (1997, 4-11) exposing the weaknesses of the social choice theory. That is not entirely the case, because Elster makes a different point. He demonstrates that the theory is untenable because it cannot satisfy its own assumptions such as strategy-proofness, and that it is inadequate because strictly individual preferences are unsatisfactory for political decisions that affect others. My point is, rather, that even if the theory could uphold its assumptions, and even if someone would accept it as a valid theory of democracy, one would still have to admit that it requires judgement as a prerequisite for the formation and/or expression of preferences. This point finds indirect support in Elster's work in the following ways. To express strategic rather than one's real preferences, one needs to exercise judgement and to know the intentions of others. If concealed or adaptive preferences depend on the set of available options exemplified by garden parties or sour grapes, they do so through judgement and knowledge of the available options. If a preference arises out of conformism or envy, this implies judgement about the possessions and intentions of others.

2. Fair Proceduralism

As "a way to make decisions in the face of widespread disagreement that does not provide anyone with an unfair influence over political decision making" (Kelly 2012, 47), fair proceduralism seems to imply that people still need to judge when such unfair influence is taking place and how to compensate for it. As discussed in section 1.4, modern technology provides single agents with tremendous power to influence the judgement of vast numbers of people, and hence to impact political decision making. The equality of influence, and hence democracy on the fair proceduralism view, can only exist if the judgement of every single person is reasonably protected against interference by powerful agents.

3. Deep Deliberative Democracy

On this view, "democratic decisions are legitimate if rational persons in an ideal deliberative setting could agree to the procedures governing those decisions" (Ibid. 49). I consider it evident that rational persons in an ideal deliberative setting would never agree to democratic procedures that allow disruption of people's judgement by powerful hostile agents.

Part 2. Does the protection of judgement violate the freedom of speech?

In my experience, whenever disinformation is discussed at a conference and my point is made that knowledge and judgement of citizens need to be protected by epistemic rights, there comes a wagging finger of some official or a legal scholar protesting that one of the fundamental European values is the freedom of speech. Protecting judgement would require silencing lies, which is a violation of fundamental rights, so goes their argument.

But is there really a contradiction, meaning that if we care about the freedom of expression, we cannot protect judgement without damaging that freedom? In this part, I present my three answers to this question. The first answer is historical: freedom of speech was meant to protect us against tyranny but it is no longer sufficient to achieve this. The second one is analytical: since freedom of speech is a condition for judgement, the latter was always implied in the protection of free expression, so there is no inherent contradiction. The third point is Hohfeldian: I demonstrate that the right to freedom of speech and the right to judgement need not contradict since they can correspond to compossible duties.

2.1 Free speech was meant as a safeguard against tyranny, yet it is judgement that should protect us from it

Free speech is often said to be a fundamental value. This fundamentality owes much to the fact that free speech was a safeguard against tyranny. Authoritarian rulers require deception in order to simulate legitimacy and to preserve power. Conversely, if “truth’s being available, with restrictions, to all the potentially tyrannised [….,] truthfulness is usually necessary or helpful in the restraint of tyrants “ (Williams 2002, 207-8). The Millian implication was that free speech would lead to the availability of truth, and hence to sound judgement. Regrettably, this no longer holds after the technological shift of the digital age. As discussed in section 1.4, this shift has enabled outrageous floods of falsehoods and the disruption of trust and reputation.

There are three possible situations of resisting tyranny. First, a society may fight to overthrow an existing authoritarian rule and to transition to democracy. Second, in an existing democracy people can oppose endemic authoritarian figures that intend to gain and abuse democratic power to establish autocracy. And third, democracies can resist foreign authoritarian powers that aim to disrupt them and convert them into autocracies as discussed in section 1.5 (Premise 1).

Let us see how the technological shift has affected each situation.

In the first case, autocracies used to enforce censorship. The high cost and hence the difficulty of media production combined with the relatively simple control of their distribution made censorship easy. The control of information circulation before the digital age is exemplified by the Nazis burning books, or by the obligatory registration of all typewriters in the USSR up to 1990 that allowed the government to track the origin of every single typewritten piece. Yet whenever the dissenting activists managed to spread vital truths[68] to the broader public, such as in Poland in the late 1980s, autocracy suffered deep, often lethal, blows. It is argued that the truth about Chornobyl explosion was a significant cause of the demise of the soviet rule. Examples from the recent years

68 *Truth* in similar statements is the metonymy for *true statements*, i.e. statements that correspond to facts or to non-malign norms.

include the 2011 Arab Spring revolution in Tunisia and the 2018 democratic turn in Armenia, both powered by the successful use of social media by the opposition.

However, neither Tunisian nor Armenian authoritarian rulers were tech-savvy enough to weaponise the technology of the digital age against free speech. This technology can both enhance traditional censorship and enable the novel *censorship by noise*. On the traditional side, for example, Chinese government can track and arrest people who type *Tiananmen* on their phones a thousand times faster than the Soviet government could track people who typed *Gulag* on their typewriters. On the novel side, our recent technology could perhaps be praised for precluding total censorship by anonymous communication tools like VPN, TOR, encrypted messengers and the like[69]. Nonetheless, autocracies deploy *their* novel technology preventively to make sure that once the truth leaks out[70] it has little effect on the minds of the audience. Specifically, they spread floods of falsehoods that dramatically reduce certainty and disrupt trust, with the majority of messages aimed "more to confuse than to convince" (Pomerantsev 2019, 121). They launch campaigns discrediting the reputation of activists and undermining liberal ideas like democracy and human rights. Ultimately, as shown by the MH17 case, they aim to discredit the idea of truth itself, i.e. to make people believe that truth is either impossible or altogether irrelevant.

Unlike Tunisia or Armenia, the technologically advanced autocracies like China, North-Korea or russia are now unlikely to undergo a democratic transition sparked by free speech. They have learned to effectively subvert it so that it no longer affects the judgement of their subjects.

Let us proceed to the second case, the struggle against endemic autocrats[71] in democracies. Contrary to autocracies, democracies usually protect the freedom of expression. Assuming the Millian contention that truth should prevail, citizens should discern authoritarian figures that ultimately aim to violate their fundamental interests and ignore or condemn them. More often than not, that seemed to work after the WW2 and before the digital age. Yet currently, democracies increasingly suffer backsliding that results from polarisation and the disruption of trust. A prominent example is the 2024 re-election of the US president with a demonstrable authoritarian track record.

