

The Brazilian Presidential Election of 2018 and the relationship between technology and democracy in Latin America

Brazilian
Presidential
Election of
2018

Raíssa Mendes Tomaz

Faculty of Law, University of Lisbon, Lisbon, Portugal, and

Jerzui Mendes Torres Tomaz

Department of CEDU, Universidade Federal de Alagoas, Maceio, Brazil

Received 3 December 2019
Revised 13 December 2019
Accepted 13 December 2019

Abstract

Purpose – The purpose of this paper selected by ICIL 2019 committee in Rome is to demonstrate the current importance of the internet in the protection of democracy in developing countries.

Design/methodology/approach – It is intended to make a comparison with the growing and current phenomenon of Brazilian disinformation with other contemporary phenomena related to new technologies through literature review methodology.

Findings – The Brazilian elections in 2018 represent an authentic model in a post-Cambridge Analytical phase where the myth of the sanctity of data has been broken. The big influence of the algorithmic revolution on democracies in Latin America has never been more evident. The misuse of algorithms created an artificial environment that does not put us in contact with different realities; the consequences of this conjuncture have the deepest impacts, especially in countries that rely on a deficient educational system.

Social implications – Besides that, the broad use of zero-rating on the internet delivery in developing countries is also considered a factor of fake news dissemination. The information bubbles promote political polarization to the detriment of diversity – and the diversity is par excellence one of the pillars of democracy.

Originality/value – The research about the impact that the phenomenon of disinformation has on underdeveloped countries, it is essential to analyze the new role of the legislator in the elaboration of hypercomplex laws with multi-stakeholder interests that respect the essential core of digital human rights as the freedom of expression online.

Keywords Big data, Democracy, Hate speech, Disinformation, Freedom of speech

Paper type Literature review

1. Introduction

The Brazilian elections in 2018 represent an authentic model in Latin America where, in a post-Cambridge Analytica phase, the myth of the sanctity of data has been broken[1]. Never has the ungovernability of the digital technologies been this evident. On the other hand, the net continues to gather all the elements of a genuine democratic public sphere[2]. It is undeniable that the numerous potentialities of artificial intelligence (AI), which have re-signified the use of big data, as well as the creation of internet of the things devices and sensors, will certainly change the functions of society in different areas such as education, health, business, law, security and defense. However, it is necessary to begin to create a framework that connects this so-called “internet economy” to basic principles, as the absence of such a framework has led to a widespread culture of lawlessness (e.g. Cambridge Analytica) that can endanger democracy (Nemitz, 2018, p. 96). However how to guarantee



such democratic feature, the full exercise of freedom of speech online, and the free access to information amongst all these diverse political and legislative movements?

2. The phenomenon of disinformation[3]

The big data sphere took a role of public, where the users experience an embodiment of their “digital selves” developing the culture of autonomy[4]. It is evident the existence of a new form of space, a mixture of a space of sites in a certain territory with the space of flows of the internet. The new technologies, along globalization, weakened the State concept of sovereignty, giving origin to numerous democratic deficits, where a population suffers directly the consequences of a government they did not elect (Canotilho, 2005, pp. 343-353). A citizen’s feeling of belonging to a determined nation has been damaged. This situation reduces the State influence, once only one individual who identifies himself as part of a society would be willing to obey the precepts regarding to collectivity.

The political apathy has reached the means of communication as well. The social movements in Tunisia, Iceland, the countries of Arabian Spring – especially Egypt – and also the “Occupy” movements, clearly demonstrate the political role the community has on the Web[5]. The live streaming became a new modality of activism that, with the help from the platforms, decentralizes the classic media model. As the State does not exercise its function to inform transparently, it ends up pushing the internet to play this role[6]. The internet in this context represents a direct communication channel between the elector and the political power, without intermediation[7] – once inside the Web we are all communicators. Such characteristic provides the individual a more intense feeling of participation[8], and, consequently, a more democratic one, since now the individual itself, based on his own desires and values, will be responsible for the elaboration of the content published[9]. Thus, the platforms acquire an importance on the guaranteeing of freedom of speech[10]. The access to information is a fundamental aspect of the democratic life, in which the plurality of ideas, the assurance of access and neutrality of the Web are essential for the information flow on the Web to meet these political principles[11]. Such requirements are objectives for a sustainable and inclusive development, with the minimum of equality of opportunities. Yet, in practice, this idea of the internet as a new pure concept of a “public square” is not real, since this freedom is only illusory – and controlled by big companies[12].

Social media platforms are built on collecting user data and selling it to companies to enable them to better understand populations of users, while offering companies the ability to craft and deliver microtargeted messages to those populations. This is why social media accounts are “free” to use; individuals who sign up for their services pay with their personal information (Bradshaw and Howard, 2018, p. 11). Besides, the use of algorithms, such as automation of decision-making, gave origin to echo chambers, a negative consequence from the platforms’ model of business. The misuse of algorithms creates an artificial environment that does not put us in contact with different realities; the consequences of this conjuncture have the deepest impacts, especially in countries that rely on a deficient educational system. The information bubbles promote political polarization [13] to the detriment of diversity – and the diversity is *par excellence* one of the pillars of democracy. The approach to this subject is not precisely new. In 2001, Cass Sunstein already expressed his concern about the future of democracy in the face of the expansion of the internet. The internet, which represented a revolution in communication between people, also represents a decrease in shared experiences and also eases social interactions. Consequently, without this contact, individuals have more difficulty to understand what is common between themselves and the other citizens of the community. Common experiences are considered as a form of social

glue, because they make it possible for different kinds of people to believe that they share the same culture (Sunstein, 2001).

