Checking Misleading Speech: New Epistemic and Ethical Norms for Political Journalism in the American Public Sphere

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I, Tyler Leli confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Abstract

Objectivity has been a guiding norm of American political journalism since the 1920s. Journalistic objectivity as impartial observation has given way to neutral observation, which I call *performative objectivity*. *Performative objectivity* defaults journalists to presenting information from popularly supported sides of political disputes as equally valid, stepping away from the idea that political journalism's role is to check misleading speech. The result has been what I figuratively describe as a market failure in political speech in the American public sphere. My thesis argues for a new set of ethical and epistemic norms for political news journalists. Chapter 1 identifies a general trust deficit in political journalism, before arguing trustworthiness in political communication is earned through an iterative process wherein communicators are expected to (1) make reliable and truthful claims, (2) carry through their professional and normative commitments, and (3) be competent to carry through commitments. Chapter 2 identifies lying, spin, and 'bullshit' as three kinds of prevalent misleading speech in the American public sphere. Chapter 3 argues that unchecked misleading political speech undermines norms of truthfulness, cooperation, and democratic legitimacy, damages trust in democratic processes, and creates a problematic power-inequality in political communication. Unfortunately, neither a strictly deontological, consequentialist, nor a virtue ethics-led account of journalism can help American journalism fulfill its proper purpose. Chapter 4 argues the pluralistic standpoints of citizens should be integrated into reporting by incorporating the perspective of marginalized groups and the reporter's position in society into the political journalists' news production process. Establishing new epistemic and ethical norms from this

grounding can build back public trust in American political journalism, serve as a more effective check on misleading political speech, and represent a wider variety of perspectives and experiences than *performative objectivity*'s commitment to neutral observation allows.

Impact Statement

This thesis provides philosophical analysis and guidance regarding the role of political news journalists in checking bad epistemic practices in the American public sphere. This thesis is motivated by the notion that there is a market failure in political speech in the American public sphere that has resulted from journalists adhering to *performative objectivity.* This thesis has its first impact outside of academia, arguing that new epistemic standards and norms are needed if journalism will fulfill its proper epistemic function in American democracy. Namely, this thesis seeks to impact American public policy and the work of journalists and publications themselves by identifying a problem with the notion of journalistic objectivity and providing solutions led by philosophical insight.

Inside academia, this thesis contributes to ongoing discussions in journalistic ethics in philosophy and communications departments. Given the rapidly changing nature of information sharing, an updated account of the role of journalism in the public sphere in the United States can contribute to communications studies, political theory, epistemology, and philosophical analyses of social norms. This thesis attempts to prove that academic philosophy should play a vital role in guiding academic and public thinking on the public policy issues that face the world today.

I would like to dedicate my thesis to the memories of Lucille Rose Leli and Lucille Rose Leli (*née* Ciresi), my dear aunt and grandma. Two women who were always there when I needed love. Your deaths bookended my studies at UCL. I miss you both dearly.

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Chapter 1: Trust, Performative Objectivity, and the Marketplace of Ideas

Political news sections of journalistic outlets often are filled with headlines declaring a 'Crisis in Public Trust' of the American news media (Gottfried and Walker 2020; Pew 2020). These news stories are premised on available public polling; public polling which is used as justification in academia and journalism that news outlets are generally not trusted as reporters of political information (from journalists: Gottfried et al., 2020; Salmon 2021: from academic literature: Strömbäck et. al. 2020). These assertions are justified; available polling data does allow us to confidently assert that many Americans do not trust political information from the news media. This is an interesting empirical point, although it leaves plenty of philosophical work to explore.

I will use this chapter to assess whether the American public has good reasons for not trusting political journalists today. A few questions that will be answered in exploring this topic are: Who counts as a journalist? What does trustworthy political communication look like and what are the necessary conditions of trustworthy journalistic communication? Are Americans justified in not trusting political news media? And what role should American journalism play in the public sphere given existing social norms and institutional constraints? Answering these questions will help me build a basic account of whether the public is justified in not trusting American political news media, and provide a basis for answering further questions regarding the ethical grounding that should guide American journalists.

