Headlines like “Pope Francis Shocks World, Endorses Trump for President” have received millions of clicks, likes, shares, and comments on Facebook. Some think that these false stories may have swayed the election. But there is little agreement about what “fake news” is or how to stop it—indeed, many worry that efforts to block it would violate freedom of speech. We think that fake news is best understood as a form of “counterfeit news,” which is made particularly virulent by the ecosystem of the Internet. Given the fraudulent nature of fake news, we suggest that many standard arguments for freedom of speech do not apply.
Why Worry About Fake News?

Fake News has bad epistemic consequences:

- It leads to belief in falsehoods, even when you know it isn’t true!
- It undermines our ability to learn the truth by sowing doubt and lessening trust in information sources:
  - “64% of Americans believe fake news is sowing confusion about facts related to current events” (PEW 2016).
  - “78% of Americans believe fake news damages the credibility of the media industry” (LEWIS Research 2017).

And bad epistemic consequences can lead to bad decision-making: “Opportunities for rational, self-controlled living are restricted when one does not know the realities of one’s choice

- Bad individual decisions:
  - Of the top five news articles with ‘HPV’ in the title, three were false (Snopes).
- Bad collective decisions:
  - Recent election?

What Is Fake News?

- According to the New York Times, fake news is typically “invented from whole cloth, designed to attract social shares and web traffic by flattering the prejudices of their intended audience.”
- According to us, fake news is counterfeit news.

Some Notable purveyors of Fake News:

Ovidiu Drobota
• 20-something Romanian,
• created “Pope Francis Endorses Donald Trump for President,”
• Trump supporter

Sean Adl-Tabatabai
• 30-something Brit,
• created “Clinton Emails Linked to Political Pedophile Sex Ring,”
• claims to cover stories that the mainstream media is not covering.

Internet Research Agency
• Kremlin-affiliated troll farm,
• amongst other activities, publishes stories to undermine trust in Western media

Teenagers from Macedonia
• claim not to care about politics,
• publish made-up stories in order to generate advertising revenue

Jestin Coler
• 40-something Californian,
• created “FBI Agent Suspected In Hillary Email Leaks Found Dead In Apparent Murder Suicide,”
• Registered Democrat,
• claims to publish false stories in order to discredit people who believe them.

Mike Cernovich
• 30-something Californian,
• created “Hillary Clinton has Parkinson’s Disease,”
• claims to believe that his stories are true.
Forms of Dangerous Communication:

- **You are *lying* if and only if you say something that you believe to be false with the intention that your audience believe what you say.**
  
  According to the Stanford Encyclopedia of Philosophy, lying is “to make a believed-false statement to another person with the intention that the other person believe that statement to be true.”

- **Intentional disinformation** is misleading information that is intended to be misleading.
  
  According to the philosopher Luciano Floridi, “misinformation is ‘well-formed and meaningful data (i.e. semantic content) that is false.’ ‘Disinformation’ is simply

- **You are *bullshitting* if and only if you say something without any concern for whether it is true or false.**
  
  According to the philosopher Harry Frankfurt, “both in lying and in telling the truth people are guided by their beliefs concerning the way things are … The bullshitter … does not reject the authority of the truth, as the liar does, and oppose himself to it. He pays no attention to it at all.”

- **Functional disinformation** is misleading information that has the function of misleading.
  
  According to the philosopher Brian Skyrms, “If misinformation is sent systematically and benefits the sender at the expense of the receiver, we will not shrink from

  According to the philosopher Don Fallis, “a function is ‘the action for which a person or thing is particularly fitted or employed.’ For instance, the function of a heart is to pump blood; also, the function of a chair is to be sat on. According to this analysis, the distinguishing feature of disinformation is that its function is to mislead people.”
“72% of Americans say that social media platforms should be responsible for blocking sources of fake news” (LEWIS 2017).

Would this be a violation of our moral rights to freely share, seek, and receive information?

John Stuart Mill’s Defense of Freedom of Thought and Expression (1859)

Mill argued we should not censor speech that we believe to be false, because...

1. It might be true.
2. It might be partially true.
3. It is beneficial to allow false views to come to light and to show how they are incorrect.

Does this apply to fake News?

No, because...

1. There is very little chance it is true. (Monkeys writing Hamlet.)
2. Ditto.
3. Fake news is more likely to make it difficult to debate legitimate differences of opinion:
   a. In many cases, there is no one who actually believes the claims being made.
   b. In some cases, the claims are believed based on no reasons or evidence (bullshit).
   c. In some cases, the intent is precisely to create fake debates.

Similar arguments can be made to show that other standard defenses of freedom of expression do not apply in the case of fake news.

Have any lingering comments or questions about this talk? Please direct them to Kay Mathiesen at kmathies@email.arizona.edu. We’d love to get your input.

Further Readings


