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GUEST EDITORIAL

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THE TROUBLE WITH 2016

"May you live in interesting times" is traditionally interpreted as a curse. If nothing else, one can say that 2016 was a very interesting time. For Western nations, 2016 will be remembered particularly for the UK's referendum decision to leave the European Union ("Brexit") and the electoral college victory of Donald Trump in the United States. These electoral outcomes not only represented serious challenges to the established political norms, they also exposed serious fault lines between different groups of citizens. In the period following both votes, it was apparent that the populations of both countries were bitterly divided. The ultimate geopolitical consequences of these votes will be a matter of debate over the coming years, although it appears that one of the most important short-term consequences will be their making anti-establishment political events more likely. The surprise vote for Brexit seemingly created a fertile environment in which such political upsets were possible. This was undoubtedly why Trump made repeated references to the Brexit vote during the final months of the 2016 presidential election campaign, referring to the potential of a successful Trump campaign as "Brexit times 10." Going forwards, the breakup of the EU now seems like much more of a possibility than it did at the start of 2016. Yet precisely because of the importance of such electoral decisions, it is essential that voters choose based upon sound information. Among the many criticisms of both votes, one of the most challenging is that the official campaigns were frequently misrepresenting facts to voters.

The belief among voters that politicians lie is near ubiquitous in contemporary political systems, and politicians in general are routinely placed at or towards the bottom of indices of trust. Beginning a Google search with the phrase "politicians are" brings up the autocomplete suggestions of "liars," "criminals," "puppets," and "all the same." While such findings are localised by Google to specific countries and regions, these suggestions seem to accurately reflect my experiences of the attitudes of voters towards politicians in many diverse countries. Even

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given such expectations, the UK's EU referendum and the 2016 U.S. presidential election both displayed substandard levels of factual accuracy. One of the most prominent campaign claims during the EU referendum was that the UK sent £350 million per week to the EU, and that instead that money could be spent on the National Health Service (NHS). This claim was deeply problematic, because it relied on the maximum possible conceptualisation of the costs of EU membership for the UK while disregarding both the rebate that the UK receives and the effects of direct EU spending on the UK as a result of membership. Once these factors have been taken into account, the net cost of membership was much closer to half the figure advertised. In the U.S. presidential election, Trump similarly made use of outlandish and often factually incorrect statements as cornerstones of his campaign. For example, when launching his campaign in 2015 Trump said,

> When Mexico sends its people, they're not sending their best .... They're sending people that have lots of problems, and they're bringing those problems with us [*sic*]. They're bringing drugs, they're bringing crime. They're rapists. And some, I assume, are good people.

Of course, this claim dramatically overstates the rates of criminality among migrants from Mexico, but moreover it also implies an intent on the part of Mexico as a state to send the worst members of Mexican society, an intent that does not exist.

At the same time as relatively poor records on factual accuracy by the campaigns, there has been the emergence into the popular consciousness of "fake news;" wholly or mostly fabricated stories in the style of news reports usually posted online and often shared virally. Catering separately to both those on the left and the right, providers of fake news have been tapping into familiar conspiracy theory leitmotifs. Thus we hear that an array of senior Democrats are really part of a secret underground child-snatching network run out of a pizza shop, that Donald Trump boasted about running as a Republican solely because Republicans were easier to fool, and that a shadowy world of financiers is secretly funding "the other side" in order to steal your job. The purpose of fake news, from the providers' point of view, is usually to secure visits to their website and therefore ad impressions; this in turn generates an income, which can be substantial under the right circumstances. However, in order to reach the highest levels of user engagement, and therefore generate the most money, fake news often tries to reinforce sincerely held beliefs while providing a supplementary narrative that "the authorities" or "the mainstream media" do not want you to know about it. It appears that politics has provided fertile ground for such fake news, possibly because of the existence of well-demarcated "sides" standing in opposition to each other. As news increasingly becomes something that is consumed online, and also increasingly shared virally, the challenge posed by fake news will surely grow rather than diminish.