Epistemically, "we have access to more information and evidence than ever, but facts seem to have lost their power" (Pomerantsev 2019, 118). The Watergate revelations had an immediate effect. The Epstein files went nowhere. The entire autocratic disinformation toolbox described by Applebaum, including the floods of fakes, online mob harassment, undermining of institutions etc. seems to be used by domestic autocrats enjoying lavish support and training by some of the world's leading dictatorships. Democracies hold on to the freedom of speech out of fear of tyranny, yet the very same freedom is now being abused to force them into tyranny. It is this abuse of the freedom of speech that causes epistemic havoc and disrupts judgement.

Finally, let us see how the digital age affected democracies' resistance against foreign autocracies. The major change is the vastly simplified accessibility of a country's collective public sphere and its citizens' individual minds to foreign disinformers, resulting from the globalisation of platforms mentioned in section 1.4. For instance, the scale of the russian impact on the 2016 Brexit referendum, or the power leverage provided by Elon Musk to the German extreme-right AfD party by covert manipulation of Twitter algorithms are unprecedented. Arguably[72], democracies have no

69 Even physical USB drives were used in North-Korea and during the 2024 protests in Bangladesh.

70 Autocracies also prevent the spreading of truth by silencing political activists using online mob intimidation and smear campaigns (Applebaum 2025, ch.5; Pomerantsev 2019, 25).

71 Some of the examples are Adolf Hitler or Victor Orban, who both gained their initial powers democratically.

72 There is some tension here: on the one hand, liberal states have no obligation to protect free speech of foreign parties, especially disinformers, because they do not contribute to the democratic decision-making of the community. On the other, those states are likely to be parties to international treaties containing an obligation to protect fundamental human rights, or at least have the moral obligation to follow the UDHR.

obligation to protect the freedom of speech of foreign authoritarian agents. The problem is that those agents can now infiltrate and pose as domestic ones and demand such protection. The novel globalised technology enabled the construction of innovative electronic Troyan horses that exploit democracies' protection of free speech in order to ruin them. Thus, similarly to the second case, the technological shift allowed large-scale abuse of the freedom of speech that leads to the disruption of judgement by disinformation.

Summing up the three cases, we can conclude that freedom of expression has lost its potential to protect us from tyranny in the digital age. In that case, we might ask a somewhat provocative question: if the freedom of speech no longer serves its original purpose and even gets turned against us, why keep it? Why not discard it, abolish its protecting institutions and score some DOGE-style savings along the way?

My answer is that free speech is a necessary yet insufficient condition of judgement. If we want to escape the suffering of tyranny, we need democracy, so we need judgement, and so we need the free speech. Free speech is necessary for factual knowledge and normative prudence. Since freedom of speech is a requirement for judgement, protecting the latter does not conflict with protecting the former. The abuse of free speech disrupts the other necessary components of judgement such as certainty, trust or contextual awareness. Those components need to be protected to the same extent that we protect free speech.

2.2 Judgment was always implied in the freedom of speech

Now one could argue that the "fundamental value" of free speech means more than mere protection from tyranny, and that protecting judgement could conflict with its other aspects. People wagging their fingers at conferences often struggle at giving a clear account of what a value is and what makes it fundamental. Sidestepping these questions, we can look at the prevailing justifications of free speech in political philosophy. For a robust overview, I turn to the work of Matteo Bonotti and Jonathan Seglow (2021)[73] who cite three major justifications: truth, autonomy and democracy. Let me show that judgement is implied in the protection of free speech on each of them.

For the first justification, Bonotti and Seglow (2021, 10-6) invoke John Stuart and Harriet Mills' truth-based[74] argument for free speech. As consequentialists, the Mills[75] advocated for maximum happiness that included the acquisition of knowledge in the process of individual and collective deliberation. Their argument against censorship has two branches: the *infallibility argument* and the *dead dogma* one[76]. On the former one, since true beliefs are valuable and no one can be absolutely

73 In their subsequent work, Bonotti and Seglow (2022) propose their own justification, namely a relational view of free speech that allegedly avoids the various problems of the three major theories. Given the nascence of their account, I chose to skip it and keep the focus on the three major time-tested theories.

74 The Mills recognize the anti-tyranny argument for free speech: "the 'liberty of the press' as one of the securities against corrupt or tyrannical government" (Mill 2003, 99). They propose the truth-based account as a broader one to condemn censorship endorsed by any person in addition to the censorship undertaken by governments (Ibid., 100).

75 Historically, Harriet Taylor Mill's co-authorship of On Liberty was always mentioned inside the book but never on its cover. The Mills seem to have embodied their ideal of the "happiness of a higher kind" of "independent-minded individuals employing our reasoning capacities together" (Bonotti and Seglow 2021, 12). Perhaps such prolonged happiness in joint deliberation also explains the book's excessive length.

76 Bonotti and Seglow claim that the Mills' argument contained a third branch, namely that views can be "partially correct [... especially …] when it comes to moral and political issues" (Bonotti and Seglow 2021, 13).
For factual statements, the correspondence theory of truth excludes any possibility of such partial truths. Truth is strictly binary under the law of non-contradiction. Of course, a "view" can consist of multiple factual propositions, some of them being true and others false. Both these cases are already covered by the Mills' original two branches.
For normative propositions, which are claimed to be the primary domain of "partial truths", in addition to the

certain whether a given claim is false, one is never justified in silencing speech. Doing otherwise would mean an unwarranted assumption of infallibility. On the latter one, even if some claim is in fact false[77], silencing it would deprive hearers of a chance to reinforce and augment their true beliefs by critical reflection. Without reflection, vibrant and defensible true beliefs would suffer fossilising into dead dogmas.

Vividly, judgement is implied in both branches of the Mills' argument. It is required both for the assessment of the truth of claims and for the transformation of heard statements into well-founded views. It is also required for the evaluation and augmentation of one's held beliefs. If judgement is impaired by the disruption of its other components, the Millian deliberative happiness cannot be achieved by free speech alone. In the MH17 example, the availability of true claims did not lead to true beliefs for the majority of hearers who were misled by the flood of fakes. Those who somehow managed to believe the facts, when faced with thousands of fakes were likely to become less rather than more certain about their held views. Bonotti and Seglow (2021, 13) exemplified the Mills' dead dogma argument with the hypothetical defeating of a false claim that "all immigrants are criminals" by looking up the data on crime and thus employing our deliberative powers to reinforce our true beliefs. In 2024, the number of people in the US believing that "[i]n Springfield, they're eating the dogs. The people that came in. They're eating the cats [… ,] the pets of the people that live there" (Harris & Trump 2004) was phenomenal. Their trust in epistemic sources, namely the immigrant crime data produced by the government, was disrupted, so exercising judgement by looking up the data was impossible and the false claim did nothing to promote their knowledge.

