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The lesser evil? Public opinion towards regulating fake news in three Asian countries

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[Working paper] *The lesser evil? Public opinion towards regulating fake news in three Asian countries* - Online ITS Conference: June 14-17, 2020

John W. Cheng,¹ Hitoshi Mitomo², Youngkyoung Seo³ and Artima Kamplean⁴

Abstract

This study empirically examines factors that influence public opinion towards regulating fake news in three Asian countries: Japan, South Korea, and Thailand. Based on the lesser evil principle, it is hypothesised that the perceived harm of fake news (one evil) will increase one's support towards regulating it. In parallel, it is also anticipated that some people might realise that restricting fake news may also harm freedom of expression (another evil) and thus, those who use fact-checking websites (a non-regulatory counter fake news solution) would be less supportive towards regulating fake news. Using original survey data collected from the three countries (n=5,218) and multi-group SEM analysis, it is found that the above hypotheses hold true for respondents from Japan and South Korea, but not for those from Thailand. This implies that the lesser evil principle may be applicable only in democratic countries, where freedom of expression is protected.

1 Introduction

The widespread of fake news on the Internet has become a serious real-world problem. For instance, in the Covid-19 pandemic, the 'infodemic' of misinformation has become as lethal as the pandemic itself (Nature, 2020). A major harm of fake news is that it sows confusion and undermines trust in society (Barthel, et al., 2016). Some even argue that fake news is a threat to democracy and national security (McNair, 2018; Ball, 2017). Governments, journalists, and academics around the world are exploring different means to combat fake news from fact-checking to regulation (The Law Library of Congress, 2019; Hacıyakupoglu, et al., 2018).

Among different measures, one of the most controversial is to regulate the creation and spreading of malicious false information online. Regulatory advocates argue that legal punishment is an effective way to deter individuals from spreading fake news and/or to force social media platform providers to implement measures to block fake news from spreading on their platforms. However, some scholars warn us that a regulatory approach may lead to a slippery slope as it opens an opportunity for leaders to silence opposing voices by labelling them as fake news. For instance, in the US, despite the unprecedented political polarisation brought about by fake news in recent years, many still resist the idea of regulating it because

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this goes against the freedom of expression principle of the First Amendment (Manzi, 2019; Rosuck, 2018).

In Asia, where freedom of expression is less protected, governments in not just authoritarian countries like China but also in young/semi-democratic states such as Singapore, Malaysia, and Thailand have recently passed laws that give authorities legal power to punish platform providers and/or apprehend individuals for spreading information online that they deem as fake and harmful to the country (Public Media Alliance, 2019). This trend has raised alarm among human rights watchdog organisations (Shahbaz & Funk, 2019), however, it is unknown whether the public see the evil side of regulating fake news.

However, since current debates and research on fake news are still Western-focused, studies on fake news in Asia are still emerging, despite almost half of the world's Internet population are from the region. Moreover, most debates on the regulation fake news are taken from legal and policy perspectives and few studies have examined the public's opinion. Thus, the main research question of this study is to examine factors that influence public opinion towards regulating fake news in Asia from a social science perspective. Considering the heterogeneous nature of Asian countries, this study adopts a triangulation approach (Mathison, 1988) by comparing three Asian countries (Japan, South Korea, and Thailand) that have different social, political, and economic conditions.

1.1 Background – Japan, South Korea, and Thailand

Comparing Japan, South Korea, and Thailand allows us to triangulate factors that influence public opinion on regulating fake news because while the three countries share some similarities in some aspects, they are also very distinct in other aspects. The similarities and differences between the three countries are summarised in Table 1.

First, although all three countries are classified as 'flawed democracy' in the Economist Intelligence Unit's 2019 Democracy Index report (EIU, 2019), their statuses are different. While South Korea and Japan are ranked as the first and second most democratic Asian countries⁵ and are considered being very close to a 'full democracy,' Thailand, ranked 10/26, just emerged from a 'hybrid regime' to a 'flawed democracy.'

