

# Political Disinformation on the Net and the Risk to Democracy

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The essay aims at analyzing the relationship between the changes of political information, disseminated through the net, and the dangers to democracy. In particular, three topics will be addressed: the change of ways of making political information on the net; the new characteristics of political information disseminated on the net and the risk for democracy; the need to combat political disinformation on the net through adequate regulation. In this regard, the paper analyzes the measures adopted in some European countries, such as France, Germany, and Spain, aimed at countering disinformation online and fake news, especially in the field of political information, and the action started by the European Union for this purpose. The measures adopted by some European countries are aimed at: repressing the disinformation and fake news; providing transparency obligations for providers; promoting media literacy programs. Instead, the European Union preferred to resort to self-regulation by providers. In fact, although the European Union can adopt a regulation containing specific obligations for providers, for the moment it has provided for the adoption of a Code of good practice to combat disinformation which is not binding on them. In this regard, the paper analyzes the possible measures that States and European Union could introduce in order to combat the phenomenon of political disinformation able to influence the voters and condition the electoral competitions. Finally, the paper focuses on the effectiveness of these measures and their limits.

*Keywords:* internet, social media, political information, fake news, democracy

## **Introduction: The Changes in Political Information on the Net**

The internet has changed the ways of making political information (Mazzoleni, 2012; Grassegger & Krogerus, 2017).

Much of the information is not provided by professional subjects, but by politicians who can influence the political orientation of the users, limiting the confrontation with a plurality of positions and news. In particular, political information on social media can condition the voters, more than in the past. Traditional mass media, especially television and the press, have always been able to influence the opinions of voters, including through the dissemination of disinformation campaigns. However, political information on the net may further influence the voters (Mazziotti Di Celso, 2018). This is for a number of reasons.

The internet has changed the ways of making political information but also its contents (Bistagnino & Fumagalli, 2018; Perucchiotti, 2018; Giglietto, Iannelli, Valeriani, & Rossi, 2016). In the internet environment, politicians, especially through social media, can communicate directly with voters (Ceccarini & Di Pierdomenico, 2018) and tend to give more prominence to news that can give them greater visibility (Ratkiewicz, Conover, Meiss, Goncalves, Flammini, & Menczer, 2011; Silverman, 2016) and arouse curiosity,

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empathy, and emotions in their followers. Indeed, thanks to profiling, operated by algorithms used by platforms, it is possible to know the users' preferences, orientations, and prejudices. Political information, in order to obtain consents and discredit opponents, tends to be personalized and to be "cut out" on the basis of users' preferences, political orientations and prejudices. Therefore, the purpose of politicians' communications no longer seems to offer correct, complete, and truthful information but, rather, arouse reactions from users, also through the creation and dissemination of fake news (Mezzanotte, 2018; Shao, Ciampaglia, Varol, Flammini, & Menczer, 2018). Furthermore, politicians are sometimes inclined to divert public attention from real problems that can hardly be addressed, especially in the countries with weak majorities—as in Italy—through the creation and dissemination of fake news on social media.

On the other hand, a large number of users develop a political opinion on the basis of information found on the internet and no longer through traditional media. Nowadays traditional mass media no longer seem to be able to select and control political information or to deny fake news (Baker, 1998; Levi, 2018). Therefore, users often find it difficult to recognize fake news and tend to believe the false news on the net rather than the real news spread by traditional mass media. This happens also because they have less trust in the old media often considered as profit-oriented business realities (Baron & Crotofo, 2017). The danger, however, is that the old mass media can no longer exercise their traditional role as "gatekeepers" on the activities of the institutions and power, with consequences on democracy. Furthermore, users tend to believe fake news because politicians, thanks to profiling, are able to create and disseminate credible fake news for users; hence voters tend to believe the fake news because it is in line with the values of a given political force.

The risk is that users could choose to close themselves in the so called "filter bubble" (Pariser, 2011) that filters the reality of the facts, prevents comparison with a different political position, and creates an "echo effect", amplifying false news. This creates the phenomenon called "confirmation bias", according to which users tend to believe fake news which confirms their political opinions and because of the number of shares, views, and likes (Nickerson, 1998; Ciampaglia, Nematzadeh, Menczer, & Flammini, 2018; Nikolov, Lalmas, Flammini, & Menczer, 2018). This poses a danger for users of remaining trapped in a "bubble"; they tend to interact only with a group of like-minded people who think in the same way and have the similar political orientation. Thus, the problem is that users believe that their minoritarian political opinion is shared by many.

