

Should we stay or should we go: EU input legitimacy under threat? Social media and Brexit*

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Introduction

As an exercise of direct democracy, referenda are in the EU polity a means of input legitimacy, even though they have also been a constraint for integration. Since the Danish refusal of the Treaty of Maastricht (TM) in the 1990s, the EU has been overcoming other popular disapprovals, as happened with Dutch and French rejections of the Constitutional Treaty being the most constraining ones. Brexit is another case, with Leave winning in 2016, contradicting the 1975 first UK referendum outcome approving the continuation of London in the EEC. Brexit represents a turning point in the integration, opening the way for disintegration.

Between the 1970s and the 1990s, many things changed in the EEC, European politics and the media as well. Whilst during those decades, traditional media were the gatekeepers of political propaganda, providing intermediation of political discourse and electoral manifestos with the public, the great development of information and communication technology (ICT) at the end of the millennium has spread influences in the way journalism is made and personal and institutional communication is diffused. Europe and the world entered the third millennium with revolutionary methods in institutional communication and personal information, whereby social media increasingly played a major role in political propaganda and the making of public opinion.

This trend has been raising concerns about potential damages to democratic processes, as accurateness and veracity of information in the public sphere as an essential good for democracy has been under threat. Some studies conclude that the electoral processes have been perverted by the manipulation of information through social media and the apparent “veracity” that high tech manipulation tools can give to an image. The public access to pertinent, impartial and reliable information is undermined and consequently the electoral capacity to critically judge political leaders is weakened.

This paper argues that ICT development, especially in social media, has turned into a particular way to pervert the referenda value of direct democracy, weakening its role as a major input legitimacy process in the EU. Because referenda focus on a very specific and complex issue, the role of social media propaganda can achieve more opportunities to manipulate the already existing gap between public and political elites regarding knowledge of the EU politics, more than it may happen in general elections. Taking Brexit as a case study, it’s reasoned that input legitimacy based on direct democracy, as in referenda, may be particularly fragilised under current unregulated social media. The article proceeds as follows: the first part provides a theoretical review on EU democratic legitimacy and the role of social media in politics. The second part comprises the campaign analysis, based on empirical evidence through collected information of official reports, newspaper articles, as on existing research on Brexit. This allows to document and track the strategies and

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messages used in the referendum campaign. The third part provides the discussion of results and prepares lines for conclusions.

Democracy in the EU and the constraints of social media

Although the EU has been improving democratic mechanisms mainly through *parliamentarisation* of power, it still suffers from democratic deficit. Based on the systemic approach to political systems, input legitimacy is considered a main criterion for granting democracy to the EU (Scharpf, 1999). Inputs refer to the opportunity, quality and institutional capacity that citizens have to express their expectations for a future government, providing a democratic polity to connect political demands with the outcomes, the policies. Thus, parties and elections underpin democratic legitimacy. Consequently, outputs, the policies, have also been valued as democratic legitimisers (Scharpf, 1999). Framed by the constitutional design of a polity, inputs are connected with the EU throughput legitimacy (Schmidt, 2013), comprehending the institutional and constructed processes of governance ensuring transparency, effectiveness, inclusion and accountability. More normatively driven authors (Follesdal and Hix, 2006; Habermas, 2013) make input and throughput intrinsic when arguing the EU democratic deficit is grounded on the lack of a majority-opposition dialectics of power. Even the *Spitzenkandidaten* process did not *parliamentarise* European Commission (Moury, 2016), and policy-making relies preferably on intergovernmental bodies (Schmidt, 2007, p.521; Habermas, 2013), making the EU a polity with "imperfect bicameralism" (Moreira, 2017, p.55). Although outputs were previously considered an important element for the EU legitimacy (Scharpf, 1999, Majone, 1996, p.51-150), following the 2008 financial crisis this has been questioned (Scharpf, 2010). Outputs may legitimise a certain government, not the polity itself (Jongh and Theuns, 2017, pp.1290-1292). It is rather when they fail that inputs and the institutional design are important to choose an alternative government (Follesdal and Hix, 2006, pp.547-549).