Second, while both Japan's and South Korean's political systems are democratic and share many similarities (Lee, 2008), people's levels of political acceptance are different, in particular in recent years. Although people in Japan never fully support the government, which has long been dominated by a single party, public opinions still mostly show acceptance, even sometimes reluctantly, to government policies (Abe, 2004). South Koreans, in comparison, are much more defiant towards the government. Most noticeably during the 2016-2017 Candlelight Revolution, in which a series of large-scale demonstrations against government corruption and ineptitude had led to the impeachment of the then Prime Minister (Lee, 2018). On the other hand, in contrast to Japanese and South Koreans, Thai citizens have much less freedom to express their discontent against the government as freedom of expression in the country has been subdued since the military coup d'état in 2014 (Maida, 2019).

⁵ Excluding Australia and New Zealand

The different levels of political acceptance between the three countries are also reflected in the levels of government trust. According to the 2017 Asian Barometer Survey (Weatherall, et al., 2018), 71% of Korean citizens expressed distrust towards the ruling government, which is significantly higher than in Japan (53%) and Thailand (22%).

Third, the levels of Internet freedom also vary between the three countries despite they are classified either as highly developed (South Korea and Japan) or developed (Thailand) ICT countries (ITU, 2017). According to Freedom House's 2019 report on freedom on the net (Shahbaz & Funk, 2019), Japan is classified as a 'free' Internet country and is also the freest in Asia⁶, meaning that in Japan, the overall Internet environment is relatively open with few obstacles to access the Internet, and freedom of expression online is protected. On the other hand, although freedom of expression on the Internet is also respected in South Korea, it is classified as a 'partly free' Internet country and is ranked number 3 in Asia (Shahbaz & Funk, 2019). The main reason, according to the report, is the recent implementation of a controversial sophisticated filtering system that allows authorities to block specific websites. Thailand, in contrast, is classified as a 'not free' Internet country and is ranked the 4th lowest among the 15 surveyed countries. According to the report, freedom of expression online (and offline) is restricted by repressive laws imposed by the ruling military junta to suppress opposing and dissident voices, in particular before the 2019 election.

Fourth, governments of the three countries are also taking different approaches to regulate fake news. In Japan, currently, there are no specific laws targeting fake news and according to a 2019 report by the Ministry of Internal Affairs and Communications (MIC, 2019), the Japanese government still prefers a non-regulatory approach to combat fake news by relying on voluntary efforts from social media platform providers and fact-checking organisations. In comparison, the South Korean government is taking a more active approach that the Prime Minister has openly called for new legislations to 'crackdown' fake news, which he sees as a threat to national security (Choe, 2018). Despite the initiative was met with strong resistance from opposition and journalists, the National Assembly has proposed a total of 24 related acts that will be enacted in 2020 (Chong, 2019).

Among the three countries, the Thai government is the most aggressive in regulating fake news. In 2017, it passed a Computer Crime Act specifically targeting fake news (Human Rights Watch, 2016). The act states that using computers to spread misinformation and disinformation that could be harmful to the country is a criminal offence and will be fined and imprisoned (Thainetizen, 2017).

⁶ Excluding Australia and New Zealand

Table 1 - Similarities and differences between Japan, South Korea, and Thailand

	Japan	South Korea	Thailand
Political system	Democracy	Democracy	Military junta
Democratic level	Med-High	Med-High	Low-Med
Government distrust	Neutral	High	Low
ICT development	Very high	Very high	High
Internet freedom	Free	Partly free	Not free
Regulation of fake news	Non-regulatory approach	In consideration	Established

2 Literature review – public policy and the lesser evil

Studies have found that public opinion has a substantial impact on public policy, especially in democracies, and the more salient and important an issue is to the public, the stronger the impact (Burststein, 2003). For policymakers, the challenge is that public policy often is not a choice between good and bad, but a choice between bad and worse – a choice of lesser evils (Ignatieff, 2013).

