

Moral panics in social media times: Disinformation and panic about what others say and read on the internet¹

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<https://dx.doi.org/10.5209/TEKN.98025>

Received: September 19, 2024 • Accepted: March 14, 2025 • **OPEN PEER REVIEWS**

ENG Abstract. This article aims to demonstrate that the concept of ‘moral panic’ and its associated theoretical construction are of crucial importance in understanding how the media convey information and fabricate social problems in contemporary society. To illustrate this argument, we examine the social concern surrounding disinformation, which also enables us to display how the fear thereof thrives on social anxiety about the consequences of online speech acts. Our contention is that within the current communicative landscape, influenced by digitalisation and the centrality of social networks, the media continually produce –albeit not always explicitly– images and discourses about deviance that are designed to provoke responses of outrage and moral panic among the public. This ongoing competition for panic production evolves into a struggle to control daily trends and, paradoxically, may impede the emergence of significant and successful moral panics akin to those described by Cohen. Nevertheless, these potential and short-range panics coalesce around social anxieties and fears, reinforcing them and perpetually laying the groundwork for new panics to arise.

Key Words: freedom of speech; information; media; political economy; Stanley Cohen.

ESP Pánicos morales en tiempos de redes sociales: Desinformación y pánico sobre lo que otros dicen y leen en internet

ESP Resumen. Este artículo busca demostrar la relevancia teórica y conceptual del concepto de ‘pánico moral’ para entender y explicar la producción mediática de problemas sociales. Para ejemplificarlo, analizamos las preocupaciones sociales en torno a la desinformación, algo que nos permite explorar la relación entre el miedo a la desinformación y la ansiedad social en relación con las consecuencias de la proliferación de discursos online. Nuestro argumento es que, en el entorno mediático actual, marcado por la digitalización y la centralidad de las redes sociales, los medios generan constantemente, imágenes y narrativas sobre la desviación, diseñadas para provocar indignación y pánico moral en el público. Esta competencia permanente por la producción de pánico se convierte en una lucha por controlar las tendencias diarias y, paradójicamente, puede dificultar la aparición de pánicos morales sólidos y duraderos, como los descritos por Cohen. Sin embargo, estos pánicos potenciales y efímeros se agrupan en torno a ansiedades y temores sociales, reforzándolos y creando un terreno fértil para la aparición de nuevos episodios de pánico moral.

Palabras clave: Desinformación; libertad de expresión; medios de comunicación, pánico moral; redes sociales.

Summary: 1. Introduction. 2 A brief overview of the term moral panic and its controversies. 3. Moral panics in the current communicative ecosystem. 4. The fight for the next trend. 5. Moral Panic and disinformation: An illustrative relationship. 6. The mother of panics: Hell is other people. 7. Conclusion. 8. Data availability. 9. Statement of LLM usage. 10. Authors’ Contribution Statement. 11. References.

How to cite: Aguerri, Jesús, Gatti, Carlo, Jiménez, Aitor (2025). Moral panics in social media times: Disinformation and panic about what others say and read on the internet, *Teknokultura. Revista de Cultura Digital y Movimientos Sociales* 22(2), 239-249. <https://dx.doi.org/10.5209/tekn.98025>

¹ This publication is part of the project PID2021-125730OB-I00, funded by MICIU/AEI/10.13039/501100011033 and by FEDER, a way of making Europe.

1. Introduction

Stanley Cohen (1972) developed the concept of 'moral panic' over fifty years ago to conceptualise a specific form of constructing social problems, and to build a theoretical understanding of these processes, particularly the role played by the media. Since then, the term 'moral panic' has been widely used, developed theoretically, and has been the subject of controversies regarding its use even beyond academia (Garland, 2008). In this period, the world has changed significantly, notably with the rise of the internet, which has dramatically impacted social communication. Formats have changed, more actors have emerged, and social networks have become new battlegrounds for legitimacy and public attention. Consequently, the concept of moral panic may seem obsolete due to these transformations (Falkof, 2020).

