

Fake News and Fictional News¹

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1. Introduction

This chapter is about two things that the term “fake news” has been widely used to talk about. The first is what we will call “fictional news.”² Fictional news includes the genres of news satire (e.g., *The Daily Show*, *The Colbert Report*) and news parody (e.g., *The Onion*, *The Babylon Bee*, *Weekend Update*). Fictional news was once the main thing that the term “fake news” was used to talk about.³ Today, fictional news is not what is usually meant by “fake news.” Sometime around 2016, a new idiomatic use of the term rose to prominence. This new use of the term refers to a societal phenomenon that is seen as a threat to the epistemic state of individuals and whole societies, as well as a danger for the well-functioning of societies more broadly. Spelling out what this threatening phenomenon of fake news is and how it is different from the non-threatening, or even helpful, phenomenon of fictional news (especially news satire and parody) is not an easy task.

Speaking loosely, we might say that both fictional news and fake news (in the new sense of the term⁴) involve made up stories. But they seem to be birds of very different feathers. Fictional news is a collection of artistic genres, the works of which may be valuable cultural assets. News satire and news parody, when they are done well, have the potential to entertain and inform consumers, to challenge their assumptions, to deepen their understanding of societal problems and human foibles, and otherwise to improve their epistemic and emotional states. Fake news is not thought to offer these kinds of benefits. Readers of fake news do not learn from it. At best, they recognize its fakeness and ignore it; at worst they are misled and/or spread the fake news further so that it can mislead others. (In the remainder of the chapter, we will use ‘fake news’ in the post-2016 way, and

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² We describe in more detail what we mean by “fictional news” in section 2.

³ In a survey of academic articles from 2003-2017 that used the term ‘fake news’, Tandoc et al. (2018) found that the most common use was to refer to news satire.

⁴ By the “new sense of the term ‘fake news’”, we mean the now most widespread use of the term, to describe an epistemically dangerous societal phenomenon. This use has largely replaced the older use of the term to refer to news satire and parody. We will have much more to say about what this phenomenon of fake news is, starting in section 3 below. In describing this as a “new sense” of the term ‘fake news’, we do not mean to imply that the phenomenon itself is completely new (see Pepp, Michaelson and Sterken 2019), nor that it is the unique such sense (see Brown 2019, and Pepp, Michaelson and Sterken 2022, *pace* Habgoode-Coote 2019).

‘fictional news’ to talk about satirical, parodical, or otherwise fictional works.)

Despite the contrasting evaluative attitudes people tend to have toward fake news and fictional news, it is not as easy to distinguish them as it might first seem.⁵ Social media platforms have struggled to limit the visibility of fake news on their platforms without blocking access to legitimate fictional news. Partly in response to these efforts, producers and promoters of fake news sometimes claim that it is instead fictional news (parody or satire).⁶ This may be done to evade flagging, blocking or demotion, or to escape censure after the fact. In this environment, the practical challenge of distinguishing fake news from legitimate⁷ fictional news, on the massive scale that is required, is immense. Technical academic work in fake news detection now standardly incorporates some form of satire detection or omission.⁸ But behind this challenge lurks a philosophical question: what *is* the difference between fake news and fictional news? What line is to be tracked by the automated systems that computer scientists are developing?⁹ This is our question.

In this chapter, we approach the question via a recently burgeoning literature in philosophy and communications studies about how to define fake news. After a brief discussion of fictional news in

⁵ Horne and Adali (2017) found that, based on certain data sets and isolated characteristics, fake news shares more characteristics with news satire than real news.

⁶ For instance, the website RealRawNews.com, which is the source of viral fake news stories such as “Military Arrests Bill Gates” (on charges of “child trafficking and other unspeakable crimes against America and its people”) (August 1, 2021), offers the disclaimer: “Information on this website is for informational and educational and entertainment purposes. **This website contains humor, parody, and satire.** We have included this disclaimer for our protection, on the advice on legal counsel.” (emphasis original). Another example is America’s Last Line of Defense, a network of websites and Facebook pages run by Christopher Blair, which include disclaimers to the effect that they are satire, but are often spread as real news on social media. Moreover, Blair claims to design the stories as much to fool a certain audience as to entertain another. (Gillin 2017, Funke 2020). An earlier well-known example is Paul Horner, who was behind many viral fake news stories in the 2016 US election, which he claimed were satire. (Dewey 2016)

⁷ What is required for fictional news to be legitimate? This is a difficult question that we cannot take up here. We think it is a safe assumption that a significant portion of fictional news is legitimate, even if there are also many borderline cases. Indeed, the works of Christopher Blair and Paul Horner, mentioned in footnote 6, may be examples of work that is not clearly legitimate fictional news, but also not clearly fake news, since these works were—if their creators were telling the truth about their motives—intended as satire. However, as will be discussed in section 5, a creator’s intention to create satire is not sufficient for the result to be satire.

⁸ For a survey of the methods used in fake news detection, see Collins et al (2020), Sharma et al (2020), Zhang and Ghorbani (2020), Zhou and Zafarani (2020). For work that explicitly takes up the problem of distinguishing fictional news from fake news, or satire-detection, see, for example: Golbeck et al (2018), Horne and Adali (2017), Rubin et al (2015), Rubin et al (2016), Shu et al (2017), and Thota et al (2018).

