What is Fake News?

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What Is Fake News?

Abstract

Recently, the term «fake news» has become ubiquitous in public discourse. Despite its omnipresence, however, it is anything but clear what fake news *is*. An adequate and comprehensive definition of fake news is called for. We take steps towards this goal by providing a systematic account of fake news that makes the phenomenon tangible, rehabilitates the use of the term, and helps us to set fake news apart from related phenomena such as journalistic errors, satire, and highly selective reporting. In particular, we define «fake news» as news that does mischief with the truth in that it exhibits both (a) a lack of truth and (b) a lack of truthfulness. It exhibits a lack of truth in the sense that it is either false or misleading. It exhibits a lack of truthfulness in the sense that it is propagated with the intention to deceive or in the manner of bullshit. Finally, we reply to three possible objections against our account.

Keywords

Fake News; Conceptual Analysis; Truth; Truthfulness; Bullshit

1.1   Introduction

For some time now, the term «fake news» has been ubiquitous in political discourse and the media. In the last year or so, panels all over Europe and the USA have targeted the question of how to deal with fake news. Research projects are trying to measure the effect of fake news on politics and society. Social media corporations face societal and sometimes political pressure to crack down on fake news.

Despite their omnipresence in discourse, however, it is anything but clear what fake news *is*. Talk of «fake news» has become so fuzzy and worn-out that doubts have been raised that the term is useful at all. At the Oxford Internet Institute, researchers are now speaking of «junk news» instead of «fake news». Others think that the best available option is «awkwardly using air quotes whenever we utter the phrase» (Wardle 2017). Yet, the general outlook on the issue seems to be that despite being generally unhelpful and ambiguous the term «fake news» and its corollaries cannot be eliminated from public discourse entirely because there is as a matter of fact a problematic phenomenon calling for a name.

Our aim in this paper is to come up with an understanding of fake news that serves three main purposes: it makes the phenomenon tangible, rehabilitates the use of the term, and helps us set fake news apart from other phenomena with which they are often mistaken.[1]

We proceed in three steps. Section 1 develops the definition of fake news. Section 2 sets fake news apart from viral journalistic errors, satire and parody as well as selective reporting. Section 3 considers some objections to our account and offers responses.

Note that we are going to work with a very minimalist notion of «news» throughout the paper. The Oxford Dictionary defines «news» as «newly received or noteworthy information, especially about recent events» and, in a more specific usage as a «broadcast or published report of news» (Oxford Dictionaries 2018: «news»). Along those lines, we will use «news» to refer to any report of typically recent events that is broadcast by media or individuals to address the public. A privately told report about some event will not count as news in this sense because it does not address the public. A blog entry, on the other hand, that is there for everyone to read will qualify as news - even if no one actually reads it.

This entails that both individuals and professional media outlets can publish news. It also entails that fake news is in fact «news» on this minimalist understanding of the term. This is a matter of terminology. We are aware that there are other, more demanding, notions of «news», according to which fake news may not qualify as news. In this paper, we go with what we take to be the everyday usage of «news».[2]

1.2   1. Fake news - doing mischief with the truth

What is fake news, then? On the view we will advance in this paper, fake news is news that does mischief with the truth. That is because, as we argue, fake news is characterized by two shortcomings: it lacks truth and truthfulness.[3] More specifically, fake news is either false or misleading (lack of truth) and it is propagated with either the intention to deceive or an utter disregard for the truth (lack of truthfulness). In what follows, we will flesh out this definition.

1.1 Lack of truth - False and misleading statements

A natural place to start when thinking about fake news is to think of fake news simply as *false* news reports. Just think of some paradigmatic cases from 2016 to see that falsity often plays a role.

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[1] There are quite some proposals for how to understand and define fake news in the literature. However, they offer definitions that are, we argue in this paper, less adequate, comprehensive and systematic than our definition. The most noteworthy proposals are by Rini 2017, Wardle 2017, Dentith 2017 and Gelfert 2018.