Policies to regulate the impact brought about by ICT advancements often are a trade-off between public good and individuals' rights (Baer, 1993). From the public monopoly of telecommunication services (Hazlett & Spitzer, 1997), the censorship of television violence (Hoffner, et al., 1999), net neutrality (Patrick & Scharphorn, 2015; Newman, 2008), mass public surveillance in War on Terror (Lysaker & Syse, 2016; Ignatieff, 2013), to the regulation of hate speech (Švaňa, 2016), as Burke (1959) puts it, 'every policy is a policy of lesser evil' (Burke, 1959, p. 314),

For the public, however, it is difficult to pay attention, not to mention comprehending the 'evilness' of every policy even though some may directly affect them. In many cases, many tend to rely on a heuristic bias known as the 'third-person effect' in social psychology. That is, when it comes to social issues, most people see themselves as less vulnerable than others to harmful effects (Rojas, et al., 1996).

For example, studies (Rojas, et al., 1996; Lee & Tamborini, 2005) find that people who see that obscene content on television is harmful to others are more willing to support the restriction of certain media information. Similarly, a 2019 poll by PEW Research Center (Mitchell, et al., 2019) shows that although many Americans believe fake news is causing significant harm to the country, most of them are fairly confident in their ability to spot our fake news stories. Recent studies (Jang & Kim, 2018; Ștefăniță, 2018) also find that many people perceive fake news has a greater influence on others than on themselves. Thus, it is hypothesised that

H1: the perceived harm of fake news on society increases one's support towards regulating fake news.

However, according to the lesser evil principle, 'a choice between policies is... a choice between two lesser-evil policies, with one of them having more of a lesser evil than the other' (Burke, 1959, p. 314) that relatively preferable is not the same as being a lesser evil. To be a lesser evil, the choice must be chosen reluctantly (Shin, 2009). In other words, one would avoid making that choice if other options are available.

Based on this premise, if people are aware that regulating fake news may impair the freedom of expression, they should regard it as a lesser evil choice to prevent a greater evil –the harmful effects fake news inflicts on society. In other words, they would reject a regulatory approach if they know there are alternative counter fake news solutions. Indeed, (Jang & Kim, 2018) finds that given a choice, Americans would prefer an educational approach than a regulatory one to counter the negative effects of fake news.

In this case, we selected fact-checking as the alternative solution. This is because fact-checking is one of the most deployed non-regulatory counter fake news measures in many countries (Hacıyakupoglu, et al., 2018). Fact-checking is an effective solution to counter fake news based on the assumption that people would rationally reject false information if they are presented with objective and scientific facts and evidence from credible and professional sources. Although its effectiveness in countering fake news is still mixed (Jarman, 2016; Young, et al., 2018), governments, media organisations, and academic institutions around the world have established many international and inter-organisational fact-checking organisations to debunk fake news stories and promote media literacy. Therefore, we hypothesise that:

H2: usage of fact-checking websites reduces one's support towards regulating fake news.

Last, since most of the current literature is from a western-democratic perspective, whether the lesser evil principle applies in Asia, where Confucianism and collectivism are often valued over individualism (Huang, et al., 2020), is not clearly known. For instance, (Lee & Tamborini, 2005) compares American and South Korean Internet users and finds that collectivism diminishes the third-person effect and subsequent support for Internet censorship. Therefore, we ask:

RQ1: is the lesser evil principle also applies in people's opinion towards regulating fake news in Asian countries

3 Data and method

Data were collected from a three-country questionnaire survey conducted in 2019⁷, in which we surveyed 1,648, 1,649, and 1,920 adults⁸ between the ages of 18-59 living in Japan, South Korea, and Thailand, respectively. The gender and age groups (5-year) were equally distributed, the median age group was 40-44 years old.

