
Faking News

They can make anything bad, because they are the fake, fake disgusting news.
Donald Trump¹

All news is fake news. By this I mean that all reports of current events are to some extent ‘made up’ by the time they are received by a mediated consumer distanced from the original source. Recall that ‘fake’, from the Latin *facere* (to make, to do), is a member of the family of making words that includes fact, factory, fashion, artificial, and face. Also in that family is the name of one of the main players in the realm of fake news: Facebook. One study found that in the final three months of the 2016 US presidential campaign, ‘the top-performing fake election news stories on Facebook generated more engagement than the top stories from major news outlets’.² With all these *facere* words in mind, it is ironic that the standard test for whether news is ‘fake’ is to subject it to ‘fact-checking’. Facts themselves are things – artefacts – that we make through artificial processes of Creation and Production. Any ‘fact’ deserving of the name is something established by some process involving human skill and judgment. What matters is not whether news or facts are made up – they always are – but how they are made up and what relation there is between the thing at source and the thing as made up for public reception. Public reception also plays its part in the broadcast of fake news. Whereas an electronic radio receiver is passive, the human receiver of a message ‘is an active *producer* of meanings’.³ We therefore need to think in terms of what I call ‘Receiver Responsibility’, from the case of the journalist who receives the factual grain of a promising story, to the editor who publishes journalists’ copy, to the online user who retweets a tweet.

The UK’s Digital, Culture, Media and Sport Committee concluded that the term ‘fake news’ is ‘bandied around with no clear idea of what it means’ and that it ‘has taken on a variety of meanings, including a description of any

¹ Trump rally, Wilkes-Barre, PA (2 August 2018).

² Craig Silverman, ‘This Analysis Shows How Viral Fake Election News Stories Outperformed Real News on Facebook’, *BuzzFeed*, 16 November 2016.

³ Carl Gardner (ed.), *Media, Politics, and Culture: A Socialist View* (New York: Macmillan, 1979) 5, emphasis in original.

statement that is not liked or agreed with by the reader'.⁴ The committee recommended that the government should reject the phrase and instead adopt a 'definition of the words "misinformation" and "disinformation"'.⁵ The government agreed, and reported in its response that its latest practice is to define disinformation as 'the deliberate creation and sharing of false and/or manipulated information that is intended to deceive and mislead audiences, either for the purposes of causing harm, or for political, personal or financial gain' and to define 'misinformation' as 'inadvertent sharing of false information'.⁶ This definitional distinction between the deliberate and the accidental might produce an improvement in discourse in relation to misleading news, but the word 'fake' – derived as it is from *facere* 'to make' – does at least have the merit of bringing to the fore the Making Sense that human agency is at work at every stage in which headlines are made. I have therefore chosen to retain the contentious term 'fake news' as a catch-all for processes of making news.⁷

Objections to the use of the phrase 'fake news' are also mindful of the fact that the phrase itself has been used as a method of faking. When 'fake news' was chosen as the 'word of the year' by the *Macquarie Dictionary* in 2016 and by both the *Collins English Dictionary* and the American Dialect Society in 2017, it was largely down to Donald Trump's use of the phrase to accuse the mainstream or established professional media of publishing falsehoods. The quotation from Donald Trump at the top of this chapter shows that the accusation 'fake news' can itself be 'fake news'. When Donald Trump objects to fake news, we often find that the news in question isn't objectively falsifiable but is simply news that he dislikes. Trump's technique is an example of a rhetorical strategy by which a person implies their own creditworthiness by calling out the falsehood of others. A similar phenomenon has been observed when politicians disparage rhetoric, even as they use it. Former BBC Director General Mark Thompson has cautioned that we should not 'make the mistake of confusing anti-rhetorical "truth-telling" with actually telling the truth':

One of the advantages of noisily rejecting any notion of rhetoric is that, once listeners are convinced you're not trying to deceive them in the manner of regular politicians, they may switch off the critical faculties they usually apply to political speech and forgive you any amount of exaggeration, contradiction or offensiveness.⁸

⁴ House of Commons Digital, Culture, Media and Sport Committee, *Disinformation and 'Fake News'*, Interim Report: Fifth Report of Session 2017–2019 (HC 363) (24 July 2018) para. [14].

⁵ *Ibid.*

⁶ House of Commons Digital, Culture, Media and Sport Committee, *Disinformation and 'Fake News'*, Final Report: Eighth Report of Session 2017–2019 (HC 1791) (18 February 2019) para. [3].

⁷ Hossein Derakhshan and Claire Wardle, 'Ban the Term "Fake News"', CNN, 27 November 2017.

⁸ Mark Thompson, 'From Trump to Brexit Rhetoric: How Today's Politicians Have Got Away with Words', *The Guardian*, 27 August 2016.

We are quite rightly suspicious of allegations of ‘fake news’, especially when levelled against professional news media, but there is also a danger in rejecting out-of-hand the possibility that mainstream news is ‘fake’. The danger is that the public, knowing full well that the business of the mainstream media is to Create and to Produce news, might see defensive resistance to accusations of ‘fake news’ as a denial of the role that professional media undoubtedly play in making news. It would be better to acknowledge that all news is made up, so that by attending diligently to the fabrication process the public might discern where the source (the seed) stops and media creativity starts. The danger, otherwise, is that a cynical public will reject the whole thing, and in the process throw out the grain of truth.

Media as Fakers

That all news is fake news does not mean that news should never be believed, but it does mean that we should be attentive to the ways in which, and the extent to which, the news as we receive it has been manipulated by human intervention, whether by accident or design. Respecting the difference between different Etymologies of Making (i.e. between Invention, Creation, and Production) will shine a light on the difference between creditworthy and uncreditworthy reports. Take the common case where there is a grain of truth at the source of a news story. If we consider this grain to be the seed of the news story, we can say that the reporter did not Invent the seed, except in so far as they made a choice in the very act of identifying the seed as a potential story. A news story in its seed form is essentially a found thing rather than a fabricated or faked thing. On the other hand, the stages that follow in bringing the story to public attention are active processes of making that generally afford the maker time to consider their own responsibility for the role they play in the making process. Those stages, which we normally refer to as ‘developing’ and ‘publishing’ the story, correspond respectively to the Etymologies of Making that I call ‘Creation’ and ‘Production’. We can quibble about the difference between making headlines and faking news, but the pejorative sense in which the word ‘fake’ is employed is a distraction from the point that even creditworthy news is to some extent made up. In her book *Making the News*, political scientist Amber E. Boydston acknowledges that the ‘news-generation process’ is a ‘craft’.⁹ A news reporter might not Invent the seed of the story, but they will always have a hand in cultivating it Creatively and Producing it to the public.