[2] We are also not going to dive into the literature on the manifold kinds of fakes (see for instance Eco 1994).

[3] Williams 2002 argues that the values of truth and truthfulness are indispensable to human social interaction. Now, both truth and truthfulness are complex and contested concepts. Note, however, that in this paper we use a minimal notion of truth and that in general this minimal notion of truth could be replaced by a notion of objective evidence. See section 3.3.

- According to the so-called «Pizzagate» conspiracy theory, a number of US restaurants and some members of the Democratic Party were involved in child sex trafficking (Williamson 2016). The fabricated story was quickly picked up by websites like Infowars, Planet Free Will, and the Vigilant Citizen and gained a lot of attention in the media, not least because the case was eventually «self-investigated» by an armed civilian (Carpenter 2016).
- After the German 13-year old girl Lisa disappeared on her way to school (Meister 2016), Russian media outlets began to misreport that Lisa had been kidnapped and raped by refugees.[4] This and related rumors spread long after Lisa came back safe and sound and provably without having been kidnapped or raped. Even though this «news» had some basis in the facts, since Lisa actually went missing, the reports themselves were false.
- In November 2015 a meme was shared on Facebook that Trump told the People magazine in 1998 that he would run for the Republicans in the event of a presidential candidacy because they had the stupidest and most gullible voters. While Trump said a lot of unbelievable things over the years, this meme was in fact just a forgery (Farley 2015).

Examples like these seem to have led some authors to adopt a definition of fake news as false news reports of some kind or other. Thomas Fiedler, dean of *Boston University College of Communication*, holds that fake news is «false information packaged to deceive the public into thinking it was produced by professionals with respect for truth» (Rimer 2017). Hunt Allcott and Matthew Gentzkow define fake news as «news articles that are intentionally and verifiably false, and could mislead readers.» (Allcott and Gentzkow 2017: 213). Neil Levy (although careful to note that he is not giving necessary and sufficient conditions) states that «[f]ake 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 2017: 20).

But is falsity essential to fake news? What is certainly correct is that fake news somehow misrepresents the facts. Yet, it is important to note that falsity is not the only way in which facts may be misrepresented in a report. What a report states may just as well be *misleading*. A misleading statement, as we are using the term, is a statement that is literally true, but conveys something false.

Suppose a report states the following: «After the refugees arrived, 47 burglaries occurred in the village». Suppose the report does not contain any further relevant information. The statement that is made is simply that 47 burglaries occurred in the village after the refugees' arrival. The statement is literally true if the statement expresses a fact – if it is true that this is the number of burglaries that occurred after the refugees arrived. The statement is misleading, however, if it nevertheless *conveys* something false.

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[4] See Wehner 2016 for an account of the events by a German newspaper.

This is the case, for instance, if the number of burglaries was just as high before the refugees' arrival. Or, if the number of crimes did go up after the refugees arrived, but there is evidence that the crimes were committed by others than the refugees. In such cases, the report conveys something false: it conveys that the number of crimes went up and that the best explanation for the increase in crimes is that the refugees committed them.[5]

Fake news are often misleading in this sense. A good example is a 2017 report by the US-American online medium *Breitbart* about a commotion of predominantly young foreign men in the German city of Dortmund on new year's eve of 2016. On Breitbart's account, the «mob (…) set Germany's oldest church alight» (Hale 2017).

In one respect, this report is straightforwardly false. The church is not, in fact, Germany's oldest church. However, that is not the interesting bit about the Breitbart story. Because what is true is that there was in fact a fire. A firecracker flew into a net that was part of a scaffolding surrounding parts of the church. The net then caught fire. According to the fire department, the fire was small and easy to extinguish (Konietzny 2017).