Section 1.1: Narrowing in: Who is the News Media and Who Counts a Journalist?

To speak effectively about journalism, I will need to build an account of the news media and who counts as a journalist. I will begin with the news media. When using this

term, I am referring to outlets in what is colloquially referred to as the ‘mainstream media’. Outlets we may think of are *The Washington Post*, *The New York Times*, *The Wall Street Journal*, *The Economist*, ABC News, NBC News, and CBS News. Without seeking to make an exhaustive list, these are some of the major national outlets that collectively do much of the on-the-ground reporting on national politics in the United States. When speaking of journalists who work for these outlets, I will be referring to the reporter who goes to press conferences, does on-the-ground reporting, contacts sources, records interviews, and reports information through written, audio, or visual presentation. Often, the reporting done here is disseminated to local news outlets, written about in blogs and smaller outlets, and discussed in public fora such as social media websites, local professional associations, and neighborhood events.

I will focus on the journalism that reports on the utterances of the public figures who make decisions on a national political scale; the decisions of presidents, speakers, cabinet members, and other officials. These actors, along with candidates vying for office, and a select group of activists, lobbyists, and donors who directly affect legislative processes, compose a small group of people in the United States who directly impact the use of political power on a federal level. I will often refer to these people as political actors. The public speech of political actors holds normative weight in that it models norms for other politicians and political supporters to follow and it can express legal validity through expressed legislative actions, military decrees, and military plans which entail commitments for further action. The speech of many political actors is thus interesting as a guide of public narratives and because it expresses commitments that are pertinent to the lives of the general public.

Section 1.2: Trust in Political Communication

An account of trust and trustworthiness political communication is necessary to assess whether journalists are trustworthy communicators. I will begin this inquiry by consulting Onora O'Neill's framework for general conditions of trustworthiness. O'Neill argues that trust is only valuable when directed towards trustworthy agents (2018 p. 293). O'Neill identifies two modes of assessing trustworthiness: (1) the empirically testable claim of whether people do make truthful claims and (2) a normative aspect which asks whether actors carry through their stated commitments and are competent enough to fulfill their commitments (2018 pp. 294-95). I will map this framework to argue that trustworthiness in political communication is assessed on empirical claims that verify conditions of the world, and also whether actors make commitments that they can fulfill.

An example of an empirically testable claim would be Kamala Harris declaring that she is the first woman to be Vice President of the United States. Here, we can verify that Harris is a woman, no previous Vice President of the United States has identified as a woman, and that she became Vice President of the United States in January 2021. An example of a verifiable claim that was not truthful would be if any other woman claimed to be the first woman to be Vice President of the United States. The premise of the claim would not be truthful, and it would be verifiable that the claim was not truthful.

The normative aspect of trust means that one is trustworthy if the actor makes commitments which they can and will fulfill. Here, we can consult a non-political example that shows how not fulfilling commitments undermines an actor's

trustworthiness. When my friend says they will pick me up for a doctor's appointment at 11 and never shows up, I have missed the appointment, accruing financial loss and not addressing my ailment. Our friendship has been damaged because of the lapse in trust and this often has emotional or financial consequences. Social and professional functions are heavily reliant on trustworthy communication; without trustworthy communication personal relationships would be impossible to maintain. There is also a social and professional component; trust is required to build and maintain interpersonal communication, so trust is required for debate and negotiations in professional, political, and social spheres.

