

### **FAKE NEWS**

A NEW CHALLENGE TO HUMAN RIGHTS?

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April 2021





Published by the South African Institute of Race Relations (IRR)
P O Box 291722, Melville, Johannesburg, 2109 South Africa
Telephone: (011) 482–7221

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ISSN: 2311-7591

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Photo taken by Kayla Valasquez at the LAX protest against Trump's muslim ban, 2017

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## FAKE NEWS: A NEW CHALLENGE TO HUMAN RIGHTS?

On 9 November 2016, the world awoke to the shocking result of what had been a gruelling and divisive election. The United States of America, the world's foremost power, had just elected a maverick businessman and reality TV star with no government experience and a penchant for some very uncouth and eccentric rhetoric. This was, of course, Donald Trump.

This happened despite the assurance of most major media publications as well as centrist and left-leaning media commentators that Donald Trump simply could not win. The *New York Times* (NYT), for example, had predicted an 85% chance of victory for Hillary Clinton,<sup>1</sup> while other media outlets shifted their expectations to a 99% chance of a Clinton victory as the exit polls came in. Even Trump himself was reportedly surprised by the results.<sup>2</sup>

And yet, Trump stood triumphant and many in America's political science, polling and commentary class had egg on their face. Against the horror at Trump's victory, and much conjecture as to how a figure believed to have no chance at victory (and so reviled by his numerous detractors) could possibly win, writer Max Read provided an explanation that many found comforting.

Writing in the *New York* magazine, Read wrote a day after the election that Donald Trump had triumphed because of Facebook and more specifically the role of so-called 'hoax or fake news'. According to Read, this phenomenon was running rampant on social media and had played a major role in encouraging support for Trump. Facebook (which he uses as a stand-in for social media generally) has made forms of communication and politics possible that were not possible previously. Read argued in his article that fake news posed a threat to democratic institutions and that there was no obvious solution to its pernicious influence. Thus, he writes:

Really, I'm not sure that the most significant effect of Facebook's dominance is the way it abets the already extant spread of mis- or disinformation. Rather (and I'm cribbing here from sociologist Zeynep Tufekci and media pundit Clay Shirky) I think it's the way it's crowbarred open the window of acceptable political discourse, giving rise to communities and ideological alignments that would have been unable to survive in an era where information and political organization were tightly controlled by corporate publishers and Establishment political parties. Put another way, it's not just that Facebook makes politics worse, it's that it changes politics entirely.

This was by no means the first time that the 'fake news' phenomenon had been identified, but this article helps to crystallize a perspective that many have since found convincing, that Trump won due to what was in effect cheating – or manipulation – in the clever deployment of fake news by his campaign,



<sup>1</sup> See, for example, Katz, J, 'Who will be President', New York Times, 8 November 2016. https://www.nytimes.com/interactive/2016/upshot/presidential-polls-forecast.html.

<sup>2</sup> Jacobs, J, and House, B, 'Trump says he expected to lose election because of poll results', Bloomberg, 14 December 2016. https://www.bloomberg.com/news/articles/2016-12-14/trump-says-he-expected-to-lose-election-because-of-poll-results.

<sup>3</sup> Read, M, 'Donald Trump won because of Facebook', New York, 9 November 2016. https://nymag.com/intelligencer/2016/11/donald-trump-won-because-of-facebook.html.

and by other actors who might wish to see him victorious. Among the latter, Russia was a frequently mentioned candidate.

In the aftermath of 2016, the debate around fake news has only raged more fiercely, with people across the political spectrum accusing their opponents of being driven by or utilizing fake news to their advantage. Trump famously turned this accusation on his opponents when he accused CNN of being 'fake news'. Social media companies across the world have come under increased scrutiny and some governments have dragged them before official committees to explain their role in elections and enabling the spread of fake news. Indeed, the term fake news has become a standard part of many political junkies' vocabulary.

This heated debate raises some important questions, with which this report will grapple. What precisely is fake news? Is it a new phenomenon or just a bog-standard political practice turbo-charged by new technologies? Why would fake news be effective? Does it really do harm, and if so, in what way?

Perhaps most importantly, is this a problem that can be 'solved', or is it now a fixture of our socio-political reality that society must just adapt to?

#### What is fake news?

The term fake news is often used loosely and can refer to a variety of phenomena, but for purposes of this report, it will be taken to mean information or reporting which is deliberately misleading. This may be by falsification (effectively presenting falsehoods as facts) or by omission (excising particular facts that might point to a different conclusion) or by exaggeration or diminution (making too much of or downplaying something). It often takes the form of opinion or analysis masquerading as hard news reporting, or as 'myth busting' – in other words, claiming to reveal a truth in the face of received wisdom.

Fake news is distinct from information that is simply objectively wrong. What ultimately distinguishes fake news from an ordinary untruth is that it is typically produced with a goal in mind. Fake news is deployed in pursuit of a narrative, with a ruthless disregard for factual integrity. Note the concept of narrative, because it is central to understanding this phenomenon.

It is worth being aware, however, that fake news is often greatly aided in its growth and power by sloppy reporting. Fake news and conspiracy theories are siblings and untrue conspiracy theories rely on fake news to propagate themselves.

To clarify with some hypothetical examples, a reporter who misreads a medical study about the effect of chocolate on weight gain and misreports the study's conclusions is more likely to be an example of sloppy reporting, unless there is some obvious connection to the chocolate industry. By contrast a reporter who writes about how a new drug was found by a lone heroic figure to be poison despite the 'medical establishment's claims' to the contrary is more likely to be fake news.

#### Why is narrative important?

Human beings, it has been argued,<sup>5</sup> are afflicted by a psychological phenomenon, usually called motivated reasoning, whereby they are less likely to accept information that conflicts with their already established self-identity or worldview.

<sup>4</sup> CNN, 'Donald Trump shuts down CNN reporter: "You're fake news"', YouTube, 16 February 2017. https://www.youtube.com/watch?v=QuhpWGq4CzU&list=PLKPqJcw8D5OH0qQCEfjAXW7zDiGbYiDmC&index=10.

<sup>5</sup> Kunda, Z, 'The case for motivated reasoning', Psychological Bulletin, Vol 108, No 3, 1990, pp. 480-498.

So, for example, people who advocate state ownership of utilities are likely to ignore, dismiss or downplay any information that supports privatisation, or to question the motives and qualifications of those making arguments for privatisation. Likewise, any information which confirms their views on the benefits of state ownership is correspondingly more likely to be accepted unquestioningly and enthusiastically.

This problem plays an insidious role in corrupting public discourse and becomes more pronounced as individuals or interest groups become emotionally invested in any given issue. In other words, where one is strongly in favour of a particular position, it becomes increasingly difficult to offer a counter-view.

Narrative describes the manner in which facts, events and experiences link together to form a coherent whole. Think of this as a story with its characters and plot. Even individual elements that may seem unimportant on their own can assume an altogether new significance when placed in a particular context.

Narratives, in turn, help to make sense of the world and one's role in it. They can influence how people see their interests, and appeal to their sense of justice and morality. Consequently, narratives can motivate people's actions – not least in fields of social interaction, such as politics.

Attachment to particular narratives – especially where these are (or at least are perceived to be) of profound or fundamental importance to their interests or worldview – often has a powerful emotional component to it. People frequently define themselves by their worldview, for example, I'm a liberal, I'm a Trump supporter, a 9/11 truther, a communist, a human rights defender, a Muslim. From this self-definition, it is a small step to attaching ethical and intellectual value to these positions. To hold them is to be moral and intelligent. To reject them is not simply to be wrong, but to be immoral and deficient. As a result, the closer the view is to a person or group's core identity, the more susceptible they may be to news that supports their position.

From this perspective, fake news becomes powerful because it uses its ability emotively to confirm world views and to fortify people's identities. Where an item of fake news does not do this – perhaps underwriting beliefs that most people do not regard as key to their identities, or where it is merely intriguing or entertaining – they may be dismissed more easily with simple corrections. Where false or questionable narratives do appeal to people's core beliefs, it is likely that they will find willing and eager propagators and defenders.

German political analyst Cornelius Adebahr phrases it like this:<sup>6</sup>

You can't beat fake news, because lies tend to stick if told often enough. The brain at some point refuses to correct incoming misinformation, especially if it conforms to one's worldview. That's how dictatorships were possible in the past and will be in the future. Trying to counter falsehoods can backfire, because—one way or another—you need to repeat the original allegation. That influences people's perceptions, even if they know that the statement is not true.

It is also worth considering why fake news has the evident ability to spread so quickly. A study by the journal Science in 2018 found that fake news spread much faster than its 'actual' counterpart sometimes by a factor of as much as 100 times.<sup>7</sup> The researchers suggested this was in part due to the novelty of the

<sup>7</sup> Vosoughi, S, Roy, D, and Aral, S, 'The spread of true and false news online', Science, 9 March 2018. https://science.sciencemag.org/content/359/6380/1146.abstract.



<sup>6</sup> Dempsey, J, 'Judy asks: can fake news be beaten?', Carnegie Europe, 25 January 2017. https://carnegieeurope.eu/strategiceurope/67789.

claims made in fake news reports. It is also reasonable to assume that being disconnected from the facts allows more emotive content which plays into motivated reasoning tendencies of readers.

#### How much of a problem is fake news?

At least some of the current wave of concern about fake news is driven by the fear of established media players that they are losing market share to new media outlets. Another element is undoubtably rooted in the shock felt by many at the election of Donald Trump. But how concerned should we be about it, really?

Many fake news stories seem fairly harmless or so ridiculous as to be dismissed easily. In 2016 some widely shared fake news stories included a fabricated story about a woman who used a bag of jellybeans to murder her roommate for sending her too many Candy Crush notifications, while another story held that Earth was on a collision course with the mystery planet Nibaru.<sup>8</sup>

What makes these stories mostly harmless is their lack of identity affirmation or political narrative. As such they have limited capacity to influence people's behaviours and those who initially buy into the stories have no particular investment in them, and can give the story up when presented with correct information.

Unfortunately, this is not the case with fake political news or health-related news. In 2016, an American presidential election year, an analysis by BuzzFeed News showed that 23 of the 50 top-performing fake news stories were related to politics. In theory, at the very least, this can influence how people think and act.

Consider that, in the United Kingdom, close to 80 cell phone towers were attacked in March and April of 2020 due to fear motivated by fake news that COVID-19 was caused by 5G infrastructure.<sup>10</sup>

In every country where ethnic or religious tensions exist, fake news has played, or has the potential to play, a role in encouraging or justifying violence. It stokes and encourages underlying psychoses and pathologies in these societies. In India, fake news regularly features in violence between Hindus and Muslims.<sup>11</sup>

In other cases fake news is used to push toxic political narratives, as was true of the Bell Pottinger scandal, where the PR firm produced fake news which was calculated to hurt race relations in South Africa and promote a near-conspiracy theory about 'White Monopoly Capital'.<sup>12</sup>

Equally of concern is the door to authoritarian policy that fake news opens. So long as fake news causes significant damage, it will justify the suppression of speech and the curtailment of public discourse.

Understanding fake news and developing non-invasive methods of dealing with it should be of prime concern to anyone seeking to protect free speech and healthy public debate in the 21st century.

<sup>8</sup> Hand, S, '10 ridiculous fake news stories', Miappi, undated. https://miappi.com/10-ridiculous-fakenews-stories/.

<sup>9</sup> Silverman, C, 'Here are 50 of the biggest fake news hits on Facebook from 2016', Buzzfeed, 30 December 2016. https://www.buzzfeednews.com/article/craigsilverman/top-fake-news-of-2016.

<sup>10</sup> Hamilton, IA, '77 cell phone towers have been set on fire so far due to a weird coronavirus 5G conspiracy theory', Business Insider, U 6 May 2020. https://www.businessinsider.com/77-phone-masts-fire-coronavirus-5g-conspiracy-theory-2020-5?IR=T.

<sup>11</sup> Vij, S, 'India's anti-Muslim fake news factories are following the anti-Semitic playbook', The Print, 27 May 2020. https://theprint.in/opinion/india-anti-muslim-fake-news-factories-anti-semitic-playbook/430332/.

<sup>12</sup> Cotterill, J, 'Public relations firm Bell Pottinger apologises over Gupta contract', Financial Times, 6 July 2017. https://archive.is/20170706213852/https://www.ft.com/content/f8271e3e-dd3a-3503-bcfd-e30f9465aa21?mhq5j=e2.

#### Is Fake News a new problem?

Whilst the current wave of concern over fake news is connected both to the rise of Donald Trump and the growing importance of social media, fake news has been a concern of public discourse for centuries, indeed for as long as there has been organized political society.

