Truth(s) and Alternative Facts

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WHAT IS FAKE NEWS?

Keywords: *Fake news; epistemology; trust; reliability; intentions*
Abstract: *Talk of fake news is rife in contemporary politics, but what is fake news, and how, if anything, does it differ from news which is fake? I argue that in order to make sense of the phenomenon of fake news, it is necessary to first define it and then show what does and does not fall under the rubric of 'fake news'. I then go on to argue that fake news is not a new problem. Rather, if there is problem with fake news it is its centrality in contemporary public debate.*

According to the news and the proclamations of world leaders, apparently there is a lot of fake news out there. In order to make sense of the seemingly modern phenomenon of fake news, it is necessary to define what fake news and what fake news is not. Once we are clear what falls under the rubric of 'fake news' it becomes clear that fake news is not itself a new problem. Rather, the issue that makes fake news both interesting and challenging is its newfound centrality in public discourse. Fake news challenges our conception of what the 'news' is, which in turn leads to issues as to how we appraise the sincerity and intent of those who disseminate it.

When talking about how to analyse any phenomena, it is helpful to get clear about what it is we are talking about. Fake news is, at least when it comes to the kind of thing world leaders like U.S. President Donald J. Trump talk about, a new phenomenon. As such, what is thing called 'fake news?'

M R. X. Dentith has defined 'fake news' as:

> [An] allegation that some story is misleading—it contains significant omissions—or even false—it is a lie—designed to deceive its intended audience. ("The Problem of Fake News" 66)

That is, fake news is a misleading story which is intended to deceive some target audience.

In a paper published about the same time, Neil Levy also advanced a definition of fake news, writing:

> Fake news is the presentation of false claims that purport to be about the world in a format and with a content that resembles the format and content of legitimate media organisations. (Levy)

Levy adds in the necessary caveat that fake news has the form and presentation of actual news. That is, fake news gets its rhetorical force by successfully aping the (typically taken to be not-fake) news. Fake news is a problem precisely because it resembles the news but is not just misleading, but misleading by

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design. Of course, if we say something is misleading, we have to ask "misleading to who?" because the kind of intentional deception we are talking about with respect to fake news is targeted towards some specific audience.

However, Levy also includes under the rubric of 'fake news' news sources which reproduce information *without checking it first.* But to produce fake news surely requires more than just a lax attitude towards the truth: it requires some kind of intentional deception. Whilst lazy journalism is certainly a problem, it is not what we should call 'fake news' because fake news intends to mislead, rather than misleads due to accident or laziness.

Axel Gelfert defines fake news as:

> [B]est defined as the deliberate presentation of (typically) false or misleading claims as news, where the claims are misleading *by design*. (85–6)

Gelfert's definition is similar to Dentith's, but with Levy's caveat that fake news is presented as news. Like Dentith, Gelfert takes it that fake news can be false or just misleading. That is, fake news can contain some truths. As Gelfert notes:

> [M]uch of the initial credibility of fake news derives from real-world back-stories, and almost all fake news purports to be about real-world actors and entities. (100)

That is, fake news need not be entirely fictional. Rather, it simply must mislead in a non-accidental way[1] to a target audience by virtue of *passing as news*.

That latter point is important; Gelfert considers the case of satirical stories being taken seriously. In these cases the audience is not really mislead because they understand the intent of the satire. For a story to be fake news, then, the audience must think some piece of fake news is actually news, which raises the question of how purveyors of fake news might mislead their audiences. After all, given that fake news can be merely *misleading*, rather than an outright fabrication, we can ask whether fake news could ever be made up of entirely true statements?

We can think of stories (whether news or not news) existing on a spectrum from the false (low-to-no resemblance to the world) to the factual (high-to-complete resemblance to the world).

Fake news, we might think, sits typically somewhere towards the *low resemblance* part of the spectrum, but some stories which are entirely true (or, at least, have very *high resemblance* with the world) will turn out to fall under the domain of 'fake news' because, nonetheless, they are misleading *by design*.