Political actors make unique commitments. Political actors make assertions which commit them to the use of coercive power. Whereas I can reasonably make a promise to buy a pizza for my friend, political actors can make promises to enter wars and enact laws. These commitments affect the public, and the importance of these commitments makes rigorous public scrutiny of them important. When a political actor does not fulfill their commitments, they can lose credibility politically and often suffer at the ballot box as a result. We should be clear here that trustworthiness is not earned or lost with one set of truthful statements or fulfilled commitments. With political speech particularly, becoming a trustworthy actor is the result of an iterative process wherein agents develop patterns of making trustworthy (or not) empirical claims, and further trustworthy (or not) commitments and develop a track record of fulfilling (or not) their commitments. Upon the overall basis of evidence, trustworthiness is established[i].

The role of journalism here is pivotal. A key function of journalists' professional role is to be an intermediary of political speech and the general public. Journalists

interact with political speech, assessing its trustworthiness and reporting trustworthiness to the public. Journalists begin inquiry into political speech from a skeptical stance, owing to the importance of the commitments of political actors. The gravity of coercive power means that journalists must take a skeptical stance towards political speech and political information from political actors. There are political incentives to hold and accumulate power for most political actors, and one way to accumulate political support is to mislead journalists and the public.

To gain credibility reporting on the trustworthiness of political actors, journalists must be trustworthy reporters of information themselves. The trustworthiness of journalists is assessed using the same framework as trustworthiness for the communications of political actors. Journalists are expected to be truthful in their communications empirically, though there are also key sets of commitments that journalists have. Among these commitments will be to interact and contextualize political speech and political information, and to use good practices of procuring information, sourcing, and writing. I will speak further on ethical commitments for journalists in Chapter 4. For now, I would like to highlight journalism's dual role in becoming trustworthy: (1) serving as an effective assessor of the trustworthiness of political communication and (2) being a trustworthy communicator of political information.

As I move forward in thinking about trustworthiness in political communication, I will amend O'Neill's condition (2) whether actors carry through their stated commitments and are competent enough to fulfill their commitments to be (2) carry through professional and normative commitments and are competent enough to fulfill their

professional and normative commitments. Journalists' commitments come from both professional and normative commitments. Professionally, journalists are expected to provide information and writing, audio, or video, which can be used to produce a news story that will then bring economic value back to the company. Journalists may also have professional commitments to be truthful, accurate, and objective. Professional and normative commitments are often intertwined; journalists may have professional and normative obligations to be truthful and accurate. Ideally, these professional and normative obligations would align. But where professional organizations do not enact strict professional commitments, journalists' normative commitments may ask more of them than their professional commitments. These normative commitments entail that journalists are needed to fulfill an essential epistemic function to American democracy, which entails commitments to provide accurate and relevant information which serves as the basis of public deliberation and helps to validate voting processes.

I have created an account for the framework of trustworthiness in political communication. The public has particular expectations of journalists as professionals and as necessary epistemic actors. The public expects journalists to have publicly verifiable commitments and expectations, which journalists can be judged on. Part of judgment is based on whether political actors themselves make trustworthy claims empirically, but also whether they fulfill their broader commitments as professionals and necessary epistemic actors. I have positioned journalists as the intermediary of political speech and information between political actors in the general public. I have proposed that there is an iterative notion of speech that journalists should use to assess political speech and thus to assess whether political actors are trustworthy. Journalists should

use evidence as a heuristic for placing more or less trust in political actors, and then continuously verify whether or not political actors are trustworthy.

Trustworthy journalism is critical to good public deliberation in democratic states. Political journalism procures the information which is debated in the public sphere and used as the basis to assess and pick which causes to support, and which candidates to vote for. In short, the public uses the information presented in the public sphere by journalists for matters of public deliberation. The public sphere requires information presented in a shared language from journalists to allow a pluralistic citizenry relevant and necessary information to discuss politics and other matters as equals. Misplaced trust in journalists creates serious harms that are worth avoiding. Directing trust to an untrustworthy journalist or newspaper can increase readership for untrustworthy sources, lead to more sharing of bad information in the public sphere, and thus lead to collective voting decisions that would have differed with better information sharing practices.