⁹ Social media companies can use machine learning algorithms (amongst other detection methods) to distinguish fake news and fictional news using only data sets or features thereof. However, without an accurate benchmark – that meets the descriptive, normative and societal functions we, as a society, would like such categories to serve – there is no guarantee that the categories picked out, tracked and shaped by detection algorithms (and their designers and those verifying the data) will serve our aims and needs as a society. Thus, reflection on the categories we as a society want and need is a crucial part of developing this technology, even independently of the development of explainable fake news detection (see Shu et al 2019).

section 2, we survey, in section 3, various definitions of fake news, highlighting the different ways in which they distinguish fake news from fictional news. A unifying feature is that these definitions appeal in one way or another to the *beliefs* of consumers. Some define fake news as involving intentions on the part of producers to deceive consumers: to lead them to form false beliefs of one type or another. Others define fake news as involving expectations on the part of producers that consumers will be deceived, even if this deception is merely expected, but not intended. According to yet another definition, something is fake news only if it is actually disposed to deceive consumers. Proponents of such definitions distinguish fictional news from fake news by claiming, or implying, that fictional news is *not* intended, expected, or disposed (respectively, depending on the definition) to lead consumers to form false beliefs. So, a strong connection has been drawn between fake news and belief in most efforts to define fake news. We challenge this connection and contend (in section 4) that none of these relations to consumers' beliefs is essential to fake news. We offer an alternative definition of fake news. The alternative definition seems to face the problem that it does not distinguish adequately between fake news and fictional news, allowing that an item might be *both* fake news and fictional news. In section 5, we argue that this challenge is a general one, affecting not only our account of fake news but the others we have surveyed as well. We then outline a way to address it by complementing our account of fake news (or, indeed, any account of fake news) with an account of artistic genres.

2. Fictional news

In order to address the question of what distinguishes fake news from fictional news, we need to give at least a rough characterization of fictional news. This section contains some preliminary remarks in that direction.

By 'fictional news', we mean works of art or entertainment that are presented in the *format* of *official news media*.¹⁰ By 'official news media', we mean the outputs of the various institutions

¹⁰ The work on fake news detection mentioned in footnote 5 uses a variety of definitions of news satire, specifically: Horne and Adali (2017) define satirical news as "stories that are from news sources that explicitly state they are satirical and do not intentionally spread misinformation. Satire news is explicitly produced for entertainment." Rubin et al (2016), following Ermida (2012), characterise news satire as a form of deliberate deception, whereby it is "a genre of satire that mimics the format and style of journalistic reporting" (Rubin et al, 2016, 9) and is "comically extended to a fictitious construction where it becomes incongruous or even absurd, in a way that intersects entertainment with criticism" (Ermida, 2012, 187). Of course, the features used to track such definitions

which, within a given cultural context and time period, are dedicated to the public distribution of news (which we will define, very loosely, as a description of an important recent event or situation) and are publicly accepted as having this function. By ‘format’, we mean the characteristic aspects of official news media that mark them as such. There are a wide variety of such formats across different sorts of media, countries, and time periods. The following are just a few examples:

- The structuring of printed newspaper articles with a headline in large type (and, in many countries, having a characteristic grammatical style), author byline, writing location, and the article itself in columns alongside other articles.
- Online newspaper articles starting with a headline, short summary, and author information, often with an accompanying photo, and the time of last updating noted.
- Televised news featuring an anchor person seated at a desk with television- or computer-screen-style graphics behind them that accompanies their reporting, which is spoken in a characteristic cadence.

In today’s changing media environment, it might be that various social media formats are formats of official news media. News is increasingly distributed via Twitter and other platforms, both by those who are making the news as well as reporting it, and by ordinary observers to whom social media offers a broad and instantaneous platform.¹¹

The prominent examples of fictional news that we mentioned in the Introduction (all hailing from the American entertainment landscape) fit this broad definition. *TheOnion.com* has many aspects of the format of an online news outlet. That it is not an online news outlet is evident from the claims made in its articles, which are either absurd in themselves or absurd when considered as news reports from an online news outlet. (For example, a recent headline reads, “12-year-old Job Applicant Asked to Explain 12 Year Employment Gap on Résumé.”¹² Another is, “Man Does Good Job Getting Drunk.”¹³) The *Weekend Update* segment on *Saturday Night Live* has many aspects of the format of a television news broadcast. That it is not a television news broadcast is evident both from the absurdity of its news reports, the inclusion of audience laughter, and the fact that it is part of a late-night humour show. *The Daily Show* uses many aspects of the format of a television news

and identify satirical news are fine-grained features of the news stories and/or surrounding context, using natural language processing (NLP), machine learning, and/or other detection techniques. As we note below, our notion of fictional news is broader than the notion of news satire.

¹¹ For more on this changing nature of the official news media, see, for instance, Pepp, Michaelson and Sterken (2019), Michaelson, Pepp and Sterken (2022).

¹² <https://www.theonion.com/12-year-old-job-applicant-asked-to-explain-12-year-empl-1850168685>

¹³ <https://www.theonion.com/man-does-good-job-getting-drunk-1819574952>

broadcast, such as the anchor desk with background video screens and interviews with correspondents “on location”. Unlike *The Onion.com* or *Weekend Update*, *The Daily Show* discusses actual news, albeit in a humorous and satirical fashion. But although the news discussed may be real, it is fictional that the discussion is an official news media output.¹⁴

These common examples of fictional news are works of satire, parody, or both. The parody of official news media can have many functions. It can serve to satirize official news media itself, or to satirize the people, institutions, and societal conditions of the day. Sometimes the parody is not in the service of satire or social commentary, but is simply a vehicle for silliness or a good punchline (as is often the case with *Weekend Update*). It should be noted that the category of fictional news could certainly reach beyond parody, satire, and comedy. Literary, visual, or performing artists might tell fictional stories in the format of a news story, newspaper, or newscast—or an extended series of such items, or in the format of Facebook posts or tweets. Such works would be along the lines of an epistolary novel, only using news format rather than letter format. Moreover, true stories might be fictionally presented in such formats. Thus, works of fictional news might be instances of literary fiction, dramatic cinema, performance art, creative memoir, and many other traditional genres. We are not aware of examples of such works,¹⁵ but they could certainly be created if they have not been already. Again, these would be works of art using the format of official news media as a fictional device.