The 2016 American elections and the BREXIT/Cambridge Analytica case are clear examples of how digital platforms can be dangerous political tools, capable of interfering directly with the electoral results (Andrews, 2018). The current worry with fake news (or the multi-party politic) is verified in most democratic countries – in special those developing ones. The online hate speech and the fake news are direct products of a growing phenomenon of disinformation. Obviously, the fake news is not itself a new fact[14], the campaigns of disinformation have always existed, however, the internet granted this practice new shape and amplitude. The current concept of fake news admits several types of motives, from the pecuniary to the ideological. Furthermore, in its majority, it has a temporary aspect, adopting a model of a short-term maximization of profits (Oxford Internet Institute, 2018). The considerable growth of fake news is initiating a process of mistrusting the digital environment, similarly to what happened to the traditional media, creating a context of informational disorder.

The internet forces the juridical systems when it elaborates its domestic regulation to take in consideration what occurs beyond its limits. This moment is crucial to work on measures that rescue these universal and democratic values intensely represented by the internet along the years. The overall impact of these techniques has its effects increased in developing countries. These countries are especially more vulnerable to techniques of profiling and fake news due to the precariousness of the media literacy of their populations and the services of provision of internet over their territory. In the Brazilian case, the situation has yet an aggravating factor because of the enormous influence the internet has in the country[15]. Concomitantly, Brazil has also been experiencing, since the 2014 Presidential Elections, a radicalization of its political debate, indirectly fomented by a long period lacking legislation on protecting data in the country.

3. The phenomenon of disinformation and the 2018 elections in Brazil

Jair Bolsonaro's victory on the 2018 elections was the result of dissatisfaction to the classical Brazilian model of politics, giving voice to a great portion of the society that did not feel represented by the previous government of Lula and Dilma. The current Brazilian president has shared innumerable racist, homophobic and misogynist declarations – and yet, he won the last election with relative ease. What would explain such results? This scenario is close to a type of revolt to what is correctly political. A reflection of the fact that the leftist movements, for a while, have been responsible, almost exclusively, for the detention of means of production, of knowledge, of education and the public thinking (Cortella *et al.*, 2016, pp. 45-56)[16]. The political affection for candidates such as Bolsonaro and Trump is justified by the practice of this type of representatives of simplifying the answers to the complex political questions[17]. It is interesting to note that the necessity of paternal protection does not separate from the state of abandonment that characterizes the human being, in the beginning and throughout life, as suffering always threatens the individual from three directions: from the body itself, condemned to aging and to dissolution; from the external world, source of smashing and merciless forces of destruction; and, finally, from the relationships with others human beings that, at any moment, can become a source of sorrow and anxiety (Freud, 1976b, p. 95).

The business model of social networking and its opacity of operation provide a fertile ground for the development of this kind of political representative. A recent study made by the London School of Economics and Political Science (2019) about WhatsApp disinformation in India[18] has shown that the structure of social networks and apps allow governments to persuade voters and disseminate misinformation, while at the same time delegitimizing any

discourse that goes against their interests. The impact of these actions increases when it comes to developing countries or those with religious conflicts and political polarization.

On the Brazilian Presidential Elections of 2018, the declared expenses on the online push were 1.3 per cent of the total costs in campaign, and the elected candidate was the one who least invested in propaganda, either online or offline[19]. The role of militancy and the organic engaging was not replaced by technology; the example of Jair Bolsonaro's digital campaign demonstrated a much more defused and complex structure than the classic pushing model of the platforms. The hate speech was used as political marketing – and it was successful. This result is extremely worrying for such a country as Brazil, that has faced a military dictatorship, comports intense population blending, has an inefficient education system besides having great social inequality.

The 2018 Presidential Elections in Brazil are an authentic case of the current interaction between the internet and the democracy, where the dissemination of fake news was done essentially over personal communication apps, such as WhatsApp[20]. The growing sharing of fake news is explained by the private nature of the app in question that does not identify the source of the shared information precisely. This lack of identification reduces possible embarrassment when sharing content, besides inspiring users' reasonable trust in the information published. Even the greatest difficulty at fake news dissemination via WhatsApp, which is the access to telephonic data, is relativized in the Brazilian scenario. Due to the period of absence of a definite legislation on the collection of data in the country[21], big companies had easier access to phone numbers, among other data, which allowed the private initiative to promote the elaboration of complex database of dubious legality.

The broad use of zero-rating on the internet delivery in Brazil can also be considered a factor of fake news dissemination. The zero-rating causes a series of digital colonialism (Pinto, 2018, p. 2) that links its users to the use of certain apps and services – in Brazil's case, the WhatsApp. The responsible companies argue that this method is the affirmation of a shortage based on the intense Web traffic that is actually artificial (IDEC, 2018), once there is no explanation for the limitation of broadband per traffic. The cost of internet is given per the speed and not per the GB. Besides the technical explanation, this practice still seems illegal, going against article 7 from Civil Rights Framework of the Internet (Law n. 12.965/14) that says that the access to the internet is essential to citizenship; a disconnection in this case would only happen in case of debit[22].