In view of these events, it is not straightforwardly false that the group set the church on fire. Nevertheless the report is highly misleading because it conveys that the fire was set on purpose, that the church itself (and not just some net) was alight and that the fire had a significant size. All of that is false. Here we have an instance of a true report that nevertheless misrepresents the facts.

The upshot is that fake news is indeed characterized by what we will call a lack of truth: fake news reports misrepresent the facts. But this lack of truth can come about through the falsity of a news report or, as in the *Breitbart* case, through its misleadingness.

1.2 Lack of truthfulness – The intention to deceive and bullshit

Importantly, however, that is not to say that all false or misleading news reports are in turn fake news. Note that definitions along those lines are quite common. The German online newspaper ZEIT ONLINE, for instance, characterizes fake news as «false reports or news erroneously presented as fact» (ZEIT ONLINE 2018: «fake news», our translation).

Such definitions are highly problematic because they ignore the fundamental difference between fake news and journalistic errors.[6] Journalistic errors occur inevitably in the process of reporting on often intricate matters. That is why reputable print media issue corrections of their mistakes in dedicated sections of each issue. The podcast *This American Life* even went so far to issue an hour-long show dedicated to sorting out their own misreporting on Apple's manufacturing practices in China (Schmitz 2012).

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[5] For a discussion of the distinction between what is (literally) said and what is (pragmatically) conveyed, see Saul 2002 or Bach 2012, for example. Cf. also Eco 1979, who offers an account of possibly misleading inferential paths: The author can push the reader to a misleading inference without explicitly saying anything false.

[6] A similar point is also made by Gelfert 2018: 99.

During the Trump presidency, reputable news outlets have been continuously accused of reporting fake news. But there is a crucial difference between these outlets' reports - even their erroneous ones - and the instances of fake news we looked at in the previous sections: when reputable media issue false or misleading statements, they usually do so inadvertently.

An upright journalist who issues a false statement misses the mark of truth, so to say. The examples of fake news we looked at so far, in contrast, were issued with an *intention* to deceive.[7] They are either blatant lies or deliberately misleading.[8] In both cases, they aim at falsity, not at truth, and thus lack truthfulness. This lack of truthfulness sets fake news apart from journalistic errors. The upright, but mistaken journalist is truthful, while the proponent of fake news is not.

An intention to deceive is not the only way in which a lack of truthfulness may manifest, however. One of the most prominent propagators of fake news might be said to utter false and misleading statements not with any intention to deceive, but because he does not care about truth to begin with. Donald Trump's tweets are quite often so obviously false, misleading or entirely absurd that it is hard to imagine that he tweets them with the intention to deceive anyone. It might be argued that he simply does not bother relating to the truth at all.

The same attitude can be found in the Macedonian villagers who lived of creating fake news in 2016 and earned tens of thousands Dollar by doing so (Silverman and Alexander 2016). From interviews, it has become clear that they did not have any interest in the truth or falsity of their reports. Their goal was not to deceive their audience.

Harry Frankfurt famously coined the term «bullshit» for statements that are made without any concern for the truth. He says:

> It is impossible for someone to lie unless he thinks he knows the truth. Producing bullshit requires no such conviction. A person who lies is thereby responding to the truth, and he is to that extent respectful of it. When an honest man speaks, he says only what he believes to be true; and for the liar, it is correspondingly indispensable that he considers his statements to be false. For the bullshitter, however, all these bets are off: he is neither on the side of the true nor on the side of the false. […] He does not care whether the things he says describe reality correctly. He just picks them out, or makes them up, to suit his purpose. (Frankfurt 2005)

Someone who utters bullshit does thus not care about the truth. Her goal is not to report facts. She only seeks to shape the beliefs and attitudes of her audience. This clearly applies to the Macedonian villagers, who only cared about creating content that would in turn generate as many clicks as possible.[9] Likewise, Trump often uses Twitter without concern for the

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[7] The intention to deceive figures in many characterizations of fake news, as we have seen above. See also Rini 2017: E45.