3. Fake News

Fake news has been appealed to in explaining electoral outcomes,¹⁶ information resistance, societal polarization and horrifying violence. Political opponents have hurled the term ‘fake news’ at each other as a term of abuse. Academic studies have sprung up to measure and analyse fake news. Social media platforms have implemented measures to guard against fake news.¹⁷ Some governments have proposed and/or passed legislation that criminalizes fake news, sometimes

¹⁴ Or so the show’s creators have maintained. Questions might be, and indeed have been, raised as to whether the show is best seen as comedy or as journalism.

¹⁵ Wes Anderson’s film *The French Dispatch* (2021) is in the vicinity, although it is not presented in the format of news media.

¹⁶ For example, fake news has played a role in explaining the success of populist candidates in the 2016 US Presidential election, the 2017 French Presidential election, the 2017 German election, and the 2018 Italian election. (Cantarella, Fraccaroli and Volpe 2023).

¹⁷ These include third party fact-checking, community flagging and reporting, and algorithmic detection. For example, Facebook claims to reduce the prominence of stories that have checked out false or been repeatedly flagged/reported in News Feeds. Twitter claims to remove, reduce the visibility of, or label misleading information.

without providing any clear definition of the term.¹⁸ The explosion of theoretical, practical, and legal activity underscores the importance of arriving at a working definition of the term ‘fake news’. Academics have answered this call, offering up a “cornucopia of definitions” (Habgood-Coote 2019), which, despite their variation, seem to be circling around the same phenomenon (Brown 2019, Pepp, Michaelson and Sterken 2022). In this section, we will provide a non-comprehensive, though representative, survey of this field of definitions, through the lens of our question: what is the difference between fake news and fictional news?

3.1. *Deceptive intention definitions of ‘fake news’*

One potential answer to our question is that fake news is intended to deceive, whereas fictional news is intended to entertain and (perhaps) enlighten, but not to deceive. Many recent definitions of ‘fake news’, which we will call *deceptive intention definitions*, require that a work be produced with some sort of intention to deceive in order to count as fake news. Proponents of such definitions often claim that an important advantage of including a deceptive intention condition is that it distinguishes fake news from satire or news parody.¹⁹

Deceptive intention definitions of ‘fake news’ vary with respect to (i) the nature of the required deceptive intention and (ii) what else, in addition to the required deceptive intention, is necessary and sufficient for a work to be fake news.

Concerning the nature of the required deceptive intention, some hold that it is an intention to deceive people concerning the *content*, or *subject*, of the work. For example, a report that Politician X was arrested for driving drunk could only be fake news, according to these definitions, if the producer(s) of the report intended to deceive people into thinking that Politician X was arrested for driving drunk.²⁰ For them to have this intention, the producer(s) must believe that it is not the case that Politician X was arrested for driving drunk. If, instead, the producer(s) of the report had themselves received inaccurate information and/or if they had been sloppy in researching the story,

¹⁸ Poynter reports that laws specifically prohibiting the creation or spread of “fake news”, so called, have been passed or proposed, for example, in Burkina Faso, Cambodia, Croatia, Egypt, France, Malaysia and Russia. (Funke and Flamini, <https://www.poynter.org/ifcn/anti-misinformation-actions/>, retrieved 8 March 2023.) According to Poynter, France’s law was the first to provide a definition of “fake news”, roughly: “Inexact allegations or imputations, or news that falsely report facts, with the aim of changing the sincerity of a vote.”

¹⁹ See, for example, Rini (2017, E-59), Gelfert (2018, 106), Mukerji (2018, 931-2), Fallis and Mathiesen (2019, 5), and Pritchard (2021, 49).

²⁰ See, for example, Rini (2017), McIntyre (2018, 112), and Pritchard (2021)

so that they had produced a false report that they nonetheless believed to be true, they would not have produced fake news, according to deceptive intention definitions. Instead, they would have produced excusably inaccurate or perhaps even inexcusably sloppy journalism.²¹

According to other definitions, what producers of fake news must intend to deceive people about is not (necessarily) the content of the report, but its *source*, or the process by which it was produced. For instance, Fallis and Mathiesen (2019) require that producers of fake news intend to deceive (at least some) people into believing that the work in question was produced through a standard journalistic process (including, e.g., active inquiry into information of relevance for members of the society, careful verification of information received, transparency about sources, conflicts of interest, and unknowns, and so on). Mukerji (2018) requires that producers of fake news must intend to deceive people into believing that the producers were not indifferent as to whether what the work *asserts* is true or false.²² Croce and Piazza resist the view that fake news must be intended to deceive about the content of the work, but agree that “in a *weak sense* fake news is always asserted with the intention to deceive.” The “weak sense” they have in mind is that fake news is always intended to deceive about its source or the attitude with which it is produced. That is, it is intended to deceive people into believing it to be a real news report that is “talking seriously.” (2021, 57)

Of course, the fact that a work is intended to deceive in some way or another does not by itself entail that the work is fake news. For example, someone might leave an intentionally deceptive note for their roommate; the note is not fake news. It is easy to come up with many similar examples. Accordingly, there is a general consensus that in order to be fake news, a work must have the form of news, or be presented as news. This is developed in different ways by different authors. According to Rini (2017, E-45), fake news “purports to describe events in the real world, typically

²¹ We elaborate on the boundary between fake news and poor journalism in section 4.