This research assumes that input legitimacy provides a base for democratic politics and outputs' effectiveness, considering referenda as input elements. As a multilevel system (Hooghe and Marks, 2001), the EU inputs' legitimacy occurs in different political layers, through the EP and national elections or national referenda. Being a process of direct democracy, referenda are common in the majority of representative democracies in Europe. Focusing on a precise issue, they help representative institutions to be more efficient when delivering policies and thus reinforce democratic legitimacy. Although the national parliament is the ultimate holder of sovereignty in the UK constitution, referenda can be an advisory political instrument. Following the parliamentary approval of the Brexit referendum proposal, it turned constitutionally legitimate (Kroger, 2019, p.286). In the EU norm, it is framed by the article 50 of the Treaty of the EU, recognising a member state's right of exiting.

Referenda started to be an instrument to legitimise countries accession to the EEC/EU, but from the European Single Act and particularly the TM they have been used to consult citizens on specific EU issues and treaties ratification (Rose, 2019, p.208). Because referenda are different from representative elections, they require an even more accurate, accountable and impartial campaign. While focused on a specific issue, they rely on dichotomic positions and tend to polarise opinions, and a slight margin of 0,1% majority is enough to win (Brexit: 51,9% for Leave; French referendum to TM with 51,1% approval). Representative democracy elections have more than two parties running, and an absolute majority is not a requirement, as parties usually colligate to form government or achieve parliamentary support for executive. Elections of representatives are much less polarised than referenda, as they tend to be more inclusive, requiring a government to negotiate in order to approve policies (Rose, 2019, pp.209-211). Furthermore, because referenda question specific issues, they require more detailed information than representative democracy elections, whereby citizens delegate their power to members of

parliament to analyse and decide on policies in full-time. Therefore, referenda legitimacy is more exposed to the distortions of campaigns and public debate.

Social media constraints for democracy

The network communication (Castells, 2005) of the digital age opened a wide debate about new media's potential to mitigate problems associated with public communication, such as the profoundly unequal access to the public sphere, the thematic limitation of agendas and deliberative inequalities. The decline in confidence in politicians, public institutions and in the media expresses the deep malaise of citizens, which is evident in the high levels of abstention and the decrease in civic participation, especially among the young (Henn and Foard, 2012; Rubenson *et al.*, 2004). Although the most optimistic perspectives on deepening democracy have not been confirmed by research, the emergence of social media, with the participatory dimension that characterises Web 2.0, has led to profound changes in political communication. The platforms were built around the work of the so-called *producers*, who shared information, opinions and contents they created (Bruns and Schmidt, 2011), enabling the participation of a large number of cybernauts, commenting news, videos and all kind of events and contents that they could access. The new communication relationships established directly between individuals (one-to-one) and between groups (many-to-many), bypassed stratified access to media and deprived journalists of their roles as gatekeepers. This was possible due to the emergence of alternative media, that questioned the mainstream media agenda-setting role and exercised the functions of *gatewatchers*, monitoring the information that passes through the gates of other news organisations, as well as those of news sources (Bruns and Highfield, 2015). The low costs of producing, distributing and archiving content facilitate civic participation and online activism for civil society movements that are mobilised through social media. The changing relationships between politicians, the media and the public and among mainstream and social media created a hybrid media system (Chadwick, 2017), whose effects include a partnering of traditional and new journalistic voices. The new modes of political participation coexist with a growing tendency of fragmentation of online audiences and political polarisation that hinder democratic dialogue.

The rapid growth of social media was also accompanied by the creation of technological oligopolies, such as Google, YouTube, Facebook and Twitter, more interested in their users' data than in promoting communities (van Dijck, 2013). The functionalities of social media that allow to collect and sell users' preferences to advertisers and political strategists were fundamental to the development of new political communication techniques. Barack Obama's presidential campaign in 2008 was the turning point. The strategy was to understand youngsters' behaviour of consuming information, their needs and desires. Facebook, Twitter and YouTube were the main channels to connect with potential young voters and also allowed to raise \$618 million. A database with information about his sympathisers enabled creating and distributing personalised email and text messages regarding the campaign. "After this experience, political communication, from the point of view of those in power, the sitting authorities and the public servants, started to have a growing interest in the digital world" (Navas *et al.*, 2017, pp.19-21).