How often have we read a news story and thought to ourselves, ‘well, it might be true, but this outlet is *making* the most of it’? Sometimes a private or obscure event only becomes a matter of public concern through the very act of

⁹ Amber E. Boydston, *Making the News: Politics, the Media, and Agenda Setting* (Chicago: University of Chicago Press, 2013) 32.

its publication, so that the news outlet can in such a case be said to have made the story in terms of Creation and Production so far as its public impact is concerned. For example, it is not uncommon to read that some lout in a small town has desecrated or disrespected a war memorial. This is certainly liable to cause public outrage, but probably only a small section of the public would have been outraged if the press hadn't given the incident the oxygen of publicity. In quantitative terms, the activity of the press is the source of more public outrage than the activity of the offender. It is true that the news outlet didn't make the story out of nothing, but it did make the seed grow and it made a market for its product. This observation is not intended to advocate suppression or censorship of the press, but merely to highlight that the media are far from passive in the activity of news Production. The very word 'media' can misleadingly suggest that the press, television, and so forth are passive conduits, but it is more accurate to regard news as always being to some extent media-made. There are few spectacles more unedifying than the performed indignant outrage of a media outlet when, in the very act of reporting an antisocial occurrence (often with a view to titillating its own readership), it does more to spread the stench and smear than the original perpetrator would ever have achieved without the media's co-Productive assistance. The very best professional journalists can sometimes overlook the part that they play in generating stories. A fairly innocuous example appears from a BBC news comment made in response to a 2019 judgment of the UK Supreme Court. When the court held that the UK government had acted unlawfully in seeking to prorogue Parliament in the midst of the Brexit dispute,¹⁰ the BBC's assistant political editor, Norman Smith, announced that '[t]he chorus of voices calling for Boris Johnson to quit will now grow louder'.¹¹ The rhetorical apostrophe to the 'chorus of voices', as if they were 'out there' somewhere, distracts us from the fact that the reporter's own voice is one of the loudest and most influential in raising the possibility of the prime minister's resignation. Mr Smith wasn't reporting news; he was making it. In predicting events and passing judgment, he was acting as a co-Producer of the news of Mr Johnson's possible resignation.

On the subject of journalists being complicit in making news, a pronounced problem in the age of online news reporting is journalists and their editors resorting to lazy 'clickbait' headlines to draw readers in. The phenomenon is partly attributable to the fact that the news flow on social media has increased commercial competition in an already highly competitive online market for reader attention.¹² A glaring example of this clickbait phenomenon can be

¹⁰ *R (on the application of Miller) v The Prime Minister and Cherry and Others v Advocate General for Scotland* [2019] UKSC 41.

¹¹ Norman Smith, 'Opposition Furious as Defiant PM Demands Election', *BBC News*, 24 September 2019.

¹² For an analysis of the effects of commercial pressure on US journalism, see Victor Pickard, 'Media Failures in the Age of Trump' (2016) 4(2) *The Political Economy of Communication* 118–122.

found in the sports section of the *Liverpool Echo*, a local newspaper in the UK that has been subsumed within a media group that now controls more than 200 regional newspapers with a significant online presence. My suspicion was aroused when I read the headline ‘Liverpool Manager Jurgen Klopp Has No Sympathy for Departing Manchester United Boss Jose Mourinho’.¹³ It struck me as being inconsistent with Mr Klopp’s famously fair treatment of sporting opponents. True enough, the main body of the article contained the line: ‘Asked if he had sympathy for the ex-United boss, Klopp said: “100% . . .”’. The headline baited with the promise of zero sympathy, but in the bite the substance revealed 100 per cent sympathy. When professional journalism stoops to such blatant window dressing to sell its wares, what hope is there that members of the public using social media will put forward an accurate picture of current affairs?

Among the British tabloid ‘red tops’ few offenders are more infamous for producing dubious headlines than *The Sun*, and no instance is more notorious than the appalling lies it published in the aftermath of the 1989 tragedy at the Hillsborough football stadium in Sheffield, England, which caused the deaths of ninety-seven fans of Liverpool Football Club. The deaths were caused by the failings of officials responsible for crowd management, but a few days after the tragedy *The Sun*, under the editorship of Kelvin MacKenzie, carried the bold front-page headline ‘The Truth’. The headline was followed by the following bullet points: ‘Some fans picked pockets of victims’, ‘Some fans urinated on the brave cops’, and ‘Some fans beat up PC giving kiss of life’.¹⁴ Each of those statements was an unsubstantiated lie, which *The Sun* eventually retracted on its front page in 2012 (twenty-three years after the tragedy). On 26 April 2016, an inquest confirmed that the fans who died had been unlawfully killed and that no misbehaviour by the fans had contributed to their deaths. The day after that inquest there was no mention of the jury’s verdict on the front page of *The Sun*. *The Sun*’s more respectable sister paper, *The Times*, which was guilty of the same omission, was shamed into correcting the error in its second edition. The sheer sensationalism of the original headline would have made it seductive to the minds of many who, having not been there in person, were ignorant of the very different reality of that tragic event. And this is the nub of the problem. Remote consumers of news weren’t there when it happened, if indeed ‘it’ happened at all. Remote consumers see the current of affairs when it happens to flow past them but are seldom present at the source. Accordingly, our responsibility as members of the mass to which mass media market their wares is to stand against the flow of false news; to dam damn lies. If *The Sun* had published its original Hillsborough headline in the internet age, we must

¹³ James Pearce, ‘Liverpool Manager Jurgen Klopp Has No Sympathy for Departing Manchester United Boss Jose Mourinho’, *Liverpool Echo*, 18 December 2018.

¹⁴ ‘The Truth’, *The Sun*, 19 April 1989.

hope that the jury of the public, including eyewitnesses, would have countered the dishonest news with its own true account of that terrible event.

In 2018, the presenter of a BBC radio show observed in a general way that the British newspaper readership has become desensitized to the sensationalism of its tabloid press, saying, 'I suspect that most of us are not too alarmed by this manner of adding dramatic lustre to routine news stories. It's what the tabloids do . . . get over it!', but he wonders if this complacency might 'be a little bit more dangerous when such dramatization is applied to political stories and political information; and, when we live in an era when such representations receive hugely increased audiences via all those various digital platforms?'¹⁵

Law-makers in Germany, ever mindful that the Holocaust (Shoah) was fuelled by political propaganda, have contemplated the possible criminalization of fake news.¹⁶ Something must be done, of course, but how is criminalization to be achieved without making judges the arbiters of the difference between the illegitimate 'fake' and the legitimate 'fact'? In a liberal democracy, that judgment ought ideally to be left to individual readers or consumers of news. If the aim is to prevent a nation state from turning totalitarian, it must surely be counterproductive to concentrate enlarged powers of censorship in official hands. A related problem is the need for an objective assay of the difference between 'fake' and 'fact'. Computer science researchers in the UK have observed that '[r]egulatory or other mechanisms that might be introduced to disrupt, interdict or remove "fake news" from social media will confront serious challenges in robustly identifying what is or is not "fake news"'.¹⁷ Those researchers identify 'fake news' as a serious threat to consensus building on political issues, but that merely pushes the question back to asking, 'whose consensus, and what type of consensus?'. There are many worthwhile political aims (preventing totalitarianism being chief among them), the pursuit of which requires that certain forms of consensus should be broken down rather than built up.