²² Strictly speaking, it is *publishers*, rather than *producers*, who must intend to deceive in this way, according to Mukerji’s definition. In addition, it is important for Mukerji that the claims to whose truth the publishers are indifferent—that is, “bullshit”, in the sense of Frankfurt (2005)—are *asserted* rather than merely implied. (For more recent accounts of bullshit, see Gjelsvik 2018 and Engel 2021.) Mukerji thinks that if what is strictly asserted in a work is truthful, then strategic omissions or implications designed to mislead do not qualify the work as fake news. Pritchard (2021: 47) disagrees, arguing that “the most effective forms of fake news might well involve no literal falsehood at all,” and mislead people instead by leaving out important context or qualification. Jaster and Lanius (2018, 2021) define fake news as “news that lacks truth and truthfulness,” where news can lack truthfulness by being “bullshit” in something like Frankfurt’s sense. They do not limit fake news to what is asserted, however. It is not clear whether Jaster and Lanius require that producers of fake news intend “to deceive their audience about their attitude toward the truth” (2021:22, note 10), and thus it is not clear whether their definition should be classed as a deceptive intention definition or not.

by mimicking the conventions of traditional media reportage.” According to Pritchard, fake news must be presented as news, which means that the work must be presented as coming from a source of information that is “designed to convey accurate information to others about recent events, where that information is not already widely known” (2021, 52), although it does not come from such a source. Fallis and Mathiesen (2019, 8) also require works to be “presented as news” in order to qualify as fake news. Similar requirements hold for other views.

Broadly speaking, then, deceptive intention definitions agree that for a work to be fake news, it must be presented as news and it must be intended to deceive. Fallis and Mathiesen (2019, 8) add that the work must also have the *propensity* to deceive people as to its source: a faked news report with no hope of fooling anyone about its being real news is not fake news, either, according to their definition. These definitions are often claimed to rule out fictional news from counting as fake news because fictional news, although it may be presented as news, is not intended to deceive its audience, either about its content or about how and with what attitude it was produced.

3.2. *Non-deceptive-intention-based definitions of ‘fake news’*

A few recent definitions of ‘fake news’ do not require any deceptive intentions on the part of producers. One example is Axel Gelfert’s definition of ‘fake news’ as “the deliberate presentation of (typically) false or misleading claims *as news*, where the claims are misleading *by design*.” (2017, 108) This definition does focus on the intentions of producers, but it does not require those intentions to be intentions to deceive. For the claims in a work to be “misleading by design” is not for them to be designed by the producer to mislead people. Rather, it is for the work to be generated and propagated by a method that is known or expected by the producer to result in people being misled, and is deliberately employed in spite of (and without concern for) this likelihood.

Pritchard (2021, 48) argues, against Gelfert’s definition, that for a work to be fake news, its producers must intend to deceive consumers about the work’s content, even if this is not their only or even their primary intention. This is because, according to Pritchard, getting people to click on things “under the guise of them being news” requires those people to find the claims “at least remotely plausible.” Hence, intending to get people to click-through to a work under the guise of being news entails intending to deceive them about the content of the work. (49) Croce and Piazza reject Pritchard’s argument on the grounds that people may well click and share items presented as news, even if they do not believe those works or find them plausible, as long as they have other motivations such as strengthening their political identity or social bonds. (2021, 57ff) It is

ultimately an empirical psychological question whether believing the claims in a putative news report or finding them plausible is (in general) a predictor of click-through and sharing engagement. But it certainly seems possible for a producer of fake news to have Croce and Piazza's view and, therefore, to intend only for audiences to find the works they produce useful for various social and political purposes. At the same time, they might recognize that the method they use to produce the works (i.e., one which involves no concern for the truth of the claims therein) is likely to result in some portion of the audience being misled. Gelfert's definition is able to classify such works as fake news, even if their producers have *no* intention to deceive the audience, either about the contents of the works or the conditions of its production. As long as the producers expect the works to end up misleading people, but deliberately produce and disseminate them anyway, the resulting works may be fake news.

How does Gelfert's definition rule out various forms of fictional news (such as satirical news) from being fake news, if it allows that even fake news may be produced without intentions to deceive? Gelfert suggests that fictional news does not count as fake news because the producers of fictional news do not deliberately use a means of production that they expect is likely to mislead. For example, writers of articles in *TheOnion.com* presumably do not expect their process of coming up with funny satirical articles to be likely to result in people being misled; thus they do not deliberately use a misleading method without concern for its misleadingness.

A different deceptive-intention-free definition of 'fake news' comes from Grundmann (2020). Grundmann defines fake news as "news that is produced or selected in general ways such that it has the robust disposition to lead, at the time of publication and under normal conditions, to a significant amount of false beliefs in a significant number of the addressed consumers." (2020: 8) In this definition, "news" applies to "a process of formation or selection" of works. So for a *work* to be an instance of fake news, on this definition, is for it to be produced or selected by *processes* that are disposed to lead to significant false beliefs among consumers. An individual work produced in this way might turn out (by some accident) to be true, and thus not *itself* be disposed to lead to false beliefs, but it would still have been produced by a process that has this disposition.

Grundmann's definition is, as he puts it, "purely consumer oriented," insofar as what is required for a process of producing and selecting works to be a fake news process is its disposition to affect consumers, not the intentions or other mental states of its producers. In particular, it is the disposition of that production process to lead to false beliefs on the part of consumers. Presumably,

the definition would rule out fictional news production processes from being fake news processes because these processes *in fact* lack that disposition. The claim would be that the processes by which fictional news is produced are not robustly disposed to lead to significant amounts of false beliefs. (Notice the difference between this and what Gelfert's definition suggested, that fictional news would be ruled out because its producers do not *expect* their production process to lead to false beliefs, whether or not it is in fact disposed to do so.)

So far, all the definitions we have surveyed seem to define 'fake news' in such a way that fictional news is excluded. If one's definition of 'fake news' requires fake news to be produced or distributed with the *intention* to deceive its audience about its contents or about the way it was produced, then one would argue that no fictional news is intended to deceive in these ways. If one's definition of 'fake news' requires fake news to be produced or distributed with the *expectation* that it would deceive audiences in one way or another, then one would argue that no fictional news is expected to deceive in the relevant way. If one's definition of 'fake news' requires fake news to be *actually disposed* to deceive its audience in one way or another, then one would argue that no fictional news is disposed to deceive in these ways.