In the report of the International Union of Telecommunications, from 190 countries, about 130 have unlimited internet. According to the Open Signal Report, about 68 per cent of Brazilians need WiFi to be connected (Open Signal, 2017), those data prove how zero-rating can condition most of national users to depend on certain services on the Web. Based on these reports, we can conclude that the zero-rating is not a step ahead but an obstacle to the internet universalization. The existence of an allowance stimulates zero-rating techniques because it presumes limitation, in addition to turning a palliative measure into a permanent one[23]. The practical uses of AI technologies go far beyond the social media environment, which is really nothing more than one of several potential business models in a vast universe. Thus, we can deduce that the continuing and almost exclusive interest of the Brazilian population in only applying AI to the social media business model, in fact demonstrates a lack of knowledge about the true potential of these new technologies. A "social glue" defined by Sunstein is also relativized in cases of countries such as Brazil, where the common experiences are increasingly sacrificed, not only by the intense use of the internet but also by the country's high rates of violence that compromise the use of the public space. As such individuals are isolated in a certain way, inside their own social "bubbles" (also called echo chambers) – a situation that inevitably promotes political polarization.

Fortunately, in face of the given situation, some measures have been taken by Brazilian organizations to fight this disinformation phenomenon. Institutions such as O Truco[24] and

Aos Fatos[25] have worked on the translation of guides about the verification of news and combat the fake news produced by IFCN, available online at zero costs. The Lupa institution[26] also keeps several measures aiming media education, through Lupa Education Program. Nonetheless, given the continental proportions that Brazil has, as well as the precarious internet distribution services, these actions have very restricted effectiveness. On account of this, the State action when it comes to media education is necessary, in the sense of promoting equality of opportunities among the citizens.

This need unfortunately does not seem to be shared among the Brazilian political representatives. Mistaken Law Projects under appreciation by the National Congress demonstrate that the parliamentarians are more interested in restricting the online content[27] with the creation of new virtual crimes instead of elucidating the voters about the political function of the internet[28]. The Internet Managing committee in Brazil (Cgi.Br)[29] assures that the internet and its use must observe the freedom, the human rights and privacy on the Web, not admitting neither political nor anti-ethical filtering. Brazil is one of the most interacting nations on the Web, in addition to having the Civil Rights Framework of the Internet, elaborated in the multi-stakeholder model. At the moment, several law projects are under voting at the National Congress in the sense of altering the Civil Rights Framework[30], in a totally one-sided and retrograde manner. It seems that a democratically and collaboratively elaborated document as the Civil Framework could only be altered in such a manner, with multidisciplinary participation of professionals, where an analysis can measure how risky these changes are. The first and most radical defense of a project of interdisciplinary action, that surpasses the contexts of different scientific fields, is due to the complexity of the problems faced, once one knows that, in the contemporary world, the awareness/resolution of human issues is not without a perspective of convergence of partial knowledge (Japiassu, 1976, p. 2). It is perceived that the internet, being a democracy on its own, needs to be defended and only global politics can meet its needs and impasses. The internet, as well as democracy, needs to be defended.

4. The relation between the 2018 elections in Brazil and other group phenomena in the contemporary times

It is important to highlight the aspects that interweave the Presidential Elections of 2018 in Brazil and markers of group phenomena in the contemporary times and throughout human history. The possibility of guaranteeing freedom of speech and information when one knows the individuals are not untied from groups or clusters is questioned. In addition, what can one's belonging to a group represent in the enabling of human deeds? The first point that is worth discussing is referred to the group omnipotence. Disparate individuals in the ways of living, occupation, character or intelligence, for instance, for having been turned into groups, adhere to a new type of collective mind which make them feel, think and act very differently from what each member would feel, think and act individually (Freud, 1976a, p. 104). From this perspective, it opens the possibility of anonymity and of one's expressing oneself against the civilization pacts, once the substitution of the individual's desire for the community's sake is a decisive step of civilization (Freud, 1976b, p. 115).

It is also observed that the groups are apt to respond to the excessive stimuli. Those who desire to produce effect on them do not need, necessarily, to offer logic sequence to presented arguments, because the excess and the repetition have, many times, more effect (Freud, 1976a, p. 102). Such fact is evident, moreover, in strategies of propaganda used all over the world, with mention to the system used in Germany, during Second World War. Thus, what is requested from the group leader, social representation of a father figure, is, fundamentally, demonstration of strength and violence; the groups wish to be led, oppressed in the name of

ideologies, in short, to fear a master; all this in name of belonging to a group and being protected from the enemies. In the context of the elections in question, it was fairly documented by the media situations of aggressions, in everyday sections of society, among supporters and opposition of political parties but they were centered, primarily, around the representative figures of right and left, namely, Jair Bolsonaro and Luis Inácio Lula da Silva, respectively. Based on that, one can think about the interrelation between the group necessity of illusions/fictions, the embracing of the politic of the post-truth in the contemporary world and the uncontrolled production of fake news on the internet.

