Curbing the Rise and Rise of Disinformation

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Ev Williams, Twitter’s co-founder, remarked recently, “I thought once everyone could speak freely and exchange information and ideas, the world is automatically going to be a better place… I was wrong about that”.

This should caution us that the proverbial “marketplace of ideas” and the so-called wisdom of the crowds in arriving at the truth might not always be the case. Are we then barreling towards an infopocalypse, the catastrophic failure of the marketplace of ideas?

How did truth, reason, and open minds become endangered such that our public discourse, politics and governance is falling prey to demagoguery, manipulation, and autocracy?

The threat of deliberate falsehoods, or more popularly known as “fake news”, whether propagated online or offline, poses serious threats to the democratic wellbeing of societies. Then there are the “deepfakes”, the AI-powered imitation of speech and images to make someone appear to say or do things he never said or did.

The deft use of technology, such as algorithms to determine who should receive different targeted messages and advertisements, means that online falsehoods can be specifically aimed at individuals depending on their political views, biases, and concerns by examining their media consumption and emails. Those with malicious intent can weaponise our own data, which were offered in exchange for “free” services like online searches and social networking.

Countries have been affected by deliberate attempts to influence public opinion, undermine social cohesion, influence election outcomes, create public panic and incite violence through falsehoods, misrepresentation of facts, trolling, and astroturfing. The threat can transmogrify to a clear and present danger, especially during key national events such as elections, where emotions can run high and public opinion divided.

Hence, it would be imprudent for any society to underestimate the threat posed by deliberate campaigns to sow falsehoods, often made worse by closed minds, which make knowledge and truth difficult to discern.

However, no society should be unduly alarmed by the putative threat. We need to recognise the threat for what it is but it must not cripple us. If our way of
life is detrimentally impacted, then those who seek to do us harm would have succeeded.

Governments in countering the disinformation threat tend to pay too much focus on a society’s vulnerabilities.

Fake news is not novel; neither are disinformation campaigns. The history of human civilisation is replete with disinformation efforts as political intrigue, statecraft, and warfare. But accessible and affordable technology means the impact and reach of fake news is now exponentially greater.

**Going beyond laws**

As there are many types of falsity, the focus of any legislation should be on the spread of false or misleading information resulting from a coordinated effort as matter of statecraft by a foreign entity or for the private purposes of making profits. They must not stray into other areas.

There may be the need to beef up the powers and penalties provided in existing legislation to better handle the evolving threats. If, however, the limitations of the current laws are better dealt with through a dedicated legislation, then the powers must be carefully calibrated.

In short, the focus has to be squarely on activities that deliberately disseminate disinformation, which is often directed at affecting our way of life and the trust among people as well as trust in our institutions. Overly broad laws risk stifling the bottom-up energy and mobilisation that is needed to thwart and keep falsehoods at bay.

The issue of whether media platforms, such as Facebook, Twitter, and WhatsApp when used to propagate falsehoods, should be shielded from legal liability for the actions of third-party users of their services has to be closely studied. The hard truth is that "Falsehood flies, and truth comes limping after," as Jonathan Swift observed in 1710.

If such platforms are shielded from legal liability, their responsiveness to the harms posed by deliberate online falsehood campaigns are likely to be inhibited. On the other hand, if too onerous a burden is placed upon media platforms, there will be detrimental impact on the growth of online services and their being an important means of upholding freedom of expression.

**Protecting our constitutional freedoms**

The concern with any strong legislation that grants the authorities with significant powers is that the fundamental liberty of freedom of speech and
expression may be compromised.

To be clear, the battle against fake news is not a zero-sum game where in order to triumph over falsehoods, the freedom of speech and expression has to be curtailed. On the contrary, attempts to curb fundamental liberties may be counter-productive and smack of cowardly attempts by insecure governments and politicians to curb dissent.

The freedom of speech and expression, responsibly exercised, is needed even more to ensure that bad speech and falsehoods are decisively exposed for what they are. As such, any law must even-handedly balance the competing interests of protecting the home front while also ensuring the values we hold dear are not diminished.

Those who seek to do us harm would have succeeded merely by making us undermine our constitutional freedoms and the societal values that define us. In this regard, the need for judicial oversight is crucial if the authorities are to be vested with significant powers to curb falsehoods in times of crisis.

**Multi-prong, multi-stakeholder approach**

Laws are an important means to deal with the threat of disinformation but they are by no means the panacea. Governments in various jurisdictions like Germany, Malaysia, the Philippines, Singapore, and the UK have attempted or are contemplating counter-measures against disinformation campaigns.

Yet, there will be the need to defend, bolster and strengthen the home front, including enhancing a society’s information literacy so that we will not succumb so easily to disinformation. In creating new counter-measures, it is also important not to weaken society’s innate ability to identify a fake and make the right judgment calls.

Responsibility has to be shared if disinformation campaigns are to be successfully repelled. A multi-stakeholder approach is vital as a well coordinated and well-timed campaign at propagating falsehoods often leverages on digital technology and platforms for deep and extensive reach.

Society, in short, has to increase its discernment quotient because if the laws have to have activated, it may already be too late. This is where educational institutions, libraries, and mainstream media have a critical role to play in building society’s immunity.

This call for a “whole of society” approach, nevertheless, begs the question of why and how we have strayed from Daniel Patrick Moynihan’s
exhortation that “Everyone is entitled to his own opinion, but not to his own facts”.

Thus, as part of any multi-pronged effort to combat disinformation, due consideration must be given to boost trusted sources of information such as traditional media, even as they have to grapple with their seeming decline and being relevant to their readership and audience, especially the young.

At the same time, we will need to grow our social resilience because in the event a disinformation campaign succeeds, what matters then is how, as a society, we bounce back from the insidious attempts to harm us.

In an age of pervasive information flows, governments do not defeat fake news. It is people who are the bulwark against the insidious forces that seek to divide and destroy. Open knowledge can help realise the democratic imperative of citizens sharing the same reality.

Ultimately, to succeed against the scourge of disinformation, the imperative is to promote responsible free speech in public discourse, encourage the exchange information and ideas, and enhance trust and confidence in the democratic process, especially the public institutions.

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