Moreover, the past few years have witnessed an unprecedented acceleration in the transformation of the social media landscape. While this article primarily examines a period just prior to the latest developments, it recognises these recent transformations to offer a more comprehensive context. In July 2023, Twitter rebranded to X, reflecting significant changes in the platform's policies regarding politically charged speech and an increasing presence of AI-generated content. This rebranding was part of Elon Musk's vision to convert X into a 'super app' encompassing various functionalities beyond microblogging. Concurrently, new social networks such as Keek, SpaceHey, Threads, and Noplace have emerged, while differential regulation of fact-checking across platforms has also played a significant role. For instance, Meta (formerly Facebook) removed its third-party fact-checking programme and introduced a crowd-sourced Community Notes system, while loosening rules around politically charged speech. The increasing use of AI-generated content on development platforms and conversational models, including chatbots, has raised further concerns about the reliability of online information, impacting how information is shared and consumed in users' interactions. AI is also being leveraged for personalized user experiences and content moderation, heightening concerns about data privacy and security.

While remarkable, the changes described above have not diminished Cohen's work. Following recent research (Walsh, 2020; Walsh and Hill 2023, Puryear, 2024), this article argues that precisely these changes make it necessary to recover the theoretical framework built around the concept of moral panic to understand how the media engage in the construction of social problems. To achieve this objective, we will briefly discuss the main criticisms of moral panic and analyse disinformation as a socially constructed problem. This illustrates the functioning of the communication realm, marked by the constant generation of potential moral panics, and accounts for generalised social anxiety (Cohen, 2002) about the consequences that certain acts of speech on the internet can have.

We believe undertaking this task and repositioning the framework of moral panics is crucial in the current communicative context. Significant sectors of the

public (Altay and Acerbi, 2022; Aguerri, Miró-Llinares and Gómez-Belvis, 2023), as well as states and supranational institutions (Klonick, 2018), express considerable concern over certain communicative phenomena, such as the spread of ideas or information on the internet. This concern is leading to tighter legal countermeasures and compelling IP companies to take a more active role in controlling online speech on their networks (European Commission, 2022).

2. A brief overview of the term moral panic and its controversies

The concept of moral panic (Cohen, 1972) essentially refers to media-based processes (Hunt, 1997), for constructing social problems. Cohen's toolkit proved versatile, ushering in both reflections on general theory (Jones et al., 1989) and concrete applications (Best, 1987; Richardson et al., 1991). Following the original formulation, a moral panic occurs when «a condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests» (Cohen, 1972, p. 1). Erich Goode and Nachman Ben-Yehuda (1994a) describe the first stage of this process as the appearance, or re-emergence, of a concern, coupled with hostility or moral outrage towards those embodying the problem. Concern and hostility are followed by consensus that action is needed about it. Additionally, moral panic has two elements: a disproportionate conceptualisation and definition of the basis of the problem, and the volatility of this process of constructing threats and responses (Cohen, 2002). As Cohen acknowledges in the prologue to the third edition, these last two elements have been the most controversial over time.

Following Cohen (2003), the controversy surrounding the volatility of moral panics can be settled by understanding that each episode has its own internal trajectory, «its own micro-physics» (p. 45). This does not negate that moral panics are embedded in broader social and political forces and are part of wider social anxieties relying on a certain «generalised moralistic attitude» (Cohen, 2003, p. 42); it only confirms the need to dig deeper into the specific dynamics of each episode. It is noteworthy that much of the theoretical development following the concept's enunciation has focused almost exclusively on its embedding in broader social dynamics, ignoring the subtleties and details of each specific event. This says more about trends in social sciences, rather than the concept itself. However, it is rather the second of these two controversial features –i.e., disproportionality– that is the hardest to manage in theoretical and analytical terms.

To speak of moral panic, there must be disproportionality in the representation of the threat or the suggested response. It is therefore inevitable to wonder what a proportionate response or concern is. As Cohen (2003) argues, this question can be answered by drawing on a political agenda based on objectives and values, like human rights, social justice, etc. Even so, whatever the value behind the moral panic, this approach does not exclude the possibility that a judgement of proportionality can and should be made concerning the elements of