A factor that enhances the social-political context highlighted above is how the structure of the relational trades nowadays is, when it comes to those which are seen strange or different from a pattern. Beyond the liquidity of the affects, of the ephemerality that characterizes the affective bonds, it is evident, even more, the necessity of electing an enemy that could be identified and held responsible for all the misfortune that falls on a society. In this, choosing the enemy to be combated would lay the perverse possibility of rescuing the least dignity and respect, in a moment of shortage of material and symbolic goods (Bauman, 2016, p. 110).

It is clear that in situations of crisis, such as Brazil, when the reality is hostile, site of privation and permanent frustration, the constant threat of fraying the social fabric that has as a characteristic the intolerance and the increment of real and symbolic violence, phenomenon also seen in globally. In addition, together with the election of the stranger to the subject, see the polarization between “Petralhas” and “Bolsomitos” in Brazilian soil, the increment of hatred is easily legitimate. It is also important to mention that the hatred, very powerful affection but repressed in the Judeo-Christian tradition, is attached to the dimension of displeasure and frustration, invariably. Thus, the manifestations of hatred, even more common, point to the narcissistic, selfish factor to the detriment of differentiating factors attached to the possibility of dialogue between the individuals (Mendes, 2012, p. 31), which characterizes democratic systems. It is seen that in the last Brazilian election, hatred was used in the service of group cohesion appealing to greater goods such as God and the traditional Brazilian family.

From the slavery heritage constituting the Brazilian society, among innumerable other factors and the people’s denial[31] to dwell on the roots of impossibility of guaranteeing a minimally equalitarian society (Sousa, 2017, p. 151), the space for electing populist and messianic political leaders is granted. In addition, we must not forget that in the name of the recently elected Brazilian president there is the word Messiah, which is not without effect.

The scenario outlined from the social and political scheme is the choice of a leader capable of government from denying the real and scientific evidences, once the task of transforming the reality and history itself was taken on him, even on the cost of buffering incompleteness, human trait *par excellence*. The role of social networks, widely used in the Brazilian Presidential Election in 2018, points to the risks to democracy such as the proliferation of fake news, the demand for immediate answers to problems of long-term resolution and the increment of narcissistic culture, which induces to political alienation and the establishment of the empire of fake consciousness.

5. Alternatives for solving the conflicts related to freedom of speech on the internet

Ryan (2012) defines the moment we are in as a “Titanic moment” to express the virtual collision between the promise of new technologies and the desire to impose new regulations on those technologies by those who either felt left out of the Internet governance process or, in the case of authoritarian regimes, see the Internet as a threat to their power. The Titanic moment created a big range of problems that involves many different stakeholders, especially when it involves the freedom of speech on the internet. Yet, what would the

solutions to these problems involving fake news dissemination be? Would the use of legislations with energetic punitive actions, such as in Germany[32] (NetDg), do?

We understand that platforms, in the role of private companies, must not have the attribution to decide what whether is or is not authentic, because this would open a practically unrestrained power to manipulate and censor. The implementation of simplistic and energetic laws has its effectiveness reduced in the face of the complexity of actors, norms, procedures that the conflicts about the internet hold. The verification process of facts must be transparent, the platforms as intermediaries must only offer a neutral environment for discussion. Restrictive laws as the German model also influence directly minor companies, being a clear obstacle to innovation. It is essential, due to the grand variety of services offered on the Web, to elaborate different legislations for the several functions performed, as for example more neutral rules for intermediaries of infrastructure. The models of soft law are more adequate due to the nature of cooperation online the internet has; without common ground, it is not possible to have an agreement that links all of its holders.

The automatic removal of content has unfeasible consequences, because it is a double process of restriction of freedom and control. The fake news industries are the ones to be penalized, not the user. The increase of restriction on legislations that concern the improper online content causes the chilling effect, impeding the full freedom of speech exercise. Another question to be stressed is the consequences of a State Organ holding responsibility for analyzing these situations – especially when it comes to the political debate. We understand that conceding such attribution to the State could easily materialize an instrument of censorship, in an authoritarian government, a side effect from these measures would be excessive to dissidents[33][34].

The improper content is produced by humans; therefore, the response to this movement must also be human, even if there is great disparity between man's limited capacity of analyses in face of an almost endless algorithmic production. Algorithms are limited when it comes to exhibiting nuances, negotiating compensations or exercising the necessary discretion. This absence of flexibility empties completely the citizens' rights of significant representation and participation (Gurumurthy and Bharthur, 2018, p. 55). The large companies as an alternative to these law projects could cooperate to a transparent demonstration of the technical difficulty at meeting the deadlines attributed to them at the removal of improper content. The platforms also need to make an effort on making their terms of use more accessible to lay users, making the use of terms more simplified and attractive. The opportunity of judicial revision and right of reply to decisions of content removal would be another way of clarifying their users about their terms of use.

Specific studies about misinformation through WhatsApp also provide interesting alternatives in solving these issues by measures such as:

- implementing effective ways to identify users responsible for fake content, that can also be able to remove messages provided by these “suspicious” users;
- limiting the app functionality to add new users to groups, thereby preventing big political misinformation groups from being easily created; and
- demonstrating to the user how many times a particular message is forwarded, as a way to reveal that that message has a potential to be untrue.

