

2023

## The Grass is not Always Greener on the Other Side: The Use of Digital Astroturfing to Spread Disinformation and the Erosion of the Rule of Law

Bárbara da Rosa Lazarotto

Follow this and additional works at: <https://digitalcommons.law.lsu.edu/jsjp>

---

### Repository Citation

Lazarotto, Bárbara da Rosa (2023) "The Grass is not Always Greener on the Other Side: The Use of Digital Astroturfing to Spread Disinformation and the Erosion of the Rule of Law," *LSU Journal for Social Justice & Policy*. Vol. 3, Article 9.

Available at: <https://digitalcommons.law.lsu.edu/jsjp/vol3/iss1/9>

This Article is brought to you for free and open access by the Law Reviews and Journals at LSU Law Digital Commons. It has been accepted for inclusion in *LSU Journal for Social Justice & Policy* by an authorized editor of LSU Law Digital Commons. For more information, please contact [kreed25@lsu.edu](mailto:kreed25@lsu.edu).

# **The Grass is not Always Greener on the Other Side: The Use of Digital Astroturfing to Spread Disinformation and the Erosion of the Rule of Law.**

*Bárbara da Rosa Lazarotto\**

## TABLE OF CONTENTS

Abstract .....	113
I. Formulation and delimitation of the subject in analysis.....	114
II. Astroturfing and its digital form.....	114
A. The role of social media in Digital Astroturfing.....	116
B. The political use of Digital Astroturfing.....	118
III. The spread of disinformation by Digital Astroturfing and its consequences .....	120
IV. The erosion of the Rule of Law by Digital Astroturfing .....	123
Conclusions .....	124

## ABSTRACT

Astroturfing is a technique that exists for decades and consists of mimicking real individuals and sparking real debates about a certain topic with the main purpose of influencing real individuals to join the false movement. With the advancements in technology, especially the internet, a new type of Astroturfing has emerged called “Digital Astroturfing”. In this study we aim to analyze the phenomenon of Digital Astroturfing, and how it can be used to spread disinformation, resulting in the erosion of the Rule of Law.

Key-words: Digital Astroturfing, disinformation, Rule of Law.

---

Copyright 2023, by BÁRBARA R. LAZAROTTO.

\* Ph.D. researcher at Vrije Universiteit Brussel, Department of Interdisciplinary Studies of Law (Metajuridica), Law, Science, Technology and Society (LSTS) Research Group.

## I. FORMULATION AND DELIMITATION OF THE SUBJECT IN ANALYSIS

The internet was a paradigm break that transformed the lives of all of us forever. It is possible to affirm that the life of all inhabitants of earth is constantly impacted by the internet in one way or another, for the good or the bad. Nevertheless, the juncture of the internet, more specifically social media, with democracy has caused a big impact on the political thinking development and citizens decision-making.

For those of us who were born and grown before the spread of the internet and social media, the world was radically different, especially political campaigns. They were – and *still are* in some part – mostly physical, in general, they contain jingles, flags, physical materials, and debates. However, the rise of the internet and social media changed the world, including political practices, including “Astroturfing”. Astroturfing is a method of influence that existed before the internet. With the help of social medial, Astroturfing adapted and gained new shapes and dimensions, becoming Digital Astroturfing.

Thus, in this study, we aim to present the concept of Digital Astroturfing, its objectives, accomplishments, how it helps to spread disinformation online, and the outcomes of this technique such as the erosion of the Rule of Law.

## II. ASTROTURFING AND ITS DIGITAL FORM.

Astroturfing is a practice that aims to mimic real-life conversations and interactions to ignite a real reaction. This term was first used by American Senator Lloyd Bentsen in 1985 to describe artificial grassroots campaigns created by public relations firms<sup>1</sup>. The name “Astroturfing” comes from “AstroTurf” a brand of artificial grass sold in the United States, and just like the fake grass, Astroturfing practices aim to produce fake opinions<sup>2</sup>. In its original form, Astroturfing campaigns would occur

---

1. See John Stauber & Shelton Rampton, *Toxic Sludge is Good for You: Lies, Damn Lies, and the Public Relations Industry*, COMMON COURAGE PRESS (2002).

