

20045 Should Facebook run political adverts containing lies?

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Last month's controversy over Facebook's refusal to take down a Donald Trump ad disparaging Joe Biden might seem strange. In response, Elizabeth Warren published an (untrue) ad on Facebook suggesting that Mr Zuckerberg had endorsed Mr Trump.

Both sides have engaged in overblown rhetoric and confused thinking. This is a problem, given the importance of digital advertising in modern politics. Digital ads account for 57.5% of tracked ads by presidential candidates, with over half of that going to Facebook.

No advertising platform is required to assess the truthfulness of political ads. Some, including local tv, are even required to run campaign ads uncensored by the Federal Communications Act of 1934. Rather than acting exceptionally, Facebook is in step with current practice.

Lying in ordinary speech is not criminal. In commercial advertising it is. It is fine to claim that one's beans are magical, but using such claims to sell them will anger the Federal Trade Commission (FTC). Political adverts are exempt from such truth-in-advertising requirements. The FTC does not regulate political adverts because the current understanding of the first amendment protects political speech even when it is manifestly false. Some states do have laws banning falsehoods in political advertising, but several of these have been struck down by the courts.

Facebook's commitment to freedom of expression is also far from absolute—it has censored speech on behalf of foreign governments. And removing problematic content unless it comes from a politician is also not in keeping with the American tradition of freedom of expression, as it grants certain speakers a licence to lie but not others. The company's position probably has more to do with the difficulty of regulating political ads than anything else.

Facebook hosts an enormous number of ads, especially given the tendency to test variations to see which provokes the most engagement. Establishing whether an ad contains falsehoods is difficult. Even Twitter's new policy of banning all political adverts does not make for easy regulation, as it is hard to determine what qualifies as "political".

Facebook also allows campaigns to micro-target receptive groups with ads that opponents are unlikely to see and therefore cannot dispute.

When it comes to political advertising, legislation has failed to keep up with technology. Still, the [new] Honest Ads Act, [which applies requirements, limitations, and protections regarding political advertising in the media], is a good first step, as it forces digital political ads to reveal how they were funded, as ads on tv must.