

# Readings

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## THE GERMAN BATTLE WITH FAKE NEWS

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**Most fears and concerns did not come true: The German federal elections in September 2017 were largely free of the atmosphere of hacks, fake news and disinformation that marred the U.S. elections one year before. Instead, they passed off orderly and somewhat boring, as is the normal case for Germany. Stricter regulations of social media or their announced tightening might have played a certain role. Though, more decisive can be considered the fact that the trust in social media is significantly smaller in Germany than in the U.S.**

Without any doubt, there was reason to believe that the scenario of the United States could be repeated in the run-up to the German elections. In 2015, Russian hackers had penetrated the IT-system of the German parliament and had stolen e-mails and other confidential data. Among the targets were the offices of German Chancellor Angela Merkel and several of her party colleagues. It was these same cyberspies who infiltrated the Democratic Party in the United States only one year later.<sup>1</sup> During her 12 years as chancellor, Merkel also had to face repeated attacks of the Kremlin's propaganda machine on her policies. Especially the German outlets of the media companies RT, Sputnik and NewsFront have increasingly inserted

disinformation into the German information space. This happens partly through "social bots", automated accounts that masquerade as humans to distort discussion on social media. Even more important is the help of real social media users who share and repost Russian disinformation thousands of times. These are mainly pro-Kremlin activists, far-right users, and anti-migrant users.<sup>2</sup>

The probably most prominent case of Russian disinformation dominated the public discussion in Germany for about two weeks in January 2016. A 13-year-old German girl with Russian roots had gone missing for 30 hours and reported to have been raped by men of Middle Eastern or north African appearance when she reappeared. Although she immediately admitted that she invented the story, when questioned by trained specialists, the Russian state TV, including RT and Sputnik, picked up the case and distributed the false information. After reporting that the allegations were allegedly not investigated by German police, uproar among the Russian-German society was incited, who finally took to the streets in Berlin in front of the Chancellor's Office.<sup>3</sup>

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<sup>1</sup> Beuth, P., Biermann, K., Klingst, M., Stark, H., „Merkel und der schicke Bär“, in: Zeit Online, [interactive], 2017, <http://www.zeit.de/2017/20/cyberangriff-bundestag-fancy-bear-angela-merkel-hacker-russland>

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<sup>2</sup> Nimmo, B., „The Kremlin's Amplifiers in Germany“, in: Medium, [interactive], 2017, <https://medium.com/dfrlab/the-kremlins-amplifiers-in-germany-da62a836aa83>

<sup>3</sup> Knight, B., „Teenage girl admits making up migrant rape claim that outraged Germany“, in: The Guardian, [interactive], 2016, <https://www.theguardian.com/world/2016/jan/31/tee>

The story provides a deep insight into the logic of Russian propaganda. Security experts agree that it is evidently directed at manipulating public opinion, stirring up conflict and destabilising Western societies. Thereby, the refugee crisis suits Russia fine, which presents Germany as having been infiltrated by savage foreigners, making it an unsafe place for its citizens. It fuels resentments against migrants and tries to undermine confidence in political institutions.<sup>4</sup> According to the White House National Security Adviser H.R. McMaster, this is all part of an attempt to break Europe apart and to weaken the West.<sup>5</sup>

With the federal elections in 2017 in view, it became clear to the German government that these Russian efforts may not be left unanswered. Chancellor Merkel described them as a direct threat to German democracy: "Democracy is all about public opinion. And if there are new ways to manipulate public opinion, then we will see a new type of democracy."<sup>6</sup> Yet, the German government refrained from drastic measures for a considerable time. In the course of the growing debate about fake news and hate speech in 2015, the German Justice Minister Heiko Maas initially chose to find a common solution with major social platforms on a voluntary basis. A catalogue of measures was developed and Facebook and Co. were asked to mark or remove defamatory propaganda and fake news.<sup>7</sup> As Facebook faced two lawsuits in the country, the company showed eagerness to tackle the problem. In the beginning of 2017, it rolled out its fake news identification tool, which outsources the task to independent fact-checkers. Its main fact-checking partner in Germany is the news