These claims are not obviously true, and we will challenge them below (section 5). But it is certainly tempting to think that what sets fake news and fictional news apart has something to do with deception. Most proposals for defining 'fake news' embrace this tempting thought by building a connection to deception into the definition.

4. Defining 'fake news' without appeal to deception

In earlier work (2019), we proposed a definition of 'fake news' according to which no sort of deceiving or misleading is essential, whether concerning content or production, and whether actual, dispositional, intended or expected. Instead, we proposed that the defining feature of fake news is a mismatch between the way people treat a work as having been produced and the way it was in fact produced. In particular, fake news is not produced by what we labelled *standard journalistic practices*, but it is *treated for certain purposes* as though it were produced in that way. Our official definition reads: "Fake news is the broad spread of stories treated by those who spread them as having been produced by standard journalistic practices, but that have not in fact been produced by such practices." (69)

By “standard journalistic practices”, we refer to an evolving set of practices characteristic of the evolving social institution of journalism. These practices are partly constitutive of journalism, in the sense that works produced using them have a stronger claim to be genuine works of journalism than works produced in other ways. Examples of contemporary standard journalistic practices include: continuous monitoring for new information that is important or relevant for members of a society, careful verification of information received, transparency about sources and conflicts of interest, independence from the individuals and institutions reported on, and proportionality in information gathering and reporting. We think that works produced in accord with a substantial portion of these practices are not fake news, even if they turn out to be false or misleading.²³

Treating a work as having been produced by standard journalistic practices is not the same thing as *believing* that what the work says is true. Nor is it the same thing as *believing* that it was produced by standard journalistic practices. Let us illustrate this with an example. Suppose a report of outrageous corruption on the part of a politician one dislikes shows up in one’s Facebook feed. The report’s source might be unclear and its details might seem unlikely, leading one to suspect that it is not genuine journalism (i.e., that it was not produced following a substantial proportion of standard journalistic practices). Nonetheless, later that day one might treat the report as genuine journalism for the purposes of an argument with someone who supports the politician. One might refer to the report as though it were genuine journalism during the conversation. One might even temporarily mentally categorize the report as genuine journalism by, say, including its contents in a mental list of things to be cited as evidence of the politician’s unsuitability. In doing so, one might be deliberately crafty, having a keen awareness that one is using fake news to support one’s cause. But one might also simply permit oneself to ignore or downplay temporarily the provenance of the report, because it makes it easier to hold up one’s side of the argument and, perhaps, because confirmation bias makes it easier for one to suppose that the report, or something close to it, might be true, even if it was not produced through standard journalistic practices. Either way, one is treating the report as having been produced by standard journalistic practices for the purposes of this argument, even though one does not believe that it was so produced.

Of course, it is often the case that people treat a given work as genuine journalism for a certain

²³ In contrast, Grundmann’s “purely consumer-oriented” account rejects this. He suggests that due to general selection bias in news reporting, even news produced by following standard journalistic practices might be “*slightly* fake news.”(2021: 13)

purpose because they believe it *is* genuine journalism. Our point is simply that the reverse does not hold: there are all kinds of ways to treat a work as genuine journalism without believing that it is. Relying on the work in political arguments is just one example.²⁴

We think there are good reasons *not* to build intentions to deceive, expectations of deception, or dispositions to deceive into the definition of ‘fake news’. This is not because we think fake news typically lacks such features. On the contrary, we agree that fake news often has these features. But we also think that works lacking these features can be fake news.

First, let us consider the general idea embraced by deceptive intention definitions, that in order for a work to be fake news, its producer must intend to deceive their audience, either concerning the work’s content or concerning how or with what attitude it was produced. If this is right, then works produced sincerely, by people who take themselves to be reporting the truth, cannot become fake news. This does not seem right: Suppose that a group of people take themselves to have some sort of clairvoyance concerning what is really going on in the world, and they start a website to reveal the shocking “truths” they “know” to the rest of the world. These people do not really have any such clairvoyance, but they truly believe that they do. If the reports they publish are spread broadly on social media and treated as genuine journalism by those who spread them, then it seems to us that they become fake news.

Pritchard (2021, 56) rejects this judgement and suggests that these works would not be fake news, but rather genuine news that is “epistemically deficient”. In Pritchard’s view, works produced by a given source count as genuine news as long as that source is “designed to convey accurate information to others about recent events, where that information is not already widely known.” (52) (This is the case for our imagined would-be clairvoyants.) He holds that it is important not to assume that genuine news must be produced by standard journalistic practices, because this leaves us unable to countenance genuine news that is epistemically deficient or problematic. That, in turn, raises problems for developing individual and societal responses to fake news, since it makes it more likely that restrictions designed to combat fake news might also impinge on genuine news that

²⁴ Croce and Piazza propose that many consumers and sharers of fake news have the unreflective attitude of “treating a content as settled for the purpose of social recognition.” Consumers may have this attitude toward a work whose content they do not believe. Having this attitude may lead to sharing a work widely and “treat[ing the work] as true” in order to reinforce one’s social bonds and a sense of belonging to a group. (2021:58-9) The phenomenon they describe seems like another example of treating a work as having been produced by standard journalistic practices (although they explicate it in terms of treating a work as true, rather than in terms of having been produced by standard journalistic practices).

is or is judged to be epistemically deficient. (64-5)