Social media was also instrumental in organising protests and demonstrations against the governments of several countries in North Africa and the Middle East, during the "Arab Spring" in 2011, reaching hundreds of thousands of people. Studies have also shown that social media not simply enables user's activity, but very much steers this activity according to business models. "Through technological features, such as 'retweeting', 'liking', 'following', and 'friending', as well as algorithmic selection mechanisms, which privilege particular types of content, social platforms shape how users can interact with each other through these platforms" (Thomas and van Dijck, 2015, p.528).

It was in 2016 that everything changed. "Post-truth" was the word of the year for the Oxford English Dictionary, highlighting the profound changes in political

communication during the US presidential election campaign as pro-Trump fake news stories spread across Facebook and raised concerns that they influenced the election's outcome. "Post-truth" designates the political environment in which politicians and their consultants seek to shape public opinion based on emotional appeals and personal beliefs. Knowledge is devalued and facts are overlooked concerning opinions. Rational arguments are replaced by the viral dissemination of messages directed at the *pathos* of voters. Researchers call it the "economics of emotion": specifically, how emotions are leveraged to generate attention and viewing time, which converts to advertising revenue (Bakir and McStay, 2017, p.1). Studies about the far-right Breitbart's Facebook Timeline Photos confirm the use of disinformation during the five weeks before the election. "The initial optimism about the role of social media as a driver of social change has been fading away, following the rise in concerns about the negative consequences of malicious behaviour online. Such negative outcomes have been particularly evident in the political domain" (Badawy *et al.*, 2019, p.162).

The increasing sophistication and effectiveness of the latest political communication techniques depend on the big data made available by social media. Data mining and profiling are widespread practices, and sophisticated algorithms allow companies to infer additional information about users. The combination of psychological analysis with big data allows drawing increasingly rigorous profiles. The information is used to microtargeting with personalised messages, whose effectiveness is measured in real-time, following the evolution of the political debate. Psychometrics focuses on measuring psychological profiles through the "Big Five" personality traits: openness, conscientiousness, extroversion, agreeableness, and neuroticism (OCEAN model). Although psychometrics has been practised since at least the 1980s, its expansion was facilitated with the rise of social media. All cybernauts' actions are recorded and the greater the amount of data collected, the more reliable the user's profile is (Rossi, 2018).

Ethical concerns with these practices and their impact on the subversion of democratic processes took on an international public relevance when the "Cambridge Analytica - Facebook" scandal was revealed. Persuasive communication had given way to manipulation and the UK referendum to remain in the EU was the centre of attention.

Analysing Brexit campaign use of social media

The analysis of Brexit campaign aims to trace the strategy of diffusion and the privileged contents in digital adverts. The assessment is based on content analysis of reports of the Digital, Culture, Media and Sports Committee (DCMSC) of the House of Commons (HC), the UK Information Commission Office (ICO), media articles and research studies. A constraint is posed on the assessment of privileged contents issued on Facebook by the campaigners, as they are not public. Only a short sample of adverts published in the media will be analysed, resulting from the Facebook report delivered to the HC.

The campaign was polarised in two sides: the Remain and the Leave, corresponding to the two options for the question of whether the UK should *Remain* or *Leave* the EU. It's difficult to affect each British party to each side because some were divided, namely the Conservative and the Labour mainstream parties (although the Conservative official position was Remain and Labour also conducted the Labour In campaign) (Dorey, 2017; Hickson and Miles, 2018). Therefore, analysis will not rely on determining the dominant strategy by a party but by each side of the referendum.

