

Exploring the Threat of Fake News: Facts, Opinions and Judgement

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Introduction

In 2017 Nathaniel Persily (2017, 63) asked if, “Democracy can Survive the Internet?” noting that “Fake news, social media bots..., and propaganda from inside and outside the United States” contributed to a multi-faceted challenge to elections. Persily pointed to similar phenomena in Italy, the Philippines, and India. Writing in *Foreign Affairs*, Nina Jankowicz (2020, 2021), noted attempts by Russia to use dis-information campaigns in order to influence American elections (see also O’connor and Weatherall 2019). In the U.K., the Leave campaign during the Brexit referendum peddled dis-information consistently (Marshall and Drieschova 2018) while in the United States President Trump’s lies about fraud in the last presidential election sounded very much like grounds on which to launch a coup d’état. In Canada, the premier of Alberta, Danielle Smith, has blatantly deployed gaslighting techniques (Graney and Jones 2023; Markusoff 2023; Thomson 2023). These examples are only a small sample of a wider phenomenon that many scholars, political elites, and governing agencies are finding to be a cause for concern in democratic countries (Allcott and Gentzkow 2017; Chambers 2021; Morgan 2018; Roudik et al. 2019; Gaumond 2020; Jankowicz 2020, 2021; Levinger 2018; McKay and Tenove 2021; Tenove 2020; Tenove and Tworek 2019; Wardle and Derakhshan 2017; Woolley and Howard 2018).

At issue here is something beyond the usual political chicanery. Indeed, in response to the proliferation of fake news and the dangers it poses to responsible governance, “fact checking” operations were already active by 2016 in 20 European countries (Graves and Cherubini 2016, 8). However, since lying is not new to democratic politics, what exactly is the danger? Why is fake news a threat to democracy?

Is the issue merely one of scale – the dangers of the Internet – or is there more to it than that? Trying to pin down what the actual threat fake news or post-truth politics poses to

democracy can be surprisingly difficult, especially since it is not always clear what laws, if any, fake news or disinformation campaigns break. At minimum, such campaigns are likely to be protected by free speech laws.

In order to focus on explaining what the threat that fake news poses is, we ask the following question: How does fake news function in constructing a world of meaning that destabilises the conditions under which we are able to render valid political judgements in democratic life? Our concern is the same as Chambers (2021, 148), who asks,

[Do] the epistemic uncertainties connected to fake news represent just another layer to our mediatized access to factual truth, or is fake news and what some have labelled our post-truth predicament a new and more deadly challenge to the epistemic presuppositions of political communication and the public sphere?

However, unlike Chambers, we are in agreement with Hannah Arendt's (2006, 236) critique who might as well have been describing contemporary politics when she wrote that, "unwelcome facts possess an infuriating stubbornness that nothing can move except plain lies."

Our argument brings together Arendt's writings about truth and politics with what she says about thinking and judgement. We turn to Arendt because she has become the "go-to political theorist" (Chambers 2021, 151) to discuss the epistemic threats posed by fake news (see also, for example, Zerilli 2020). We suggest that her distinction between opinion and factual truth combined with her descriptions of thinking and judgement (see Table 1 below) provides a unique framework that enables us to explain the specific danger posed by fake news.

In Arendt's terms, opinion is individual whereas factual truth is pluralistic because it requires communication and witnessing with other people. Judgement also requires other people because of how it is a process of thinking that, like factual truth, corresponds to our condition of plurality. The danger of fake news is that it treats opinion as a form of factual truth in a way that removes one from the world and reinforces a solipsistic outlook. In the process,

judgement is rendered impossible, and judgement is an important part of our democratic lives. Consequently, the problem is not that politicians lie, or that disinformation is protected by free speech. Rather, it is with how the lie becomes treated as truth in such a way that it cannot be doubted or challenged.

Type of knowledge:	Ontological character:	Normative character:
Factual Truth	Plural	Judgement (thinking with others)
Opinion	Individual	Solipsism

Table 1

The structure of our argument is as follows. Part one offers a survey of the relevant literature and political commentary about fake news. We suggest that regardless of whether we call the phenomenon fake news, post-truth, or something else, the underlying issue is a methodological or epistemic one about the standards by which we know things rather than claiming that the deployment of certain types of knowledge is somehow dangerous to democracy.

In part two, we briefly explore the question of free speech using a Supreme Court Case from Canada. The free speech question is important because if fake news is a threat it is important to understand how addressing it does not require challenging freedom of expression (within already existing limits). We use the case of a Holocaust denier in Canada, which not only corresponds with the antisemitic context that Arendt wrote about truth and politics, it also explicitly concerns the matter of spreading falsehoods in the public sphere with the Court's decision speaking closely to contemporary politics.

Part three builds on the discussion of the Court case and introduces the distinction between fact and opinion. Using a hypothetical example from the Court's decision we expand on a methodological matter raised in in part one by looking at climate change research and the methodology of falsification. We use these examples to introduce a parallel between Arendt's conception of facts with that of judgement, and suggest that the means by which opinion

becomes treated as fact is done by using language against itself – similar to what Stanley Cavell describes as an abuse of norms.