organisation Correctiv, whose journalists sift through the social network in search of disinformation. They check whether the spotted information can be categorized as false and, where appropriate, forward it to Facebook.<sup>8</sup> However, this approach has produced mixed results. The Correctiv team criticised that they were not instructed about how Facebook compiled the list of posts they had to review and about how it assessed whether a potentially false story was gaining traction on its social media site. Even more problematic seemed the fact that the company did not necessarily remove all stories that were identified as "fake" by Correctiv.<sup>9</sup> Apart from that, journalists working for Facebook raised concerns over possible conflicts of interest. Since some of them were paid by the company, they found it hard to scrutinize and criticise Facebook's role in distributing misinformation. A couple of months after the initiative was launched, most journalists agreed that the social media site's fact-checking tool has largely failed.<sup>10</sup>

With fake news and hate speech not disappearing from social networks in response to the initiative (although on a much lower level than in the U.S.), the German government decided to resort to a tougher instrument. On 30 June 2017, three months before the federal elections, the German parliament adopted a law that can rightly be considered the most extreme reaction to the threat of disinformation among Western countries.<sup>11</sup> Under the so-called Network Enforcement Act, which came into full effect on 1 January 2018, online platforms face fines of up to €50m, if they do not remove "obviously illegal" hate speech and other sorts of illegal expression within 24 hours. More ambiguous cases can be assessed within a week. Facebook, Twitter, YouTube and other internet companies were concerned and assured that they will

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Meister, S., „The „Lisa case“: Germany as a target of Russian disinformation“, in: NATO Review, [interactive], <https://www.nato.int/docu/Review/2016/Also-in-2016/lisa-case-germany-target-russian-disinformation/EN/index.htm>

<sup>4</sup> Amann, M., Becker, M., Bidder, B. et al, „Russia's Propaganda Campaign Against Germany“, in: Spiegel, [interactive], 2016, <http://www.spiegel.de/international/europe/putin-wages-hybrid-war-on-germany-and-west-a-1075483.html>

<sup>5</sup> Handelskrieg, D., „Forscher sehen stark gestiegene Rezessionsgefahr“, in: Spiegel, [interactive], 2018, <http://www.spiegel.de/#action=404&ref=hpinject404>

<sup>6</sup> Shuster, S., „Russia Has Launched a Fake News War on Europe. Now Germany is Fighting Back“, in: Time, [interactive], 2017, <http://time.com/4889471/germany-election-russia-fake-news-angela-merkel/>

<sup>7</sup> Kuhl, E., „Was Sie über das NetzDG wissen müssen“, in: Zeit Online, [interactive], 2018, <http://www.zeit.de/digital/internet/2018-01/netzwerkdurchsetzungsgesetz-netzdg-maas-meinungsfreiheit-faq>

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<sup>8</sup> Shuster, S., „Russia Has Launched a Fake News War on Europe. Now Germany is Fighting Back“, in: Time, [interactive], 2017, <http://time.com/4889471/germany-election-russia-fake-news-angela-merkel/>

<sup>9</sup> Cerulus, L., „Germany's anti-fake news lab yields mixed results“, in: Politico, [interactive], 2017, <https://www.politico.eu/article/fake-news-germany-elections-facebook-mark-zuckerberg-correctiv/>

<sup>10</sup> Levin, S., „'Way too little, way too late': Facebook's factcheckers say effort is failing“, in: The Guardian, [interactive], 2017, <https://www.theguardian.com/technology/2017/nov/13/way-too-little-way-too-late-facebooks-fact-checkers-say-effort-is-failing>

<sup>11</sup> Cerulus, L., „Germany's anti-fake news lab yields mixed results“, in: Politico, [interactive], 2017, <https://www.politico.eu/article/fake-news-germany-elections-facebook-mark-zuckerberg-correctiv/>

cooperate with the new restrictions.<sup>12</sup> Accordingly, they spent months hiring and training moderators to cope with the requirements of the new law.