[8] A «lie», according to the Oxford Dictionaries, is an «intentionally false statement» (Oxford Dictionaries 2018: «lie»).

[9] Axel Gelfert, who also notes that the Macedonians were not intentionally deceiving anyone, spells out the problematic aspect about their behavior slightly differently. On his view, what matters is that these propagators «engage in practices that they know, or can reasonably foresee, to lead to the likely for-

truth. In 2015, for example, he claimed to have the world's greatest memory (Tur and Vitali 2015). Frankfurt himself called this statement «farcically unalloyed bullshit» (Frankfurt 2016).

Note that bullshit need not be false. It can also be merely misleading.[10] In February 2017, Trump tweeted: «You look at what's happening in Germany, you look at what's happening last night in Sweden. Sweden, who would believe this?» (Topping 2017). While this tweet is not false, it arguably implied that there had been a terror attack in Sweden. In this case, the statement is literally true (something did in fact happen that night in Sweden), while it conveys something false (there was no terror attack). Thus, the tweet is an example of misleading bullshit.[11]

1.3 Defining fake news

Fake news can thus be seen as a special species of disinformation (Fallis 2015).[12] Fake news reports exhibit a lack of truth, but they need not be literally false – they may just be misleading in that they state something that is literally true, but conveys something false. We also saw that not all false or misleading news reports are in turn fake news. This is clear from the fact that inadvertent journalistic errors should clearly not qualify as fake news. What turns false or misleading statements into fake news is a lack of truthfulness: fake news go along with the intention to deceive or bespeak a disregard for the truth, in which case they fall into the category of bullshit.

On the basis of these findings, we can now formulate a definition of fake news. Fake news is news that does mischief with the truth in that it exhibits both (a) a lack of truth and (b) a lack of truthfulness. It exhibits a lack of truth in the sense that it is either false or misleading. It exhibits a lack of truthfulness in the sense that it is propagated with the intention to deceive or in the manner of bullshit.

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mation of false beliefs on the part of their audience» (Gelfert 2018: 107f.). We take this to be an essentially correct description of the Macedonians' capacity to anticipate their actions' consequences. Yet, we take it that they can only reasonably foresee their actions' negative impact because they are, in fact, bullshitting. Since bullshit will often be false or misleading, the bullshitter can reasonably foresee that her act is likely to result in the formation of false beliefs.

[10] In fact, bullshit can theoretically even be true. What matters for a statement to be bullshit is merely the utter disregard of truth, as pointed out by Frankfurt.

[11] It is notoriously hard to detect bullshit and to distinguish it from deliberate deceptions, because it is notoriously hard to know the speaker's intentions. Trump, for instance, is presumably uttering bullshit quite often, but it is hard to know for sure. Frankfurt thinks that «bullshitting constitutes a more insidious threat than lying does to the conduct of civilized life» because the norm of truth itself is at stake (Frankfurt 2008: 4). For our purposes, however, it is not particularly important to know for sure whether a particular news report is a deliberate deception or bullshit. Both are clear instances of fake news.

[12] Some have even tried to define fake news with respect to the sort of information it provides. See, for instance, Oremus 2017, who claims that fake news is «information that is designed to be confused with legitimate news, and is intentionally false.» Cf. also Floridi 2011 for a discussion on information more generally.

Here is a matrix illustrating the four ways in which fake news does mischief with the truth, with one example for each.[13]

		LACK OF TRUTH	
		False statements	**True, but misleading statements**
LACK OF TRUTH-FULNESS	**Intention to deceive**	Lies Pizzagate hoax	Breitbart's report on young foreign men burning down a church in Germany
	Bullshit (no regard for truth)	Trump's claim to have the world's greatest memory	Trump's implication about a terror attack in Sweden

1.3   2. Other problematic news

In this section, we will set fake news apart from three other ways in which news reports may be problematic that are easily conflated with fake news proper.