these episodes, the phenomenon from which they originate, or at least the rhetoric accompanying them (Cohen, 2002, p. XXXV). The question of proportionality remains one of the most criticised aspects (Waddington, 1986; Ungar, 2001), sometimes leading to certain misconceptions of constructivist relativism (McRobbie and Thornton, 1995). Moral panics are a specific process of construction of social problems –or specific episodes within those processes. As constructs, the problems faced by a given society are defined, shaped and framed by social forces (Best, 1987; Bourdieu, 2014; Kohm, 2020; Surette, 2014). Even a natural disaster, seemingly an objective and external occurrence, is still a social fact when considering the factors that determine who take the brunt of it, what responses it elicits or what images it evokes (Erikson, 1976). However, this does not mean that social problems are unrelated to empirically verifiable facts. Thus, analysing the relationship between social constructs and the ontological substrate on which they build is not to abandon social constructivism: it is perfectly possible to address the empirical by acknowledging its heuristic limitations, as well as the inevitable interweaving of socially constructed meanings and visible empirical evidence. A survey, crime registers, or a census is, in this respect, a social object too. Therefore, whether the perceived threat is an authentic reflection of reality or a construct unrelated to it –depending on the epistemology of each observer– it is possible to make a judgement of proportionality between the scale of the problem and the scale of the response, that is, a judgement based on objective –in the sense of non-arbitrary– criteria (Goode and Ben-Yehuda, 1994b, p. 158), without denying the socially constructed nature of many variables involved. In sum, the problems relating to proportionality do not seem to stem from moral panic's epistemological background, but from the negative connotation of the term since its popularisation. In fact, these issues with proportionality assessment lead Cohen (2002, 2011) to speak, in a provocative way, of good moral panics and bad moral panics.

The importation of moral panic into the media ecosystem has led to its weaponisation in the media's pseudo-fight for daily trending topics. Many, even within academia, interpret the use of this concept as an attempt to belittle the underlying social issues (Horsley, 2017). Nevertheless, Cohen (2002, 2011) acknowledges that we all work to boost, on certain occasions, what we consider good moral panics. It is not illegitimate *per se* to fuel moral outrage and thus break mechanisms of denial that otherwise prevent reactions to mass atrocities, cruelty, or suffering (Cohen, 2001). For example, social movements like feminism have succeeded in making visible certain forms of victimisation that had traditionally remained hidden. Analysing episodes of gender-based victimisation in terms of moral panic does not deny the existence of these victims, nor does it oppose the political movements supporting them. Therefore, the recourse to a media-based construction of social problems is just a conceptual tool integrating the media dimension into cultural and social studies. It emphasises the media's role as «the primary source

of the public's knowledge about deviance and social problems» (Cohen, 2002, p. XXVIII).

Whatever the origin of the problematisation of a given reality, the media always play a relevant role by uncovering the phenomenon, setting the discussion agenda, selecting aspects to address, and transmitting the images that filter the understanding of that process. This includes screening who transmits what, and through which rhetoric. When analysing a process of problematisation through this prism, the discussion focuses not on its origin or the more or less noble intentions of those who raise the issue, but on how the media process this denunciation and construct the problem (Bourdieu, 1996). Consequently, the question of proportionality, or criticisms associated with the possible negative significance of moral panic, must remain in the background. The use of the term does not imply a proportionality assessment between reality and, for example, the victims' account. Rather, it implies an assessment between reality, understood in whatever terms we want –including the victims' account– and media-produced images and rhetoric.

3. Moral panics in the current communicative ecosystem

While the main criticisms of the concept of moral panic are rebuttable, its indiscriminate application is unwarranted, as it represents a specific method of managing information within the framework of constructing social problems (Cohen, 2002, p. XXXVII). Recent social transformations have fostered a generalised moralistic attitude, enabling the application of Cohen's toolkit to understand the construction of social problems, even in the absence of successful episodes as originally defined.

The media serve as the primary source of information on deviance for the public (Baranauskas and Drakulich, 2018; Cohen, 1972; Pickett, 2019; Shi et al., 2020). However, this information is far from neutral, being subject to specific filters and dynamics within the communication domain (Baranauskas and Drakulich, 2018; Bourdieu, 1996; Chadee and Dilton, 2005; Chermak and Gruenewald, 2006) that determine what constitutes news, which aspects should be highlighted, and who should be given a voice (Cohen, 1972). Understanding the social reaction to deviance and responses to intervention proposals requires understanding public attitudes towards deviance, shaped by media-transmitted images. These are not conveyed randomly but tend to reflect generalised social anxieties and moral tropes that can provoke reactions of indignation, concern, or even panic among the population (Cohen, 1972), thus proving crucial in deciphering public attitudes towards deviance-related phenomena. It can be argued that the ultimate aim of any deviance-related news is to create a panic that fuels public interest in further information on the subject, spreads the issue to popular talk shows, and, in contemporary times, generates trending topics and increasing clicks.