The social media companies are obviously adhering to the new law, since several posts have been deleted in the last three weeks. However, they seem to have already overshot the mark. On 02 January 2018, Twitter had blocked a tweet of “Titanic” – a German satire magazine that had derided the right-wing politician Beatrix von Storch by tweeting a racist and defamatory message under her name. The social network evidently did not understand the satire and after deleting the tweet it even blocked entire Titanic’s account. This has given rise to a broad discussion about whether the decision about illegal and disinformative content should be left to social media companies. Some critics even speak of censorship.<sup>13</sup> Yet, it remains to be seen whether Twitter and Co. will find an appropriate way of dealing with the new regulation. At the moment, one cannot judge the law’s effectiveness yet. But even if it proves to be effective, it can hardly explain why the German election campaign in August and September 2017 was relatively void of rampant propaganda, against the background that the law came into force only on 01 January 2018.

Security authorities as well as media experts agree that their fears of fake news had been overestimated. Especially in comparison to the U.S. elections one year before, the impact of disinformation was relatively small.<sup>14</sup> The reason may lie less in stricter regulation of social media in Germany, but rather in a different role of social media at all. In the U.S., the whole electoral campaign was clouded by the social media’s prevalence. While the biggest share of media consumption goes through social networks in the US, only 26 % of Germans – about half the U.S. level – follow the news through social media. More than 50 % of all German news consumers choose to read, hear or watch news directly on the

websites of their favourite news providers. Overall, social media was not an important source of information about the federal election in Germany. Only 6 % of Germans obtained respective information from social media. Moreover, there is no counterpart to conservative media like Breitbart or Fox News in Germany.<sup>15</sup>

All this leads to the conclusion that Germany is far less exposed to the social network “virus” and the danger emanating from fake news. Hence, it is questionable whether such a harsh law as it was adopted by the German parliament is necessary at all. It involves the risk that social media companies *excessively* remove social content, since they fear to face high financial punishment in case they do not delete illegal content. This, without doubt, evokes concerns concerning the freedom of expression on social media. A better approach might therefore be to make young people aware of the problem. For instance, fact-checking training might be included into the curriculum in schools. Sustainable results, of course, could be expected only in years to come. But this approach avoids shifting the decisions about truth and lies, insults and satire to social media companies.

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**Disclaimer:** the opinions expressed in this article are the author’s own and do not necessarily reflect the view of the Eastern Europe Studies Centre.

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<sup>12</sup> Salinas, S., „Social media companies could face huge fines from German hate speech law“, in: CNBC, [interactive], 2018,

<https://www.cnbc.com/2018/01/02/germanys-hate-speech-law-could-cost-internet-companies.html>

<sup>13</sup> Borgbohmer, T., „NetzDG: Twitter sperrt Account des Satiremagazins Titanic wg. Beatrix von Storch – und löst Zensur-Debatte aus“, in: Meedia, [interactive], 2018, <http://meedia.de/2018/01/03/netzdg-twitter-sperrt-account-des-satiremagazins-titanic-wg-beatrix-von-storch-und-loest-zensur-debatte-aus/>

<sup>14</sup> Furstenu, M., „Fears of fake news overshadowed its effect – in Germany“, in: DW, [interactive], 2017, <http://www.dw.com/en/fears-of-fake-news-overshadowed-its-effect-in-germany/a-41132306>

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<sup>15</sup> Bershidsky, L., „Why Germany is Better at Resisting Fake News“, in: Bloomberg, [interactive], 2017, <https://www.bloomberg.com/view/articles/2017-10-24/why-germany-is-better-at-resisting-fake-news>