

SOCIAL MEDIA, PROPAGANDA AND THE UKRANIAN CONFLICT

Russell L. Weaver*

Wartime propaganda is hardly a new phenomenon.¹ During World War II, the U.S. government established the Office of War Information “to disseminate political propaganda,”² and the Nazis disseminated propaganda designed to denigrate Jews and foster pride in the German nation.³ The U.S. also engaged in propaganda during World War I and undoubtedly in earlier wars.⁴ However, wartime propaganda is different today because governments have more sophisticated communications technologies at their disposal.⁵ Instead of relying solely on print or broadcast media, modern governments can use the internet and social media to more widely and effectively disseminate their propaganda, not only in their own countries,⁶ but worldwide.⁷ In addition, they can use the internet to try influence or affect the outcome of elections in other countries.⁸

The propaganda environment is also different today because the ability to message and propagandize is no longer a one-way street. For centuries, while print and broadcast media constituted the primary means of mass communication, “gatekeepers” (meaning either the government or rich and powerful individuals) controlled access to those technologies.⁹ Private individuals could access those technologies only with the permission of the gatekeepers.¹⁰ With the advent of the internet, the dynamics are much different.¹¹ Those who wish to oppose or challenge the governmental narrative have effective communications devices at their disposal.¹² In modern times, the internet has been used by dissidents, and political movements, all over the world to challenge governmental conduct and propaganda.¹³

This article examines how the internet, particularly social media, has been used in the

* Professor of Law & Distinguished University Scholar, Louis D. Brandeis School of Law, University of Louisville. Professor Weaver wishes to thank the University of Louisville’s Distinguished Scholar Program for its ongoing support for his scholarship.

¹ See Charles A. Siepmann, *Propaganda and Information in International Affairs*, 55 YALE L.J. 1258, 1260-1261 (1946).

² See Frank Mankiewicz, *Crisis Mode*, 29 HUMAN RIGHTS 23 (2002).

³ See Gregory S. Gordon, *The Propaganda Prosecutions at Nuremberg: The Origin of Atrocity Speech Law and the Touchstone for Normative Evolution*, 39 LOY. L.A. INT’L & COMP. L. REV. 211-213 (2017).

⁴ See Richard B. Collins, *Propaganda for War and Transparency*, 87 DENV. U. L. REV. 819 (2010).

⁵ See RUSSELL L. WEAVER, *FROM GUTENBERG TO THE INTERNET: FREE SPEECH, ADVANCING TECHNOLOGY AND THE IMPLICATIONS FOR DEMOCRACY* (Carolina Academic Press, 2nd ed., 2019). Parts of this manuscript are derived from this book.

⁶ *Id.*, at 78.

⁷ *Id.*, at 163-164.

⁸ *Id.*, at 159-166.

⁹ *Id.*, at 21-38.

¹⁰ *Id.*

¹¹ *Id.*, at 67-114.

¹² *Id.*

¹³ See *id.*

Russia-Ukraine conflict. The first part of the article examines how Russia has tried to use social media to affect public opinion, not only in the Ukraine, but all over the world. The remainder of the article examines how Ukraine is using the internet to respond to Russian messaging, as well as to create its own narrative, and how individuals (especially within Russia) are using the internet to challenge Russia's propaganda and messaging.

I. RUSSIAN MESSAGING DURING THE UKRANIAN WAR

Numerous commentators contend that Russia has used the internet to try to manipulate and control public opinion regarding the Ukraine War.¹⁴ If these reports are true, they parallel reports regarding Russia's prior use of internet messaging which commentators viewed as highly effective,¹⁵ and which involved a variety of different messaging methods.¹⁶ One commentator described the pre-war Russian messaging as "unstoppable," and characterized President Vladimir Putin as "a master of information warfare."¹⁷ Commentators claim that Russia was able to plant falsehoods on official news outlets as a way of obfuscating facts, defining false narratives, and manipulating audiences.¹⁸

Commentators claim that Russia effectively used social media prior to the war to convey its messages, and manipulate public opinion.¹⁹ For example, some have claimed that Russia interfered in the U.S.'s 2016 presidential election in an effort to secure Donald Trump's election,²⁰ and to undermine Democratic candidate, Hillary Clinton.²¹ Russia allegedly did so by disseminating hash tags such as "#Trump2016" "#TrumpTrain" and "Hillary4Prison."²² One blog post allegedly referred to Hillary as "pure evil," and one media outlet reported that a

¹⁴ See, e.g., Weilong Kong & Timothy Marler, *Ukraine's Lessons for the Future of Hybrid Warfare*, The Rand Blog (Nov. 28, 2022), <https://www.rand.org/blog/2022/11/ukraines-lessons-for-the-future-of-hybrid-warfare.html>

¹⁵ See P.W. Singer, *How Ukraine Won the #Like War*, *Politico* (Mar. 12, 2022) ("In the arena of information warfare, there was arguably no one more feared over the last decade than Vladimir Putin. Russia's information warriors ran wild for years, hacking democracies by intervening in more than 30 national elections from Hungary and Poland to Brexit and the 2016 U.S. presidential race. They elevated conspiracy theories that ranged from Q-Anon to coronavirus vaccine lies and provided justification for Russian military action everywhere from Georgia to Syria."), <https://www.politico.com/news/magazine/2022/03/12/ukraine-russia-information-warfare-likewar-00016562>

¹⁶ See Jamie Dettmer, *Russia's Disinformation Playbook Ripped Apart*, VOA News (Mar. 15, 2022) ("They have often expressed frustration at how Russian disinformation has gained traction, managing to roil the 2016 race for the U.S. presidency, worsen political divisions in Europe during the 2015-16 refugee crisis and in Syria shaping a narrative linking opponents of Syrian leader Bashar al-Assad, as well as the first-responders the White Helmets, with jihadists and the Islamic State terror group."), <https://www.voanews.com/a/russia-disinformation-playbook-ripped-apart/6486203.html>; Kong & Marler, *supra* note 13.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ See Dustin Volz, *Pence Points Finger at Russia for 2016 Election Meddling*, *The Wall Street Journal* A7 (Aug. 1, 2018).