In this way, politicians, through social media, tend to create an ad hoc reality in a post-truth perspective (Keyes, 2004; Higgins, 2016; Gardini, 2017; Gili & Maddalena, 2017; Pitruzzella, Pollicino, & Quintarelli, 2017; Larsen, 2017; Lorusso, 2018; Riva, 2018; Adinolfi, 2019), in order to obtain views and consents (Perucchiatti, 2018) or, in other cases, to discredit opponents and their actions.

Furthermore, the language of political information used on the internet, especially by social media, is different from that used by the traditional media (Mazzoleni, 2012). In fact, the message is direct and tends to be shared; for these reasons the language is often characterized by exaggerated and aggressive tones that leave little space for a political debate. The direct contact between politicians and users therefore has strengthened the personalization of politics and the radicalization and polarization of the political debate (Sinclair & Wars, 2006; Spohr, 2017; Boccia Altieri, 2018; Del Vicario, Quattrociocchi, Scala, & Zollo, 2019). Especially when political information is disseminated through social media, the fact that the message to users is direct and can be shared tends to strengthen radicalization and polarization mostly on some sensitive topics, like populism

(Groshek & Koc-Michalska, 2017; Reinemann, Aalberg, Esser, Strömbäck, & de Vreese, 2017; Ciarlo, 2018; Manetti, 2018), nationalism, immigration, homophobia, racism, and currently the novel corona virus epidemic.

Particularly during election campaigns, the candidates, in the media context, tend to spread sensational information, also resorting to the radicalization and polarization of some themes—that can mostly affect precisely those users who tend to close themselves in an “information bubble” and in the “echo chambers” that do not allow them to deal with different political positions—for the sole purpose of discrediting opponents (Rožukalne, 2015; Huighe, 2016). In fact, there is no denying that this occurred especially during the Trump campaign.

After all, the personalization of politics is also a consequence of the fact that, in the context of political information on the net, parties tend to identify themselves with their leaders (Calise, 2010; Staiano, 2014; Mangiameli, 2015; Scuto, 2017). The role of the party leader has been strengthened in democratic countries; as a result, in political information, politicians’ positions—sometimes even radical on sensitive issues—are increasingly important with respect to the concrete actions taken by the respective parties. Therefore, politicians, through online information, are better able to influence and condition public opinion and the political orientations of users. Moreover, this happens quickly, especially through social media, creating an emotional involvement that drives the users to share the news. The phenomenon is even more worrying if we consider that many users, especially the younger ones, get information almost exclusively on the net, where it is more difficult to distinguish false from real news, as shown by some researches (Barthel, Mitchell, & Holcomb, 2016; Donald, 2016).

Indeed, the well-known story of the use by Cambridge Analytica of the personal data of thousands of Facebook users, without their knowledge, to influence their electoral choices, has shown how the media environment can manipulate political opinion.

### **Political Disinformation and the Risks to Democracy**

The characteristics of political information on the net, just examined, could pose a threat to democracy (Mazziotti, 2017; of different opinion Zeno-Zencovich, 2017).

Non-professional online information, such as that offered by politicians through social media, is generally not subject to specific regulation. Politicians do not have the same obligations as journalists to provide truthful information. As a consequence, politicians have more possibilities than journalists to create and spread fake news, and through the use of fake profiles and automatic bots, are able to confuse users. Thus, political disinformation spread by politicians on the net, for the sole purpose of obtaining consensus, discrediting opponents and the creation and dissemination of fake news in politics, may be able to manipulate the voters (Berghel, 2017; Bennett & Livingston, 2018; D’Atena, 2018; Morgan, 2018) and, consequently, their vote (Allcott & Gentzkow, 2017; Cuniberti, 2017; Persily, 2017; Caravita, 2018; of different opinion Frosini, 2019). Political information, especially through social media, seems to have lost its rational character; its purpose no longer seems to offer correct, complete, and truthful information, but rather to arouse reactions from users, in order to obtain consent. In this context, as it has already been pointed out above, users would tend to close and isolate themselves in an “information bubble” (Pariser, 2011; Zuiderveen Borgesius, Trilling, Möller, Bodó, de Vreese, & Helberger, 2016), which alters the realities, prevents confrontation with different political positions, and creates an “echo effect”, amplifying false news, also through their sharing. Within these “echo chambers”, users would find the information they would like to receive (Ziccardi, 2019), as it is filtered on the basis of their

