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## **Transparency and Trust in Trying Times**

By  
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### **Introduction:**

Today I would like to address a timely topic of great importance: Namely how are we going to cope with what is widely perceived as the rapid rise of fake news, outright lies, smear campaigns and cyber-bullying that is facilitated by the internet and the new social media platforms? Indeed, we have seen foreign powers create tens of thousands of false robotic hubs to spread fake news in the hope of affecting the outcome of a national election in another country, for example.

Let me summarize my position at the outset: The new technologies are wonderful and they enable all sorts of amazing new services to humanity, but they also enable the spread of these negative phenomena. Furthermore, I expect that we will see dramatic new technological advances in the next few years, and I do believe that we must think outside the box and design new institutions, regulations and procedures that will enable us to protect the values we hold dear from being subverted by the misuse of the opportunities created by these new technologies.

So in my remarks I would like to cover six topics:

- **First**, How the world is changing around us;
- **Second**, On Fake News, Distortions and Outright Lies;
- **Third**, On how Our Governance Systems are at Risk;
- **Fourth**, New Solutions to the New Problems in New Times;
- **Fifth**, Dealing with Fake News;  
And finally
- **Sixth**, On the Quality of the Public Discourse.

Let me now start with the first of these themes, a brief reflection on how rapidly the world is changing around us.

## **I. Changing Times.**

We have lived through the greatest transformative science and technology (S&T) advances that humanity has known, when the ICT revolution brought us the internet and the mobile smart phone. The Internet did not only make transactions across the planet feasible at lightning speed, but also laid the foundations for the new social media. Mobile telephony not only enabled us to reach anyone we want at any time and in any place, but also, its links with the internet made possible the liberation of many of the services of ICT from the anchor of the desk top and laptop computers. Hand-held devices are becoming the norm, and the penetration of mobile telephony is awesome. There are more mobile phone lines than there are human beings on the planet, and about three billion of these are smart phones. And the ICT revolution has accelerated the extent of globalization and its reach.

In the meantime, social connectivity has also had an equally rapid growth, with Facebook alone accounting for over a billion connected persons in less than ten years. Content has grown apace, as people post on the net everything from videos and pictures to music and text. Today, the Internet is adding to the amount of data, and we possess about two Exabytes of data every day. Just how much is an Exabyte? Well if you converted all the text in the Library of Congress into digital format, an Exabyte would be 100,000 times more! The age of big data<sup>1</sup> and social connectivity is here.

Not that all of that content is particularly useful. Most of the self-centered tweets, the inane emails, and the gossipy WhatsApp chats are not particularly interesting or useful. Yet many of us spend a large part of the day reading bits of text and looking at images on a screen that we would never spend time reading off a printed page. Yet we feel compelled to do so. Our modern hyper-connected culture has inculcated into us a fear of missing something. We feel guilty if we leave emails unanswered. We worry about being left out of the circles of the chatrooms. Then we complain that we are so busy that we cannot find the time to do what we really want to do. A real life echo of the questions that T.S. Eliot posed in the last century:

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<sup>1</sup> Big Data” has been a major issue in many research institutions and generally in circles concerned with ICT. See inter alia Kenneth Cukier and Viktor Mayer-Schonberger, *Big Data: A Revolution that will Transform How We Live, Work and Think*, Boston: Hodder & Stoughton, 2013; also Eric Siegel, *Predictive Analytics: The Power to Predict Who Will Click, Buy, Lie, or Die*, New Jersey: Wiley; 2nd edition, 2016; and also for the perspective of business, see inter alia Foster Provost & Tom Fawcett; *Data Science for Business: What You Need to Know about Data Mining and Data-Analytic Thinking*; CA: O'Reilly Media; 1st edition, 2013; and Mike Grigsby, *Advanced Customer Analytics: Targeting, Valuing, Segmenting, and Loyalty Techniques*; G.B & USA: Kogan Page; 1st edition, 2016.

Where is the Life we have lost in living?  
Where is the wisdom we have lost in knowledge?  
Where is the knowledge we have lost in information?  
-T.S. Eliot

But even with all this, the speed of transformation is still nothing compared to what we are beginning to witness and what we should expect in the next decade or so. Nobel laureate Bob Dylan, who remains for many the poet of the angst of the 1960s, said: “The times they are a changing...” and today, half a century later, the times are indeed a changing! The times are changing at a pace that even the children of the millennial generation, who are the artisans of that change, can barely perceive or imagine. A scientific and technological revolution of a magnitude hitherto unimaginable is sweeping over the planet like a tsunami and it will change everything from modes of production to systems of governance, from patterns of consumption to how we interact with technology, especially in the context of the emerging Artificial Intelligence (AI) revolution which is finding its way into everything.

In healthcare, machine learning is creating systems that can help doctors give more accurate or effective diagnoses. In transport, it is supporting the development of autonomous vehicles. For public services it has the potential to target support more effectively to those in need, or to tailor services to users.

Science and technology have definitely been very beneficial to humanity and will undoubtedly continue to be so. So we should be delighted to welcome that accelerating pace of change, but there are important downsides appearing that must be taken into account. The ICT revolution of the past left winners and losers in every country, and inequalities are on the rise in every society from Sweden to Somalia. But the scale of the coming AI revolution promises change of such a magnitude, and at such a speed, that the international firm McKinsey has estimated will have 3000 times the disruptive effect of the industrial revolution.<sup>2</sup>

So what exactly is this new tsunami of technology bringing, and how will it manifest itself? And why should we be concerned? I submit that we have barely absorbed the full range of impacts of the last generation from the internet to

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<sup>2</sup> “Compared with the Industrial Revolution, we estimate that this change is happening ten times faster and at 300 times the scale, or roughly 3,000 times the impact”, Cited in Book Excerpt from Richard Dobbs, James Manyika, and Jonathan Woetzel, *The four global forces breaking all the trends*, published by McKinsey Global Institute - April 2015 (<http://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/the-four-global-forces-breaking-all-the-trends> ) accessed 25 08 2017.

telephony to big data to social connectivity, and sifted through it to ensure that we maximize the benefits and minimize the negatives. And if what is coming is likely to be even more disruptive, then it behooves us to look carefully at the downside risks that come with the seductive services of an ever more hyper-connected world. I believe that we are at present putting at risk and may come to lose some of the societal values that we hold most precious by the misbehavior of the few at the expense of the many.