²¹ See Neil MacFarquhar, *Inside Russia's Troll Factory: Turning Out Fake Content at a Breakneck Pace*, *The New York Times* A11 (Feb. 19, 2018).

²² See Scott Shane, *How Unwitting Americans Encountered Russian Operatives Online*, *The New York Times* A10 (Feb. 18, 2018).

Russian operative was reprimanded for not producing enough posts critical of Clinton.²³ These claims find some support in the findings of special counsel Robert Mueller who indicted 12 Russians for masterminding computer attacks designed to undermine the Democratic Party,²⁴ as well as for paying for online advertisements that encouraged voters to favor then presidential candidate, Donald Trump, or perhaps to vote for presidential candidate Jill Stein.²⁵ The assumption is that Stein voters would otherwise have voted for presidential candidate Hillary Clinton, and that a vote for Stein would harm Clinton's electoral possibilities. Although some Clinton supporters believe that the Russian efforts tipped the election in Trump's favor,²⁶ it is not clear how much impact the posts had.²⁷ There were lots of problems with Clinton presidential campaign, including Clinton's general unpopularity.²⁸

Commentators also claimed that Russia tried to destabilize the U.S. political system and "remove faith" in America prior to the Ukraine War.²⁹ One of the tactics allegedly used by the Russians during the 2016 presidential campaign was to sow discord "among U.S. voters through social media. Russia purportedly achieved that objective by impersonating Americans, as well as by coordinating with unwitting U.S. activists, and even by planning protest rallies.³⁰ Russians also allegedly tried to weigh in on debates regarding the Affordable Care Act (ACA).³¹ In a four year period, Russia allegedly sent out some 600 posts related to the ACA, and some of the accounts on which these messages were posted had more than 100,000 followers.³² Although there were tweets on both sides of the ACA issue, approximately 80% of the ACA-related tweets offered a conservative perspective.³³

Some media observers believe that Russian officials conducted these campaigns through the so-called Internet Research Agency (IRA)³⁴ which purportedly created hundreds of fake accounts and pages on social media,³⁵ and spent large amounts on social media advertising.³⁶

²³ *Id.*

²⁴ See Tom Schoenberg & Greg Farrell, *U.S. Indicts 12 Russians Before Trump's Meeting with Putin*, *The United States Law Week* (July 13, 2018); Scott Shane & Mark Mazzetti, *Indictment Bares Russian Network to Twist 2016 Vote: Mueller Chronicles a Social Media War*, *The New York Times* A1 (Feb. 17, 2018).

²⁵ See Jonathan Martin & Maggie Haberman, *Moscow's Hand Swirled in U.S., but Whether It Tipped Election is Unclear*, *The New York Times* A11 (Feb. 19, 2018) (As Clinton's campaign communications director alleged, "Russia succeeded in weakening her [Clinton] enough so that the Comey letter could knock her off.").

²⁶ *Id.* (As Clinton's campaign communications director alleged, "Russia succeeded in weakening her [Clinton] enough so that the Comey letter could knock her off.").

²⁷ See *id.* ("And the nation's intelligence agencies say they do not have any way to calculate whether the Russian effort swung the election.").

²⁸ *Id.*; see also MacFarquhar, *supra* note 21.

²⁹ See David W. Hawpe, *Book Review: Hacking America; Counter-terrorism expert argues Putin intends, with the help of cybersecurity forces and President Trump's demagoguery, to "remove faith in America itself."* *The Courier-Journal* II (Apr. 1, 2018).

³⁰ See Schoenberg & Farrell, *supra* note 24.

³¹ See Stephanie Armour & Paul Overberg, *Russian Tweets Target ACA: Nearly 10,000 Twitter posts disparaged – or praised – health law, new analysis shows*, *The Wall Street Journal* A4 (Sept. 13, 2018).

³² *Id.*

³³ *Id.*

³⁴ See Georgia Wells & Deepa Seetharaman, *Campaign Ads to Flood Facebook*, *The Wall Street Journal* A4 (Sept. 1-2, 2018).

³⁵ *Id.*

Some election observers believe that the IRA also arranged Facebook advertisements, and used Facebook to organize protest rallies beginning in 2015.³⁷ However, the IRA also allegedly used Twitter, PayPal and YouTube.³⁸

Media reports claim that the IRA used “trolls” (essentially, Russian individuals who posed as Americans) to weigh in on controversial issues.³⁹ These “trolls,” purportedly numbering in the thousands, worked 12 hour shifts, and were prepped regarding what to say on U.S. social media.⁴⁰ Each troll was expected to produce at least 80 comments per day and to make at least 20 shares per day.⁴¹ Trolls allegedly created posts that they would forward to a “countless” number of fake accounts in an effort to create large numbers of “page views.”⁴² Russia probably used bots as well. One commentator concluded that, at one point, “YouTube had as much traffic from bots masquerading as people as it did from real human visitors.”⁴³ In 2018, Google removed some 42 YouTube channels which it alleged were connected to the IRA,⁴⁴ some of which purportedly discouraged minorities from voting in the midterm elections.⁴⁵ One of the sites was “Woke Black” which urged African-Americans to stay home from the polls rather than support “the lesser of two evils.”^{46 47}

