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FAKE NEWS AND DEMOCRACY IN LATIN AMERICA

ABSTRACT Diverse territories of Latin America are immersed in important situations today. The region is not only facing shortages, inequities, and inequalities a large part of the population has to live with, but also constant information, disinformation and fake news that permeate their minds and erode their freedom of decision and action in democratic processes. The scenario they are going through calls for a deep shake from its foundations, given the discourse of knowledge beyond a robust wave of information, coming from unusual sources, some of them disrupting the effort to ascertain the truth of the facts and being apparently at the service of economic and/or political hegemonies. This text proposes a comprehensive approach to fake news and the scope of influence they have on individual freedom with repercussions on the weak Latin American democracy.

Keywords: fake news, freedom, democracy

FAKE NEWS AS A NOVELTY?

In recent years, the concepts of fake news and post-truth are quite frequent in social scenarios. This dynamizing impact focuses on two situations: on the one hand, the massive and instantaneous interaction and interconnection between geographically dispersed individuals, thus achieving greater immediacy in access to information thanks to globalization, artificial intelligence, digital technologies and information platforms; on the other hand, the use of post-truth and fake news as rhetorical stratagems of the political game with an impact on citizen mobilization in favor of interests that undermine common welfare.

The term 'fake news' as used in this paper is understood in a generic way, given the debates that are generated about its concept. However, it is not a new concept. If we think about the political practice, we can see that the history of humankind has been framed by a constant of deception, manipulation and lies¹ aimed at achieving citizen responses that legitimize decisions contrary to the security and legal guarantee of the inhabitants of a territory. What also comes to mind is the confrontation over the hegemony of the press between Pulitzer, owner of *The World* newspaper, and Randolph of the *New York Journal* in the 19th century in North America, in which they resorted to questionable journalistic practices of publishing a substantial number of fake news and creating of the phenomenon known as 'yellow journalism.' In more recent history, it is worth mentioning the case known as Nayira in the 1990 Gulf War and the 2003 Iraq war against Saddam Hussein, in which it was proven that security agencies, media and government institutions created and disseminated fake news generating fear in the population, which translated into support and acceptance of the invasion. In any case, these cases show that historically, fake news has been used to keep the population shamelessly deceived with the possible violent repercussions caused. It could be considered, however, that the today's novelty lies in the fact that the term has become fashionable, a fashion that is cyclical.

TRUTH AS AN ETHICAL IMPERATIVE. SHARED RESPONSIBILITY

Faced with this phenomenon of fake news, a collective responsibility for truth, understood as 'a relationship between knowledge and reality,' is required.² A reflection on information ethics is part of the context of social justice and human rights, as there is a natural right to the truth, as a requirement of the instinct of intelligence itself.³ It is

¹ The authors Marqués and Santamarta del Pozo, give an account of the phenomenon of fake news in the history of ancient Rome and Spain, respectively. See N. Marqués, *Fake news de la antigua Roma. Engaños, propaganda y mentiras desde hace 2000 años*, Barcelona 2019; as well as J. Santamarta del Pozo, *Fake news del imperio español. Embustes y patrañas negrolegendarias*, Madrid 2021.

² G. Durandin, *La mentira en la propaganda política y en la publicidad*, Barcelona 1983, p. 20.

³ N. Blázquez, *El desafío ético de la información*, Salamanca 2000, p. 18.

important to be aware of this need, understanding that truth is a constitutive element of the message of the fact, and that the journalist is by definition a seeker and disseminator of truth, a transmitter of reality or a part of it, and to speak of 'false news' is therefore a contradiction in terms,⁴ since *news is a true fact*.⁵ Its fulfillment is an imperative, *and without it, the credibility of both the media and the journalist disappears, constituting a serious fault in the ethics of news, since it goes directly against the purpose of the information*.⁶

Even so, fake news is a trend. D'Ancona makes a shocking statement about the sense of truth, considered as a reserve currency of society, that has been progressively declining, a collapse comparable to the collapse of a currency or stock market values.⁷ In light of this vision of the decline of truth, it is striking to see the sentence Steiner ends his book with: *Truth, I believe, has a future; whether man also has a future is less clear. But I cannot avoid the premonition which of the two is more important*.⁸ For the truth ceases to have value and the lie is trivialized; the lie, in Durandin's words, understood as a weapon that consists in placing the adversary in a state of a relative⁹ weakness that *aims to modify the opinions and behaviors of the interlocutor using the manipulation of signs and not of forces*.¹⁰ To such an extent that the indifference of citizens to the truth, contributes to the consolidation of deceiving news, strengthened by herd or dragging biases, because much of society has biased truths by the information people receive, information that is biased or deliberately manipulated, coupled with the population's lack of interest and distrust in the institutional framework, which prevent the development of critical thinking in the public sphere, allowing the persistence of selective perception and truthfulness biases, reaching the point of sharing information without verifying the facts, either because it is a clickbait headline or because of the sensationalism of the content.

This important flow of information circulating from formal and informal platforms is increasing given the lack of credibility of the official media, which often deliver biased information or establish the so-called 'agenda setting'.¹¹ Ultimately, it is the hegemonic media and those who finance them that are in charge of what will be the topic of the moment. The responsibility to share the truth is not only a concern of the journalist, but any person, since no one is without responsibility for spreading false news with an excuse of having been deceived themselves, since their action is cooperative as part of a vast scaffolding of dissemination and they have an ethical and civic duty with

⁴ C. Soria, *El laberinto informativo: una salida ética*, Pamplona 1997, p. 135.

⁵ J. Martínez, *El mensaje informativo (periodismo en radio, tv y cine)*, Barcelona 1977, p. 35.