The Public as Fakers: Receiver Responsibility

Alongside journalists and other members of the professional news media, the public must take some responsibility for making false news through propagation. It is significant that the Dictionary.com 'word of the year' for 2018 was 'misinformation' – a synonym for a species of fake news – and its 'word of the year' in 2017 had been 'complicit'. We are all complicit in misinformation whenever we propagate it or act upon it. It is a mistake to suppose that a story

¹⁵ Laurie Taylor, 'Post-truth', *Thinking Allowed*, BBC Radio 4, 19 September 2018, 20'40.

¹⁶ 'Is Criminalizing Fake News the Way Forward?', *Deutsche Welle*, 14 December 2016.

¹⁷ Carlo Kopp et al., 'Written Evidence to the Inquiry on Disinformation and "Fake News"', Digital, Culture, Media and Sport Committee, House of Commons (12 Dec 2018).

is only made by the original author. It is remade every time it is shared, for the act of passing on the story to others contributes to the Creation of the story in the etymological sense of *in-creasing* its influence and impact. Sharing a story also contributes to making the story by Producing it to a new audience. It follows that the consumer of ‘fake news’ becomes a co-Creator and co-Producer of falsehood whenever they pass it on, for example by retweeting it or even by the simple act of ‘liking’ a social media news report. It would be regrettable enough that this should occur when the consumer personally believes the falsehood, but journalism scholar Alfred Hermida notes that ‘[e]ven if some don’t quite believe it, they will share an article with the aim of entertaining, exciting or enraging friends and acquaintances’.¹⁸ Neither can we rule out the possibility of the innocent and mistaken propagation of false news. Not everyone has the time and skill to check the available evidence behind a news story. A BBC news feature about the spread of stories about false Covid-19 cures contained the following conversation between the reporter, Sima Kotecha, and her mother:

SIMA KOTECHA: This video you’ve sent me mum, where’s it come from?
 MOTHER: Someone called Chetna Ben sent me this video.
 SIMA KOTECHA: You don’t believe it do you?
 MOTHER: No, I don’t believe it.¹⁹

Such conversations are no doubt very common. They suggest that online sharing is sometimes a banal, almost automatic action; one that isn’t calculated to harm but is employed merely as a convenient vehicle for maintaining contact with friends and family.

To err is human. Even well-intentioned experts sometimes make mistakes. For all my best efforts to check my sources, there will no doubt be a word or two out of place among the many thousands of words in this book. An example of an innocent error appears, with some irony, in a recent piece on fake news written for an Oxford University Press publication. The academic author mistakenly claims that ‘fake news’ was the OED’s ‘word of the year’ for 2016, whereas it was actually ‘post-truth’. An understandable slip, but the weeds of fake news can grow from misplaced seeds.

Much more alarming than the commission of an innocent error is the possibility that the propagator of fake news knows that the story is fake and simply doesn’t care. One of the problems with fake news in political contexts is that ‘politicians no longer care about telling the truth, but only about the “optics” – how a given situation will play out in the media and the likely

¹⁸ Alfred Hermida, ‘Trump and the Triumph of Affective News When Everyone Is the Media’, in Darren Lilleker et al. (eds) *US Election Analysis 2016: Media, Voters and the Campaign Early Reflections from Leading Academics*. (Bournemouth: Centre for the Study of Journalism, Culture and Community, Bournemouth University, 2016) 76.

¹⁹ ‘Fake Covid Videos “Will Cost Lives”’, BBC, 10 February 2021.

“narrative” that will be constructed around it’;²⁰ and also that the public – the ones responsible for construing the optics and constructing the narrative out of politicians’ words – don’t care either. Dorothy L. Sayers identified this aspect of the problem as long ago as 1941 in her study *The Mind of the Maker*, when she observed that ‘[t]he Press and the Law are in this condition because the public do not care whether they are being told truth or not’.²¹ Politicians must take their share of the blame for promoting and exploiting this truth-casual behaviour. A blatant example of ‘the ends justify the means’ reasoning occurred in November 2017 when President Trump retweeted videos purporting to show violent behaviour by Muslims. The videos had originally been tweeted by an officer of Britain First, an extreme right-wing organization. When reporters challenged President Trump’s then press secretary, Sarah Huckabee Sanders, regarding the veracity of the videos, she replied: ‘Whether it’s a real video, the threat is real’, adding that Trump’s ‘goal is to promote strong border security and strong national security . . . the need for national security and military spending – those are very real things, there’s nothing fake about that’. She could hardly have relied more blatantly on the fallacy that real ends justify phoney means.²²

Politicians as Fakers

Before we turn to consider politicians as fakers, we should recall the point made in earlier chapters that the very essence of statecraft is to fabricate the idea of the nation state, to build political consensus, and to make social peace. Rhetorically constituted democracies have always been deeply reliant on the Making Sense, and this has often entailed the recognition of ideals that do not – or do not yet – correspond to present empirical reality. No modern nation state has been more consciously, deliberately, and artificially created through rhetorical performance than the United States of America, and at the heart of the performance is a call to accept the show and to suspend disbelief. Consider that the US Declaration of Independence was declared, as its opening paragraph says, out of ‘decent respect to the opinions of mankind’; in other words, to appeal to the judgment of an audience of critical public spectators. The second paragraph begins with those famous words:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

²⁰ Martin Hirst, ‘Towards a Political Economy of Fake News’ (2017) 5(2) *The Political Economy of Communication* 82–94, 87; referring to James Ball, *Post Truth: How Bullshit Is Conquering the World* (London: Biteback Publishing, 2017).

²¹ Dorothy L. Sayers, *The Mind of the Maker* (London: Methuen & Co Ltd, 1941) xvi.

²² Emily Shugerman, ‘White House Defends Trump and Says It Doesn’t Matter if Video He Retweeted Was Fake: “The Threat is Real”’, *The Independent*, 29 November 2017.

The transcendental truth that human beings are equal in the eyes of God is not, and never has been, in any proper sense 'self-evident' to human eyes as they have looked over the state of their societies. What we actually see is a great deal of inequality in the starting points from which citizens commence their social existence. Human equality is not at all evident in practice, but on a closer reading we find that the framers of the Declaration didn't say that it was. What they said was, 'we *hold* these truths to be self-evident' (emphasis added). They admit to a sort of manual handling of the truth – an activity that sometimes goes by the name of manipulation or manufacture. In other words, the framers of the Declaration expressed their commitment to maintaining as true a fact that is inconsistent with the preponderance of available evidence. Evidence of social, racial, and sexual equality is scarce enough today in a United States which, at the time of writing, has had just one Black (and not one female) president. Evidence was even harder to come by in the days when a group of white men (many slave-owners among them) first framed the Declaration of Independence. The Declaration was never intended to report the state of things then present, but to utter words with the rhetorical power to bring an ideal state into being. As a matter of logic, the framers were committing the mistake of turning an 'ought' into an 'is'. As a matter of rhetorical performance, there was no mistake at all. It was a solemnly and dramatically performed commitment to realize a hoped-for future. I will not say that the Declaration of Independence was fake news, but neither was it reporting the evident state of the nation or the people within it. It was an aspirational document that stated and performed a set of political ends and left until another day the identification and the perfection of the means to achieve those ends.