Given Russia’s prior successes, one would have expected it to be very successful in its messaging regarding the Ukraine war.⁴⁸ At the onset of the war, Russia allegedly used a variety of tactics, including espionage, cyberattacks, and internet-based disinformation, to soften Ukraine's defenses and groom Ukraine for the invasion.⁴⁹ This approach was similar to the approach it used when it annexed Crimea (2014) and during the Russo-Georgian War (2008).⁵⁰ For example, a Rand Corporation report concluded that Russia has used both technology and

³⁶ See Kenneth Osgood, *The C.I.A.'s Fake News*, *The New York Times* A19 (Oct. 14, 2017).

³⁷ See Sheera Frenkel & Katie Benner, *To Stir Discord, Russians Liked Facebook Most: Indictment Singles Out a Social Network*, *The New York Times* A1 (Feb. 18, 2018).

³⁸ *Id.*

³⁹ See Mike Issac, *For Social Media, an Election Day Test*, *The New York Times*, *The Week in Tech* B3 (Nov. 12, 2018); Anton Troianovski, *A former Russian troll speaks: “It was like being in Orwell’s World*, *The Washington Post* (Feb. 18, 2018).

⁴⁰ See MacFarquhar, *supra* note 21.

⁴¹ *Id.*

⁴² *Id.*

⁴³ Michael H. Keller, *The Business of Serving Up YouTube Views: Streams Are for Sale, Eyes Not Included*, *The New York Times* A18 (Aug. 12, 2018); see also See Brian X. Chen, *The Internet Trolls Have Won. Get Used to It*, *The New York Times* B-7 (Aug. 9, 2018).

⁴⁴ See Brian X. Chen, *The Internet Trolls Have Won. Get Used to It*, *The New York Times* B-7 (Aug. 9, 2018).

⁴⁵ See Martin & Haberman, *supra* note 25.

⁴⁶ *Id.*

⁴⁷ See Scott Shane, *Some of the Popular Images and Themes the Russians Posted on Social Media*, *The New York Times* (Dec. 17, 2018). <https://www.nytimes.com/2018/12/17/us/russian-social-media-posts.html>

⁴⁸ See Christian Paul & Miriam Matthews, *The Russian “Firehose of Falsehood” Propaganda Model*, Rand Corporation (2016), <https://www.rand.org/pubs/perspectives/PE198.html>

⁴⁹ Kong & Marler, *supra* note 13.

⁵⁰ *Id.*

media in ways that would have been “inconceivable during the Cold War.”⁵¹ Its arsenal of weapons included “the Internet, social media, and the evolving landscape of professional and amateur journalism and media outlets.”⁵² The Rand report describes Russian messaging as “rapid, continuous and repetitive,”⁵³ and claims that it is being distributed through “high numbers of channels and messages and a shameless willingness to disseminate partial truths or outright fictions.”⁵⁴ Allegedly, some Russian videos sought to link Ukraine more generally to Nazism, discredit specific Ukrainian leaders, or blame Europe’s energy woes and inflation on its support of Ukraine.⁵⁵

The Rand reports alleges that Russia continued to use internet trolls in the Ukraine War, and they posted in “online chat rooms, discussion forums, and comments sections on news and other websites.”⁵⁶ Indeed, Radio Free Europe/Radio Liberty claimed that Russia maintained “thousands of fake accounts on Twitter, Facebook, LiveJournal, and vKontakte”⁵⁷ using internet trolls who were on duty 24 hours a day, working 12-hour shifts, and producing a daily quota of 135 posted comments of at least 200 characters.⁵⁸

In addition to using internet trolls, some claim that Russia used RT (formerly Russia Today), a multimedia news provider, to disseminate its message.⁵⁹ RT had a budget of more than \$300 million per year, and was able to broadcast in multiple languages (English, French, German, Spanish, Russian, and some Eastern European languages).⁶⁰ Some claim that RT has broad influence with more than a billion page views, a view level which would make it the most-watched site on the internet.⁶¹ There are also allegations that Russia has dozens of news sites designed to disseminate Russian messaging although the Russian affiliation may be “disguised or downplayed” on some sites.⁶² In some instances, the Russian messaging is “picked up and rebroadcast by legitimate news outlets.”⁶³ “For example, German news sources have rebroadcast Russian disinformation about atrocities in Ukraine in early 2014.”⁶⁴

Some commentators allege that Russian messaging makes “little or no commitment to the

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.* (“Russian propaganda is produced in incredibly large volumes and is broadcast or otherwise distributed via a large number of channels. This propaganda includes text, video, audio, and still imagery propagated via the Internet, social media, satellite television, and traditional radio and television broadcasting.”).

