

“Dispelling Disinformation: Law Libraries in the Post-Truth Era”

Australian Law Librarians’ Association Conference

Opening Address

23 September 2021¹

Good morning from Canberra, land of the Ngunnawal and Ngambri peoples.

I acknowledge the traditional custodians of all the lands upon which we meet. I pay my respects to their elders, past, present, and emerging, and to all First Nations peoples. I acknowledge that sovereignty over the lands has never been ceded.

Many classic science fiction novels have accurately predicted the future. Hugo Gernsback’s “Ralph 124C 41+” (“one to foresee for one plus”, published in 1911) predicted solar energy, movies with sound, and television.² H. G. Wells’ novel “The World Set Free” (published in 1914) predicted the atomic bomb three decades before it’s time.³ And, in “The Hitchhiker’s Guide to the Galaxy”, in 1979 Douglas Adams predicted real-time audio translating apps.⁴

However, science fiction does not always get it right. The 1989 film “Back to the Future Part II” predicted that by 2015 we would be using flying cars and hoverboards.⁵ How disappointing.

Similarly, predictions about the future of libraries have not always been realised.

In 1901, Melvil Dewey predicted that by 1926:

Books, except a few rarities, will be regarded less as fetiches [sic] to be protected with a kind of sacred awe, and more for use. When a volume costs as much as a village, this reverence and jealous watchfulness were justified. Now that it can be bought for the price of a single meal, such reverence is a mediaeval survival. Students will cut up books freely for notes and scraps.⁶

A free for all “scrapping” of library books by the younger generation has not materialised. On the other hand, these days books are sometimes accorded the reverence of a Big Mac.

In 1915, Arthur C. Pulling, a law librarian at the University of Minnesota, predicted that, instead of housing their own personal collections, lawyers would use bar libraries, and

¹ I express my thanks to my associates, Ross Mackey and Bridie Adams, for their assistance in the preparation of this address.

² Megan Willett-Wei, ‘These 15 sci-fi books actually predicted the future’, *Business Insider* (Web Page, 9 November 2018) <<https://www.businessinsider.com/books-predicted-future-sci-fi-2018-11?r=AU&IR=T>>.

³ Ibid.

⁴ Ibid.

⁵ Catherine Shoard, ‘Back to the Future Day: what Part II got right and wrong about 2015 – an A–Z’, *The Guardian* (online, 21 October 2015) <<https://www.theguardian.com/film/filmblog/2015/jan/02/what-back-to-the-future-part-ii-got-right-and-wrong-about-2015-an-a-z>>.

⁶ Melvil Dewey, ‘The Future of the Library Movement in the United States in the Light of Andrew Carnegie’s Recent Gift’ (1901) 39 *Journal of Social Sciences* 139, 143.

other public libraries.⁷ He was concerned about the rapid growth of legal literature and the capacity of future libraries to physically house the necessary publications.⁸

While his first prediction did prove accurate—practitioners now use publicly available library resources rather than personal collections—Pulling did not envisage the capacity of technology to replace physical storage.

In 1971, the American Association of Law Libraries held a panel event on the future for law libraries.⁹ The panel foresaw with excitement that:

Capabilities of automated systems will increase tremendously over the next 20 years...Insofar as management can standardize procedures and make them repetitive, computerization has the capacity to handle such tasks, accurately and at great speed.¹⁰

Some panel members discussed the prospect that computers would make all librarians obsolete.¹¹

Like other institutions, the library world has become a global mix of influences that reflects diverse communities.¹² In the 1920s, S. R. Ranganathan studied librarianship in England, then resumed his former role as first librarian at the University of Madras, becoming a “major figure in the Indian library world”.¹³ His “Five Laws of Library Science” has been described as “a definitive statement of the ideal of library service”.¹⁴

Over time, libraries have changed. They have ceased to house precious handwritten manuscripts and begun to house mass produced books. They have discarded hard copy books in favour of soft copy material. Their material has become increasingly diverse. What libraries do and have always done is house information that meets the changing needs of their clientele.

It is the future of information and the way in which people access information that will inform the future of libraries, and of librarians.