In ancient Rome, a major dimension of the conflict between Mark Anthony and Octavian was an information and propaganda war. To win public support, Octavian portrayed himself as the representative of solid Roman values, against the pernicious foreign influences that had ensnared Mark Anthony. And after having won a military victory, he needed to establish a strong narrative to underwrite his position. This allowed him to consolidate his position as Emperor and to abolish the Republic. Historians regard official accounts, for this reason, as unreliable.<sup>13</sup>

Fake narratives have infamously been deployed to stoke religious hatred. The best-known of these is the 'blood libel'. The idea that Jews conducted human sacrifice and ritual cannibalism seems to have been raised in ancient times, but this does not appear to have been influential. Indeed, Christians in the early church were accused of using the blood of pagans for their rituals. <sup>14</sup> In 1144, a child named William was murdered in the town of Norwich in England. A convert from Judaism to Christianity, Theobald of Cambridge, reportedly claimed that this was part of a Jewish ritual, and that every year a specific place was chosen for the ritual sacrifice of a Christian child. The local Jewish community was protected by the King and Sheriff, and so suffered no immediate harm. However, the case was raised as a counter-charge when a Jewish community demanded justice for the murder of one of their own a few years later. William became the subject of the cult, attracting pilgrims, which was of financial advantage to the church. Meanwhile, the accusations stuck and were levelled against Jews elsewhere in England and then in continental Europe – with children being recognised as martyrs and becoming the objects of devotion and pilgrimage. 15 The last known blood libel trial in Europe appears to have been in Russia in 1911. 16 Blood libel lingers among some anti-Semitic groups and has also made the jump into Muslimbased anti-Semitism, often to draw a relationship between the inherent perversity of Judaism and the alleged conduct of Israel.<sup>17</sup>

As printing presses and increased literacy made written material more readily available, and as global exploration drove interest in the marvels of the world, writers saw the possibility for satisfying curiosity and providing entertainment – while making money in the process. Pamphlets were produced recounting fantastical stories of monstrous beasts and freakish humans. In a notable case, in 1835 the New York Sun published an account of life on the Moon. It reported that John Herschel, a famed British astronomer, was using a powerful telescope to observe the Moon and had recorded giant bats, blue goat-like beings and a temple made of sapphire. John Herschel was in fact a genuine astronomer, and was undertaking observations of the heavens in the Cape Colony (in what is now South Africa), but the purported observations were fantasies concocted by the *Sun*'s editors. *The Sun* was founded on a business model of ad-

<sup>17</sup> Khalaji, M, 'The Classic Blood Libel Against Jews Goes Mainstream in Iran', Policywatch 2411, The Washington Institute for Near East Policy, 21 April 2015. https://www.washingtoninstitute.org/policy-analysis/view/the-classic-blood-libel-against-jews-goes-mainstream-in-iran.



<sup>13</sup> Kaminska, I, 'A lesson in fake news from the info-wars of ancient Rome', 17 January 2017. https://www.ft.com/content/aaf2bb08-dca2-11e6-86ac-f253db7791c6.

<sup>14</sup> Zeitlin, S, 'Review: The Blood Accusation' The Jewish Quarterly Review, Vol 59, No 1, July 1968, pp. 76-80.

<sup>15</sup> Gottheil, R, Strack, HL and Jacobs, J, 'Blood accusation', Jewish Encyclopaedia, undated. http://jewishencyclopaedia.com/articles/3408-blood-accusation; 'St. William of Norwich', Catholic Encyclopaedia, undated. https://www.newadvent.org/cathen/15635a.htm.

<sup>16</sup> Eckelberry, TR, 'Was Jewish "Blood Libel" the First Fake News?', STAND, 18 December 2017. https://www.standleague.org/blog/was-jewish-blood-libel-the-first-fake-news.html.

vertising revenue, rather than subscriptions – and so it chased readers with all energy. Knowing that the Moon was a subject of curiosity, and that real news from the Cape and Herschel's observations would take a long time to reach New York, this was an attractive proposition. It more than doubled *The Sun*'s circulation, although the hoax was ultimately exposed when real and more prosaic reports of Herschel's work arrived.<sup>18</sup>

In the late 19th Century, attempts at generating mass audiences were made by such publications as the *New York Journal* and *New York World* through salacious, sensational coverage – which became known as 'yellow journalism'. The model here was not outright falsehoods (although this was not unknown) but appeals to lowest-common-denominator interests and emotions. It was a type of journalism that sought to entertain as much as to inform (if not more). Reportage on the situation in Cuba, which in the late 1890s was a Spanish possession, is often credited with pushing the US into war with Spain.<sup>20</sup>

Before one is tempted to ascribe fake news to the ignorance and fanaticism of people in ancient or medieval times, or to the Wild West media environment such as was the case with nineteenth century newspapers or in the contemporary age of chaotic social media, it is worth considering that one of the world's most insidious fake news hoaxes which is still alive and well today emerged from a period when media was far more trusted, the 1980s.

Some background is necessary. The Soviet Union recognised early in its history the value of information and communications as weapons, and the effectiveness of attacking opponents politically, both domestically and on the global stage through so-called 'active measures'. One such instance involved the HIV virus. This was a new health threat in the 1980s, and little was understood about it. But as it stood to hit developing countries hard, and as no cure was available, it was something that might be leveraged for political gain. This took the form of a hoax that made the claim that the United States had deliberately engineered the Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) in a laboratory. This would be used to foster resentment against the US and to undermine cooperation between it and other countries.

In 1985 Soviet intelligence agents informed their allies in the Bulgarian state security agency that they were initiating a new disinformation campaign which would claim that AIDS was the result of an experiment by the US Army Medical Research Institute for Infectious Diseases (USAMRIID) in Fort Detrick, Maryland. They would further claim that the experiment had run out of control and that the United States military was withholding treatments they had developed.<sup>21</sup>

The fake news was disseminated through the use of a KGB-controlled newspaper in India, called *The Patriot*. The paper published a letter to the editor on its front page making the claims about the nature and origin of the disease described previously and then claimed to quote a 'well-known American scientist and anthropologist' as evidence of these claims.<sup>22</sup>

<sup>18</sup> Standage, T, 'The true history of fake news', 1843 Magazine, 5 July 2017. https://www.economist.com/1843/2017/07/05/the-true-history-of-fake-news.

<sup>19</sup> Mia Comic, 'The evolution of yellow journalism (and why it matters)', What's New in Publishing, undated (2019). https://whatsnewinpublishing.com/the-evolution-of-yellow-journalism-and-why-it-matters/.

<sup>20</sup> G Hamilton, JM, 'In a battle for readers, two media barons sparked a war in the 1890s', National Geographic, 16 April 2019. https://www.nationalgeographic.com/history/magazine/2019/03-04/yellow-journalism-role-spanish-american-war/#close.

<sup>21</sup> KGB, Information Nr. 2955 [to Bulgarian State Security], 7 September 1985, History and Public Policy Program Digital Archive, Wilson Center. https://digitalarchive.wilsoncenter.org/document/208946

<sup>22</sup> Selvage, D, and Nehring, C, 'Operation "Denver": KGB and Stasi disinformation regarding AIDS', Wilson Center, 22 July 2019. https://www.wilsoncenter.org/blog-post/operation-denver-kgb-and-stasi-disinformation-regarding-aids.

The following year the East German Stasi organized an academic study which would claim to have found evidence of the engineered nature of the virus and this would be planted in academic circles as added 'evidence' to support the original story. It relied heavily on the supposed work of Dr Jakob Segal, an East German biophysicist. For propaganda purposes, he was often presented as being French.<sup>23</sup>

These efforts along with further seeding of the story in press outlets across the world – publishing reporting, letters and opinion pieces – allowed the story to be expanded upon. In one instance, Soviet radio claimed that a vaccination project in the then Zaire was intended to spread HIV.<sup>24</sup> It even found its way into South African politics: the ANC intellectual Jabulani Nobleman Nxumalo (known as Comrade Mzala) reproduced these views in the ANC's journal *Sechaba* in the 1980s. Some of his arguments – such as the rapacious profiteering of capitalist pharmaceutical firms – would be echoed later by President Thabo Mbeki in his highly controversial stance on AIDS.<sup>25</sup>

It then took on a life on its own. In some circles the story was co-opted by black racial nationalists who retold the original story as one of conspiracy against black people and that AIDS was a bioweapon designed to kill black people around the world as part of an American government white-supremacist plot.

This is an almost perfect case of fake news. Information about the origins of the disease were fabricated, for the purposes of advancing the narrative that the American government and military are guilty of the most obscene human rights abuses.

The story was spread and carried by groups and individuals who already were predisposed towards believing the American government was evil. Indeed, some groups co-opted modified versions of the story to spread their own narratives. The story has remained so resilient into the internet era that one of the authors of this paper in 2017 came across a friend on Facebook who was sharing the black racial nationalist version of this story with the comment 'Wow, I didn't know this!'

#### Fake news today

If fake news is not a new problem, should we be particularly concerned about it now?

Fake news about the U.S government developing HIV/AIDS could spread internationally with conventional media resources – newspapers, radio and so on. But this did require formidable financial, ideological and organisational resources for it to gain traction. Those driving the fake news, in this instance, ideologically aligned newspapers, broadcasters, academics and so on were an organised and coordinated group, at least at the outset. These outlets could also draw on the credibility inherent in their professional existence. Radio Moscow may have been recognised as a mouthpiece of the Soviet state, but it would still widely be credited with the prestige of a credible news outlet.

In the changed environment of the 21st century, this scale of investment is not necessary to craft and spread fake news narratives. Modern technology makes it possible to spread information – fake news in this case – far beyond its origin point with a few social media accounts and some skilful use of edit-



<sup>23</sup> Grimes, DR, 'Russian fake news is not new: Soviet Aids propaganda cost countless lives', The Guardian, 14 June 2017. https://www.theguardian.com/science/blog/2017/jun/14/russian-fake-news-is-not-new-soviet-aids-propaganda-cost-countless-lives.

<sup>24</sup> M Grimes, DR, 'Russian fake news is not new: Soviet Aids propaganda cost countless lives', The Guardian, 14 June 2017. https://www.theguardian.com/science/blog/2017/jun/14/russian-fake-news-is-not-new-soviet-aids-propaganda-cost-countless-lives.

<sup>25</sup> G Kenyon, C, 'The origins, evolution and outsourcing of HIV denialism', The Southern African Journal of HIV Medicine, December 2006, p. 15.

ing software. State actors continue to play a major role in online fake news manufacture and distribution<sup>26</sup> – 'active measures', in other words – but it is eminently possible for political operatives or even individuals to do so.

A study by the Pew Research Center in 2019 found that around 50% of Americans felt that fake news was a major problem, and about half (49%) of Americans said they had shared news that they found out later was made up. Of those who prefer to get their news on social media 56% have shared news they later found out was made up, compared with about half of those who prefer other pathways (48%).<sup>27</sup>

Social media has since the 2010s begun to influence traditional media's agenda. If a story gains huge traction on social media, it is likely to be reported on by more traditional television and newspapers. On slow news days, some media outlets will mine Twitter for content and produce stories entirely based around the views of a few social media accounts.<sup>28</sup> The position of 'social media editor' is one that would not have existed two decades ago.

The way the traditional media at times reports on social media has allowed stories on social media to bypass the traditional role of editors without the interrogation of sources and fact-finding that is supposed to be a part of the journalist's craft and professional responsibility.

To better illustrate the arguments made in this introduction we shall now consider some notorious examples of fake news and how they caused significant harm.

#### Case studies

#### The Facebook genocide

Myanmar (Burma) is one of South East Asia's least developed states and has been ruled by military for much of its history since 1962. Military rule began to falter in 2011 when the military ceded some power to democratic reformers. The country has also been marred by ethnic conflict and by ethnic domination by the majority Bamar people. This has led to decades of rebellion by minority ethnic groups such as the Shan, Kachin, Karen and the Rohingya.

In 2012, due to decades of suppression by the military government, only 1.1 percent of the population used the internet.<sup>29</sup> In 2013, the new joint civilian-military government deregulated Myanmar's telecommunications and opened the market up to competition from foreign companies. By 2016, around half the population had access to mobile phones, and many of those to the internet. This caused the number of Facebook users in the country to jump from 1.2 million in 2014 to 11 million by 2016, to 18 million by 2018.<sup>30</sup> The shock of rapidly moving from an almost entirely offline society to a heavily online one likely contributed to what followed.