2. See Kenneth M. Henrie & Christian Glide, *An Examination of the Impact of Astroturfing on Nationalism: A Persuasion Knowledge Perspective*, 8 SOCIAL SCIENCES 1, 2 (2019) (citing John G. McNutt, *Researching Advocacy Groups: Internet Sources for Research about Public Interest Groups and Social Movement Organizations*, 9 JOURNAL OF POLICY PRACTICE 308–312 (2010); citing Thomas P. Lyon & John W. Maxwell, *Astroturf: Interest Group Lobbying and Corporate Strategy*, 13 JOURNAL OF ECONOMICS & MANAGEMENT STRATEGY 561–97 (2004)).

in a business environment. Businesses would hire lobby companies that would hire groups of people to express fabricated opinions about a certain subject. The goal would be to influence the real opinions of real individuals.

It is possible to point out several cases of traditional Astroturfing, one of the famous examples is the tobacco industry which for many years influenced smokers by putting in doubt the dangers of smoking habits<sup>3</sup>, or funding campaigns to deploy employees to protest against climate change legislation<sup>4</sup>. However, in this study, we aim to study Digital Astroturfing, which can be similar to the traditional method but holds distinctive characteristics.

Digital Astroturfing is the adaptation of traditional Astroturfing with the assistance of the internet. According to Kovic et al. Digital Astroturfing can be defined as “*a form of manufactured, deceptive and strategic top-down activity on the internet initiated by political actors that mimics*”.<sup>5</sup> Thus, the key elements of Digital Astroturfing are: it originates on the internet, the messages are often deceptive, and the existence of a top-down a strategy.

Both methods of Astroturfing are based on the concept of manufactured opinions. The expressions that are seen and heard are carefully designed to impact individuals who can express real opinions. The Digital Astroturfing method may and will vary as technology evolves<sup>6</sup>. At present the common methods applied are websites containing information about public interest subjects, direct messages, user comments areas, and social media platforms<sup>7</sup>.

---

3. See *Id.* (citing Dorie E. Apollonio & Lisa A. Bero, *The Creation of Industry Front Groups: The Tobacco Industry and “Get Government Off Our Back”*, 97 AMERICAN JOURNAL OF PUBLIC HEALTH 419–27 (2007); citing Theodore Tsoukalas & Stanton A. Glantz, *The Duluth Clean Indoor Air Ordinance: Problems and Success in Fighting the Tobacco Industry at the Local Level in the 21st Century*, 98 AMERICAN JOURNAL OF PUBLIC HEALTH 1214–21 (2003)).

4. See Jerry Zhang et al., *Online Astroturfing: A Theoretical Perspective*, 19TH AMERICAS CONFERENCE ON INFORMATION SYSTEMS 1,4 (2013) (citing K. Mackenzie & J. Pickard, *Lobbying memo splits US oil industry*, FINANCIAL TIMES (2009)).

5. Mario Kovic et al., *Digital astroturfing in politics: Definition, typology, and countermeasures*, 18 STUDIES IN COMMUN SCI. 69, 71 (2018).

6. See Michael Biggs, *How Repertoires Evolve: The Diffusion of Suicide Protest in the Twentieth Century*, 18 MOBILIZATION: AN INT’L QUARTERLY 407, 409 (2013).

7. See Thomas Zerback & Florian Töpfl, *Forged Examples as Disinformation: The Biasing Effects of Political Astroturfing Comments on Public*

As mentioned above, initially Astroturfing required the hiring of real agents to spread false opinions to influence real individuals. However, technology has opened other doors that were not previously available. Now, hiring real individuals might be costly, this is the reason why one of the common methods of Digital Astroturfing uses automated systems, called *bots*. Automation is a viable option since it is cheaper and it does not require a massive number of individuals and has an effective scale<sup>8</sup>. However, bots are still not able to fully mimic human behavior and could pass as fake content. Therefore, these automated processes will take the task of spreading content that was written by a real person<sup>9</sup>. After that, unpaid agents who are real individuals may join the movement and start to disseminate that opinion to other real individuals who will feed it with the help of social media algorithms, from this point it is almost impossible to distinguish user-generated opinions from bot-generated opinions.

Even though it can be considered a new phenomenon, it is already possible to point out some examples of this practice since its use has escalated in recent years. Russia and China have used Digital Astroturfing to influence political discourse inside and outside their borders<sup>10</sup>.