In part four, we claim that when opinion displaces factual knowledge, a consequence is the impossibility of what Arendt describes as judgement. It is this impossibility that is the threat to democracy because it removes people from the world, producing a solipsistic pseudo-reality instead where fake news deceptions cannot be challenged.

Part 1: “Correct Information” and Politics

There is a fair amount of discussion about what exactly fake news is, whether it is a form of disinformation, malinformation or misinformation (Tandoc, Lim, and Ling 2018; Grundmann 2020). There are differences between them, and between fake news or post truth, and there is disagreement and variation around their meanings, with Tenove (2020) using disinformation whereas Chambers (2021) uses misinformation despite them addressing the same phenomenon. We cannot get into a debate about classification (Digital, Culture, Media and Sport Committee 2018, 2; Wardle and Derakhshan 2017) here.¹ What matters for our purposes is that they all refer in some way to deceitful information, and that we know that neither lying nor disinformation campaigns are new in politics. Think for example of the “dirty tricks” used during President Nixon’s 1972 re-election campaign to sabotage democratic candidates (see, Zimmer 2019). Yet, leading politicians across multiple democracies, including Donald Trump, Boris Johnson, Jair Bolsonaro, and Benjamin Netanyahu, for example, have taken the art of deception to new levels.

¹ For the sake of simplicity we will be primarily using the term fake news, although we acknowledge that there are problems with this term, especially since it is also sometimes used as an accusation.

The lying of Donald Trump is so extensive that providing isolated examples risks under-representing the scale of his deceptions. *The Washington Post* reported that Trump made 30,573 “false or misleading” claims over the 4 years of his presidency (Kessler, Rizzo, and Kelly 2019). Similarly, if not in the same league, the British Prime Minister Boris Johnson was, in November 2020, described by one of his former cabinet colleagues as “the most accomplished liar in public life” (Woodcock 2020). We also know that the Leave campaign in the Brexit referendum was supported by disinformation campaigns – as acknowledged by the British House of Commons (Disinformation and ‘fake news’: Final Report, Eighth Report of Session 2017–19 2019). During the U.K.’s 2019 general election the Conservative Party rebranded a Conservative Party official Twitter account as “factcheckUK,” a clear ploy intended to deceive by undermining non-partisan fact-checking efforts (Barker and Murphy 2019). Interestingly, the scope of the problem is significant enough that even the scientific community has become concerned about how to communicate in a post-truth society (Iyengar and Massey 2019).

If deception is ubiquitous in political discourse, what is the problem?

Partly it is a matter of scale (Allcott and Gentzkow 2017; Chambers 2021; Ghosh and Scott 2018; Goldsbie 2018; Howard, Ganesh, and Liotsiou 2018; Kim et al. 2018; Lazer et al. 2018; Morgan 2018; Silverman 2017; Tenove and Tworek 2019; Wardle and Derakhshan 2017; Woolley and Howard 2018). The amount of deceptive information being deployed in and against contemporary democracies is without historical precedent.

Beyond the matter of scale, however, is a shared concern across a range of research that false information – it can be demonstrated as false by using recognisable evidence – is functioning in a way that is dangerous to democratic political systems because it is being treated by significant numbers of people as though it is true. Some of the literature is concerned with the conditions under which information is believed (Pantazi, Hale and Klein, 2021; Mukherjee,

et. al. 2023), the different reasons why people are prone to believe false news stories (Allcott and Gentzkow, 2017; van Prooijen, et. al. 2022), the role of echo chambers (Flaxman 2016), and how to encourage readers to be more discerning in what they view to be reliable (Freeze, et. al. 2021). The research shares the view that there is something nefarious in how this type of false information functions within democratic politics. Pantazi, Hale and Klein (2023, 269) write that misinformation has “dire consequences on the functioning of contemporary societies” (see also, Lewandowsky et al., 2017). Persily (2017, 64, 69) notes that there is a “disintegration of the legacy institutions” in the United States but says nothing about what precisely is threatening other than how such falsehoods can “demobilize voters” and increase cynicism. Chambers (2021) claims that the threat is one of misinformation and lies, but which she also notes are not new threats. Tenove (2020, 531) is more explicit in claiming that the democratic “normative goods of self-determination, accountable representation, and deliberation” are threatened by disinformation.

However, it is not clear why fake news goes against democratic norms to such an extent that it threatens democracy. Scholars like Tenove (2020) who build on Habermasian theories of democracy see in the spread of fake news an epistemic threat due to how it undermines public interest and because it threatens the integrity of public discussions. Yet, democratic disinterest is not a new problem (Putnam 2001). In addition, voters rarely make properly reasoned decisions (Achen and Bartels 2017) anyway, which begs the question why fake news is a problem if people are already prone to poor decision making (Fielder 2012). Moreover, the problem cannot rest exclusively on the type information: if the threat is that bad information damages the integrity of democratic discourse, the argument appears tautological. Bad information cannot by itself be a danger.