We are entering the era of new realities with emergence of Big Data and a powerful combination of machine learning, deep learning and Artificial Intelligence (AI). But the landscape within which the new realities are developing includes a very significant concentration of both the data and the processing power in the hands of a limited number of global big players in the USA and China, specifically the well-known names of Google, Amazon, Facebook, Apple, Microsoft, Alibaba, and Baidu.

The regulatory framework, which is more permissive in the US and China, puts the companies in the EU and Japan at a disadvantage in competing for a larger share of the evolving market. The relatively stronger policies to protect citizens in the EU and Japan, make it difficult for their companies to develop competitive new services and industries. Furthermore, the reach of the American companies is global, while China has an internal market of unmatched size. This does not mean that various countries should relax their policies, but rather that they need to look again at how they can best protect the interests of citizens.

In the meantime, the new realities of Internet and social connectivity is also creating an ideal environment where cyber-bullying and hate speech, and much more seriously, where fake news, smear campaigns and false data can flourish. But many are now asking, how can the awesome power of the new technologies from big data to machine learning to AI be harnessed to the task of dealing with fake news, falsehoods, cyber-bullying and hate speech?

So let us now turn to my second theme: Fake News, what it is, and what its dangers are, and how the falsehoods, distortions, innuendo and outright lies are affecting our society. Fake news, has had a long history...

## **II. Fake News, Distortions and Outright Lies:**

### **A Long History:**

The fabrication of fake news and the spreading of rumors are as old as human societies. Governments have used fake news as a propaganda tool to confront external and internal enemies. Certain communities have used the propagation of lies to promote the isolation and persecution of minorities, be they religious or ethnic. Famously such propaganda was used to build public acceptance, and even support, of the persecution of the Jews in Tsarist Russia with the production of such documents as *The Protocols of the Elders of Zion*, and later in Nazi Germany in support of the Nazi political program. Yellow journalism has been known to push a country to war as when Hearst and Pulitzer stoked the flames of American public opinion to goad the United States into the Spanish-American war of 1898. Later, fake news was used by the communists and spread in the west by conniving journalists like when Walter Duranty denied the great famine in Ukraine known as the Holodomor in stories carried even by the respected New York Times.

Businesses have also used it as a tool to promote more sales for their products, by making outrageous claims for their products and services, or by disparaging the products and services of competitors. And those in the media business also frequently promoted rumors about celebrities or political figures in order to increase the sales of their journals or the reach of their websites and expand their subscriptions, or their advertising revenues.

### **So What Is New Today?**

I submit that several things have today brought this issue to the forefront of our concerns:

- The ease with which such fake news can spread through social media
- The fact that once something is posted on the internet it is very very difficult to erase or retract it
- That social media is overtaking the traditional media as the preferred means for the public to get their news
- The possibility of so-called news items – fake or real, serious or trivial – to “go viral” as the new media delivery systems on the Internet, such as YouTube, Twitter and Facebook, gave specific items enormous spread very rapidly, nationally and internationally.

- The multiplicity of channels in conventional media, and the creation of special distribution groups in the social media has promoted a polarization of the public, and allows persons to join “**echo chambers**” in which they reinforce their prejudices rather than get informed of the alternative views that exist “out there”;
- Cyber bullying of dissident or minority positions have become easy and effective to the point of pushing a number of young people to depression and even suicide;
- New techniques for creating fake sites and cyberbots that can spread fake news and false reports by harnessing the power of robots and programs, and not just relying on real human beings to do it has magnified manifold the capacity of the new technologies to be misused.
- Fake news and erroneous propaganda have been used to remotely recruit and radicalize future terrorists.

So critical is this last point, with terrorism striking almost all societies in the world, that I believe that a few additional words would be pertinent here.

### **On Echo Chambers and the Vortex of Lies:**

Last year, in an intervention at a seminar in Rome, I referred to “Echo Chambers and the Vortex of Lies”<sup>3</sup>. In that paper I presented my views that we are witnessing both a qualitative and a quantitative transformation of the manner in which the public gets its news and forms its ideas. Lies are used to lure and reinforce the prejudices of the few in group or community “echo chambers” using the enormous power of the new social media.

Looking at the history of the last century, where the tools of mass media were available for the first time on a large scale, we have seen the horrors that the crowds in hitherto “civilized society” could be driven to by a skillful mix of propaganda and political organization. We saw the seduction of evil, the many who let themselves be sucked into that vortex of lies, who followed the path of least resistance, just go with the flow or at least say nothing .

The crowds, the numbers, the surge, the crowds become mobs, and the drive and the drama of human passions are unleashed, of human terror unbridled, and of emotions unchecked. Those who control the propaganda machine, the political echo-chamber, acquired and deployed their tyrannical power. Nazism is a stark reminder of how unchecked such a mechanism can reach monstrous proportions,

<sup>3</sup> See Ismail Serageldin, *Essays for Our Time*, Alexandria: Bibliotheca Alexandrina for Nizami Ganajavi International Center, 2016, pp. 125-136.

even with the limited tools of its period. Today *Da'ish* is a bleak reminder of how insidious an infinitely smaller number of people can be with the tools of the 21<sup>st</sup> century. That is where the “Vortex of Lies” comes in.