For example, the leader of New Zealand's National Party, Simon Bridges, in early 2018 issued a press release in which he claimed that the Ministry of Justice had

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[1] This criteria is necessary to stop accidental misreporting of details in an otherwise good news article suddenly rendering the whole article as fake news, a caveat Levy fails to consider.

provided him with data which showed that the country's Three Strikes Law (which mandated maximum sentences for convicted criminals on their third strike offence) was working to reduce reoffending. However, he failed to reveal that there were caveats attached to that data: the statistics could not be used to prove the effectiveness of the law because, according to the Ministry of Justice, there were a variety of other factors which could equally or more likely explain the downward trend of criminal offences in New Zealand since the law came into effect.[2]

Now, Bridges did not fabricate or alter any information; what he said, however, was misleading due to the *selective* way in which he presented some but not all of the data the Ministry of Justice had provided. As such, we can ask just how selective or deceptive his story was. That is, was his press release misleading-by-design? But we also have to ask, was it even news?

Fake news as news

Misleading a target audience by design is not fake news (even if it is still problematic) if it is not presented as news. That is, on any standard account of the news, news stories should be considered separate from things like press releases and the like. We expect (or, at least, we might have used to expect, as I will argue later on) that the news is a report stemming from some journalistic investigation. However, the modern news cycle (and the economics of the news in the online era), has seen press releases either published as news, or only lighted edited before appearing as a news story. That is, part-and-parcel of the problem of fake news is not just that fake news happens to be stories presented as news which are misleading by design to some target audience, but also because what counts as 'news' is increasingly blurred.[3]

We could get around this problem by talking about fake news and the news less with the institutional frame that news stories are produced by the members of the Third Estate/the Media, and refocus our interest on stories which are considered 'newsworthy'. As such, claims by, say, prominent business people and political leaders are newsworthy, and thus could be considered as examples of fake news if they turn out to be misleading by design to some target audience.

However, this pivoting of the definition to concern the newsworthy, as opposed to stories presented as news which are misleading by design, is problematic. Let us assume for the moment that Simon Bridges knew he was misleading his target audience (voters): that is, he misled by design. The fact that his misleading statement about the Three Strikes Law was reported by news outlets uncritically surely is the problem here? We expect politicians to campaign on issues which are important to them, and we should also expect that politicians will present things in the best possible light for their party. Bridge's National Party enacted the Three Strikes Law,

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[2] The Ministry of Justice said that changes in policing, not prosecuting certain minor offences, a greater focus on rehabilitation of criminals, etc., could just as easily explain the downward trend in criminal offences.

[3] The same argument can be run for the blurring of the lines between advertisements and the news, as exemplified by things such as 'advertorials'.

and thus, under threat of it being repealed by a new government, made a case for keeping it (even if said case used data which did not necessarily support keeping the law). Bridge's statements were newsworthy, but it only became news when it was reported.

This issue is compounded by the prevalence of opinion pieces in the media. An opinion piece is typically targeted to a certain audience with the producer of that piece often using rhetoric not to persuade their audience to change their minds but, rather, to reassure them that what they already believe is right. Not just that, but opinion pieces are not typically held to the same journalist standards as other pieces produced by the same news outlet; sometimes, to assuage some target audience, selective evidence is use or fact-checking is skipped. That is, opinion pieces may often be misleading, and perhaps intentionally so, but the target audience are—in some sense—willing victims rather than targets of deception.

This is all to say that fake news gets its potency by being a deliberately misleading **news** story. As such, whilst people like Simon Bridges can try (in this example) to get news outlets to present his party's side of the story, our expectation should be that the various news outlets should check and verify his claims before reporting it as news. Indeed, in this case most of the reporting over Bridge's claims did include reporting of the various caveats that the Ministry of Justice provided. That is, whilst Bridges might have tried to mislead the public, the media, by-and-large, did not.

