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How Does Social Media Interact With the Rule of Law?

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With over 2.2 billion people using Facebook worldwide as of February 1st 2018, the world is more online and connected than ever. Initially created as a mass data collection interface, Facebook and social media platforms have departed from whatever baseline was originally intended. These ever changing media entities have become even more complex when interacting with the Rule of Law. Under the World Justice Project, the first principle of the Rule of Law, accountability is defined as “The government as well as private actors are accountable under the law.” Unfortunately with the rise of the internet and social media, Governments, CEO’s and other users alike have been able to evade and skew accountability to the law. Social media can serve as a catalyst to cry out for injustices, promoting opinions that lead to real life consequences. It ultimately has the ability to sway juries and puts pressure on lawmakers and governments alike.

Social media isn’t always used for the common good. Hate groups such as white supremacists, islamophobics and anti-semites are commonplace on social media. If a prejudice exists towards someone, most likely there is a forum online. Widespread access to extreme viewpoints calls into question the line between free speech and hate speech. Does being subjected to extremists’ views impede upon our security and safety? Many of these groups have used platforms such as Facebook to organize and coordinate protests worldwide, specifically the neo-nazi group that led protests down in Charlottesville, Virginia in 2017. This rally, documented by pictures of mass proportions, shows the power of social media in bringing people with extreme ideals together in real life. The ability to post the pictures of rage and violence online is a 21st century phenomenon, as people began naming and identifying those involved in the rally. This brings up

an even more convoluted question: do those participants deserve to be exposed and face the consequences of their peers, sometimes even resulting in people taking justice into their own hands? The answer is a complicated one, and in some cases, the misidentification of people in pictures is harmful and detrimental to the victim. What is even more worrying is the idea that violence will ensue towards these individuals because of a picture. Posts revealing one's identity often contains home and work addresses and other personal information. It is a double edged sword. On one hand, social media serves as a way to identify those responsible. But on the other hand, it can promote violence and prejudice towards people who haven't been convicted formerly of any crime. In the end, Facebook removed the group. A victory, but many of these groups pop up on social media so quickly and stay under the radar, making them practically untraceable.

The idea of fighting for justice isn't a new one. Throughout history people have taken justice into their own hands when they felt the system failed to do so. In the new age of social media this becomes easier. The concept of a public court of opinion comes to light in these situations. In the story mentioned below about Colten Boushie, many government officials are weighing in on the situation. Current Prime Minister Justin Trudeau commented "We have come to this point as a country far too many times¹" stating that things need to change. Having the Prime Minister effectively discredit the judicial system has caused a ripple effect throughout the country. This is possibly a wake up call to the Supreme Court of Canada to reconsider policies around jury selection. Trial by social media has become increasingly concerning for those working in the

¹ <http://www.cbc.ca/news/politics/colten-boushie-trudeau-analysis-wherry-1.4530721>

criminal justice system. Within democracy, the process for justice is slow and takes time to have criminal proceedings. This public court of opinion is another example of social media being a medium to put pressure on the justice system as in the recent case of Michael Bennet. He was wrongfully accused at gunpoint and detained in Las Vegas which has caused public outcry on social media. Racial profiling seems to be at play here with Bennet stating that he was "...a black man in the wrong place at the wrong time." This outcry is putting pressure on the police to investigate. Online platforms provide an instant ability to learn news, and react in real time. Additionally, the concept of the public holding the police (in this case) accountable for their actions is a relatively new phenomenon. The ability to band together online and pressure and push for equality adds a whole other level to this already complex system of justice and equality.

With the murder of the aboriginal young man Colten Boushie, public opinion has been widespread over media and social media alike. He was fatally shot by a white farmer while on the farmer's property and the jury chose acquittal. Public perception is that racial prejudices played into their decision affecting the verdict. As The Star reports "... the system is set up to exclude Indigenous jurors, a fact Stanley's legal team exploited."² This is where social media comes into play. Public outcry that has ensued both in protests and online is calling on politicians and lawmakers to change the way juries are selected. Protesters can now be seen holding signs "Justice for Colton" which shows that people are no longer accepting the decisions of the courts.

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<https://www.thestar.com/opinion/editorials/2018/02/12/anger-over-colten-boushie-holds-important-lessons-for-canada.html>

Many believe that Stanley's motivation and that of the jury's were racially biased which is in direct contradiction to the Canadian Charter of Rights and Freedoms Sec. 15. 1 "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability³." The make-up of the jury was even more shocking. When juries are chosen, they are intended to be of the defendant's peers. Despite this fact, Boushies' jury was entirely white even though he himself was Aboriginal. Aboriginal discrimination in Canada is more deeply rooted than the general population would like to think. This case is so important because it brings to light the possible flaws in jury selection, which ultimately determines one's guilt or innocence. Social media provides the opportunity to influence those who have the power and ability to change it. Without the influence of social media, this case may have been forgotten. In this situation, the internet is a powerful tool, providing a voice for Colten's family, friends and supporters to challenge the government.

In the same vein of aboriginal injustice in Canada, B.C's own highway of tears has gained traction on social media, not just across Canada, but worldwide. The popular hashtag #MMIW, which stands for Missing and Murdered Indigenous Women, has surfaced over social media, causing newshouses and television alike to report such matters. These serious crimes have been highlighted by social media coverage which has ultimately put pressure on those with the power to make positive change.

³ *Canadian Charter of Rights and Freedoms, 1982, Section 15. article 1.*

Activity on Facebook and Twitter can pose a threat to prosecutions and the right to a fair trial through practices such as sharing photos of the accused before an indictment, creation of hate groups, or jurors sharing their thoughts about a case online. This creates an instant, powerful, quickly scalable, and often biased court of public opinion. Social media has become a people's court, shaping public opinion by providing a snapshot rather than a montage of human interaction and lacking truth filters. It is a new frontier in establishing appropriate boundaries for free speech, holding people accountable whomever they may be, as well as ensuring that the court of public opinion does not eclipse the judicial process as the arbiter of the social contract.

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