Today's media landscape comprises multiple actors and is characterised by the rapid and constant production of small-scale news pieces with highly impactful elements (Brulle et al., 2012; Cooke, 2017),

which are profitable due the clicks they generate (Rochlin, 2017; Walsh, 2020). Social networks have partially disrupted the discursive monopoly of traditional media channels (Balkin, 2004; Castells, 2009), although these networks remain highly unequal, with a small number of users—, including mainstream media and journalists (Hier, 2019) — having a disproportionately greater impact and wider audience. Meanwhile, mainstream media and well-known journalists remain the primary providers of information on crime and deviance, and this information continues to be biased towards phenomena such as violent or sexual crimes (Curiel et al., 2020). This observation reinforces our earlier argument that, especially today, the goal of deviance-related news is to generate a panic reaction among the public.

4. The fight for the next trend

As we have pointed out, the processes of constructing social problems, as well as social reactions to criminality and deviance, can only be understood by considering the role of the media. In the current media landscape, social networks play a significant role, serving both as a source from which media tap into to generate panic (Aguerri, Santisteban, and Miró-Llinares, 2024; Carlson, 2020; Miro-Llinares and Aguerri, 2021; Walsh, 2020) and as a meeting place where media and user-generated information interact. Given that the most emotionally laden, extreme, and polarising content is also the most successful on social networks —those gaining more visibility according to the platform's algorithms and users' digital behaviour (Tucker et al., 2018)—, news media seek to benefit from this mechanism (Mylylahti, 2018; Palmer, 2024). The goal of any media outlet, journalist, or account seeking visibility on social networks is not only to attract traffic to its website but also to achieve network impact, increase followers, and get publications shared, liked, and commented on by other users. Network impact is not only a monetisable value in itself —expressed by the value companies are willing to pay to advertise on that account— but also a precondition for platform algorithms to give exponentially greater visibility to the account's publications, thereby reaching a larger audience and generating ever-increasing traffic to the media outlet's website (Beer, 2013). Against this backdrop, provoking panic and nurturing reactions of moral outrage among online users is particularly tempting (Oates, 2020), as users react emotionally and unleash their indignation to gain a sense of support and, perhaps, some impact online. Moreover, achieving this first-wave impact —a first wave of outrage on social networks— turns the emotional reaction into news itself, providing media with new material to generate tidbits and prolong the subject's topicality. Although the process sounds simple, in practice, many different factors come into play, with fierce competition for the public's outrage being one of the most noteworthy.

In the contemporary media landscape, there are more actors than ever. The Internet has facilitated the emergence of new media and the sharing of information by anyone with access to the network (Lazer et al., 2018). On social networks, mainstream

media coexist alongside other stakeholders —private users, other media, political and social actors (parties, associations, social movements, etc.) (Castells, 2009)— moving within that same unified environment while pursuing their own guidelines and proposals on what should rouse moral outrage (Hier, 2019), with varying degrees of divergence from the mainstream media agenda. This voracious competition has made it difficult to spot successful and relatively durable processes of social problem-making, such as those referred to by the original formulation of moral panic. Following this reasoning, these outmoded processes seem to have been replaced by myriad attempts at moral panic that only attain primacy under very specific circumstances. And, even if they achieve some success, they are quickly supplanted, with few exceptions, by new trending topics within days. We should therefore describe our current communication ecosystem as traversed by constant attempts at multiple moral panics. Naturally, empirical research in this area will be systematically necessary. However, the fact that news stories now have a progressively shorter lifespan and social media have accelerated the pace at which public debate topics are consumed and replaced (Burnap et al., 2014; Hadland, 2019) are factors that seem to indicate this trend, confirming the value of Cohen's theoretical tools to comprehend the contemporary construction of social problems and the attitudes towards responses by political actors to both existing and under-construction problems. Of course, this perspective does not provide thorough answers to questions such as: what makes some moral panics materialise while others remain mere attempts? What determines the success of some moral panics within the communication ecosystem described above? However, the key to responding to these questions lies in the very original formulation of the concept: the volatility of moral panics, an element that should entice us to study the evolution and microphysics of each of these episodes.