If there is a problem with fake news, it is an issue which centres on the presentation of information by news outlets as news. As such, we should be careful to ensure that when we talk about fake news we are talking about news which is fake, rather than stories told by politicians or other influential individuals.[4]

Alleging that something is fake news

Whilst stories told by politicians and other individuals might not be fake news we should linger on their speech a little longer. Part-and-parcel of the *purported* problem of fake news is that we have to distinguish between news which is actually fake, and news which is alleged to be fake: the latter being the rhetorical frame of 'That's just fake news!' From Donald J. Trump's proclamations that his many opponents are generating fake news about his presidency, to people like Russian Federation Vladimir Putin, Hungarian Prime Minister Viktor Orban, President of Turkey Recep Tayyip Erdogan, as well as the leaders of the various, Brexit campaigns in the U.K. and the like, allegations of fake news by the powerful are rife.

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[4] A response to this is to say that we are being too restrictive here as to what counts as both the 'news' and a 'news outlet', in that why should we restrict the production of the news to the Third Estate (especially in the modern age where citizen journalism is a valuable tool in getting news out into the marketplace of ideas). There is something to this kind of response, but for the purposes of this discussion we will restrict talk of the news to that which is produced by the institutions associated with the production of the news because—for the most part—such a reduction in scope allows us to more ably diagnose what the problem of fake news might be.

However, alleging something is 'fake news' does not tell us that it is news which is fake. People, after all, dismiss the claims of others as spurious all the time, sometimes engaging themselves in specious reasoning. We need to be careful to distinguish between proclamations of 'That's just fake news' and 'fake news'. It is possible to live in a world where all allegations of fake news are themselves fake, and all news is authentic, or a world in which fake news is a problem but no one ever alleges fake news is abounding. The existence of one does not entail the other. As has been argued elsewhere, such labelling practices like 'That's just fake news' are common, for example, when dismissing claims about the existences of conspiracies: labelling something as a 'conspiracy theory' often is a good way to end a debate and portray someone's views as irrational.[5] However, for the claim 'That's just fake news!' to have any weight the person making the allegation must have some authority or institutional status. After all, the allegation some claim about yourself, or your activities is 'fake news' will only be persuasive to a target audience if the person (or organisation) making the allegation can claim (sincerely or not) some authority on the matter.

This is not to say that, for example, everyday individuals cannot allege 'That's fake news!' It is simply the recognition that there is a particular kind of rhetorical force about allegations of fake news which are special to people in positions of power. Your partner claiming reports you have heard that they are having an affair is just 'fake news' seem different in kind from your Prime Minister or President making a similar claim.

Intentions and intentionality

What the allegation 'That's just fake news!' and fake news share is the concern that audiences are being misled by design. That is to say, the producers of fake news *intend* to mislead.

For example, on the morning of February the 17th, 1873, the readers of the New Zealand-based newspaper "The Daily Southern Cross" were surprised to read a story about a Russian warship having seized the Port of Auckland (Luckie 3). The story was fake: upon closer inspection the Russian Ironclad was named the 'Kaskowiski' ('cask of whisky'), the 'report' appeared on page three rather than the front page, and the purported enemy invasion had occurred three months earlier (something the story drew attention to by placing an asterisk beside the date of the tale). Yet we have some clear indicators as to why paper's editor, David Luckie, wrote (or printed) the story: he was drawing attention the lack of promised British warships in the region.[6] The Kaskowiski story was misleading (given it was a hoax) but not fake news: the editor's intent was to stimulate debate rather than persuade the paper's audience that the Russians were coming (or, in this case, been).