Case 1: Journalistic errors gone viral

Clearly, fake news is not to be conflated with journalistic errors. But what if a piece of inadvertently false or misleading news goes viral? In 2002, the BBC reported a hoax about the extinction of blond hair within the next 200 years as fact (BBC News 2002). The report was repeated by several other media outlets and many readers were led to believe that the report was actually true.

Nevertheless, it would be a mistake to think that just because a false news report goes viral it thereby becomes fake news. Just as we should allow for fake news reports that do not go viral, we should allow for false news reports that *do* go viral, but are not fake news. There is a difference between fake news and merely mistaken news, and this difference should not be distorted by the news report's reach.

To use an analogy, note that there is a difference between false, but widely shared scientific claims such as the long-held view that combustible objects contain a substance that went by the name «phlogiston» on the one hand and fake science on the other.[14]

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[13] Note that pictures can be used to do mischief with the truth in very analogous ways: a photomontage depicts an event that has not happened and thus corresponds to a literally false statement. The pictorial analogy to literally true, but misleading verbal statements is a cropped picture which shows an event that has happened, but conveys something false by cutting out relevant aspects of the scenery. A photomontage or a misleading cropped picture that is published with the intention to deceive or in the manner of bullshit can therefore be taken as instances of fake news as well.

Case 2: Satire and parody

Some forms of satire and parody are sometimes called «fake news».[15] Moreover, people often have trouble telling satire apart from real news, thus being mislead by its satirical content.[16] Nevertheless, satire and parody are rather different from fake news. For while satire and parody often contain falsehoods, they do not instantiate a lack of truthfulness in the sense specified above: they do not instantiate an intention to deceive nor are they instances of bullshitting. Shows like the *Daily Show* or websites like the *Postillon* make jokes and use irony *against the background of the truth*. Their goal is not to deceive or influence people by doing so. In fact, knowledge of the truth on the receivers' end is a necessary ingredient for satire to work in the first place.[17]

Yet, of course, there is a good sense in which the Daily Show *is* a fake news show. It is a fake - in the sense of a satirical imitation - of a news show. The adjective «fake» qualifies «news show» here. It is not, however, a fake news show in the sense of a show broadcasting *fake news*.

Case 3: Highly selective reporting

Sometimes, news are considered fake because they report highly selectively on certain events. Yet, it would be wrongheaded to think of each selective report as fake news. If the report is true and does not convey something false, then it is not an instance of fake news. We do not have to overstretch the fake news label to mark out problems that have a name already.[18]

Note, however, that some instances of fake news are indeed based on highly selective reporting. If news outlets *systematically* spread only a certain kind of information about a certain topic and thereby convey something false, they can be said to spread fake news. Consider the case of a blog that focuses exclusively or primarily on crimes committed by Muslims. None of

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[14] There are numerous cases of fake science in the not so recent past, denying the truth of, for instance, scientific findings linking smoking to lung cancer, coal smoke to acid rain, or chlorofluorocarbons to the ozone hole - which have been documented in great detail and accuracy by Oreskes and Conway 2012.

[15] See for example Holt 2007.

[16] Not even news agencies are immune to this kind of error. In 2012, the Iranian news agency Fars took up The Onion's story of Ahmadinejad being more popular than Obama and reported it as truth (McGreal 2012).

[17] Another way of putting this is by saying that satire and parody are not set in what we can call a «warranting context» (Saul 2012: 19). A warranting context is one in which sincerity is expected: «If one warrants the truth of a statement, then one promises or guarantees, either explicitly or implicitly, that what one says is true» (Carson 2006: 294). News are by their very definition set in a warranting context, since their function is to inform about (recent) events. In the case of parody and satire, in contrast, sincerity is the opposite of what is expected. Sincerity is also not what governs contexts in which someone makes a joke or performs an act on stage. In neither of these contexts, anyone promises or guarantees that what they say is true - not even implicitly.