Pretending comes in many forms, and by no means all of them are morally bad. The Declaration of Independence was a pretence in the etymological sense of idealistically reaching forward (*pre-tenere*) to achieve something (social justice) that in practice is always just out of reach. Other species of pretension are not so idealistic, and among these we can include the behaviour of putting forward a front designed to distract the viewer from the substance behind the show. During his term as president, Donald Trump was deeply committed to this type of pretension. That commitment was evidenced in the earliest days of his presidency when his aides responded to the publication of photographs of the crowds that attended his inauguration ceremony. The problem for Trump was that images of those crowds were published in the press alongside images of the much larger crowds that attended Barack Obama's first inauguration. In response to this perceived threat to Trump's prestige, the then White House press secretary, Sean Spicer, asserted in his first ever White House press conference that Trump had commanded 'the largest audience to ever witness an inauguration, period, both in person and around the globe' (21 January 2017). The main thrust of Spicer's press conference was to berate the mainstream media for propagating fake news, and yet his

statement was itself a bold lie. Far from being the biggest ever, the crowd present in person on the National Mall for Trump's inauguration wasn't even the biggest that decade. Spicer's outlandish claim is one he subsequently confessed to being ashamed of.

The day after it was made, Spicer's assertion was put to Kellyanne Conway, counsellor to the president, in a 'Meet the Press' feature with *NBC News*.²³ In that television interview, she made the now notorious suggestion that Spicer had merely stated 'alternative facts'. The interviewer Chuck Todd interrupted her by saying: 'Wait a minute. Alternative facts? . . . Alternative facts are not facts. They're falsehoods.' One can see his point, but the absolutist language of true and false, while seductive, is not particularly helpful here. References to true and false are meaningless without express explanation of the basis on which true and false are distinguished. Not all 'alternative facts' are 'falsehoods', as we can clearly see from the widespread use in politics and elsewhere of different analyses of the same statistical data to establish widely diverging versions of factual reality. Instead of equating all alternate facts with falsehoods, it would have been more accurate if Chuck Todd had said that Sean Spicer's reading of the images of the inauguration crowds case was patently falsifiable, but journalists and presenters engaged in live, short-format media have neither the time nor the inclination to be accurate at the expense of impact, and even if they did, most members of the public wouldn't have the time or inclination to attend to it.

Kellyanne Conway's claim that Spicer had merely presented 'alternative facts' inadvertently reveals the reality that 'fact' and 'fake' involve closely related modes of making it up. The practical problem (which became a political problem) was simply that Sean Spicer's making process didn't make sense. It was too blatant a bluff and too easily falsifiable. Like badly applied make-up or botched cosmetic surgery, it ended up making its subject appear more grotesque than the original. The reason that Trump's public relations people went to such a patently falsifiable extent to manipulate public perceptions in this context is clear. For a populist, reality TV president, audience size (ratings) is the ultimate measure of success. Sean Spicer's use of the word 'audience' instead of 'crowd' was a small clue to the fact that political theatricality was dominating Spicer's – and by implication Trump's – mindset. (This theme was the focus of Chapter 7, 'The Acting President'). The fabricating possibilities that reside in the close connection between fact and fake are a goldmine for a canny politician, but Trump's team of Spicer and Conway somehow managed to turn the goldmine into a minefield. Previous presidents have employed all the same tricks with impunity. Back in 2004, a reporter for the *New York Times* reported a conversation with a senior aide to President

²³ 'Kellyanne Conway: WH Spokesman Gave "Alternative Facts" on Inauguration Crowd', *Meet the Press*, NBC News, 22 January 2017.

George W. Bush in which the aide had boasted that politicians' capacity for creating news was superior to that of journalists:

We're an empire now, and when we act, we create our own reality. And while you're studying that reality – judiciously, as you will – we'll act again, creating other new realities, which you can study too, and that's how things will sort out. We're history's actors . . . and you, all of you, will be left to just study what we do.²⁴

There, in the language of 'actors' and their 'judicious' audiences, speaks the hubris of the public relations practitioner self-consciously putting on a show.

Spin: Press, Politicians, and PR

Public relations experts don't peddle lies; they peddle home-spun truths. As Richard Edelman, president and chief executive officer of the public relations company Edelman, puts it: 'there is no truth except the truth you create for yourself'.²⁵ Commenting on that quotation, Sheldon Rampton and John Stauber observe that '[w]hen there is no truth except what you create for yourself, lies become unnecessary, even irrelevant'.²⁶ Rampton and Stauber criticize the 'public relations worldview' that 'envision[s] truth as an infinitely malleable, spinnable thing . . . not a thing to be discovered but a thing to be created, through artful word choices and careful arrangement of appearances'.²⁷ It may disappoint Rampton and Stauber, but the practical reality is that social 'truths' are *not* discovered things. Unless one is talking about Divine or absolute truth, all truths are human made. (This is the main argument of Chapter 4, 'The Truth Factory'.) The solution to the problem of deceit is not to deny that social truths are made up, but to demand higher standards in the processes by which truth and fact are manufactured. Indeed, what is required is a set of manufactory standards approximating as closely as possible to the rigorous standards of courts of law and even of scientific experiment, according to which a 'truth' only qualifies as such when it is potentially falsifiable and has been refined in the fiery crucible of expertly conducted trials and tests. The stakes are high. *The Sun's* reporting of the Hillsborough tragedy shows how a single page of lies – just twenty-four false words on a newspaper front page – can blight an entire community. In politics, the effects of false stories can change the course of whole nations. In the United States, a survey found that people who had voted for Barack Obama in 2012, but who in 2016 defected from the Democrats to vote for the Republican candidate Donald Trump, may have been influenced by fake news stories. When a sample of the 'defectors' were presented with three widespread

²⁴ Ron Suskind, 'Faith, Certainty and the Presidency of George W. Bush', *New York Times* (Magazine section), 17 October 2004.

²⁵ *Ibid.* ²⁶ *Ibid.* ²⁷ *Ibid.*, 11.

fake news items about Trump's opponent, Hillary Clinton, it was found that only 17 per cent of those who believed two or all three of the false stories voted for Clinton in 2016.²⁸

It is possible that public trust in politicians is even lower than public trust in journalists. In the UK, Peter Kellner reports that the March 2012 YouGov survey *Democracy on Trial: What Voters Really Think of Parliament and Our Politicians* found that 'newspapers score relatively well' compared to politicians, a fact which, he says, 'might raise some eyebrows' given that 'other YouGov research shows that few people trust the red-top and mid-range tabloids to tell the truth'.²⁹ He concludes that it 'is a sign of how unpopular our political system is that parties and politicians score even worse than journalists, when people are asked to compare their performance side-by-side'.³⁰ In practice, the lines between politicians and journalists can become somewhat blurred. Staying with the UK, Tony Blair's government (1997–2007) was renowned for turning political 'spin' into a journalistic art form in which it sought to micro-manage public presentation of its policies, right down to rebranding its party as 'New Labour'. By the time of David Cameron's period as prime minister (2010–2016), the journalistic style of government had become so blatant that Cameron went so far as to hire Andrew Coulson as the government's communications director even though he had previously resigned as editor of one of the least reputable red tops (*News of the World*) when one of its reporters was convicted of illegally hacking phones. Coulson was subsequently jailed for his involvement in the phone-hacking scandal. Cameron was himself employed by a media company before becoming an MP and remained a consultant to the company when in political office. Before he became prime minister (2019–2022), Boris Johnson was a journalist and editor of the weekly current affairs magazine *The Spectator*.