⁶ *Ibid.*, p. 140.

⁷ M. D'Ancona, *Posverdad: la nueva guerra contra la verdad y cómo combatirla*, transl. by A. Pradera, Madrid 2019, p. 18.

⁸ G. Steiner, *Nostalgia del absoluto*, Madrid 2001, pp. 132-133.

⁹ G. Durandin, *La mentira en la propaganda política...*, p. 20.

¹⁰ *Ibid.*, p. 25.

¹¹ M. McCombs, D. Shaw, D. Weaver (eds), *Communication and Democracy: Exploring the Intellectual Frontiers in Agenda-Setting Theory*, New York 1997.

regard to information management. But it is also the individual that reports true facts, manipulates, or lies through the creation of fake news, thanks to the substantial number of freely accessible applications and tools.

FAKE NEWS AS A POLITICAL TOOL

Fake news seeks to reproduce characteristics of a true news, but in a falsified form and it depends on the degree of reliability given to the media and the form of the message; therefore, it seeks the appearance of real news to deactivate any prevention or doubt about the message transmitted, giving it credibility. News fraudsters imitate conventional media, supplanting its identity, creating websites with the appearance of reliable media to such an extent that an ecosystem has been created in which news are reproduced and quoted all over the world, making it difficult even to trace the initial issuer or manufacturer of the fake news. Some include elaborate creations, others simple lies shared in instant messaging media and social networks, consisting in creating a message where certain information about a person or entity is attributed to some authority. There is, therefore, an intention to lie, as there is a divergence between discourse and knowledge because there is a knowledge of the reality and yet the message transmitted is a lie (not a random error because the news is falsified intentionally).¹²

This intention and practice of lying through fake news produces a clear violation of rights and freedoms that affects people who find it difficult to tell apart fake news from a true one. The study *Digital Iceberg*, conducted by cybersecurity company Kaspersky together with the market research consultancy CORPA, shows that 70% of Latin Americans do not know how to detect or are not sure to recognize fake news on the Internet.¹³ This is a glimpse of the magnitude of the problem that the individual is going through faced with the information they access. There is an inability to differentiate truth from lies, especially in the cases of an elaborate design of fake news and its discrimination through echo chambers or filter bubbles that cause people to receive selective information congruent with their own opinions, excluding other points of view or realities, hindering the formation of their critical thinking, strengthening even more those beliefs, likes or dislikes that they have about someone – a tendency that Kahneman has called the ‘halo effect’ or ‘exaggerated emotional coherence.’¹⁴

In addition, the media has been endowed with a socializing dimension of behavioral patterns to the point of considering them as educational¹⁵ agents. Moreover, marketing techniques and political communication, as well as social networks and the

¹² G. Durandin, *La mentira en la propaganda política...*, p. 33.

¹³ H. Diazgranados, “70% de los latinoamericanos desconoce cómo detectar una fake news,” Kaspersky Daily, 4 February 2020, at <https://latam.kaspersky.com/blog/70-de-los-latinoamericanos-desconoce-como-detectar-una-fake-news/17015/> – 4 February 2020.

¹⁴ D. Kahneman, J. Chamorro, *Pensar rápido, pensar despacio*, Barcelona 2020.

¹⁵ M. Fontcuberta, H. Borrat, *Periódicos: sistemas complejos, narradores en interacción*, Buenos Aires 2006, pp. 19-20.

technological world at large, have a great formative and persuasive capacity, therefore, their tremendous social responsibility.

This potential to influence the consciousness of the individual towards different ends has been discerned and at present certain politicians, advisors and followers have made their main electoral campaign strategy out of them. *All these media have an impact on the assumption of values that correspond to the current economic model; the training received is absolutely related to the reproductive needs of the system.*¹⁶ Such is the case of the president of El Salvador, Nayib Bukele, who based his presidential campaign on populist strategies. In addition to becoming a political influencer, he achieved his victory and a large number of followers in the networks, which are the means of communication of his decisions,¹⁷ and paradoxically, ‘Since taking office, President Bukele has undermined the credibility of independent media outlets, accusing them of spreading fake news or serving political interests.’¹⁸ Similar practices related to the use of fake news and active participation in the networks have spread throughout Latin America as a common political stratagem.

The phenomenon of fake news has also been used as a discursive element by political opponents with the intention of discrediting the other party. This use is evident in multiple political debates. In these cases, one can appreciate the application of Schopenhauer’s dialectic, where he raises the need to identify the use of bad faith stratagems in political debates, since, according to the author, there are two ways to refute the idea raised by the opponent: one *ad rem*, with reference to the thing, and *ad hominem*, with reference to the person with whom one is arguing. In relation to the above, there is an increase in the use of fake news as a tool to attack the opponent’s arguments and to point out as fake news any message issued by the other, even if this message is true. This argument is addressed in stratagem 8, proposed by Schopenhauer, which seeks to *arouse the anger of the adversary, since, once angered, they are not in a position to effect a clear judgement and perceive their advantage*¹⁹ but also emphasizes in stratagem 27 where *if the adversary is angry, he must be harassed insistently with the argument that angered them*²⁰, without considering the falsity of the information given to the public,

¹⁶ J. Martínez., S.B. Flórez, “Construcción de individuos uniformes: los peligros del estancamiento en la sociedad,” in J. Hernández (ed.), *Entornos educativos y filosofía de la formación. Sobrevuelos, incertidumbres y aportes para una nueva racionalidad pedagógica*, Cúcuta 2020, p. 47

¹⁷ It is worth mentioning that, in 2020, he entered Congress accompanied by the military and threatened to call the people to insurgency if a budget for certain projects was not approved, an attitude that is detrimental to the democratic standards of the country, arguing that ‘the end justifies the means’ and undermining the system of weights and counterweights typical of democratic systems. He also managed to get the Assembly to approve his reelection, despite the fact that reelection is constitutionally prohibited. All this leads to conclude that the country has undergone a transition from democracy to autocracy.