In sum, without proper judgement true claims do not lead to knowledge, false claims do not reinforce true beliefs and the Mills' argument fails. It is not true beliefs that need reinforcement but rather the critical powers and the capacity for judgement[78] of epistemic agents if they are to enjoy the Millian progressive happiness of deliberation.

The second justification of free speech is deontological. Bonotti and Seglow (2021, 16-22) distinguish between arguments that invoke formal and substantive autonomy, both being further split into speaker- and hearer-based accounts. The *formal autonomy* theories demand respect for the speakers' right to express their views and for the hearers' right to access all possible utterances. Autonomous agents decide themselves what is best for them, so no one has the power to prevent them from saying or hearing anything. Interfering is only allowed to protect the autonomy of other people whenever it is threatened. The *substantive autonomy* argument, despite its name, is a narrower one. Whereas the formal theories claim that agents ought to be free in their expression as the result of their autonomy, the substantive ones argue that free expression is an instrumental requirement for autonomy. Specifically, "individuals [require free expression to] critically evaluate the cultural resources around them [...] in order to choose and pursue those aims that they endorse" (Ibid., 20).

The crux is, of course, that in order to recognise and devise their autic nomoses people need unimpeded judgement. When judgement is flawed, there is no true autonomy, if only because people confuse externally imposed aims with their own. And if there is no true autonomy, free

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compositional complexity of opinions just mentioned, the problem seems to be the low certainty and the high epistemic cost of inquiry into the compatibility of particular normative claims with the fundamental interests. However, the compatibility itself is still be binary. Thus the third branch also collapses into the previous two, at least on my account of normative truth discussed in section 1.2.

77 For a deliberate lie and hence disinformation we can actually assume infallibility if the falsity of its claim can be demonstrated.

78 The implicit assumption of the Mills is that wise people are capable of *ideal judgement*, somehow possessing an infinite capacity for "hearing what can be said […] by persons of every variety of opinion" (Mill 2003, 103). In the 21st century, however, wisdom is more likely to follow from sound judgement on what sources to rely upon and what to ignore rather than from comprehending all the immensely available information.

speech cannot be protected by an appeal to it, either on the formal or the substantive account. Hence autonomy-based justification of free speech conceptually implies judgement.

There is also a longer proof. Autonomous rights, such as the speakers' and hearers' rights to free expression can only be protected in democracies since tyrannies require censorship[79]. Democracy, in its turn, requires judgement as discussed in section 1.5. If judgement is impaired, democracy collapses into tyranny, so real autonomy becomes impossible and cannot ground free speech. Thus, judgement is also practically implied in the autonomy-based justification.

Finally, a noteworthy implication of the permissibility of infringement on autonomy of some in order to protect the autonomy of others is that interference with free speech is actually justified whenever speech disrupts judgement. One cannot invoke their autonomy to defend speech that undermines the judgement and hence the autonomy of others.

The third major justification of free speech is linked to democracy. In their discussion, Bonotti and Seglow (2021, 22-7) acknowledge the consequentialist defences of free speech based on its likelihood to bring about the shaping of public opinion, the formation of parties, government accountability, public criticism, mobilisation of protests and thus the prevention of authoritarianism. Their main emphasis, however, lies on the deontological defences. Citing Alexander Meiklejohn (Ibid., 23), they note that state laws are only legitimate when everybody[80] whose freedom they limit has "had a say" in the process of their making. Another similar point by Robert Post (Ibid., 25) is that citizens must be able to regard themselves as the ultimate authors of the law. Having a say and legal authorship require the freedom of speech, therefore it is an integral part of democracy. Finally, Bonotti and Seglow state that deliberative democracy "involves widespread rational, critical debate […, hence] free speech is the lifeblood of a democratic political culture" (Ibid., 24-5).

An indispensable part of the defence of free speech by democracy is the division of speech into high- and low-value. Roughly, *political speech* has high value and should be protected whereas any other kind of speech has lower value that does not necessarily require protection. This distinction goes back at least to Meiklejohn's famous contention that "[w]hat is essential is not that everyone shall speak, but that everything worth saying shall be said" and was later elaborated by Cass Sunstein's in the 1990s (Ibid., 26).

My simple argument here is that the high-value political speech, that only kind that really deserves protection, is always grounded on judgement, either on political judgement about public goods and policies or upon private judgement about individual interests as discussed in section 1.5 (premise 3). In the democratic process, we ignore the speech of psychotic patients and children precisely because their judgement is impaired or underdeveloped. We would never attribute high value to the speech of a citizen who formed their political views mindlessly by throwing dice or by having a monkey use their typewriter[81]. Few philosophers would argue that having such an irrational say generates legitimacy[82]. Likewise, legitimacy does not arise from political speech of people who were coerced into saying something because they are not the authors of it. This counts for speech

79 Kant in himself was familiar with authoritarian censorship since his work on religion was banned by the Prussian king of the time. He could still maintain that moral autonomy did not need to be exercised publicly and could be confined to the capacity of the will to legislate laws for itself. However, it is hard to see how that kind of autonomy could justify free speech in the first place.

80 Note that the democratic account does not protect the speech of foreigners. Arash Abizadeh would probably disagree and argue that since all states limit the freedom of all people on Earth by imposing borders, everyone's speech should be protected by all democratic states.

81 even if it could eventually produce The Art of the Deal.

82 Also the deliberative democracy theorists would have to admit that people engage in deliberation as long as they trust that others' judgement is not flawed beyond repair.

that results from flawed judgement: its authorship lies elsewhere[83]. Taken together, if we care that agents exercise unobstructed judgement in their high-value political speech, then judgement is implied in the justification of free speech by democracy.

Additionally, judgement is implied here in a few other ways. First, at the very least, one needs to judge what speech falls under the high-value category. If that judgement is impaired, the argument cannot be made altogether. Second, judgement of the hearers is presupposed on both the consequentialist and deontological arguments for democracy. Democracy depends upon the hearers' capacity to critically assess speakers' claims and to include the worthy ones in their own judgement[84]. Otherwise there would be no reason for speakers to say anything and hence no reason to protect their speech. Finally, as argued in section 1.5, democracy generally requires judgement, so any justification of free speech by democracy requires judgement at least as its enabling condition.