The system with the extremist groups is different. They have special persons whose function is to engage and convince the chance encounter of a person with a mild expression of interest, a passing “hit” onto the groups’ websites and chat rooms, into a convinced member of the group. They do so by patiently answering all their questions, hours and days on end, as they gradually feed them the ideology of the extremist group. Invariably, this implies that this group is the sole custodian of the truth, that they are on the right path, and that all others are lost souls; they have the divine responsibility to improve society, and that those who oppose this – everyone who is not part of the group – are misguided, then they become enemies, and then they have to be fought, and from there to acts of murder and mayhem is but a step. The innocent has been effectively sucked into **the vortex of lies** that allows the extremist groups to recruit and indoctrinate their members.

So both extremists and non-extremists use the new social media and expand their reach with the hyper-connectivity that modern technology makes possible. Over time they both create virtual communities, were the reinforcement of the ideas of the groups functions through the **Echo-Chambers** that communities like to create. But the non-extremists are much weaker because they are adaptable groups that do not try to form a specific ideology where their members congregate largely as a result of shared likes and dislikes from sports to restaurants to films, and maybe physical proximity at work or home, which help provide a common background and neighborhood interests.

Can we get people to cross from one “Echo-chamber” into another? Can we retrieve those who fell into the “Vortex of Lies”?

A recent scientific study<sup>4</sup> of the impact of the new social media found that the new social media resulted primarily in reinforcing a person’s views by providing links to people who think along similar lines and who believe in the same things. They create an “echo-chamber” where views are reinforced to the detriment of counter arguments.

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<sup>4</sup> See “Debunking in a World of Tribes” by Fabiana Zollo, Alessandro Bessil, Michela Del Vicario, Antonio Scalal, Guido Caldarelli, Louis Shekhtman, Shlomo Havlin, Walter Quattrociocchi; in Arxiv; <http://arxiv.org/pdf/1510.04267v1.pdf> Accessed 15 01 2016.

This is especially true of those who believe in conspiracy theories and who are particularly resistant to consider factual and scientific arguments to the contrary. Thus “debunking” is particularly difficult and largely ineffective. Arguments, even false arguments, that are presented in a form or narrative that fits with the overall posture of the group are far more likely to be accepted.

This rigorous scientific study undertook a quantitative analysis of 54 million Facebook users in the US. over a period of five years (Jan 2010 to Dec 2014), and specifically examined how the users interact with reliable scientific information as opposed to unsubstantiated (conspiracy-like) information. The scientists examined 47,780 debunking posts and found that attempts at debunking were largely ineffective.

The findings confirm the existence of “echo chambers” where users interact primarily with other conspiracy-like pages, and they are very resistant to postings that differ from that overall perspective. They are especially resistant to posts that try to refute the conspiracy-theory view that they have espoused.

It was noted that very few of the people who were used to the unsubstantiated information looked at or interacted with the posts. Furthermore, these tend to be the most committed conspiracy-believers and rather than internalizing debunking information, they often react to it negatively. The scientists go on to note that “Indeed, after interacting with debunking posts, users retain, or even increase, their engagement within the conspiracy echo chamber”<sup>5</sup>.

So this does not augur well for our efforts to discredit the narrative of the extremist groups who invariably posit some form of conspiracy against the values that they represent, and against the golden future they want to bring about. The better course, the one more likely to bring results, is to be able to convince the youth, through intensive use of the social media that they favor using, before they are drawn into the “Vortex of Lies” and into the “echo-chamber” of the extremists.

Thus debunking extremist arguments is still necessary, and vigorous public debate is needed, but its primary effect will be to gradually expand the base of those who reject the extremist arguments and, therefore, do not join them, rather than successfully converting a large number of those who have already become sympathizers with the extremist narrative and its purported cause.

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<sup>5</sup> Ibid.

So how dangerous is all this? Let me now turn to my third theme; namely how the foundations of our governance systems, the bedrock of our organized civilized societies, are being eroded. I am specifically excluding the global effects on the economy and international relations and other such issues, and will be focusing on the governance of the Nation State<sup>6</sup>.

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<sup>6</sup> There are many authors who have addressed these other international aspects. See inter alia Elizabeth Hanson, *The Information Revolution and World Politics*, (New Millennium Books in International Studies series), Rowman & Littlefield Publishers, Lanham, Maryland, USA, 2008. Hanson addresses and sets out to answer questions such as: What is the impact of these new technologies on the global economy and whether they affect the distribution of the world's wealth? Do these technologies have an impact on the centrality of the nation-state in the international system? In addition to questions such as do the new social media affect a state's relationship to its citizens? What is the impact of the information revolution on diplomacy, foreign policymaking, and the conduct of war?

### **III. Our Governance Systems are at Risk**

#### **How Are We at Risk from Fake News and the New Media?**

It is quite possible to consider that an evil person may use the new opportunities that new technologies provide to subvert the democratic process and acquire enormous power. The moment of major national emergency may help justify an outright takeover. We have seen examples of that recently in Turkey, and of course the historic example of the Reichstag fire<sup>7</sup> leading to the consolidation of power in the hands of Hitler and the Nazis<sup>8</sup>. And even if we do not witness such a dictatorial takeover, the very weakening of democracy that becomes more feasible by the manipulation of public opinion, and the spread of fake news, is appearing more and more in what Timothy Garton Ash has called “illiberal democracies”<sup>9</sup>, and is enough of a threat for thinking persons to be alarmed. And considering that democracy going awry is an evil thing, it is also pertinent to remember Burke’s warning to all that: “The only thing necessary for the triumph of evil is for good men to do nothing”.

#### **How to Police the Internet and Filter Free Speech:**

There are many calls for promoting filtering the kind of speech that is posted on the internet in all its forms, and forcing the providers of platforms such as Facebook and Twitter and others to assume some responsibility for the material that is being posted on these most important platforms. Technical difficulties aside, and assuming that AI will enable us to develop some filtering capability, which even if it is not foolproof will still reduce considerably the phenomenon, there remains a fundamental question about whether that would be a desirable thing to do, or otherwise.

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<sup>7</sup> Timothy Snyder, “The Reichstag Warning”, in the *New York Review of Books*, February 26, 2017.