We agree with Pritchard that this would be undesirable, and we agree that it is important to distinguish between genuine news that is epistemically problematic and fake news. However, we do not think that our definition of ‘fake news’ leaves us unable to do this. On our understanding of “standard journalistic practices”, it is perfectly possible for a work to be produced by following standard journalistic practices *to a sufficient degree to qualify as genuine journalism* and still be epistemically problematic.²⁵ For one thing, there may be no precise cut-off for the degree to which standard journalistic practices must be followed in order for a work to count as genuine journalism. Thus, a work might be produced by a method that deviates somewhat from some of these practices and still count as genuine journalism. The respects in which a method deviates from these practices might introduce unreliability or other epistemic problems. For another thing, standard journalistic practices themselves might not be epistemically ideal (it seems likely that they are not). So even works that have been produced by following these practices very closely might be epistemically deficient in some respects. Thus, building it into our understanding of *genuine news*, or *genuine journalism*, that it is produced by following standard journalistic practices *to a certain degree* does not mean that there is no way to distinguish between problematic genuine journalism and fake news.

Perhaps more importantly, it seems to us that cases like that of the would-be clairvoyants are naturally and intuitively categorized as part of the societal phenomenon that came to be called ‘fake news’ around 2016. Consider the “Pizzagate” affair, which is often cited as a paradigm example of this phenomenon. We are not sure if any account of its origins has been decisively established, but according to Wikipedia, it began with posts on Twitter and 4chan claiming that emails of Anthony Weiner, Huma Abedin and John Podesta revealed a pedophilia and human trafficking ring with Hilary Clinton at its centre. These were later reported, in news article form, on *YourNewsWire.com*, a website usually described as a “fake news website”. Other websites and promoters picked up the story from there. Let us suppose that something like this is correct. According to some reports, Sean Adl-Tabatabai, who ran *YourNewsWire.com*, denied spreading disinformation and insisted that his site was a legitimate news organization.²⁶ Probably these claims are not sincere, but we cannot see inside Adl-Tabatabai’s mind to check. Given this, we ask: what if Adl-Tabatabai *was* trying to

²⁵ See also our discussion in (2019, 76).

²⁶ See, for example: <https://www.thedrum.com/news/2017/01/29/man-behind-one-the-biggest-sites-accused-fake-news-former-bbc-worker>

reveal to others what he misguidedly took to be true? Would this mean that the Pizzagate story was not fake news after all? We think it would not. Pizzagate is a paradigm case of fake news not because of what was going on in Adl-Tabatabai's mind, but because it was a non-journalistically produced story that became wrapped in the mantle of journalism and was treated accordingly by a substantial portion of its audience. It is for this reason that, although the facts about the states of mind of producers of fake news are almost always murky, we, the various commentators on fake news, both in academia and public life, do not feel that deep insight into their state of mind is needed in order to classify works (such as the Pizzagate story) as fake news.

If we are correct about this, then neither intentions nor expectations to deceive should be part of the definition of 'fake news'. This lends some support to a view like Grundmann's. But Grundmann's requirement that fake news must be actually disposed to deceive a significant portion of its audience—whatever the intentions or expectations of its producers—is not quite right, either. This is for the reason explained above: as long as a work is treated as genuine news, for various purposes (such as political argumentation or social identification), by a significant portion of those who consume and spread it, it is not clear that those people's actual belief in the work matters very much. In fact, it is empirically unclear how large a portion of those who share fake news online believe the stories they are sharing, and thus it is unclear to what extent these stories are disposed to deceive audiences.²⁷ But even if much fake news *is* disposed to deceive (significant) audiences, whether it is really fake news does not seem to depend on this (currently unclear) empirical matter. Moreover, it is easy to imagine a situation in which audiences become non-disposed to believe fake news—or, perhaps, to believe *anything* they read online—but continue to use fake news for various political and social purposes in the ways described above.

For all of these reasons, we think it is an advantage of our definition of 'fake news' that it does not require fake news to be intended, expected, or disposed to deceive. However, the absence of these requirements from our definition blocks the routes to excluding fictional news from counting as fake news that were open for the other definitions. Our definition seems to imply that some works

²⁷Empirical work suggests that belief in the accuracy of a news story plays little role in whether or not consumers choose to share it: false news stories are shared at least as often as accurate news even when those sharing the story could have identified it as inaccurate had they considered the possibility (cf. Grinberg et al. 2019, Vosoughi, Roy and Aral 2018, Pennycook, Epstein et al. 2021, Epstein et al. 2021, and Pennycook, McPhetres et al. 2020). Moreover, consumers' sharing behaviour has been found to track features such as novelty (vs. familiarity), emotional evocativeness, engagingness, and whether the content aligns with the political values of the consumer (cf. Vosoughi, Roy and Aral 2018, Pennycook, Cannon and Rand 2018, Pennycook and Rand 2018, 2019, 2020, and Chen, Pennycook and Rand 2021).

of fictional news might also be fake news. Fictional news is not produced by following standard journalistic practices. So if works of fictional news are broadly spread by people who treat them as having been produced by following standard journalistic practices, then these works come to be fake news, according to our definition. In the next section, we address this apparent problem for our view.

5. Fictional news, fake news, and the importance of genre

A famous actual case in which a work of fictional news was broadly spread and treated as genuine news by those who spread it was Iran's Fars News Agency's 2012 republishing of a pretend poll from *The Onion* suggesting that rural White Americans preferred Ahmadinejad to Obama. Presumably, the Fars News article was broadly spread (in Iran) and treated by its audience as genuine news. Allowing that the Fars News article is the same work as the *Onion* article (albeit in translation), our definition of 'fake news' implies that the work became fake news once it was broadly spread and treated as genuine news in Iran. This might seem like a problem for our definition. For it is tempting to insist that the *Onion* article is, and remains, *satire*: it is fictional news, not fake news, Fars News' confusion notwithstanding. If our definition says otherwise, so much the worse for our definition.