[18] A similar point can be made with respect to the phenomena of «framing» and «spinning». Of course, stereotypes can be reinforced and associations can be roused by framing news reports in a certain way or by giving them a certain spin. This can result in a deliberately misleading message (and thus, on our account, fake news), but usually it is not. Framing and spinning are simply techniques that can be used to mislead, they are not by themselves instances of fake news.

its reports is literally false or by itself misleading. But, taken together, the reports become misleading because the communicative content of the reports – in the context of the whole blog – is false, since they implicate that Muslims are *particularly* criminal (which is arguably false).

The point here is that a series of reports about crimes by Muslims carries different implications than an individual report on a particular crime, because it suggests a pattern. If this is done in a deceitful manner or without regard for the truth, highly selective reporting can be said to be an instance of fake news.

1.4   3. Objections and replies

We would like to raise three worries concerning our account of fake news and respond to them.

3.1 «Fake news» as a discursive weapon

The first worry points to the political dimension of the term «fake news» and takes the following form: on the proposed account, fake news is analyzed in purely descriptive terms. However, «fake news» has always been used politically. «Fake news» is a discursive weapon, invented and used to *do* politics rather than *describe* reality.[19] Against this background, one might even argue that the whole project of defining fake news – of coming up with a characterization of what fake news *is* and how to identify it – will inevitably fail to capture the concept's core.

Note, however, that «fake news» as we have defined it does in fact have moral import. Our definition is descriptive in the sense that it provides truth conditions for statements about fake news and renders them principally verifiable. At the same time, however, it is part of the truth conditions of fake news statements that the propagator of fake news exhibits a highly problematic attitude towards truthfulness. Our account thus entails that statements like «This is fake news» are strong accusations against the fake news' propagator.

In view of this fact, the concept of fake news is morally laden and resembles concepts such as «racist», «cheating» or «terror organization». Such concepts have also been called «*thick concepts*»: they have descriptive content and are evaluatively loaded at the same time.[20] We can state truth conditions for statements containing such concepts and check whether each statement correctly describes reality. Yet, the statements «Jane is a racist», «Bill cheated on Mary» and «ISIS is a terror organization» also have moral import. And so does the statement «This report is fake news».

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[19] Matthew Dentith, for instance, while also proposing a definition of «fake news», emphasizes the centrality of claims like «This is fake news» in political discourse. Specifically, he says that «the allegation something is fake news is a *rhetorical device*, one designed to cast doubt on what would otherwise be some received story» (Dentith 2017: 67; his emphasis).

[20] See, for an introduction of thick concepts, Williams 1985. See, for a critical overview, Eklund 2011.

The upshot is that «fake news» can indeed be seen as a discursive weapon. It is sometimes even used entirely pejoratively and devoid of descriptive meaning, similarly to swear words as, for instance, «douche». But this does not entail that «fake news» does not *also* have a descriptive content, which can be analyzed and defined – analogously to other pejorative *thick concepts* such as «racist» or «cheating».

3.2 The definition's lack of practicality

The second worry we would like to address points to the fact that a lack of truthfulness, i.e. an intention to deceive or the attitude characteristic for bullshit, can only be identified by identifying the intentions of a news report's propagator. And this, the worry goes, makes the definition of fake news useless for practical purposes. We strive for a definition of fake news because we want to measure its effect on society, craft legislation to eliminate it from social media or sue propagators of fake news for the damage they impose on societies. This would call for an understanding of fake news that puts the marks of fake news out in the open for everyone to see. Our definition, however, locates one of its crucial characteristics – the lack of truthfulness – in the inaccessible minds of people.

We have two replies to this worry. First, the problem is smaller than it seems. We rely on our knowledge of other persons' intentions in other, very practical, contexts as well. In the Anglo-Saxon world, there is a juridical distinction between voluntary and involuntary manslaughter. Likewise, German law distinguishes between what is called «Mord» and «Totschlag» based on the perpetrator's mindset.