Section 1.3: Walter Lippmann and Journalistic Objectivity

Having spoken about the need for any account of trustworthy journalism to start with a set of professional and normative expectations for journalists, I will now focus on the guiding commitments of contemporary American journalism. Journalism has been guided by a commitment to a norm of objectivity. Objectivity was introduced in the lexicon of American journalism around 1920. Walter Lippmann prominently used the term in the essay *Liberty and the News* (1920 p. 82; Streckfuss p. 978), arguing that journalists were not impartial and that a system of news production divorced from reporters' opinions was essential to fostering a public sphere with conditions of good

information sharing (1920 p. 31). Lippmann argued that public opinion is created based on the information that is available in the public sphere and as such the public sphere needed impartially gathered information to ensure that communities can detect bad actors and make informed public decisions (1920 pp. 17, 23-24). The norm of objectivity thus is distinctly associated with an attempt to fulfill the necessary epistemic function of journalists in American democracy.

The argument that humans are not naturally objective creatures and that democracies need objective journalists to ensure good information sharing in the public sphere necessary for good public deliberation led Lippmann to propose a journalistic system of news production that purported to mirror the scientific method (1920 p. 27)[ii]. Objectivity was proposed as a norm for journalists to follow in producing good reporting. Richard Streckfuss noted that "In its original sense, *objectivity* meant finding the truth through the rigorous methodology of the scientist" (p. 975). Lippmann proposed greater training at the university and professional levels, and increasing transparency regarding the production of news by having all who helped produce news should document and sign news articles (1920 pp. 24-27). Lippmann argued that the reporter should have fixed methods for gathering and producing news stories that should guide them in the varying conditions that the journalist may encounter.

We can see an immediate link to the philosophy of science in Lippmann's desire for journalists to have fixed methods and a desire to be an impartial purveyor of information. Karl Popper argued that scientists should disclose their methods so that anyone could reproduce their testing of hypotheses under the same or similar conditions (pp. 31-34; Post p. 731). Objective methods of testing information that are

transparent and reproducible create a standard that people in the field can follow. Lippmann argued for the journalist as an impartial provider of political information, saying objective journalist must be disinterested reporting (1920 p. 28), and that the journalist should make “cardinal the idea of objective testimony” (1920 pp. 24-27). The basic idea behind Lippmann’s objective reporting was that creating a clear and repeatable methodology of information gathering, and reporting would best allow journalists to insert truthful information that the public could deliberate on.

Journalistic objectivity modeled on scientific inquiry, which Lippmann called for, is limited in the sense that journalists cannot reproduce inquiry under the same conditions daily. Lippmann himself acknowledged that scientists deal with repetitive studies in stable environments, while journalists deal with events that occur one time and attempt to give timely information of daily affairs (1922 pp. 215-217; Post p. 733). Political news is reported under shifting conditions, such that a political news reporter may be covering a wide array of issues regularly and under differing conditions. We may think that the process of news production itself can and has been standardized; journalists pitch news stories to editors, pursue stories via interviews, on-the-ground reporting, and background reporting, and their copy is edited by copy editors and editors before being published either online or in print. Yet, this standardized process has not taken out the values imbued in the decision-making of reporters, which ranges from sources chosen to interview, the perspective taken in reporting on news, and internalized and recognized biases. I will turn now to consider journalistic objectivity in practice, inquiring into whether this is a desirable guiding norm of journalism.

Section 1.4: *Performative Objectivity:* Neutral, Value-Free Journalism

Journalists often portray themselves as being objective, impartial providers of news, arguing that do not use any value judgments in the production of news but rather only report truthful information. Practicing the norm of objectivity is used as a shield to protect journalists from criticism; Michael Schudson refers to objectivity as an ideology of journalists (p. 162) and Gaye Tuchman calls objectivity “a strategic ritual protecting the newspaperman from the risks of their trade” (p. 660). Journalists purport to be impartial, disinterested reporters of political information, though they are neutral providers of information. Journalists act as neutral agents by portraying political issues as two-sided issues between equally legitimate parties, where possible. Based on this need for objectivity, journalists often cultivate sources from acceptable mainstream political actors, keeping reporting discourse limited to a Republican-Democratic dilemma where the communication of both parties is neutrally reported and left for the public to make choices upon.