Nevertheless, political elites in multiple countries are acknowledging a danger. The American Senator Chuck Schumer (Democrat) said that disinformation is “an attack on

democracy itself” (quoted in, Tenove 2020, 517). Schumer’s concern is about elections, but the wider point is about how democracies require accurate and reliable information to underpin democratic deliberations, and that mass-lying in politics undermines “trust in leaders, media and institutions” (Bradshaw and Howard 2018, 24). Relatedly, a U.K. House of Commons Committee report (Digital, Culture, Media and Sport Committee 2019, 6), framed the threat posed by disinformation as follows:

In a democracy, we need to experience a plurality of voices and, critically, to have the skills, experience and knowledge to gauge the veracity of those voices. While the Internet has brought many freedoms across the world and an unprecedented ability to communicate, it also carries the insidious ability to distort, to mislead and to produce hatred and instability.

That report is one of many from across the world where democratic (and even non-democratic) countries have grappled with the potential threats to the integrity of their political system and to society by what is often called “fake news” (Roudik et al. 2019).

Elsewhere, a Canadian report (Digital Democracy Project 2020) gave a different spin on the issue, focusing on how disinformation challenges democratic life directly:

From elections in the United States in 2016 and France in 2017, to organized influence campaigns by state actors to promote their own interests at the expense of foreign adversaries or domestic protest movements, we have repeatedly seen how digital communication can be used to interfere with citizens’ ability to have a say in how they are governed.

A belief in accurate and impartial knowledge remains a primary benchmark for identifying what is so threatening about fake news or disinformation (Delli Carpini and Keeter 1996) due to the longstanding tradition of recognising the importance of reliable information for democracy to function, something that Thomas Jefferson (1779) identified in the 18th Century.

Indeed, as Jennifer Hochschild and Katherine Einstein (2015, 587) put it, “knowing and using correct information to make political choices” is central to the functioning of democracy. It is, consequently, unsurprising that some democracies are involved in information literacy campaigns (Tenove 2020; Digital Democracy Project 2020). There are related calls about how to monitor social media (Tworek 2019), and to develop democratic forms to safeguard the public from disinformation (Forestal 2021).

What the above demonstrates is a widespread acknowledgement of the need for reliable and accurate information in order for democracy to function. Such information is needed because in a democracy it is important to be able to engage in communicative forums (Young 2000, 121-128) that necessarily require reliable information to inform and shape political conversations.

However, even if we assume that the electorate can be counted on to make properly reasoned decisions, what constitutes reliable information depends on how that information is produced. In the philosophy of science we can find good reasons to be doubtful that any single method can produce such information (Feyerabend 1975), and defining how we produce knowledge is a complex question (Gunnell 2014). A political debate on these grounds played out in regard to academic practice in the 1990s that placed positivists and post-positivists at odds. The Sokal (2010) hoax is possibly the most academically famous example, but related matters were addressed by Carl Sagan (1996) and his baloney-detecting method. The underlying methodological issues that concerned them have not gone away, as evidenced in a 2018 scandal surrounding so-called “grievance journals” (Lindsay, Boghossian, and Pluckrose 2018). Feminist scholarship has also highlighted problems inherent in particular methodological positions and the political consequences that follow (Tickner 1997).

Politicians, when faced with a similar problem about what counts as valid and reliable knowledge ask us to trust them, which is not easy to do considering how often politicians

stretch the truth. Politicians do not need much help in undermining people’s trust in the institutions of democracy – they do a pretty good job of that already. Moreover, even if we assumed that politicians spoke the truth, it is not as though democratic life requires accurate and reliable information to function. Indeed, referencing the work of Achen and Bartels (2017) Chambers (2021, 151) notes, the idea of accurate and reliable information has historically not made much of a difference to our theories of democratic integrity: “For a long time, the mainstream study of democracy has thought that citizens were, on one hand, shockingly ill-informed about the issues and, on the other hand, very poor truth seekers anyway.” The addition of fake news does not change this perception of voters, and if fake news is a threat it seems to be one only insofar as we can count on the electorate to make reasoned judgements based on accurate information.

Rather, debates about fake news are really about the intersection between methodology and politics. In the past, concern around accurate information and policy making in democracy was framed as a matter about methods.² Sokal and Sagan were explicit in their respective concerns around the exclusivity of a specific set of methods that could inform policy. Indeed, there is a correlation between epistemic concerns about knowledge and the ways in which deployments of particular knowledge can undermine democratic processes. However, this is not a matter about methods but about the standards that we use to accept certain types of knowledge as valid. Hence, Tenove’s (2020, 522) argument about disinformation threatening democracy concerns the ability of a democratic people to understand, interpret, and apply collective rules, and how citizens are able to produce such rules in the first place.