For decades, the Rohingya have been treated as an 'out group' in Myanmar. They are ethnically distinct from the broader society, being primarily Muslim, while most Burmese are Theravada Buddhists.

<sup>26</sup> S McMaster, HR, Battlegrounds: The Fight to Defend the Free World, New York: HarperCollins, 2020, pp. 25-63.

<sup>27</sup> M Mitchell, A, Gottfried, J, Stocking, G, Walker, M, and Fedeli, S, 'Many Americans say made-up news Is a critical problem that needs to be fixed', Pew Research Center: Media and Journalism, 5 June 2019. https://www.journalism.org/2019/06/05/many-americans-say-made-up-news-is-a-critical-problem-that-needs-to-be-fixed/.

<sup>28</sup> G 'Tweeps left confused at Nando's latest dig at Tito Mboweni', IOL, 18 October 2017. https://www.iol.co.za/lifestyle/food-drink/restaurants/tweeps-left-confused-at-nandos-latest-dig-at-tito-mboweni-d536b85a-f19a-45bc-bd43-d8b532a2422c.

<sup>29</sup> K Stecklow, S, 'Why Facebook is losing the war on hate speech in Myanmar', Reuters, 15 August 2018. https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/.

<sup>30</sup> S Stecklow, S, 'Why Facebook is losing the war on hate speech in Myanmar', Reuters, 15 August 2018. https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/.

In the 1970s, a new citizenship law effectively rendered them stateless, this being confirmed in later legislation. They are not recognised as a national ethnic group – of which Myanmar recognised 135 – and are typically described as 'illegal immigrants' from Bengal. At various times, the country's government has conducted mass deportations of Rohingya.<sup>31</sup>

There had been sporadic outbreaks of violence in the areas where the Rohingya have lived for decades. Unsurprisingly, the use of stigmatising rhetoric and false information has played a prominent role in targeting the Rohingya. An investigation by the United Nations Human Rights Council made the following observation:

'But around 2014, the latest round of ethnic violence in western Myanmar against Rohingya Muslims appeared to have a new component contributing to the tensions. This came in the form of Facebook, and the use of the platform to spread incitement against the Rohingya, much of it through fake accounts.'

Over the next few years, Facebook became the primary platform to spread an enormous number of fake news stories. Foreign journalists and researchers alerted Facebook to the fact that it was being put to use to encourage hatred of the Rohingya. *New York Times* technology reporter Paul Moyer claimed in 2017 that Facebook had become a major vehicle for incitement against the Rohingya. Facebook, he wrote, was everywhere, even as many people in Myanmar struggled to make their way through normal sites. And much of what was shared was not authentic. He remarked:<sup>32</sup>

In particular, the ones that seem most problematic are government channels that have put a lot of propaganda out there, saying everything from the Rohingya are burning their own villages, to showing bodies of soldiers who may be from other conflicts but saying this is the result of a Rohingya attack, to more nuanced stuff like calling the Rohingya 'Bengalis' and saying they don't belong in the country.

In a similar vein, a report by the United Nations Independent International Fact-Finding Mission on Myanmar in 2018 identified Facebook as having played a significant role in spreading hatred against the Rohingya, a claim they repeated in a 2019 follow-up report. The latter 'documented the extensive roles that Facebook and other social media platforms played in distributing such speech, including through language, cartoons, memes or graphic content that fuelled social attitudes, intolerance and violence against Rohingya.'<sup>33</sup>

Among the fake news claims commonly spread through social media was that violence against the Rohingya was a myth, as the country's social welfare minister Dr Win Myat Aye claimed 'There is no case of the military killing Muslim civilians'. Other Facebook posts claimed that the Rohingya were burning their own villages and used doctored or misrepresented pictures claiming to show Rohingya people setting fire to their own homes, despite being debunked.<sup>34</sup> Many posts put out using the Facebook pages of the Myanmar government or military show bodies of soldiers who may be from other conflicts but claiming they were the result of Rohingya attacks.<sup>35</sup>

<sup>35 &#</sup>x27;In Myanmar, fake news spread on Facebook stokes ethnic violence', The World, 1 November 2017. https://www.pri.org/stories/2017-11-01/myanmar-fake-news-spread-facebook-stokes-ethnic-violence.



<sup>31</sup> Al-Adawy, H, Persecution of the Rohingya – the Dark Side of Development in Myanmar, Spotlight, Institute of Regional Studies, October 2013, p. 5. http://www.irs.org.pk/spo13.pdf.

<sup>32</sup> Moyer, P, 'War of words puts Facebook at the center of Myanmars Rohingya crisis', New York Times, 20 October 2017. https://www.nytimes.com/2017/10/27/world/asia/myanmar-government-facebook-rohingya.html.

<sup>33</sup> G Human Rights Council, Detailed findings of the Independent International Fact-Finding Mission on Myanmar, 9-27 September 2019, p 131. https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/20190916/A\_HRC\_42\_CRP.5.pdf.

<sup>34</sup> Beech, H, 'Across Myanmar, denial of ethnic cleansing and loathing of Rohingya', New York Times, 24 October 2020. https://www.nytimes.com/2017/10/24/world/asia/myanmar-rohingya-ethnic-cleansing.html.

Violence in western Myanmar escalated until in 2016 and 2017, when the Myanmar military carried out an enormous crackdown, following an attack on police by the Arakan Rohingya Salvation Army. The army, supported by local Buddhist militias, waged a campaign of murder, destruction of villages and gang rapes against the Rohingya. More than 25 000 Muslims were killed and approximately 700 000 people were forced to flee their homes, crossing the border into neighbouring countries over a period of two years. The army support of the property o

Evidence has since emerged that the military of Myanmar was heavily involved in spreading fake news and propaganda on Facebook. Thus said a 2018 analysis published in the *New York Times*:<sup>38</sup>

The Myanmar military's Facebook operation began several years ago, said the people familiar with how it worked. The military threw major resources at the task, the people said, with as many as 700 people on it. They began by setting up what appeared to be news pages and pages on Facebook that were devoted to Burmese pop stars, models and other celebrities, like a beauty queen with a penchant for parroting military propaganda. They then tended the pages to attract large numbers of followers, said the people. They took over one Facebook page devoted to a military sniper, Ohn Maung, who had won national acclaim after being wounded in battle. They also ran a popular blog, called Opposite Eyes, that had no outward ties to the military, the people said. Those then became distribution channels for lurid photos, false news and inflammatory posts, often aimed at Myanmar's Muslims, the people said. Troll accounts run by the military helped spread the content, shout down critics and fuel arguments between commenters to rile people up. Often, they posted sham photos of corpses that they said were evidence of Rohingya-perpetrated massacres, said one of the people.

Fake news posts were also shared from the Patriotic Myanmar Monks Union Facebook page and other Facebook posts associated with hardliner Buddhist monks. Most of these accounts were eventually banned by Facebook.

Many of the social media posts that encouraged violence or denied the genocide were in violation of Facebook's community standards which ban 'hate speech' and 'manipulated media'. Hate speech, here, means 'violent or dehumanising speech, statements of inferiority, or calls for exclusion or segregation' against people based on their race, ethnicity, religious affiliation and other characteristics.

By this standard, many of the fake news posts and the pro-genocide content should have been removed by Facebook's moderating teams and software. Unfortunately, the company dedicated scant resources to monitoring content. In early 2015, there were only two people at Facebook who could speak Burmese reviewing problematic posts, although by 2018, this number had risen to 60.<sup>39</sup>

In addition to the small number of human moderators reviewing user-reported content, the software the company used to automatically flag posts for possible hate speech or manipulated media struggled accurately to translate and integrate Burmese text. As a result, a large proportion of the millions of Facebook posts spreading misinformation, hate speech and fake news went entirely unreviewed.

<sup>36</sup> Nebehay, S, 'UN calls for Myanmar generals to be tried for genocide, blames Facebook for incitement', Reuters, 27 August 2018. https://www.reuters.com/article/us-myanmar-rohingya-un/myanmar-generals-had-genocidal-intent-against-rohingya-must-face-justice-u-n-idUSKCN1LC0KN.

<sup>37 &#</sup>x27;Former UN chief says Bangladesh cannot continue hosting Rohingya', Aljazeera, 10 July 2019. https://www.aljazeera.com/news/2019/07/10/former-un-chief-says-bangladesh-cannot-continue-hosting-rohingya/.

<sup>38</sup> Mozur, P, 'A genocide incited on Facebook, with posts From Myanmar's military', New York Times, 15 October 2018. https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html.

<sup>39</sup> A Stecklow, S, 'Why Facebook is losing the war on hate speech in Myanmar', Reuters, 15 August 2018. https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/.

In this instance, the social media company most involved, Facebook, failed to prevent the abuse of their platform, though the company has since invested heavily in improved algorithms and software to detect hate speech and manipulated media.<sup>40</sup> There are still questions around the effectiveness of this software, which has yet to be definitively proven, and there are also deeper problems related to defining hate speech and fake news, which will be discussed later in this paper.

Ultimately, Facebook's failure to act against fake news bears much of the blame for the role of social media in the violence. This applies both in respect of community and state-driven violence.

The excitement and novelty of the communications technology and social media platforms layered over religious and ethnic conflicts that had been ongoing for centuries created a toxic mix. The population was ready and willing to believe fake news narratives as they complemented long-held beliefs and identity narratives held by people in Myanmar. Additionally, the state was itself actively backing the fake news narratives and prosecuting journalists who reported otherwise.<sup>41</sup> Without social and cultural forces supporting the pushback against fake news, Facebook likely had little chance of halting the spread.

Myanmar appears to have not been an isolated case. In 2020, Ethiopia was hit with waves of ethnic violence which some reporting has attributed to fake news stories circulated on Facebook. This is despite the lessons Facebook claims to have learned from the Myanmar genocide and despite a government shutdown of the internet to stop such stories being spread.<sup>42</sup> Ethiopia is once again a country with relatively recent growth in internet connectivity and a history of ethnic violence.

#### The Covington Catholic kids and the Lincoln Memorial standoff

An unarmed, non-violent stand-off between two hitherto almost entirely unknown people took place near the Lincoln Memorial in Washington DC on 18 January 2019. It lasted no more than a few minutes. But, as *Vox* journalist Zack Beauchamp asked some days into the controversy it generated: 'Why is the Covington Catholic controversy still the nation's biggest story?'<sup>43</sup>

The issue exploded when a short video appeared on social media of a 'confrontation' between a white teenager and an elderly Native American. The Native American, identified as Nathan Philips, had come to attend the Indigenous People's March. The teenager, Nicholas Sandmann, was a student at Covington Catholic High School in Park Hills, Kentucky, and was in Washington with a group of his peers for the March for Life, and anti-abortion event.

In the initial video, which appeared on Instagram, the two are standing a short distance apart facing each other. Philips is beating a ceremonial drum and singing a non-lexical song (the American Indian Movement song, which is an anthem of the eponymous political movement). Sandmann is standing still, looking tense. There is an ambiguous expression (a sort of smile) on his face. He is wearing a red 'Make America Great Again' cap, which was used as part of Donald Trump's campaign regalia. A group of his classmates stand in the background, evidently amused at what is unfolding.

<sup>43</sup> Beauchamp, Z, 'The real politics behind the Covington Catholic controversy, explained', Vox, 23 January 2019. https://www.vox.com/policy-and-politics/2019/1/23/18192831/covington-catholic-maga-hat-native-american-nathan-phillips.



<sup>40</sup> Sullivan, M, 'Facebook's Al for detecting hate speech is facing its biggest challenge yet', fastcompany.com, 14 August 2018. https://www.fastcompany.com/90539275/facebooks-ai-for-detecting-hate-speech-is-facing-its-biggest-challenge-yet.

<sup>41 &#</sup>x27;Two Reuters journalists arrested in Myanmar, face official secrets charges', Reuters, 13 December 2017. https://www.reuters.com/article/us-myanmar-journalists-idUSKBN1E71CO.

<sup>42</sup> A Kelly, PA, 'Fake news on Facebook: the cause of the Ethiopian genocide?', Film Daily, 17 September 2020. https://filmdaily.co/news/ethiopian-genocide/.

The initial video appeared on Instagram at 7:33pm on the day of the confrontation, uploaded by one Taitano Kaya – a participant in the Indigenous People's March – accompanied by the comment 'The amount of disrespect... TO THIS DAY.'<sup>44</sup> This helped establish the initial narrative, of an arrogant, white teenager disrespecting a revered Native elder, an expression of racism that built on a long and sad history. It is worth noting that the Indigenous People's March aimed to highlight among other things the mistreatment of Native American people,<sup>45</sup> and this incident seemed to provide a ready, photogenic symbol of this.