We can't hide from the fact that political freedoms require us to run the risk that the press will make mistakes (misinformation) and even tell lies (disinformation). We run similar risks in relation to the behaviour of our politicians and for similar reasons. It is indicative of this that the UK's Electoral Commission concluded its report on political advertising by recommending that it should be regulated voluntarily and not under the official scheme that regulates advertising standards in commercial contexts. According to the House of Commons Library website, electoral law 'doesn't require claims in political campaigns to be truthful or factually accurate', although 'it is a crime to make or publish a false statement of fact about the personal character or

²⁸ Richard Gunther, Erik C. Nisbet, and Paul Beck, 'Trump May Owe His 2016 Victory to "Fake News" New Study Suggests', *The Conversation*, 15 February 2018.

²⁹ Peter Kellner, *Democracy on Trial: What Voters Really Think of Parliament and Our Politicians*, YouGov survey (March 2012) 3.

³⁰ *Ibid.*

conduct of a candidate'.³¹ (A similar rule applies during House of Commons business in the UK Parliament to prohibit MPs from accusing their fellow MPs of lying.)³² A crowd-funded attempt to prosecute Prime Minister Boris Johnson for allegedly false claims made when campaigning for the UK to leave the EU ultimately failed on various grounds, including the fact that:

In a referendum there are at least two sides with competing arguments, both of which are highly likely to be contested to some degree. Even official data can, and will, be presented by campaigners in a way that favours their argument – that is the nature of political campaigns. It will not always be possible to establish the truth about campaign claims in an independent, truly objective sense.³³

This, it might be thought, sets the bar pretty low for assessing political honesty; and yet this, it might also be thought, is the price we have to pay to enable political free speech. It is an example of the courts' traditional and quite proper reluctance to interfere in political processes. Another example is demonstrated in the courts' traditional disavowal of any capacity to impeach an Act of Parliament, even when 'its introduction or passage through Parliament, was attended by . . . irregularity' and 'even on the ground that it was obtained by fraud'.³⁴ In theory, courts retain the authority to 'prevent an unconscionable use of the power to apply to Parliament for the enactment of a new private statute', but UK courts have shown great reluctance to exercise that authority.³⁵

The 2012 YouGov survey referred to earlier found that nowadays in the UK, 'it is the monarch who commands political respect by the general public, while Parliament is regarded with something approaching contempt'.³⁶ If that was the public attitude to politicians in 2012, one wonders how low politicians' public standing must be after the parliamentary goings-on since the 2016 UK referendum on membership of the EU. Her Majesty Queen Elizabeth II's strict political neutrality was no doubt a major reason for her popularity (which is to say that much of that popularity might have evaporated if she had become politically outspoken on contentious political issues) and makes one wonder if mainstream newspapers are missing a marketing trick when they align themselves strongly with one side or the other of the party-political divide.

When the public spreads fake news out of ignorance, or a well-intentioned academic spreads fake news inadvertently, it is certainly not so blameworthy

³¹ Lorraine Conway, 'Who Regulates Political Advertising?', *Insight*, House of Commons Library (4 November 2019).

³² 'Dawn Butler Thrown Out of Commons for PM Lie Accusation', *BBC News*, 23 July 2021.

³³ *The 2016 EU Referendum*, The Electoral Commission (September 2016) para. [3.99].

³⁴ *British Railways Board Appellants v Pickin Respondent* [1974] A.C. 765, House of Lords, per Lord Wilberforce at 793.

³⁵ *Re London, Chatham and Dover Railway Arrangement Act* (1869) LR 5 Ch App 671.

³⁶ Peter Kellner, *Democracy on Trial: What Voters Really Think of Parliament and Our Politicians*, YouGov survey (March 2012) 4.

as politicians spreading fake news for political gain. This is a mode of making news that has traditionally gone by the name of propaganda – a word which, by analogy to the propagation of plant seeds, expressly alerts us to the fact that its purpose is to broadcast the politician’s story in the hope that it will take root and grow. The most blatant example in recent times must surely be Russian President Vladimir Putin’s crass attempt to justify Russia’s invasion of Ukraine on the pretence that he was seeking to ‘denazify’ it. Less extreme, but not without danger to life, was the fake news perpetrated by populist French President Emanuel Macron at the height of the Covid-19 vaccine crisis at the start of 2021 when he cast doubt on the efficacy of the British designed Oxford-AstraZeneca (ChAdOx1) Covid-19 vaccine. Aesop told a fable about a fox which, because it couldn’t reach some grapes, broadcast the lie that the grapes were sour and told anyone who’d listen that it hadn’t really wanted them. This is pretty much what happened when Macron’s government couldn’t get hold of supplies of the ChAdOx1 vaccine. Speaking on 29 January 2021, Macron resorted to the fox’s trick and spread the fake news that the AstraZeneca vaccine was ‘quasi-ineffective’ in people over 65 years old:

We have to be realistic: the real problem with the AstraZeneca vaccine is that it doesn’t work in the way we expected. We’re waiting for the EMA [European Medicines Agency] results, but today everything points to thinking it is quasi-ineffective on people older than 65, some say those 60 years or older. What I can tell you officially today is that the early results we have are not encouraging for 60 to 65-year-old people concerning AstraZeneca.

‘Sour grapes’ produce a bitter whine. Soon after this, the EMA approved the Oxford-AstraZeneca vaccine for all age groups in the EU. It is true that there was a relative shortage of statistical data for over 65s when the UK started to roll out the Oxford vaccine, but a deficiency of positive evidence is not positive evidence of a deficiency. British scientists were confident in the efficacy of the Oxford-AstraZeneca and that confidence was subsequently vindicated.³⁷ The motive for Macron’s decidedly negative spin on the data might have been to reduce French citizens’ vaccine demand at a time when his government was struggling to meet it. If so, it worked. We can note in passing that Macron used the rhetorical trick of employing the term ‘quasi’ to give his comment a spurious scientific veneer in the very act of twisting the scientific evidence (‘everything points to’). Writing a month after the incident, BBC correspondent Hugh Schofield noted that the French medical profession, ‘which had no political axe to grind – said early on that the [ChAdOx1] jab was a welcome addition’, before adding, ‘[b]ut politicians set the tone’ and ‘must surely take

³⁷ Aziz Sheikh, Chris Robertson, and Bob Taylor, ‘BNT162b2 and ChAdOx1 nCoV-19 Vaccine Effectiveness against Death from the Delta Variant’ (2021) *New England Journal of Medicine*, <https://doi.org/10.1056/NEJMc2113864>.