own political orientations. This creates a phenomenon defined as “confirmation bias”, in which users would tend to believe news not only because it is credible but also because it would confirm their opinions and prejudices (Nickerson, 1998), also thanks to a profiling process. The risk of users being “trapped” in a “bubble” increases their possibility of interacting only with a group of like-minded people while decreasing their chance to deal with people who think differently.

Thus political information, depending on who is part of the “information bubble”, would present an alternative reality, which would reflect the different positions of political forces (Caravita, 2019). An example of this phenomenon is the case of Facebook what was accused of helping Donald Trump during the 2016 American presidential election, by spreading false information about his democratic rival, Hillary Clinton, closing people into a “news bubble”. In fact, it is precisely from the Brexit vote and the American elections that scholars have begun to realize how much internet and social media not only can condition public opinion (Morozov, 2011; Costa, 2016; Borrello, 2017; Panarari, 2017; Pinelli, 2017; Syed, 2017; Balkin, 2018; Gurumurthy & Bharthur, 2018; Smith-Roberts, 2018), but can manipulate the consensus and “pollute” electoral campaigns (Frankovic, 2016; Gaughan, 2017; Faris, Roberts, Etling, Bourassa, Zuckerman, & Benkler, 2017; Persily, 2017). A phenomenon occurred in a series of elections, for example, for the presidential elections in France in 2017, in Italy, during the constitutional referendum of 2016, the so-called “Renzi-Boschi” and during the political elections of March 2018, for the 2019 European elections. In these cases, the internet, and social media in particular, had a strong influence on the formation of political consensus.

Another aspect worthy of concern is the spreading of fake news, in order to condition the elections, by foreign governments, which could influence the electoral processes of another country.

In the internet context there is another dangerous element for democracy. The internet, but especially social media, is sometimes perceived by users as a means of expressing dissent and to destabilize traditional media and intermediate bodies, including political parties. In this regard, however, it is clear that this disintermediation is a problem in countries based on representative democracy.

It is true that it is not possible to evaluate, effectively, the impact of political disinformation on the net and, in particular, through social media, on voters’ voting. However, it now seems indisputable that political disinformation and disseminated fake news, created in order to discredit competitors, favors the manipulation of consensus and electoral campaigns, with serious consequences for democracy.

So political disinformation and fake news on the net can condition public opinion and the political orientation of voters, limiting the confrontation with a plurality of positions and news. In this way, politicians have more possibilities, than in the past, to condition the right to vote, weakening the freedom of self-determination of the vote. Specifically, the creation and dissemination of fake news in politics, through social media—especially on some sensitive issues—may be able to manipulate the voters and consequently their vote, with serious consequences on democratic electoral processes.

Moreover, as we have seen before, users tend to believe fake news because it is in line with their way of thinking. In addition, the average user tends not to verify the news but, nonetheless, to share it with other users. So, online misinformation by social media is able to condition and influence the ideas and political orientations of users quickly as well as, even heavily and unconsciously, the voters’ voting, depriving them of the possibility of expressing a free and aware vote.

In this context, the news disseminated by non-professionals of information, such as politicians, which can

influence the political orientations of the voters, assumes importance. This is because the internet has become one of the main means by which citizens acquire political information: They tend to get more and more informed through the net and less and less through traditional media.

Consequently, an essential principle for a democratic system seems to be prejudiced: the freedom of information as a foundation for the formation of an objective public opinion (Papa, 2018), which leads citizens to be informed in a correct, complete, impartial, and truthful way, in order to exercise their rights freely and not in a situation in which they are conditioned (Donati, 2017; Pizzetti, 2017; Matucci, 2018).