However, it was on Twitter that the issue grained traction. At 11:13 pm on the same day, the account @2020fight (under the name Talia), reposted the video, with the comment: 'This MAGA loser gleefully bothering a Native American protestor at the Indigenous People's March.' The video was in the next few days viewed around 2.5 million times and retweeted more than 14 000 times.<sup>46</sup>

With this exposure, the matter was picked up by numerous news outlets, and registered with countless individuals and groups, in the US and abroad. Philips claimed in a media interview<sup>47</sup> that he had intervened in an altercation between the Covington Catholic group and a few members of a fringe religious sect, the 'Black Hebrew Israelites'. The latter, Philips said, were 'saying what they had to say' – which he noted, were 'harsh' – and the students 'didn't agree with it and got offended'.

He continued: 'They were in the process of attacking these four black individuals. I was there and I was witnessing all of this ... As this kept on going on and escalating, it just got to a point where you do something or you walk away, you know? You see something that is wrong and you're faced with that choice of right or wrong.' He described the conduct of the students in bestial terms, saying that he had put himself between 'beast and prey'. 'These young men were beastly and these old black individuals was their prey, and I stood in between them and so they needed their pounds of flesh and they were looking at me for that.'

Claims abounded that the youths had chanted 'build the wall' (a particularly contentious part of Donald Trump's agenda, to combat illegal immigration), and Philips claims that the confrontation arose because the 'guy in the hat' 'wouldn't allow me to retreat'.<sup>48</sup>

In broad brushstrokes, this was the line that prevailed. The depiction at this time invariably followed the initial narrative, casting Sandmann (and his peers) as the villain. Philips quickly became an antiracist folk hero. Baring himself to the slings and arrows of a mob that represented so much of what was wrong with the society, Philips had intervened as a peacemaker and in defence of others. (This was captured in one headline: 'Native American elder confronted by teens in MAGA hats speaks out'.<sup>49</sup>) This

<sup>44</sup> See Murphy, PP, and Mezzofiore, G, 'How the video confrontation between Catholic students and a Native American elder blew up', CNN, 23 January 2019. https://edition.cnn.com/2019/01/22/us/lincoln-memorial-rally-video-viral-trnd/index.html.

<sup>45</sup> N 'Indigenous Peoples March captures the world's ear', Cultural Survival Quarterly Magazine, March 2019. https://www.culturalsurvival.org/publications/cultural-survival-quarterly/indigenous-peoples-march-captures-worlds-ear.

<sup>46</sup> Murphy, PP, and Mezzofiore, G, 'How the video confrontation between Catholic students and a Native American elder blew up', CNN, 23 January 2019. https://edition.cnn.com/2019/01/22/us/lincoln-memorial-rally-video-viral-trnd/index.html.

<sup>47</sup> Warikoo, N, 'Native American leader of Michigan: "Mob mentality" in students was "scary", Detroit Free Press, 20 January 2019. https://www.freep.com/story/news/local/michigan/2019/01/20/native-american-leader-nathan-phillips-recounts-incident-video/2630256002/

<sup>48</sup> N Murphy, PP, and Mezzofiore, G, 'How the video confrontation between Catholic students and a Native American elder blew up', CNN, 23 January 2019. https://edition.cnn.com/2019/01/22/us/lincoln-memorial-rally-video-viral-trnd/index.html.

<sup>49</sup> N Rodrigo, CM, 'Native American elder confronted by teens in MAGA hats speaks out', The Hill, 19 January 2020. https://thehill.com/blogs/blog-briefing-room/news/426183-native-american-elder-confronted-by-teens-in-maga-hats-speaks.

was bolstered by references to Philips as a 'Vietnam veteran', imbuing him with the honour of having risked his life for the country.<sup>50</sup>

From this followed a blaze of condemnation of Sandmann and his peers, much of it on social media platforms, and often linked to criticism of President Trump. New Mexico Congresswomen Deb Haaland, herself of Native America extraction, wrote on Twitter: 'This Veteran put his life on the line for our country. The students' display of blatant hate, disrespect, and intolerance is a signal of how common decency has decayed under this administration. Heartbreaking.'<sup>51</sup>

This reflected the state of the country and the leadership of President Trump, she said. 'You could tell that by the hats they were wearing.' She added: 'It's a shame they didn't sit and listen quietly and learn ... It was wrong-headed for them to antagonize him, so I hope they learn some Native American history and cultural sensitivity.'52

Massachusetts Senator Elizabeth Warren tweeted, along with a video of Philips with sympathetic narrative subtitling: 'Omaha elder and Vietnam War veteran Nathan Phillips endured hateful taunts with dignity and strength, then urged us all to do better.' 53

Author and academic Reza Aslan tweeted: 'Honest question. Have you ever seen a more punchable face than this kid's?'<sup>54</sup> A journalist at INE Entertainment and contributor to the culture site Vulture, Erik Abriss, tweeted: 'I don't know what it says about me but I've truly lost the ability to articulate the hysterical rage, nausea, and heartache this makes me feel. I just want these people to die. Simple as that. Every single one of them. And their parents.'<sup>55</sup>

March for Life condemned the youths' 'reprehensible behaviour', as did the Diocese of Covington and Covington Catholic High School.<sup>56</sup>

However, in the days that followed a counternarrative emerged. Sandmann released a statement denying that he had intended Philips any ill-will. His statement claimed that the Black Hebrew Israelites were verbally abusing the youths as they awaited transport home. The latter had responded with school chants. He continues:<sup>57</sup>

After a few minutes of chanting, the Native American protestors, who I hadn't previously noticed, approached our group. The Native American protestors had drums and were accompanied by at least one person with a camera. The protestor everyone has seen in the video began playing his drum as he waded into the crowd, which parted for him. I did not see anyone try to

<sup>57</sup> Boorstein, M, 'Kentucky Catholic diocese condemns teens who taunted vet at March for Life', Anchorage Daily News, 19 January 2019. https://www.adn.com/nation-world/2019/01/20/kentucky-catholic-diocese-condemns-teens-who-taunted-vet-at-march-for-life/.



<sup>50</sup> This is the case in Lakota People's Law Project, 'Marchers for Life Harass Indigenous Elder at Indigenous Peoples March', Media Release, 19 January 2019. An article carried by The Daily Beast referred to Philips as a 'a widely respected Native American elder who served in Vietnam.' (Bekiempis, V, 'Covington High apologizes for students who mocked Native American veteran during March for Life', The Daily Beast, 19 January 2019. https://www.thedailybeast.com/the-native-american-mocked-by-kentucky-high-school-students-in-dc-is-military-veteran-nathan-phillips.)

<sup>51</sup> See https://twitter.com/repdebhaaland/status/1086662398071566337?lang=en.

<sup>52</sup> Gstalter, M, 'Haaland condemns students' behavior toward Native elder at Indigenous Peoples March', The Hill, 19 January 2019. https://thehill.com/blogs/blog-briefing-room/news/426160-haaland-condemns-students-behavior-toward-native-elder-at.

<sup>53</sup> Gstalter, M, 'Haaland condemns students' behavior toward Native elder at Indigenous Peoples March', The Hill, 19 January 2019. https://thehill.com/blogs/blog-briefing-room/news/426160-haaland-condemns-students-behavior-toward-native-elder-at.

<sup>54</sup> See https://twitter.com/senwarren/status/1086824484278095872?lang=en.

<sup>55</sup> Gerstmann, E, 'The level of violent imagery directed against Covington High boys is dangerous and wrong', Forbes, 24 January 2019. https://www.forbes.com/sites/evangerstmann/2019/01/24/the-level-of-violent-imagery-directed-against-covington-high-boys-is-dangerous-and-wrong/#326e194d20bd.

<sup>56</sup> Levine, J, 'Vulture Writer Who Wished Death on Covington Students fired from Job at INE Entertainment', The Wrap, 21 January 2019. https://www.thewrap.com/vulture-writer-on-covington-students-i-just-want-these-people-to-die-simple-as-that/.

block his path. He locked eyes with me and approached me, coming within inches of my face. He played his drum the entire time he was in my face.

I never interacted with this protestor. I did not speak to him. I did not make any hand gestures or other aggressive moves. To be honest, I was startled and confused as to why he had approached me. We had already been yelled at by another group of protestors, and when the second group approached I was worried that a situation was getting out of control where adults were attempting to provoke teenagers.

Interestingly, like Philips, he emphasised that he had tried to ensure the situation did not escalate.

New video evidence, including nearly two hours of footage taken by the Black Hebrew Israelites cast doubt upon the initial narrative, and Philips' version of things. The Black Hebrew Israelites are shown shouting some highly provocative and obscene things at the school group as well as at Native Americans. It also establishes that Philips, accompanied by a few of his colleagues, deliberately walked into the school group. There is no discernible cry of 'build the wall'. And while it is inherently difficult to judge the mood of a crowd from video footage, it seems difficult to support the notion that the youths responded aggressively or mockingly to Philips. Some appeared to be clapping along to his drumbeat, others were bemused at his presence, others milled about indifferently. Some words are exchanged between one of Philips' colleagues and a student (Sandmann himself turns to the student and makes a motion to him to discontinue the conversation). It is hard to support the claim that Philips was prevented from 'retreating', since he seemed determined to go forward and does not try to sidestep Sandmann. As for his claim that he had entered the group to calm it down, his actions – which involved no attempt to communicate with the students in a medium they might reasonably have been expected to understand – would certainly have been an eccentric way to do it.

It also transpired that Philips was not a veteran of the Vietnam War, but had served in the military during part of the Vietnam War era. He was never in Vietnam (or anywhere outside the US) or in combat.<sup>61</sup>

The appearance of fuller video footage allowed the dominant narrative to be challenged in a manner that is not always possible with such controversies. The criticism of Sandmann subsided, with some commentators stating that they had responded too rapidly and emotively.<sup>62</sup> The Diocese of Covington announced (after a further investigation) that the students had done nothing wrong, but had been 'placed in a situation that was at once bizarre and even threatening'; their actions were 'expected and one might even say laudatory'.<sup>63</sup>

<sup>58 &#</sup>x27;Shar Yaqataz Banyamyan facebook video', Youtube, 20 January 2019. https://www.youtube.com/watch?v=t3EC1\_gcr34&feature=youtu.be.

<sup>59</sup> Grinberg, E, 'A new video shows a different side of the encounter between a Native American elder and teens in MAGA hats', CNN, 23 January 2019. https://edition.cnn.com/2019/01/21/us/maga-hat-teens-native-american-second-video/index.html.

<sup>60</sup> Ortiz, JL, 'Fuller video casts new light on Covington Catholic students' encounter with Native American elder', USA Today, 20 January 2020. https://www.usatoday.com/story/news/2019/01/20/covington-catholic-students-full-video-shows-viral-protest-new-light/2635085002/.

<sup>61</sup> Schilling, V, 'Well-known Navy SEAL Don Shipley obtains Nathan Phillips' military records', Indian Country News, 23 January 2019. https://indiancountrytoday.com/news/well-known-navy-seal-don-shipley-obtains-nathan-phillips-military-records-p3Gs-zUpUiwJPURPIlzxg. There is some dispute about the claims made in this respect. Philips himself appears to have claimed to have been a veteran of 'Vietnam times', although numerous reports called him a 'Vietnam veteran', which connotes active service in Vietnam.

<sup>62</sup> Zimmerman, JI, 'I Failed the Covington Catholic Test', The Atlantic, 21 January 2019. https://www.theatlantic.com/ideas/archive/2019/01/julie-irwin-zimmerman-i-failed-covington-catholic-test/580897/.

<sup>63</sup> Sanchez, R, and Hassan, C, 'Report finds no evidence of "offensive or racist statements" by Kentucky students', CNN, 12 March 2019. https://edition.cnn.com/2019/02/13/us/covington-catholic-high-school-report/index.html.

The rapid rise of the controversy and the subsequent reversal demonstrated the visceral reactions that can be generated by images or symbols. Against a background of sharp political division in the US, this functioned as a sort of Rohrschach test – as Zack Beauchamp described it. Beauchamp's analysis argues that a key factor in the controversy was the MAGA hat, which has come to signify a range of attitudes and assumptions.<sup>64</sup>

The hats extinguished pretty much any benefit of the doubt a liberal observer might have given these kids. Without them, it's possible many would have dismissed the incident as one of many examples of privileged boys behaving badly. But wearing them, Sandmann and his classmates become a personification of All That Is Wrong With America, proof positive that Trump has ushered in a new dark age in the country. For that reason, the clip was destined to go viral on the left, with Sandmann personally becoming the villain of the hour.