some of the blame for the slow uptake of the vaccine since its launch in France last month'.³⁸

Swallowing Lies

The previous sections have been dominated by the horticultural analogy – ‘the seed of a story’, ‘grain of truth’, ‘dissemination’, ‘broadcast’, ‘propaganda’, and so forth. Another vivid way to appreciate the presentation of news is through the analogy of cuisine. The cuisine analogy is used in numerous contexts in which falsehood is at issue. We talk, for instance, of ‘cooking the books’ in relation to dishonest accountancy. More generally, lies are frequently described as things that are ‘fed’ to us, and as things that we ‘swallow’ or might find ‘hard to swallow’. It is therefore an unfortunate coincidence that mainstream news is delivered through ‘newsfeeds’. The image of the public as a hungry devourer of the newsfeed goes back a long way. In his 1625 play, *The Staple of News*, the dramatist Ben Jonson described news as ‘a weekly cheat to draw mony’, ‘wherin the age may see her owne folly, or hunger and thirst after publish’d pamphlets of Newes, set out euey Saturday, but made all at home, & no syllable of truth in them’.³⁹ The public is hungry for news, but whether it is persuasive in the sense of being palatable comes down to a matter of taste. This has two aspects: first, the ‘good taste’ or critical judgment of the potential consumer; and second, the savour of the morsel as it is served up. Both aspects – the work of the consumer and the work of the purveyor – go together to make up the persuasiveness of the news item. Together they exemplify participatory co-Production. The cooking analogy has a long historical pedigree in relation to the rhetorical arts of persuasion. Sincerity has often been put in issue by portraying successful rhetoric as the addition of pleasing sauce to increase the flavour of the underlying substance of the matter. In Plato’s *Gorgias*, he gives Socrates the somewhat tongue-in-cheek (or deliberately argumentative) complaint that rhetoric gives a merely cosmetic impression of the justice that is essential to political health (462b–66a). Socrates likens his claim that ‘self-adornment personates gymnastic’ to the claim that ‘cookery is flattery disguised as medicine’ (465b).⁴⁰ The complaint can be read as a tacit admission that rhetoric works in practice. That pragmatic view is made express by the early modern rhetorician Thomas Wilson in his manual *The Arte of Rhetorique*, where he praises the pleasing effects of enhancing meat with a good sauce:

³⁸ Hugh Schofield, ‘Coronavirus: What’s behind France’s AstraZeneca Turnaround?’, *BBC News, Paris*, 2 March 2021.

³⁹ Thomas L. Berger and Sonia Massai eds, *Paratexts in English Printed Drama to 1642* Second Intermeane after the Second Act of *The Staple of News* (Cambridge: Cambridge University Press 2014) 570–571.

⁴⁰ Plato, *Lysis. Symposium. Gorgias*, W. R. M. Lamb (trans.), Loeb Classical Library 166 (Cambridge, MA: Harvard University Press, 1925) 319.

[H]im cunne I thanke, that both can and will ever, mingle sweete among the sower, be he Preacher, Lawyer, yea, or Cooke either hardly, when hee dresseth a good dish of meate.⁴¹

Adding that:

[W]hen a mannes stomacke is full and can brooke no more meate, he may stirre his appetite either by some Tarte sawce, or elles quicken it somewhat by some sweate dishe.⁴²

Despite Wilson's praise for the rhetorical art of dressing the dish, it matters if we are tricked into swallowing lies. According to Cicero's account, the Roman actor Polus enhanced his performance of Electra mourning her brother by bringing onto stage an urn with the ashes of his own dead son. Brecht called this 'barbaric', and resorted to the cuisine analogy to object specifically to the way in which apparently true emotions can be employed to obscure the truth of the play:

[T]he object is to fob us off with some kind of portable anguish – That's to say anguish that can be detached from its cause, transferred *in toto* and lent to some other cause. The incidents proper to the play disappear like meat in a cunningly mixed sauce with a taste of its own.⁴³

Elsewhere Brecht uses the term 'culinary theatre' to decry drama that pampers to the audience's tastes and which seeks to feed them through feelings rather than provoking them to think.⁴⁴ This talk of emotional veneer being applied at the performance stage to obscure the underlying truth of a matter surely speaks to us in our present post-truth times, in which news and political views frequently present the sober meat of events in sensationalized and emotionally charged terms. Lawyers reading this might consider themselves to be enthroned above the sway of such vices, but they also know the rhetorical art of seasoning a story, and occasionally they make the error of seasoning the matter too strongly. As Bassanio says in *The Merchant of Venice*, 'In law, what plea so tainted and corrupt, / But, being seasoned with a gracious voice, / Obscures the show of evil?' (3.2.75–77). When Peter Goodrich noted that 'law and sauce' are 'rather directly related',⁴⁵ he was referring indirectly to the suggestion made by Horace in his *Satires* that 'it is worthwhile to study well the nature of the compound sauce' (*est operae pretium duplicis pernoscere iuris*

⁴¹ Thomas Wilson, *The Arte of Rhetorique* (London: Richard Grafton, 1553) (1560), G. H. Mair (ed.) (Oxford: Clarendon Press, 1909), 4.

⁴² *Ibid.*, 105.

⁴³ Berthold Brecht, *Brecht on Theatre: The Development of an Aesthetic*, John Willett (ed.) (1964) (London: Methuen Drama, 2001), 271.

⁴⁴ Werner Hecht, 'The Development of Brecht's Theory of the Epic Theatre 1918–1933' 6(1) *The Tulane Drama Review* 40–97.

⁴⁵ Peter Goodrich, *Advanced Introduction to Law and Literature* (Cheltenham: Edward Elgar, 2021) 13.

naturam),⁴⁶ by which Horace meant a sort of vinaigrette or salad dressing. Goodrich was referring more directly to Charles J. Darling's punning observation that Horace's aphorism applies as well to 'the kind of *jus* served out in our courts of law'.⁴⁷ Judge Learned Hand employed the same metaphor when he described judicial craft in terms of Confectionary Performance (as to which, see Chapter 8):

[T]he good judge is an artist, perhaps most like a chef. Into the composition of his dishes he adds so much of this or that element as will blend the whole into a compound, delectable or at any rate tolerable to the palates of his guests. The test of his success is the measure in which his craftsman's skill meets with general acceptance.⁴⁸

Shows of Truth

There is no doubt that dramatic interest lies at the heart of much that makes news stories appetizing to consumers. The UK government's definition of disinformation describes it as information 'that is intended to deceive and mislead *audiences*'.⁴⁹ If we want to be effective in the way we critique what Shakespeare termed 'shows of truth' (*Henry V* 1.2.72), we need to take seriously the theatrical modes of making and rhetorical performance by which truth is represented in media. We might begin by taking seriously the possibility that the public now consumes news, and construes news, from the perspective of an audience to an entertainment. Observations made by James W. Carey in 1978 seem eerily prescient of the internet age of Web 2.0:

[T]he public exists now largely as a statistical artifact: as the concatenation of individual judgments expressed through opinion polls, but most critically, not as a sphere of rational discourse. Our system of communication is not addressed at the public but at private individuals. We have evolved a radical form of mobilized privacy: the individual hooked into long lines of communication from remote sources. This transformation involved the displacement of the reading public – a group who spoke to one another about the news in rational and critical ways – into a reading and listening audience.⁵⁰

If mass media have had the effect of constituting the public as audience, it is correspondingly true that the public has constituted mass media as a form of

⁴⁶ Horace, *Satires*, H. Rushton Fairclough (trans.), Loeb Classical Library 194 (1926) (Cambridge, MA: Harvard University Press, 2015) II.IV, 63–64.