We can see a link between the value-free ideal in the philosophy of science and the current state of journalism. Andrew Schroeder defined the value-free ideal as arguing that “science is trustworthy because it deals only in facts, and not values” (p. 2). Under this view, scientific inquiry and judgment should not be judged using moral values. The objective journalist purports to similarly be a value-free producer of news with a methodology from their publication guiding their craft. Journalism guided by the norm of objectivity as neutrality rather than impartiality, has led to the practice of what I call *performative objectivity*. *Performative objectivity* is the practice of the norm of objectivity as the methodological commitment to the impartial and neutral observation of political news that defaults journalists to presenting information from actors who are a

part of the two-party domestic political scene as reputable and not worthy of contextualizing (particularly where there is an easily identifiable, partisan, two-party structure to political news stories). The structure of news presentation in the United States lends itself to this kind of presentation, given domestic political polarization. The commitment to value-free journalism allowed *performative objectivity* to become a guiding value and methodology of American journalism.

An easy example of how *performative objectivity* instructs journalists to interact with political information is shown through the presentation of fact-checking in a distinct section from political news. The Washington Post (Kessler), The New York Times (Qui), The Associated Press (Associated Press), and CNN (Dale) all have distinct sections of their websites dedicated to fact-checking. The digital edition of *The Washington Post* identifies the Analysis section as "Interpretation of the news based on evidence, including data, as well as anticipating how events might unfold based on past events". *The Washington Post* treats 'Analysis' as distinct from 'News' because 'Analysis' interprets information and speech using qualitative and quantitative data. Presenting fact-checking in this ways sends the message that journalists' professional commitment is to neutrally present news rather than to analyze it in any substantial way. There are distinct fact-checkers, while political news journalists predominantly are encouraged to present news as an impartial, value-free observer.

The Washington Post's 'Analysis' section was home to the count of false and misleading claims uttered by former President Donald Trump while in office (Kessler and Rizzo 2021). The Washington Post established a team count all of Trump's false claims over his four years in office, and the information was shared as a special 'Fact

Checker' article in the 'Analysis'. Distinguishing this 'Analysis' as different from news served as a cue that 'Analysis' placed values on analyzing claims and that this somehow made 'Analysis' distinct from 'News'. The implication is that 'News' follows the typical formed in American journalism: information is presented from most to least important, with practically no critical analysis of what has happened and an impetus on removing the perspective of the observer. Trump would successfully castigate fact-checking, to the glee of his audience. To those against fact-checkers, the distinction between 'News' and 'Analysis' grants license to ridicule the value-laden, antagonistic fact-checker. In *performative objectivity,* the journalist is a neutral observer and purveyor of political information, and particularly of political speech. Analyzing is outsourced to fact-checkers; the message sent is that such endeavors should be viewed differently.

As should be obvious, I am critical that *performative objectivity* should guide journalism. Journalists are the conduit of political knowledge between political actors and the body politic in the public sphere. The craft of journalism has an important epistemic function to play in educating a public that deliberates on public policy matters collectively. Journalism cannot be neutral in fulfilling this epistemic function of democracy; journalists should work in defense of their ability to procure and share information that is relevant to the public deliberation of political and public policy issues. Journalists, as humans, must have a previous set of concepts and values to make judgments based on[iii].