To summarise, all the three major justifications of free speech discussed by Bonotti and Seglow imply judgement. If agents lack sound judgement, their speech cannot be protected on any of those three grounds.

Two objections can be made here. First, one may argue that some kinds of speech are not used for communicating facts or values but rather for some other illocutionary goals. Examples include cursing, abstract poetry or ceremonial small talk. For the sake of the argument, let us assume that the freedom of such expressions is important to protect. This protection cannot be done on the grounds of truth or democracy, and autonomy might be problematic. So, one may argue that such speech should be protected on some other grounds which could in fact conflict with the protection of judgement. Well, the point I argue against in this section is that protecting judgement would require silencing lies and thus violate the freedom of speech. A curse or an abstract poem cannot be a lie. Lies require falsity, so they can only be made by truth-apt assertions or implications. The kinds of speech specified by this objection are not relevant for my argument. If one would persist that curses or poems do have truth-apt implications, one would place them out of scope of this objection and within the domain of the justifications already discussed.

Another possible objection is that, besides the three justifications discussed, we protect the freedom of expression because it is required for the freedom of religion, which, in turn, is a safeguard against religious war that left deep marks in the European intellectual culture (op de Beeck 2017). Does protecting judgement by silencing lies lead to violation of this freedom? First thing to note is that this protection counts for religious speech[85] only. The anti-war argument provides religious speech a distinct justification, however it might – with due tension – be also justified in the three ways discussed. While most of religious speech is demonstrably false, it still falls under the Millian arguments insofar it provides suitable material for critical enlightened deliberation. Religious dogmatism undermines personal autonomy, yet one may still claim an autonomous right to produce or consume religious speech. Democratic equality may suffer from the centralised dogma of religious political opinions, yet religious preferences are still valid sources of political legitimacy, at least if combined with some judgement. So, if justified by the earlier reasons, religious speech is on the whole compatible with the protection of judgement. Yet on the anti-war justification, I see no compelling argument, so I have to bite the bullet and admit the possibility that protecting judgement

83 Note that epistemic domination of groups of people by a single agent violates the core democratic condition of equality of individuals at some essential stage of their joint decision-making process. By contrast, legitimate political campaigning does not violate this condition because it appeals to the citizens' independent judgement without disrupting it.

84 In fact, we see that in countries without established democratic tradition hearers lack responsibility and responsiveness to good reasons, thereby undermining democratic endeavours by irrational voting.

85 Religious speech is not subsumed under the previous objection about non-truth-apt speech because religion claims to express the most ultimate kind of truths.

could require silencing religious speech and hence would violate the correlative freedom, even if my own proposal for the protection of judgement contains no restrictions on speech whatsoever. Empirically, religious speech is already being silenced whenever it falls under hate speech or anti-terrorism laws. So far that has not led to religious wars. It might well be that the whole consequentialist anti-war argument rests on the historical contingencies of Early Modernity.

2.3 From a Hohfeldian perspective, free speech does not rule out the right to judgement

Let us revisit "the wagging finger argument" in more detail. It can be reconstructed in the following way: protecting the hypothetical right to judgement would require silencing lies, which conflicts with the existing right to freedom of speech[86]. Now let us explore these two rights in the Hohfeldian paradigm and consider whether they are indeed incompatible.

Freedom of speech is codified as "the right to freedom of expression" in the European Convention on Human Rights (ECHR, Article 10) and the EU Charter of Fundamental Rights (CFREU, Article 11). Likewise, Article 19 of the Universal Declaration of Human Rights (UDHR) speaks of "the right to freedom of opinion and expression".

What is the exact meaning of a *right to freedom of speech*? In Hohfeldian terms[87], freedom to do *x* means that the agent is not under a duty to refrain from doing *x*. So, freedom of speech[88] means that the agent has no obligation to abstain from speaking[89]. Now let us bring rights into the equation. Someone having a right to *x* means the imposition of a corresponding duty on someone else to provide *x* or to abstain from interference[90]. So, if an agent has the right to freedom to do *x*, then others have an obligation to provide that freedom, that is, they have an obligation to not put the agent under an obligation to abstain from doing *x*. Thus, my right to freedom to speak imposes a duty on others to not impose a duty on me to keep silent[91].

We now turn to the right to judgement. In Part 3, I make an elaborate proposal for this right. For now, let us assume that it is roughly equivalent to the right not to be deceived. As discussed in section 1.3, flawed judgement results from being deceived about facts, norms, certainties, the context or the trustworthiness of sources. Deception interferes with judgement. The right to judgement implies others' duty to abstain from interference, hence also from deception, which translates back to the agent's right not to be deceived. Finally, since lies are verbal attempts at deception, the right in question implies the duty for others to abstain from lying.

So, do these rights contradict each other? The right to freedom of speech puts an agent under an obligation not to put others under obligations to keep silent. Were this agent assigned a right to judgement, they would put others under an obligation to keep silent whenever they lie, which is a prima facie violation of the agent's former obligation. Apparently, the wagging fingers have a point.

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86 In the US, a specific right to lie was defended on First Amendment grounds, using a broadly Millian rationale (Chemerinsky 2012). That is, the right to lie is justified by an appeal to truth.

87 Hereinafter, I follow Matthew Kramer's (1998, 7-22) interpretation of the Hohfeldian framework.

88 For brevity, I confine my discussion to speech rather than the more general notion of expression.

89 Accordingly, others cannot enforce that obligation, so they have no right to the agent's silence.

90 Following Kramer, I equate *rights* with *claims* (or *claim-rights*) and regard *liberties*, *powers* and *immunities* as separate entitlements. The other position adopted by some researchers including Watson (2021, 4) and Risse (2023, 109) is that the four entitlements are different aspects of rights.

91 Alternatively, one could treat the word *freedom* not as a Hohfeldian term but as some general reference to the agent's independent choice of their speech. That would be odd for international legal treaties, yet it would yield a stronger and simpler interpretation. Namely, the right to freedom of speech would boil down to the obligation of other people to abstain from interfering with the agent's speech.

Except that they don’t. We protect the freedom of speech, not the effect of speech. Lies are mere attempts at deception. The speakers’ right to freedom of lying implies the hearers’ obligation to permit it, but it does not imply their obligation to actually become deceived.

