
Should Politicians Be Exempt from Fact-Checking?

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1 Introduction

Social media platforms enforce an array of policies concerning misinformation. In some cases of seriously harmful misinformation, they prohibit such speech under their rules, attempting to remove violating content. For example, Facebook’s community standards prohibit misinformation that risks imminent physical harm (including vaccine misinformation), as well as some forms of electoral misinformation and misleading manipulated media (Meta, n.d.). But not all misinformation poses a serious risk of imminent harm. Accordingly, much misinformation, while officially allowed under platforms’ rules, is combated through *fact-checking* rather than removal.¹ In these cases, the misinformation is visible, but it is appended with a notice indicating that the content has been deemed false or misleading by some trusted fact-checking entity (e.g., the World Health Organization). Some platforms also demote content once it has been judged false or misleading, reducing its prevalence in algorithmic recommendations and news feeds, and thereby limiting how often (and how many) people see such content.²

Strikingly, platforms do not always apply this fact-checking protocol to all users equally. Perhaps most notably, politicians—understood as those occupying or running for public office—are immune from Meta’s fact-check labeling protocol (Meta, n.d.). Meta even refrains from fact-checking paid-for political advertisements.

Can such an exemption for politicians’ speech be justified? Meta’s rationale lists four distinct reasons, relating to (1) respect for free expression, (2) respect for the democratic process, (3) opportunities for scrutiny, and (4) newsworthiness.³ Our aim here is to assess their plausibility. In each case, we shall argue that the stated reason does not plausibly justify exempting politicians from the ordinary fact-checking protocols applied to normal users’ speech. We conclude that the most reasonable approach, taken by other platforms like X (formerly known as Twitter) and TikTok, is to extend fact-checking to politicians.

1. See, for example, Meta’s fact-checking policy (2022).

2. For example, Meta states that “Once a fact-checker has rated a piece of content as False, Altered or Partly false, or we detect it as near identical, it will appear lower in Feed on Facebook. We dramatically reduce the distribution of False and Altered posts, and reduce the distribution of Partly false to a lesser extent. On Instagram, this content is filtered out of Explore and is featured less prominently in Feed and Stories. This significantly reduces the number of people who see it” (2022).

3. Meta states that “Our approach is grounded in Facebook’s fundamental belief in free expression, respect for the democratic process, and the belief that, especially in mature democracies with a free press, political speech is the most scrutinized speech there is. Just as critically, by limiting political speech, we would leave people less informed about what their elected officials are saying and leave politicians less accountable for their words” (Meta, n.d.).

We proceed in Section 2 to review the policy landscape on fact-checking, rehearsing mainstream platforms' policies, procedures, and exemptions. In Section 3, we turn to the reasons given for exempting politicians from fact-checking, which we find wanting.

Two final preliminary comments: First, our focus here is on publicly stated platform policies. The extent to which platforms actually enforce those publicly stated policies is another matter, requiring empirical analysis we do not pursue here. Second, many platforms subject politicians' speech to differential treatment on the basis of its newsworthiness; thus, even if a politician's speech violates some platform policy, it may not be removed since it is in the public interest for people to know what politicians say and think. Indeed, newsworthiness is one of the rationales for exempting politicians from fact-checking, which we will discuss. But our analysis will remain focused on the fact-checking exemption issue, rather than the question of whether violating speech from politicians should be enforced against (even as what we say has implications for that issue).

2 Fact-checking and the politicians' exemption

In this section, we compare and contrast social media platforms' distinct approaches to fact-checking.

2.1 Background

Social media platforms typically work with independent fact-checkers, who are signatories of the International Fact-Checking Network (IFCN), to identify and check the truthfulness of misinformation. Fact-checkers most often choose to verify popular mainstream misinformation claims that are spread on various platforms. Additionally, social media platforms often enable users to report a post as "false," and based on each platform's policies, platforms subsequently choose whether to submit the posts to fact-checkers for verification. When fact-checkers cannot verify the truthfulness of a post, social media platforms label it accordingly, often demoting it from further dissemination on the social media network.