#### *A. The role of social media in Digital Astroturfing*

According to social psychology studies<sup>11</sup>, individuals tend to be influenced by others when they have access to their opinions and information shared with them. Social media is the perfect environment for this phenomenon since individuals have free access to millions of opinions and points of view that are shared by other individuals like them.

---

*Opinion Perceptions and How to Prevent Them*, 43 POL. PSYCHOLOGY 399-418 (2022).

8. See Jacob Ratkiewicz et al., *Truthy: Mapping the Spread of Astroturf in Microblog Streams*, CTR. FOR COMPLEX NETWORKS AND SYS. RSCH. 249-252 (2011).

9. See Mario Kovic et al., *Digital Astroturfing in politics: Definition, typology, and countermeasures*, 18 STUDIES IN COMMUN SCI. 69, 76 (2018) (citing David Geer, *Malicious bots threaten network security*, 38 COMPUT. 18-20 (2005)).

10. See Dong Han, *Paid Posting in Chinese Cyberspace: Commodification and Regulation*, 19 TELEVISION & NEW MEDIA 95-111 (2018).

11. See Herbert C. Kelman, *Compliance, identification, and internalization: Three processes of attitude change*, 2 THE JOURNAL OF CONFLICT RESOLUTION 51-60 (1958).

Yet, social media is a complex environment. It started as a platform to connect individuals and share experiences and memories. However, it changed deeply when these platforms took the road to becoming profitable. To be profitable while continuing to provide a free platform for users, social media companies decided to sell ads to companies based on a users preferences. To do that efficiently, social media platforms designed algorithms that learned users' content preferences and of its peers whom they interact with the most creating an environment of interests. In essence, the algorithm makes advertising easier and more efficient since companies know exactly what users want or need so it can direct the correct product.

However, an algorithms use on social media has downsides. Creating content environments creates a bubble where individuals only see opinions and information from their bubbles. Pregnant women who like online baby posts will most likely see an advertisement about the same content and have other users that also have the same interest suggested to them. The same logic applies to political opinions. An individual who has radical political thinking will likely see a political advertisement that is compatible with his thinking and also will connect with other individuals who think the same. This eventually opens a pathway to a series of movements that aim to influence the decision-making process such as Digital Astroturfing.

In this context, some social media platforms are better than others for Astroturfing. Twitter, for instance, is very vulnerable to Digital Astroturfing due to the system of hashtags that can bring real people into discussions that are artificially created,<sup>12</sup> often political hashtags reach top trends and become a discussion amongst real individuals. A 2018 dataset released by Twitter demonstrated that between 2016 and 2018 more than 10 million tweets came from about 4,5000 dubious accounts and 3,800 of them were believed to be connected with the St. Petersburg Internet Research Agency (IRA)<sup>13</sup>.

It is important to point out that the ideas spread by Digital Astroturfing are not necessarily false or inaccurate, instead the birth of the discussion is purely false and orchestrated. Nevertheless, there is a continuous movement of the intertwining between disinformation and Astroturfing which is closely connected with its political use of it.

---

12. See Axel Bruns & Hallvard Moe, *Structural layers of communication on Twitter*, in 89 TWITTER AND SOC'Y 15–28 (Katrin Weller et al. eds., 2014).

13. See Ben Nimmo et al., *#Trolltracker: Twitter troll farm archives Part one: Seven key take aways from a comprehensive archive of known Russian and Iranian troll operations*, MEDIUM: DRFLAB (Oct. 17,2018).

### *B. The political use of Digital Astroturfing*

As technology becomes an essential part of our lives, political actors realize that it is possible to reach citizens and influence them via the internet. Due to that, in the last years, there has been an increase in the use of Digital Astroturfing for political reasons.

The contexts of the use of Astroturfing are different and complex, they go from political campaigns, elections, and protests to other exceptional situations that intertwine with politics such as the COVID-19 pandemic<sup>14</sup>. The goals of Digital Astroturfing in politics are also diverse, in general, they aim to change the beliefs and opinions of individuals, ignite an attitude, create uncertainty and distrust, and breed political cynicism<sup>15</sup>.