### **Towards a Regulation That Addresses the Phenomenon of Online Political Disinformation?**

Changes in online political information, especially during the election period, led some countries and the European Union to introduce regulation with measures to deal with the risk of repercussions on democracy and electoral processes.

It appears significant, in this regard, that even in America, where the right of politicians to freely express their opinions is protected on the basis of the protection granted by the First Amendment, although there is no federal law that prevents the disclosure of fake news during the elections, many States have adopted laws to ban false political information (Alaska, Colorado, Minnesota, Mississippi, Ohio, Oregon, Tennessee, Washington, Wisconsin, North Carolina, and Utah).

Some European countries and the European Union have envisaged measures in order to counter fake news, in general, and more specifically, to limit the dissemination of that concerning politics. In some cases, there has been regulatory intervention by the State (Klein & Wueller, 2017), which provides for various measures.

One measure consists of the criminal repression of fake news, i.e., the removal of fake news, and the punishment of those who publish or disseminate it on the net, as provided in German and French regulations. The regulation introduced in Germany (*Gesetz zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken—Netzwerkdurchsetzungsgesetz—NetzDG*, n. 536/17, 30 June 2017) is aimed at countering all false news (Bertolino, 2017; Evans, 2017; O'Donnell, Plucinska, & Scott, 2017; Claussen, 2018). However, we merely observe that this discipline, in reality, seems too restrictive of freedom of expression. Instead, the regulation introduced in France (*Loi n. 2018-1202 du 22 décembre 2018*) seems more appropriate and sober because it is aimed at contrasting online political disinformation only during election periods and removes fake news and punishes criminally those who publish or disseminate it in order to effect the elections (McAuley, 2018).

Other measures have been envisaged in order to impose transparency and accountability obligations for providers to allow users to identify the authors of false news, dangerous for democracy, or who gives money to platforms that spread it, or to allow the ratification of certain information. Such measures are place, for example, in France and Spain. The French law of 2018, in addition to the measure of the criminal repression of fake news during the election, imposes on platforms transparency obligations, in the pre-election periods, about the sponsored contents, and provides for penalties in case of non-compliance. The regulation introduced in Spain in 2018 (*Ley Orgánica 3/2018, de 5 de diciembre, de Protección de Datos Personales y garantía de los derechos digitales*) requires platforms to adopt protocols in order to allow users the right to ratification of false information.

Measures that have the purpose to strengthen the so-called “media literacy programs” have been introduced, for example, in Finland and Great Britain; programs that foresee a mix of education, information and pedagogical activities, aimed to develop users’ knowledge and their critical spirit towards information, in

order to help them to recognize its truthfulness.

On the contrary, in other cases, regulation did not introduce directly measures aimed at addressing the phenomenon of online disinformation but focused on self-regulation, aimed at pushing providers to adopt fact checking mechanisms and willingly regulate themselves to ensure greater transparency and accountability in the dissemination of news. This is the solution adopted, for example, by the European Union.

The communication of the European Commission of 26 April 2018 (COM (2018) 236 final), entitled “Tackling Online Disinformation: A European Approach”, in which many measures were proposed, aimed at contrasting online disinformation, provided for the elaboration of a Code of good practices, valid in each Member State. The purpose of the Code is to contrast the spread of false news that influences the opinion of citizens or guarantee advertising income, in particular with regards to advertising messages with a political nature and restrict the number of possible political propaganda targets. Hence, the self-regulation Code for digital platforms was adopted on September 2018 and was signed by the main digital platforms (e.g., Facebook, Google, and Mozilla), by some associations of platforms (EDIMA—association of platforms) and advertising. The Code was primarily aimed at adopting good practices regarding sponsored content, especially those of a political nature. The aim was to prevent the conditioning of voters, through political disinformation and fake news, during the 2019 European elections.

### **Concluding Remarks: The Need to Combat Online Political Disinformation Through Adequate Regulation**

The risk that political disinformation and fake news, through social media, could have an impact on democracy (Bassini & Vigevani, 2017) leads to the belief that the introduction of measures to deal with the phenomenon is necessary (West, 2017; Butler, 2018; Cricenti & Gallone, 2019; on the contrary are Goldberg, 2018; Klein & Wueller, 2017).