In both cases, the level of penalties depends crucially on the judge or jury's verdict. Not always is the matter clear. But, very often, there is strong evidence for a particular matter of fact. If the perpetrator is bankrupt and the heir of the victim's fortunes, then this provides evidence for her motives in killing the victim. The upshot is that we can gain insights into the mental states of others not just by their reporting on them. Evaluating their behavior and the circumstances in which they act often provides sufficient evidence for practical purposes. And this is the case when it comes to dealing with fake news, too.

Secondly, and more importantly, the problem is one of the phenomenon itself and not of our definition. One of the key insights that needs to be reflected in any account of fake news is the fundamental difference between fake news and journalistic errors. This difference is located on the dimension of the agent's intentions. What sets fake news apart from journalistic error is the attitude towards truth (i.e., the propagator's truthfulness) with which the report is put into the world.

Note that the importance of the distinction between journalistic errors and fake news is amplified, not curtailed, when it comes to practical questions. Many think that the propagation of fake news should be liable to legal prosecution. But, surely, this measure would be deeply problematic when it comes to an inadvertently false news report put forward by a journalist who simply got it wrong.

Thus, if we want to distinguish between journalistic errors and fake news – which we most certainly should, we will have to build some reference to the agent's intentions into the definition of fake news. It is therefore part of the problem of fake news that it is not always easy to identify – it is not a problem of the definition we proposed in this paper.

3.3 True fake news and the role of evidence

On the account we presented, fake news manifests a lack of truth by being either false or misleading. What it cannot be, on our account, is being true. At first sight, this seems obvious. Fake news are fake, after all. And, in part, what makes them fake is their lack of truth. But is this really a necessary condition? Consider the following thought experiment.

Suppose *Russia Today* fabricates a news story about Hillary Clinton: according to the story, Clinton committed tax fraud. The authors of the report take it to be false and propagate the story with the intention to deceive and spread disinformation. As it happens, however, Clinton has in fact committed tax fraud. The story turns out true; it is neither false nor misleading. Is the *Russia Today* report fake news or not? If it is, falsity and misleadingness are not as essential to fake news reports as our account states. The «fake» in «fake news» points to something other than the misrepresentation of reality.

At first sight, cases as the one we just described seem outlandish. But are they really? Long before Snowden, conspiracy theories about the NSA abounded. Later, these very reports turned out true. Of course, many conspiracy theorists really believed in their theories and did not propagate them with any intention to deceive or in the manner of bullshitting. Yet, it is not hard to imagine that foreign agents, who did not believe these theories to be true, jumped on the bandwagon and propagated the reports they took to be false with the intention to deceive and spread disinformation. Suppose these reports existed and later turned out true. Do they constitute cases of fake news? If so, then fake news can apparently be true. What are we to make of such cases?

We reject the notion of true fake news and thus commit to the view that both the tax fraud and NSA case are not instances of fake news proper. Why, then, do these cases appear to be fake news? On our view, this has to do with the fact that they are instances of something rather similar to fake news. They are instances of *attempts* to spread fake news. Yet, the attempt to do something and the actual doing of it need to be kept apart and are, in fact, kept apart in our common sense accounts of other problematic behaviors that society is inclined to sanction.

Think of lying or murdering. When it comes to such actions, we distinguish very carefully between the attempt to perform the action and its actual performance. In most legal systems, they are sanctioned very differently. The attempt to murder someone is strikingly less punishable then its successful execution. Likewise in the case of lying. If a person has the belief that p is false and says that p in order to make someone else believe that p, she tried to lie. But it can always turn out that p is true after all. The person then failed to lie because what she accomplished was not what she wanted, namely that the other person believes the false

proposition p. In cases like this, as in the case of murder, we are inclined to sanction the culprit significantly less harshly. In the case of lying, punishment is often omitted entirely.