⁵⁴ *Id.*

⁵⁵ Loveday Morris & Will Oremus, *Russian disinformation is demonizing Ukrainian refugees*, *The Washington Post* (Dec. 8, 2022). <https://www.washingtonpost.com/technology/2022/12/08/russian-disinfo-ukrainian-refugees-germany/>

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

truth.”⁶⁵ Even though false claims sometimes contain elements of truth,⁶⁶ some of the narratives are alleged to be simply untrue. For example, some commentators claim that “Russian propagandists” hire “actors to portray victims of manufactured atrocities or crimes for news reports, or to fake “on-scene news reporting.”⁶⁷ In one case, a Russian “reporter” Maria Katasonova was depicted as being on a battlefield in Donetsk, but a media report claims that she was actually in a darkened room with fake explosion sounds playing in the background” (a fact that was purportedly revealed when a light was switched on in the room during the recording).⁶⁸

The U.S. Department of State claims that Russia’s Ukraine messaging contains a number of different narratives,⁶⁹ all designed to portray Ukraine as the culprit in the war.⁷⁰ The first narrative portrays Russia as “a besieged fortress surrounded by malevolent outsiders.”⁷¹ Purportedly, “Russian government officials falsely portray Russia as a perpetual victim and its aggressive actions as a forced response to the alleged actions of the United States and our democratic allies and partners.”⁷² Indeed, the State Department claims that Russia tries to perpetuate the idea that “the international community’s negative reaction to its invasion of an independent country was simply because people feared and hated Russia.”⁷³ The report goes on to claim that: “Russophobia” persists across a range of topics and are employed whenever the Russian government wants to play the victim, when it is actually the aggressor.”⁷⁴

The State Department suggests that Russia’s second narrative involves “historical revisionism.”⁷⁵ In other words, when “history does not align with the Kremlin’s political objectives,” Russia denies “historical events or distort[s] historical narratives to try to cast Russia in a more favorable light and serve its domestic and geopolitical agenda.”⁷⁶

A third narrative is the idea that “the collapse of western civilization is imminent.”⁷⁷ Russia claims that “Western civilization is collapsing because it has departed from “traditional

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Office of the Spokesperson, U.S. Department of State, *Fact Sheet: Russia’s Top Five Persistent Disinformation Narratives* (Jan. 20, 2022) (hereafter “State Department Fact Sheet”), <https://www.state.gov/russias-top-five-persistent-disinformation-narratives/>

⁷⁰ *Id.*:

Russian military and intelligence entities are engaging in this activity across Russia’s disinformation and propaganda ecosystem, to include malign social media operations, the use of overt and covert online proxy media outlets, the injection of disinformation into television and radio programming, the hosting of conferences designed to influence attendees into falsely believing that Ukraine, not Russia, is at fault for heightened tensions in the region, and the leveraging of cyber operations to deface media outlets and conduct hack and release operations.

⁷¹ See Paul & Matthews, *supra* note 48 (quoting book author Edward Lucas)

⁷² State Department Fact Sheet, *supra* note 69.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

values.”⁷⁸ Thus, Russia’s narrative indicts Western societies for working to “ensure the safety and equality of LGBTQI+ people” and promoting “concepts such as female equality and multiculturalism.”⁷⁹ As part of this narrative, Russia tries to portray itself as “a counterweight to the ‘decadence’ of the United States and Western countries.”⁸⁰ “For example, President Putin has claimed that the West has practically cancelled the concepts of ‘mother’ and ‘father,’ and instead has replaced them with ‘parent 1 and 2,’ while Foreign Minister Lavrov purportedly wrote that Western students ‘learn at school that Jesus Christ was bisexual.’”⁸¹

The State Department claims that the fourth narrative is the idea that popular anti-government movements within Russia are sponsored by the United States.⁸² In other words, when a popular movement is pro-democracy or pro-reform, but is not necessarily in Russia’s geopolitical interests, “the Kremlin will often attack its legitimacy and claim that the United States is secretly behind it.”⁸³ As part of this effort, Russia attacks “local and international civil society organizations, as well as independent media that expose human rights abuses and corruption.”⁸⁴

The U.S. Department of State claims that Russia creates “false realities” and tries to create confusions when the “truth is not in its interests,”⁸⁵ and it asserts that the recipients do not always recognize that the information is false.⁸⁶ The State Department claims that falsehoods are more likely to be accepted “when the disinformation is consistent with narratives or preconceptions held by various audiences.”⁸⁷ Moreover, “Russian faux-news propaganda channels, such as RT and Sputnik, . . . look like news programs, and the persons appearing on them are represented as journalists and experts,” making listeners more likely to ascribe credibility to the misinformation these sources are disseminating.”⁸⁸

II. THE EFFECTIVENESS OF RUSSIAN MESSAGING

Despite the sophistication of Russia’s propaganda campaign, many commentators believe that Russia has not been as successful in pushing its narratives regarding the Ukrainian invasion as it was in its pre-war messaging,⁸⁹ and indeed that Russia has been outmaneuvered by Ukraine.⁹⁰ Despite Russia’s messaging, the international community has expressed overwhelming support for Ukraine, and has imposed unprecedented economic sanctions on

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ See Dettmer, *supra* note 16.