According to Jeremy Waldron (1989, 510-2), people’s interests are complex things that can be served in multiple ways. Rights, then, at least on the interest theory[92], do not correspond to single duties but generate successive waves of duties[93]. For example, the right for equitable political advertising generates the duties for television channels to broadcast political speech of the parties, but also for newspapers, billboard companies and social media platforms to place ads in a transparent manner, for government agencies to monitor the equitability and to punish violations. A conflict of rights arises only when their duties are not compossible. In other words, rights conflict if there is no possibility to satisfy all the interests that they protect.

In our case, there need not be a conflict. We can fulfil the duties of free speech and allow liars to lie and at the same time we can protect judgement by fulfilling the duties of reinforcing epistemic agents[94] so that they do not become deceived by the liars’ attempts.

In a way, we still can realise the Mills’ ideals of falsities reinforcing the truth and of people engaging in fruitful critical deliberation. Their ideas were long interpreted as a plea for a free marketplace of ideas (Bonotti and Seglow 2021, 11). Meanwhile, we know that free markets can fail miserably (Williams 2002, 215). If only to survive, juvenile market consequentialism requires a boundary-setting parental figure of deontological regulation. In the next part, I argue that by protecting the right to judgement we can finally let people reap the benefits of the marketplace of ideas.

92 Hereinafter, I will rely on the interest theory of rights. The will theory seems to presuppose judgement, so using it would be problematic at least in that sense. In the special case of not being deceived it even yields an absurd result: if a person willfully waives their right not to be deceived in some particular situation, they cannot be deceived because they know that they authorised an attempt to deceive them.

93 both positive and negative ones, hence one cannot really distinguish between positive and negative rights.

94 There is a parallel to my argument in biology: in many cases, we cannot and should not eradicate pathogens but we can and should support the immune system of the organisms we care for.

Part 3. How should judgement be protected from disinformation?

My principal argument is that in the time when free speech is no longer sufficient for proper judgement, when it gets abused for authoritarian disinformation threatening democracies, judgement itself should be protected as a fundamental right. Nothing short of a right will suffice, because judgement is a personal and fundamental interest that individuals ought to be able to claim in order to preserve their dignity. Recognition of this right would set straight the legal rationale for resisting disinformation and its protection would require some practical measures.

Since judgement is an epistemic good[95], the right to judgement is an epistemic right. In Waldron's terms, this right generates successive waves of duties that protect various requirements of judgement. These requirements can also be understood as successive epistemic goods, some of which are threatened by disinformation.

3.1 Epistemic goods required for judgement

Earlier I used a provisional definition of the right to judgement as a right to be free from deception. Given that judgement is a complex phenomenon with several requirements, that definition was of course oversimplified. However, it emphasised one important aspect: deception is an intentional human activity. My claim is that people have the right to be free from intentional anthropogenic interference to judgement[96]. Some other factors such as cognitive impairment or an adverse environment could also interfere with judgement. On these grounds, the right to judgement could hypothetically entail a right to omega-3 and magnesium supplements or an obligation for noisy neighbours to keep quiet. However, my primary focus is on the requirements of judgement that are intentionally attacked by disinformers[97]. The right to judgement should protect people from epistemic attacks and domination, and at least restore the epistemic environment to its pre-digital-age state.

The following epistemic goods cater to the requirements of judgement and thus prevent flawed judgement. The goods themselves and the corresponding policy measures are not new, they have been proposed and supported by numerous researchers (eg. Applebaum 2025, Brown 2021, Hénin 2023, Kunelius 2023, Rini 2017). What has not been argued, to my knowledge, is that these goods are granular epistemic interests that follow from the fundamental interest in unimpeded judgement, and therefore they should be protected by the successive waves of duties of the general right to judgement. So, I propose the following list of epistemic goods to protect, with some suggestions for implementation:

95 On a loose and a somewhat circular definition, *epistemic goods* are things that promote the wellbeing of agents in relation to knowledge. They include information, justification, understanding, wisdom, trust but also ignorance in case one is benefitted by not knowing something. Freedom of speech also qualifies as an epistemic good insofar as it promotes the hearers' wellbeing.
Watson (2021, 14) has a different conception of goods-as-products, which allows for "bad goods". I disagree: bad goods cannot ground morally significant interests that can generate rights.

96 We could say that the right to judgement is a short name for the right to capacity for judgement free from deliberate human interference.

97 My focus is also on the requirements of judgement that can be claimed and obtained individually. I set aside *systemic* conditions for judgement such as cognitive diversity that is argued to lead groups of people to better judgements (Christiano and Bajaj 2024, 2.1.1.2) or the public culture of justificatory rationality implied by the Rawlsian duty of civility (Ibid., 4.3.3).

1. Knowledge about the source of information or opinion, including its identity and reputation

As noted earlier, people are doomed to depend on the testimony of others, which is, to put it mildly, not always true. This creates the need to assess the credibility of the source[98]. The higher the reliability of one's sources, the better their judgement is because they have higher certainty, trust and a higher quality of factual knowledge and normative prudence. In order to assess credibility, one needs to know the identity and the reputation of the speaker.

Earlier, this knowledge was taken for granted in primitive societies and readily available up to Late Modernity[99]. Presently, identities on platforms can be swapped as easily as prepaid sim cards. We no longer know if the person talking to us is real, whether they have multiple identities, and whether they belong to our community. Yet, since we need to assess the credibility of their speech, we have the right to know who is talking to us.

Some of the suggested measures for the protection of identity knowledge include identity checks[100] for social media accounts, limiting the number of accounts per person, marking such multiple accounts, revealing their state or area affiliation[101] and marking accounts that spread large numbers of demonstrably false claims.

An ironic showcase is the November 2025 move of the Twitter (a.k.a. "X") platform to disclose account locations, revealing major MAGA accounts to be operating from russia, Nigeria[102] and India. This certainly improved the judgement of many people, yet for a morally wrong reason. People's ignorance, knowledge and judgement were used instrumentally to serve the interests of the platform owners in an oligarchic struggle for power. This is an insult to human dignity. The insult could be prevented by securing the individual right to judgement and the successive right to know the identity of speakers, regardless of the platform owners' arbitrary choices.

2. Verification of claims by a trustworthy institution

Justification of true claims and refutation of false ones[103] is another key epistemic good that promotes factual knowledge, normative prudence and higher certainty, and thus helps prevent flawed judgement. The division of epistemic labour suggests that this costly need of many people is met best through outsourcing[104] and centralisation, at least for salient claims

98 Some might object that I am championing the *ad hominem* and/or *appeal to authority* fallacy here. Well, it might be irrational to assess the truth of a statement *exclusively* by its source's credibility markers in the presence of other assessment criteria. But still, the assessment of the source is one of most employed criteria used by humans, both in formal and informal settings.