In response to this, we begin by observing that the Fars News case, and related cases, also present a challenge for definitions of 'fake news' that require works of fake news to be intended, expected or disposed to deceive. The propensity of articles from *The Onion* and (its conservative counterpart) *The Babylon Bee* to lead to false beliefs on the part of significant numbers of readers, even without translation or re-publication, is well established.²⁸ So it seems that these articles are "produced or selected in general ways such that [they have] the robust disposition to lead, at the time of publication and under normal conditions, to a significant amount of false beliefs in a significant number of the addressed consumers," thus (at least arguably) satisfying Grundmann's definition of 'fake news', cited above. Moreover, the fact that their articles are disposed to lead to false beliefs is not something that the producers of these works are unaware of, so it is reasonable to conclude that they are using a method of production that is expected by them to deceive a significant portion of the audience. So, at least arguably, their articles count as fake news according to Gelfert's

²⁸ For discussion and some empirical results, see Garrett, Bond and Poulsen (2019).

definition, as well.²⁹

Finally, it is not even clear that deceptive-intention definitions of ‘fake news’ exclude all fictional news from being fake news. This is because it is not clear that being intended to deceive disqualifies a work from being satire, parody, or fiction. Suppose that a news satire website publishes a satirical article which is intended to suggest that a certain real politician reacted extremely unreasonably to a real altercation with a member of the public. The article does this by revising the actual details of the case in hyperbolic but (for those following the case) obviously fictional ways.³⁰ Suppose, also, that the producers and/or publishers of the article do not believe that the politician reacted extremely unreasonably, but they do dislike the politician, and they are aware that the message that the politician reacted extremely unreasonably will play well with their target audience, who also dislike the politician. By changing or exaggerating the details of the case, they do not intend to deceive their audience about what actually happened, but they do intend to deceive their audience about whether what actually happened was an extremely unreasonable reaction on the politician’s part. This work would then be intended to deceive about its implied message—a message conveyed by inviting the audience to evaluate the politician’s *actual* reaction similarly to how they would evaluate the hyperbolic reaction described. However, intention to deceive would not entail that the work is not satire. It even seems consistent with the work being satire that its producers intended to make significant portions of their audience believe the hyperbolic details added to the story, or believe that the story was genuine journalism. Indeed, successfully deceiving large parts of one’s audience, while leaving room for those who are attentive and in the know to get the joke, is sometimes considered a hallmark of excellent satire.³¹

Quite generally, then, the definitions of ‘fake news’ that we have discussed do not clearly exclude all fictional news from also being fake news. One response to this would be to try to shore up these definitions with additional requirements that would rule out the sorts of works just mentioned from

²⁹ Gelfert claims that the *Onion* story in the Fars News case is *not* a work of fake news, but does not explain how his definition is consistent with this claim. This is also noted by Pritchard (2021, 51).

³⁰ As was arguably the intention behind a 2019 *Babylon Bee* article that was believed to be real by many readers. *Snopes.com* discusses the case here: <https://www.snopes.com/fact-check/georgia-lawmaker-go-back-claim/>. In the text that follows, we are not suggesting that the writers of *The Babylon Bee* had any of the deceptive intentions that we are hypothetically supposing. All we are pointing out is that if they did, this would not necessarily disqualify the work from being satire.

³¹ The *Onion* argued in an amicus brief to the US supreme court that the point of parody is to be as close to the real thing as possible, so that it is confusing: Brief of The *Onion* as Amicus Curiae of Anthony Novak vs. City of Parma, Ohio, No. 22-293 (2022). (www.supremecourt.gov/DocketPDF/22/22-293/242292/20221003125252896_35295545_1-22.10.03%20-%20Novak-Parma%20-%20Onion%20Amicus%20Brief.pdf)

counting as fake news. We suspect that this effort would be in vain, however. For it seems to us that what these cases—actual and hypothetical—suggest is that the categories of fake news and fictional news overlap. The Fars News article, for instance, began as satire—fictional news—and it remained fictional news. But it went on to become fake news as well. At least for a while, it was *both* fictional news and fake news.³²

If we are right that there is overlap between the categories of fake news and fictional news, then the task of limiting exposure to fake news on social media platforms becomes even more complicated. For, in that case, it might not be desirable to aim to block fake news across the board. Doing so might unduly restrict access to fictional news that has become, additionally, fake news. And, as we noted at the beginning of the chapter, fictional news has an important role to play in society, both aesthetically and epistemically. At the same time, if fictional news that has become fake news should not be blocked, this might seem to give a free pass to *all* fake news. Producers or distributors of fake news need only categorize their works as satire, parody, or fiction, and they will have a legitimate claim to space in the public discourse.

But in fact, although *some* fake news is also fictional news (like the Fars News article), most fake news is not. Not having been produced by following standard journalistic practices does not suffice for a work to be fictional news. Nor, we contend, does a producer's claiming that a work is fiction (or satire or parody) suffice for that work to be fiction (or satire or parody). To set goals for limiting exposure to fake news without restricting fictional news, we need to complement our account of fake news with (the beginnings of) an account of fictional news. Such an account is needed if we embrace the overlap between fake news and fictional news, while seeking to carve out some protection for fictional news that is also fake news. Such an account is also needed if we reject the overlap and aim, instead, to refine the definition of 'fake news' so that fictional news will be excluded.

