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The right to truth

Many believe that freedom of speech is an absolute good — including the right to lie. But this view has become increasingly dangerous and outdated

Hardly a week goes by without a new piece of misinformation circulating online, from the freshet of conspiracy theories unleashed by the attempt on former US President Donald Trump's life to Elon Musk tweeting the far right's false claim that the United Kingdom has a two-tier policing policy. Truth is under attack, and people know it. According to a recent global survey conducted by the United Nations, more than 85 per cent of respondents were worried about the impact of online disinformation.

The world is awash in lies and distortion, largely because of the rise of social media and digital platforms. Designed to profit by maximising audience engagement, these platforms' algorithms amplify information that attracts attention, regardless of its veracity. Moreover, negativity has been found to boost engagement, with one study showing that each additional negative word in a headline increased the click-through rate by 2.3 per cent.

But another reason for our failure to combat disinformation is that the liberal tradition has prioritised freedom of expression over the right to truth. Any restrictions on free speech in the democratic world, the argument goes, would be used by dictators to justify censorship or worse.

Can truth be saved?

The West's approach to speech assumes that free and fair competition in the 'marketplace of ideas' will ensure that truth triumphs over lies. But we now know that this is wrong. Something similar to Gresham's Law, which says that bad money drives good money out of circulation, can be applied to information: 'flooding the zone with shit', as Trump's former chief strategist Steve Bannon put it, fuels distrust and makes it harder to distinguish fact from falsehood.

Some believe that truth is now fragmented beyond repair. But many

countries have strengthened institutions that are designed to seek the best available truths, and on which societies and economies often depend. Finance laws penalise falsehood and deception in accounts and public statements. Courts use sophisticated forensic tools such as DNA to make better judgments. And modern science mobilises critical peers to interrogate claims.

We now need to build on these foundations to ensure that every powerful institution provides the best available knowledge. At the heart of such an effort would be a new right to truth, which could rest upon long-established principles like the golden rule and the categorical imperative. Found in almost every civilisation, the idea of treating others as one would want to be treated by them can serve as a foundation for rebuilding the infrastructure of truth.

Plenty of possibilities

The first place to start is with the law. Many governments in Europe and elsewhere have strong consumer protection laws that prohibit misleading and false claims in advertising and marketing. The same principle should be applied to all political communications – a move that Australia is contemplating alongside a raft of other measures to bolster democratic resilience – and eventually to any type of mass communication. Knowingly spreading lies should have consequences — primarily financial, but perhaps including bans from holding public office or working in media.

The justice system has occasionally been used to penalise media organisations for spreading misinformation. For example, Dominion Voting Systems' defamation case against *Fox News* for airing conspiracies about its voting machines 'rigging' the 2020 US presidential election against Trump resulted in a settlement of nearly $800 million. But much more can be done to open pathways for legal recourse against blatantly dishonest news outlets and political figures through new laws that proscribe intentional distribution of lies.

Second, independent institutions that are committed to truth must be strengthened. These already exist in science, finance, health and safety. In media, non-profit news outlets and public-service broadcasting fill this role. The key to these institutions' success is their insulation from political and market pressures.

Schools should prepare young people to spot

Third, regulation could force powerful information providers to become purveyors of truth. In July, the European Commission

falsehoods of all kinds.

released its preliminary finding that Musk's X deceives users by letting anyone pay for a verified account and was therefore in breach of the Digital Services Act. As a result, X could face fines of up to six per cent of global revenue. Meanwhile, Germany's Network Enforcement Act, passed in 2017, requires platforms with more than two million users to remove 'clearly illegal' content.

Fourth, independent electoral commissions need powers to fact-check and correct false claims and block the most damaging misinformation or deepfakes in the run-up to elections, when truth is most vulnerable, the risk of interference is greatest and the stakes for democracy are highest.

Fifth, the next generation must be better equipped to distinguish truth from lies. Schools should prepare young people to spot falsehoods of all kinds. Finland and Denmark are leading the way by incorporating lessons on disinformation into curricula.

Lastly, tech pioneers such as Factiverse, Fullfact in the UK, Myth Detector in Georgia and Norway's Faktisk Verifiserbar are developing new tools combining artificial and collective intelligence to spot and assess misinformation. These and other initiatives should be encouraged and supported.

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To ensure success, the right to truth – in other words, the right not to be lied to or knowingly misled by powerful and influential organisations – should be added as a protocol to the European Convention on Human Rights and should balance the US Constitution's guarantee of free speech. There would need to be a high bar for invoking this right, to account for differences of opinion and interpretation. And it should be enforced by courts, not by governments or 'Ministries of Truth'.

All other civil liberties implicitly rely on some right to truth. For example, a right to a fair trial by jury has little meaning unless judges ensure that juries have the best possible information. More broadly, truth is dependent on a never-ending process of discovery bolstered by laws and institutions.

Musk and others fervently believe that freedom of speech is an absolute

good and that the right to lie should outweigh any right to truth. Their view is understandable and has honourable roots. But it has become increasingly dangerous and ill-suited to the times.

The seventeenth-century French mathematician Blaise Pascal wrote: 'Truth is so obscure in these times, and falsehood so established, that unless we love the truth, we cannot know it.' Today, we should demonstrate that love by making it a right and putting it at the heart of our laws and constitutions.

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