¹⁸ Human Rights Watch, *World Report 2022: Events of 2021*, New York 2022, p. 235, at <https://www.hrw.org/world-report/2022> – 4 February 2020.

¹⁹ A. Schopenhauer, *El arte de tener razón, expuesta en 38 estratagemas*, transl. by J. Alborés, Madrid 2002, p. 42.

²⁰ *Ibid.*, p. 51.

as the objective is to win the debate which often results in taking advantage of an audience that lacks training in the matter, thus, the author in stratagem 28 states that, *this is applicable especially when educated people argue before uneducated listeners*, because the truth will only be recognized by people who are properly informed.²¹ Games in which, if an argument of the opponent is not to our liking or affects us, it is pointed out as a fake news. Let's remember that it was the strategy used by Donald Trump. In Argentina, different authorities, including President Alberto Fernandez accused independent journalists of spreading fake news when reporting on issues of public interest, such as irregularities in the distribution of vaccines against covid-19.²² In Bolivia, the president accused the media of lying and serving foreign interests.²³

THE DISENCHANTMENT. THE DISCONTINUOUS LATIN AMERICAN DEMOCRACIES

The use of the fake news tool in Latin America takes place in a context of weak democracies, whose repercussions are different than in developed welfare states and more solid democracies, hence the importance of understanding the Latin American democratic context in broad terms. Before addressing this regional context, it is worth noting that in the history of democracy, an important discordance can be observed in what the theory of representative regimes has linked to the electoral process: legitimacy and trust.

Although the most evident dimension of the democratic principle is the right to vote, through which governments attempt to get legitimacy, this electoral link has not been enough to force the elected to keep their commitments, despite legal resources such as the revocation of the mandate. Nor is there the transparency in the electoral processes, since there is a great manipulation of the people to influence the suffrage. In the contemporary model, democracy emerges as a series of institutions and political practices that make possible the adoption of collective decisions in a legitimate manner,²⁴ but it has been impossible to enforce. In the face of this evident failure, the theory of political deliberation for the 21st century proposes a political system based on rational discussion among equals, aiming not at the imposition or segregation of particular interests, but at the achievement of the common good through the triumph of the best argument.

The revolutions of the 18th and 19th centuries did not give rise to a democratic model, but to a spectrum of values in which they placed different institutional models such as the liberal, republican, and socialist. According to Habermas, the classical liberal and socialist models competed in the 20th century to fulfill the democratic

²¹ Ibid., p. 52.

²² Human Rights Watch, *World Report 2022...*, p. 40.

²³ Ibid., p. 103.

²⁴ R. Dahl, *Democracy and Its Critics*, New Haven 1989, p. 57.

promise.²⁵ While in the classical liberal extreme, democrats emphasize the autonomy of individuals and democracy is an aggregation of individual interests. In socialism, democracy is at the service of a historical-scientific logic that solves the problem of decision-making in a technical manner; this reduced democracy to a mere mechanism for electing decision-makers, instead of citizenship. Since then, modern democracy has been burdened with the sin of a fundamental contradiction with its basic promise of popular sovereignty, and with a problem of illegitimacy.²⁶

The 2021 Latinobarómetro report states that it was a mistake to believe that the consolidation of democracy follows a linear process, without jumps and gaps. The transition to democracy and living in it led to protests over the disenchantment and inequalities.²⁷

These demonstrations show a more participatory role assumed by citizens in recent years, even reflecting that 49% of Latin Americans support democracy, 13% support authoritarianism and 27% are indifferent to the regime of government,²⁸ a percentage that considers that democracy as a reality has its flaws. As Dahl states, *democracy refers to both an ideal and a reality*,²⁹ a reality that has disappointed as a consequence of the actions of the rulers, because in spite of the democratic title that Latin American countries hold, the truth is that their internal structures are too brittle, with important transfigurations towards autocracy; towards autocracy, to the extent that in some countries, democracy tends to become nonexistent in practice, while in others, such as Venezuela and Nicaragua there is no place for democracy at all.

The above is true in view of the common problems that are, among others, serious human rights violations; increased demographic pressure in urban centers; deficient infrastructure to deal with the concentration of nationals or migrants; lack of guarantees in the protection of the rights of vulnerable groups such as women, children, indigenous people and the LGBT population; intervention of other states in economic and security decision-making in the territories; massive, chronic and sustained emigration of nationals, the transhumance of nationals within nations;³⁰ severe and abrupt decline of the economy, coupled with the progressive deterioration of public services which are actually nonexistent in many regions; criminalization and delegitimization of the State, an unsustainable situation that has transcended in recent decades in the region given the corruption scandals, mega-projects, and macro-infrastructures; high levels of

²⁵ J. Habermas, *The Theory of the Communicative Action*, vol. 2: *Lifeworld and System: A Critique of Functionalist Reason*, Boston 1987.

²⁶ Ibid.

²⁷ *Informe 2021. Adiós a Macondo*, Latinobarómetro, Santiago, Chile 2021, p. 14, at <https://www.latino-barometro.org/lat.jsp> – 4 February 2020.

²⁸ Ibid., p. 18.

²⁹ R. Dahl, *La democracia*, transl. by F. Vallespín, Barcelona 2012, p. 31.

