

How Fake News on Social Media Affects the Freedom of Expression

Abstract

The right to freedom of expression has been upheld as sacrosanct. This right found a new mode of expression with the rise of social media. Generally, the state of freedom of expression is evaluated by the lesser number of impediments to the action of expressing an opinion. Right to seek and receive information is an integral part of freedom of expression and therefore the state of freedom of expression must be evaluated in the context of such hindrances also. In recent years, fake news appeared as a by-product of social media. This research paper seeks to understand fake news on social media and its negative effect on freedom of expression.

Keywords: Freedom of Expression, Social Media, Fake News.

Introduction

Freedom of expression is crucial for the development of the individual and it also ensures the development of the mankind by the creation of art, literature and scientific laws and theories. It has always been central to political thoughts and even politics also. International Covenant on Civil and Political Rights succinctly elucidate the right to freedom of expression. Article 19 of this covenant reads as follows-

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice (International Covenant on Civil and Political Rights).

There are two main aspects of Freedom of expression, first – it consists right to seek information so as to one can express himself properly because what is to be expressed, that is based on the already accumulated information pertinent to the subject. Secondly, it comprises right to impart desired information. Whenever the discourse on impediments to free speech takes place we talk about obstructions or impediments on the modes of expression. But it is also expedient to understand that free speech can also be hampered by interrupting the initial phase or the process of obtaining information, pertinent to the subject matter of expression. If there are any hindrance and deformity in the course of seeking information then eventually ‘free speech’ would certainly be jeopardized. The impediments to freedom of expression should also be evaluated in the context of distortion in acquiring information.

This research paper addresses the first aspect of freedom of expression or ‘right to seek information’ in the context of the authenticity of information, news and messages floating in social media.

Objective of the Study

This research paper has main objective to understand fake news on Social Media and the ways it affects freedom of speech and expression in democratic political systems.

Methodology

The research paper will base on conceptual research and analytical research. This paper is conceptual because it will address some abstract ideas and reinterpret them. In addition to that, it will try to develop some new ideas. It is analytical also and will analyze the facts already available. Two main ideas are central to the research, first the idea of ‘freedom of expression’ and second ‘fake news on social media’. Social Media is irrespective of boundaries of the nation states except for some undemocratic political systems. Therefore common and broader global perspectives will be taken into account.

Review of Literature

Literature associated with the classical concept of freedom of expression have been reviewed for this paper and “on liberty” by J. S. Mill



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is most important of them. Some research papers like "Social Media and Fake News in the 2016 Election" by Hunt Allcott and Matthew Gentzkov, "The True Story on Fake News" by Sheldon Burshtein have been very useful to understand fake news on social media. Bearing in mind that fake news and social media are relatively new phenomena, we have gone through some latest articles published in prominent newspapers, news websites, and magazines.

Social Media

We have a lot of means for speech and expression like print media and electronic media etc. Social Media that is a part of the internet is relatively a new mean for expression. The upsurge of internet based social media has reached the extent that it would not be hyperbolic to categorize media into two types-

(1) Traditional Media (like print media and electronic media) and

(2) Social Media.

In the year 1999, infusion of web 2.0 technology enabled internet users to impart user generated content along with the host website. Earlier internet based websites used to be a one way communication but with web 2.0 technology these websites could have allowed two way or complete communication. In The International Encyclopaedia of Digital Communication and Society, Van Der Graaf defines Social Media as follows-

A term that sometimes is interchangeably used with "social software," "social computing," and "computer mediated communication" – in blending together technology and social interaction for the co-creation of value.

Such sites are instantaneous and interactive platform for expression. In addition to that, they are inexpensive also. Be it twitter, or video sharing websites like YouTube, they enable their users to share content and to communicate with other users. Now the ambit of Social Media has broadened very much. Even news websites may be called Social Media because most of them provide the feature of comments from the readers. Readers can communicate with author and other readers.

Social media is one of the main components of the internet and a lion's share of internet traffic is held by the social media. On average, global internet users spend some 109 minutes per day surfing social networks (Social Media Statistics). With growing penetration of internet services across the world Social Media has also been evolved as a common tool for communication, expression, public debates, and election campaign. These processes did exist earlier but certainly, the Social Media have substantially transformed them. Now the internet has gained such importance that access to the internet is evolving as a fundamental right across the globe. In several UN reports, access to the internet has been considered as a tool for realizing a range of human rights (Rue 22).

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networks (Social Media Statistics). Social media is a new mode of expression for the people which has become ubiquitous in recent years. At the same time, it is a popular source of information also. It is useful for communication and also for acquiring information. Some experts differentiate between social media and social networking sites. In a nutshell, social networking sites refer to the interaction between acquaintances and social media is not confined to acquaintances. But both of them may overlap each other. For instance, chatting with a friend on WhatsApp is social networking but chatting within a large and heterogeneous group on WhatsApp is a social media communication.