5. Moral Panic and disinformation: An illustrative relationship

A particularly illustrative example of the relationship between moral panics and social networks is the current fight against disinformation that governments around the world have been waging for more than five years (European Commission, 2018b; Pomeranz and Schwid, 2021). This exemplifies a certain 'metapanic', i.e., a generalised anxiety that appears to be spreading rapidly. During the 2016 US election campaign, the term 'fake news' began to gain popularity (Khaldarova and Pantti, 2016), breaking away from its previous associations with satire and humour (Berkowitz and Schwartz, 2016; Brewer et al., 2013; Tandoc et al., 2018), and acquiring a new meaning linked to the circulation of false information about the political contest on social media (McGonagle, 2017). After the victory of the Republican candidate, the term began to take hold. Broadly speaking, it enabled a convenient explanation for Donald Trump's victory, suggesting the crucial factor of the election outcome had been false information coming from small unknown actors who had burst

into the field of communication and were manipulating the audience, while traditional media supposedly had no responsibility (Carlson, 2020). Shortly afterwards, other events such as Brexit further consolidated the concept of fake news, although this was quickly absorbed by the more general term disinformation (Wardle and Derakhshan, 2017), which transcends the political context and refers to the circulation of false information in general. Thus, during the COVID-19 crisis, the risk posed by disinformation to health and security was highlighted on several occasions by different organisations (Ahmed et al., 2020; Interpol, 2020). The WHO itself coined the term 'infodemic' and stated that misinformation would be hindering «an effective public health response, creating confusion and distrust among the population» (WHO, 2020, para. 2).

More recently, in the wake of the Russian invasion of Ukraine, the two main social media platforms (X and Meta), as well as various states, have taken steps to combat Russian disinformation. These measures have ranged from the European Union's request to stop broadcasting Russian channels Sputnik and Russia Today in Europe, to the labelling of the X accounts of Russian journalists as «Russia state-affiliated media», which is not only a visual warning to users but also an algorithmic reduction in their publications' visibility (Aguerri et al., 2022). Interestingly, the action has not been implemented discreetly to avoid suspicions about its justifiability or the implementation criteria but was announced by the company's managers and released publicly as part of the company's commitment to fighting disinformation (X-transparency, 2022).

For their part, states have also carried out their own initiatives, embracing a variety of approaches ranging from the use of the criminal code to punish the dissemination of certain information, to the adoption of codes of conduct for the actions of key stakeholders (Pomeranz and Schwid, 2021). The latter is the most common strategy and also the one followed by the European Commission (2022) in the recent Strengthened Code of Practice on Disinformation, where disinformation is defined as «false or misleading content that is spread with an intention to deceive or secure economic or political gain and which may cause public harm». This definition is particularly indicative of the concern, highlighted from different academic fields—including the sociology of deviance and social control—about the harm that the spread of false information, disseminated to deceive the public or for economic gain, may cause.

The legal definition of disinformation includes the formal distinction from 'misinformation', characterised in the same Code as: «false or misleading content shared without harmful intent, though the effects can be still harmful». This intent-based distinction echoes views already expressed at EU level in the Report on Fake News and Online Disinformation (European Commission, 2018a) and in the Council of Europe report on information disorder (Wardle and Derakhshan, 2017); it also matches definitional contributions from scholarly literature (Karlova and Fisher, 2013; Fallis, 2014, 2015; Søe, 2021). However, as Giovanni De Gregorio (2021) and Cristopher Phiri (2023) warn, the notion of

disinformation is far from self-explanatory, just as the distinction from misinformation is anything but clear-cut. Indeed, the same EU Code of Practice, in its preamble, conflates disinformation with other phenomena, including misinformation (EU Commission, 2022, pmbl. para. a). Moreover, the requirement for intentionality should reasonably refer to misleadingness, rather than falsity as such: in fact, neither deepfakes nor doctored videos make a literal statement that is false (Sunstein, 2021). Conversely, parody and clearly identified partisan news, according to the EU Commission (2018c) and several ECHR rulings (Ziembirski v Poland 1799/07; Handzhiyski v Bulgaria 10783/14), never constitute disinformation.

Therefore, while the misleadingness-intentionality combination seems an unavoidable starting point that finds support in Paul Grice's (1971) philosophy of communication, it cannot be overlooked how hard it is in the online environment to systematically trace the creators of digital content and thus their intentions. For example, the use of pseudonyms can sometimes be enough to prevent tracing the creator, and the intent to deceive can easily disappear with bots, amplification systems, or third parties as peer-to-peer intermediaries to reach a bigger audience. This explains why some commentators argue that the policy debate should focus on the effects, rather than on the communicators' intentions (Bontcheva and Posetti, 2020), so that the actual hallmark of disinformation would lie in eroding people's trust in information shared by the media, even where it does not mislead anyone (Phiri, 2023). Thus, despite the apparent clarity of abstract definitions, the practical difficulties in setting unequivocal boundaries between disinformation and misinformation—especially in large-scale communicative phenomena—somehow decentre the relevance of legal definitions in a moral panic perspective, and provide a first explanation for the shift, in practice, towards distinctions grounded in pre-defined features of the content source.