³⁰ Regarding the suffering of the migratory phenomenon, see: J. Garavito, S.B. Flórez, M. Flórez, “Auto-gestión e individualismo: nuevas representaciones de lo no-vivido como deseo social migratorio,” in A. Aguilar et al. (eds), *La Investigación Sociojurídica: Un análisis de la incidencia de los aspectos sociales para el derecho*, Cúcuta 2018, pp. 133-153.

insecurity, inequality and poverty to the point of making the incipient middle class disappear; high unemployment rates, and so on.³¹

Indeed, the problems mentioned above are the common denominator in most parts of the region, although each country has its own specific situation. All this is supported in the context of fake news and manipulation of the masses; fake news is becoming a power of manipulation, like a magnificent³² beast aimed at influencing the beliefs, emotions, reasoning, and behavior of citizens. The phenomenon requires the consideration of other confluences of the political context related to the current crisis and the multiple ruptures that make the democratic exercise more complex. It is necessary to consider that the economic crisis and the affectation that the population has experienced and continues to experience is associated with institutions, leaders and political parties that increasingly exacerbate rhetoric of nationalist and populist ideologies, speeches that sicken democracy, based on skepticism towards traditional rulers, on inequality and corruption,³³ a practice used by modern political representatives to continue controlling the institutionalism; fostering feelings of hatred, exclusion and sectarianism as a constant that comes through asynchronous and synchronous communication.

It has been proposed then the generation of an ethic emanating from the public sphere that would permeate the administrative sphere of the State and direct its decisions towards the common good, a deliberative democracy based on a series of procedures and conditions that make dialogue possible which, if complied with, grant legitimacy to the decisions derived from it.³⁴ Based on the above, the progress in the media, the greater connectivity from social networks and other forms of participation undoubtedly contribute to profound changes in the electoral dynamics, a favorable instrument for political manipulation where the theory of democracy, such as public ethics, is sullied. Well, this social context is exploited for different interests and with an uncontrolled and unsanctioned increase of fake news.

In Latin America, the phenomenon of fake news has increased in two scenarios: on the one hand, in social mobilizations and, on the other hand, in electoral processes. We can see, for example, the demonstrations that took place in Nicaragua, Colombia, Ecuador and Chile during 2018-2021, which were carried out despite the risk due to the pandemic, expressing the protest of a mass of citizens who feel a gap between government policies and the real needs of the population in the context of an absolute distrust and weakened legitimacy towards their rulers. There has been a disenchantment, not with the idea of democracy, but with the way the leaders have understood and developed it.

³¹ Some of these issues have been enunciated in the report *El estado de la democracia en el mundo y en las Américas 2019. Confrontar los desafíos, revivir la promesa*, Instituto Internacional para la Democracia y la Asistencia Electoral, Estocolmo 2019.

³² M. Foucault, *El poder, una bestia magnífica. Sobre el poder, la prisión y la vida*, transl. by H. Pons, Buenos Aires 2014.

³³ S. Levitsky, D. Ziblatt, *Cómo mueren las democracias*, Barcelona 2018.

³⁴ J. Habermas, *The Theory...*

Faced with this disenchantment, people revolt, demonstrate and the government with an oppressive arm violently represses the demonstration³⁵. One cannot help quoting in this case Singer on disobedience to the law, who says that disobedience does not come from selfish criminals but from people inspired by ideals.³⁶ Well, the inspiration was tiredness and the need to break with imposed policies that do not represent the real needs of the population. The demonstration became 'a symbol of societies that reach the edge of their existence.'³⁷ Within the framework of these protests, in principle peaceful, the creation and dissemination of fake news expanded at great speed.

In Nicaragua, it took place in 2018, against the presidency of Daniel Ortega, who has been serving as president for more than 26 years, in said year the country was immersed in a wave of violent protests with more than 300 deaths and countless fake news, in 2020 the special cybercrime law was approved, which established (in art. 30) prison sentences and fines for those who publish or disseminate fake news,³⁸ a law with a clear violation of freedom of the press, expression and information, which adds to the increasingly non-existent democracy in the country. In Ecuador, in 2018 people demonstrated against the Government of Lenin Moreno; the following year, massive protests arose again. Faced with the great avalanche of fake news, in 2016 the first fact checking media in the country was created, called Ecuador Chequea. In their 2019 report, they showed that during the elections, fake news sought to position certain politicians to the detriment of others; moreover, that same year fake news related to the benefits received by Venezuelan migrants increased xenophobia in the country.³⁹ It should be noted that the situation of Venezuelan migration has also been exploited for political purposes or to generate feelings of hatred in countries where a greater number of migrants have been concentrated.

In Chile, the demonstrations took place in 2019 with the same trait of dissemination of fake news,⁴⁰ achieving an effect of a call for violent confrontation. It is worth remembering that the demonstrations in Chile gave way to the constitutional reform. On the other hand, there are electoral campaigns based on the use of fake news with different headlines that restrict the freedom of decision of voters, based on disinformation. In Colombia, social networks played a decisive role in social demonstrations that took place in 2018-2021, and the media as well as politicians, demonstrators and detractors

³⁵ Human Rights Watch, *World Report 2022...* In the section for each country, the actions of the States in response to the events that have taken place are shown.

³⁶ P. Singer, *Democracia y desobediencia*, Barcelona 1985, p. 5.

³⁷ *Informe 2021. Adiós a Macondo...*, p. 5.

³⁸ *Ley N. 1042 de 2020, ley especial de cibercrimitos*, Asamblea Nacional de la República de Nicaragua, La gaceta, Diario oficial, no. 201, 30 October 2020, at [http://legislacion.asamblea.gob.ni/normaweb.nsf/\(\\$All\)/803E7C7FBCF44D7706258611007C6D87?OpenDocument](http://legislacion.asamblea.gob.ni/normaweb.nsf/($All)/803E7C7FBCF44D7706258611007C6D87?OpenDocument) – 4 February 2020.