(It is revealing that the clearly chauvinistic invective directed at Native American people<sup>65</sup> – captured on the extended video – by the Black Hebrew Israelites did not attract the condemnation that was levelled at Sandmann and his peers.)

One intriguing matter surrounding the controversy was the @2020fight Twitter account. Having done much to push the matter, it transpired that the image on the account was that of a Brazilian blogger who denied having anything to do with the account. It also tweeted an extraordinary amount of content – around 130 tweets a day, a remarkable rate for someone holding a teaching job, as the account claimed its holder did. A journalist reached out to the account for clarity but was blocked, and when Twitter was informed of the matter it suspended the account. A spokesperson for Twitter said: 'Deliberate attempts to manipulate the public conversation on Twitter by using misleading account information is a violation of the Twitter Rules.'66

Some experts speculated that this might have been a deliberate disinformation campaign, designed to foster division in the US<sup>67</sup> – although others pointed to tweets that suggested the holder may genuinely have been a teacher.<sup>68</sup> Professor Whitney Phillips of Syracuse University commented that this incident showed the interaction of social and conventional media in driving conflict. A sensitive issue (racial politics) is presented in an incendiary manner, which draws in the public on social media, which rapidly becomes noticed and reproduced on mainstream platforms.<sup>69</sup>

<sup>69</sup> Sydell, L, 'Suspended Twitter Account Plays A Role In Misleading Viral Video', NPR, 23 January 2020. https://www.npr.org/2019/01/23/687619696/suspended-twitter-account-plays-a-role-in-misleading-viral-video



<sup>64</sup> Beauchamp, Z, 'The real politics behind the Covington Catholic controversy, explained', Vox, 23 January 2019. https://www.vox.com/policy-and-politics/2019/1/23/18192831/covington-catholic-maga-hat-native-american-nathan-phillips.

<sup>65</sup> T At the beginning of the extended video, taken by the Black Hebrew Israelite group, their attention is clearly focused on the Native American presence. The speaker calls out to them: 'You are not savages. You are the children of God, according to the Bible. You are the children of Israel. Before you started worshipping totem poles, you was worshipping the true, living God. Before you became an idol worshipper, you was worshipping the true and living God. And this is the reason this land was taken away from you. Because you worshipped everything except the Most High. You worship every creation except the Creator. And that's what we are here to tell you to do. We are here to tell you to wake up to the full [unclear] of the Earth. The truth of the Holy Bible.' A member of the Native American group approaches them and says something which is difficult to make out in the video. The speaker responds by declaring that they have a right to express themselves, and then proceeds: 'You have to come away from your religious philosophies and doctrines and start worshipping the true and living power which is name is Yahawah. That's who's the Most High God. the Most High God, his name is Yahawah. You're not supposed to worship eagles, buffaloes, lambs, all types of animals.'

<sup>66</sup> Grothaus, M, 'Twitter suspends the account that made the MAGA students vs. Native-American elder confrontation go viral', Fast Company, 22 January 2019. https://www.fastcompany.com/90294914/twitter-suspends-the-account-that-made-the-maga-students-vs-native-american-elder-confrontation-go-viral.

<sup>67</sup> Sussman, B, 'Covington Students Viral Video: Were We Hit by Cyber Warfare?', Secure World, 22 January 2019. https://www.secureworldexpo.com/industry-news/covington-students-viral-video-cyber-warfare.

<sup>68</sup> Zadrozny, B, 'Twitter account that amplified Covington Catholic DC march video appears linked to California teacher', NBC, 24 January 2019. https://www.nbcnews.com/news/us-news/twitter-account-amplified-covington-catholic-d-c-march-video-appears-n961981.

#### **COVID-19 Conspiracies**

When the novel coronavirus (COVID-19) outbreak began to hit international news in early January 2020 it was quickly followed by wild speculation, conspiracy theory-crafting and rumour,<sup>70</sup> in no small part driven by the closed censorious nature of the People's Republic of China.

The range of theories varied from the likely, that news of the virus was purposely suppressed by the Chinese state, to the plausible, that the virus had accidently escaped a Chinese lab, to the completely far-fetched, such as the theory that Bill Gates and other powerful individuals had engineered COVID-19 so as to have an excuse to vaccinate the entire world population, injecting them with tracking microchips. The authors can attest to having heard some of these from acquaintances.

On one level, COVID-19 fake news took on a serious political dimension. For China, it represented a public relations disaster, having originally downplayed the severity of the outbreak, thus enabling it to expand to the rest of the world. President Trump pointedly (and provocatively) referred to it as the 'Chinese virus'. China sought to push a narrative of its own that held that the virus was a creation of the US military (there is an echo here of Soviet disinformation about HIV), introduced into China by visiting athletes. Chinese diplomats floated these ideas on Twitter (ironically, not a platform available in China). Among these tweets was a link to a website well-known for publishing conspiracy theories, with the advice to 'read and retweet it'. In Iran, similarly, a serious outbreak of the disease was met with accusations that 'Zionists' were responsible.

In other instances, false information either derived from or sought to exploit societal stresses. For example, in the UK, messages were circulated on social media that claimed that patients of minority ethnic backgrounds were being left to die, and that those suspecting infection should rather seek to recover at home.<sup>73</sup>

For most, though, COVID-19 conspiracies dealt with issues closer to the experiences of ordinary people. They have often taken the form of 'medical advice' from supposed 'experts', presented under such alluring headlines as 'The truth about Coronavirus' or 'Facts about COVID they don't want you to know'. Initially much of this content was spread through YouTube videos featuring fringe medical theorists giving alternative explanations for how coronavirus works. YouTube cracked down on many of the videos it deemed to be fake news, but these remain easily available across the web.

Since January 2020, many already popular conspiracy theories have been retrofitted on COVID-19. These include themes around anti-Semitism,<sup>74</sup> anti-capitalism<sup>75</sup> and fear of government.<sup>76</sup> But much fake news was associated not with politics and ideology but with a putative concern for health. Two of

<sup>70</sup> Taylor, J, 'Bat soup, dodgy cures and "diseasology": the spread of coronavirus misinformation', The Guardian, 31 January 2020; https://www.theguardian.com/world/2020/jan/31/bat-soup-dodgy-cures-and-diseasology-the-spread-of-coronavirus-bunkum.

<sup>71</sup> See https://twitter.com/zlj517/status/1238269193427906560.

<sup>72</sup> Frantzman, SJ, 'Iran's regime pushes antisemitic conspiracies about coronavirus', Jerusalem Post, 8 March 2020. https://www.jpost.com/Middle-East/Iran-News/Irans-regime-pushes-antisemitic-conspiracies-about-coronavirus-620212.

<sup>73</sup> Wright, J, 'Coronavirus doctor's diary: "Fake news makes patients think we want them to die", BBC, 18 April 2020. https://www.bbc.com/news/health-52337951.

<sup>74</sup> Al-Ikhbariya TV, 'Lebanese nuclear physicist Dr Hadi Issa Dalloul: Jews evade financial collapse due to Coronavirus economic crisis like they escaped the WTC on 9/11', MEMRI, 4 April 2020. https://www.memri.org/tv/lebanese-nuclear-physicist-hadi-dalloul-jews-9-11-coronavirus-economic-collapse-sidelines.

<sup>75</sup> McGreal, C, 'A disgraced scientist and a viral video: how a COVID conspiracy theory started', The Guardian, 14 May 2020. https://www.theguardian.com/world/2020/may/14/coronavirus-viral-video-plandemic-judy-mikovits-conspiracy-theories.

<sup>76</sup> Johnson, T, 'Jim Hoft told Alex Jones that coronavirus in the U.S. is "the deep state" trying to take out Trump, Media Matters, 18 March 2020. https://www.mediamatters.org/coronavirus-covid-19/jim-hoft-tells-alex-jones-coronavirus-us-deep-state-trying-take-out-trump.

these ideas, that of the advocation of homeopathic medication and suspicion of the roll-out of 5G internet infrastructure became prominent in the COVID-19 discourse.

Allegations that 5G infrastructure had a harmful impact on health effects long predates the pandemic (indeed, telecommunications infrastructure has been accused of compromising health for decades), but the emergence of a real global health emergency gave them great impetus. Attention was drawn to the theory when videos began to emerge claiming 5G had caused COVID-19. One such video is by a Dr Thomas Cowan, an American doctor who is on disciplinary probation.<sup>77</sup> The video claims that electrical currents in the air poison human beings and lead to sickness. This is based on a debunked theory of medicine from Rudolf Steiner, an early 20th Century philosopher and spiritual leader.

The video itself was filmed on 12 March 2020<sup>78</sup> at an event called the 'Health and Human Rights Summit'. This event claims to advocate 'the ethical treatment of human beings and ... the abolition of human exploitation'. The doctor in question and the 'health summit' both take the view the source of evil in the world is modernity and its associated technology, which they believe poisons body and soul. As a solution, they promote 'holistic', 'natural' and 'real' cures to medical ailments. The combination of an eccentric ideology and the financial incentives of marketing their brand of health products pushes groups such as these to manufacture and spread fake news.

Clips of the video of Dr Cowan began spreading across social media in January of 2020, and picked up speed in March when American singer Keri Hilson tweeted to her 2.3 million followers: 'People have been trying to warn us about 5G for YEARS. Petitions, organizations, studies...what we're going thru is the affects of radiation. 5G launched in CHINA. Nov 1, 2019. People dropped dead. See attached & go to my IG stories for more. TURN OFF 5G by disabling LTE!!!'. 80

Other examples of fake news alleging a connection between COVID-19 and 5G were posted by celebrities such as Woody Harrelson in early April<sup>81</sup> (that has since been deleted) and singer M.I.A around the same time (her tweets have also been deleted).<sup>82</sup>

Once celebrities started sharing details of the alleged link between COVID-19 and 5G, the conspiracy theory accelerated across the web and is now to be found in comments sections in almost any article on the subject. (As an example, *Daily Friend* writer Ivo Vegter wrote an article attacking some of these claims and the comments quickly filled with proponents of COVID-19 conspiracies pushing back.<sup>83</sup>) A study in the UK in March of 2020 found that around 8% of adults believed there was a link between 5G and COVID-19.<sup>84</sup>



<sup>77</sup> Nicholson, K, Ho, J, and Yates, J, 'Viral video claiming 5G caused pandemic easily debunked', CBC News, 23 March 2020. https://www.cbc.ca/news/technology/fact-check-viral-video-coronavirus-1.5506595.

<sup>78</sup> B See https://www.bitchute.com/video/upkNKzl8AVA2/.

<sup>79</sup> See https://www.facebook.com/events/d41d8cd9/health-human-rights-summit/608782159666095/, and https://www.hfhcoalition.org/event-details/health-human-rights-summit-1.

<sup>80 &#</sup>x27;Keri Hilson gets dragged for hot take that COVID-19 is linked to 5G', IOL, 16 March 2020. https://www.iol.co.za/amp/entertainment/celebrity-news/international/keri-hilson-gets-dragged-for-hot-take-that-covid-19-is-linked-to-5g-44955112.

<sup>81</sup> Brown, L, 'Woody Harrelson among stars sharing coronavirus conspiracy theories tied to 5G', New York Post, 5 April 2020. https://nypost.com/2020/04/05/woody-harrelson-sharing-coronavirus-conspiracy-theory-tied-to-5g/.

<sup>82</sup> Bradley, L, 'Celebrities are spreading a wacky Coronavirus 5G conspiracy and they need to stop', The Daily Beast, 6 April 2020 https://www.thedailybeast.com/celebrities-are-spreading-a-wacky-coronavirus-5g-conspiracy-and-they-need-to-stop-4.

<sup>83</sup> Vegter, I, 'Coronavirus truths, half-truths and conspiracy theories', The Daily Friend, 27 October 2020. https://dailyfriend.co.za/2020/10/27/coronavirus-truths-half-truths-and-conspiracy-theories/.

<sup>84</sup> Quinn, B, 'Facebook acts to halt far-right groups linking COVID-19 to 5G, The Guardian, 12 April 2020. https://www.theguardian.com/world/2020/apr/12/facebook-acts-to-halt-far-right-groups-linking-covid-19-to-5g.

There are also numerous Facebook groups whose memberships range from a few hundred to tens of thousands, such as 'London Stop 5G surveillance grid', 85 which push this message. This group will likely be deleted by Facebook by the time this report is read, but it likely will have been replaced by a similar group with a different name. This is already the third group with a similar name that the page managers have set up since the original page, entitled 'STOP 5G UK', was created. One of the largest of these groups is the 'Global action to stop 5G' group, 86 which constantly disseminates a mixture of fake news about the effects of 5G and calls to actions to counter it.