For example, Figure 1 shows an example of a post labeled as false by Meta; along with the label, Meta provides a link to the fact-checked story (Sellers 2023). In this case, the fact-checker "Check Your Fact" labeled a claim relating to Republican Senator Mitt Romney's resignation as false due to insufficient evidence supporting the claim (Great American Patriots 2023). There is conflicting empirical evidence about the effectiveness of labeling on users' belief in, and further engagement with, misinformation (see, for example, Garrett and Poulsen [2019], Ecker et al. [2020], and Aruguete et al. [2023]). Yet this evidence is not plausibly a case for exempting politicians' speech; if anything, it impugns the plausibility of fact-checking generally.

But now consider a different example, in which the speaker is a politician. Figure 2 shows a Facebook post by an Australian politician that fact-checker "AAP Factcheck" found to be false (Opray 2022). In his post, Senator Malcolm Roberts claimed that "Red Meat 2030 is a plan to take red meat off the table of everyday Australians. This is implementing the political goals of the United Nations to reduce red meat consumption to 14g—one mouthful—a day" (Roberts 2022). This claim was debunked as false, as "the 14-gram recommendation is from an independent report by an advocacy group. It has not been endorsed by the UN" (Opray 2022). Although a signatory fact-checker to the International Fact-checking Network (IFCN) found this politician's Facebook post to be false, it was not labeled as "False Information."



Figure 1: Example of a misinformation post by a partisan page and the fact-checked label on Facebook.

These examples helpfully raise our question of whether demonstrable falsehoods uttered by politicians deserve different treatment from demonstrable falsehoods uttered by ordinary citizens.⁴

Social media platforms have adopted varying approaches to fact-checking politicians' speech, and their definitions of politicians also differ. Consider now how the fact-checking policies of major social media platforms apply to politicians, comparing the approach by Meta's platforms (Facebook, Instagram, and Threads) with the approaches of X and TikTok.

2.2 Meta (Facebook, Instagram, and Threads)

Meta's fact-checking policy focuses on content that contains a "verifiable claim," or content that could be judged as accurate or inaccurate at the time of creation (though it directs fact-checkers not to rate "inconsequential" claims or "minor inaccuracies"). Meta explicitly states that fact-checkers should generally refrain from fact-checking posts and ads from politicians (Meta, n.d.). This encompasses any content that directly quotes or is created by politicians or their campaigns, whether it is in the form of text, photos, videos, video clips, or any other clearly attributed content.

Meta defines politicians broadly, encompassing candidates, officeholders, and senior government officials. (Roberts 2022). According to Meta's policy, the fact-checking exception extends to individuals such as candidates running for office, current officeholders, and many of their senior appointees, including heads of government agencies, as well as political parties and their leaders. However, the fact-checking exception only applies when the content is clearly identified as coming directly from a politician. This means that content on pages that express support for candidates, including pages associated with candidates, their campaigns, or their parties, may be eligible for fact-checking if the content is attributed to their spokespeople, staff, or subgroups. The same applies to advocacy organizations that are unaffiliated with candidates, such as political action committees (PACs) in the United States, which collect campaign contributions from members and donate them to candidates.

4. We have chosen these examples for their illustrative value; no doubt there are many others that could serve the purpose equally well. It is also important to remember that we are not challenging the mere failure to append a fact-check label to a demonstrably false post. After all, no platform seeks to append fact-check labels to all falsehoods that appear on their networks, which would be an unfathomable task (especially given reasonable disagreement in countless cases about what exactly is true and what is false). Rather, the point is that labels are *systematically* disappplied to politicians' speech.