<sup>8</sup> Timothy Snyder, *On Tyranny: Twenty Lessons from the Twentieth Century*, Tim Duggan Books; 1st edition, 2017

<sup>9</sup> Timothy Garton Ash, in the *New York Review of Books* of 19 January 2017, in his article “Is Europe disintegrating?” says: “Müller rejects the term ‘illiberal democracy,’ arguing that it allows people like Viktor Orbán to claim that Hungary just has another kind of democracy, authentically democratic in a different way. What Orbán has done, for example in his takeover of the media, undermines democracy itself. Yet I think we do need a term to describe what happens when a government that emerges from a free and fair election is demolishing the foundations of a liberal democracy but has not yet erected an outright dictatorship—and may not even necessarily intend to. Words like ‘neoliberalism,’ ‘globalization,’ and ‘populism’ are themselves imperfect shorthand for phenomena with significant national, regional, and cultural variations. ‘Hybrid regime’ feels too unspecific, so unless and until someone comes up with a better term, I (Timothy Garton Ash) shall continue to use ‘illiberal democracy.’”

Interfering with freedom of speech has never been a good policy<sup>10</sup>, no matter who does it. It inevitably leads to a slippery slope that will harm that essential lifeblood of all societies which is freedom of speech and freedom of access to information. Countries that have tried to do so in the name of national security have found out very quickly the moral strain that it puts on society. Look at the US “Patriot Act”, passed by congress right after 9/11, which was intended to give the government the tools it needed to launch a “War on Terror”. It soon begat Guantanamo, rendition, enhanced interrogation techniques, outright torture and even extra-judicial killing, and all this in one of the most solid of democracies in the world.

A footnote here. Librarians in America stood up to some of the most pernicious of the Patriot Act’s provisions, namely giving the right to the police to find out who was reading what in the libraries, and the criminalization of the librarian talking about it with anyone, even a lawyer. Four Librarians from Connecticut stood up and 80% of the public backed them up, and this particular provision of the Patriot Act was dropped<sup>11</sup>.

In a great statement generally attributed to Voltaire, or at least fully reflecting his thinking, he is alleged to have said:

I disagree with what you say, but I am willing to fight to the death to defend your right to say it.

That ideal level of support for freedom of expression is seldom found in everyday life, but there is one famous case that certainly reflected an implementation of that principle. In one of the most compelling cases affirming this belief in unfettered free speech, in 1977, the ACLU lawyers (both Jewish) defended the rights of free speech of the American Nazis to march in Skokie, a predominantly Jewish suburb of Chicago<sup>12</sup>.

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<sup>10</sup> There is a long and extensive literature on the importance of defending free speech. A most recent contribution is Timothy Garton Ash, *Free Speech: Ten Principles for a Connected World*, NH: Yale University Press; 2017. See also David Cole, “Why We Must Still Defend Free Speech” in September 2017 Issue of *The New York Review of Books*.

<sup>11</sup> For more on the Librarians who stood against the patriot act, see: Connecticut Four - Wikipedia [https://en.wikipedia.org/wiki/Connecticut\\_Four](https://en.wikipedia.org/wiki/Connecticut_Four). In general, the four Connecticut librarians filed a lawsuit known as *Doe v. Gonzales*, challenging the constitutional validity of National Security Letters (NSL) issued by the Federal Bureau of Investigation (FBI) under the USA PATRIOT Act.

<sup>12</sup> For details of this landmark case, see: Philippa Strum, *When the Nazis Came to Skokie*, (Landmark Law Cases & American Society Series), Lawrence: University Press of Kansas, 1999.

But what about hate speech? Intimidation of minorities or of women? and what about the bullying that makes the capability of the minorities in question unable to exercise their right of free speech?

Some have argued that we should put limits on free speech<sup>13</sup>. After all, in one of the most famous statements on such limits, Oliver Wendell Holmes Jr.'s opinion in the United States Supreme Court case *Schenck v. United States* in 1919, stated that "Falsely shouting fire in a crowded theater" cannot be defended as free speech<sup>14</sup>. This statement is frequently quoted in defending the view that not all speech is to be protected at all times.

But Schenk was speaking in opposition to the draft during World War I. Opposition to the Vietnam War in the 1960s would show that such speech was and should be defended. In fact, even the burning of the American flag as an act of expressing dissent was considered protected free speech under the First Amendment of the United States Constitution.

Yet when we take this more extreme libertarian position on refusing any limits of free speech, we find that among the primary beneficiaries are the purveyors of fake news and hate speech. Some of the elements of this new orientation can be seen in people who argue for "alternative facts" and who hold that truth is neither discernible nor absolute, and that there are no foundations for asserting the reality of something and that there is a privileged standpoint from which to analyze, much less to theorize. These people – purveyors of "alternative facts" – claim to be entitled to assert their views, and that these views are equally acceptable as any other view, even when their viewpoint is clearly contradicted by ascertainable facts.

I personally believe that we should prosecute incitement to violence and for the rest, we must fight ideas with ideas<sup>15</sup>. Over the long haul, truth will dispel falsehood, and ultimately we should be inculcating and teaching the younger generation to value critical thinking and to recognize the value of civility in public discourse. These are the qualities that true democratic processes need.

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<sup>13</sup> See inter alia, Mari J Matsuda and Charles R. Lawrence III, Richard Delgado and Kimberle Williams Crenshaw, *Words That Wound: Critical Race Theory, Assaultive Speech, and The First Amendment*, (New Perspectives on Law, Culture, & Society series), Colorado: Westview Press; First Edition, 1993

<sup>14</sup> see Terry Eastland, *Freedom of Expression in the Supreme Court*, Rowman & Littlefield Publishers, 2000; which brings together about 60 leading First Amendment cases decided by the US supreme Court, starting with *Schenck v. United States* (1919) and ending with *Reno v. American Civil Liberties Union* (1998).