This phenomenon is not an entirely Western one either. In South Africa, the controversial leader of the race nationalist group Black First Land First has endorsed claims linking 5G technology to COVID-19, on the grounds that it weakens the immune system, which in turn makes people vulnerable to COVID-19. He has also said that COVID-19 was 'most likely' created in the US.<sup>87</sup> Facebook groups focused on controversial political issues see posts with themes from COVID conspiracy theorists linking the virus to such nefarious agendas as the establishment of a New World Order.<sup>88</sup>

Many COVID-19 conspiracy theories are fitted into already existing conspiracies (typically on the fringes of the political right) about a drive by the world's financial and political elites to institute a global government, and call for mass political mobilization against the plan and those who are supposedly behind it. In other cases, COVID-19 fake news focuses on persuading the public of the benefits of 'alternative' medications and treatments – and to get people to buy them.

As a health emergency, it was inevitable that the COVID-19 pandemic would spark a rush of doubtful assertions as to how people could protect themselves, if not cure infection. These include claims that drinking large volumes of water, eating garlic and ingesting colloidal silver could hold off the virus.<sup>89</sup> Traditional and herbal treatments, essential oils, as well as acupuncture and chiropractic have been suggested too.<sup>90</sup> In an altogether more extreme iteration of this phenomenon, bleach was propounded as a cure for infection, with some people consuming it, and others marketing bleach-based products as a treatment for the disease.<sup>91</sup>

Perhaps best illustrating the link between conspiratorial mindsets and alternative medications is Alex Jones and his website, Infowars.

Alex Jones has a long career as a prominent American conspiracy theorist, beginning in the 1990s. His growth from a local radio talk host in Texas to an internationally recognised champion of conspiracy theories and fake news champion tracks with the way media has changed over the last 30 years. Infowars is today ranked number 2,578 in global internet engagement in the world as compared to all websites.<sup>92</sup>

<sup>85</sup> See https://www.facebook.com/groups/LondonUKStopSmartMetersand5G/.

<sup>86</sup> See https://www.facebook.com/groups/548912049259423/.

<sup>87</sup> Mngxitama, A, '5G causes COVID-19?', Black Opinion, 11 April 2020. https://blackopinion.co.za/2020/04/11/5g-causes-covid-19/.

<sup>88</sup> See https://www.facebook.com/groups/southafricahasfallen/permalink/715327649191126/. The New World Order means different things to different people, although it might best be understood as a homognised, borderless, authoritarian world system, presided over by a one-world government ultimately controlled by a small group of global grandees to the great detriment of ordinary people. For some, it is imagined as a sort of latter-day Soviet-style regime; for others a society tightly controlled by technology; anti-Semitic canards can be brought in to imagine that it represents the fruition of the Protocols of the Elders of Zion; Christian conspiracists see it as the end of the world, and may associate it with the 'Mark of the Beast' in the Book of Revelations.

<sup>89 &#</sup>x27;Coronavirus: the fake heath advice you should ignore', BBC, 8 March 2020. https://www.bbc.com/news/world-51735367.

<sup>90</sup> Caulfield, T, 'Misinformation, alternative medicine and the coronavirus'. Policy Options, 12 March 2020. https://policyoptions.irpp.org/fr/magazines/march-2020/misinformation-alternative-medicine-and-the-coronavirus/.

<sup>91</sup> Reimann, N, 'Some Americans are still drinking bleach as a Coronavirus "cure", Forbes, 24 August 2020. https://www.forbes.com/sites/nicholasreimann/2020/08/24/some-americans-are-tragically-still-drinking-bleach-as-a-coronavirus-cure/?sh=6fc726486748.

<sup>92</sup> See https://www.alexa.com/siteinfo/infowars.com.

Jones has been involved in the propagation of many fake news stories over the decades. During the pandemic, he has once again begun to appear in the public eye as one of the chief voices claiming COVID-19 is an intentional plot to bring about the sinister New World Order. Jones links fears about COVID-19 being manufactured in a laboratory to fears about the negative effects of vaccines and attempts by New World Order to implant devices into people around the world using vaccines.<sup>93</sup>

Utilizing his charisma and flair for theatrical performance, Jones spreads an almost constant stream of fake news and conspiracy in his regular video shows, <sup>94</sup> which are hosted on sites like https://censored-byjack.com/. Previously Jones could be found on sites like Facebook, Twitter and YouTube, where he built audiences that were a mixture of people who followed him for entertainment purposes, and those who were true believers in his message. Jones raises funds in part through marketing products through his show – these products are often intended to address the problems that he draws attention to. He claims that the way to resist 'elite' control of one's mind and body is to embrace natural living, which can in turn be aided by purchasing health supplements from his online store. His store sells products like 'Super Male Vitality', described as using the 'newest extraction technology with even more powerful concentrations of various herbs and extracts designed to be even stronger'. <sup>95</sup>

On 5 and 6 August 2018, Facebook, YouTube, Apple and Spotify banned Alex Jones, taking down his large presence on those sites. Spotify claimed that this was because Jones 'expressly and principally promotes, advocates, or incites hatred or violence against a group or individual based on characteristics'. Similar reasons were given by Facebook and YouTube and Apple. Despite being banned from all these major platforms and having many videos featuring him taken down by algorithms and user-reporting, Jones continues to be easily accessible online. Clips of him and his show regularly make their way onto Twitter and other platforms, and he continues to influence public discourse.

The negative effects of all of this shows up in a variety of ways. The argument that COVID-19 is a deliberate conspiracy to enslave humanity lacks evidence and fosters distrust of legitimate state action to safeguard health. It also undermines the ability of societies to conduct sober assessments of real dangers inherent in the rapid growth of state power and the shrinking of civil liberties in the pandemic.<sup>97</sup> More immediate, though, is the danger that false claims of effective prophylaxis or treatment can cause a false sense of security by those taking (ultimately) meaningless actions, or even placing them at risk where the suggested action is itself harmful. In addition, misplaced fears of the origins and drivers of the pandemic have manifested themselves in the destruction of 5G towers. All of this does nothing to control the pandemic – if anything, it has aggravated it.

#### **Concluding observations**

Communication can be (and has been) weaponized throughout history. Fake news is an expression of this. While not a new phenomenon, it has become an ever more prominent concern in relation to the functioning of politics. The cases reviewed in this study demonstrate the danger that fake news poses

<sup>97</sup> Seyhan, E, 'Coronavirus: beware the power grab', African Arguments, 7 April 2020. https://africanarguments.org/2020/04/07/coronavirus-beware-the-power-grab/.



<sup>93</sup> Johnson, T, "Alex Jones' unhinged conspiracy theories about Bill Gates and the coronavirus', Media Matters, 4 May 2020. https://www.mediamatters.org/coronavirus-covid-19/alex-jones-unhinged-conspiracy-theories-about-bill-gates-and-coronavirus.

<sup>94</sup> See 'Alex Jones vs Bill Gates', YouTube, 17 April 2020. https://www.youtube.com/watch?v=vWznsnSLkCY.

<sup>95</sup> See https://www.infowarsstore.com/health-and-wellness/infowars-life/super-male-vitality.

<sup>96</sup> Coaston, J, 'YouTube, Facebook, and Apple's ban on Alex Jones, explained', Vox, 6 August 2018. https://www.vox.com/2018/8/6/17655658/alex-jones-facebook-youtube-conspiracy-theories.

to human rights. They show how false, distorted and manipulated narratives have stoked ethnic and political conflicts, have come close to destroying reputations, and have negatively influenced people's understanding of critically important matters relating to their personal and to societal wellbeing.

It has contributed to damaging choices about health, to hurting reputations, to misplaced social stresses and – in its most extreme manifestations – to mass murder. Perhaps most commonly, it undermines the capacity of societies to engage in hard conversations and to navigate the tensions that will invariably arise. In this sense, it is an elevated threat to free societies. Cleavages in such societies are natural and expected. For their functionality, though, free societies rely on (sometimes tenuous) bonds of trust and mutual respect that allow divisive societal issues to be negotiated and managed. Much has been made of the rise of 'populism' in recent years. Fake news, whether directed from within a society or by its opponents abroad, does much to deepen the animosities and resentments that make it attractive.

A respect for facts and truth is foundational to a human rights culture. If rights are to be protected, they must be understood and the challenges to them correctly identified. Timothy Snyder has captured this lyrically in his book *On Tyranny: Twenty Lessons from the Twentieth Century*: 'To abandon facts is to abandon freedom. If nothing is true, then no one can criticize power, because there is no basis upon which to do so. If nothing is true, then all is spectacle. The biggest wallet pays for the most blinding lights.'98

The same may be said of the relationship between truth and human rights.

How then can societies deal with this threat, so as to retain their democratic and civic freedoms?

One solution is to try to use the heavy hand of the law against it. Across the world, and across political systems, governments have attempted to prohibit the spread of fake news, and to punish those responsible. China, for instance, levels criminal penalties against anyone who 'fabricates or deliberately spreads on media, including on the Internet, false information regarding dangerous situations, the spread of diseases, disasters and police information, and who seriously disturb social order'. <sup>99</sup> It recently augmented this with prohibitions on using artificial intelligence to produce 'deepfakes'. <sup>100</sup> Cambodia has pursued fake news with a regime of imprisonment and fines, and requiring websites to register with the country's information ministry. Officials were assigned to monitor social media posts. <sup>101</sup> Legislation introduced in Singapore in 2019 – the Protection from Online Falsehoods and Manipulation Act – empowered the country's government to require corrections to be carried on media platforms which carried what it deemed false information. Those guilty of breaching the law could be fined or imprisoned. <sup>102</sup>

In Egypt, legislation introduced in 2018 declared social media accounts with over 5 000 followers to be media outlets, which would make them subject to prosecution for publishing falsehoods.<sup>103</sup>

<sup>98</sup> Snyder, T, On Tyranny: Twenty Lessons from the Twentieth Century, New York: Tim Duggan Books, 2017.

<sup>99 &#</sup>x27;China: New Ban on 'Spreading Rumors' About Disasters', Human Rights Watch, 2 November 2015. https://www.hrw.org/news/2015/11/02/china-new-ban-spreading-rumors-about-disasters.

<sup>100 &#</sup>x27;China bans "fake news" created with Al, bots, Bangkok Post, 20 November 2019. https://www.bangkokpost.com/world/1805569/china-bans-fake-news-created-with-ai-bots.

<sup>101</sup> Lamb, K, 'Cambodia "fake news" crackdown prompts fears over press freedom', The Guardian, 6 July 2018. https://www.theguardian.com/world/2018/jul/06/cambodia-fake-news-crackdown-prompts-fears-over-press-freedom?CMP=share\_btn\_tw.

<sup>102</sup> Westerman, A, "Fake news" law goes into effect in Singapore, worrying free speech advocates', NPR, 2 October 2019. https://www.npr.org/2019/10/02/766399689/fake-news-law-goes-into-effect-in-singapore-worrying-free-speech-advocates.

<sup>103 &#</sup>x27;Egypt targets social media with new law', Reuters, 17 July 2018. https://www.reuters.com/article/us-egypt-politics/egypt-targets-social-media-with-new-law-idUSKBN1K722C.

Similar measures have arisen elsewhere, in Kenya, Tanzania and Uganda, <sup>104</sup> and high profile arrests and prosecutions have been undertaken, for example, in Bahrain, <sup>105</sup> Cote d'Ivoire <sup>106</sup> and Benin. <sup>107</sup>

While most of these examples relate to states with limited democratic and media freedom credentials, it is important to note that such measures have been taken in countries with decent degrees of both. Taiwan, for example, has prosecuted people over the spread of fake news<sup>108</sup> – concerns being particularly acute regarding Chinese-sponsored fake news aimed at destabilising the country – while South Africa prohibited the dissemination of fake news relating to the COVID-19 pandemic and required all South African websites to carry a link to the official COVID-19 information site.<sup>109</sup>

The shortcomings of this approach are clear. Governments effectively take on the role of mediator of the 'truth'. Where authoritarian tendencies are already entrenched, this can become effectively a justification for censorship. Thus, when Singapore's law went into action, one of its first targets was an opposition politician, and as part of the sanction, he was ordered to display the government's rebuttal on the offending post. <sup>110</sup> In the Egyptian case, a representative of the Committee to Protect Journalists commented that the government frequently abused its authority: 'That power of interpretation has been a constant powerful legal and executive tool that was used to justify excessive aggressive and exceptional measures to go after journalists.'<sup>111</sup>

Dr Ashwanee Budoo of the Centre for Human Rights at the University of Pretoria points out that measures against fake news in Africa in light of the COVID-19 pandemic have been used to erode freedom of expression. But this was a new justification for restrictions, rather than a new mode of behaviour: 'Even before COVID-19, many African countries used libel and defamation laws, and internet shut-downs to limit the freedom of expression of citizens and the media.' 112

Legislation and state regulation therefore carry enormous risks. Such a regime may make it possible to deal with individual cases of fake news, but may be selectively applied and used to establish the dominance of narrative favourable to its own interests.