While Pulling’s concern about the capacity of future libraries to store physical books has been addressed by the Internet, the sentiment of the prediction still stands. How can we hope to find the information that we need among the overwhelming amount of information on the Internet, bypassing the much more overwhelming amount of rubbish on the Internet?

⁷ Arthur C. Pulling, ‘The Law Library of the Future’ (1916) 8(4) *Law Library Journal* 72, 74.

⁸ Ibid.

⁹ Panel, ‘New Directions for Law Libraries: Alternatives for the Future’ (1971) 64(4) *Law Library Journal* 507.

¹⁰ Ibid 515.

¹¹ Ibid 507.

¹² Alistair Black and Peter Hoare, ‘Libraries and the modern world’ in Alistair Black and Peter Hoare (eds) *The Cambridge History of Libraries in Britain and Ireland* (Cambridge University Press, 2008) 13.

¹³ Ibid 14–15; “S. R. Ranganathan: Indian Librarian”, *Britannica* (online, 5 August 2021) <<https://www.britannica.com/biography/S-R-Ranganathan>>.

¹⁴ Ibid.

Electronic content rushes relentlessly at us via text messages, work emails, social media posts, smart watch vibrations, and eerily targeted advertisements, not to mention the daily highlight – the live COVID-19 press conferences.

“Internet overload” poses a real and present danger to us all.

“Internet overload” may adversely affect personal wellbeing, decision-making, innovation, and productivity.¹⁵ The “stress of being unable to process information as fast as it arrives” combined with the expectation of 24/7 accessibility “can deplete and demoralize” people.¹⁶ There is a perception of delayed decision-making if we don’t respond immediately to a work email¹⁷, not to mention the distress of being left on “read”. After finishing work on our medium-size screen laptops, we “relax” for hours by viewing social media posts on our small screen smartphones.

Internet or information overload (today, it is the same thing) has shrunk our attention span. A Microsoft study found that the human attention span is now only 8 seconds, a decrease of nearly 25% in just a few years.¹⁸ Danish researchers reported that:

the allocated attention time in our collective minds has a certain size but the cultural items competing for that attention have become more densely packed. Content is increasing in volume, which exhausts our attention and our urge for “newness” causes us to collectively switch between topics more regularly.¹⁹

The combination of information overload and shortened attention span has contributed to the rise of misinformation on the Internet.

The dissemination of misinformation is not helped by the long-standing human tendency to think that our own opinions are the right opinions. No one will be surprised to learn that a 2016 study of 376 million Facebook users’ interactions with over 900 news outlets found that users preferred to read information that aligned with their own opinions.²⁰

In 2016, Oxford Dictionaries selected “post-truth” as the word of the year; it means ‘relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief’.²¹

¹⁵ Paul Hemp, ‘Death by Information Overload’, *Harvard Business Review* (Web Page, September 2009) <<https://hbr.org/2009/09/death-by-information-overload>>.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Chuck Murphy, ‘The Shrinking Attention Span & What It Means for Marketers’, *Boston Digital* (Web Page, 27 August 2019) <<https://www.bostondigital.com/insights/shrinking-attention-span-what-it-means-marketers#:~:text=In%20fact%2C%20a%20study%20by,an%20answer%20fast%20and%20easy.>>>.

¹⁹ Dream McClinton, ‘Global attention span is narrowing and trends don’t last as long, study reveals’, *The Guardian* (online, 18 April 2019) <<https://www.theguardian.com/society/2019/apr/16/got-a-minute-global-attention-span-is-narrowing-study-reveals>>.

²⁰ Janna Anderson and Lee Rainie, ‘The Future of Truth and Misinformation Online’, *Pew Research Center* (Web Page, 19 October 2017) <<https://www.pewresearch.org/internet/2017/10/19/the-future-of-truth-and-misinformation-online/>>.

²¹ Filippo Menczer and Thomas Hills, ‘Information Overload Helps Fake News Spread, and Social Media Knows It’ *Scientific American* (Web Page, 1 December 2020) <<https://www.scientificamerican.com/article/information-overload-helps-fake-news-spread-and-social-media-knows-it/>>.

There are many new and insidious ways of ensuring that we see only what we want to see, and we hear only what we want to hear, regardless of whether it is true.

Social media algorithms perpetuate the dissemination of fake news in consumers' "feeds".