<sup>15</sup> The argument about the place of free speech in the "marketplace of ideas" is well known. See inter alia Douglas Fraleigh and Joseph S. Tuman, *Freedom of Expression in the Marketplace of Ideas*, NY: SAGE Publications, 1st edition, 2010.

## **Democracy Challenged:**

There is a malaise gripping the advanced societies of the west.

What a difference a mere 25 years can make. Back in 1992, the west had won the Cold War. Western democracies were confident of the righteousness of their course. The whole world was applauding western-style representative democracy, and rushing to adopt free trade and globalization as the victorious principles that defeated the once powerful Soviet Union. The EU was seen as a model, and many from the former Eastern Bloc were eager to be allowed into this club of peace and prosperity.

By the start of this century, we saw democratic systems falter. A profound disenchantment has set into the body politic over the last fifteen years. Participation rates of eligible voters in the electoral process are down, and so is membership in traditional political parties. Rejection of the elite in many countries is accompanied by the rise of populist rhetoric, and the politics of hate and fear.

Fake news and false rumors are easier to spread than ever, due to the new social media, promoting extremism and rejecting pluralism. Furthermore, the civility of the public discourse is undermined by the language and spread of cyber-bullying on the internet and social media generally.

But simply stated, although there are many varieties of democratic systems<sup>16</sup>, all true democratic systems are based on the belief that an informed citizenry makes up its own mind and expresses it to guide the politicians in the direction of policies that the informed public wants. That process requires access to correct information, and thus free speech has been protected in all democracies and in the media, in a correct belief that without such continuous access to information – correct information – the democratic system would simply not work. Regretfully, today fake news, which is simply lies, has polluted the available information and thus, threatens our very understanding of how a democratic political process should work.

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<sup>16</sup> The classic attributes of Democracy have been argued since the enlightenment, and more recently a powerful statement on that has been by Robert Dahl. See Robert A. Dahl, *On Democracy*, with a new preface by Ian Shapiro; Second Edition, NH: Yale University Press; 2015. And for the more general perspective on the varieties of democratic experiences, see inter alia Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*; NH: Yale University Press; 2 edition, 2012. And then there is the V-Dem project, with its headquarters in Gothenburg Sweden, and which provides the most extensive data base on democracy in the largest number of countries. It can be found at <https://www.v-dem.net/>

Indeed, so serious is this challenge, that the American Academy of Arts and Sciences has devoted serious study to the risks that democratic systems face because of fake news. The Academy has correctly posed **three fundamental challenges** to the validity of a democratic system exposed to a constant barrage of falsehoods and lies; for the very ideal of democracy as rule by the people is suffering a crisis of confidence:

- If the "will of the people" can be manufactured by marketing strategies, fake news, and confirmation bias, then how real is democracy?
- If the expanse between decision-making elites and a mobilized public grows, then how functional is democracy?
- If political alienation and apathy increase, then how representative is democracy?

So, my friends, the challenges are very clear. But what can we do about it? Well, let me turn to my fourth theme on trying to imagine new institutional and procedural arrangements that would help reduce, if not totally counter, the threats our governance systems are facing.

#### **IV. New Solutions to the New Problems in New Times:**

Perhaps we need to think outside the box for a moment. Perhaps we need to redesign our institutions to marry traditional objectives with new ways of achieving them. Let us look at some partial answers to reform the political system in democracies in the face of a rising tide of fake news and falsehoods. I will treat separately the problems of reforming the executive and the legislative branches, and I will propose for consideration **Majority Rule and Sortition as partial answers:**

**Majority Rule:**

Let us start with the executive side first.

My diagnosis here is that we have become severely divided, highly polarized societies, and that the use of new technologies, especially social media, fake news and outright lies tends to exacerbate the polarization of our societies. Thus, elections of the chief executive, when based on a “first past the post, winner takes all” system of elections, is likely to produce a partisan victory with a large part of the electorate deeply dissatisfied and resentful. In fact, such a system requires truly exceptional candidates to unite the nation after the election. Regrettably, an increasingly partisan primary season, fueled by ad-hominem attacks against various candidates using fake news and outright lies, ensures that the nominee of each party is either an extreme partisan, or is locked into extreme partisan positions, and as such, is highly unlikely to be a unifier of the whole nation after the election.

So there are several reforms possible: The California proposal is to have open primaries that allow all voters to vote for all candidates in all parties, and then the two top candidates face each other in a final face-off. This is intended to push for those candidates who appeal to the largest proportion of the electorate, and not just to the activist base in their own party, and would thus be expected to favor the election of more centrist candidates. But that is still subject to the risk that fragmentation of the vote among many competing candidates would get the two candidates with the biggest base of loyalists (probably two extreme and opposing blocks) to be selected. This is indeed the risk in the run-off system of election for the French presidency.

A better system would be to adopt for each party primary and for the final election a system of “Majority Rule” advocated by many distinguished thinkers from the enlightenment to the present<sup>17</sup>. The system would work by having the voters rank the candidates in terms of preference. This would overcome the issue of fragmentation of the votes among competing candidates, allowing a candidate with a plurality to win. By comparing the votes pair wise, the winning candidate would have obtained a majority against each of the competing candidates. Thus, the selected candidate would be indeed the candidate who satisfies the majority rule.

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<sup>17</sup> This method was preferred by Condorcet in the 18<sup>th</sup> century and has appealed to many intellectuals from that time to the present, where the advocacy for the Majority Rule method is being upheld by such eminent people as Eric Maskin and Amartya Sen (both Nobel Laureates) in 2017.

An example would help clarify that system. Michael Bloomberg of New York had considered making a run for the US presidency in 2016. But under the present system, his entry into the race would have probably taken votes from Hillary Clinton and given the election to Donald Trump. Now assume that we had a “majority rule” system and that Bloomberg had decided to enter the race for the US presidency in 2016. Assume that 40% of the voters had ranked Clinton-Bloomberg-Trump, and 45% had ranked Trump- Bloomberg- Clinton and only 15% had ranked Bloomberg first (and left Trump and Clinton tied as number 2 on their vote for Bloomberg). Bloomberg would win, because he beats Trump 55-45, and he also beats Clinton 60-40. Majority rules indeed.