99 One might object that in the 17th and 18th centuries much political speech took the form of anonymous pamphlets. That is indeed correct. However, contrary to the victims of modern troll farms, the readers knew that the pamphlet authors concealed their identity.

100 A powerful objection, one related to the pragmatics of Early Modern anonymity, is that exposure of identity would pave the way for political prosecution of speakers. A detailed discussion of this worry is beyond the scope of my present work. In short, I believe that democratic governments are capable of setting up technical infrastructure that allows for reasonable protection of the right to know the salient features of speakers' identity without compromising their other rights.

101 A speaker's in-group or out-group status allows the hearers to better evaluate their claims, especially the normative ones, since they know whether the speakers have "skin in the game".

102 Perhaps on the mistaken assumption of a Make Africa Great Again acronym?

103 Some post-modern or constructivist critics might argue that the truth of a statement depends on the speaker's identity. Or, Beaver and Stanley (2023) might argue that truth is defined by the resonance, attunement, and harmony of speech. I keep to the assumptions regarding truth made in section 1.2 and leave such claims for a separate discussion since they somehow do not resonate with my present argument.

prone to disinformation. Remember that some falsities are hidden well under the surface of implications and norms, which makes them hard to detect without special training.

The obvious worry that this would lead to a dangerous concentration of political power deserves due attention that is beyond my current focus, yet I assume that as long as democracies manage to keep in check their monopoly on physical power, they can also do so for epistemic power.

To name an example, the right to judgement entails the right to know whether vaccination is safe and whether the Nazi salute is bad. For normative claims including semantic norms, verification should consist in the validation that the norm is non-malign in the sense defined in section 1.2. Also, tracking and/or predicting empirical outcomes of a norm can contribute to its verification.

Platforms and governments made numerous attempts to develop fact-cheking facilities with varying success. The successful cases can be used for the creation of public, democratically accountable institutions that serve the right to have salient claims verified in an independent and rigorous way.

3. Contextual awareness

Knowledge of the realm of facts and norms relevant for a particular judgement if one of its general requirements. Disinformers distort judgement by making – oftentimes implicit – claims that irrelevant considerations should be taken into account and/or the relevant ones excluded[105]. But if one has the right to unimpeded judgement, one also has the right to know what arguments to consider. The public epistemic institution mentioned above should fulfil this right at least for salient cases.

4. Knowledge whether information is organic or synthetic

For all of our evolutionary history, we accepted testimony from other people because we believed it resulted from human judgement. In the last couple hundred years we accepted graphic evidence because we believed it reflected reality. We took it for granted that speech, photographs and recordings were genuine. Now we do not know whether we read, see or hear something produced by a mindless machine, quite likely to serve disinformers' malicious purposes. Since our judgement is often harmed by synthetic content, the right to judgement entails the right to know whether a given piece is authentic or generated. Developers of generative technologies should be legally bound to implement this right.

A welcome bonus is that the recognition of automatically generated content, together with identity checks, will allow us to identify non-human *schmeakers* whose *schmeech* should not fall under the protection of freedom of human speech.

5. Control of platform algorithms

Platforms have become the primary source of politically relevant information for most people, yet the pieces catered to them are selected by untransparent and unaccountable algorithms. Even if one can tell reliable sources from the junk ones, one is still forced to view the latter, to become subject to their priming effects and spend time that could be spent

104 The Mills need not worry: outsourcing some critical deliberation frees space for the contemplation of more complex ideas.

105 In other words, the second-order judgement about what to take into account is flawed.

for trustworthy sources. This deprivation of epistemic control erodes certainty, trust, knowledge and hence judgement. The right to unimpeded judgement should therefore include the obligation for platforms to allow their users to monitor and control their feed algorithms[106].

6. General epistemic education

Judgment is a skill. If some skill like hand-writing or counting is crucial for thriving in modern society, then learning it is a sufficiently important interest to be protected as a right. Given that proper judgement is crucial for sustaining democracy and people thrive best in well-functioning democracies, people should have the right to epistemic education that equips them with knowledge about general epistemological topics such as the fact-value distinction, implicature, journalism, social platforms, disinformation etc.

The implementation of the right to epistemic education can fall under the general public education system. A good example in this respect is Finland where children learn media literacy from young age. In the optimistic words of Robert Dahl (2021, 187-8), “one of the imperative needs of democratic countries is to improve citizens' capacities to engage intelligently in political life. [… T]he institutions for civic education developed in the nineteenth and twentieth centuries […] will need to be enhanced by new means for civic education, political participation, information, and deliberation that draw creatively on the array of techniques and technologies available in the twenty-first century”.

A general objection against the epistemic goods specified above is that having them, i.e. being informed about the speakers’ identities, the context, verifiability and genuineness of their claims etc. would create an extra cognitive burden for people, much like the protection of privacy inflicted on us the endless clicking on cookie settings pop-ups. Admittedly, it could be a burden, nonetheless I believe that it will be far outweighed by the benefit of being relieved from endless fakes.

Further, one may suggest to protect the epistemic good of *information availability* and thus an obligation for respective parties to disclose any information required for someone’s judgement. Such duty may only be imposed in special cases such as information provision by the government as defended by Dorota Mokrosinska (2024) or the provision of patient medical data discussed by Watson (2021, 43-4). Yet generally, this obligation would conflict with other basic rights: in the pursuit of their interests one cannot put others under a duty to speak. Therefore I do not propose to protect this good by the general right to judgement.

Finally, note that I do not propose censorship, i.e. the removal of false or malign information as a distinct epistemic good. If the proposed goods are protected well, there seems to be simply no need for this: epistemic agents will be able to easily recognise the falsehoods and discard them from their judgement.

106 If platforms start lamenting that they, i.e. their shareholders’ wallets, cannot survive without the proprietary predatory algorithms feeding junk to dophamine-addicted users to boost their screen time, covering up for foreign troll farms, we should remind ourselves that governments have a solid track record in regulating addictive products without regret for companies going out of business.

3.2 The epistemic right to judgement

To defend the epistemic right to judgement, three questions need to be answered. What are epistemic rights? Why do we need to invoke rights to defend judgement in the first place? Finally, is judgement important enough to generate a right?