³⁹ *Ecuador Chequea al 2019: el año de la desinformación*, Quito, 26 December 2019, at <http://www.ecuadorchequea.com/informe-ecuadorchequea-desinformacion-ecuador-fakenews/> – 4 February 2020.

⁴⁰ See "8 noticias falsas que circulan en medio de protestas sociales en Chile," CNN Chile, 22 October 2019, at https://www.cnnchile.com/pais/noticias-falsas-fake-news-redes-protestas-sociales_20191022/ – 4 February 2020.

widely disseminated fake news at national and international level. Fake news has had repercussions in the presidential elections of recent years, in the anti-corruption consultation and even in the referendum for the peace agreement. The latter is a clear example where post-truth was a great mobilizer of the people: a rational opportunity manipulated by emotion, due to the display of emotionality exploited in citizens.

In Brazil, the election campaign of the then presidential candidate Bolsonaro represents a case of the strength of fake news in elections. The newspaper *El País* called the event *a well-oiled fake news machine behind which are thousands of volunteers and supporters*.⁴¹ In the analysis of three WhatsApp groups that the newspaper conducted, an average of 1000 messages with evident fake news per day were found.⁴² And although elector success cannot be attributed solely to this strategy, there is no doubt that the influence in the perception of voters was a decisive factor. Despite the initiatives to disclose fake news, such messages spread so quickly that it is exceedingly difficult to combat the phenomenon adequately.

Fake news in the electoral campaigns and mobilizations became firewood thrown on the fire of violence, in which the social mobilizations were transformed, while the strategy of media manipulation swayed the emotion of the citizens, of sentiments exploited by the political parties of government and opposition through the phenomenon of post-truth⁴³ and fake news. These events are a clear example of two problems affecting democratic systems: one is a massive manipulation of people through disinformation, fake news and even the withholding of information, and on the other hand, the enormous distrust towards Latin American rulers, which facilitates the increase of populist leaders in the region.

The above-mentioned are just some cases that show how fake news have played a vital role in certain scenarios in terms of the impact achieved, a quick response of the receiver of the message (in favor or against) thanks to the transmission of sensitive contents that awaken or shape emotions. Consequently, fake news consolidate a vision of the world excluding any other, exacerbate the mood of the marchers and encourage those who do not to take stance. In this context, one should consider the findings of the digital iceberg study according to which Peruvians are the least able to identify fake news (79%), followed by Colombians (73%), Chileans (70%), Argentines and Mexicans (60%), and finally Brazilians (62%).⁴⁴ These data show the problems faced by the individuals at the moment of receiving news. In fact, the same study revealed that 46% of those surveyed question what they read on the web only from time to time or do not

⁴¹ A. Benites, "La máquina de las 'fake news' trabaja a favor de Bolsonaro en Brasil," *El país*, 3 October 2018, at https://elpais.com/internacional/2018/09/26/actualidad/1537997311_859341.html – 4 February 2020.

⁴² Ibid.

⁴³ In this regard, McIntyre, states that post-truth 'equivale a una forma de supremacía ideológica, a través de la cual sus practicantes tratan de obligar a alguien para que crea en algo, tanto si hay evidencia a favor como si no. Y esta es la receta para la dominación política.' L.C. McIntyre, *Posverdad*, transl. by L. Álvarez, Madrid 2018.

⁴⁴ H. Diazgranados, "70% de los latinoamericanos..."

question it at all, with Peruvians at 58%, Colombians at 47%, Chileans, Argentines, and Mexicans and Brazilians at 42%.⁴⁵

These data represent a fragility of the population which the democratic exercise is taken away from when making conscious and informed decisions. As Byung suggests, we are rushing to a digital psycho-politics, one in which the big data as an instrument of this allows for a comprehensive knowledge of the communication society in order to dominate it, to intervene in the minds of people and condition them at a pre-reflective level.⁴⁶

This disinformation, information and distortion in which the citizen is involved takes away their freedom inasmuch as that the information stirs a set of emotions that drives an action devoid of freedom because it has been influenced by fake news. Since 'emotions, as inclinations, represent the energetic, even sensitive foundation of action,'⁴⁷ people are manipulated through the emergence of quick situational emotions that fuel a desired action, what Byung calls the 'dictatorship of emotion.' It is not an exaggeration, therefore, to say that fake news had a profound impact on the electorate and that politicians in Latin America have found a very effective tool in it, which they use without any ethical consideration. This may be understood in light of the dual processing theory, in which Kahneman claims that every human cognitive process has two fundamental aspects, one eminently automatic and intuitive, and the other analytical and reflective. The automatic one operates quickly and automatically, with little or no effort and without a sense of voluntary control. The latter focuses attention on the effortful mental activities that demand it, including complex computations, often associated with the subjective experience of acting, choosing, and concentrating.⁴⁸ Therefore, fake news directly influences the former, producing in an individual a reaction of automatic belief in seductive phrases, even if meaningless because they seek to reduce cognitive tension the individual experiences.

Democracy must be understood as a participatory, reflective and deliberative process based on reason, but not on deception and this requires a citizenry that exercises it not only as passive viewers of the screens who get worked up and form a mass of consumers that establish a 'spectator democracy'⁴⁹ in the sense that individuals have a false belief of political participation through their actions in social networks, while in the actual fact, it requires critical thinking and a more active citizen participation.