⁴⁷ Charles J. Darling, *Scintillae Juris* (London: Stevens and Haynes, 1889).

⁴⁸ Learned Hand, review of Benjamin N. Cardozo, *The Nature of the Judicial Process* (1921) 35 *Harvard Law Review* 479.

⁴⁹ House of Commons Digital, Culture, Media and Sport Committee, *Disinformation and 'Fake News'*, Final Report: Eighth Report of Session 2017–2019 (HC 1791) (18 February 2019) para. [3], emphasis added.

⁵⁰ James W. Carey, 'A Plea for the University Tradition' (1978) 55(4) *Journalism Quarterly* 846–855, 854.

entertainment. Communications scholar Vincent Price writes in his book *Public Opinion* that:

The political power of an attentive public is on occasion exercised directly (e.g., in an election), but it also operates indirectly and more continuously through the perceptions of the political actors who play to the audience and who gauge their own efficacy in the political world by indicators of public response.⁵¹

The relationship between mass media and public audience operates as a two-way process in which each confirms the identity of the other through misleadingly simple labels – ‘public’ on the one side and ‘mass media’ on the other. The reality is much more complex. On one side, the so-called public is not unitary and neither do its members share any unitary, identifiable opinion. On the other side, journalistic standards and modes of dissemination vary greatly among the media. ‘Media’ is, after all, a plural word. There is in fact such variation within the crowd of television and radio broadcasters, print press, and online professional media that they together constitute more of a ‘mess media’ than a ‘mass media’. We ought also to be cautious when we purport to find a neat line between media and the public as if it corresponds to a tidy distinction between actor and audience. The mess of mediating communication between them is one reason why the dividing line is never static and is certainly never neat. Price notes that although Walter Lippmann set up a distinction between ‘actors’ (officials and citizens who try to influence politics directly) and ‘spectators’ (interested observers who constitute an audience for political performance), Lippmann also acknowledged that very often ‘the actors in one affair are the spectators of another’, so that ‘there is often a mixture of the two types of behavior’.⁵² Crossover between passive and active roles also informs Augusto Boal’s term ‘spect-actors’, which he used to describe participants in his public forum style of theatre. His ‘spect-actors’ are those ‘who observe (*spectare*, in Latin – to see) in order then to act’.⁵³ More recently, Susan Bennett reprises this idea of the empowered audience in her book *Theatre Audiences*,⁵⁴ where she focuses on the ‘productive and emancipated spectator’⁵⁵ and the audience that ‘emerges as a tangibly active creator of the theatrical event’.⁵⁶

Falsehoods and half-truths sometimes flourish in the mainstream press, but in social media they can reproduce virally to pandemic proportions. Not that

⁵¹ Vincent E. Price, *Public Opinion* (London: Sage, 1992).

⁵² Walter Lippmann, *The Essential Lippmann: A Political Philosophy for Liberal Democracy*, Clinton Rossiter and James Lare (eds) (1963) (Cambridge, MA: Harvard University Press, 1982) 90.

⁵³ Augusto Boal, *Legislative Theatre: Using Performance to Make Politics* (Abingdon: Routledge, 1998) 9.

⁵⁴ Susan Bennett, *Theatre Audiences: A theory of Production and Reception*, 2nd ed. (Abingdon: Routledge, 1997).

⁵⁵ *Ibid.*, 1. ⁵⁶ *Ibid.*, 9.

it is possible to draw any definite line between the professional and the amateur press nowadays, given that the traditional tabloids publish much of their content free online and allow members of the public to gloss it via the 'comment' sections of their web pages. When a newspaper article appears online together with readers' commentary, the whole becomes a new artefact co-Produced through the joint activity of journalist with commentator and the joint activity of commentator and commentator. One of the factors that lends authority to mainstream media is that we know the names of the authors and can therefore research and assess their level of expertise. In contrast, members of the public who comment on the story are generally shielded by whole or partial anonymity and have limited or non-existent personal accountability for what they post.

Our response to fake news ought to acknowledge the active part played by the audience in the Production of stories. We need to work towards a notion of Receiver Responsibility, in which, by analogy to theatre, the audience of fake news is considered a co-Producer of the artefact. There is no show without the audience, and without a public the media cannot perform their mediating role between news source and consumer. In a traditional theatrical context, the audience is expected to suspend its disbelief. If a playgoer is for some reason duped into believing that the fabrication is fundamentally real, the fault lies with them. Their co-Productive participation has made the performance into something it isn't and something it wasn't intended to be. A competent spectator must, says Keir Elam, have 'the ability to recognize the performance as such'.⁵⁷ He adds that:

Every spectator's interpretation of the text is in effect a new construction . . . It is the spectator who must make sense of the performance for himself, a fact that is disguised by the apparent passivity of the audience. However judicious or aberrant the spectator's decodification, the final responsibility for the meaning and coherence of what he constructs is his.⁵⁸

The same 'final responsibility' falls upon members of the public when they consume the spectacle of a news report. It falls to receivers of a news report to recognize that they are witnessing not the truth itself but a show of truth, and it falls to them to discern where the performance lies.

In comparing the responsibility of a consumer of news to that of a theatre audience, I am mindful that outside of traditional and self-evidently theatrical contexts, it will not always be fair to expect the consumer to be alert to fabrication, still less to falsehood. With the modern development of 'deep fake' digital fabrications the task of discernment is almost impossible to discharge. It is not, though, a wholly recent challenge. Nowadays digital

⁵⁷ Keir Elam, *Semiotics of Theatre and Drama*, 2nd ed. (London: Methuen, 2002) 78.