Tenove (2020, 529) notes how “disinformation may undermine a deliberative system not only by increasing the quantity of false claims in circulation but also by decreasing people’s interest and opportunity to engage in public discussions on terms of reason giving, respect, and

² We are distinguishing methodology which is epistemic in its concern from research methods.

inclusivity.” The line of enquiry taken by both Tenove and Chambers suggests that the matter of concern pertains to the role of information in the institutions of democracy, which may be why both turn to Habermas. For those who view democracy according to a Habermasian understanding of language and ethics (Habermas 1996) and related systemic theories of society (Mansbridge et al. 2012; Warren 2017), fake news is inherently problematic, and paradigmatically challenging because in the fake news environment truth does not matter.

However, it is not that fake news is by itself a danger. While the categories of fake news, post-truth, disinformation, misinformation, malinformation, etc., emphasise specific types of information that are designed to intend harm by undermining trust in democracy (Jankowicz 2021; McKay and Tenove 2021; Morgan 2018; Tenove 2020; Tenove and Tworek 2019; Chambers 2021; Persily 2017), this characterisation depends on a shared understanding of epistemic standards that allow us to judge such information as dangerous.

Yet, misinformation and/or disinformation are not necessarily against democratic norms and are not obviously a threat to democracy. Whether or not some types of knowledge can be dangerous to democracy is not the question we should be asking. It is not the character of the information that it is false or is “bullshit” (Frankfurt 2005) that is the issue. Instead, we should be focusing the relationship between knowledge-as-truth and politics. Moreover, we need to consider how particular subjects participate in the production of a world where fake news becomes truth.

The question we should be asking is: How does fake news function in constructing a world of meaning that destabilises the conditions under which we are able to render valid political judgements in democratic life?

As Goodstein (2017, 484) notes in a recent and relevant discussion, “Our habitually disciplined ways of thinking are imbued with highly contingent and problematic assumptions about knowledge, about evidence, and, indeed, about truth itself that belong to a paradigm

whose time has now clearly passed.” Relatedly, we are suggesting that the underlying issue is about the relationship between knowledge (or information) and politics. However, before we consider this relationship, we will briefly turn to the free speech question.

Part 2: Free Speech, and the Line Between Truth and Falsehood

Even if we accept that fake news poses a danger to the institutions of democracy, as a type of speech there is no *prima facie* case for it being restricted due to free speech laws (unless it falls foul of libel or other legal limits). The free speech question is important because if fake news is a threat it is important to understand how addressing it does not require challenging freedom of expression (within existing limits). In the American context there are those who have astutely pointed out that free speech can be weaponised in the pursuit of particular ideological goals (Wilson and Kamola 2021). With fake news, free speech is, in a sense, being weaponised as a mechanism to undermine existing social norms, often democratic ones. The weaponization is strategic and the threat should present itself once we know where to look and what to look for, which means that we need to look beyond free speech to find out what the danger is. To do that we need to first explain why it is not a free speech issue. The Canadian context is illuminating here because of the reasoning presented by the Supreme Court in the *R v Zundel* decision in 1992.

In Canada, there are constitutional limits on free speech found in the Charter of Rights and Freedoms that entrenches freedom of expression but also notes that reasonable limits may apply. The criminal code also prohibits the incitement of, “hatred against any identifiable group where such incitement is likely to lead to a breach of the peace” (Criminal Code (R.S.C., 1985, c. C-46) 2023). In 1992 the Supreme Court of Canada overruled a previous prohibition on

disseminating false news. Part of the reason was, as explained by the future chief Justice Beverley McLachlin (*R. v. Zundel* 21811 1992):

Exaggeration – even clear falsification – may arguably serve useful social purposes linked to the values underlying freedom of expression. A person fighting cruelty against animals may knowingly cite false statistics in pursuit of his or her beliefs and with the purpose of communicating a more fundamental message, e.g., ‘cruelty to animals is increasing and must be stopped.’ A doctor, in order to persuade people to be inoculated against a burgeoning epidemic, may exaggerate the number or geographical location of persons potentially infected with the virus. An artist, for artistic purposes, may make a statement that a particular society considers both an assertion of fact and a manifestly deliberate lie; consider the case of Salman Rushdie’s *Satanic Verses*, viewed by many Muslim societies as perpetrating deliberate lies against the Prophet.

To put this another way, “the line between truth and falsehood cannot be objectively defined” (Gaumond 2020).

The case, *R V Zundel*, was no small matter. At stake was the right of a Holocaust denier to speak openly (he published a pamphlet titled, *Did Six Million Really Die?*). While the Court recognised that he had violated the law (section 181) against spreading false news, section 181 also violated his rights and freedoms under the Canadian Charter of Rights and Freedoms. Section 181 was, consequently, struck down. The point we are concerned with here is that the *Zundel* decision claimed that deception by itself is not necessarily a danger to democracy.

What the Canadian case suggests is that the fake news threat to democracy is not necessarily about free speech because there are always (contextual) limits to what we can (and should) say, and that deception is not by itself a democratic threat. However, harmful speech that is clearly designed with the purpose to mislead (or harm) can be. Quite a lot rests here on

intention – which is not surprising in a legal context. What is especially insightful for our purposes, however, is one of the examples used by Justice Beverley McLachlin.