It should be no surprise then that when we talk about disinformation, we tend not to refer to all the manifestations thereof that would virtually fall under the legal definition, but only to a specific one. As we already mentioned, disinformation and its predecessor fake news are concepts closely linked to the spread of information in the digital environment, especially social networks (Miro-Llinares and Aguerri, 2021). This circumstance allows media outlets belonging to large conglomerates to stay out of the area of concern on disinformation—which supposedly cannot originate from them, but only from unknown outsiders—and at the same time to lead initiatives to fight disinformation. However, this approach is not limited to the media ecosystem.

Most studies addressing fake news define the falsity of contents not in relation to the truth or the author's intention, but in relation to their source (Lazer et al., 2018; Miro-Llinares and Aguerri, 2021). This approach to disinformation provides researchers with a user-friendly tool, easy to operationalise, while eschewing the thorny question of determining what truth is. However, the immediate consequence is that mainstream media, such as Fox News, stay off the radar of disinformation, as they are assumed to be legitimate media outlets, and therefore actors that by

no means can contribute to disinformation. Accepting this conceptualisation also means thinking of disinformation as a new technopanic (Marwick, 2008; Shaban, 2020), which hints at the existence of a diffused and dangerous other (Carlson, 2020; Walsh, 2020), and whose consequences are far from being scientifically proven (Altay, 2022; Miro-Llinares and Aguerri, 2021). In fact, the empirical evidence available on the impact of false information—understood as information coming from non-legitimate news sources and spread through social networks—indicates that this content represents a very small volume of the information circulating on social networks, and is mainly consumed by a minority of users, who also consume content from a wide range of other sources (Allcott and Gentzkow, 2017; Grinberg et al., 2019; Guess et al., 2019; Guess et al., 2020; Nelson and Taneja, 2018).

Consequently, the dominant conceptualisation of disinformation not only begets a moral panic that favours proposals for greater state control over freedom of expression, but also aligns with certain tropes that, by delineating disinformation in the above-mentioned terms, prevent broader understandings (e.g. understandings not automatically excluding certain actors). A recent analysis of the digital mobilisation #exposebillgates (Aguerri and Miró-Llinares, 2023) illustrates this. Under the aforementioned hashtag, on 18th June 2020 tens of thousands of users gathered together on X to denounce that Bill Gates had a secret plan to use the COVID-19 vaccines to implant microchips in the population. The hashtag trended in the US and Europe, with some media outlets echoing this mobilisation called by conspiracy theorists and 4chan and Reddit activists (Meisenzahl, 2020). However, the detail that went unnoticed is that the most active account in the conversation generated around the hashtag, contributing the most to the dissemination of the event and related messages, was @DeAnna4Congress, a Republican party candidate for the US Congress in California (Aguerri and Miró-Llinares, 2023).

6. The mother of panics: Hell is other people

This understanding of disinformation as a social problem mirrors a deeper anxiety about the consequences of what is said on the internet. Recently, it has been observed that fear of disinformation is widespread, with the perception of its dangers mostly linked to the belief that distant others (unknown subjects outside the inner circle) are particularly vulnerable (Altay and Acerbi, 2022). In other words, the fear of disinformation stems from the belief in an 'other' who spreads false information, which can reach a second, vulnerable other who might act on it. This 'third person effect' has also been observed in relation to supportive attitudes towards censorship of certain media and social network content (Rojas et al., 1996). However, concern about certain discourses and the effects of the circulation of certain communicative acts predate the idea of disinformation and the internet itself. Traditionally, states have criminalised certain speech acts either for constituting (more or less direct) incitements to violence (Miro-Llinares, 2016) or for

being immediately harmful and thus offences in themselves (Feinberg, 1984). The thorniest point has been historically how to justify restrictions on freedom of expression on the grounds of something as undetermined, in terms of penal dogmatics, as 'public order'. Consequently, restrictive measures have always sought justification, with formulae varying across institutional experiences, in a criterion of suitability to foster behaviours emulative of those evoked by the speech act. The judicial indices of this suitability have also varied significantly. While a recurring rationale has been the temporal proximity between a certain event and its glorification—for example, in *Leroy v. France* (ECHR 36109/03) or *Lehideux and Isorni v. France* (ECHR 24662/94)—thus borrowing the argumentative scheme of the 'clear and present danger doctrine' prevailing in the US Supreme Court since *Brandenburg v. Ohio* (1969), other arguments have leveraged the receptivity of the audience or the public character of the speech act, which would be implicit in the use of social networks.