⁹⁰ *Id.*

Russia.⁹¹ In addition, many major companies have severed their ties to Russia, and humanitarian organizations have contributed large amounts to Ukrainian relief.⁹² Sprawling sanctions from Western governments have sought to isolate the Russian economy and punish the regime.⁹³ Some corporations have gone further still, suspending business in ways that go far beyond what the law requires or what governments intended.⁹⁴

Russia's message has also been less effective because Ukrainian President Volodymyr Zelenskyy's is regarded as "social-media savvy" and he does "daily video addresses which have become viral sensations and have helped rally support for his embattled nation."⁹⁵ One commentator suggested that Zelensky has "demonstrated a deft ability to pivot and improvise as the circumstances of the crisis shift," and he is viewed as "communicating brilliantly with his own people and citizens across the world."⁹⁶ As a result he has purportedly been "inspiring to millions."⁹⁷

There are a variety of other reasons why Russia's messaging might not have been as effective during the Ukraine War. First, there is large international press corps in Ukraine, which constantly reports about the events taking place there. Second, Ukrainians have used their cell phones to document the war, depicting bombardments and the destructive consequences of the Russian invasion.⁹⁸ Third, both Facebook and Twitter have removed Russian and Belarusian disinformation from their platforms and dismantled networks designed to manipulate algorithms and bolster pro-Russian narratives.⁹⁹ Fourth, Russia's disinformation campaign has been severely hampered by the European Union's ban on Russian state-controlled media outlets RT and Sputnik broadcasting to the 27-nation bloc.¹⁰⁰ The EU's top diplomat Josep Borrell told EU lawmakers after the ban was announced: "They are not independent media, they are assets, they are weapons, in the Kremlin's manipulation ecosystem."¹⁰¹ He added: "We are not trying to decide what is true and what is false. We don't have ministers of the Truth. But we have to focus on foreign actors who intentionally, in a coordinated manner, try to manipulate our information environment."¹⁰²

Another important factor is the fact that Ukraine has been quite successful in its efforts to promote its own narratives.¹⁰³ Indeed, some commentators claim that Ukraine has

⁹¹ *Id.*

⁹² *Id.*

⁹³ Albert Fox Cahn, *Tech Bans Hurt Russian Dissidents More Than They Help Ukraine*, *Wired* (Apr. 11, 1922). <https://www.wired.com/story/tech-bans-hurt-russian-dissidents-more-than-they-help-ukraine/>

⁹⁴ *Id.*

⁹⁵ Dettmer, *supra* note 16.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ Singer, *supra* note 14 ("Yet, when it came time for one of Putin's most ambitious and important operations of all, the invasion of Ukraine, Russia failed at the information side of the fight as much as it failed at its

outmaneuvered Russia on the social media front.¹⁰⁴ For one thing, Ukraine “prebunked” Russia’s alleged justifications for invading Ukraine.¹⁰⁵ By comparison, “Ukraine managed to boost domestic morale with social media campaigns that exposed Russian war atrocities, rallied international support, and even helped crowd fund for defensive armaments.”¹⁰⁶

Ukraine’s messaging seems to have a number of different components. First, rather than simply responding to Russian narratives (debunking those messages), Ukraine has attempted to refute Russian messages even before they are delivered.¹⁰⁷ Second, Ukraine has gone to great lengths to highlight the heroism of its soldiers and people.¹⁰⁸ It has mythologized Ukrainian martyrs, portrayed Volodomor Zelensky as a “man of the people,” amplified civilian harm, magnified civilian resistance, and humanized the Ukrainian story.¹⁰⁹

In some instances, Ukraine’s has been able to push its own narratives more quickly or effectively than Russian has been able to promote its own narratives.¹¹⁰ Indeed, Ukraine frequently offers rapid responses to Russian narratives.¹¹¹ As a result, one commentator claimed that: “Ukraine isn’t just winning the battle for hearts and minds online, it has already won.”¹¹²

In some cases, Russian narratives have been challenged with scientific data. For example, after Russia purportedly fired shells at a maternity hospital in Mariupol, killing and injuring people, Russia contended that the hospital had previously been converted into a military base, indicating that it was a legitimate target.¹¹³ Some commentators alleged that Russia aggressively supported this narrative through information disseminated by “Kremlin-controlled troll factories” as well as by Russian embassies.¹¹⁴ However, the narrative was purportedly undercut when a photograph posted by Russian embassies was geolocated as being ten kilometers from the maternity hospital.¹¹⁵ “RT, the Kremlin-controlled television channel, disputed the geolocation data.”¹¹⁶

The German public television network, ZDF, alleged that Russia has disseminated a number of fake news videos.¹¹⁷ ZDF purportedly identified dozens of fake news sites and examples of disinformation targeting European audiences, primarily in Germany, and attributed

plan for a quick seizure of Kyiv. And the stakes could not have been higher.”).

¹⁰⁴ Kong & Marler, *supra* note 13.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ Dettmer, *supra* note 16.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ Morris & Oremus, *supra* note 55.

the campaign to Russian origins.¹¹⁸ Meta took down all the fake sites that it could find.¹¹⁹ As content moderation has increased on the major U.S.-based social platforms, propagandists and extremists have found new outlets.¹²⁰ Those include Telegram, the stateless messaging app that has become a leading communications channel in much of Eastern Europe, including Russia and Ukraine.¹²¹

Even though the Russian narrative may not have been as successful as Russian leaders might have wished, some commentators argue that Russian disinformation is having some impact in Western countries. For example, some commentators allege that Russia has tried to undercut European support for Ukrainian refugees who have swarmed (7.8 million) into Western Europe.¹²² These commentators contend that Russia has tried to create fear and division within Western European populations, and argue that these Russian efforts had a measure of success.¹²³ For example, one commentator alleges that Russia has fostered a strong anti-Ukrainian refugee message through “a sprawling, coordinated, Russia-based network of fake news websites, Telegram channels, YouTube and Instagram channels, and even Change.org petitions.”¹²⁴ This message has allegedly been “amplified by armies of fake social media accounts, real pro-Kremlin influencers, and Russian state media accounts across virtually every major social platform.”¹²⁵ For example, of 219 videos posted in *Deutsche Wahrheit* in a four month period, 40 percent mentioned Ukrainian refugees.¹²⁶ The posts, many of which feature faked or doctored videos that are designed to look like mainstream media reports, implicate Ukrainian refugees in everything from plotting terrorist attacks to bringing monkeypox to Germany.¹²⁷ One commentator argues that a fake news clip shows Ukrainian refugees burning down their German hosts’ house.¹²⁸