The speed of this communication is very fast and a piece of information can be disseminated to millions of people within a short time because each account holder of social networking sites has an extensive list of contacts. Whenever such piece of information gets transmitted to someone, he or she may send out it to entire or a part of the contact list. The very process gets repeated multiple times and the dissemination of information becomes an exponential process and eventually, Attention-grabbing information or messages get 'viral'. In the case of social media other than social networking sites, the transmission of information is even more rapid because here the information is openly available for all viewers. These aforesaid characteristics led internet based social networking sites to popularity. Hence division between social media and social networking sites is uncertain therefore both of them collectively called social media hereinafter.

Social Media seems to emulate traditional media as a source of news. According to a survey of Pew Research Center, in early 2016, 62% of U.S. adults get news on social media, and 18% do so often. In August 2017 another survey by the Pew Research Center, aforementioned numbers were reported 67% and 20% respectively (Shearer and Gottfried). There is nothing wrong if Social Media carries only news and routine communication. But the blend of fake news and social media has become an inflammable combination for the society nowadays, A piece of information or news irrespective of being true or false may be viral within some hours.

Fake News

The Collins Dictionary word of the year for 2017 is "fake news" (Wardle and Derakhshan). Fake news is a false news which is intentionally and verifiably fabricated to mislead readers (Hunt and Gentzkov 213). It is different from that news, which is erroneously reported or printed wrong. It is the intention that matters in deciding the fakeness. Any news or information may be wrong but fake news is created deliberately with intention of creating such false news. Deliberate and deceptive falsity is at the heart of fake news (Burshtein 2).

The term 'Fake news' has gained popularity with the rise of the internet and social media but such news did exist in earlier times also. According to Rajeev Balakrishnan, perhaps the oldest mention of the fake news was in the Hindu epic *Mahabharata* when Pandavas had to spread the false news of the

death of *Ashwathama*, son of *Dronacharya* so that they could defeat *Dronacharya*(qtd. in Dash). *Yudhisthir* said that "*Ashwathama* is killed, I know not whether a man or an elephant". A conch was blown and later half of the sentence could not be communicated(Dash). In the world wars, traditional media of that time relied on the fake news to denigrate rival countries. But as it mentioned earlier in this paper that the combination of fake news and social media have become very dangerous.

There are several reasons which are flourishing fake news on social media. Video sharing websites pay money for creators according to the popularity of videos. For instance, YouTube provides money according to the number of total viewers and how many times viewers watched advertisement attached to that video. There may be the economic motivation behind fake information because it can be presented in a sensational form to grab public attention and eventually more public views. Similarly, viral news articles on social media can draw significant advertising revenue when users click to the original or source website(Hunt and Gentzkov 217). Sometimes ardent supporters of an ideology or political party create fake news to support their opinion or to denigrate the opponents. Conspiracy theories did exist earlier but Social Media has made it very easy to disseminate such theories in the form of (fake) news and adroitly edited videos. It is human nature to be attentive to conspiracy theories and this is one of the main reasons for the proliferation of the fake news.

We are living in the age of harsh competition and at the same time, community life has degraded. This condition is fertile for many psychological disorders among people. Some of such mentally ill people have a propensity to develop violent and misanthropic attitude. These people want to create disorder in society and they find fake news a useful tool for this purpose. Religious fanatics are also one of the main curators of fake news and they spread hatred against other religions. One more source of fake news on Social Media, that perhaps rarely discussed, is intelligence agencies of the enemy country. Intelligence agencies may find fake news an inexpensive tool to create chaos in a target country.

Researcher Wardle, Derakhshan says in an article that four distinct motivations make people create fake news- political, financial, psychological (for personal satisfaction) and social (to reinforce our belonging to communities). They further add that if we want to curb fake news. These motivations must be addressed separately (Wardle, Derakhshan). Numerous instances can be found in each category of aforesaid motivations. In November 2016 when demonetization process of currency notes of Rs. 500 and 2000 was being carried out in India, the widespread fake news was floating on Social Media that a GPS traceable chip was embedded in the new note of Rs. 2000. Generally, the theme and presentation of fake news are picked in such a way to appear true and catchy. People thought that the idea of embedded chip was apparent amid various efforts to curb black money. This research conceptualizes 'fake news' as an

impediment to the freedom of expression and ultimately, a threat to the democracy.

Traditional media can be held responsible for what it has published but it is very difficult to fix the responsibility of the creator of any fake news on social media. It is impossible for readers to detect the origin of such news. Even investigative agencies are helpless to deal with the fake news because if somehow they manage to locate the creator's account, it is quite possible that this account will be anonymous or pseudonymous. Curation of news under pseudonym and anonymity work as a shield for fake news. Cyberlaw expert Virag Gupta says that fake news thrives on fake identities(qtd. in Dash). Problem is that we cannot rule out the utility of anonymity on Social Media because it helps people to speak without fear and thus fortifies freedom of expression. Here we can see an uncomfortable situation for defenders of free speech because they support anonymity and privacy on the internet. Authoritarians criticize privacy and anonymity on the internet. Anonymity provides shelter for dissidents in a dictatorship. It also helps people to speak against powerful persons without at risk of life and limb. On the other hand, fake news is flourishing under the same shelter of anonymity and creating perplexity among people. Fake news originates within the compass of freedom of expression but it creates perplexity and makes it difficult to obtain the actual information. It is against 'the right to seek information', that is an integral part of freedom of expression.