Her example of the doctor lying to a patient under conditions of an epidemic is surprisingly prescient due the anti-vaccine propaganda that took off in response to Covid-19 vaccine requirements. The example works provided that the scientific evidence behind the claim of this hypothetical doctor is true, and the deception is used to increase compliance. However, if the deception is caught, it has the consequence of sowing doubt on the validity of the claim itself, despite any scientific evidence in support of vaccines.

Part 3: Fact, Opinion, Language

There are two different issues in the hypothetical of the lying doctor. The first is about intent and how to assess populist appeals that provide the context for understanding the strength of fake news in democratic life. Part of the concern here pertains to what van Prooijen et. al (2022) call populist gullibility, and to the widely accepted claim that people have a general “inability... to assess the quality and history of information” (Pantazi, Hale and Klain 2021, 272), what Fielder (2012) calls meta-cognitive myopia. In this hypothetical, the point could be that people’s lack of skill in assessing the validity of information makes it more likely that the doctor will be believed.

The second is about the politics of doubt and what happens when opinion displaces factual knowledge. Appeals against vaccines in the name of freedom might not be exclusively about gullibility, but about pre-existing values. The anti-vaxxer argument makes sense if we value individual choice more than any collective good or the lives of strangers who benefit from others getting vaccinated. The values behind the argument – protecting individual freedom – is a necessary piece of information in order to judge the position. In the case of the

hypothetical doctor, the claim made may be false, but the underlying factual evidence nevertheless supports the falsehood. The doctor's intention is not as important as it might at first appear because the factual evidence about the need for vaccines is not challenged by the doctor's deception. Consequently, to evaluate the threat we do not need to be concerned with intent. Rather, the key piece of information is the validity of the claim itself.

One way to frame the problematic here is to contrast opinion with fact, and the related but politically dangerous move that transforms "fact into opinion" (Arendt 2006, 232). In the hypothetical example, the deception is factually based. It is not an opinion. This distinction is crucial and is used in a hermeneutic phenomenological sense that refers to the different ways we make the world intelligible, and how the world presents itself to be intelligible. As Arendt (2006, 233-234) is using the terms, factual truth is produced interactively with other people, via witnessing, testimony and "it exists only to the extent that it is spoken about..." Factual truth "informs political thought" whereas opinion is personal, and while it is not antagonistic to factual truth, it does not require that we speak of it with other people (Arendt 2006, 233-234).

Arendt's argument is that it is dangerous to transform opinion into fact. Politics is a collective and pluralistic activity, and the knowledge used in political practice needs to conform to this condition. Without different ideas shared by others that can be discussed or debated, it is meaningless to think that there is any freedom to choose what we believe because there is never any real choice, there is just what we produce in our own minds, which is why she writes that, "freedom of opinion is a farce unless factual information is guaranteed and the facts themselves are not in dispute" (Arendt 2006, 234).

To return to the example of the hypothetical doctor, the factual information is the scientific evidence about vaccines, whereas the opinion would be that of the patient. But what happens when the patient is an anti-vaxxer? The anti-vaxxer position when based on a claim

about the health merits or risks of vaccines (as opposed to a selfish take on individual freedom, which poses its own distinct challenges) is a type of opinion because it is not supported by factual knowledge – knowledge that is produced in concert with others who have the skills to assess, witness, and offer an authentication of validity (a kind of professional testimony) of the knowledge claim. The danger emerges when this opinion becomes treated axiomatically, as a kind of factual truth. The transformation of opinion into factual knowledge concerned Arendt greatly, which is why she notes how fragile factual knowledge is. In her essay on truth and politics she writes that “facts and events are infinitely more fragile things than axioms” (Arendt 2006, 227). Fake news takes advantage of this fragility.

The fragility of factual knowledge is related to the character of language, and the contingency of the meaning found in words and norms. Fake news plays on this contingency by undermining the norms of political processes through constantly sowing doubt about factual matters, and in the process also works to create a different reality. For example, in 2003 *the New York Times* quoted Mr Luntz, a Republican strategist, revealing how to politically combat the science explaining climate change, and which would require regulating certain industries that contribute to climate change. As he said, and as quoted by Bruno Latour (2004, 226) in an essay about the politics of philosophical critiques of science, “Should the public come to believe that the scientific issues are settled, their views about global warming will change accordingly. Therefore, you need to continue to make the lack of scientific certainty a primary issue.” The point made by Luntz was that if there is anything less than absolute certainty – even though science is rarely 100% certain about anything – use any uncertainty or debate as a methodological tool to undermine a widely held and accepted conclusion.