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[5] See *Conspiracy theories and the people who believe them* (Dentith, "Conspiracy Theories and Philosophy - Bringing the Epistemology of a Freighted Term into the Social Sciences") for coverage and criticism of this labelling practice.
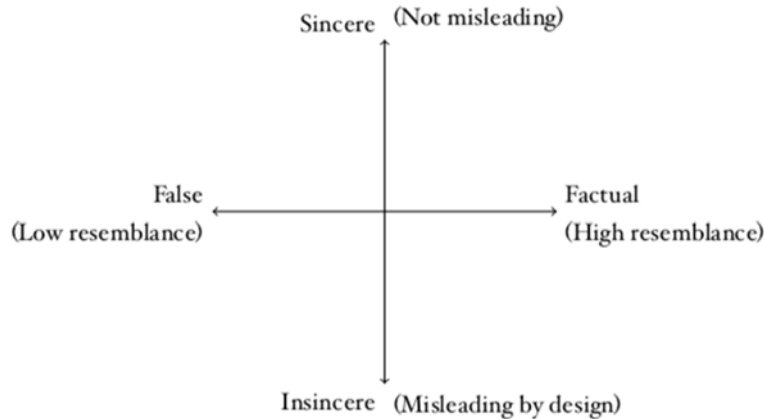[6] New Zealand was still a British colony at the time.

Yet working out the intentions of the producers of misleading news is not obvious in all such cases. Take, for example, "The Journal of American Physicians and Surgeons" a publication of the Association of American Physicians and Surgeons. Founded in 1943 to fight 'socialised medicine' in the U.S., the journal publishes discredited medical hypotheses like the denial of the link between HIV virus and AIDS, the link between the MMR vaccine schedule and autism, and the link between abortions and the development of breast cancer. That is, it peddles news which is fake. But are the editors of "The Journal of American Physicians and Surgeons" acting insincerely and thus trying to mislead their audience? Or do they sincerely believe the research they publish? After all, they claim their journal adheres to academic standards. As such, it might be tempting to think that this is an example of what Richard Feldman calls 'reasonable disagreement', a case where epistemic peers (epistemic agents roughly equal to each other with respect to intelligence, reasoning ability, and who also happen to be privy to the same background information) to reasonable agree to disagree with one another (Feldman, "Epistemological Puzzles About Disagreement"; Feldman, "Reasonable Religious Disagreements").

Reasonable disagreement requires that epistemic peers engage in full disclosure with one another. Full disclosure is a state where epistemic peers are able to express fully to one another their reasons for believing some claim. If they can do this and they still disagree with one another, then their disagreement can be considered reasonable. But in the debate about fake news it is hard to think there can be any reasonable disagreement. "The Journal of American Physicians and Surgeons" does not claim that they are presenting *merely* an alternative view. Rather, they claim to be combatting a liberal conspiracy in the medical community against the kinds of views their conservative members think are the best results of medical research.

Now, the idea that elements in the medical fraternity engage in conspiracies and cover-ups has a long and storied history. From the 'Tuskegee Study of Untreated Syphilis in the Negro Male' (AKA the 'Tuskegee Syphilis Study') in the middle of the 20th Century, to current issues to do with the non-publication of null results in pharmacological research trials, we know that cover up and conspiracies have occurred. However, even if we grant that there are (some) grounds to thinking medical conspiracies might still be occurring now, this does not automatically give us reason to suspect that the specific liberal bias and cover-ups espoused by the editors and contributors of "The Journal of American Physicians and Surgeons" is warranted.

Indeed, we might even go so far to suspect that the editors and contributors to "The Journal of American Physicians and Surgeons" are being insincere, trading upon the notion of being epistemic peers in order to muddy the waters of medical research. This is important because—as previously noted—our operating definition of what counts as fake news has that it is *misleading by design*. That means if we accuse the editors or contributors to "The Journal of American Physicians and Surgeons" of producing fake news, we are making some claim about their intentions (notably that they trying to deceive their audience).

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Talk of intentions here is important, then, for how we parse discussion of what fake news and is not. Fake news exists somewhere not on a one axis graph, but, rather somewhere on a two axes one which takes into account both resemblance and intentionality.