A microtargeted campaign

The use of psychometrics for microtargeting voters is not prohibited, but collecting personal data without authorisation is illegal. That is what happened when Cambridge Analytics (CA) paid 270.000 Facebook users to download the "thisisyourdigitallife" app, by psychologist Aleksandr Kogan, and take a personality test based on the

OCEAN model (DCMSC, 2018, pp.26-31; ICO, 2018, pp.16-30). These users gave their data for academic research, but their “friends” did not, although their data was also collected. Facebook estimates that 87 million people will have been affected by this ploy – more than a million only in the UK (ICO, 2018). The data was improperly shared with CA, a company of the Strategic Communications Laboratories (SCL) Group, which used it in successive electoral campaigns, namely in the US (Davies, 2015; ICO, 2018). Another firm with connections with the SCL was the Canadian data company AggregateIQ (AIQ), that run the Vote Leave campaign during the EU referendum. Vote Leave gave AIQ access to personal data of UK voters, which was used to create lookalike audiences on Facebook (ICO, 2020).

This made it possible to draw detailed profiles of voters, to whom personalised content was sent. For example, messages with heavy colours and contents that appealed to fear about the future, in matters such as border control and immigration, were presumably sent to people with high levels of neuroticism. Using data analytics based on the psychological profile of the audiences was at the heart of CA (ICO, 2018, pp.18-29). Leave.EU campaigners admitted their strategy was exploiting the power of emotions rather than facts, using “social media as a bush fire, and then put a big fan on it” (DCMSC, 2018, pp.40-41). Main voters targeted were the so-called persuadable, a group that brought together politically apathetic or indecisive people, who received advertisements that did not even address the referendum, but rather themes such as football or animal rights. From promoting petitions to participating in contests that promised a financial reward, the ads facilitated the collection of data from those not interested in political matters. AIQ developed a data-harvesting initiative directed at football fans, who were offered the chance of winning £50m if they could correctly guess the result of all 51 games in the 2016 European football championship. But to participate they had to input their name, address, email and telephone number, and also how they intended to vote in the Referendum (DCMSC, 2019, pp.52-53).

The difficulty in identifying who received which messages and who sent them, which was possible due to Facebook functionalities raised deep concerns about voter misinformation and manipulation. In addition to the selection of recipients, there is the suppression of access to these messages (voter suppression) or the use of “dark posts”, publications that do not appear on the timeline of those who posted them and that are only visible to the targeted users (DCMCS, 2018, pp.37-38). It was thus possible to ensure that Vote Leave messages reached voters with the appropriate psychological profile and, simultaneously, avoid their contact with content that could discourage them from voting (Kakutani, 2018 cit. in Pinto and Moraes, 2020). This is considered “disguised propaganda”, aiming to shape the perceptions of the recipients to achieve the desired result (Farkas and Neumayer, 2018). By hiding the true intentions of its promoters, disguised propaganda prevents targeted individuals from recognising it as part of a political campaign.

The Remain side has also deployed digital and technological services to develop a targeting strategy, spending millions of pounds on Facebook and online advertising and using big data sources through the Nationbuilder company, to define voter profiles and build targeting lists for digital advertising, door knocking and telephone contacts. David Cameron met with leading technology companies to attempt voter registration in young people, the more likely to vote Remain (Muller, n.d.). ICO’s ongoing investigation (2018a, pp.54-55; 2018b, p.21) found out traces of the same Leave strategies by different parties on the Remain side. The key difference between Leave and Remain is that the former was much more successful at targeting than the latter (Muller, n.d.). Addressing the HC in October 2020, ICO stated that continuous investigation confirmed and reinforced previous findings (ICO, 2020).

The lies and half-truths

Migration and UK contributions for the EU were two dominant issues in the Leave campaign. Targeted ads mentioned a £350M weekly contribution to the EU

budget, claiming that such amount could be channelled to the NHS, to schools or flood defences (Worrall, 2018; BBC News, 2018). But this hides that more than two-thirds return to Britain through subventions for farmers, industry and business, research and innovation grants. The real amount paid is £89M. Another advert claimed the EU restricts the UK from unleashing innovation and economic growth for creating jobs (BBC News, 2018). The EU does not have any restriction on that, unless regulating policies on the environment, consumer protection, fair competition rules or security and health at work are seen as such.