There is plenty of pre-existing philosophical and communications criticism of journalistic objectivity. One line of criticism motivating my criticisms of *performative*

objectivity is that objectivity as neutrality has permitted the development of an epistemic relativism wherein every belief from federal public officials operating within the two-party parameters has been deemed worthy of being aired (Munoz-Torres p. 576; Durham p. 117). Neutrality has given way to balance, which has had the negative impact of presenting various views as equally worthy of representation in political media. This criticism points to an underlying problem with *performative objectivity:* that the methodology and norm wrongly focuses journalists on eradicating rather than dealing with internalized biases. M.G. Durham makes a version of this argument (p. 125). Durham argues that the practice of presenting all political sides in most circumstances does nothing to address the internal ideology and prejudices that individual, supposedly impartial, journalists have as humans (pp. 125-126).

Objectivity has emerged into an emblem of reporting the facts without imbuing values, and also to presenting all information without filter. The practice of *performative objectivity* has led to the adoption of a norm of neutrality in the portrayal of information, a neutrality which can undermine the validity of actual news analysis. What I want to think about moving forward is how journalism guided by *performative objectivity* interacts with norms and institutions in the United States. For this, I will turn to an exploration of the marketplace of ideas.

Section 1.5: *Performative Objectivity* and the Figurative 'Marketplace of Ideas'

I have mentioned that journalism must interact with public speech in the United States as part of their professional and normative commitments. The health of democracy in the United States requires good, trustworthy journalism. To flesh out why journalism must interact with political speech, I will sketch out a figurative 'marketplace

of ideas'. This is not a market where ideas are bought and sold; rather, this is a public sphere-style market where ideas are debated, discussed, and given merit or demerit.

The philosophical underpinnings of a figurative 'marketplace of ideas' are based upon a bit of economic theory. The philosophical argument is that markets with no significant burdens to entry operate most efficiently without interference in private transactions (Hayek 1945). Markets, in this case figurative markets of speech and ideas, operate best when working independently, sending signals to tell which goods to allocate in markets without any state intervention. The argument entails that allowing all speech into the figurative marketplace, regardless of its nature, will allow for the market to filter out bad (not truthful) speech, thus allowing well-reasoned, truthful arguments to gain support in the court of public opinion.

Proponents of a marketplace of ideas envision something akin to an unfiltered capitalist economic market, wherein all ideas, no matter how untruthful, egregious, or hateful, are permitted a space in the public sphere. The idea is that bad ideas will not enjoy popular support; the best ideas will win out in the marketplace, and public opinion will reflect the arguments that were best supported by reason. John Milton, wrote, "Let her (Truth) and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter" (pp. 51-52). In his first inaugural address, Thomas Jefferson channeled Milton in saying, "errors of opinion may be tolerated where reason is left free to combat it" (Jefferson). The underlying theory is that there should be no barriers to the marketplace of political speech and ideas; with free entry and no regulation, all people can ostensibly enter the market. There is a belief that, in the end, truth, or something like it, will win out over falsehoods. That is, there is a belief that will be more currency

for claims based on reason and evidence than for faulty claims. This argument is underpinned by a firm belief against censorship and coercion against bad speech acts.

The marketplace of ideas has become normalized as a part of the American political communications landscape for journalists and political actors. Political actors are free from a coercive force compelling good communicative norms, as journalism guided by *performative objectivity* has reported on political speech neutrally. Political journalism has been disinterested and neutral, helping to report information 'as it is' and letting the public assess that information for itself. As such, the marketplace of ideas has been free to act without a journalistic intermediary incentivizing against bad communicative norms.

Significant pieces of the philosophical arguments for the 'marketplace of ideas' are institutionalized in the Constitution of the United States. The First Amendment of the Constitution of the United State guarantees freedom of thought, belief, speech, and religious exercise. A string of 20th and 21st century Supreme Court rulings on freedom of speech, censorship, and the rights of journalists has further institutionalized the marketplace of ideas as the guiding norm of public speech in the United States. In Abrams v. US (1919) former Associate Justice Oliver Wendell Holmes wrote that, "the best test of truth is the power of the thought to get itself accepted in the competition of the market." Holmes was offering the dissenting opinion, arguing that defendants should be permitted to distribute leaflets arguing against sending American troops to Russia and for stopping the production of weapons in the United States that would be used against the U.S.S.R. (Oyez). For Holmes, unpopular ideas should compete in the

marketplace of ideas, where they would presumably lose, following in the arguments of Mill and Milton.