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                        Sincere   (Not misleading)
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    False    <───────────────┼───────────────>   Factual
(Low resemblance)            |              (High resemblance)
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                        Insincere   (Misleading by design)
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Fake news occupies space somewhere in the lower two quads; it can be be made up of entirely fictitious statements or factual statements *as long as the intent is to mislead some target audience*. Testing how well a purported news story resembles what actually happened (in an ideal media landscape) should be relatively easy, given that we can refer to other sources and the like. Arguing that information was selectively used or fake information planted into the story intentionally (i.e. by design) is a much harder task however. That is, a news story which includes fabrications leads to obvious questions as to how such fabrications were allowed to go to print. However, in the case of selectively-omitted information it is harder to infer intentional deception because it is always possible that the reporter did not think the omitted information was salient. But this still requires us to talk about the intentions of the people purveying (purported) fake news.

However, given that intentions can be tricky to measure *at the best of times*, it is useful to look at the target audience of the news. After all, perhaps the target of the news will help us infer the intentions or sincerity of the news provider?

Target audiences

Fake news is not just misleading by design: it is aimed or targeted at a certain audience. Sometimes we can infer that audience with respect to the general audience of the media or news outlet which produces it. For example, "The Guardian," a U.K.-based newspaper targets urban liberals, whilst another U.K. newspaper, "The Daily Mail" targets conservatives. In some cases we can also infer the target audience of a news outlet by the kind of stories they regularly produce. "The New Zealand Herald" is the country's single major newspaper and, although

ostensibly it targets the country as a whole, tends to feature news stories which appeal to members of the Boomer generation[7].

However, working out who the target of some piece of fake news is can be tricky. Take, for example, Nigerian 911 email scams. According to Cormac Herley at Microsoft Research, Nigerian 911 scams are deliberately filled with typos and inaccuracies in order to reduce the number of critical respondents, and thus increase the chances that someone credulous will eventually wire the scammer money in order to secure their fortune (Herley). As such, the target audience of a Nigerian scam email is not everyone in the recipient list. Rather, it is the kind of people who gloss over and ignore the obvious errors in the emails they receive.

The same is presumably true of fake news: not everyone in a certain demographic is presumably the target of some piece of fake news. Rather, it all depends on the nature of the fake news itself. Fake news which is merely selective in its evidence use, and contains no (or very few) fabrications, may have a broader target audience than fake news which includes deliberate falsehoods which will only be believed (or glossed over) by certain people. But, once again, to be able to make claims about the target audience, we have to rely on claims about the intentions of the producer of said news, because otherwise we might well be talking about the target audience of sloppy reporting.

None of this is to say that we should resile from talk of fake news, nor seek to find a way to measure it and its prevalence. Rather, what this paper seeks to do is speak to a fundamental problem with talk of fake news: our definition of what counts as 'fake news' requires that we say something about the intentions of the producers of fake news, and who that fake news is meant to mislead. That is, we have to say something about how some piece of news is *intentionally* misleading (as opposed to simply not fact-checked, or the result of lazy journalism), as well as who the target audience of that piece of news was.

The apparent centrality of fake news today

Most ordinary reasoners think of the production of news as, if not a strictly veristic activity, the most plausible and justified account of some event. While we know breaking news might sometimes get misreported (and thus revised later), and some events might be misreported and never adequately corrected (because the event was so minor), we tend to expect journalists to be sincerely in their reporting.

However media coverage is, and has been, partisan. That is, the news is not always the cliche of 'Just the facts!' Indeed, the idea the news is a factual endeavour might also be a modern invention. Newspapers have often reported fake news alongside real news, often with little to distinguish the two types of story (if, indeed, there was a real distinction to be made). "The Illustrated Police News," for example, was a Victorian-era tabloid which published sensational and sensationalised stories about (then) contemporary and historic crimes). Some of its stories were edited for dramatic effect, whilst others were largely fabricated. That is, it was a publication (one of many at the time) which peddled in what we would now label 'fake news'.

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[7] Those born just after the close of World War II.