Digital Astroturfing's general tactics remain the same – a top-down false movement with the aim to general real results – however, where they are applied online changes significantly to generate the wanted results. For instance, they can be supporting a certain policy, attacking minority groups, and disseminating alternative and contradictory explanations for political events<sup>16</sup>. Yet, another important concept emerges in the political use of Digital Astroturfing which is consensus. Consensus is the link between the Astroturfing campaign and the influence on real individuals. When an individual believes that there is consensus amongst a group about a certain topic, most likely this individual will believe in it<sup>17</sup>.

As mentioned, in the last years there has been an increase in the use of Digital Astroturfing for political reasons, thus in this section, we aim to point out the most prominent examples.

In 2016, following the United States presidential elections, the National Intelligence Council released an assessment that pointed out a Digital Astroturfing campaign sponsored by Russia. The report mentions a St. Petersburg agency called “Internet Research Agency (IRA)” who is a Digital Astroturfing organization specialized in creating fake profiles and mimicking regular users. The campaign was successful, in 2018 the

---

14. See Samuel C. Woolley & Philip N. Howard, *Computational propaganda: Political parties, politicians, and political manipulation on social media*, OXFORD UNIV. PRESS (Reprint ed. 2018).

15. See Yevgeniy Golovchenko et al., *Cross-Platform State Propaganda: Russian Trolls on Twitter and YouTube during the 2016 US Presidential Election*, 25 THE INT'L JOURNAL OF PRESS/POL. 357-389 (2020).

16. See *Throwing Coronavirus Disinfo at the Wall to See What Sticks*, EU VS. DISINFO: CORONAVIRUS (April 2, 2020), <https://euvsdisinfo.eu/throwing-coronavirus-disinfo-at-the-wall-to-see-what-sticks> [<https://perma.cc/S62Y-2F4U>].

17. Jerry Zhang et al., *Online Astroturfing: A Theoretical Perspective*, 19TH AMERICAS CONFERENCE ON INFO. SYS. 1,4 (2013).

social media platform Twitter found 1.4 million fake US-based users that were most likely affiliated with the Russian agency<sup>18</sup>. The report also pointed out the method that was adopted by the agency, highlighting the sophistication of the operation which pushed for the creation of a US military unity.

The method adopted by the agency was described by researchers as “narrative switching” which means that initially, all profiles would build a profile persona, talking about several subjects. After a while, the content would switch to political subjects aligned with pro-Russian interests<sup>19</sup>. A subject would become the target for the fake profiles, making it into the “trend topic” which would lead real social media users to read and eventually start to discuss the same subject, making it impossible to distinguish where the discussion started. According to researchers, the same agency and pattern of action have been applied to perform the same techniques to influence European elections, namely the Brexit referendum<sup>20</sup> and the 2017 French election, to fuel the French “Yellow Jacket” (Gilets Jaunes) protests<sup>21</sup>, and messages in favor of the right-wing German political party Alternative für Deutschland (AfD)<sup>22</sup>.

During the campaign for the 2018 Brazil presidential elections, there was a massive Astroturfing campaign to spread disinformation and opposition about one of the runners. The campaign ran on various social media platforms such as YouTube, Twitter, Facebook, and Whatsapp<sup>23</sup> and was orchestrated by the current Brazilian president Jair Bolsonaro.

---

18. Zhan Bu et al., *A sock puppet detection algorithm on virtual spaces*, 37 KNOWLEDGE-BASED SYS. 366-377, (2013).

19. Andrew Dawson & Martin Innes, *How Russia's internet research agency built its disinformation campaign*, 90 THE POL. QUARTERLY 1, 5-6 (2019).

20. Crime and Security Research Institute, *The Internet Research Agency in Europe 2014-2016*, CARDIFF UNIV. CRIME & SEC. RSCH. INST. 1, 4 (May 2019).

21. Raphaël Grably, *Gilets jaunes: les fake news consultées 105 millions de fois sur facebook*, BFM BUS. (Mar. 13, 2019), [https://www.bfmtv.com/tech/vie-numerique/gilets-jaunes-les-fake-news-consultees-105-millions-de-fois-sur-facebook\\_AN-201903130072.html](https://www.bfmtv.com/tech/vie-numerique/gilets-jaunes-les-fake-news-consultees-105-millions-de-fois-sur-facebook_AN-201903130072.html) [<https://perma.cc/L7KT-GHT2>].