The standard guiding the court's regulation of speech in Abrams v. US was the clear and present danger standard, which Holmes had argued in support of in a majority opinion earlier in 1919 in Schneck v. U.S. ("Schneck v. United States"). The clear and present danger test established the precedent that only words that cause a clear and present danger and which Congress has a right to protect should be infringed upon by the state. In Abrams v. U.S. ("Abrams v. United States"), Holmes argued against the majority opinion because he argued that the leaflets posed no actual risk to the United States Government and the defendants had no intention of interfering with the effort to produce war materials. The rest of the Supreme Court disagreed in Abrams v. US, arguing that Congress was justified in believing that the defendants posed a danger to war production efforts and thus the Sedition Act of 1918 was upheld. The court followed the clear and present danger test until 1969.

Brandenburg v. Ohio ("Brandenburg v. Ohio") would lead to the adoption of the imminent lawless action standard. The majority opinion in Brandenburg argued that only speech that is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action" should be regulated. As a result of the decision in Brandenburg v. Ohio, KKK member Clarence Brandenburg was permitted to continue advocating for violence against African-Americans, Jewish-Americans, and others, because advocating violence is constitutionally protected where it will not imminently incite violence. The advocating of violence was viewed as completely distinct from intending to enact violence imminently. The imminent lawless action standard remains

in place today in the United States. Here, the court has followed J.S. Mill, who argued that only speech which directly and immediately harms others should be coerced against via censorship (1859).

In thinking about the speech of political actors in particular, it is clear that American political actors are given wide berth against coercion. Government regulations of political speech receive what is called strict scrutiny from the courts; meaning that that government must show a law uses the least restrictive means to achieve a compelling government interest. Strict scrutiny is applied because speech is considered a fundamental right under the U.S. Constitution. Political actors are protected from coercion against their speech or censorship of any real form. There is a figurative marketplace of ideas in political ideas, which is held up by nearly universal freedom against coercion and thus at least purportedly should represent a market with no barriers to entry and healthy competition.

The protections for political speech are combined with court rules that ensure journalists are protected from coercive measures when publishing information that will not cause immediate material harms to the state. In New York Times Company v. United States ("New York Times Company v. United States" 1971), the Supreme Court of the United States ruled that Richard Nixon could not use a claim of executive authority to pre-emptively suspend the publication of the Pentagon Papers (an account from the U.S. Department of Defense of the United States' political and military involvement in Vietnam between 1945-1967) by *The Washington Post* and *The New York Times* (Legal Information Institute, *New York Times Company*; Robertson). The Supreme Court's majority opinion held that government actors had to show that

publicizing classified information would pose a direct and immediate danger to American troops in Vietnam, and the government failed to show this. The case Nebraska Press Association v. Stuart ("Nebraska Press Association v. Stuart") affirmed protections against coercion before publication, i.e. prior restraint, and Reno v. American Civil Liberties Union ("Reno v. American Civil Liberties Union") extended the protections against prior restraint to internet publications. The standard of causing material harms to the state is a difficult one for the state to overcome, and as such coercion against journalists printing information is rarely broached as a means of stopping publication.

Journalistic protections against being rarely be pre-emptively coerced against publishing information is accompanied by strong libel protections for American journalists. The Supreme Court case New York Times Company v. Sullivan ("New York Times Company v. Sullivan" 1964) created the actual malice standard, which established journalistic protections against charges of libel made by political actors. The actual malice standard states that individuals cannot be held responsible for libel unless their statement was made "with knowledge that it was false or with reckless disregard of whether it was false or not". The condition that the intentions of a person must be proven to sustain a charge of libel has made the standard incredibly difficult to overcome, and has given journalists an extra cushion from coercion. The Supreme Court of the United States has in essence given journalists the right to publish political information free of coercion in the printing of news and also free from libel for information published about public figures. This safety is further sustained by shield laws, which exist in 49 of 50 states (sans Idaho) and allow journalists privilege to not

disclose information, sources, or notes that were used in the production of news (Kirtley 2020).