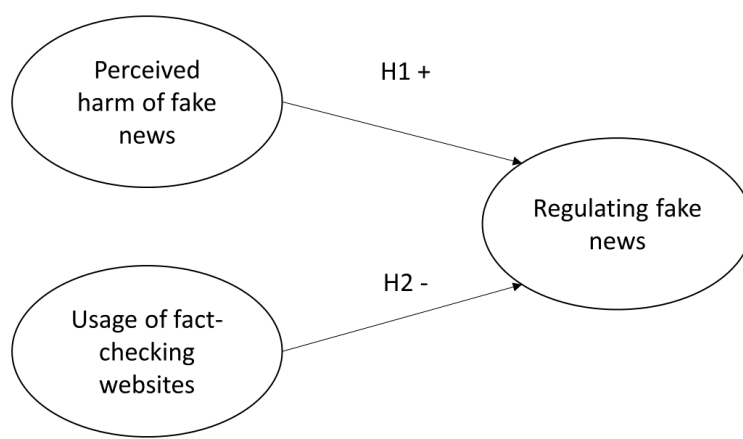
Although the numbers of respondents vary slightly between the three countries, chi-square tests showed that the age group distributions were statistically indifferent between the three countries. In terms of education, 56% of the Japanese, 73% of the Korean, and 62% of the Thai respondents, had a tertiary level of education. Different from 2017 Asian Barometer Survey (Weatherall, et al., 2018), among the respondents, South Koreans were the most trusting

⁷ The survey was sponsored by the Japan Commercial Broadcasters Association.

⁸ The numbers of samples were limited by the survey budget.

towards their government⁹, followed by Thais and Japanese. In terms of media trust¹⁰, respondents from all three countries share a similar pattern that they trust news from mass and Internet media more than that from social media.

A path model (Figure 1) was constructed to represent the hypotheses, in which the dependent and independent variables were represented as latent variables. The hypotheses were tested using multi-group SEM analysis to evaluate measurement invariances between the three countries. We also included socio-demographic characteristics including age, gender, education levels, trust in government, mass media, Internet media, and social media.



Control variables: age, gender, education level, government trust, mass media trust, Internet media trust, social media trust

Group 1: Japan; Group 2: South Korea; Group 3: Thailand

Figure 1 – path model

3.1 Public opinion on regulating fake news

We operationalised the dependent variable –people’s opinion towards regulating fake news– using a question modified from a similar one used in the 2019 American Trends Panel survey (Mitchell, et al., 2019), one of the most recent large-scale polls on public opinion about fake news. Specifically, we asked respondents whether they agree with the following 5 types of fake news should be restricted on a 4-point Likert scale (1=strongly disagree~4=strongly

⁹ How much do you trust the national government to do what is right for the country (1=not at all~4=a lot)? (South Korea=2.50; Thailand=2.39; Japan=2.25).

¹⁰ How much do you trust the accuracy of the news and information that you get from (your main mass media outlets/your main Internet media outlets/social media) (1=not at all~4=a lot)?

Japan: mass media=2.71; Internet media=2.68; social media=2.12

South Korea: mass media=2.76; Internet media=2.75; social media=2.20

Thailand: mass media=2.96; Internet media=2.91; social media=2.59

agree): 1. Made-up information that is intended to mislead the public (disinformation); 2. Satire about an issue or event (satire); 3. Breaking information that is published before everything is verified (unverified scoop); 4. Factual information presented to favour one side of an issue (misinformation); and 5. A video or image that is altered or made up to mislead the public (fake photos/videos).

Survey responses (Figure 2) show that overall the South Korean and Thai respondents were more supportive of regulating fake news than the Japanese. Among the five types of fake news, in line with the results from (Mitchell, et al., 2019), respondents from all three countries agreed that disinformation and fake photos/videos are two top categories of fake news that should be restricted, followed by misinformation, unverified scoop, and satire.

It is worth noting the Thai respondents reported significantly higher levels of support towards restricting satire than their Japanese and South Korean counterparts. One probable reason is that in Thailand some individuals use satire as an outlet to express their discontent towards the Royal Family and Thailand's lese-majeste law strictly forbids any forms of mockery or insult of the monarchy (Taylor, 2019).

3.2 Perceived harm of fake news

The independent variable –the perceived harm of fake news– is also operationalised using a question designed based on the 2019 American Trends Panel survey (Mitchell, et al., 2019). We asked respondents how much of an impact they think fake news has on the following social aspects on a 4-point Likert scale (1=no impact~4=big impact): 1. People's confidence in government institutions (government trust); 2. People's confidence in each other (social trust); 3. Political leaders' ability to get work done (politicians); 4. Journalists' ability to get the information they need for their stories (the press); and 5. The public's ability to solve community problems (community).