The advent of the internet has amplified pre-existing social and political concerns. Fernando Miró-Llinares (2016) notes that under Web 1.0—the slower, more vertical web before social networks and blogs—the concern was quantitative, focusing on the network's capacity to reach broader audiences. With Web 2.0, characterized by the rise of social networks and the shift from vertical mass communication (Castells, 2009), the concern became qualitative, focusing on the persuasive power of messages and the internet's ability to enhance their communicative effects. This concern led to efforts against radicalisation—especially Islamist radicalisation—on the internet (Stenersen, 2008; Thompson, 2012), and the need to combat offensive messages on social networks. Spain exemplifies this trend, targeting both types of conduct using the same legal provision that punishes the glorification of terrorism (Aguerri et al., 2022).

The crime of glorification of terrorism was introduced into the penal code with the Organic Law 7/2000, December the 22nd; the penalties were subsequently increased by the reform of the Penal Code in 2015 (Organic Law 2/2015). The offence had been barely used until 2011, which constitutes a quite paradoxical fact. It was created in 2000 in view of social concerns over the Basque separatist, far left, armed organisation ETA that, nevertheless, by 2011 had ceased all armed activity. Between 2005 and 2010, the Spanish judiciary issued thirteen convictions for glorification of terrorism; in the following five years the figure increased to thirty-nine convictions, 30% of which related to messages posted on digital media (in particular Facebook and YouTube). In the period 2016-2019 the number of convictions increased even more, reaching fifty-one convictions, 91% of them for conduct in cyberspace (Miró-Llinares and Gómez-Belvis, 2019). These criminal cases evidence both a crusade against radicalisation and the use of criminal provisions to punish speech acts broadcast on social networks and considered offensive, such as jokes about terrorist attacks or song lyrics referring to political violence (Aguerri et al., 2022). It is noteworthy how easily, even within the EU legal space, the concern

over the threat posed by digital media can fit into legal packages originally conceived for very different purposes and make them work for new areas of intervention.

The quantitative —in terms of number of convictions— and qualitative (i.e., encompassing new contexts) expansion of court decisions achieved remarkable public notoriety (Miró-Llinares and Gómez-Belvis, 2019) and became a matter of political debate (Surribas-Balduque, 2020). While these cases drew extensive media attention, it should be noted that as the use of the glorification of terrorism was expanding, media coverage progressively shifted from terrorism —references to terrorism tend to disappear after 2015— and focused on content appearing on social networks (Aguerri et al., 2022). It is very difficult to understand the increased application of this offence without looking at the growing concerns —which might be both a cause and a consequence of the first—over the effects that certain communicative acts on social networks may have.

Furthermore, this concern has been recently confirmed by an empirical study (Aguerri et al., 2023) on the degree of consensus regarding the restrictions that social networks impose on users' freedom of expression. In the survey, nine hundred respondents were asked to evaluate the appropriateness of a series of behaviours prohibited by major social networks. The results showed that there is a very high degree of consensus on the seriousness of the threat posed by the prohibited behaviours and the need to wipe them out of the networks. Respondents attached very high seriousness to all types of behaviour —which covered a wide range of expressions, from hate speech to false claims about electoral processes— with no possibility to detect any ascending rank among them. In addition, people were also surveyed about the moral reproach (i.e., wrongfulness) and the harm or danger caused by the prohibited behaviours. The result was that, in contrast to what happens when similar studies are conducted on behaviours in the physical environment, the degree of harmfulness attached to the behaviour was the main predictor of the seriousness assigned to it. That is to say, respondents, at least according to what they stated, considered the behaviours to be serious and worthy of removal not because of their moral wrongfulness, but because of the harm or danger they could produce.

We can conclude, then, that a preoccupation is rising with the effects of what others say on social media creating a generalised anxiety that others, due to their vulnerability, will be misled or persuaded by online content. This anxiety, grafted into a communication environment aimed at provoking visceral and emotional responses, provides the perfect breeding ground for constant moral panics, some of which, like disinformation, are extremely successful.