22. Julian Jaursch, *Disinformation in the 2021 German Federal Elections: What Did and Did Not Occur*, INST. MONTAIGNE (Oct. 5, 2021), <https://www.institutmontaigne.org/en/blog/disinformation-2021-german-federal-elections-what-did-and-did-not-occur> [<https://perma.cc/KPV4-LJLL>].

23. Santini, R. M., Salles, D., & Tucci, G., *When Machine Behavior Targets Future Voters: The Use of Social Bots to Test Narratives for Political Campaigns in Brazil*, 15 INT’L J. COMM’N 1220 (2021).



This campaign ignited an investigation by the Brazil Supreme Court with no definitive results so far<sup>24</sup>.

There was and still is a massive Digital Astroturfing campaign running about the COVID-19 pandemic, actors used the same tactics to create uncertainty about the potential harms of the coronavirus and the effectiveness of vaccines<sup>25</sup>.

On the other side of the coin, China uses Digital Astroturfing to promote the actions of the Chinese government abroad. According to reports, the Chinese government was able to fake 450 million social media comments a year by paying users 50 cents per comment<sup>26 27</sup>.

Thus, it is possible to observe that the political use of Astroturfing has been emerging along with the use of disinformation with clear purposes, being used in political campaigns, to start movements against political opposition, and to promote a political point of view.

### III. THE SPREAD OF DISINFORMATION BY DIGITAL ASTROTURFING AND ITS CONSEQUENCES

As we reinforced before, Astroturfing and Digital Astroturfing campaigns do not necessarily spread disinformation. However, disinformation is becoming one of the main objectives of these campaigns as mentioned in the previous part. In this section, we aim to make a brief explanation about disinformation, its spread, and how the similarities with Digital Astroturfing brought them to be used together. Disinformation is a concept that is often referred to as “fake news” however, this is more complex and can be divided into two terms. The first one is “misinformation” which can be defined as information that is imprecise

---

24. Gustavo Rodrigues, *Supreme Court of Brazil's Inquiry Against Fake News: Advancement or Step Backwards*, INST. FOR RSCH ON INTERNET AND SOC'Y (Apr. 8, 2019), <https://irisbh.com.br/en/supreme-court-of-brazils-inquiry-against-fake-news-advancement-or-step-backwards> [<https://perma.cc/VX9A-SVNA>].

25. *The COVID-19 Infodemic*, WORLD HEALTH ORG. <https://www.who.int/health-topics/infodemic/the-covid-19-infodemic> [<https://perma.cc/YXT4-949X>].

26. Henry Farrell, *The Chinese Government Fakes Nearly 450 million Social Media Comments a Year. This is Why*, WASH. POST (May 5, 2019), <https://www.washingtonpost.com/news/monkey-cage/wp/2016/05/19/the-chinese-government-fakes-nearly-450-million-social-media-comments-a-year-this-is-why> [<https://perma.cc/6UEX-BHTS>].

27. David Bandurski, *China's Guerrilla War for the Web*, FAR E. ECON. REV. (2008), [http://www.upf.edu/materials/fhuma/xiin/mat/guerrilla\\_war1.pdf](http://www.upf.edu/materials/fhuma/xiin/mat/guerrilla_war1.pdf).

but is not spread intentionally. The second term is disinformation, which is essentially the information that is incorrect and spread intentionally with specific means and targets<sup>28</sup>. Just as Astroturfing, disinformation is not a new phenomenon. In 2017, “fake news” was considered the word of the year by Collins dictionary<sup>29</sup> and the World Economic Forum warned the world about its harms in 2014.<sup>30</sup>

Lies and falsehoods have been around in our societies for centuries, however, the internet and especially social media have been a catalyst for changing the looks of disinformation and shaping its systematic use. Using the algorithms created for target advertisement purposes<sup>31</sup>, disinformation spreaders can funnel disinformation campaigns to certain individuals and influence them.

There are several motivations behind disinformation campaigns, yet the ones that are more prominent and common are the political uses. It is precisely them that connect disinformation with political Astroturfing since they both have a top-down approach with the aim to influence individuals to have certain thoughts and to shape certain behaviors. Additionally, on the internet, both Digital Astroturfing and disinformation campaigns are known to use bots as a way to reach bigger audiences.