In addition, we perceive that the issue of misinformation on the internet goes through a lot of specific regional specificities, which should be identified and studied by companies who work with big data. The creation of regional beacons capable of detecting sensitive themes in each region, in order to provide a more intense control over the information on these specific topics is also an interesting alternative for solving these deadlocks. As much as the internet allows

for global communication without physical boundaries, apparently the answers to some of the conflicts created by its use go through regional components – which must be taken into account in the policy making of tech companies that profit from these services. Information is a priceless asset and the ordinary citizens need to perceive the importance of their own data.

Other actions such as establishment of seals of privacy, firmer register of audits, the use of expiration date are also more proactive ways of functioning of the internet. The use of communitarian Web in countries of great territorial dimensions can also be an alternative in the shape of guaranteeing accessibility for those who is not connected yet, preventing the dissemination of zero-rating and abusively limited access to internet. The Internet's technical design allows for logical separation of functions outside of the technical space, and separating matters in a reasonable way might well be the most important challenge for (transnational) policymaking (Cerf *et al.*, 2013, p. 35). The diversity among the media fights against disinformation; the process of media literacy goes through more information, not any less.

6. Conclusion

Based on what was exposed, can one think of a productive relation between technology and democracy in countries such as Brazil? In face of what was seen in the analyzed electoral period, we verify that there has been an increase of debates in social networks, in universities, at workplaces, inside family nucleus and in several other spaces. It is possible to think that amidst the hate speeches, disinformation phenomenon and spread of fake news, many communities were created in and out of the internet, with the main purpose to understand what occurred in the social and political surroundings.

Obviously, if there is not 0 per cent offline criminality, we must not expect this utopian percentage exists in the online world, but it is undeniable that the guarantee of freedom of speech and information needs to be reinforced on the Web. When a technology is deployed early, it is predictable a gap between deployment and regulatory reaction to it. It is necessary to give the economic and legal systems time to adapt, helping to ensure that doctrines like fair use are applied appropriately (Zittrain, 2013, p. 122). It is important to determine that blocking sites and services on the Web somehow violate the human rights – and that there are also other alternative measures to the solving of these problems in a less authoritative manner. The checking for risks before implementing legislations toward the internet is essential; the legislator himself cannot accomplish this task satisfactorily, due to the technical dependency on other areas of knowledge. The internet strength is in its decentralization; any platform or service that desires this centralization is not the ideal, seen that this has always been a collaborative construction, with multi-stakeholder governance^[35].

Based on it, we can ask ourselves if nowadays there is an implicit right for us to co-create the internet, in the sense of turning its users and consumers into capable citizens. The automatic content removal would sum nothing to this task, it would only reduce the role of internet as a respectful and democratic alternative at the information capturing by the citizens. The use of automated AI decisions, if not done in conjunction with a range of regional and environment-specific factors in which they operate, will have the potential to promote misinformation, political polarization and discrimination of vulnerable groups. A joint action between technology and the human factor is, in our view, essential.

This phenomenon seems to point to the fact that, more and more, the contemporary world is warned about the necessity to compose with alterity to foment empathy toward difference, which can induce to the creation of a new relational economy, capable of being ahead of moral and symbolic misery that threatens to increase ever more. As the internet and any other technology are products of the human creative potential, we believe that it will also be a human task to reshape their own creations.

Notes

1. The Cambridge Analytica scandal involving the unauthorized use of personal data, provided via social media for electoral propaganda, was a watershed moment in Big Data's own reputation. The information deliberately provided by social media users has become the central element of a dangerous relationship between social psychology, data analysis and the use of military strategies in a civilian population. The lack of transparency of the sources of information on social networks, coupled with the sectorization of "persuadable" citizen groups for electoral propaganda purposes has given rise to numerous questions and debates about whether or not we are still living in a democracy, or whether it has been hijacked ([Cadwallard, 2017](#)).
2. The internet ideally supplies simultaneously: universal access, non-coercive communication, freedom of speech, unrestrained agenda, participation outside the traditional political institutions, generating public opinion in face of authentic process of discussion ([Buchstein, 1997](#), p. 251).
3. For the sake of precision, we need to make a distinction between the concepts of "misinformation" and "disinformation" - which although very commonly used as synonyms - in fact have different definitions. The term "misinformation" refers to a broad set of communicative practices that seek to deceive, and includes unintentional deception. In other hand, "disinformation" is a subset that refers to deliberation and intentionality in communication. Em termos simples, a intenção de enganar é a diferença central entre os dois termos ([Stahl, 2006](#), pp. 83-96; [Fetzer, 2004](#), pp. 231-240; [Fallis, 2015](#), pp. 401-426). Thus, for the objective of this article, we will understand by the term "disinformation" as a set of communicative practices that intentionally and deliberately seek to deceive and discredit particular groups, for example groups who seek justice, equity and political power through democratic means.
4. It is a type of social network that differs from other communities or forms of association, due to the one-sided right of leaving it that the users have. One's will is one's volatile foundation ([Bauman and Donskis, 2014](#), p. 12).
5. The movements are simultaneously global and local, where both physical and virtual space must work collaboratively, in a hybrid way ([Castells, 2013](#), p. 138).
6. The ideas of transparency and exactness of information by the State derive from classical thinkers such as Kant. The individual would depend on clear and honest information for public use of their own reason. The publicity and transparency in the public sphere, according to the Kantian legacy are constituted on constitutive notes of democracy ([Kant, 2003](#), p. 66).
7. It is what is called the disintermediation phenomenon ([Lévy, 1993](#), p. 208).
8. The cyber culture whereas maintains the universality and dissolves the totality. Once inside the internet, the sender and the receptor of information alternate position. This simultaneous trade of experience and information would be responsible for the creation of a new sense ([Lévy, 1999](#), p. 249).
9. The individual while exercising his freedom of speech emancipates, turns out to be more than a just one part of society as a whole. Such classic concept is more intense in the web community due to the autonomy that the user has to personalize directly the published content ([Tocqueville, 1998](#), p. 56).
10. Although nowadays half the world's population still has no access to the internet. [The Global Information Society Watch \(2018\)](#) report shows that 40 per cent of the world still has no access to the internet - the communitarian webs are an alternative in the inclusion of this portion of the world's population according to the report ([Global Information Society Watch, 2018](#)).