Despite this belief of increased political participation through the networks, the *lack of concern for finding out the facts and the inclination to undermine the credibility of science and data as a basis for determining the truth constitute a potential threat to democracy, as they erode the quality of public discourse, something that is essential for a healthy*

⁴⁵ Ibid.

⁴⁶ B.Ch. Han, *Psicopolítica: neoliberalismo y nuevas técnica de poder*, transl. by A. Bergés, Barcelona, 2015, p. 25.

⁴⁷ Ibid., p. 74.

⁴⁸ D. Kahneman, J. Chamorro, *Pensar rápido...*

⁴⁹ B.Ch. Han, *Psicopolítica...*, p. 24.

democracy.⁵⁰ Fake news has become a virus that infects the democratic system, poisoning the rights and freedoms of information and affecting the dignity of individuals, since it manipulates them to feel, think and act in certain ways. And although the real scale of the impact of fake news is not unknown, it is ignored. Despite different actions being undertaken, they have not had the expected impact to stop the practice.

FINAL CONSIDERATIONS

The use of fake news represents a clear violation of human rights by those who seek to come to power through such tricks or those who already have power and maintain the strategy in their political actions. Hence, social protest requires a greater responsibility of the political parties concerning this type of practices. Moreover, specific and effective sanctions are required because practices that threaten the sense of truth, either through fake news or charlatanism, must not be entrenched. On the latter, Frankfurt develops a theory that a charlatan does not account for the reality of things, but simply takes what interests them from it or manipulates the facts so as to suit their purpose.⁵¹ A charlatan does not even have a direct intention to lie because the truth is indifferent to them. This practice is also used in electoral campaigns as well as fake news. And although attempts have been made to address the phenomenon of fake news in Latin America through the creation of fact-checking platforms, the speed with which further news of this kind are made, published, and disseminated is so great that the platforms become insufficient.

Freedom, as the root of free expression, can be defined, initially, as the open possibility to execute or not execute acts framed by logic and natural laws. This, for Beckermann,⁵² is freedom of action. However, the same author states that the immaterial basis of this is rooted in the motives, desires and convictions that are valid for individuals, and this guides their decisions, the freedom of the will. Both issues are interdependent then, because *freedom of action without freedom of the will is incomplete; but freedom of the will without freedom of action is an empty concept*.⁵³ Freedom of expression as of action is limited to the extent that the subject is influenced, his will lacks freedom.

It is then that the authenticity of each human being can be understood in a deeper sense, inasmuch as the person who manages to be creative, exceptional, spontaneous, expressing their personality through decisions that give birth to an individual history is free.⁵⁴ This acquires a broad meaning when we start from the assumption of a globalized world where manipulation is an instrument to dominate, as Van Dijk affirms.⁵⁵

⁵⁰ S. Levitsky, D. Ziblatt, *Cómo mueren las democracias...*, p. 40.

⁵¹ H. Frankfurt, *On bullshit. Sobre la manipulación de la verdad*, transl. by M. Candel, Barcelona 2005.

⁵² L. Hoyos, "El sentido de la libertad," *Ideas y Valores*, vol. 58, no. 141 (2009), p. 90.

⁵³ *Ibid.*, pp. 85-107.

⁵⁴ J. Beltrán, "Estrategias de aprendizaje," *Revista de educación*, no. 332 (2003), pp. 55-73.

⁵⁵ T. Van Dijk, "Discurso y manipulación: Discusión teórica y algunas aplicaciones," *Revista Signos*, vol. 39, no. 60 (2006), p. 51.

Therefore, contemporary freedom, beyond mere deciding, lies in opposing these control strategies, superimposing one's own ideas in decision making. By expression, on the other hand, we can refer to any method that allows us to share what the mind produces. This is when language becomes vitally important in its role as an instrument that facilitates communication, since the verbal and non-verbal means provided by language are the basis of human relationships. Moreover, it should be noted that the inappropriate use of these tools has negative implications on the subjectivities of others, even if they are well-intentioned.

In this logic, freedom of expression consists of the authentic and responsible use of any linguistic instrument that allows the sharing of information with other people and, in some way, opens the way to the enjoyment of other rights, such as the free development of personality. In addition, it transcends the subjective sphere to the collective sphere, where its exercise is more complex, since the thoughts manifested towards the social conglomerate are transformed into ideas with which discourses are built, and thus, currents and movements of a philosophical, religious, political, scientific nature, among others, whose influences, among others, are the same as those of the social conglomerate. The influence of these movements on the social fabric dynamizes daily inter-subjective relations, establishing cultural and legal structures over time, a development that in turn becomes history, which can be recorded and shared thanks to this same right. Thus, freedom of expression has a broad scope, while States must intervene to prevent its abuses so that self-expression may not harm the legal property of others but secure the dignity of the holder.

The manifestation of thought, with freedom, cannot be conceived as a power without limits. This would distort its nature in an anarchy that contravenes its own axiological bases. Therefore, the question arises as to the extent of this power to materialize the individual or collective consciousness by means of linguistic resources, the task that is resolved by interpreting human rights as a whole, from which it follows that the boundaries of expression are drawn by the integrity of others and the legal system. However, the complexity of this statement lies in understanding it.

Indeed, the excessive, arbitrary use of any right represents a potential social and legal problem. Regarding free speech, there is a risk of generating violence by an unrestricted dissemination of thoughts that promote intolerance. Consequently, it is necessary to regulate this guarantee, recognizing that it can represent harm to others, therefore, *imposes duties on those who exercise it*.⁵⁶ The situation is described by Popper,⁵⁷ who, paradoxically, suggests being intolerant of intolerance, since it configures an impediment to diversity, furthermore, giving it a place in the social structure would only promote the establishment of an intolerant regime with no plurality, equality, freedom or dignity, since the attitude of acceptance and respect for what is different will have disappeared.