The survey results (Figure 2) show that overall the respondents thought that fake news has the strongest impact on government trust, followed by social trust, politicians, community, and the press at similar levels. This pattern is consistent among the three countries with the Thai respondents having the highest levels of concerns on the impact poses by fake news, followed by the South Korean and then Japanese respondents.

3.3 Usage of fact-checking websites

The independent variable –usage of fact-checking websites– was operationalised by asking respondents whether they have used the following 5 types of fact-checking websites to check the truthfulness of news and information on a 5-point Likert scale (1=never~5=always): 1. Fact-checking sites run by academic organisations and NGOs; 2. Fact-checking websites run by Internet media organisations; 3. Fact-checking websites run by news media organisations; 4. Fact-checking websites run by overseas NGOs; 5. Fact-checking websites run by overseas media organisations. Examples of fact-checking websites commonly used in each country were given to the respondents from the corresponding country. The respondents were also briefed

with an explanation of what fact-checking website is using a definition from FactCheck Initiative Japan¹¹, one of the largest fact checking organisations in Japan.

The survey results (Figure 2) show that the Thai respondents were the most active users of fact-checking websites, followed by the South Korean and Japanese respondents. Among the different types of fact-checking websites, websites that are operated by local news media organisations were the most frequently used by the South Korean and Japanese respondents while respondents from Thailand relied more on fact checking websites that are operated by academic institutions and NGOs.



Figure 2 – Survey results

4 Result analysis

The data were analysed using IBM SPSS and AMOS ver. 21. First, an EFA and CFA were conducted to test the latent variables' construct reliability and validity.

¹¹ <https://en.fij.info/>

Results of the EFA shown that the measured variables of the three latent variables formed into three distinct factors (regulating fake news, perceived harm of fake news, usage of fact-checking websites) as anticipated. The model fit indices¹² were satisfactory. The factor communalities and loadings were greater than 0.4 and 0.5, respectively, except for the measured variable 'satire' under the latent variable 'regulating fake news.' This might be caused by the fact that the Thai respondents were significantly more supportive of restricting satire than their South Korean and Japanese counterparts (see Figure 2). Therefore, 'satire' was removed from the model.

The CFA model fit indices¹³ and the Cronbach's alpha, Composite Reliability, Average Variance Extracted, Maximum Shared Variance of all three latent factors met the required criteria (Hair, et al., 2014).

Next, an SEM model was constructed to represent the path model (Figure 1). The fit indices¹⁴ of the SEM model with samples combined from the three countries as well as from each of the three countries individually all met the required criteria (Hair, et al., 2014). Results of a multi-group invariance test shown that the SEM model was invariant between the three countries in models that were constrained at measurement weight, structural weight, and structural covariance levels that the Δ CFIs between the models were less than 0.01 and the changes in CMIN were all significant (Ho, 2013). Thus, the model was deemed invariant between the three countries and could be used to compare the measurement invariances in between the countries.

The SEM results are summarised in Table 2. First, the results show that after controlling for the effects of the socio-demographic characteristics and media and government trust, H1 was supported for all three countries. There is a consistent pattern that the perceived harm of fake news increases one's support towards regulating it among the Japanese, South Korea, and Thai respondents. The critical ratios for differences (z-score) show that the effect was statistically stronger on the South Korean and Thai respondents than on the Japanese.

Second, the results show that H2 was supported only for the Japanese and South Korean respondents, but not for the Thais. That is, usage of fact-checking websites reduces one's support towards regulating fake news for the Japanese and South Korean respondents and had no effect on the Thais. The critical ratios for differences (z-score) show that effects were statistically indifferent between the Japanese and South Koreans, which both were significantly stronger (negatively) than on the Thai respondents.

¹² KMO Measure of Sampling Adequacy = 0.864; Bartlett's Test of Sphericity $p=0.000$; Percentage of variances explained = 54.5%.