The case of climate change demonstrates how fragile a method that depends on falsification can be, and why factual knowledge is not necessarily as robust as we might think. The leveraging of doubt made any scientific claim suspect, and thus prone to disbelief. To put

this another way, scientific knowledge is always open to challenge, and any challenge becomes evidence of a lack of confidence in the scientific claim itself. The doubt was, in this case, manufactured because the scientific doubt was limited to the specifics of the relation, not that climate change is happening or what the contributing causes are. That science is usually inconclusive in various degrees became a political weapon. In a fake-news world counter-evidence becomes irrelevant (Baron 2019) because there is always some other bit of evidence, some other interpretation that serves as a means to attack. Put differently, the claims that are produced in fake news are somehow inherently non-falsifiable because no amount of contradictory evidence is accepted (which raises the interesting, but different, question about how our societies have managed to reach such an epistemic condition?).

This example also highlights how a methodological critique about science can be used for political purposes to undermine scientific claims. The scientific method is used to undermine itself, and as a result using better or more accurate information to contest the falsehood is meaningless (Baron 2019). The logic of falsification becomes a constant line of attack so that anything that can be contested or challenged can be denied, provided of course that the denial (Kahn-Harris 2018) is consistent with one's narrative (Baron 2019; Levinger 2018).

This example is not by itself evidence of a threat to democracy, but the logic contained within it was used in the political discourse surrounding the legitimacy of the last Presidential election that saw Donald Trump lose. The idea is to use even the smallest discrepancy to justify a wholesale argument against the integrity of the election. The information underlying such claims is genuine. Small but largely irrelevant mistakes in electoral counting are not unheard of (legitimate recounts happen for a reason). However, neither small discrepancies nor the absence of complete certainty in all things mean that we do not understand what the causes of

climate change are or that an election was not stolen. Such conclusions are clear errors as the claim functions by exaggerating doubt and making any appeal to factual knowledge irrelevant.

In this world of what we could describe as weaponised falsification, what becomes the decisive factor is not whether or not anyone must mean what they say, but rather does what they say conform to the narrative of one's worldview – to one's opinion. Opinion becomes fact, and the wider process of fake news expands on this process by deploying opinion axiomatically. The former Fox TV host Tucker Carlson is an expert at this kind of abusive wordplay, with his lies often couched as hyperbolic or figurative (see, Folkenflik 2020). He is simply rendering an opinion, despite presenting it as factual (see, Spiers 2023; Grynbaum and Bogel-Burroughs 2020).

As Stanley Cavell notes (2002, 21), "The practice of appealing to a norm can be abused, as can any other of our practices." There are likely to be many instances when "we appeal to standards which our interlocutor does not accept..." (Cavell 2002, 21). Yet, the abuse does not deny the general use or acceptance of the norm. Being challenged, or rejected, is not the equivalent to universal dismissal. It is a normal part of our public lives. Moreover, language provides us with ways for "changing the meaning of a word" (Cavell 2002, 31). Thus, not only can norms be abused, or change, language offers the means to do both. Similarly, Wittgenstein (2009, §81) remarks how we, "cannot say that someone who is using language *must* be playing ... [a game with fixed rules]..." and that, "he is thereby operating a calculus according to fixed rules...." The logic in fake news is that it pushes this character of language to an extreme so that lies become true.

Appeals to the danger of false claims being a threat to democracy because they undermine faith in our democratic processes are plausible, but they rarely acknowledge the tenets of how language functions. Part of the character of language is in its inherent malleability. Meanings change. People can say one thing, but mean something else (Garfinkel

1967). It is quite possible to make statements that are logically valid but empirically false and then act as though that validity is in fact true, and in the process create a new norm. It is this process that concerned Arendt in her writings about truth, politics, and totalitarianism. It is a process that was deployed exceptionally successfully by those seeking to oppose climate change (and by the Tobacco industry as well). At issue is using the inherent contingency of language to leverage doubt, while making the false claim impervious to doubt.

When a false claim is deployed politically as though it were true it does so without requiring any kind of witnessing or testimony. Such claims are, in effect, using language to produce a reality that is not factual information but is opinion. Moreover, the inherent fluidity of language noted by Cavell and Wittgenstein allows for a malleability of meaning that because it is malleable appears immune to challenge.

That is why those who stormed Capital Hill on January 6, 2021, claimed that they were protecting democracy, even though they were invading the halls of American democracy in order to undermine the electoral result. Fake news is the displacement of factual knowledge with opinion, while claiming that the opinion is factual. This displacement threatens democracy because it works to change people's interpretation of the world in such a way that requires a methodology where people base their (political) judgements on language that is built on refuting its own ability to produce factual knowledge.

A danger here is that by deploying opinion as though it is fact, actual judgement in politics becomes impossible. The impossibility of judgement is a corollary of the language games that Carlson and his ilk play at where, apparently, we do not need to mean what we say even if it looks like we do. It is not that language requires truth, but rather that language can be abused so that the meaning of the statement is so fluid that it does not need to make sense in the "factual" world in which it is uttered, but instead seeks to disrupt this world and produce a different one which corresponds to the world of opinion. To be clear, the idea of a factual world

is not that there is a world of objectively true facts in the sense of a crude positivist methodology, but in the phenomenological sense of there being a world of shared meaning that is produced interactively (or, rather, intersubjectively) and that our claims are judged subject to the same interactive and pluralistic standards.