The 2018 accessibility report elaborated by A4AI affirms that 60 per cent of the countries have internet for unaffordable costs, and also the number of new users already experiences a deceleration (from 12 per cent in 2016 to 7 per cent in 2017 ([A4AI, 2018](#))).

11. It is in this exchange of ideas that the Socratic dialectic concerns, necessary to the development of any group of individuals, especially in political questions that result in a society progress (Platao, 2010, p. 26).
12. Such condition, allied to the concentration of earnings, the lack of coverage of broadband and the high costs of connection are obstacles to the effective democratization of internet.
13. The phenomenon of polarization is the result of intense defense of ideals nourished by the new technologies that allied to the artificial sentiment of unanimity promoted by the algorithms, guarantees power to the individuals in defense of their ideologies – even if they are contradictory or controversial.
14. The homo sapiens is himself a post-truth, whose power depends on creating fictions and believe them. Since Stone Age the myths were used to gather human collectivities – whereas believing the same fictions, obeying the same laws and cooperating more effectively (Harari, 2018, p. 290).
15. A clear example of this influence is the Facebook that according to its own more recent reports affirmed that Brazil has 127 millions of active accounts on the platform, occupying the fourth in a global ranking (Money Times, 2018).
16. The quote is from Luiz Felipe Pondé, PhD in Philosophy at São Paulo University (USP) on the video: “Porque o nível intelectual da esquerda caiu tanto?” (Pondé, 2018).
17. These far-right movements ride on childish fantasies, which involve the figure of a great father, simultaneously loved and feared, who in a communion of affections will protect all his people (Pondé, 2012, p. 113).
18. Note that Brazil is listed as one of the nations concerned by this study due to some similarities in internet use in both countries.
19. This data has revealed that the political capital does not depend on the value invested on propaganda made through social networks in the traditional form of push. Data from *Você na Mira* Report, elaborated by InternetLab (InternetLab, 2018).
20. The fake news dissemination phenomenon using private apps like WhatsApp, according to the Organization of American States is one without precedents in the world Affirmation by Laura Chinchilla, former Costa-Rican president and the head of the OEA mission in Brazil in October 2018. (Noticias UOL, 2018)
21. In opposition to these practices, the General Law of Protection of Data was created (n. 13.709/2018) to establish the Brazilian system of data protection. However, this project has been target of constant criticism, especially when it comes to a creation of a competent, specialized authority to judge cases related to the protection of data. Besides, a possible immunity of government data to the security systems, as proposed by the government recently, is also a great concern. Consequently, although notable, this project is still far from being the solution to the serious insecurity of the delivering and storing data in the country.
22. Besides the national legislation, such willingness goes against the international principles to which Brazil is a part, as the case of the American States Organization and its system of principles about freedom of speech. This strict system represents a political and democratic advance in the American continent, especially the content of principle 5 that considers the previous censorship and the creation of obstacles to the free information flow by the State as authentic forms of violation of freedom of speech. (OEA, 2011)
23. The Brazilian cities that are far from urban centers are especially more vulnerable to abusive prices to zero-rating techniques due to the lack of other options. In theses, users should be responsible for paying for the services, not the application providers; the common individual should be free to choose how to use his mobile internet.
24. More information at: <https://apublica.org/checagem/>, Accessed: 12 January 2019.