A second option is to fact check fake news. This is most visibly and directly done through fact-checking and refutation. This is a task that can be undertaken by private organisations, and thus may avoid the dangers of a state-centric approach (although such organisations may cooperate with governments). It is represented by organisations like Africa Check and Snopes, and also by fact-checking bureaus within media organisations.

One difficulty is the sheer volume of fake news appearing, coupled with the fact that any given story

<sup>112</sup> Budoo, A, 'Controls to manage fake news in Africa are affecting freedom of expression', The Conversation, 11 May 2020. https://theconversation.com/controls-to-manage-fake-news-in-africa-are-affecting-freedom-of-expression-137808.



<sup>104 &#</sup>x27;Olewe, D, 'Kenya, Uganda and Tanzania in 'anti-fake news campaign', BBC News, 16 May 2018. https://www.bbc.com/news/world-africa-44137769.

<sup>105 &</sup>quot;Bahrain: Activist Nabeel Rajab jailed for "fake news", BBC, 10 July 2017. https://www.bbc.com/news/world-middle-east-40558063.

<sup>106 &#</sup>x27;Ivorian MP Alain Lobognan jailed for 'fake news' tweet', BBC, 30 January 2019. https://www.bbc.com/news/world-africa-47057509.

<sup>107 &#</sup>x27;Ignace Sossou in Benin: fight against fake news gone wrong – Internet sans Frontières', Internet Sans Frontières, undated. https://internetwithoutborders.org/ignace-sossou-in-benin-fight-against-fake-news-gone-wrong/.

<sup>108 &#</sup>x27;Chung, L, 'Taiwan gets tough over fake news blamed on Beijing "disrupting its democracy", South China Morning Post, 27 July 2019. https://www.scmp.com/news/china/politics/article/3020261/taiwan-gets-tough-over-fake-news-blamed-beijing-disrupting-its.

<sup>109 &</sup>quot;Fake News - Coronavirus COVD-19', South African Government, undated. https://www.gov.za/covid-19/resources/fake-news-coronavirus-covid-19.

<sup>110</sup> Griffiths, J, 'Singapore just used its fake news law. Critics say its just what the feared', CNN, 30 November 2020. https://edition.cnn.com/2019/11/29/media/singapore-fake-news-facebook-intl-hnk/index.html.

<sup>111 &#</sup>x27;Egypt targets social media with new law', Reuters, 17 July 2018. https://www.reuters.com/article/us-egypt-politics/egypt-targets-social-media-with-new-law-idUSKBN1K722C.

has likely been able to circulate before it has been debunked. Another is that even a convincing rebuttal would need to be viewed and noted by those who might be (or might have been) taken in by the original story. None of this can be taken for granted.

Equally importantly, fact checking is only as effective as those who conduct the exercise. Fact checkers are, after all, only human. This might demand a high degree of familiarity with a topic. Perhaps more daunting is that fact checking will only be as effective as the credibility that the platform can maintain. Together these have been a long-running source of criticism. In South Africa, economist Mike Schussler has taken issue with Africa Check for 'very poor work', arguing that information it claimed could not be sourced was in fact available. Where points in dispute are not about whether a specific assertion is definitively true or false, but whether a particular interpretation or presentation of information is accurate, or where truth and falsehood are mixed, this becomes even more complex. Many legitimate and respected news outlets have political or ideological positions, and select and present their offerings accordingly.

Fact checking organisations have also been accused of ideological favouritism. The following account is instructive: 115

PolitiFact gave Donald Trump a 'pants on fire' rating for his claim that 'crime is rising,' based on government crime data from 1993 to 2014 (which show a steady drop in both violent crime and property crimes). In response, the American Enterprise Institute, a conservative think tank, pointed to preliminary data from 2015 which do, in fact, show an upward trend in crime statistics. But PolitiFact stood by its rating, arguing that Trump's claim was false since it was made in the context of 'sweeping rhetoric about a nation in decline' and did not include such qualifiers as 'recently' or 'in the past year.'

That's not fact-checking, it's nit-picking. You don't have to like or support Trump to conclude that on this matter, PolitiFact was being more political than factual.

In South Africa, during the COVID-19 pandemic, a joint initiative by government, media and civil society activists was undertaken to tackle the spread of fake news. People were encouraged to report suspect material, which was then evaluated and displayed on a website, www.real411.org.za. An intriguing visual suggestion of the site's positioning was one of its frontpage images – the sole one in a series of six that does appear to be a generic stock image – was of President Ramaphosa speaking authoritatively behind a lectern. The complaints received by the site certainly confirmed the problem of fake news, but a number of cases also suggested an element of partisanship in its work.

One example was a complaint<sup>117</sup> about Roman Cabernac's Morning Shot broadcast, and its comments about farm murders and the government's approach to it. The finding states: 'In spite of the speaker's clear leanings towards a particular agenda, nothing he mentions around the topic of farm murders can be said to meet the requirements of mis- or disinformation, serving rather as the expression and conveyance of his personal views. However, by repeating the sentiments without evidence he nevertheless reinforces them and perpetuates the conspiracy of white genocide, which heightens fear and animosity.'

<sup>113</sup> See https://twitter.com/mikeschussler/status/1320584213431754753.

<sup>114</sup> The satirical website The Babylon Bee poked fun at Snopes on these grounds in a piece entitled 'Snopes rates the Devil's lies as "mostly true", 2 October 2019. https://babylonbee.com/news/snopes-rates-the-devils-lies-as-mostly-true.

<sup>115</sup> Young, C, 'Who will check Facebook's "fact checkers"?', The Hill, 16 December 2016. https://thehill.com/blogs/pundits-blog/media/310849-who-will-check-facebooks-fact-checkers.

<sup>116</sup> See https://www.real411.org.za/.

<sup>117 &#</sup>x27;Complaint ID: #830 Complaint Details: Video questions motives of farm attacks as of 06/10/2020'. https://www.real411.org.za/complaints-view/vn6gl4ku.

Belief in the 'conspiracy of white genocide' certainly exists around the fringes of the country's politics, and much of what is put in the public domain in support of it can aptly be described as fake news. But nothing that Cabernac says endorses it. The farm murder phenomenon is a complex one and its drivers are not well-understood. The 'conspiracy of white genocide' is also regularly referenced by those denying a particular problem of farm killings (the implication being that concerns about this phenomenon are motivated by racism or by an unjustified sense of white victimhood). In this instance, the site seems to be holding Cabernac to account for his narrative, rather than for any factual inaccuracies, and for accentuating 'fear and animosity', which is a very tendentious claim to make.

One can't help seeing in this the possibility for fact checking to be used to confirm the narratives endorsed by those conducting it. So, while the idea of fact checking is not in principle a bad one, it is not without its own set of pitfalls.

A third option, one which is favoured by many tech giants, is to enhance content moderation with the use of powerful new Artificial Intelligence algorithms which are able to detect fake news and ban or control its spread within minutes of being posted.

These programs use machine learning to identify fake stories, and then use this information to detect articles which seem to have similar properties, and flag them as potentially fake news. Programs like this are already extensively used on social media platforms to deliver targeted advertising to users by 'learning' what they are interested in, and then sending adverts which match those interests. This kind of software is also used on sites such as YouTube for the purposes of copyright protection. If a user uploads an entire movie – say, Marvel's *The Avengers* – to YouTube, the site's copyright protection would be able to match the film to other versions of it and automatically take it down. This system reduces the burden on human moderators.

A version of the algorithm approach has already been used by sites like YouTube to help users be aware of the potential for fake news information. As COVID-19 spread across the world, YouTube filled up with videos discussing the issue. Some of these videos were informative and accurate, some were well-meaning but inaccurate and some were malicious fakes designed to drive narratives or garner clicks. YouTube trained their site's algorithms (previously used for copyright protection) to detect any mention of COVID-19 or Coronavirus in the audio, title or description of videos uploaded to their site. If the system detected discussion of COVID-19, it would automatically add a banner to the bottom of the video warning users about fake news and encouraging them to visit YouTube's trusted source for accurate information on COVID-19, in this case, the World Health Organization (WHO).

Some researchers and developers, such as Arizona State University professor, Huan Liu, have suggested going further with what algorithms can do to stop fake news. Work is underway on programmes which can detect fake news and flag it as such as it is posted. An explanation will also be provided as to why it was flagged. The algorithm could be trained by providing it with a list of approved sources and directing it to detect articles which do not draw on those sources. This approach is vulnerable to capture by interest groups who may narrow the approved sources list, to include only one point of view. Another approach is to train the algorithm to detect the writing style of fake news pieces – these are

<sup>119</sup> Arnold, M, 'An algorithm to detect fake news: A Q&A with Huan Liu and Kai Shu', Arizona State University, 13 July 2020. https://research.asu.edu/algorithm-detect-fake-news-ga-huan-liu-and-kai-shu.



<sup>118</sup> Corrigan, T, 'The strange popularity of the white genocide myth - Rational Standard', Institute of Race Relations, 4 September 2018. https://irr.org.za/media/the-strange-popularity-of-the-white-genocide-myth-rational-standard.

often done in a particularly emotive style. Of course, the downside of this approach is that it is likely to catch large amounts of news and writing that is emotively written, but may be accurate. Determined fakers would find it relatively easy to avoid these measures, as they could simply adjust the writing style appropriately.<sup>120</sup>

It is also worth noting that where there has been large-scale use of algorithms in fields such as copyright, these have typically come with many problems. YouTube content creators routinely complain about how the copyright and obscene-content protections on that website take down their videos and remove them from search results for reasons unclear to them. One recent example is a YouTube creator called EmpLemon who recently made a video explaining his experience with the algorithm and how it arbitrarily operates. Many history channels on the website have also had their content 'demonetised', because YouTube's systems automatically flag any discussion of the Second World War as inappropriate for advertisers, regardless of its specific context. YouTube likely does not reveal what causes its system to automatically flag content so as to avoid having users being able to decode and evade the system.

As with other top-down approaches to fighting fake news, algorithms are prone to draconian overreach. As the continued prevalence of copyrighted music and film on YouTube suggests, they remain of limited effectiveness in actually solving the problem they were created to solve. And, in contrast to copyright, deciding what is and what is not truth defies simple legal definition and would require even more complex systems to detect.

A fourth option is to try to bolster's people's ability to recognise and reject fake news – this has been termed media literacy. Such steps have been taken around the world. In the United Kingdom, the Office of Communications (Ofcom) conducts research on media literacy among both adults and children. This can potentially identify dangers in the information environment and provide input for policy. <sup>123</sup> In Finland and Sweden, for example, as well as in some jurisdictions in the United States, this has been introduced in school curricula with a specific eye on empowering people to identify fake news stories. <sup>124</sup>

In Canada, both official and non-governmental initiatives have been undertaken to identify and educate people against fake news, particularly among young adults who are entering the political process for the first time. The Netherlands has undertaken initiatives around elections to warn citizens of fake news which might sway voters. The Netherlands has undertaken initiatives around elections to warn citizens of fake news which might sway voters.

Media literacy is an indispensable element of successfully countering fake news, as this should diminish the latter's appeals. There is evidence that media literacy interventions have an effect on people's ability to recognise fake news, although this varies across different groups and contexts.<sup>127</sup>

<sup>120</sup> Asr, FT, 'The language gives it away: How an algorithm can help us detect fake news', PBS News, 25 August 2019. https://www.pbs.org/newshour/science/the-language-gives-it-away-how-an-algorithm-can-help-us-detect-fake-news.

<sup>121</sup> EmpLemon, 'This is what true FEAR looks like', YouTube, 29 October 2020. https://www.youtube.com/watch?v=dGLKuibR4Bk. 122 Time Ghost Army, 'CONFIRMED: YouTube Hates Human History! - TimeGhost Breakfast Club – July 2019', YouTube, 22 July

<sup>2019.</sup> https://www.youtube.com/watch?v=dpvq8iYXcx0.