In this context, the danger becomes the impossibility of fallibility and of judgement, which means the impossibility of any kind of democratic process of deliberation, of checks and balances, of being held to account. Judgement, in this scenario, becomes almost meaningless because it ceases to exist within the new game of the post-truth world. In this world there is no actual judgement because everything is already true within your in-group master-narrative. This absence of actual judgement is possible because of the character of the post-truth political game, which is about being able to continuously change the rules of the game, so that it seems that there are no rules (Fuller 2018). This outcome is possible through a twofold process that uses doubt and language to create a kind of solipsistic reality. First, doubt is weaponised (the use or abuse of language and the weaponization of falsification); second, and subsequently, factual knowledge is dismissed and displaced by opinion.

The first step is in the emphasis on doubt in the scientific construction of knowledge. The absence of absolute certainty becomes a device to undermine any factual knowledge claim. Consequently, claims that are treated “factually” need to be produced and presented in such a way that they are somehow impervious to challenge. However, the only type of claim that cannot be factually challenged is opinion – so the political game is to transform all relevant knowledge into opinion.

This process is structured on a paradox whereby the false information is held to a standard that cannot be used against it. The paradox is also a strength: they can never be wrong. The apparatus at work here is akin to a pincer tactic, where the claims deployed correspond to an appealing master narrative that permits a falsehood to be more believable than the truth

(Levinger 2018), and this falsehood is supported epistemically by using language in such a way that what is claimed has the sound of factual truth. Underlying this process is the ability to continuously sow doubt to such an extent that otherwise accepted norms become undermined, and to deploy the flexibility of language to such an extent that political claims can always change and not be hypocritical.

The success of fake news depends on how far the receivers of the information are willing and able to accept it. They are not simply passive recipients in this process. Even the most passive recipient of information is still actively involved in making some sense of that material. The idea that we are simply empty vessels without any interpretative abilities is not a plausible description of the human condition. Humans are intersubjective beings (Taylor 1971) and the relevant question is about the contexts in which they are interpreting and then making sense of information. In the fake news ecosystem, the recipients' capacities to interpret and critique the information conforms, in part, to their location in epistemic bubbles and/or echo chambers (Bishop 2009, Miller and Record 2013, Pariser 2011). Nguyen (2020, 142) defines the former as "a social epistemic structure in which some relevant voices have been excluded through omission," and the latter as "a social epistemic structure in which other relevant voices have been actively discredited." Epistemic bubbles can be formed by ordinary processes of social selection and community formation. In echo chambers, outside epistemic sources are systematically excluded, and are intentionally barred from their members by, among other mechanisms, discrediting the trust of external sources of information. The fake news environment functions as a kind of echo chamber, which unlike epistemic bubbles, is unlikely to find much individual scrutiny (Nguyen 2020, 154-159).

We are not suggesting that factual knowledge is impervious to criticism. It is knowledge that can be contested, and it is certainly fallible, but it is knowledge that we produce through our functioning in the world, a world where we cannot assume that our opinions will be shared

by everyone else. Because we cannot make such an assumption, factual knowledge also corresponds to the normative process of rendering judgement. It is judgement of this sort that fake news is seemingly impervious to, and what makes it so dangerous.

Part 4: Judgement

Judgment is, as Markus Kornprobst (2011) argues following Arendt, a human faculty and motivator for human action. Judgement is our political faculty for evaluating information. What makes judgement political is that we do not judge in isolation. This is why Arendt refers to Kant's *Critique of Judgment* to be one of his most political texts. Quoting Kant, she (1992, 10 italics in original) writes, "Company is indispensable for the *thinker*." Arendt's (1992, 14) interpretation of Kant's Third Critique is to emphasise "the insight that men are dependent on their fellow men not only because of their having a body and physical needs, but precisely for their mental faculties...." In this sense, judgement is a political activity insofar as it involves engaging with other people. Judgement shares with factual knowledge a dependency on plurality, of not living in isolation from other people. Judgements that divorce ourselves from our condition of plurality are, in this sense, not really judgements at all because they remove ourselves from this condition of depending on others. They are opinions.

Judgement requires that we are able to understand, although not necessarily agree with, the knowledge claims produced and deployed by those who are not like us. By challenging how we engage with different types of information that make the world intelligible, the fake news phenomenon divorces itself from judgement. This removal of judgement does not remove the capacity for human action, but it does change the character of the action by making dialogue impossible, despite dialogue being central to democratic life. James Tully (2008, 145-146), following Arendt and Wittgenstein, describes dialogue as "a reciprocal to-and-fro encounter in

webs of relationships with others whose perspectives, from their specific positions on issues at hand to their most general background understandings, are not completely reducible to one's own." In other words, dialogue is to engage with the perspectives of others who are not like us, which means that dialogue requires witnessing. It does not happen in our mind, but out in the world. The fake news effort to remove judgement builds on creating the impossibility of dialogue that shapes our democratic condition. How does it do this?