Thus, it is possible to observe that both Digital Astroturfing and disinformation campaigns are increasingly being applied together in massive campaigns on social media and online, spreading false content with several objectives, including political ones. It is possible to observe the examples of the political use of Astroturfing listed in the section above also used disinformation was one of the tactics. For instance, the 2018 Brazilian presidential campaign was very influenced by the disinformation spread through Digital Astroturfing tactics with the use of social media

---

28. Rasmus Kleis Nielsen & Lucas Graves, “*News you don’t want to believe*”: *Audience Perspectives on Fake News*, REUTERS INST. FOR THE STUDY OF JOURNALISM (2017) <https://www.digitalnewsreport.org/publications/2017/news-dont-believe-audience-perspectives-fake-news> [https://perma.cc/H44Z-C6N4].

29. Natalie Sauer, *Collins Dictionary Picks ‘fake news’ as Word of the Year*, POLITICO (Nov. 2, 2017), <https://www.politico.eu/article/collins-dictionary-picks-fake-news-as-word-of-the-year> [https://perma.cc/JN7S-TWKL].

30. Farida Vis, *Top 10 Trends of 2014: 10. The Rapid Spread of Misinformation Online*, WORLD ECON. FORUM (Nov. 4, 2013), <http://reports.weforum.org/outlook-14/top-ten-trends-category-page/10-the-rapid-spread-of-misinformation-online> [https://perma.cc/TQ75-A75K].

31. Barbara da Rosa Lazarotto, *The Impact of Disinformation During the COVID-19 Pandemic and its Regulation by the EU*, 6 UNIO – EU L.J. 25 (2020).

platforms such as Twitter and WhatsApp to spread images, videos, and texts<sup>32</sup>.

The use of disinformation in Digital Astroturfing campaigns has significant consequences since according to a Pew Research Center survey conducted in 2021, nearly a third of Americans get their news on Facebook, and about half of Twitter users get news on that platform<sup>33</sup>. Exemplification Theory is a theoretical approach that aims to investigate why and under which circumstances people have their judgments influenced by news. Rooted in psychology, studies have shown that people tend to rely on single-case information while ignoring important base-rate data, simply because single-case information is easier for the brain to process than base-rate information<sup>34</sup>.

Recent studies demonstrate that the same results occur when individuals are exposed to user comments on social media<sup>35</sup>. Zerback and Fawzi conducted an experiment in which they exposed participants to user comments on Facebook about the eviction of violent immigrants, a group was exposed to supportive comments and another one was exposed to comments that opposed the measure. The results showed that those that were exposed to comments opposing the eviction demonstrated less support for the measure than the group that was exposed to pro eviction measures comments<sup>36</sup>.

Thus, when individuals tend to ditch complex information provided by newspapers in exchange for easy information bits shared on social media without any type of fact-checking they become vulnerable to all sorts of campaigns, including disinformation and Digital Astroturfing.

---

32. Tom Phillips, *Bolsonaro business backers accused of illegal Whatsapp fake news campaign*, THE GUARDIAN (Oct. 18, 2018), <https://www.theguardian.com/world/2018/oct/18/brazil-jair-bolsonaro-whatsapp-fake-news-campaign> [https://perma.cc/4MEM-HDKM].

33. Mason Walker and Katerina Eva Masta, *News Consumption Across Social Media in 2021*, PEW RESEARCH CENTER (Sep. 20, 2021), <https://www.pewresearch.org/journalism/2021/09/20/news-consumption-across-social-media-in-2021> [https://perma.cc/5NV5-2RHV].

34. Hans-Bernd Brosius & Christina Peter, *Exemplification theory*, THE INT'L ENCYCLOPEDIA OF MEDIA EFFECTS (2017), <https://doi.org/10.1002/9781118783764.wbieme0062> [https://perma.cc/548M-F2V3].

35. Andrew R. N. Ross & Delia Dumitrescu, *'Vox Twitterati': Investigating the Effects of Social Media Exemplars in Online News Articles*, 21 NEW MEDIA & SOC'Y 962 (2019).

36. Thomas Zerback & Nayla Fawzi, *Can Online Exemplars Trigger a Spiral of Silence? Examining the Effects of Exemplar Opinions on Perceptions of Public Opinion and Speaking Out*, 19 NEW MEDIA & SOC'Y 1034 (2017).