Thus, while most Europeans welcome Ukrainian refugees, one poll suggests that European support for accepting Ukrainians has slipped from 86 percent approval to 74 percent.¹²⁹ In addition, there has been anti-refugee pushback in Belarus and Poland which some ascribe to the propaganda.¹³⁰ As a result, a “bad vibe” toward refugees has been created in some countries.¹³¹ For example, a German politician accused Ukrainian refugees of “social tourism” in the sense that they were taking advantage of Germany’s welfare system while going back and

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

forth to Ukraine.¹³² In Germany, where more than 1 million Ukrainians have fled, some immigrants have been subjected to arson attacks and threatening graffiti on their accommodations and schools.¹³³ In many cases, Russia purportedly disseminated its messages via the messaging app Telegram, which does far less content moderation than established giants such as Meta’s Facebook and Google’s YouTube.¹³⁴

III. RUSSIA’S INTERNAL MESSAGING

A number of commentators have suggested that Russia has specifically tried to control public opinion within its own borders. Some commentators claim that, while Russia has tried to exploit the openness of Western liberal democracies, it has relied on the closed nature of its own society as a way of defending against challenges.¹³⁵ Commentators claim that Russia has embarked on a massive misinformation campaign within its own country to spread fictions about Neo-Nazis in Ukraine and aggressions by the Ukrainian government (and China is lending a hand by repeating Russian propaganda through its state media and Foreign Ministry).¹³⁶ Thus, the war is portrayed as a “preemptive blow,” “an unavoidable measure,” or a form of “defense against [the North Atlantic Treaty Organization (NATO)].”¹³⁷ Russia’s information campaign claims that the West is allied against it. The message from the Russian state media is that, in Ukraine, Russia is taking on the combined might of America, Britain, the EU and Nato. You name it, Russia's fighting it. In other words, setbacks on the battlefield are not the Kremlin's fault, but the handiwork of external enemies.¹³⁸

Russia’s internal propaganda seems to have had some success in the sense that a majority of Russians support the actions of the Russian Armed Forces in Ukraine.¹³⁹ “In June 2022, 47 percent of Russians “definitely supported” the actions of the Russian military, while another 28 percent said they ‘mostly supported’ them.”¹⁴⁰ Nevertheless, there are signs of disagreements within Russia. One commentator alleges that there is dissension: “old friends have fallen out; parents and children are no longer on speaking terms; long-married couples no longer trust each another; and teachers and students are denouncing each other.”¹⁴¹ Thus, there appears to be “growing conflict within Russian society.”¹⁴²

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ Kong & Marler, *supra* note 13.

¹³⁶ Robert C. Thornett, *Open and Closed: From Russia to China to America, the Largest Societies Are Pushing Their Limits*, *moderndiplomacy* (May 28, 2022). <https://moderndiplomacy.eu/2022/05/28/open-and-closed-from-russia-to-china-to-america-the-largest-societies-are-pushing-their-limits/>

¹³⁷ Dennis Volkov & Andrei Kolesnikov, *My Country, Right or Wrong: Russian Public Opinion on Ukraine* (Sept. 7, 2022) <https://carnegieendowment.org/2022/09/07/my-country-right-or-wrong-russian-public-opinion-on-ukraine-pub-87803>

¹³⁸ Steve Rosenberg, *Putin Can’t Escape Fallout from Russian Retreat in Ukraine*, *British Broadcasting Corp.* (Nov. 11, 2022). <https://www.bbc.com/news/world-europe-63601426>

¹³⁹ Volkov & Kolenikov, *supra* note 137.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

In addition to disseminating its own narrative, Russia has tried to control and stifle internal dissent regarding the war. Russia has purportedly taken a number of different actions, including restricting more than 1,000 internet sites since the beginning of the war, including Facebook, Instagram, and BBC News.¹⁴³ In addition, Russia has criminalized dissent, including the spreading of so-called “fake news” within the country.”¹⁴⁴ Dissemination of disinformation is punishable by 15 years in jail, or a fine of 1.5 million rubles (roughly \$11,500).¹⁴⁵ A British lecturer claimed that Putin’s objective was to scare the population into submission.¹⁴⁶ A number of dissenters have been arrested,¹⁴⁷ and others have purportedly been detained, judicially harassed, raided, and subjected to smear campaigns.¹⁴⁸ For example, a prominent Russian opposition figure was sentenced to 8 ½ years in prison after being convicted on charges stemming from his criticism of the Kremlin’s action in Ukraine.¹⁴⁹ In addition, criminal cases were opened against two journalists for their reporting on alleged attacks against civilians in Ukraine.¹⁵⁰ Russian authorities also filed similar charges against at least three other people who were not journalists.¹⁵¹

Essentially, Russia seems to have warned its people not to criticize the Russian army or Russia's president for the nation’s difficulties in Ukraine. The message is “do your duty and rally round the flag.”¹⁵² The government has also denounced protestors, labeling them as “national traitors.”¹⁵³ Indeed, the Europe and Central Asia’s Director of Human Rights Watch claims that the Russian government regards independent journalists “as traitors and treats them as a threat to the state.”¹⁵⁴ and argues that “unidentified assailants . . . physically attacked activists and damaged human rights organizations’ offices.”¹⁵⁵ In March, 2022, Russia’s criminal investigation service, established interagency rapid response groups to deal with “extremist and terrorist activities, unsanctioned protests and provocations,” and other “destabilizing” activities.¹⁵⁶ Human Rights Watch claims that Russian authorities have “detained activists across