The abuse of language that emphasises opinion is part of the answer because at issue is how judgement functions in parallel to factual knowledge. Both are part of our public lives in the sense that they require the participation of other people, of those who are not like us. They also require that we engage with the knowledge produced by others. We need not agree, but we are able to communicate which means that there is a shared understanding of some sort that transgresses any underlying disagreement. That is why Arendt claims that testimony is part of factual knowledge. We can attest to a claim produced by another, even if we also disagree with it. But the mechanism of disagreement does not mean that the knowledge is deceptive. It is not deceptive because it is meant to be open to witnessing, to testimony. Judgement is similarly public.

Judgement is a hermeneutic condition whereby we take the act of thinking to render a normative verdict on the world, but the act of judgement is just as fragile as factual truth. Arendt (2003, 45) makes this point in her essay on *Personal Responsibility Under Dictatorship* when she writes that,

The dividing line between those who want to think and therefore have to judge by themselves, and those who do not, strikes across all social and cultural or educational differences. In this respect, the total moral collapse of respectable society during the Hitler regime may teach us that under such circumstances those who cherish values and hold fast to moral norms and standards are not reliable:

we now know that moral norms and standards can be changed overnight, and that all that then will be left is the mere habit of holding fast to something.

Judgements change. Judgements are a thought process, but they are a thought process that brings us into the world.

By preventing judgement, fake news keeps us from coming into the world and remaining in our world of individual opinion. It is to be thoughtless. Thoughtlessness in this sense is different from not thinking, it is in thinking in a way that removes oneself from the world. To be thoughtless is to think as though only you exist, to be unable to grasp the consequences or implications of one's actions on others and be unwilling to act accordingly. In this sense, thought is action, both in the activity itself and in how it propels or compels us to act toward others. Thoughtlessness, the "inability to *think*," is how Arendt ((1963) 1994, 49 emphasis in original) describes Eichmann. Thoughtlessness indicates moments of denial. How else are we to understand Eichmann who not only felt that he had actually saved Jewish lives and had no hatred or even ill-will for the Jews, but claimed that he lost the joy in his work when he learned of his duty to implement the Führer's orders to exterminate them (Arendt (1963) 1994, 61, 30-31). Eichmann was not some unusual aberration of the human species. His excuses, while farcical, are not, in a sense, unbelievable. They are evidence of thoughtlessness, of not understanding the consequences of one's decisions, of being unable to think in a very specific sense: to "think from the standpoint of somebody else." Hans Jonas (1984, 93) takes this critique further and treats "thoughtlessness" as "an offense in itself."

For Jonas (1984, 93), thoughtlessness is evidence of a lack of care for the "fate of others" that one's actions can impact and reveals "a breach of the trust-relation of responsibility." It is not that responsibility demands that we are actively thinking about how our actions impact others, it is that irresponsibly is evidence of precisely the thoughtlessness that comes with not being able to think from the standpoint of another. Thoughtlessness is not

the inability to know anything. It is not ignorance. It is a particular capacity to remove ourselves from the world and to “think” in such a way that we are outside of the world we inhabit, and presume instead a solipsistic world where there is only oneself, myself.

The impossibility of judgement is the imposition of thoughtlessness into our public lives. It displaces fact with opinion and renders any judgement of this opinion impossible. As a solipsistic process, likely to be xenophobic and antagonistic toward difference this type of discourse is without dialogue. Such a discourse provides a kind of false confidence by dismissing anything that does not conform to our already held views and predispositions. It functions like an echo-chamber that silences dissent or disagreement, turning democratic debate into zero-sum games. There is no thinking with others, there is only the voice of one’s mind silencing out all challenges and disagreements as noise to be eradicated. That kind of politics is the antithesis of a pluralistic democracy, and therein lies the danger.

Conclusion

There is widespread recognition that fake news is a threat to our democratic order. Yet, there is some confusion about the nature of the threat. For many academics, politicians, and others, the threat is in undermining the norms needed for democracy to function. We do not dispute this claim. Rather, we claim that it is not entirely obvious why that is the case since deceit in politics is not new. Instead, we suggest that part of the danger has to do with how fake news deploys two complimentary but different epistemic features of knowledge in order to render judgement impossible. First, fake news weaponizes doubt with scientific fallibility deployed as a means to deceive. Second, it uses the malleability of language so that appeals for greater or more accurate facts (appeals to truth) are rendered meaningless. The malleability of

language allows for the construction of a reality where meaning does not require what Arendt describes as factual knowledge (which is public), but only requires that it conform to opinion (which is individual). In the process, because the only information that counts is opinion, it removes the possibility of judgement from politics, thereby producing a pseudo-reality where we can imagine that only people like us live here, that is, people who share our own opinions. This is a world that Arendt and Jonas might characterize as thoughtless. It is also a world that does not exist, and cannot exist. But it is the world that the fake news purveyors are trying to create.

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