⁵⁸ *Ibid.*, 85, following Juri M. Lotman, *The Structure of the Artistic Text* (1972), Gail Lenhoff and Ronald Vroon (trans.) (Ann Arbor: University of Michigan Press, 1977).

technology can be employed to fool the masses, but for so long as there have been technologies for telling truths the same technologies have been turned to telling lies. Consider the well-known instance of Orson Welles' radio adaptation of H. G. Wells' novel *The War of the Worlds*, which was presented in the form of fake news bulletins aired on 30 October 1938. The bulletins announced that aliens from Mars had invaded the US state of New Jersey and this is said to have led to widespread panic among listeners who took the reports at face value. Assuming for now that mass panic did indeed ensue, should listeners to the show have been responsible for their credulity in believing that the broadcast was a real news item? The broadcast had been framed from the outset by an announcement introducing a presentation by Orson Welles and *Mercury Theatre on the Air*, complete with a classical music overture (Tchaikovsky's Piano Concerto No. 1 in B-flat minor) of the sort that might accompany the raising of a curtain in a physical theatre space. This should have given the theatrical game away, but listeners coming late to the show might have missed the very clear framing of the fabrication. They might have tuned in late but in time to hear the narrator, Orson Welles, declaring in hyper-realistic mode that '[o]n this particular evening, October 30, the Crosley service estimated that thirty-two million people were listening in on radios'; or just in time to hear a standard format weather report; or perhaps their attention was first grabbed by lively Latino music and a new voice saying '[g]ood evening, ladies and gentlemen. From the Meridian Room in the Park Plaza in New York City, we bring you the music of Ramón Raquello and his orchestra. With a touch of the Spanish.' One can imagine listeners turning up the volume to hear that music, only to have it interrupted with the following sober announcement:

Ladies and gentlemen, we interrupt our program of dance music to bring you a special bulletin from the Intercontinental Radio News. At twenty minutes before eight, central time, Professor Farrell of the Mount Jennings Observatory, Chicago, Illinois, reports observing several explosions of incandescent gas, occurring at regular intervals on the planet Mars.

And with that, the alien invasion began. There were so many frames within frames, so many falsehoods wrapped in truths and truths in falsehoods, that it would hardly be surprising if a radio audience were taken in. At one point, the fictional head of the radio station even says, 'believing that radio has a responsibility to serve in the public interest at all times, we are turning over our facilities to the state militia'. Orson Welles might have argued in his defence that this was indeed public service broadcasting; a sort of mass lesson in being alert to propaganda.

The 'I was alerting the public' defence was run by Channel 4 television in the UK when it broadcasted a 'deep fake' message to the nation on Christmas Day 2020 through the medium of a hyper-realistic computer-generated avatar of Queen Elizabeth II, at precisely the time that the real monarch was

delivering her annual Christmas message on the BBC and ITV channels. Do we believe that Channel 4 was genuinely acting in the public interest with its fake royal message, or was this merely self-serving sensationalism under the pretence of public service? In other words, could this be an example of the Trump-like technique noted earlier by which an apostrophe to fake news is itself faked for the purpose of enhancing the faker's own credibility? As things turned out, Orson Welles' public service defence was more apt than he could have anticipated at the time. Less than a year after his *War of the Worlds* stunt, the same American radio audience would be tuning in to hear real reports of the outbreak of World War II. And yet, as it also turned out, reports of mass panic in response to Welles' radio production might have been the real 'fake news' story in *The War of the Worlds* affair. Scholars have questioned the veracity of contemporary news reports of panic (e.g. *The Boston Daily Globe's* front-page banner headline 'Radio Play Terrifies Nation'), and even of recent documentary style retrospectives on the panic (e.g. Desert Penguin Pictures' production for PBS's *American Experience* series).⁵⁹ We shouldn't forget that, like Orson Welles, makers of broadcast news and makers of documentaries are working in show business.

'If You Have the Truth, Rest Quiet'

The statement with which I opened this chapter – 'all news is fake news' – is deliberately provocative. Maybe it is sensational. It is, of course, a rhetorical technique for alerting the reader to a surprising and hitherto unseen truth. In other words, I took a seed of truth – the fact that news is always in some sense and to some degree made by human craft – and I developed it and published it in a way calculated to make the truth more tantalizing. It was a journalistic move. Actual journalists, who may be working under commercial or partisan political pressures, will rarely have the freedom (even supposing that they have the time and inclination) to be so transparent in revealing their rhetorical methods. Many journalists work under the same sorts of pressures that entertainers are under. Their role is to put on a show and they rely upon a critically discerning readership to understand that journalism rarely presents the naked seed to public view.

We might lament the fact that all news is fake news, but an unadorned news story is no guarantee of naked truth. The problem with the naked seed is that it is seldom as unambiguous as we might think. Unlike actual biological plant seeds, the seeds of stories can be grown into a species quite different from the original. It is also possible that a member of the public, receiving the naked seed of a story, might, like an unskilled gardener, plant the seed in the wrong soil at the wrong temperature and with the wrong fertilizer. They might

⁵⁹ Jefferson Pooley and Michael J. Socolow, 'The Myth of the War of the Worlds Panic', *SLATE*, 28 October 2013.

produce something stunted, deformed, and unattractive from a seed that was originally sound and full of potential. It is therefore sometimes a good thing that a professional journalist has taken hold of the seed of a story and sought to grow it in such a way that it resists rot. Indeed, we might say that the very essence of good professional journalism is that it takes responsibility for cultivating the seed of a story in such a way that it becomes bigger and better, yet undeniably of the same species as the original. It will be recalled from Chapter 10 that this quality of being the same (**sem-*) despite growth (*crescere*) is the etymological meaning of the word 'sincere'.

Professional journalists and editors do what they are vocationally accustomed to do. Our role as audience and critics is not to dismiss their work because it is a work of make-believe, but to appreciate it as such. Judgment is left to the public as audience and reader to decide if the making was fairly or unfairly done. We are called to critical judgment, and that (as the etymology of 'criticism' informs us) is a process of sifting. We need to sift the grain of truth from the chaff. We are the audience to the journalists' show and the responsibility falls on us to sit as critics and not as passive recipients. As I said earlier, we have Receiver Responsibility. It is not inconsistent with that responsibility for us to suspend disbelief, but we should be knowing and responsible in how we suspend it. Ben Jonson's Prologue to *The Staple of News* urged his theatre audience to exercise their own critical judgment in relation to the cozening (a good old synonym for 'deceiving') effect of news stories. Immediately following his assertion quoted earlier in this chapter (that the Saturday newspapers are 'made all at home' and have 'no syllable of truth in them'), he continues:

[T]here cannot be a greater disease in nature, or a fouler scorne put upon the times. And so apprehending it, you shall doe the Author, and your owne judgement a courtesie, and perceive the tricke of alluring money to the Office, and there cooz'ning the people. If you have the truth, rest quiet, and consider that *Ficta, voluptatis causa, sint proxima veris*.

What he is saying here is that it falls to the audience to discern where the seed of truth in a news report has been corrupted by mercantile and self-serving interests. Jonson's Latin motto *ficta, voluptatis causa, sint proxima veris* is from Horace's *Ars Poetica*.⁶⁰ It means: 'fictions meant to please should be close to the truth'. In other words, just as a made-up face can enhance the natural beauty of the original, so a made-up story can enhance the truth. What we must be alert to is the sort of make-up that disguises the truth and stories that render the original more beautiful – or indeed more ugly – to such an extent that the original is lost in the telling.

⁶⁰ Horace, *Ars Poetica*, §338, H. Rushton Fairclough (trans.), *Satires. Epistles. The Art of Poetry*, Loeb Classical Library 194 (Cambridge, MA: Harvard University Press, 1926) 478.