¹³ CMIN=439.885; DF=69; P=0; CFI=0.989; SRMR=0.036; RMSEA=0.032; PCLOSE=1

¹⁴ Combined = CMIN=1031.212; DF=164; P=0; CFI=0.977; SRMR=0.035; RMSEA=0.032; PCLOSE=1
Japan (model 1) = CMIN=412.95; DF=164; P=0; CFI=0.978; SRMR=0.034; RMSEA=0.030; PCLOSE=1
South Korea (model 2) = CMIN=572.08; DF=164; P=0; CFI=0.961; SRMR=0.043; RMSEA=0.039; PCLOSE=1
Thailand (model 3) = CMIN=544.00; DF=164; P=0; CFI=0.967; SRMR=0.036; RMSEA=0.035; PCLOSE=1

Table 2 – SEM results

	Standardised beta coefficient and significance (*** ≤0.01; **≤0.05; NS=Not Significant)			
Group	1. Japan	2. South Korea	3. Thailand	Multi-group comparison (z-score)
H1 – Regulating fake news ← Perceived harm of fake news	0.264*** (Supported)	0.340*** (Supported)	0.373*** (Supported)	1-2 (2.963) 1-3 (2.532) 2-3 (-0.963)
H2 – Regulating fake news ← Usage of fact-checking websites	-0.122*** (Supported)	-0.113*** (Supported)	NS (Rejected)	1-2 (0.02) 1-3 (4.084) 2-3 (4.324)

5 Discussion and conclusion

This study has examined the public opinion and its antecedents towards regulating fake news in three Asian countries –Japan, South Korea, and Thailand. Based on the lesser evil principle, we hypothesised that the perceived harm of fake news (one evil) will increase one’s support towards regulating it. In parallel, we also assumed that people would realise that restricting fake news may impair their freedom of expression (another evil). Thus, those know there are alternative non-regulatory counter fake news methods such as fact-checking websites would be less supportive of regulating fake news. By comparing data collected from three countries with different social and political characteristics, we could identify factors that affect people’s opinion of regulating fake news in Asia.

Based on the results of a multi-group SEM analysis, we have identified two key findings. First, by comparing the results of Japan and South Korea, the two democratic countries, we have observed a consistent pattern that despite there was a strong support towards restricting fake news, in particular disinformation and fake photos/videos, people who used fact-checking websites were less supportive towards regulating fake news. This implies that people in Japan and South Korea may realise that restricting fake news is only a choice of a lesser evil.

Second, we have observed an interesting pattern when comparing the results from Japan and Korea with that from Thailand. Specifically, while the perceived harm of fake news on society increases the respondents’ support towards regulating fake news for all three countries, usage of fact-checking websites has reduced the support only for the Japanese and South Korean respondents. That is, despite the Thai respondents reported having the highest usage of fact-checking websites, it did not affect their opinion towards regulating fake news. In other words, based on the lesser evil principle, this implies that the Thai respondents did not consider that regulating fake news may also be harmful.

One plausible explanation is that the Thai respondents were less aware of the fact that regulating fake news may harm their freedom of expression because it is already being restricted in the country. Moreover, considering that the Thai respondents also felt that fake news is more harmful to society than the Japanese and South Koreans, another plausible

explanation is that they did not perceive fact-checking is an effective solution to combat fake news. Specifically, they might not trust fact-checking organisations as one of the main fact-checking websites in Thailand is run by the government's Ministry of Digital Economy and Society and has received many critics on its neutrality and transparency (Tanakasempipat, 2019). Either way, this is an alarming finding that in a country where freedom of expression is suppressed, restricting fake news may be regarded as a 'good' solution to combat 'evil' fake news and is met with less resistance from the public.

These findings have important implications for the debates on whether fake news should be restricted for policymakers, fact-checking organisations, human rights watchdog organisations, and the public. Moving forward, our next step is to solidify the findings by scrutinising the influence of other factors such as socio-demographic backgrounds and government and media trust.

Online ITS Conference: June 14-17, 2020

[Working paper] 'The lesser evil? Public opinion towards regulating fake news in three Asian countries'

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