¹⁴³ *VPN Use Skyrockets in Russia During Ukraine Invasion*, Aljazeera (May 7, 2022).
<https://www.aljazeera.com/news/2022/5/7/vpn-use-skyrockets-in-russia-during-ukraine-invasion>

¹⁴⁴ Chris Stokel-Walker, *How Russians are Dealing with an Internet That’s Gone Dark*, *Time* (Mar. 10, 2022) <https://time.com/6156639/russia-internet-dissent/>

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.* (Quoting a woman who claimed that “she was arrested earlier this month (along with more than 13,000 others), and bussed to a police station where she was held in a cramped cell.”).

¹⁴⁸ *Russia: Arrests, Harassment of Ukraine War Dissidents*, Human Rights Watch (March 24, 2022) (hereafter “Human Rights Watch”). <https://www.hrw.org/news/2022/03/24/russia-arrests-harassment-ukraine-war-dissidents#>

¹⁴⁹ *Russian politician sentenced for Ukraine action criticism*, AP News (Dec. 9, 2022).
<https://apnews.com/article/putin-moscow-ukraine-government-ilya-yashin-russia-2967e1e91816f74eaab8cb7cd661e6c6>

¹⁵⁰ *Human Rights Watch*, *supra* note 148.

¹⁵¹ *Id.*

¹⁵² Rosenberg, *supra* note 138.

¹⁵³ *Human Rights Watch*, *supra* note 148.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

the country and raided their homes, apparently in response to their participation in the peaceful anti-war movement.”¹⁵⁷ In addition, some claim that Russian police regularly detain independent journalists reporting on anti-war protests, and have allegedly gone to their homes to harass and threaten journalists not to take part in protests.¹⁵⁸

The net effect is that the War has allegedly turned Russians against each other.¹⁵⁹ Individual protestors have reportedly been attacked by individual Russians: “[U]nidentified assailants [have] physically attacked activists and damaged human rights organizations’ offices.”¹⁶⁰ Human Rights Watch claims that activists and journalists have reported that anonymous vandals had painted the letter “Z,” a symbol of the Russian armed forces in Ukraine, on the doors of their apartments as well as the warning “Don’t betray your motherland” and the slur “A traitor lives here.”¹⁶¹ Human Rights Watch also claims that a coordinator for Vesna (Spring), which openly speaks out against the war, was attacked and kicked in the face in Moscow.¹⁶² “Russian celebrities who spoke out against the invasion suddenly found their TV shows had vanished from state channel listings.”¹⁶³ Some claim that, even Russians who live in other countries are afraid to speak out fearing retaliation against their loved ones who still live in Russia.¹⁶⁴

Because of the increasing lack of tolerance for political dissent, some claim that Russian citizens are afraid to express dissenting opinions regarding the war.¹⁶⁵ As one commentator observed, “It is frightening, especially if your whole life, property, family connections, work and everything is in Russia.”¹⁶⁶ Some claim that even the conduct of Russian social influencers, who make their living off social media platforms has been affected. For example, influencer Niki Proshin deleted “any videos that could potentially be caught up in Putin’s dragnet,” including videos from protests in Saint Petersburg.”¹⁶⁷ He did so because he was unsure regarding how Russian authorities might view the posts.¹⁶⁸ Commentators claim that big tech platforms like TikTok have ceased operations in the country because of the new law, while others like Instagram have added labels to Russian state-sponsored content and begun demoting its distribution within the app.¹⁶⁹

Despite the threat of sanctions, in the weeks following the beginning of the Ukrainian war, hundreds of thousands of Russians protested against the war and expressed their discontent with

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ See Andy Hayward & Alec Luhn, *Russians Are Snitching On Friends and Family Who Oppose the War in Ukraine*, *Vice* (Aug. 8, 2022), <https://www.vice.com/en/article/xgyyed/russians-snitching-on-russians-ukraine>

¹⁶⁰ *Human Rights Watch*, *supra* note 148.

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ Stokel-Walker, *supra* note 144.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

the invasion.¹⁷⁰ Human Rights Watch claims that thousands of these protestors were detained.¹⁷¹ In addition to the protests, an employee of Russian state-run Channel One managed to interrupt a live broadcast of the nightly news program shouting “Stop the war! No to war!” News staffer Marina Ovsyannikova, whose father is Ukrainian, held up a placard in Russian, saying, “Don’t believe the propaganda. They’re lying to you here.” Studio producers rushed to cut her off.¹⁷² In addition, some websites and apps have continued to function. Clubhouse, which functions in Ukrainian, Russian and English, “gives updates on the invasion, discusses the ramifications for the world, and acts as an under-the-radar place to vent for Russians opposed to the war as they speak to the rest of the world about their disgust.”¹⁷³ Dissent has also been posted to Telegram, where Russian dissidents and opponents of Vladimir Putin have gravitated.¹⁷⁴ Indeed, Telegram’s CEO assured “users that he wouldn’t submit to Russian government demands to breach users’ privacy by handing over their personal details.”¹⁷⁵ The same cannot be said of pro-war Russian military bloggers. They’ve been busy writing angry messages about the retreat¹⁷⁶