We can start with the kinds of fictional news that the term 'fake news' was formerly used to refer to: news satire and news parody. Instances of these genres are currently the works of fictional news

³² In our earlier work, we suggested that, on our account, the Fars News article counts as fake news relative to one region (Iran) or audience, but does not count as fake news relative to another (the United States). (2019, 88, note 37) This approach of relativizing a work's status as fake news to regions or audiences may be a viable way to develop an account on which the categories of fake news and fictional news are, at least in this relativized way, mutually exclusive. The approach we set out here avoids the complications of relativization and illuminates what we now think may be a genuine insight about fake news: that fictionality is no guarantee against it.

most likely to become, additionally, fake news. News satire and news parody are established artistic genres. What it takes to be an instance of one of these genres depends, in part, on what genres are. There are a range of different theories of genre within the philosophy of art,³³ but we are not aware of any on which the producer's *claiming* that a work is of a certain genre suffices on its own for the work to be an instance of that genre. So, the mere fact that creators like Paul Horner and Christopher Blair have publicly claimed that their work was satire does not make it be satire. On the other hand, a producer's *intention* (whatever they may claim publicly) that a work be of a certain genre is given weight by several theories of genre.³⁴ And some theories say that a producer's intention that a work perform the function characteristic of a given genre suffices for the work to be an instance of that genre (whether or not the producer has intentions concerning the genre *per se*).³⁵ But we are not aware of any theories of genre according to which a producer's intention that a work be of a certain genre suffices on its own for the work to be an instance of that genre.

What this suggests—rightly, it seems to us—is that genre membership is not so easy that purveyors of fake news can simply claim, or intend, to be producing news satire or news parody, and thereby make it the case that what they produce is news satire or parody. What they would need to do to produce instances of these genres is a live question, which will be answered differently by different theories of genre. According to some theories, they would need to produce works that exhibit sufficient characteristic features of these genres;³⁶ for others, they would need to intend to fulfil the characteristic functions of these genres;³⁷ for others still, the works would need to be part of a tradition of news satire and news parody (through some combination of being influenced by and influencing such works, being intended to be part of that tradition, and being classified by others as part of that tradition);³⁸ and for yet others still, they might need their works to be accepted as parts of these genres by the communities of aesthetic appreciation that organize around them.³⁹

We will not try to settle the question of what it takes for a work to be an instance of a genre in general, or of what it takes for a work to be an instance of news satire or news parody, specifically. To approach that task would require (at least!) another chapter, and is further complicated by the

³³ See Malone (2022) for a useful overview.

³⁴ See, for example, Friend (2012) and Eynine (2015).

³⁵ See, for example, Abell (2015).

³⁶ See, especially, Todorov (1973), Currie (2004) and Friend (2012).

³⁷ See, especially, Abell (2014) and Carroll (1997).

³⁸ See Eynine (2015).

³⁹ This is suggested by Malone's (2022) sketch of a social theory of genre.

rapidly evolving media landscape. However, what our brief discussion suggests is that the effort to understand and combat the phenomenon of fake news goes hand in hand with the effort to understand the nature of artistic genre in general, and genres that use the form of news as a fictional device, in particular. In section 2, we mentioned that news satire and news parody are not the only genres whose instances might use the device of being presented in the form of news. Works of literary fiction, dramatic cinema, performance art, creative memoir, graphic novels, and many genres of visual art might also employ this device. If such works become prevalent online, it will be important to complement our understanding of fake news with an understanding of the boundaries of many artistic genres. In order to protect these genres while reducing the reach of fake news, social media platforms and other actors will need tools for identifying genuine instances of the genres. These tools should ultimately be based on our best theories of genre.

To round off our discussion of the importance of genre to the separation of fictional news from *merely* fake news, let us consider a worry. Could there be works that are not instances of any established genre, but that use the fictional device of being presented in the form of news and are works of art deserving of protection? This certainly seems possible. New genres can come into existence, and it seems at least conceivable that some works of art neither create a new genre nor belong to any existing one. Would such a work be deserving of protection if it became fake news? It seems that it would, but not because it is an instance of a genre (since we are supposing that it is not an instance of any genre). Rather, it would deserve protection in virtue of being a work of art. This suggests that the true philosophical foundation of an approach to sorting fictional news from merely fake news is a theory of what it is to be a work of art. That question, however, is even more unsettled and controversial than the question of what it is to be an instance of a certain genre. And while such genre-defying cases are conceivable, they are certainly not common. So, for practical purposes, definitions of ‘fake news’ will benefit most by being complemented with a theory of genre. Indeed, theories of the *specific* genres of news satire and news parody are important to incorporate, even if a general theory of genre remains out of reach.

6. Conclusion

In this chapter, we have tried to answer the question of what differentiates fake news from fictional news. We gave an overview of the recent philosophical literature on the definition of fake news,

dividing the various definitions on offer into those that are based on the deceptive intentions of producers and distributors, on the one hand, and those that are not based on such intentions, on the other. Among definitions that are not based on deceptive intentions, we also separated definitions that require an *expectation* that consumers will be misled (exemplified by Gelfert's definition), and those that require a *disposition* to mislead consumers (exemplified by Grundmann's definition). All of these definitions appeal in some way to the beliefs of consumers of fake news, whether by requiring an intention to deceive consumers, an expectation that they will be deceived, or a simple disposition to deceive them. By contrast, the definition we presented does not require intentions or expectations on the part of producers to deceive or mislead consumers. Nor does it require dispositions to be misled on the part of consumers. Of course, it is likely that people are often deceived and misled by fake news—that consuming fake news often induces false beliefs, both about the world at large and about the provenance of the fake news stories themselves. These are important effects of fake news, but not, we have suggested, essential to the phenomenon itself.

Concerning our question of what the difference is between fake news and fictional news, we acknowledged that our definition does not rule out instances of fictional news from being, at the same time, fake news. But we pointed out that it is not clear that definitions of the other types do this, either. We embraced the conclusion that some fictional news is in fact, and at the same time, fake news. Finally, we argued that the fact that the categories overlap means that a useful account of fake news must be complemented with an account of the artistic genres whose instances may become fake news. This will provide a theoretical foundation for efforts to limit the spread of fake news while protecting artistic expression.

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