An *epistemic right*, according to Lani Watson's laudably comprehensive analysis, is an "entitlement[107] that provides justification for the performance and prohibition of actions and omissions concerning epistemic goods" (Watson 2021, 15). The justification in question is based on "the final [moral] value of right-holders *in the epistemic domain*" (Ibid., 17-8). Epistemic rights mandate actions and omissions by imposing directed duties, i.e. duties owed to particular right-holders to protect them from epistemic harms. How does one decide whether some harm qualifies for such protection? Leaning on Joseph Raz's interest theory, Watson proposes the rule that "a right-holder has an epistemic right when it is legally and/or morally permissible to enforce an epistemic duty[108]" (Ibid., 34).

Mathias Risse (2023, 108-12) offers a similar conception of epistemic rights with two notable differences. First, Risse attributes epistemic rights also to actors as individual *objects*, allowing for the right of people to be (not) known in certain respects. Second, he limits the object of epistemic rights, i.e. the object of possible epistemic harms, to information, claiming that all epistemic goods are reducible to it. This reduction seems unreasonable: some goods such as understanding and judgement cannot be reduced to information[109]. A person, eg. one cognitively overtaxed by philosophical writing, may possess all their due information and yet fail to understand it or make sound inferences.

Notably, the above conception of epistemic rights is distinct from the one employed in epistemic deontologism and the doxastic responsibility debates. An example of the latter is the right of an epistemic agent to believe *p* iff they have sufficient justification for *p*. The duty in question is epistemic rather than moral[110]. Importantly, the right-holder and the duty-bearer always coincide, so these rights are not social in nature.

Although Watson's analysis of epistemic rights and her plea to recognise them as a distinct class of rights are quite recent, the rights themselves are nothing new. All epistemic rights are moral, some of them are recognised and enforced by the law directly, and for some the legal protection is entailed in the enforcement of other non-epistemic duties. Thus, the right to freedom of speech, i.e. the right to seek, receive and impart information codified in the UDHR and its European corollaries, has always been an epistemic right, directly legally recognised. Likewise, the rights to medical information, court pronouncements, product risk disclosure, bank secrecy are all moral epistemic rights protected legally.

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107 Again, Watson and Risse regard rights as *complex* entitlements comprising claims, privileges, powers and immunities; I adhere to Kramer's view that rights are claims only. Watson (2021, 16) concedes that "epistemic claim-rights are understood as epistemic rights 'in the strictest sense'".

108 Some may object that this criterion is too broad: it is morally permissible to posit all kinds of duties, eg. paying taxes, that we don't really conceive of as rights. I suspect that it is also too narrow: someone can have a right while it is not morally permissible to enforce the corresponding duty, eg. a debt owed by a bankrupt, terminally ill relative. These objections concern the interest theory of rights generally, so they are beyond my focus on epistemic rights.

109 Unless we accept the It from Bit theory and a physicalist perspective on the mind that interprets (each particular) understanding as a configuration of (connections of) neurons. Then understanding can be reduced to information, but it is still different from *knowing* that information, so the information would not generate the respective right.

110 Kant would probably disagree.

Let us proceed to the second question. Many researchers warned against an explosion of rights that would render the protection of existing ones practically untenable. So, why cannot judgement be protected by some lighter measures than a dedicated right? I have three answers to this question.

First, rights constrain power. The marketplace of ideas fails for the same reasons real free markets fail, namely their intrinsic propensity to produce power inequality. The recent serious harms to judgement are caused by disproportionate power[111] whereas rights are uniquely suited for countering powerful domination. Both the Nozickian conception of rights as side-constraints and the Dworkinian one of rights as trumps prove that equal rights grant people the capacity to resist massive unchecked power.

Historically, technological shifts that led to massive inequality of power were often countered by the introduction of equal rights and enforcement institutions. Examples include the rights to clean air and water, consumer protection and labour rights. Similarly, recognition of the right to judgement will protect us against the novel power of platforms and AI troll farms.

Secondly, rights place agency where it belongs. Suppose that the preservation of judgement gets entrusted to some governmental body, or that the Chinese communist party proclaims judgement to be the proletariat's epistemic good of the year. The obvious problem is that it is not up to the government to decide what citizens need for their judgement and whether they still need it. In Williams' (2002, 212) words, "we cannot rely on the government's judgement of who has a right to what truth—that is already to trust them too much". The core interest of judgement belongs to the citizens and not to the state. In fact, citizens use their judgement to decide what government they need and whether they still need it. Yes, we depend on the government for the protection of the right to judgement, but we charge the government with this task and claim it rather than accept it as a gift or a command.

Moreover, centralised allocation of epistemic goods would likely fall in utilitarian patters of maximising the totals at the unavoidable expense of trade-offs, and thus violate the equality requirement of democracy. Since, as I argue in the next section, judgement is a primary good, it cannot be subject to utilitarian trade-offs. If citizens cannot make equal claims on epistemic goods needed for their judgement, they are unlikely to have equality at an essential stage of the democratic decision-making process. "By contrast, a theory of rights bases its commitment to the practice on the good to each individual, taken one by one" (Waldron 1989, 504).

Thirdly, rights are fundamental to human dignity. Joel Feinberg (1970) demonstrated the moral value of rights by the thought experiment of Nowheresville, a possible world like ours except for the absence of the concept and possibility of claims – and hence of rights. To get what they want, Nowheresvillians could only beg, cheat or resort to force. Without the notion of what is one's due and hence the capacity for righteous demands to others, people have no dignity. Conversely, "[h]aving rights enables us to 'stand up like men,' to look others in the eye, and to feel in some fundamental way the equal of anyone" (Ibid., 252).

For one thing, we need not stretch our imagination to a whole different world. In many autocracies, past and present, people lack the ability to claim what is their due and thus resort to imploring, trickery or violence. They are deprived of the inherent dignity cited in the UDHR. An epistemic illustration is that "small traditional societies are typically full of lies, because it is so hard to keep anything secret [without the right to privacy]" (Williams 2002, 117). Nonetheless, large modern societies have little to celebrate yet in the domain of judgement. When people are deliberately

111 See section 1.4.

misled, fooled and disoriented by troll armies, deepfakes and algorithms[112], they can beg and complain about platforms but they cannot make righteous demands[113]. In this respect, they lack dignity.

There remains the third question. Not all human interests generate rights, only those of significant moral importance do. Does judgement belong to them?