[S]earch engines and social media platforms provide personalized recommendations based on the vast amounts of data they have about users' past preferences. They prioritize information in our feeds that we are most likely to agree with—no matter how fringe—and shield us away from information that might change our minds.²²

Social media create "echo chambers" for misinformation; via algorithms and confirmation bias, people are led to others who are like them.²³ These echo chambers separate people into large and increasingly misinformed communities that readily share fake news within the community; the supposed "truth" of the misinformation is affirmed by "likes" piling on "likes". It is a pandemic with a frightening R factor.

The US Centre for Countering Digital Hate has named a "Disinformation Dozen", 12 anti-vaccine activists that, across the social media platforms of Facebook, YouTube, Instagram and Twitter, reach more than 59 million followers, and are responsible for as much as 65% of anti-vaccine misinformation on those platforms.²⁴ Misinformation has dramatic real-life consequences. Exposure to even a small amount of online vaccine misinformation may reduce the number of people willing to receive a COVID-19 vaccine by up to 8.8%.²⁵

The spread of misinformation on social media is further enhanced by "bots", automated accounts that impersonate human users.²⁶ Bots are easy to create. They can amplify misinformation by interacting with a social media post, increasing the popularity of the post and spreading the post in users' algorithms.²⁷ Research by the Australian National University concluded that bots were two-and-a-half times more influential than humans during the first US presidential debate in 2016.²⁸ In 2017, Menczer and Hill estimated that up to 15% of active Twitter users were bots, and they played a large role in spreading misinformation during the 2016 US presidential election:

Within seconds of a fake news article being posted—such as one claiming the Clinton campaign was involved in occult rituals—it would be tweeted by many bots, and humans, beguiled by the apparent popularity of the content, would retweet it.²⁹

²² Ibid.

²³ Ibid.

²⁴ 'The Disinformation Dozen: Why Platforms Must Act on Twelve Leading Online Anti-Vaxxers' (Center for Countering Digital Hate, 2021) 5.

²⁵ Sahil Loomba et al, 'Measuring the impact of COVID-19 vaccine misinformation on vaccination intent in the UK and USA' (2021) 5 *Nature Human Behaviour* 337–348.

²⁶ Filippo Menczer and Thomas Hills (n 21).

²⁷ Ibid.

²⁸ Marian-Andrei Rizoiu et al 'Debatenight: The role and Influence of Socialbots on Twitter During the 1st 2016 U.S Presidential Debate' (Conference paper, International AAI Conference on Web and Social Media, June 2018)

²⁹ Filippo Menczer and Thomas Hills (n 21).

Bots fired off hashtags such as #trump2016 and #neverhillary. Approximately 126 million Facebook users were exposed to this content.³⁰ The end result—an estimated increase of 3.23% in the Trump vote.³¹

A related problem is that negative information spreads faster than positive content, readily manipulating users into emotions of fear and anxiety.³² The Bruno Kessler Foundation found that, during Spain's 2017 Catalan independence referendum, social media bots "were leveraged to retweet violent and inflammatory narratives, increasing their exposure and exacerbating social conflict".³³ A 2017 fake news story reporting that Ethereum's founder Vitalik Buterin had died in a car crash resulted in the cryptocurrency company dropping \$4 billion in value.³⁴

"Deepfakes" are another development that supports the spread of misinformation. Deepfakes are not dodgy Photoshop-ed images, but videos created by Artificial Intelligence that superimpose audio and images to create a fake video of someone saying or doing whatever the creator wishes.³⁵ Deepfakes can accurately mimic a target's voice, inflection, facial expressions, and mannerisms.³⁶

Deepfakes are hard to distinguish and easy to create with a smartphone, using just a few images.³⁷ In August this year, a group was charged with creating a fake video of the Australian Federal Police (AFP) Commissioner, Reece Kershaw, calling on the public to join the AFP in overthrowing the federal government and arresting senior MPs and bureaucrats.³⁸

All this is deeply troubling. And Australians are deeply troubled. In 2020, 64% of Australians were concerned about online misinformation, and more than one-third were most concerned that the Australian government, politicians and political parties were producing misinformation.³⁹ Interestingly, only one-fifth were concerned about activist groups creating misinformation.⁴⁰ A 2021 Australian study showed that trust in mainstream media and political leaders had declined since the beginning of the pandemic and was "among the reasons for vaccine hesitancy".⁴¹