We can draw the same distinction in the tax fraud and NSA case. While the propagators of such reports had the intention to deceive and propagate a false report, they did not succeed. On our account, this can be expressed by saying that they attempted to spread fake news, and failed. We take this to be a merit of our account, which is quite in line with the fact that our sanctioning practice would presumably treat the tax fraud and NSA case differently from cases in which the reports were actually false. Treating such cases as *attempts* to spread fake news and not as the actual *spreading* of fake news accounts for this practice, and it does so by treating the cases in analogy to our practice of sanctioning attempts and actual performances of lying and murdering, respectively.

Moreover, consider the alternatives. The only way to accommodate the tax fraud and NSA examples is by omitting any reference to factivity. The easiest way to do so is by dropping the lack of truth requirement in our definition. Fake news will then simply turn out to be news reports that are propagated either with an intention to deceive or by bullshitting. The accidentally true conspiracy theories about the NSA are then clear instances of fake news, since they are propagated with an intention to deceive.

However, this definition is then too broad because yet other cases will also count as fake news – cases we do not consider fake news at all. For instance, consider that Trump is bullshitting about his popularity on Twitter and through his press agents. Assume that he does not know anything about his actual degree of popularity; he is simply making assertions to impress the public and present himself as popular. However, his assertions turn out to be true. It seems rather counterintuitive to call assertions «fake news» that do not spread falsehoods, do not harm anyone and are not even intended to harm anyone.

In reaction to this counterexample, we could modify our definition again. We could drop the bullshit condition, narrow down the definition even further, and state that fake news is simply news that is propagated with an intention to deceive.

Unfortunately, this is not viable either because on this account another paradigmatic example of fake news would not count as fake news anymore. Think of the Macedonian villagers, which propagated fake news about the Democratic Party during the election campaign in the USA in 2016. The villagers did not have an intention to deceive. They wanted to make profit and condoned that some people would end up with false believes. A definition that does not take into account cases like this one would surely not be an adequate definition of fake news.

There is another alternative altogether. We could transform the condition of truth into one of evidence, while retaining the condition of truthfulness.[21] Fake news would then be news reports that lack truthfulness (by being propagated either with an intention to deceive or with

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[21] Note that Aaron Quinn has presumably proposed something along those lines, by saying that the evidence that the news propagator relies upon «must be sufficient to form a justified opinion that the information [to be propagated] is probably true; that is, it must be sincere and accurate within the means of verification available to the journalist at the time» (Quinn 2017: 26).

no regard for the truth) and lack evidence (by not appropriately being based on evidence). This new definition would redefine the notion of «fake news» entirely, changing the debate's current focus from false reports to rumors.[22] Interestingly, this definition would result in the same reports being labelled as fake news as our original definition. Hence, this is, we take it, a matter of choice about what concept of *fake news* is more appropriate and useful.

We consider our original definition to be better suited to capture the current usage and understanding of «fake news», since most participants of the public debate are deeply concerned with the truth and falsity of news reports (or their accuracy in depicting facts). However, from a purely theoretical point of view, the definition based on lack of truthfulness and evidence might be conceptually superior. For reasons of practicability and the term's current usage and understanding, we stick to our original definition, even though we recognize the possibility of this alternative definition.

In conclusion, having considered the possibility of true fake news and alternative definitions of fake news, it seems very reasonable to treat cases such as the accidentally true and maliciously propagated conspiracy theories about the NSA not as cases of fake news. Just as the failed attempt to murder someone is not the same as committing murder, the failed attempt to spread fake news is not the same as propagating fake news. Fake news exhibits both a lack of truth and a lack of truthfulness.

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[22] Cf. the Merriam Webster's entry on «rumor», in which «rumor» is defined as «talk or opinion widely disseminated with no discernible source» and «a statement or report current without known authority for its truth». Cf. also Sunstein 2014 as well as Keil and Kellerhoff 2017: 13ff.

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