REGULATING CAMPAIGN HONESTY

The combination of recent lows in campaign rhetoric and the rise of fake news has led some to suggest that we are living in an age of "post-truth politics"—a world in which truth is less important than public attitudes and where everyone has their own (often incompatible) "facts." Thus, as the 2016 presidential election came to a close, one striking poll finding was that Donald Trump was rated as being more honest and trustworthy than Hillary Clinton. Such

attitudes sit uneasily alongside attempts to evaluate the honesty of the 2016 presidential candidates, which in general show Clinton as substantially more honest than Trump (e.g., http://www.politifact.com).

It is within this context that calls have increasingly been made for greater regulation of the honesty of political campaigns. It is easy to see such calls as merely an extension of present ethical regulation. On face it seems absurd that we are well protected by advertising legislation from lies told by companies making lightbulbs, but almost completely unprotected from lies told by politicians during electoral competitions. Given the power that elected officials hold and the influence referenda wield, it might seem reasonable to think citizens should be entitled to the highest levels of protection from intentional dishonesty. In practice, such regulations would be far easier to implement in the UK than the United States because of precedents surrounding the First Amendment to the U.S. Constitution. Nonetheless, since the regulations aim to curtail the "right" to lie of candidates for public office, rather than of the public, there is a possibility of such regulations not violating the Constitution.

Nonetheless, there remain serious questions about whether we should even be trying to regulate truth. Unlike the claims made by lightbulb manufacturers, the claims made by politicians rarely relate to simple and objective facts. Claims that the UK's economy would grow after leaving the EU or that Mexico would pay to build a border wall may have been implausible on the available evidence at the time they were made, but it is hard to count them as straightforward lies. Going further, we may worry about handing over the power to regulate political speech to any group. Such a group would need the power to say authoritatively whether a political claim was substantiated or not, and the public would need to be able to trust their judgements. However, undoubtedly this would hand an enormous amount of power to the regulator. A conscious and careful regulator may be able to do an acceptable job under such circumstances, but a malicious one could fundamentally reshape the "truth" of politics. Having political sympathisers appointed to such a regulator would become the preeminent challenge for unscrupulous political actors. Moreover, since the prize is so great, the incentive for corruption would be similarly great.

The regulation of lies in political campaigns would also necessitate very fast work by regulators if the regulations were to be useful. Particularly in the case of referenda, campaigns are likely to be set up in an *ad hoc* fashion and may simply cease to exist at the end of the campaign period; the same point could be made of candidate-independent political support groups (e.g., Super PACs). Even if we had perfect regulators who were always right in their judgements and whom the public trusted completely, the process still would still not work if an *ad hoc* campaign saved its advertising lies for a single large push in, say, the final week. Indeed, the challenge of responding fast enough is one reason cited by the Advertising Standards Authority in the UK for not wanting to be responsible for regulating political campaigns.

Finally, irrespective of how effective regulation can be, there is always the risk that the public will simply not accept the rulings of a campaign regulator, at which point the idea of censure has been weakened dramatically. "Politicians I don't like are corrupt liars; the ones I do are not" may be a bad slogan, but it appears to accurately describe many people's attitudes towards politicians. This is surely one lesson from the rise of fake news—people are willing to believe incredible stories so long as those stories reinforce their pre-existing world view. Under such circumstances, it is far from apparent that an official regulator could be effective in raising the standards of political communication.

CONCLUSION: THERE AND BACK AGAIN?

Much of what has been written in the popular media about the Brexit and Trump campaigns has had a cataclysmic tone, as if these campaigns invented lying in politics and the only remedy will be fundamental regulatory change. While it is true that neither campaign covered itself in glory, we must be wary of hyperbole and throwing the baby out with the bathwater. Concerns about a lack of honesty and integrity among those in public life are literally ancient. Indeed, one of the earliest examples of written text in the world concerns the anti-corruption and governance reforms of Urukagina from the ancient Babylonian city-state of Lagash. Urukagina styled himself as a popular ruler who would restore integrity to governance (although there is no contemporaneous account of whether Urukagina's followers shouted for him to "drain the swamp"). That these concerns are so old should caution us that they are fundamentally hard problems. Regulation will not be easy, and effective regulation may ultimately not be possible. The task of scholars of public integrity is to avoid snap judgements and instead to form a longer-term view about how to create ethics and integrity in public life.