Majority rule results in more candidates running without being afraid of dispersing the votes among like-minded candidates. It gives more choice to the voters and, I believe, greater legitimacy to the winner, who is clearly shown to have beaten all the other challengers on the ballot and thus the winning candidate has a much better chance to unify the nation after the election. Incidentally, this system is strongly advocated by eminent thinkers like Amartya Sen and Eric Maskin<sup>18</sup>.

In his magisterial work published some 70 years ago, Kenneth Arrow<sup>19</sup> had shown that it is impossible to design a perfect system that will produce the perfect result every time. Indeed, the mathematics show that there could be some very rare cases where this Majority Rule system may yield a tie between two candidates and in those rare cases we could assume<sup>20</sup> a run-off between the two candidates tied with the highest majority votes.

Why have we not all adopted such a system? It was generally too cumbersome to calculate all the pair-wise rankings, especially with millions of votes being cast. Hence the attractions of the first past the post and the “plurality wins” approaches. But it is now a very simple process to pursue Majority Rule elections thanks to the very same high-powered computing technologies that have created the problems we encounter with the new social connectivity and viral spread of fake news and falsehoods on the internet, and I believe that we can protect these processes from external hacking.

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<sup>18</sup> See Eric Maskin and Amartya Sen, “The Rules of the Game: A New Electoral System” in January 19, 2017 Issue of *NYRB*; and Eric Maskin and Amartya Sen, “A Better Way to Choose Presidents” in June 8, 2017 Issue of *NYRB*.

<sup>19</sup> Kenneth Arrow published his pioneering study on “The theory of social choice” in 1951 and within it what is now referred to as “Arrows impossibility Theorem”. For a recent retelling of that milestone work, see: Kenneth Arrow, *Social Choice and Individual Values*, CT: Martino Fine Books, 2012.

<sup>20</sup> This particular issue is referred to as “Arrow’s impossibility Theorem”. But see also Eric Maskin and Amartya Sen, (with contributions by Kenneth Arrow, Partha Dasgupta, Prasanta Pattanaik, and Joseph E. Stiglitz) *The Arrow Impossibility Theorem*, NY: Columbia University Press, 2014.

This system is not only suitable to elect the chief executive or president of the country, it can also be applied to the local jurisdictions and the representatives to congress or parliament. It would offer choice without fear of “splitting the vote” between two sympathetic candidates and giving the victory to an opposing candidate who could otherwise get only a plurality of the votes. It allows every person’s vote to count, and the preference of the voters if their first choice is not able to muster enough votes is also taken into account. However, outside of state-wide or national elections, it does not have any impact on the manner in which the districts are drawn, and the harms of gerrymandering remain, as do the harms of the excessive role of money in many elections.

But can one design an alternative to the election of a legislature based on many districts? I believe we can consider other outside the box alternatives like sortition.

### **Sortition**<sup>21</sup>:

We could try to salvage representative democracy – at least for the legislative branch – by adopting a system of sortition.

The problems we see with legislative or parliamentary elections – a backbone of parliamentary representative democracy – can be summed up as:

- The polarization that leads to paralysis or blockage, as happens in the US congress and as seen in Belgium staying over 500 days without a government.

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<sup>21</sup> Sortition has been debated by academics for a long time. The Sortition and Public Policy series documents many of these fine studies over the last decade. A most recent statement is found in Oliver Dowlen, *The Political Potential of Sortition* (Sortition and Public Policy series) Imprint Academic; 2 edition, 2017. However going back over the last decade we can list : Barbara Goodwin, *Justice by Lottery* (Sortition and Public Policy series), Imprint Academic, 2005; Anthony Barnett and Peter Carty, *The Athenian Option: Radical Reform for the House of Lords* (Sortition and Public Policy series), Imprint Academic, 2008; Ernest Callenbach and Michael Phillips, *A People’s Parliament/A Citizen Legislature* (Sortition and Public Policy series), Imprint Academic, 2008; Thomas Gataker and Conall Boyle, *Nature and Uses of Lotteries: A Historical and Theological Treatise* (Sortition and Public Policy series), Imprint Academic, 2008; Conall Boyle, *Lotteries for Education* (Sortition and Public Policy series), Imprint Academic, 2010; Gil Delannoï and Oliver Dowlen, *Sortition: Theory and Practice* (Sortition and Public Policy series), Imprint Academic, 2010; and Peter Stone, *Lotteries in Public Life: A Reader* (Sortition and Public Policy series); Imprint Academic, 2011.

- The interference of money in the electoral process which leads to undue influence of the rich, resulting in a generalized feeling of the voters not trusting the parliamentarians or congressmen that they elected.
- The gerrymandering of individual districts to suit particular interests with a very large preponderance of particular parties winning particular seats
- The disparity between the shares that different parties get of the actual votes cast and the shares of the seats taken in the parliament
- The enormous power of incumbency that results in individual deputies being almost invulnerable, with probability of reelection in certain districts exceeding 95%.

Sortition would replace conventional elections<sup>22</sup>. The kind of elections that we have come to take as a given, with political parties vying for power, and entrenched political incumbents getting reelected and a feeling among the public that the elected parliament still does not really represent them, and that in reality things are governed by the elite because money and politics have become too intertwined.

Sortition can respond – at least partially – to these challenges to representative democracy. Here is how it would work.

- There would be no elections<sup>23</sup>.
- A first parliament would be chosen by lottery. Remember that, scientifically, the most representative sample from a population is a random sample.
- That parliament would set the legislative agenda for the coming period by ranking the most important issues that they believe should be addressed in this session of the legislature. They would then be disbanded and go home. A process of priority setting (i.e. priority should be to health reform, or to improving public transport, etc.) with no details to be discussed would probably take a few weeks.