Immigration associated with the EU is also recurrent. As a Leave campaigner admits, "the immigration issue was one that set the wild fires burning" (DCMSC, 2018, p.40). As such, Turkey is claimed in some ads to be accessing the EU, associated with a rise of 5.23M immigrants (BBC News, 2018; Worrall, 2018), which is false, because Turkey is very far from a deal for EU accession, given the non-compliance with fundamental human rights and the rule of law (Bache et al., 2011, p.534). On the other hand, such a decision by the EU is subject to veto power, that the UK as a member state could use.

Animal ads configure some of the half-truth messages. An image with a polar bear declares "the EU blocks our ability to speak out and protect polar bears" (BBC News, 2018; Worrall, 2018). In fact, the EU abstained at the CITIES wildlife summit to ban exports of bear products, but there was no guarantee that an independent British favourable vote would happen (Worrall, 2018), as a single country could be more fragile towards pressures on complex international bargaining contexts. Another picture with a whale stated the EU supports commercial whaling. The EU indeed allows whale products to transit through EU ports to third country destinations, but it bans whaling and importing whale products in all member states (Worrall, 2018). These are only some ads of the 120 pages report Facebook delivered, revealing 1,433 different messages. The polar bear advert was seen more than 169 million times, while the EU unleashing innovation was seen more than 5 million times. The younger voters were preferably targeted with animal rights and accusations against Brussels of limiting apps and data streaming, while the older voters were issued with UK contributions (BBC News, 2018).

The scarce research on the Remain targeted campaign and the difficult access to contents, does not allow to apply the same analysis as for the Leave campaign, nevertheless, even if there was no fake or misinformation this would not change conclusions reached. What is known is that the Remain strategy relied on an escalating series of Treasury figures and scenarios on negative economic consequences of exiting, focusing mainly on facts (Hinde, 2017, pp.4-7; Evans and Menon, 2017, pp.51-58).

Discussing specific implications for the EU legitimacy

Half-truths and misleading statements are not new in politics and campaigns. What microtargeted social media brings to the traditional word-game of political competition is that the public sphere is replaced by an individual psychological space, where the opportunity for counter-argument and balanced information is reduced or non-existent. Let us consider some of the Leave contents to reflect. In a BBC News interview, the Minister of Armed Forces assumed Turkey was about to enter the EU, but the interviewer replicated that the UK could veto accession (BBC News, 2016a). In another article on migration, BBC heard the former Labour Home Secretary and a business leaders group and harvested statistics to conclude that the number of the UK's non-EU citizens immigrants is higher than the EU citizens' one and that in 2016 employment was "at a record high", with "big skills gaps" that employers could not "fill domestically" (BBC News, 2016). Public debate could also have explained the EU budget is a redistributive instrument, where the states profiting more with the single market are liquid contributors, like the UK, which nevertheless negotiated an exceptional rebate on contributions. Debate on polar bears and whales could have argued the EU is a world leader on pushing for more ambitious targets on climate

change, applying internally the highest environmental standards (Schaik and Schunz, 2012).

Microtargeting campaigns undermine the quality of information diffused and of public debate, two criteria for input legitimacy (Kroger, 2019), and fundamental premises of democracy (Dahl, 1999, p.12-16). Targeted ads do not allow reaching different angles of the picture, leading voters to maintain in their cognitive and emotional bubbles, where information functions as echo-chambers, confirming preconceptions (Pinto and Morais, 2020, pp.75,81; Levi *et al.*, 2016, p.5). Exposition to traditional media could have helped to promote a more informed debate, but even if that had happened, the British media coverage was too unbalanced. Migration, economy and sovereignty were dominating issues with newspapers acting in a very partisan way and counterbalanced coverage was hardly achieved. Press was highly polarised, with pro-EU papers stressing Remain contents and anti-EU ones highlighting Leave ones (Levi *et al.*, 2016, p.4,5; Deacon *et al.*, 2019, p.1). This led to a 60% coverage in favour of Brexit and 40% against, a gap that increased to 80%-20% when in circulation (Deacon *et al.*, 2019, p.1). The UK has a rooted tradition of Eurosceptic press, and Brexit strengthened popular right-wing politically engaged newspapers. For example, research on *Daily Mail* and *Daily Express* concluded that they manipulated electors by providing biased account during the campaign, employing the "ideological square" (van Dijk, 2005) namely strategies of positive self-presentation and negative other-presentation (Zečić-Durmišević, 2020). This referendum surpassed any ethical norms, with lies and false stories that the tabloids were forced to correct (Hinde, 2017, p.4).