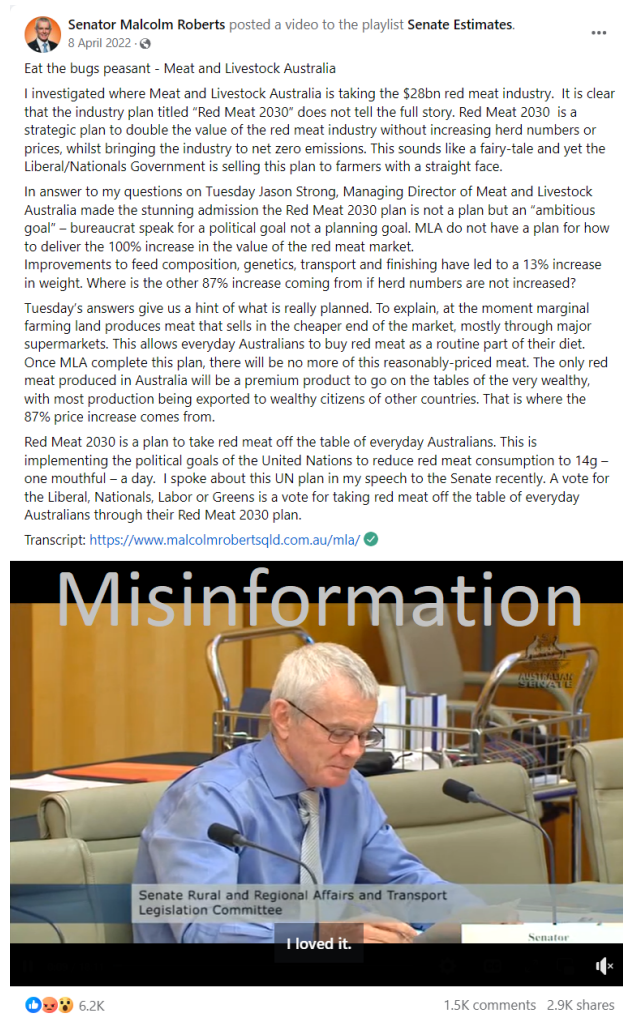


Figure 2: Example of a misinformation post by a politician on Facebook.

Importantly, the fact-checking exception does not extend to former candidates for office or former officials. Their statements are subject to fact-checking by third-party fact-checkers once they depart from office or government positions, thereby no longer falling under Meta's definition of "politician." For instance, this means that former US President Donald Trump's statements became eligible for fact-checking on Meta's platforms after he left office. Even though Trump himself was suspended from Meta's platforms after January 7, 2021, content authored by him and posted by others was subject to fact-checking.⁵ However, when Trump announced his pre-candidacy for the 2024 presidential election, this immediately re-triggered the applicability of the fact-checking exemption to his speech. According to CNN, Meta issued an internal memo in November 2022, following Trump's candidacy announcement, stating that he could no longer be fact-checked because "political speech is ineligible for fact-checking" (O'Sullivan 2022). This demonstrates how the same political figure can move in and out of the exempted category over relatively short periods of time.

5. Meta initially banned Trump from Facebook and Instagram but lifted the ban in January 2023, converting it into a two-year suspension (Clegg 2023a). The lift followed a decision by the Oversight Board, which upheld the suspension of the former president for violating Meta's content policy during the January 6, 2021, attack on the US Congress but criticized the suspension for its lack of a predetermined duration (OSB 2021).

Meta’s approach raises an important question about the company’s stance on synthetic media (for example, “deep fakes”) and how it intends to address concerns linked to the use of generative AI in political contexts on its platforms. If Meta decides to subject AI-generated media to its third-party fact-checking policy, as current media reports suggest, the existing carve-out for politicians will also apply (Stanley-Becker 2023). This means that Meta’s fact-checking exception for politicians, which covers all forms of content, including images, videos, and video clips, will extend to synthetic media shared by politicians, exempting it from fact-checking. For instance, if a fabricated image or video depicting scenes related to a politically sensitive topic (such as immigration) is posted by a politician, Meta’s fact-checking exemption would likely apply, potentially allowing misinformation or manipulated media to circulate unchecked and unmoderated in the digital public sphere.⁶

So far we have discussed misinformation that, while providing some cause for concern, is not sufficiently serious to violate Facebook’s community standards, i.e., permitted-but-problematic falsehoods. It is this misinformation that is technically allowed, yet appended with a fact-check label and demoted. In contrast, misinformation from politicians that violates the community standards will, as a default, be removed. Even so, in some cases such violating content *might still be permitted on grounds of newsworthiness*. While we do not directly assess such exemptions from enforcement action against violating content here, much of what we say below in Section 3.4 about the newsworthiness rationale for the fact-checking exemption is relevant to that issue.