People may not easily believe in fake news and their rationality does help them to overlook such news but subconscious mind is always susceptible to surroundings. If someone is continuously receiving the burst of fake news, it will have at last some effect and eventually, he or she may completely or partly believe in such fake news. Fake news not only generates false believe but also abates people's belief in the truth. According to Sood "A truth if questioned enough loses its shine and a lie if repeated enough times becomes a half-truth. Doing this in a 24/7 news cycle together with the echo chamber of social media has only become easier than before"(8).

Today, one has to be cognizant to plenty of information. It is very difficult to verify each and every information on Social Media. Social Media is not considered the ideal and very trusted source of news and information but one cannot say that entire information on Social Media is fake. Many times it proliferates authentic information and news. In addition to that Social Media earn its utility by efficaciously connecting communities, relatives, friends, and so forth. Utility earned in one sphere (connecting people) of Social Media must have some influence on other spheres (like considering it a source of news) also. This is the reason why people continue to believe in Social Media as a source of news even after repeated instances of fake news.

Freedom of speech thrives only in a democratic political system and a true democracy itself functions through open and free public discourse. The fake news hits such discourse. An article by Richard

Gray in BBC Future articulates the risks of fake news in this context-

Some warn that "fake news" threatens the democratic process itself. "On page one of any political science textbook it will say that democracy relies on people being informed about the issues so they can have a debate and make a decision," says Stephan Lewandowsky, a cognitive scientist at the University of Bristol in the UK, who studies the persistence and spread of misinformation. "Having a large number of people in a society who are misinformed and have their own set of facts is absolutely devastating and extremely difficult to cope with."

Social media has immensely increased peoples participation in public affairs. It has transformed citizen into 'active citizen' and to be welcomed as a 'progressive force for democratisation'(Prentki 41). Social media enhances the deliberative feature of the democracy. Deliberative feature of democracy cannot survive when people are misinformed. Despite its contribution to the democracy, social media is responsible for some deformations in democracy. Fake news on social media promotes 'post truth politics' also. The term 'Post truth politics' has become popular in US and Britain and it refers to such condition when emotional appeals predominantly shape the public opinion and the real facts are ignored. False information is asserted repeatedly so as to sway the public sentiments into the desired direction. It may be that the whole information or news is not false but equally dangerous condition is that when it is partly true or is a result of cherry-picking of facts. Public opinion remains important in post truth politics but this does not reflect the essence of the true democracy.

Social media is now playing important role in shaping public opinion. Making public opinion is one of the main objectives of the freedom of expression. Open public discourse is like a process of dialectics that wears away the false elements of an idea and makes that idea truer and brighter. Freedom of speech and expression makes such discourse possible. J. S. Mill, the great defender of free speech argued that dissenting opinions must be tolerated even if single person hold it. He adds that "If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth produced by its collision with error"(Mill 76). If we assume a dissenting person in the pre social media age, he or she could have the wrong opinion either by misguidedly or intentionally. Even if that person held the wrong opinion intentionally, he or she could hardly affect the truth. Moreover fear of losing credibility in society also worked to control such propensity. But nowadays if that person is holding the wrong opinion by intention and is active on social media, then the condition is quite different. That person has the leverage of social media. he can intentionally, maliciously and repeatedly propagate his opinion to deform the truth. There is no social control and no fear of losing credibility in the virtual space of social media for two reasons. First, no one can know that whether that person created the

fake news or just forwarded as received. Secondly, that person may use pseudonym account and fake ID.

Traditional media that is considered the fourth pillar of democracy is also affected by fake news on Social Media. 24 x7 news channels work under the pressure of competition and they have to reveal the 'breaking news' at the earliest. In the course of broadcasting news, sometimes channels are influenced by the fake news on social media. An example of fake news in India has been discussed in this paper that currency note of Rs. 2000 has a GPS traceable chip. This fake news was shared by some news channels also. Fake news is also affecting the credibility of real news and information. It is mentioned earlier that social media shares real news also and therefore users cannot rule out social media as a source of news. This will keep fake news alive for a long in forthcoming years. It is possible that gradually people may be aware of fake news and authenticity of news. In that condition, the process of discussion and debates will be full of trust deficit. A large part of such discussion and debates will consist of proving the authenticity of information and its source instead of analysis and reason. Ultimately it will deteriorate the quality of such debates and discussions.

Conclusion

Fake news on social media avails all the protections provided to freedom of expression but ultimately hits the freedom of expression itself. Fake news is distorting the making process of public opinion eventually the democracy. Fake news is responsible for perplexing people and even traditional media also.

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