⁵⁶ C. Botero et al., *El derecho a la libertad de expresión. Curso avanzado para jueces y operadores jurídicos en las Américas. Guía curricular y materiales de estudio*, Bogotá 2017, p. 41.

⁵⁷ K. Popper, *Conjeturas y refutaciones. El crecimiento del pensamiento científico*, Barcelona 1991, pp. 42-95.

Based on what has been said, it is not feasible to generate spaces for social actions without a clear framework on what is admissible and inadmissible in the concept of free expression. For those who exercise this faculty, it is essential to understand the importance of guidelines related to tolerance, whose basis, according to González,⁵⁸ is dignity, which allows the recognition of subject individuality without legitimizing excessive uses free speech that extend to violence or censorship.

Latin America is a region in which respect for difference is scarce and often misunderstood; where historically citizens have been placed in opposite and exponentially opposed disjunctions regarding politics, press, thoughts, advertising, entertainment; tilting an unequal balance where it was not allowed to oscillate and converge between the information and its aspects, but to be located between some spectrum or to be indirectly catalogued as a supporter of the contrary as measured by: who does not think according to certain preferences is automatically an ally of the contrary. Context of uncertainty, because when being judged as undesirable, it is easier to place oneself in the functional and socially accepted, restricting everything that goes against normality, everything that does not fit with what is established as correct.

The manipulation of information and the way in which the issuers distort it has made it customary to avoid transparency or to make critical thinking feel like an attack, normalizing and sometimes even celebrating violence against those who are considered unfavorable to the State. This leads us to the triangle of violence, a concept studied by Johan Galtung, who sought to represent the dynamics of the generation of violence in social conflicts. The breaking point to overcome this scheme of systematic violence from the media, information platforms and personal thoughts is when it is possible to recognize and understand the other not as an alien individual with whom it is not possible to get along and who should be attacked. On the contrary, what is substantial is to achieve common ground to build from the differences, to recover the bonds of brotherhood which are so torn by the attempt to maximize the situations in which we differ, turning the common citizen into a victim, but also a victimizer of the same system that oppresses, restricts by legitimizing the violation of the rights of others, making them inherent co-participants of the judgments of hatred and mindset of exclusion.

Through its different levels, the educational system is the ideal means to generate these dialogic spaces which overcome the barriers of differentiated thinking and promote moments and activities where it is possible to come together harmoniously, where everyone can express their feelings, giving relevance to the importance of human relationships and actions; where education is an effective tool for change, the true engine of human development.

To be sure, the citizens' search for participatory democracies, imperfect, but guaranteeing fundamental rights, where all the living forces of the territories converge, where listening, analysis, discussion, ideological projects and diverse political interests manage to redefine democracy as a system, determining that it is representative, broad and

⁵⁸ M. González, "Más allá de la motivación: cultivar la voluntad de aprender para hacer frente a las demandas escolares, favoreciendo el éxito escolar y el desarrollo positivo de los estudiantes," *IDEA (Revista Consejo Escolar de Navarra)*, no. 39 (2012), pp. 31-44.

reliable, with effective participation of women, ethnic minorities, population with diverse sexual identities and orientations, peasants, trade unions, youths of all races – all this is still a work in progress. Even so, the perspective is not very promising in this sense that the current political context apparently does not advance it. According to Orlando Fals expression, *the talents of our people have been squandered and the ideal of progress that has encouraged them on many occasions has vanished in the smoke of chaotic and aimless civil wars.*⁵⁹

It is therefore necessary to demand an ethical responsibility from the media, political leaders, and citizens in general since they have here an opportunity to improve from an ethical and qualitative point of view. It is necessary to establish political and/or legal responsibilities, specific programs of media literacy in educational centers, training and publicity directed to the population, as well as agencies specialized in the identification and neutralization of fake news and disinformation. Fighting fake news requires the cooperation of different social actors willing to recover the dignity of the sense of truth, political transparency and strengthen weak democracies.

BIBLIOGRAPHY

- “8 noticias falsas que circulan en medio de protestas sociales en Chile,” CNN Chile, 22 October 2019, at https://www.cnnchile.com/pais/noticias-falsas-fake-news-redes-protestas-sociales_20191022/.
- Beltrán J., “Estrategias de aprendizaje,” *Revista de educación*, no. 332 (2003), pp. 55-73, at <https://www.educacionyfp.gob.es/revista-de-educacion/va/numeros-revista-educacion/numeros-anteriores/2003/re332/re332-04.html>.
- Benites A., “La máquina de las ‘fake news’ trabaja a favor de Bolsonaro en Brasil,” *El país*, 3 October 2018, at https://elpais.com/internacional/2018/09/26/actualidad/1537997311_859341.html.
- Blázquez N., *El desafío ético de la información*, Salamanca 2020.
- Botero C. et al., *El derecho a la libertad de expresión. Curso avanzado para jueces y operadores jurídicos en las Américas. Guía curricular y materiales de estudio*, Bogotá 2017.
- D’Ancona M., *Posverdad: la nueva guerra contra la verdad y cómo combatirla*, transl. by A. Pradera, Madrid 2019.
- Dahl R., *Democracy and Its Critics*, New Haven 1989.
- Dahl R., *La democracia*, transl. by F. Vallespín, Barcelona 2012.
- Diazgranados H., “70% de los latinoamericanos desconoce cómo detectar una fake news,” Kaspersky Daily, 4 February 2020, at <https://latam.kaspersky.com/blog/70-de-los-latino-americanos-desconoce-como-detectar-una-fake-news/17015/>.
- Dijk T. van, “Discurso y manipulación: Discusión teórica y algunas aplicaciones,” *Revista Signos*, vol. 39, no. 60 (2006), pp. 49-74, <https://dx.doi.org/10.4067/S0718-09342006000100003>.