2.3 Other Platforms

In contrast to Meta’s policy, on X speech by politicians is not generally exempt from fact-check labeling. Misinformation that isn’t sufficiently harmful to be prohibited can be flagged as false and labeled, regardless of whether the speaker is a politician or an ordinary user. That is the distinctive point of contrast with Meta—raising our central question of which approach is, in our view, preferable. It is worth noting that violating false speech from politicians on X is nevertheless sometimes protected based on its newsworthiness—just as with Meta.⁷

Likewise, TikTok has a policy of prohibited varieties of seriously harmful misinformation, alongside labeling and demoting of misinformation that, while somewhat harmful, falls short of violating its rules (Clegg 2023a). To the best of our knowledge, TikTok does not currently make an exemption for politicians—aligning it with X’s position on this issue, rather than Meta’s position. Indeed, TikTok states that it generally applies a unified policy across different sorts of users, applying the same content rules to “Government, Politician,

6. Interestingly, Meta has recently enacted a new policy requiring ads on Facebook or Instagram that make use of generative AI to declare such usage. This clarifies that such content would still need to be labeled as produced synthetically, but this is distinct from the requirement that misinformation be labeled as false (Meta 2023; Clegg 2023b). It has also applied limits for the use of its Advantage+ generative AI tool for political ads (Meta, n.d.).

7. According to X’s policy, when content is posted that violates the company’s guidelines but is deemed to be in the public interest, it may be subject to interstitial screens or warnings, but it will not be removed. Our analysis of newsworthiness below is relevant to this policy of occasionally exempting politicians, though it is not our central focus (as it would require an extended analysis of what counts as newsworthy) (X, n.d.).

and Political Party Accounts” (GPPAs) as it does to all other TikTok accounts.⁸

3 Scrutinizing Meta’s rationale

In this section, we critically evaluate Meta’s rationale for exempting politicians from its fact-checking protocols, whereby problematic-but-permitted falsehoods are labeled and demoted. Meta provides four distinct reasons for applying different rules to politicians’ speech—relating to (1) free expression, (2) democratic process, (3) level of scrutiny, and (4) newsworthiness. While these concerns overlap in various ways, Meta sets them out as distinct arguments, so we analyze them accordingly.

3.1 Free expression

In response to the question of why politicians’ speech is not fact-checked, Meta states that its approach is “grounded in Facebook’s fundamental belief in free expression” (Meta, n.d.). At first glance, this may be puzzling. Why should the universal human right to free expression require different rules to be applied to different people’s speech, depending on whether they are politicians?⁹

One argument for such a position might appeal to particulars such as speakers’ social roles and power relations. For example, we might sometimes wish to place greater restrictions on powerful actors’ exercise of free expression where it functions to inhibit the free expression of less powerful actors. This theme arises prominently in debates on hate speech (e.g., Langton [2018]). In the case at hand, though, the proposal is to give greater freedom of expression to politically powerful actors than to those with less political power. How might that be justified?

The best case for such a view, we think, appeals to democratic values underlying the right to free expression. At least part of what makes free expression valuable is its constitutive role in the practice of democratic self-government.¹⁰ Democracies depend *inter alia* on citizens being able to make informed decisions about the politicians involved in governing them; this in turn depends in part on politicians of various stripes being able to express themselves freely. So, to the extent that free expression is valuable because it supports legitimate democratic government, it may require politicians’ speech to be less restricted than that of ordinary citizens—precisely so that citizens have an opportunity to reflect on and evaluate what their politicians think.¹¹

8. It is instructive that the one bit of exceptional treatment TikTok does confer upon political entities arises in its suspensions policy. Unlike most accounts, which may face a permanent ban after accumulating a certain number of “strikes” for posting violating content, GPPAs are exempt from permanent account bans. In this respect, they are treated more leniently than ordinary users. But in another way, they are treated more harshly: GPPAs may be subjected to additional account-level restrictions in specific circumstances, particularly during “high-risk times,” such as periods of civil unrest, elections, or other situations with heightened social and political tensions. In light of this rule, TikTok may sometimes behave more harshly toward politicians who post misinformation than for ordinary users; a government account that promotes violating electoral misinformation, for example, might be restricted from posting content for a duration ranging from 7 to 30 days, depending on the severity of the violation and the associated risk (TikTok, n.d.).