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However, readers of that bulletin were aware that many of its stories were sensationalised or fabricated. Thus while some of its contents were fake, the target audience was aware of that fact. Indeed, late 19th Century/early 20th Century newspapers (like "The Daily Southern Cross") sometimes carried what we might deem fake news now, but trusted that readers would be attentive to it.

It is, then, plausible to think that people might have been more attentive to the problems of fake news in the past because news which was fake (but not actually fake news: the stories had a target audience who knew the 'reporting' that they were reading was fabricated) was part-and-parcel of their lives. If this supposition is correct, and news which is fake has been with us for a while, this raises the question of whether news which is fake is a bigger issue now than it has been in the past? After all, what we currently call 'fake news' is a subset of the larger category of 'news which is fake'. New which happens to be fake contains within it the subset of news which is fake which is nonetheless believed.

Now, this question about the seeming issue of news which is fake now is ambiguous, because it has two possible meanings. Is news which is fake a bigger issue today because there is *more* news which is fake now than in the past, or is it a bigger issue *regardless of the incidence level* because of the prevalence of news which is fake and the allegation 'That's just fake news!' in contemporary discourse?

It is easy to think there is more news which is fake now than there has been in the past because allegations about fake news are currently rife in political discourse. However, the seeming increase in the labelling of stories as 'fake news' does not tell us that there is more news which is fake. At best it tells us we are more attentive to the problem of such fake news, and at worst it tells us that politicians and influential institutions are weaponising the label 'fake news'.

Now, we could refer to survey data: there has been, over the last few decades at least, studies into the news media, the reliability of news reports, the trustworthiness of certain kinds of authorities, and the like. This would give us some insight into public attitudes and expectations of the news over time. The problem, however, might be if people were more attentive to the issues of news which is fake at earlier points in history, our survey results now might be measured against what was a different standard then.

As such, if there is a problem with *now* then we are better off arguing that it is because of fake news apparent centrality to contemporary public debate. Even if it is not a new problem, it is a current problem. After all, no matter the answer to the first question, the second question—how central is fake news in contemporary discourse—is the most interesting. It allows us to talk about trust, reliability, and the intentions of those in the media. Fake news, alternative facts and misinformation were, for example, all part of the story certain Western powers tried to sell about Weapons of Mass Destruction in Iraq back in 2003, the basis and need for a Cold War after World War II, and the like. What might be new, however, is the centrality of claims 'That's just fake news!' in our political discourse.

Conclusion

Once we do the conceptual work about what fake news is, and how allegations of 'That's just fake news!' get their rhetorical power, we end up getting back to issues of trust and reliability of sources, two staples of talk in epistemology which relate to the tricky issue of appraising the intentions of the producers of information.

So, what can we say about fake news? It is information which presents itself as news, and thus we can rule out political speech which may well be newsworthy but is not itself a product of news producers (nor should be confused as the product of a news outlet). Fake news is also targeted towards some audience, and thus some cases of news which is fake but is known to be fake by its target audience will prove not to be fake news (i.e. satire). As such, a lot rests on the intentions of the producers of fake news to mislead said audience, and thus anyone willing to defend their fake news can always say 'Sorry; that was just sloppy journalism on my part.'

But perhaps more importantly, what comes out of this analysis is that we do not really need the term 'fake news' to analyse the contemporary phenomena of news which is fake. That is, in the end 'fake news' is not new. What we label as 'fake news', and what we take to be problematic about fake news is, however, interesting. This is because claims about fake news happen to have a certain centrality in public debate at this time. Yet we should not mistake the fact that the claim 'That's just fake news!' has been weaponised by certain leaders as designating a new problem. We are dealing, as always, with questions about how we judge the reliability and trustworthiness of sources in public discourse, and whether those sources are acting sincerely or insincerely with their endorsements of particular claims. As such, what is fake about fake news is fake news itself. Conversely, what is also interesting about fake news is its current prominence. Even if fake news is not new, it is fertile ground for epistemology which shows that what we study is important.

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