Russia’s efforts to control the flow of information to its people has been undercut by several factors. Russians who emigrated to other countries have the ability to inform Russians who have not emigrated regarding the facts and can undercut governmental propaganda.¹⁷⁷ In addition, some Russians have tried to avoid retaliation by installing VPN (virtual private networks) software on their computers.¹⁷⁸ VPNs, which allow users to hide their identities and locations, have been downloaded by Russians at the rate of hundreds of downloads per day.¹⁷⁹ VPN use accelerated after Russia began asserting greater control over media outlets, forcing them to “tow the official line” regarding the war.¹⁸⁰ Daily downloads in Russia of the 10 most popular VPNs surged from about 15,000 before the war to 475,000 in March, and continued at a rate of nearly 300,000 a day in April.¹⁸¹ Indeed, one report suggests that interest in VPNs within Russia has soared nearly 1,000 percent.¹⁸²

VPNs are not a fool proof solution for Russian dissidents because it is still possible for Russian officials to track down individuals who use VPNs,¹⁸³ and therefore Russians who use VPNs may be at risk.¹⁸⁴ Indeed, some worry that “VPNs may have backdoor access for Russian authorities” and that “Russia may have advanced techniques for examining how internet traffic

¹⁷⁰ See *Human Rights Watch*, *supra* note 148.

¹⁷¹ *Id.*

¹⁷² Dettmer, *supra* note 16.

¹⁷³ Stokel-Walker, *supra* note 144.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ Rosenberg, *supra* note 138.

¹⁷⁷ Thornett, *supra* note 136.

¹⁷⁸ Aljazeera, *supra* note 143; Stokel-Walker, *supra* note 144.

¹⁷⁹ Thornett, *supra* note 136.

¹⁸⁰ Aljazeera, *supra* note 143.

¹⁸¹ *Id.*

¹⁸² Stokel-Walker, *supra* note 144.

¹⁸³ *Id.*

¹⁸⁴ *Id.*

flows through a VPN, which could put users at risk.”¹⁸⁵ In addition, some Russians find it difficult to access VPNs as Google has suspended all ad sales and Play Store billing, Visa and MasterCard have shut down international transactions for Russian account holders, and consumer brands ranging from Coke to McDonald’s to Starbucks have been closing up shop in Russia.¹⁸⁶ In addition, Russia has purportedly blocked a number of VPN services.¹⁸⁷

An interesting aspect of Russia’s crackdown is that pro-Russian (and, presumably, pro-Russian) bloggers have begun attacking Putin for his failures on the battlefield.¹⁸⁸ At the outset of the war, those bloggers purportedly cheered Russia’s battlefield successes, and pushed narratives consistent with Russia’s messaging.¹⁸⁹ However, as Russia began to suffer battlefield defeats, the bloggers purportedly turned on Putin for his failures.¹⁹⁰ One blogger attacked Putin for celebrating City Day (which celebrates the founding of Moscow) despite the losses in Ukraine while Russian soldiers were doing without: "NO thermal imagers, NO bulletproof vests, NO reconnaissance equipment, NO secure communications, NO enough copters, NO first aid kits."¹⁹¹ Another pro-Russia blogger purportedly lamented that Russia losses were "large" and "cannot be ignored."¹⁹² One blog purportedly criticized the defense ministry for its "deathly silence."¹⁹³

CONCLUSION

The Ukraine War is being fought in a modern communications environment in which the combatants have access to the internet and social media to push their narratives and their propaganda. In the decade or so before the Ukraine War, Russia had become quite adept at pushing its messages on the internet, and some claim that its messaging was so potent that it affected the outcome of the 2016 U.S. presidential election. Russia had purportedly used “internet trolls” who worked for the Internet Research Agency (IRA) to push its message on social media.¹⁹⁴ These trolls, purportedly numbering in the thousands, worked 12 hour shifts, and were expected to have a large and continuous impact on social media.¹⁹⁵ Trolls allegedly created posts that they forwarded to “countless” numbers of fake accounts in an effort to create large numbers of “page views.”¹⁹⁶

Given Russia’s propaganda successes in the decade leading up to the Ukraine War,

¹⁸⁵ *Id.*

¹⁸⁶ Cahn, *supra* note 93.

¹⁸⁷ *Id.*

¹⁸⁸ See Aljazeera, *supra* note 143; Andrew Stanton, *Putin Faces Backlash from Russian Bloggers Amid Retreat: ‘Horrible Failure,’ Newsweek* (Sept. 11, 2022). <https://www.newsweek.com/putin-faces-backlash-russian-bloggers-amid-retreat-horrible-failure-1741872>

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ See MacFarquhar, *supra* note 21.

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

commentators expected Russia to have messaging success during the War. That has not turned out to be the case. Ukraine has been quite effective in its counter-messaging, and Ukraine's President has been highly successful in refuting Russia's narrative. In addition, Russian messaging has been undercut by the presence of a large international press corps., and social media posts by Ukrainians. The net effect is that Russian messaging has been less effective than in the prior decade, and has generally failed to produce the desired effect.

Messaging during the Ukrainian War has also highlighted the role of Russian dissidents and their use of the internet to counter Russian messaging. In general, Russian support for the war remains high. However, there is evidence that Russia messaging has been undercut by dissidents. In some cases, those dissidents use VPNs to hide their identities. In other instances, pro-Russian bloggers, dissatisfied with Russian setbacks in the War, have attacked Putin and the Russian military for their handling of the war. Of course, the ability of individuals to comment on the War through social media is another unique aspect of the conflict.