9. Relatedly, it could be argued that deliberate lies fall outside free speech protections, regardless of who issues them. However, we will not rely on this claim here.

10. For examples of views that grant democracy a central role in the justification for free speech, see Meiklejohn (2000), Sunstein (1993), Post (1991), Heinze (2016), Dworkin (2010), and Brettschneider (2012).

11. Arguably, a similar argument could be run for other groups in society, like journalists—Meta’s Oversight Board makes a related point in its advisory opinion on Meta’s cross-check policy, which appears to accord clearer protections to business partners and government leaders than to journalists and civil society groups (OSB 2022). However, we will not pursue this point, since our goal is not to show that more actors should be exempt from fact-checking but rather that none should.

Let us grant, then, that it may be reasonable in some circumstances to impose less stringent restrictions on politicians' speech than on that of non-politicians. Even so, we do not believe this could justify platforms' exclusion of politicians' speech from fact-checking protocols. After all, fact-check labels do not themselves imply removing the speech. A platform could simply append a message to the offending post, pointing out the falsehood and providing true information. This would in no way curtail the politicians' freedom of expression. Indeed, fact-check labels plausibly constitute an exercise of counterspeech by platforms—*itself an exercise of freedom of expression*.

It may be replied that when platforms label a post as false, they also reduce its circulation by demoting it, and this runs afoul of democratic values. We doubt this is so, since a decision by a platform not to be complicit in a falsehood by algorithmically amplifying it does not seem to affront free expression (DiResta 2018).¹² In any case, the important point is that these two issues (fact-check labeling and any subsequent demotion) are separable. Our question is whether politicians should be exempted from the labeling, and we see no powerful free-speech argument for such an exemption.¹³

3.2 Democratic process

Alongside respect for freedom of expression, Meta also cites respect for the democratic process as a reason for not fact-checking politicians. What exactly do they have in mind here? One point, touched on above, is that legitimate democratic systems of government require citizens to be capable of informing themselves adequately about political matters. It does not follow from this, however, that politicians' speech should be left to stand, even if it is false. Citizens do not inform themselves adequately about political matters when they come to believe misinformation peddled by politicians. On the contrary, this works directly against their epistemic interests as democratic citizens—coming to believe such information (or even to assign it somewhat greater credence) leaves them less informed.

Accordingly, it is implausible that Meta has some democratic duty to exempt politicians from fact-checking. On the contrary, the value of informing democratic citizens may actually mean that platforms have a duty to fact-check politicians—at least insofar as the company wishes to assist citizens in becoming adequately informed about political matters.¹⁴

Perhaps Meta is concerned about the separate issue of introducing its own bias into the democratic process. In general terms, this is a reasonable worry: Meta is a large and powerful company, which might well be able to influence the political decision-making of its users (and, in turn, their networks of interlocutors). However, when it comes to fact-checking, this risk seems relatively low. So long as politicians of all different stripes are equally subjected to fact-checking, and so long as the third-party fact-checkers on which platforms rely are non-partisan, there will be no systematic bias.

Moreover, the fact that there may be a greater frequency of transgressions on one side of the political spectrum, relative to the other, does not mean that enforcing against transgressions is itself biased. No doubt platforms may be accused of bias. Consider President Trump's claim that "We passed VA Choice," which was false (the Veteran's Choice bill was passed into law by Obama in 2014 [Yen and Woodward 2019]). Had platforms fact-checked such a post, they would no doubt have been accused of bias.