<sup>22</sup> These ideas have an excellent historical background, including the highly idealized Athenian Democracy, which actually involved a number of elements where sortition was used by the Athenians. See Terrill Bouricius, "Democracy Through Multi-Body Sortition: Athenian Lessons for the Modern Day". *Journal of Public Deliberation*. (2013-04-30). (<http://www.publicdeliberation.net/jpd/vol9/iss1/art11/> ) Retrieved 15 August 2015.

<sup>23</sup> See inter alia: David Van Reybrouck, *Against Elections: The Case for Democracy*, UK: Random House, English edition, 2016.

- Then knowledgeable and interested groups would get together and make their proposals for those priority areas. Thus an industry group could be formed, as well as a business group and ideological groups on the right and the left of the political spectrum could each get together and make their – very different – proposals. Instead of hiring lobbyists, the different groups from industry to NGOs would advance their proposals for the topic of their choice. And given the low barrier to entry into this stage, academics could also present their proposals.
- Then groups of legal specialists would be composed from the ministry of justice, universities and others to combine and write the proposals as a major bill and many amendments. There would be a major bill and amendments in each of the priority areas selected by the first lottery selected parliament.
- A process of discussions would lead to the selection of specific well-informed advocates for specific bills and for specific amendments. Each pair of advocates would include a “pro” and a “con” advocate for that amendment or that specific bill.
- A judge would be appointed from the supreme court of the country to supervise the next steps.
- Another lottery would be undertaken to create a new parliament and then each bill with its amendments would be argued by advocates in a carefully structured way, pro and con receiving appropriate and equal time, and the correctness of the data presented would be ensured in advance. The judge presiding over the proceedings would have each amendment argued, one for and one against, and then put it to a vote of the parliament. No speeches, no grandstanding by the parliamentarians chosen by lottery. Just a straight vote. Up or down. Then move on to the next amendment and then finally the total bill as amended.
- After each bill is approved, the parliament is dismissed and a new parliament selected for a new procedure for the next bill. This avoids longevity of tenure of the selected parliament and avoids the possibility of exposure of the selected legislators to the seductions or pressures of lobbyists.

- This is done until all the bills matching the priorities set by the first group selected by lottery are completed, and the final parliament is dismissed and the legislative session would be considered complete.

The parallel between this process and the selection of jurors and the operation of a trial by jury is obvious. And it answers one of the primary concerns of many when first confronted with the idea of abolishing elections: what guarantees accountability of those selected by lot? The evidence is that there is accountability to principle rather than accountability to a political base of particular voters. Most jurors actually do take their duties quite seriously.

On the other hand, the relationship of particular elected representatives with their base tends to deteriorate into patronage and worse, and there are very few elected officials who would want to cross their base in the spirit of Edmund Burke<sup>24</sup>, who told the voters who elected him: “Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion”.

The sortition system would abolish elections and their costs and the role money plays in them. It also creates a system where the full participation of the electorate – at least as a population pool being drawn from – at a time when the participation rates in many elections are alarmingly low. Public debate would continue, and fake news and falsehoods would probably continue to contaminate the public discourse, but the process proposed here would limit the effect of misinformation by ensuring the quality of the pro and con debate in an organized fashion. The cost of elections, and the problems of the influence of money in political decision making would be reduced. Likewise, because there are no known individual candidates, powerful interests would not be able to buy influence or even offer bribes if someone was inclined to bribe them. It would limit the effect of incumbency as it is almost statistically impossible that a delegate would be selected twice from the same population pool. It would ensure that the selected parliament is truly representative of the population at large. The process would be transparent and educational instead of the drafting and arguing being done behind closed doors benefiting those with access and power.

The election by majority rule would tend to ensure more broadly acceptable candidates being elected and by a transparent process that gives them legitimacy.

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<sup>24</sup> Edmund Burke (1729-1797) was an Irish statesman who supported the American Revolution, but later opposed the French Revolution.

The parliamentary sortition processes would be likely to have a much more efficient and less corrupt process of legislation.

I do recognize that no system is perfect and that every possible proposal is subject to critique. But I believe that the magnitude and the depth of the changes that human society is going through require that we be bold in our initiatives, think outside of the conventional box, and use the techniques that the new technologies make possible.

## **V. Dealing with Fake News**

### **Media Literacy to the Rescue:**

Media literacy<sup>25</sup> is generally taken to mean, to learn how to evaluate content and create media in a variety of forms. Definitions, are too short-hand to properly describe a rapidly evolving process the touches every aspect of our lives. We need to keep evolving our techniques and means to reach the young, and to incorporate that in the context of the education of students in a 21st century media culture.

In the meantime, how can the public learn to discriminate in their reading between fake news and real fact-checked news? Beyond the obvious instruction to trust established news sources and organizations, different authors have slightly different recommendations, but in general they suggest critical thinking and common sense. For example, in her book *Debating Fake News*<sup>26</sup>, especially in Chapters 6 & 7, the author gives the following commonsense tips for effectively evaluating online sources, namely to always ask yourself:

- How did you get to this site? Was it recommended by someone reliable? Is it a reference cited in a scholarly article?
- What is the domain of the site providing the information? Is it an academic university (ending in .edu) or a government agency (.gov) or (.com) which tends to be a commercial or business site.

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<sup>25</sup> There are many books on Media literacy, which has become quite an important topic for educational institutions and libraries around the world. See inter alia: W. James Potter, *Media Literacy* (8th Edition), NY: SAGE Publications, Inc; 2016; and on a broader perspective see inter alia Paul Hodkinson, *Media, Culture and Society: An Introduction*, (2nd Edition) SAGE Publications Ltd; 2017.

<sup>26</sup> Reina Donovan, *Debating Fake News: a Guide with Critical Thinking Strategies on How to Extract the Truth from Fake News and Lies in the Media*, e-book on kindle, (Tru Nobilis Publishing), August 19, 2017. Accessed 25 08 2017.