This has several consequences such as shaping individuals' opinions about a certain subject and influencing voters to vote for one person instead of another. Yet in the next section, we aim to analyze how these practices can cause harm to the rule of law to the point of erosion.

#### IV. THE EROSION OF THE RULE OF LAW BY DIGITAL ASTROTURFING

The Rule of Law is a concept that is complex, elusive, and been subjected to different interpretations under rich debates in political and legal theories. That is the main reason why this study does not aim to describe and discuss the concept of the Rule of Law. Instead, we decided to employ the concept of the Rule of Law defined by the British judge Lord Bingham who described it as the principle that demands that “*all persons and authorities, within the state, whether public or private, should be bound by and entitled to the benefit of the laws publicly made, taking effect (generally) in the future and publicly administered in the courts*”.<sup>37</sup>

Thus, the concept of the Rule of Law is one of the core “triangular values” formed by democracy and fundamental rights. These three pillars are responsible for keeping liberal democracies alive, they are interconnected, and independent but when separated inflict damage to their shape<sup>38</sup>. There is no Rule of Law without democracy, and democracy with no Rule of Law is a dictatorship of the majority. As a main result, the Rule of Law aims to protect citizens from misuse of powers, providing them with legality, legal certainty, prevention of abuse, and guaranteeing access to justice<sup>39</sup>.

In the United States, the rule of law is a part of the country's DNA. In the Federalist Papers n. ° 78, Hamilton defends the federal courts as “*an intermediate body between the people and their legislature*” which means that all individuals and entities are accountable to law that was written and approved by representatives elected by the people. Being the basis for a democratic state, it is safe to say that the Rule of Law is the basis for American democracy.

John Rawls argues that deliberative democracies are essentially based on the exchange of information, which is done in a discussion based on reason instead of self-interest or political power. According to Rawls, the

---

37. Tom Bingham, *The Rule of Law*, PENGUIN UK (2011).

38. Sergio Carrera, Elspeth Guild, & Nicholas Hernanz, *The Triangular Relationship between Fundamental Rights, Democracy and the Rule of Law in the EU: Towards an EU Copenhagen Mechanism* (2013).

39. Judit Bayer et al., *Disinformation and Propaganda— Impact on the Functioning of the Rule of Law in the EU and its Member States*, LIBE COMM., POL'Y DEP'T FOR CITIZENS' RTS AND CONST. AFF. (2019).

persuasion of citizens must be done by the more reasonable or better-justified argument instead of private interests.<sup>40 41</sup>

As it is possible to observe after the previous analysis, the use of Digital Astroturfing in politics does not aim to stir up debates about a certain subject based on reason. It aims to change individuals' opinions according to one's interests following the top-down logic. Thus, Digital Astroturfing in this sense does not feed open debates, the situation is aggravated when disinformation is added to the equation since the debates are ignited based on false information. In this sense, following Rawls's logic, it is not possible to have a deliberative democracy when the information exchange is poisoned by an orchestrated self-interest campaign.

Consequently, we argue that the political use of Digital Astroturfing to spread disinformation works essentially as a poison to the Rule of Law and for democracy itself, creating an erosion that comes from within since it mines the possibility of citizens to be persuaded by the truth and reasonable discussions, instead individuals believe in falsehoods implanted by certain actors with political intentions. In this sense, the Rule of Law is under threat once citizens elect representatives based on false information, resulting in laws that cannot be considered legitimate since they are not based on a reasoned decision.

#### CONCLUSIONS

Along with this work, we demonstrated how Digital Astroturfing is a technique that has been openly applied by political actors when reaching individuals on the internet. Additionally, we observed that this method of information spread has a lot of similarities with disinformation techniques and this is one of the main reasons why some political actors chose to combine both practices. Several examples demonstrate the potential harms of these practices for liberal democracies, diminishing the decision-making process of citizens by implanting false discussions and inciting political distrust. Thus, we argue that the continuous use of Digital Astroturfing along with the spread of disinformation poison liberal democracies from within, blocking open discussions and eroding the Rule of Law as one of the pillars of Democracies.

---

40. John Rawls, *The Idea of Public Reason Revisited*, 64 U. CHI. L. REV. 765, (1997).

41. Bayer et al., *supra* note 40.