-
25. More information at: <https://aosfatos.org/aos-fatos-e-noticia/>, Accessed: 12 January 2019.
 26. More information at: <http://lupa-rj.com.br/>, Accessed: 13 January 2019.
 27. It is also worrying the adoption of some extreme measures by the Brazilian judiciary power in the sense of blocking apps widely used by the population, such as WhatsApp throughout the country, as occurred in 2016, based on a decision by judge in the city of Lagarto, state of Sergipe. The nationwide blocking is contrary to the article 12 from the Civil Rights Framework of the Internet that does not predict this action as a modality of sanction. (Conjur, 2016).
 28. The increasing legislative interest about the internet is comprehensible; with restriction of content the act of governing becomes less complex, once possible corruption scandals or other administrative crimes would have their publicity restricted.
 29. More information at: www.cgi.br/, Accessed: 06 September 2019.
 30. This plurality of law projects worried specialists, giving origin to the Coalition Rights on the Web project that follows simultaneously all the ongoing law projects concerning the internet. More information at: <https://direitosnarede.org.br/>, Accessed: 01 October 2019.
 31. Term designated by Sigmund Freud to designate a mechanism of psychic defense that consists in a refusal by the individual to recognize the reality of a traumatizing perception; (Laplanche and Pontalis, 1985, p. 562).
 32. Netzwerkdurchsetzungsgesetz (henceforth Enforcement Act – GNEA German Network).
 33. The State intervention in one's the freedom of speech cannot be previous to its conduct. Thus, the individual guarantees one of the most vigorous characteristics of the right to freedom, which is the power of choice. Even though the man, as a free being, opts for abusing such freedom, he will do so having in mind that it will bring him a sanction (Maia, 2016, p. 16).
 34. The blocking access to internet in Zimbabwe, as a response to a protest against the raise on the fuel price, is a clear example on how the State can make use of new technologies to promote repressions against opposition (CNN, 2019).
 35. This is why it is important for non-decisional fora like the Internet Governance Forum to flourish, since policymakers can meet with stakeholders to meet and discuss policies to accommodate each other's interests.

Bibliography

- A4AI (2018), "Affordability report 2018", available at: <https://a4ai.org/affordability-report/report/2018/> (accessed 22 November 2019).
- Andrews, E.L. (2018), "The science behind Cambridge analytica: does psychological profiling work?", available at: www.gsb.stanford.edu/insights/science-behind-cambridge-analytica-does-psychological-profiling-work (accessed 09 September 2018).
- Bauman, Z. (2016), *Estranhos a Nossa Porta*, RJ. Rio de Janeiro.
- Bauman, Z. and Donskis, L. (2014), *Cegueira Moral: A Perda da Sensibilidade na Modernidade Líquida*, RJ. Rio de Janeiro.
- Bradshaw, S. and Howard, P.N. (2018), "Why does junk news spread so quickly across social media?", available at: https://kf-site-production.s3.amazonaws.com/media_elements/files/000/000/142/original/Topos_KF_White-Paper_Howard_V1_ado.pdf (accessed 09 September 2019).
- Buchstein, H. (1997), "Bytes that bite: the internet and deliberative democracy", available at: onlinelibrary.wiley.com/doi/abs/10.1111/1467-8675.00052 (accessed 08 July 2019).
- Cadwallard, C. (2017), "The great British brexit robbery: how our democracy was hijacked", available at: www.theguardian.com/technology/2017/may/07/the-great-british-brexit-robbery-hijacked-democracy (accessed 20 September 2019).

-
- Canotilho, J.G. (2005), *O Estado No Direito Constitucional*, PT, Lisboa.
- Castells, M. (2013), *Redes de Indignação e Esperança: os Movimentos Sociais na Era da Internet. Translation: Carlos Alberto Medeiros*, RJ, Rio de Janeiro.
- Cerf, V., Ryan, P. and Senge, M. (2013), "Internet governance is our shared responsibility", available at: https://kb.osu.edu/bitstream/handle/1811/73348/ISJLP_V10N1_001.pdf?sequence=1 (accessed 15 October 2019).
- CNN (2019), "Internet shutdowns aren't just Africa's problem. They are happening worldwide", 10 January, available at: <https://edition.cnn.com/2019/01/17/africa/internet-shutdown-zimbabwe-censorship-intl/index.html> (accessed 24 March 2019).
- Conjur (2016), "Juiz determina bloqueio de whatsapp a partir das 14h desta segunda", 2 May, available at: www.conjur.com.br/2016-mai-02/juiz-determina-bloqueio-whatsapp-partir-14h-segunda (accessed: 10 March 2018).
- Cortella, M.S., Dimenstein, G., Karnal, L. and Pondé, L.F. (2016), *Verdades e Mentiras: éticas e Democracia No Brasil*, SP, Campinas.
- Fallis, D. (2015), "What is disinformation?", *Library Trends Journal*, Vol. 63 No. 3, pp. 401-426.
- Fetzer, J.H. (2004), "Disinformation: the use of false information", *Minds and Machines*, Vol. 14 No. 2.
- Freud, S. (1976a), "Group psychology and the analysis of the ego", *Obras Completas de Sigmund Freud*, RJ, Rio de Janeiro.
- Freud, S. (1976b), "Civilization and its discontents", *Obras Completas de Sigmund Freud*, RJ, Rio de Janeiro.
- Global Information Society Watch (2018), available at: https://giswatch.org/sites/default/files/giswatch18_web.pdf (accessed 19 January 2019).
- Gurumurthy, A. and Bharthur, D. (2018), "Democracy and the algorithmic turn", *Sur – International Journal of Human Rights*, available at: <http://sur.conectas.org/en/digital-sovereignty-or-digital-colonialism/> (accessed 01 February 2019).
- Harari, Y. (2018), *21 Lições Para o Século 21*, SP, São Paulo.
- IDEC (2018), "Escassez artificial: contestando a implementação de franquias na rede fixa", available at: www.internetlab.org.br/wp-content/uploads/2017/11/Livro-IDEC-Escassez-Artificial.pdf (accessed 01 December 2019).
- InternetLab (2018), "Relatório você na mira", available at: www.internetlab.org.br/wp-content/uploads/2018/11/Relatorio-Voce-Na-Mira-3-InternetLab.pdf (accessed 12 February 2018).
- Japiassu, H. (1976), *Interdisciplinaridade e Patologia Do Saber*, RJ, Rio de Janeiro.
- Kant, I. (2003), *Crítica da Razão Prática*, in Rohden, V. (Ed.), SP, São Paulo.
- LaPlanche, J. and Pontalis, J.B. (1985), *Vocabulário da Psicanálise*, SP, São Paulo.
- Lévy, P. (1993), *As Tecnologias da Inteligência*, SP, São Paulo.
- Lévy, P. (1999), *Cibercultura*, in Irineu da Costa, C. (Ed.), SP, São Paulo.
- London School of Economics and Political Science (2019), "Whatsapp misinformation report. 2019", available at: www.lse.ac.uk/media-and-communications/assets/documents/research/projects/WhatsApp-Misinformation-Report.pdf (accessed 25 October 2019).
- Maia, D. (2016), *Liberdade de Expressão Nas Redes Sociais*, CE, Fortaleza.
- Mendes, M. (2012), *Os Ódios: clínica e Política Do Psicanalista*, SP, São Paulo.
- Money Times (2018), "Facebook chega a 127 milhões de usuários no Brasil", 20 February, available at: <https://moneytimes.com.br/facebook-chega-a-127-milhoes-de-usuarios-no-brasil/> (accessed 21 March 2019).
- Nemitz, P. (2018), "Constitutional democracy and technology in the age of artificial intelligence – philosophical transactions of the royal society", available at: <https://royalsocietypublishing.org/doi/full/10.1098/rsta.2018.0089> (accessed 08 June 2019).
- Notícias Uol (2018), "Fake news pelo whatsapp é fenômeno sem precedentes no mundo – diz OEA", 25 October, available at: <https://noticias.uol.com.br/politica/eleicoes/2018/noticias/2018/10/25/fake-news-pelo-whatsapp-e-fenomeno-sem-precedentes-no-mundo-diz-oea.htm> (accessed 05 August 2019).