³⁰ Sophie Marineu, 'Fact check US: What is the impact of Russian interference in the US presidential election', *The Conversation* (online, 30 September 2020) <<https://theconversation.com/fact-check-us-what-is-the-impact-of-russian-interference-in-the-us-presidential-election-146711>>

³¹ Yurity Gorodnichenko, Tho Phan and Oleksandr Talavera, 'Social Media, Sentiment and Public Opinions: Evidence from #Brexit and #USELECTION' (Working paper No 24631, National Bureau of Economic Research, 2018)

³² Filippo Menczer and Thomas Hills (n 21).

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ Andrew Ray, 'Disinformation, Deepfakes and Democracies: The Need for Legislative Reform (2021) 44(3) *UNSW Law Journal* (forthcoming).

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ 'Fake video purports to show AFP commissioner plotting to oust government' *SBS News* (online, 2 August 2021) <<https://www.sbs.com.au/eds/news/article/fake-video-purports-to-show-afp-commissioner-plotting-to-oust-government/830211cc-d9ff-4d72-8574-18f644f5d433>>.

³⁹ Mathieu O'Neil and Michael J. Jensen, 'Australian Perspectives on Misinformation' (News & Media Research Centre, University of Canberra, 2020) 9.

⁴⁰ *Ibid.*

⁴¹ Andrea Carson, Shaun Ratcliff and Leah Ruppner, 'Poor levels of trust in media and politicians fuels vaccine uncertainty' *Sydney Morning Herald* (online, 19 July 2021)

If, until now, ignorance has meant a lack of information—we have associated information with knowledge and knowledge with wisdom—then the Internet has uncoupled information from knowledge and wisdom. Now, ignorance is more often associated with an overload of impoverished information, and the insidious and rampant propagation of false but emotionally comforting information that conforms with our own opinions.

In the context of pressing global catastrophes, including climate change and the pandemic, such ignorance is clearly problematic.

Libraries and librarians face a choice: they can become objects of historical curiosity, or an important part of the solution to the problems associated with the new social ignorance.

Librarians could help us to:

- a) locate rich information and discard superficial information;
- b) dispassionately interrogate information; and
- c) listen to viewpoints that differ from our own.

This sounds like what lawyers do—or should be doing—every working day. Which means that, if law librarians have these goals, they are likely to be supported by their lawyer clients.

What might this look like?

The law library may be reimagined as a research and education service, with librarians as the researchers who are providing the service.

Future library patrons will rely predominantly on electronic resources. There has been a daunting “explosion” of legal tools.⁴² More than ever, lawyers need savvy researchers to help us find and navigate the overwhelming number of resources.⁴³ Law librarians may be the only people who are up-to-date about reliable resources. As researchers, law librarians will need to build strong relationships with their lawyer clients, to understand and respond to their evolving needs.

How will the physical library space change? Reductions in the size of print collections will mean that library collections require much smaller building footprints. And do we really need a quiet place for reflection and study when we are increasingly alone anyway, occupied in second-rate screen research and second-rate screen communication?

Perhaps library rooms and buildings could become noisy places, with a focus on dispelling the misinformation that infiltrates other parts of our lives. In these noisy places, librarians could be reinvented as educators, reviving discarded notions about

<<https://www.smh.com.au/national/poor-levels-of-trust-in-media-and-politicians-fuels-vaccine-uncertainty-20210719-p58ayc.html>>.

⁴² Alison O'Connor, 'Special libraries and information services' in Stuart Ferguson (ed), *Libraries in the Twenty-First Century: Charting Directions in Information Services* (Elsevier Science & Technology, 2007) 64.

⁴³ Ibid.

the benefit of face-to-face discussion and debate. Law librarian educators could play an important part in community education, promoting an informed understanding of contemporary legal issues and the role of law in our society.

Whether or not these predictions materialise, let's not forget the words inscribed in large letters on the front cover of the Hitchhiker's Guide—DON'T PANIC. There is a whole Galaxy out there in which libraries and librarians may reinvent themselves and thrive.