12. For a philosophical account that spells out the underlying idea in relation to the law and theory of the First Amendment, see Miller (2021).

13. We return to this issue in Section 3.4 below.

14. For the argument that misinformation can undermine democratic values, see Brown (2023).

But the accusation would have been false, absent evidence showing a lack of even-handedness in the application of the policy.

3.3 Level of scrutiny

The third reason given by Meta for exempting politicians is as follows: “especially in mature democracies with a free press, political speech is the most scrutinized speech there is” (Meta, n.d.). The argument seems to be that fact-checking online by platforms is unnecessary because there is ample debunking of misinformation undertaken by other actors. This argument, too, is weak.

First, even if political speech is the most scrutinized speech there is (an empirical matter on which we do not take a position), that does not imply that it is already sufficiently scrutinized as to make fact-checking on social media unnecessary. Indeed, as social media platforms become increasingly important sources of political information for ordinary citizens, there is arguably a growing need for such scrutiny.

Second, the emergence of social media over recent decades has challenged the business model of traditional media organizations. The rise of so-called citizen journalism, which social media platforms have enabled, has arguably made it harder for professional journalists, who have the skills and ethical codes to scrutinize political speech effectively, to turn a profit. As a result, large swaths of their work have ceased to be viable. Even in mature democracies with a free press, then, it is less and less clear that political speech is adequately scrutinized. This makes it even more vital that the likes of Meta and other platforms play their part in fact-checking politicians.

3.4 Newsworthiness

Finally, Meta points to the public interest in knowing what politicians have said, including where they have uttered falsehoods: “by limiting political speech, we would leave people less informed about what their elected officials are saying and leave politicians less accountable for their words” (Meta, n.d.). We agree. Crucially, though, fact-checking is not the same as limiting political speech (as pointed out in Section 3.1). It is perfectly possible to append a fact-check label to a politician’s speech without reducing its availability on social media. Therefore, the dual projects of fact-checking and serving the public interest can be undertaken in parallel, with no conflict or contradiction.

Moreover, people can only know that a politician has spoken falsely if they are told the facts (or if they know them independently), and this is just as newsworthy as whatever the politician was saying in the first place. Therefore, social media platforms arguably have an active duty to fact-check on public interest grounds: the public has a legitimate interest in knowing whether their politicians are telling the truth.

The published policy of X regarding a violating post issued by a politician seems closer in spirit to what we are proposing for the case of permitted-but-problematic falsehoods. The company states that “we will place it behind a notice providing context about the rule violation that allows people to click through to see the post” (X, n.d.). However, X’s enforcement action also implies deamplification. The rules state that:

Placing a post behind this notice also limits the ability to engage with the post through likes, Reposts, or sharing on X, and makes sure the post isn’t algorithmically recommended by X. These actions are meant to limit the post’s reach while maintaining the public’s ability to view and discuss it (X, n.d.).

This kind of restriction on engagement and circulation may not be necessary where a politician's post is fact-checked and marked as false, without having violated any rules. In any case, as noted above, it is a separate issue. One could object to the demotion of politicians' false speech (on newsworthiness grounds) while simultaneously insisting that the speech be labeled. There is no contradiction.

4 Conclusion

This commentary has pinpointed the discrepancy between different platforms on how to treat falsehoods communicated by politicians. We have examined the four reasons offered by Meta for justifying an exemption for politicians from their practice of labeling problematic-but-permitted falsehoods with links to third-party fact-checkers. Each of these reasons—relating to (1) free expression, (2) democratic process, (3) level of scrutiny, and (4) newsworthiness—is the basis of a conceivable argument in favor of the policy exemptions. Yet as we have shown, these arguments are weak. Moreover, we have seen that deeper consideration of several of the invoked rationales even suggest that platforms have an active duty to fact-check politicians' speech. Accordingly, we conclude that a more reasonable approach is the one adopted by X and TikTok—namely, to subject politicians' speech to the same fact-checking protocols as that of other users. Meta, too, should be fully prepared to call out falsehoods even when uttered by the powerful.

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