⁵⁹ O. Fals, *Ciencia, compromiso y cambio social. Antología*, ed. by N.A. Herrera Farfán, L. López Guzmán, Buenos Aires 2012, p. 10.

- Durandin G., *La mentira en la propaganda política y en la publicidad*, Barcelona 1983.
- Ecuador Chequea al 2019: el año de la desinformación, Quito, 26 December 2019, at <https://ecuadorchequea.com/informe-ecuadorchequea-desinformacion-ecuador-fakenews/>.
- El estado de la democracia en el mundo y en las Américas 2019. Confrontar los desafíos, revivir la promesa*, Instituto Internacional para la Democracia y la Asistencia Electoral, Estocolmo 2019, <https://doi.org/10.31752/idea.2019.32>.
- Fals O., *Ciencia, compromiso y cambio social. Antología*, ed. by N.A. Herrera Farfán, L. López Guzmán, Buenos Aires 2012.
- Fontcuberta M., Borrat H., *Periódicos: sistemas complejos, narradores en interacción*. Buenos Aires 2006.
- Foucault M., *El poder, una bestia magnífica. Sobre el poder, la prisión y la vida*, transl. by H. Pons, Buenos Aires 2014.
- Frankfurt H., *On bullshit. Sobre la manipulación de la verdad*, transl. by M. Candel, Barcelona 2005.
- Galtung J., *Tras la violencia, 3R: reconstrucción, reconciliación, resolución. Afrontando los efectos visibles e invisibles de la guerra y la violencia*, Bilbao 1998, at <https://www.gernikagoraturz.org/portfolio-item/3r-reconstruccion-reconciliacion-resolucion-galtung/>.
- Garavito J., Flórez S.B., Flórez M., “Autogestión e individualismo: nuevas representaciones de lo no-vivido como deseo social migratorio,” in A. Aguilar et al. (eds), *La Investigación Socio-jurídica: Un análisis de la incidencia de los aspectos sociales para el derecho*, Cúcuta 2018, pp. 131-151, <http://hdl.handle.net/20.500.12442/2274>.
- González M., “Más allá de la motivación: cultivar la voluntad de aprender para hacer frente a las demandas escolares, favoreciendo el éxito escolar y el desarrollo positivo de los estudiantes,” *IDEA (Revista Consejo Escolar de Navarra)*, no. 39 (2012), pp. 31-44.
- Habermas J., *The Theory of the Communicative Action*, vol. 2: *Lifeworld and System: A Critique of Functionalist Reason*, Boston 1987.
- Han B.-Ch., *Psicopolítica: neoliberalismo y nuevas técnicas de poder*, transl. by A. Bergés, Barcelona 2015.
- Hoyos L., “El sentido de la libertad,” *Ideas y Valores*, vol. 58, no. 141 (2009), pp. 85-107.
- Human Rights Watch, *World Report 2022: Events of 2021*, New York 2022, at <https://www.hrw.org/world-report/2022>.
- Informe 2021. Adiós a Macondo*, Latinobarómetro, Santiago, Chile 2021, at <https://www.latinobarometro.org/lat.jsp>.
- Kahneman D., Chamorro J., *Pensar rápido, pensar despacio*, Barcelona 2020.
- Levitsky S., Ziblatt D., *Cómo mueren las democracias*, Barcelona 2018.
- Ley N. 1042 de 2020, ley especial de ciberdelitos*, Asamblea Nacional de la República de Nicaragua, La gaceta, Diario oficial, no. 201, 30 October 2020, at [http://legislacion.asamblea.gob.ni/normaweb.nsf/\(\\$All\)/803E7C7FBCF44D7706258611007C6D87?OpenDocument](http://legislacion.asamblea.gob.ni/normaweb.nsf/($All)/803E7C7FBCF44D7706258611007C6D87?OpenDocument).
- Marqués N., *Fake news de la antigua Roma. Engaños, propaganda y mentiras desde hace 2000 años*, Barcelona 2019.
- Martínez J., *El mensaje informativo (periodismo en radio, TV y cine)*, Barcelona 1977.
- Martínez J., Flórez S.B., “Construcción de individuos uniformes: los peligros del estancamiento en la sociedad,” in J. Hernández (ed.), *Entornos educativos y filosofía de la formación*.

- Sobrevuelos, incertidumbres y aportes para una nueva racionalidad pedagógica*, Cúcuta 2018, pp. 35-55.
- McCombs M., Shaw D., Weaver D. (eds), *Communication and Democracy: Exploring the Intellectual Frontiers in Agenda-Setting Theory*, New York 1997, <https://doi.org/10.4324/9780203810880>.
- McIntyre L.C., *Posverdad*, transl. by L. Álvarez, Madrid 2018.
- Popper K., *Conjeturas y refutaciones. El crecimiento del pensamiento científico*, Barcelona 1991.
- Santamarra del Pozo J., *Fake news del imperio español. Embustes y patrañas negrolegendarias*, Madrid 2021.
- Schopenhauer A., *El arte de tener razón, expuesta en 38 estratagemas*, transl. by J. Alborés, Madrid 2002.
- Singer P., *Democracia y desobediencia*, Barcelona 1985.
- Soria C., *El laberinto informativo: una salida ética*, Pamplona 1997.
- Steiner G., *Nostalgia del absoluto*, Madrid 2001.

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