In this context, the jurist can only propose regulatory measures aimed at contrasting the activity of the subjects who create or disseminate false political news, in order to manipulate the voters, limiting the freedom of self-determination of the vote. So, it's believed that there is a danger for democracy that justifies regulatory intervention. Therefore, the introduction of European and State regulation—as some countries did—is deemed necessary; a regulation that protects users in the formation of a political opinion which allows them to exercise their right to vote consciously and freely.

Specifically, a regulation that includes several measures would be appropriate.

On the one hand, measures would be needed aimed at recognizing the possibility for users to report fake news in order to guarantee an effective right of reply and correction and enhance the repression of fake news that can alter the democratic system, for example, by removing it, after an evaluation by the judicial authority, and the punishment of those who published or disseminated it on the net.

On the other hand, a regulation that imposes transparency and accountability obligations for providers in the diffusion of political disinformation and fake news, specifically through the internet, for the purpose of conditioning political opinion and the right to vote, should be introduced. Such regulation should make more transparent the advertising, sponsored content, and financing of electoral campaigns. A greater transparency regarding these aspects should allow users to identify the authors of false news, dangerous for democracy, or who gives money to platforms that spread it.

In addition, a regulation that enhances the “media literacy programs”, aimed at developing the users’

critical spirit towards information, for the purpose of helping them to recognize its truthfulness, independently, and to form free and aware political opinions, would be necessary.

On the contrary, self-regulation of providers is not considered adequate because decisions and initiatives are left to their will. In this context, for example, it is believed that the self-regulation Code for digital platforms cannot produce the desired effects in the fight against political disinformation which has an impact on democracy. In fact, the Code has some limits. First of all, some aspects have not been adequately considered by the Code, in contradiction with the guidelines indicated in the Commission Communication of April 2018, like those concerning the provision of greater transparency, both in terms of resources and sponsorships. However, the main limitation of the Code is the fact that the adherence to its rules of conduct is voluntary for providers. Furthermore, these rules are not binding for the providers that have subscribed to the Code. Moreover, only some platforms, even if they are the most important, and advertising companies have signed the Code.

Therefore, it would be better if the European Union—despite having preferred, at first, a “soft” and voluntary approach to the phenomenon of disinformation—adopts more stringent rules, through a regulation that imposes specific obligations on platforms. After all, although the goal of the Code was to ensure the transparency of sponsored content, in particular with regards to political advertising messages, the measures adopted have not been able to prevent the campaign for the recent European elections from being “polluted” by fake news; fake news sometimes spread by fake accounts, in order to influence citizens’ votes.

For these reasons, the adoption and strengthening of European and State regulation, which provides for several measures, is deemed necessary in order to ensure users correct and truthful political information and to promote the formation of political opinion that allows them to exercise their right to vote consciously and freely.

In any case, national and European regulation does not mean to limit freedom of speech but to prevent the spread of fake news on the net, particularly by politicians, aimed at manipulating information and conditioning public opinion, especially during election and referendum campaigns. This regulation must take into account the need to balance freedom of speech with a fundamental principle of democracy: that of freedom of information as a foundation for a free formation of public opinion that leads to an aware exercise of the right to vote.

Of course, it will not be easy to adopt a regulation that imposes obligations on platforms, because it could be in conflict with their interests. Platforms are commercial giants that aim to make profit.

We are also aware that all the measures examined, as demonstrated by numerous researches conducted mainly in recent years (Nyhan & Reifler, 2010; De Keersmaecjer & Roets, 2017; Nyhan, 2017; Pennycook & Rand, 2017; Royster, 2017; Zollo, Bessi, Del Vicario, Scala, Caldarelli, Shekhtman, Havlin, & Quattrociocchi, 2017; Jolls & Johnsen, 2018), present problems and will not be able to completely solve the problem of political disinformation and fake news as tools for conditioning political opinions.

However, it is believed that individual States and the European Union must take all possible measures to deal with the phenomenon of the impact of political disinformation, disseminated through the net, on the democratic electoral process. Therefore, the challenge for the future will be to prevent false political news that can limit the right to vote. Otherwise the risk is that political disinformation and fake news on the net, and especially through social media, will threaten democracy.

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