A few answers have already been given. In sections 1.5 and 2.2 I showed that judgement is necessary for escaping the evils of tyranny. If that reason alone falls short, in section 2.2 I also argued that judgement is crucial for human autonomy. Further, if we already protect free speech as a right and judgement is implied in all its major justifications, there are ample grounds to protect judgement as a right too[114].

Finally, if someone remains hesitant, we can invoke the authority of Bernard Williams and John Rawls. Williams (2002, 219) tells us that "basic rights of liberal society and democratic freedoms themselves depend on the development and protection of methods for discovering and transmitting the truth", judgement being certainly one of them.

For Rawls, primary goods bear the greatest moral importance and judgement clearly belongs to them on both historical definitions[115]. On the early definition of primary goods as "things that rational persons want whatever else they want" (Rawls 2003, xiii), persons would already need judgement for deciding what else they want. On the revised definition of primary goods as "what persons need in their status as free and equal citizens, and as normal and fully cooperating members of society" (Ibid.), I can only reiterate my proof that judgement is required for the freedom from tyranny, democratic equality[116] and cooperation[117].

Now a sceptic might note that some people lack the capability for judgement. Therefore, they lack the interest in being unhindered in something they are already incapable of, and in the absence of such interest no right to judgement can arise. The right would then be far from universal[118]. Yet, just as we assign the right to freedom of movement to disabled and comatose people, epistemic rights are assigned equally to all people "because they are beings of final value, not because they have any particular capacities" (Watson 2021, 30).

At long last, having addressed all the key questions, I propose the following definition:

> *The (epistemic) right to judgement* is the right to freedom from deliberate interference with judgement such as the obstruction of knowledge, the disruption of certainty and trust and the distortion of context, and to be facilitated in judgement by the provision of its key epistemic goods including the knowledge about information sources, authenticity and context, the verification of salient claims, the control of platform algorithms and a general epistemic education.

112 Likewise, on many platforms like facebook people lack the right of being heard by their connections. This is up to the algorithm. If it decides to prioritise faces and to downgrade links, people resort to the tricks – reminiscent of dogs conditioned for tricks – of adding their physiognomies to every single post and hiding the links in their comments. Dominated by the arbitrary algorithmic power, people are degraded in their human dignity.

113 As illustrated in section 3.1(.1), the platform owner can decide to disclose information critical for judgement, but platform users cannot claim it.

114 We might even come to recognise the right to freedom of speech as a remedial right for the right to judgement.

115 One could even make a transcendental argument that judgement is required for the very process of deliberation behind the veil of ignorance.

116 See section 3.2.(2.2) on the previous page.

117 Under Social Choice Theory in section 1.5.

118 This objection has a counterpart in "the skill problem" of democratic participation (Christiano and Bajaj 2024, 4.1.1): if some people are more skilled in political matters, why should everybody have equal political rights?

3.3 Required actions

If no doubt can remain that judgement should be protected as a right, in particular for countering malicious disinformation, citizens have reason to demand at least two things from their states.

First, the recognition of the right to judgement should be formalised and used as the straightforward justification of anti-disinformation policies and measures. The formalisation entails listing the right to judgement as a fundamental right alongside the right to freedom of expression in the UDHR, the ECHR and the EUCFR. The EU anti-disinformation legislation should be rooted in the protection of the right to judgement. Currently, the EU Digital Services Act (DSA) mandates norms for platform regulation and content removal broadly justified by the freedom of expression (European Parliament and Council of the European Union 2022, (3)). Yet the freedom of expression does not entail the freedom from powerful interference with one's capacity for judgement. Such rationale is inadequate and misleads researchers such as Cupać and Sienknecht (2024, 1071-2) into arriving at – in my view – absurd conclusions that "AI can undermine democracy at a systemic level even in the absence of explicit violations of individual, group, and collective rights [...via] spreading a plethora of conspiracy theories or amplifying extremist views". So, the DSA and similar laws need to adopt the proper language of the right to judgement, which would also allow all those governed by the laws to clearly understand their spirit[119].

The second demand is of course the establishment of public institutions to protect epistemic rights and to secure the epistemic goods required for proper judgement. An elaboration on how such institutions should operate is beyond my current argument, aside from the general suggestions in section 3.1, though one warning is due. Any such institution will face the permanent threat of distrust because of its propensity to be abused by the government on the one hand and the attacks of displeased disinformers on the other. Designing a transparent, possibly distributed, epistemic gatekeeper institution seems challenging though not altogether impossible for democratic societies. However, the more polarised and poisoned by disinformation a society, the harder this task, so urgency is essential.

119 This understanding will last over time: the technologies used by disinformers to derail judgement will change, but they will keep being seen as attacks on the same human capacity.

Conclusion

My argument has been quite lengthy, partly to address and preclude some possible objections. Yet essentially, it is a simple one. It is an appeal to think clearly about disinformation and judgement. If we don’t mince words, our brains won’t turn into (disinformed) mush.

At its core, all disinformation disrupts people’s judgement. Proper judgement is required for democracy, so disinformation undermines democracy and leads to the evils of tyranny. At the same time, judgement is a fundamental human interest that generates a universal epistemic right to judgement. This right creates successive waves of duties for the protection of particular epistemic goods that facilitate judgement such as the knowledge about information sources, the verification of salient claims, platform regulation and a general epistemic education. Thus, conceptualising, designing and implementing anti-disinformation measures in the context of the protection of the right to judgement lets things fall into place. The harms of disinformation can be understood clearly as violations of the right to judgement, and resisting the attacks is readily justified by the protection of this right against the epistemic domination of disinformers. Thus, democracies can endure by protecting their citizens’ rights, and people can thrive by claiming their due.

Some would point out the apparent strain between anti-disinformation measures being rooted in the protection of the right to judgement on the one hand, and the protection of the freedom of expression on the other. That need not be a problem. Protecting the moral right to not be deceived does not necessarily require silencing lies. Rather, it requires creating conditions for proper judgement, so that a person does not become deceived by the lies. Moreover, there is a deeper connection between the two rights. On the various justifications of the freedom of speech, judgement is either one of its requirements, or even its implied objective. Freedom of speech was meant to protect us from excessive, arbitrary power and tyranny. With all the recent technology of the digital age, it is no longer up to that task. It is a necessary yet no longer sufficient condition of judgement. So, at the core, it is judgement, with all its necessary parts including free speech, that ought to be protected as a fundamental epistemic human right.

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