123 See Ofcom, 'Making sense of media', undated. https://www.ofcom.org.uk/research-and-data/media-literacy-research.

<sup>124 &#</sup>x27;Mass lawmakers send civic education mandate with emphasis on Media Literacy to the governor', Media Literacy Now, 3 August 2018. https://medialiteracynow.org/mass-lawmakers-send-civic-education-mandate-with-emphasis-on-media-literacy-to-the-governor/. Minichiello, S, 'California now has a law to bolster media literacy in schools', The Press Democrat, 18 September 2020. https://www.pressdemocrat.com/article/news/california-now-has-a-law-to-bolster-media-literacy-in-schools/?sba=AAS/.

<sup>125</sup> Ahlmidi, M, 'Groups launch media literacy campaign to help young voters identify "fake news", Global News, 24 August 2020. https://globalnews.ca/news/5809070/misinformation-social-media-canadian-election/.

<sup>126 &#</sup>x27;Dutch government to launch anti-fake news campaign', NL Times, 13 December 2018. https://nltimes.nl/2018/12/13/dutch-government-launch-anti-fake-news-campaign.

<sup>127</sup> Guess, AM, Lerner, M, Lyons, B, Montgomery, JM, Nyhan, B, Reifler, J and Sircar, N, 'A digital media literacy intervention increases discernment between mainstream and false news in the United States and India', PNAS, Vol 117, No 27, 2020, pp. 15536-15545. https://www.pnas.org/content/pnas/117/27/15536.full.pdf.

None of these possible solutions, either alone or even in combination, are likely to represent an adequate response; certainly not where societies are vulnerable to divisions that can be exploited by malevolent reporting. It will require something more.

A California lawmaker said on sponsoring a bill on school media literacy: 'This bill is about empowering students to make informed decisions, and frankly, it's about safeguarding the future of our democracy.' Leaving aside the merits of this specific legislation, these comments are correct, and the fight against fake news can be understood in these terms.

For societies wishing to retain their freedoms and safeguard their people's human rights, the best response to fake news, and the essential complement to any other intervention, is in the realm of political culture and the cultivation of a responsible and responsive citizenry.

A responsible and responsive citizenry is one that accepts its duty to safeguard democratic freedoms. In relation to the challenges of fake news, it is one that wishes to be informed, but will resist manipulation. Its members are interested in what is taking place and the background to current events. They are sceptical about the news they hear, and will interrogate claims that are made. Maybe more than anything, they follow Carl Sagan's dictum that extraordinary claims require extraordinary evidence. They would explore the origins of images and statistics carried on memes. Where false claims are made, they will challenge them, especially within their family and social circles. They carry a veneration for honesty in public debate. Responsible citizens acting to tackle fake news in their own lives would enhance public debate rather than strangle it as the top-down approaches of bans and punishment would do.

They would resist emotive incitement on social media against vulnerable minorities – as was evident in Myanmar – or the moral crusading that can be sparked by a decontextualised video file – of which the Covington Catholic kids were an example. They would question bizarre conspiracies and claims of miracle cures that have been so much a part of the COVID-19 pandemic. But they would not surrender their critical facilities, and would be ever willing to listen to new voices. They would value the thoughtful rebuttal, rather than the snappy, sarcastic putdown, and prioritise rationality over feeling. In so doing, they would attempt to foster sound arguments, offering the prospect of a richer public debate.

This is a mindset put into words – albeit with a somewhat different reference – by Sagan: 'First: there are no sacred truths; all assumptions must be critically examined; arguments from authority are worthless. Second: whatever is inconsistent with the facts must be discarded or revised. We must understand the Cosmos as it is and not confuse how it is with how we wish it to be.'129

Indeed, some observers have drawn attention to a precedent for this, in the decline of 'yellow journalism' that was prevalent in the late 19th century. This was countered by pressure from the consuming public for better quality news, and a growing aversion within the media to be viewed as appealing to readers' baser instincts, but rather to win respect for the profession as a purveyor of serious reporting and analysis. As one commentary put it:<sup>130</sup>



 <sup>128 &#</sup>x27;Combating fake news and biased sources: media literacy bill passes California Assembly', East Bay Times, 29 August 2018. https://www.eastbaytimes.com/2018/08/29/combating-fake-news-and-biased-sources-media-literacy-bill-passes-california-assembly/.
 129 Sagan, C, Cosmos, London: Abacus, 995 edition, p. 362.

<sup>130</sup> Samuel, A, 'To fix fake news, look to yellow journalism', Jstor Daily, 29 November 2016. https://daily.jstor.org/to-fix-fake-news-look-to-yellow-journalism/.

Just as with the demise of yellow journalism, each of us has a role to play in shaping the relative profitability of quality journalism and the click journalism with which fake news is profoundly entangled. As long as we give our time, our dollars and our clicks to unreputable sites like these, fake news will continue to thrive. Or we can read, share and support the news and commentary produced by responsible media outlets, and see click journalism wither away, just as yellow journalism did a century ago.

A responsible and responsive citizenry need not imply that everyone is at all times actively scrutinizing news items for accuracy. This sort of activism is always likely to be the province of a small number of people, and perhaps this is adequate. It would, however, require that a critical mass of the mediaconsuming population is invested in the accurate presentation of news that the exposure of falsehoods carries real weight – that news outlets' reputations suffer damage if they are lackadaisical in verifying what they publish, for example.

But inasmuch as ordinary citizens need to take responsibility for the quality of the information they consume, so do other actors in the media and information value chain. It has been suggested, for example, the algorithms that suggest like-minded news sources to those that a user already accesses merely fortify existing beliefs and entrenched positions. Similarly, where search engines and websites suggest links to questionable content – perhaps for purely financial reasons – they make themselves part of the problem.<sup>131</sup>

An important part of dealing with fake news is the credibility of legitimate media. A poll in February 2020 by the German information company, Statista, painted a jarring picture of public confidence in the media across some 40 countries. In response to the statement 'I think you can trust most news most of the time,' the highest level of affirmation was in Finland and Portugal, at 56%. Only six countries registered agreement of 50% or above. Agreement in 23 was below 40%, and in eleven countries – including the United States, the United Kingdom, France and South Korea – agreement fell below 30%. The lowest level of trust was in South Korea (21%). South Africa stood at 48%, making its media rather more trusted than most. 132

This trust gap will need to be addressed, and the responsibility for doing so is carried both by established, traditional outlets, such as newspapers and television services, as well as by rapidly growing commentary-focused online platforms, such as the *Huffington Post* and *Daily Wire*. The issue here is not that outlets should be objective or neutral – this is neither possible, nor inherently desirable – but that they should be meticulous in their respect for facts.

Those who work with information do themselves and society no favours when they are willing to become party to the propagation of questionable claims. Three brief examples illustrate this.

The first concerns the multi-award-winning 2002 documentary, *Bowling for Columbine*. It is widely admired as an attack on gun culture and the pernicious societal forces in the US that drive it. But it also uses what can best be described as manipulative and unethical visual, audit and script techniques to create the desired impression. These involve, for example, a selective history of the National Rifle Associa-

<sup>131</sup> Jarvis, J, 'A call for cooperation against fake news', Medium, 18 November 2016. https://medium.com/whither-news/a-call-for-cooperation-against-fake-news-d7d94bb6e0d4#.dte54520z.

<sup>132</sup> Statista, 'Share of adults who trust news media most of the time in selected countries worldwide as of February 2020', June 2020. https://www.statista.com/statistics/308468/importance-brand-journalist-creating-trust-news/.

tion to imply an association with the Ku Klux Klan, and a sequence of footage of then NRA president Charlton Heston put together from different addresses (implying they are from the same one) to create the impression of callousness. This has been exhaustively demonstrated, <sup>133</sup> and at least some of this should have been apparent to critics who viewed and praised the film.

The second concerns an academic hoax (or experiment, depending on one's perspective) conducted by three US academics who sought to probe the extent to which respected academic journals – in the field of critical studies – would accept submissions based on fake information, provided they conformed to the journals' ideological positioning. Using language that has a familiar feel to that employed in the journals, but deploying implausible information, ridiculous premises, written under false names affiliated to non-existent institutions, a majority of the papers were either published or in some stage of being published. The intellectual integrity that should have been the responsibility of the journals and academic peer reviewers was not on display; rather an attachment to ideology was.<sup>134</sup>

The third concerns comments made by President Cyril Ramaphosa on the subject of farm murders in South Africa in an interview with Bloomberg in the United States. 'There are no killings of farmers or white farmers in SA, there is no land grab in South Africa.' This statement, as regards 'killings of farmers', was empirically false, and no amount of post facto justification could alter that. <sup>135</sup> One sympathetic journalist attempted to defend President Ramaphosa by appealing to 'nuance and context', and producing a contorted explanation as to what the he had really meant, as opposed to what he had said. <sup>136</sup> The same platform had previously tweeted an attack on Fox News host Tucker Carlson under the hashtag #truthmatters – even though their response on this matter was not impeccably accurate either. <sup>137</sup>

In each of these cases, professionals who should have been insistent on factual accuracy – critics, academics, and journalists – failed to do so, and seemed willing to subordinate this to political and ideological perspectives.

This is no trivial question. And it should not be assumed that a propensity to ignore facts in support of a narrative is the exclusive preserve of any political or ideological orientation, or that doing so is necessarily motivated by selfish or venal considerations, these being in any case subjective. One of the more striking statements on this was by Congresswomen Alexandria Ocasio-Cortez, a high profile 'progressive' in US politics and an inveterate foe of President Trump. Speaking after having made a remarkable and inaccurate claim about military spending and how it could provide funding for healthcare, she remarked: 'If people want to really blow up one figure here or one word there, I would argue that they're missing the forest for the trees. I think that there's a lot of people more concerned with about being precisely factually and semantically correct than about being morally right.' It was, she added, 'not the same thing' as President Trump 'lying about immigrants'.

<sup>138 &#</sup>x27;Ocasio-Cortez: People focus on being factually right instead of morally right', YouTube, 7 January 2019. https://www.youtube.com/watch?v=9-LZeklv9IQ.



<sup>133</sup> Hardy, D, Bowling for Columbine: Documentary or Fiction?', undated. http://mooreexposed.com/bfc.html.

<sup>134</sup> Pluckrose, H, Lindsay, JA, and Boghossian, P, 'Academic Grievance Studies and the Corruption of Scholarship', Areo, 2 February 2018. https://areomagazine.com/2018/10/02/academic-grievance-studies-and-the-corruption-of-scholarship/.

<sup>135</sup> The president's office said that this was in response to a tweet by US President Donald Trump that referred to the 'large scale killing of farmers'. The qualification ('large scale') might be disputed, but this was not what President Ramaphosa did – he denied the phenomenon entirely.

<sup>136</sup> S Du Toit, P, 'Ramaphosa's "killing to white farmers": what the President meant', News24, 27 September 2018. https://www.news24.com/news24/Analysis/ramaphosas-killings-of-white-farmers-comment-what-the-president-meant-20180927.

<sup>137</sup> Corrigan, T, 'Truth does matter, and it's not just about Trump', News24, 27 August 2018. https://www.news24.com/news24/columnists/questcolumn/truth-does-matter-and-its-not-just-about-trump-20180827.

But it is different only insofar as the subject matter and political intent goes. In its disrespect for accuracy, it is quite the same. It assumes that intention trumps empiricism. It pushes the public conversation further into an environment where truth is merely one of a range of options, which can be measured by their motivation, and ultimately, by their political utility.

This is the approach effectively adopted in relation to President Ramaphosa's comments on farm killings. It has also been observed in relation to Joe Biden in the US. 139 Journalists in particular need to understand that ignoring or shrugging off false claims because of their own sympathies is an egregious violation of their professional responsibilities. Credibility demands consistency. If those who are most closely identified with the creation and transmission of information do not maintain high standards, even in relation to narratives with which they are sympathetic, it is not apparent who will.

Fake news, and the misdirected and often malicious narratives it enables, represents a profound threat to a human rights culture. While not an entirely new phenomenon, its reach and dangers have been amplified by modern communications technologies. It can – and must be – resisted, and the best hope for that is a commitment to the integrity of information by those creating and consuming it.

<sup>139</sup> Ponnuru, R, 'Journalists Should Stop Cleaning Up After Biden', Bloomberg, 15 September 2020. https://www.bloomberg.com/opinion/articles/2020-09-15/biden-s-mistakes-shouldn-t-be-explained-away-by-reporters?sref=uN6cur8D&fbclid=lwAR2DfWmN1M9mxZm8fW-kUV5jNozdWSdfhDFhfyATAOLmfawEC4X-2fqoTgk.



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