- Look at the “about” section of the site and find out who created it. If there is no such information that should be a red flag.
- Try to check the accuracy of the information against other sources, and look for the academic supports of properly researched material, from bibliography to footnotes.
- Ask yourself who would benefit if you accept this information as accurate.
- Ensure that the information you are looking at is recent, and that the site itself is functional and current, looking at when it was last updated, and whether it is properly constructed and easy to navigate.

But in the final analysis, what we need to do is to focus on **the education system** to encourage our youth not to go for the quick and superficial and to value the more deliberate and reflective approaches. That is how they will acquire a proper foundation of critical thinking that will stand them in good stead in the lifelong journey of learning.

But that does not address the use of hate speech, and cyber-bullying to intimidate minorities and dissent. For that, as we said earlier, we must beware of jumping too quickly to the idea of policing the internet and limiting free speech. We need better discourse, not less discourse.

So allow me now to turn to my sixth and final theme: Why we need to address the quality of our public discourse?

## VI. On the Quality of the Public Discourse:

### Complex Societies, Complex Choices:

So, despite the echo chambers and the ingrained prejudices, despite the spread of fake news, smears and outright lies, we need to encourage the civility of our public discourse, the marginalization of hate groups, and we must promote lucidity of our public discussion. We live in complex societies and the slogans of t-shirts and bumper stickers are not adequate to discuss real alternatives for social action. Even when all agree on the basic facts, the selection of the course of action can be very difficult, as we can see in the reform of healthcare in the US.

Let us stop for a **parable**. It is a story that I owe to my friend Amartya Sen<sup>27</sup>. You meet three children with a flute and they ask you to help them decide who should get the flute. The first child is poor and has no toys, while the other two are rich and have many toys. The facts are not contested. Thus it is “fair” to let the poor child have the flute.

Now consider the same three children, but the middle child says that she is a talented musician, she enjoys playing the flute. The other two have no musical abilities at all, and they enjoy listening to her play. Again, the facts are not contested. She should get the flute.

Now let’s consider a third scenario, again where the facts are not contested: The third child contends that even if the first is poor and the second is talented, he is the one who made the flute. He took the reed and made the holes and turned it into a flute. Surely it is only fair that he should get the result of his own work.

What we have here is some, and only some, of the criteria of social choice: equity in the first case, utility in the second and entitlement in the third. All social problems and policies involve a mix of these dimensions, and choosing in a fair way has a lot to do with how society values these different dimensions and the weights that we put on each of these at a particular moment in the history of that society. To redress past injustices, it may well be very necessary to put the emphasis on one or the other of these dimensions. That is frequently the case when allocating quotas or according compensatory preferential treatment to some underprivileged group in a society. Clarity in the political debate, civility in our public discourse, and lucidity in our social intercourse can ensure that social cohesion is enhanced and not undermined by the use of such methods.

<sup>27</sup> See Amartya Sen, *The Idea of Justice*, Mass: Belknap Press, 2011.

So, if Social Justice has many dimensions, how do we get there? The two pillars of achieving Social Justice are, to my mind, Freedom and Equality. Freedom entails the exercise of rights, and equality may need to take into account the innate inequalities between individual capabilities. Each of these points needs some discussion.

### **Freedom, Rights and Equity:**

"... to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others."

— Nelson Mandela

Freedom is about the ability to decide, to choose. But we very quickly notice that many in society are not able to choose, even if the law guarantees them that right. Thus, extreme poverty severely limits the choices open to an individual. Lack of education or illness can also be important constraints in an individual's ability to fulfill his or her potential, not to mention social attitudes towards gender or ethnicity. Therefore, the exercise of rights needs the empowerment of individuals with certain capabilities that allow them to effectively practice such rights. To many, society's assistance to each individual to ensure that they acquire such capabilities becomes itself a human right since it is necessary to exercise these rights. Without that, there can be no Social Justice. Amartya Sen has cogently argued about the importance of balancing rights and capabilities to ensure the exercise of freedoms, and he recast the issues of development as broadening the space of freedom in which people can thrive.

But if freedom is ultimately to allow each person to live as fully as they can, then the inherent differences between people challenge us in terms of the inequalities that they will generate. People are multi-dimensional and we are unequal in our endowments in various dimensions: musical talent, ability in sports, physical strength, educational attainment, entrepreneurial drive, and so on.

To measure equality before the law is but a start. Some people would see fairness as the provision of equal opportunities only. If the result is to have some who are as rich as Bill Gates and some who are extremely poor, so be it. Others, most of us in fact, would see that a society where some people are lighting cigars with thousand dollar bills and others are starving is inherently unjust, whatever the starting position was and whatever the procedural guarantees have been.

Extreme inequality is corrosive. It hardens the attitudes of the rich and powerful towards the poor and lowly. It builds acceptance of the incongruity of wealth amidst misery and exclusion, undermines the very notions of social justice and social cohesion, makes a mockery of fairness, and leads to the slippery path of class warfare as the only means of redress.

Ill fares the land, to hastening ills a prey,  
Where wealth accumulates, and men decay.

-- Oliver Goldsmith, *The Deserted Village*, 1770

And that brings us back to the issue of freedom of expression. Solutions to societal problems need reflection, discussion, and the ability to articulate new and novel solutions that will use the technologies of our time. All the new ideas face an uphill battle, for as Carrie Chapman Catt<sup>28</sup> observed, there is no written law that has ever been more binding than unwritten custom supported by popular opinion.

**Envoi:**

Finally, to conclude this discourse, I implore all present to use the tools of the new technologies, to dare to think outside of the proverbial box, and to remain focused on the basic principles we are trying to protect, not on the forms and processes that our forefathers designed to safeguard these same principles. In the words of the great Carrie Chapman Catt I say to you:

To the wrongs that need resistance,  
To the right that needs assistance,  
To the future in the distance,  
Give yourselves.

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<sup>28</sup> Carrie Chapman Catt was an American women's suffrage leader who campaigned for the Nineteenth Amendment to the United States Constitution, which gave U.S. women the right to vote in 1920.