Media polarisation is the more significant the more it fits the socio-economic voter categorisation. Two main factors have shaped Brexit voters' preferences: identity issues and utilitarian criteria. While the first relate to the feeling of being European in complement to British citizenship, the second is based on individual benefits of economic integration, with people better skilled to address professional demands of the European market being more pro-EU (Curtice, 2017, p.20; Hobolt, 2016, p.1267-1269). Lower-skilled citizens tend to see migration as a danger to employment and identity. This translates into a social cleavage of a younger-better-educated social group against an older-less-educated one, the so-called *winners and losers of globalisation* (Curtice, 2017, pp.33-34; Hobolt, 2016, pp.1273-1274). This polarisation is amplified by social media communication, where the *post-truth phenomenon* dominates, with rational choices being replaced by emotional resonance (Hinde, 2017, p.85). But as ICO (2020, p.6) and the HC (DCMSC, 2018, p.37) recognise, social media are already a permanent feature of elections and democratic processes, playing a role in encouraging political debate, and this is likely to accelerate in the future with Covid-19, to engage voters in safe and socially distanced ways. But whilst businesses and campaigners recognised the importance of social media very early on, legislators have been slow to react to misuse, leaving campaigners playing without an adequate regulatory framework, until now.

Conclusion

The binary and *Manicheist* dialects of referenda, towards simplicity of a yes or no/in or out, is very suitable to the social media landscape, where the world figures "black or white" (Seaton, 2016, p.333). The referendum campaign did not allow a proper debate of the pros and cons of the EU, nor a discussion on the complexity of a UK exit. Referenda are an important input legitimacy tool, but the misinformation enhanced by social media weakens its democratic effectiveness, and as the results cannot be seen as illegitimate, they may also act as social *de-legitimisers* of the EU.

Social media induced polarisation exists also in national political systems, but given the EU polity idiosyncrasies, referenda have special implications for European democracy. The consequences of a national referendum are not only domestic but for all member states, given the economic and institutional path-dependency. It also tends to increase the historical gap of knowledge between elites and national constituencies in the EU, characterised by the *permissive consensus* of the first

decades of integration, allowed by economic growth (Sebastião, 2019, p.138-140). But this was a *sleeping giant* ready to be awakened when socio-economic conditions turned unfavourable and EU policies became very influential in domestic space, making national constituencies to react with dissidence, inaugurating the *constraining dissensus* era (Hooghe and Marks, 2009). If the recent high politicisation of the EU in the domestic sphere (Kriesi, 2016) could boost national debate and promote an educative role to fill in that historical gap, the escalation of Euroscepticism and populism may be acting the opposite way. Politicisation seems to result in *des-education* on EU issues, backed by social media campaigns. What can the EU and national governments do? Besides reinforcing its formal input legitimacy, they have a window of opportunity to act on regulation for social media and data privacy abuse. While admitting that prohibiting targeted ads may be controversial, DCMSC and ICO recommend British government that political advertising should be publicly accessible in a searchable repository, with information about sponsors and targeted ads strategies, to grant accountable, clear and transparent campaigns (DCMSC, 2019, p.92; ICO, 2018a, p.5; ICO, 2018b, p.5) ICO has also been briefing international parliaments and governments about personal data use in political campaigns and will soon issue new guidance to political parties (ICO, 2020). Considering the transnational dimension of the problem, the supranational power of the EU makes it well-positioned to address the problem in complement to national governments.

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