7. Conclusion

As we have shown above, the term moral panic can be controversial, and we must be extremely careful when bringing it into the current context. However, its role in understanding contemporary communication

dynamics is crucial, as it sheds light on the processes of constructing social problems. This enables the analysis to focus on concrete events and reference two thematic areas as reference: the role played by moral outrage as a fundamental trigger and the official response to it, and the key role of the images conveyed by the media.

Stanley Cohen's theoretical legacy is perhaps more valuable today than ever. The field of communication, currently characterised by the centrality of social networks, encourages the production and dissemination of information, often with the explicit aim of generating a moral panic reaction among the audience. Paradoxically, this media ecosystem, teeming with multiple actors in constant competition, may hinder the emergence of panics akin to those of the 20th century, which were fewer, less fragmented, but had a longer duration. Today, we witness panics that are shorter, often confined to a hashtag with a lifespan of just a few hours, floating among thousands of other potential panics. Only a small group of these panics manage to survive, mutate, and occasionally give rise to legislative initiatives, with disinformation being a prime example.

The most recent transformations in the social media landscape, mentioned in the introduction, including platform rebranding and the emergence of new networks, have contributed to altering online communication dynamics. Although not directly addressed here as the main research subject, we believe that these changes are likely to exacerbate rather than mitigate the trends we signal, thus confirming the necessity of revisiting and adapting Cohen's oeuvre to better understand how the media engage in the construction of social problems in this rapidly evolving environment.

What is interesting about disinformation is less its classification as moral panic than the deeper concern over the threat posed by certain speech acts on the internet. This constant anxiety about the effects of online actions, which is also the ground on which moral panics thrive, seems indirectly confirmed by the vagueness and volatility of international and domestic legal practices. Despite the apparent clarity of legal definitions on information disorder, the result often consists in interpretative overstretching and the reinforcement of former power positions within the digital information environment. With news companies engaging in fierce competition (Oates, 2020) to survive within —and while being trapped in (Myllylahti, 2018)— the political economy of social media, the term 'moral panic' gains special prominence even when we are not dealing with moral panics according to their original formulation. Only by keeping in mind the overall theoretical background that underpins this notion can we grasp —media campaign after media campaign, and hashtag after hashtag— how the groundwork for successful moral panics is constantly being laid, including by unsuccessful episodes.

Of course, when positing the existence of this continuous attempt to produce moral panics, we are not saying that none of the underlying issues have value or are unreal. When, for example, we speak of disinformation as moral panic or allude to the social anxiety produced by what is said on social networks,

we are not denying that the consequences of discourses circulating on the internet can be serious. Misogyny, hate speech, and even disinformation itself are discourses that undoubtedly are alarming. As we mentioned at the beginning of this article, speaking of moral panic does not equate to understating or debunking the substratum of reality beneath that anxiety. Rather, the use of this theoretical framework enables us to analyse how the media transmit the images that give rise to processes of constructing social problems marked by disproportion, which ends up resulting in a moral panic.

However, as already noted, empirical evidence (Aguerri et al., 2023) demonstrates a significant consensus among the population regarding the need for social media platforms to remove content (including that which the platform deems false). The European Commission's stance also points to the necessity for platforms to take action to prevent misinformation. Consequently, the responsibility of determining what is true, what is false, and what is intentionally false is being left to private corporations. The fear surrounding the consequences of statements made on social media, which we believe is aptly illustrated by the moral panic built around misinformation, is thus reinforcing the power of corporations and their algorithms to define the boundaries of freedom of speech—a path that may lead to serious consequences. Of course, pointing out the existence of moral panics and the socially constructed nature of certain concerns does not deny the existence of real underlying problems—this issue was already present in Cohen's original work — but it should inspire us to conduct careful analysis rather than hastily embracing restrictive responses.

8. Data availability

The article contains all the original data generated by this research.

9. Statement of LLM usage

This article has not used any text generated by an LLM (ChatGPT or others) for its writing

10. Authors' contribution statement

Jesús Aguerri: Conceptualisation, Formal analysis, Research, Drafting, Revision and Editing.

Carlo Gatti: Conceptualisation, Formal analysis, Research, Drafting, Revision and Editing.

Aitor Jiménez: Conceptualisation, Formal analysis, Research, Drafting, Revision and Editing.

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