-
- OEA (2011), “Declaração de princípios sobre liberdade de expressão”, available at: www.oas.org/pt/cidh/expressao/showarticle.asp?artID=26&IID=4 (accessed 3 May 2019).
- Open Signal (2017), “State of mobile network in Brazil”, available at: <https://opensignal.com/reports/2017/01/brazil/state-of-the-mobile-network> (accessed 01 May 2019).
- Oxford Internet Institute (2018), “News and political information consumption in Brazil”, available at: <https://comprop.oii.ox.ac.uk/research/brazil2018/> (accessed 01 February 2019).
- Pinto, R.A. (2018), “Digital sovereignty or digital colonialism. Sur – International journal of human rights”, available at: <http://sur.conectas.org/en/digital-sovereignty-or-digital-colonialism/> (accessed 20 February 2019).
- Platao (2010), *Apologia de Sócrates*, SP, São Paulo.
- Pondé, L.F. (2012), *Guia Politicamente Incorreto de Filosofia*, PT, Lisboa.
- Pondé, L.F. (2018), “Porque o nível intelectual da esquerda caiu tanto?”, available at: www.youtube.com/watch?v=g3hLgOPK_4A (accessed 28 October 2019).
- Ryan, P.S. (2012), “The ITU and the internet’s titanic moment”, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2110509 (accessed 15 October 2019).
- Sousa, J. (2017), *A Elite Do Atraso: da Escravidão à Lava Jato*, PT, Lisboa.
- Stahl, B.C. (2006), “On the difference or equality of information, misinformation and disinformation: a critical research perspective”, available at: www.informingscience.org/Publications/473?Source=%2FJournals%2FInformingSciJ%2FArticles%3FVolume%3D0-0 (accessed 26 October 2019).
- Sunstein, C. (2001), “The daily We: is the internet really a blessing for democracy? Boston review”, available at: <https://reagle.org/joseph/2003/12/sunstein-daily-we-boston-review.html> (accessed 12 October 2019).
- Tocqueville, A. (1998), *A Democracia na América*, MG, Belo Horizonte.
- Zittrain, J.L. (2013), “The future of the internet – and how to stop it”, available at: <http://futureoftheinternet.org/files/2013/06/ZittrainTheFutureoftheInternet.pdf> (accessed 10 October 2019).

Further reading

- Cavalcante Filho, J.T. (2018), *O Discurso de Ódio na Jurisprudência Alemã, Americana e Brasileira*, SP, São Paulo.
- Kuner, C. (2017), “The internet and the global reach of EU law”, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2890930 (accessed 12 February 2018).
- Planalto (2019), available at: www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/112965.htm (accessed 01 April 2019).

Corresponding author

Raissa Mendes Tomaz can be contacted at: raissamendestomaz@gmail.com

For instructions on how to order reprints of this article, please visit our website:

www.emeraldgrouppublishing.com/licensing/reprints.htm

Or contact us for further details: permissions@emeraldinsight.com