We can conclude that the United States has a Chicago School of Economics-style marketplace of political speech in the public sphere with de jure institutionalization. There is economic theory underlying the marketplace of ideas, arguing that economic markets with no significant burdens to entry operate most efficiently without interference in private transactions (Hayek 1945). The argument entails that permitting all speech in the figurative marketplace will allow the public to assess arguments and that good public deliberation will result in the acceptance of truthful, well-reasoned arguments. As a practical matter, this theory influenced the journalistic practice of *performative objectivity* that neutrally presents political speech and information to the public. The theory also influenced Supreme Court precedents establishing imminent lawless action standard, strict scrutiny, protection from pre-emptive censorship, and strong protections for journalists against charges of libel. The figurative marketplace of ideas has thus been institutionalized by the Supreme Court of the United States and normalized by journalistic practice.

Section 1.6: Journalism's Role as an Arbiter of Political Communication

A problem with the figurative marketplace of ideas is that unregulated markets often incur market failures and the state (the United States Government in this case) has abdicated its role as a coercer in solving market failures in speech. This Millian, utilitarian justification for the unregulated 'marketplace of ideas' argued for by Milton, Mill, and Jefferson, and used as justification by Justice Holmes and others for legal decisions, has resulted in a political speech landscape with no coercive measures

available to ensure the good communicative practices which are necessary for good public deliberation before taking collective actions. The de jure institutionalization of the figurative ‘marketplace of ideas’ in the public sphere in the United States permits the public sphere to be flooded with inaccurate and harmful information without recourse.

The unregulated nature of political speech, and the lack of a coercive threat to enforce good communicative and information sharing practices, entails that there must be a mechanism to correct market failure, i.e. if good speech and reasoned ideas do not win out over bad speech and poorly reasoned ideas in the figurative ‘marketplace of ideas’. Journalism must play this role due to jurisprudence and a lack of state interest in correcting the problem; trustworthy journalism must serve a necessary epistemic function and as such needs to check market failures in speech where they occur.

The role of journalism here is pointed. Journalism has the role of arbiter between the claims made by political actors and the information which the general public receives as news. Journalism thus needs to be an information conduit, contextualizer, and analyzer here. Journalism plays the role of both communicating political speech to the general public and of deciding how to present speech in a manner that makes journalists and the outlets they represent trustworthy. Then, they must decide how to present such information in a manner that gains trust from the general public that they are faithfully presenting information manner. A problem that emerges is how political news journalists should deal with political speech in a manner that both can allow the outlets to represent facts faithfully while not alienating readers that are essential to continuing to capture market share in the capitalist system that organizations necessarily operate within.

Journalists are needed to serve an essentially coercive function on bad epistemic practices in the public sphere, though they are not armed with coercive measures. Journalism led by *performative objectivity* is incapable of providing this essential function. Currently, young journalists are often taught that the job of a journalist is to present sets of facts objectively. The idea is that by being a neutral actor in the presenting of political information, political news journalists allow the public to decide if the speech of political actors is trustworthy or not. The contextual role of journalism in the United States is currently fulfilled through the use of fact-checking articles that are distinguished from the presentation of news itself. Journalists are not expected to check bad epistemic practices, as under the framework of trust which I am working on. Journalists do not want to be labeled as partisan actors, so they stick out of the merits of political discussions, regurgitating information rather than filtering it. Presenting political speech neutrally, without added context, allows journalists to abide by *performative objectivity*, fulfilling a marketplace of ideas-conferred commitment for journalists to not imbue values on political information. Instead, the methodology of being a neutral actor, presenting information as faithfully as it is presented to them, is what *performative objectivity* purports should provide the basis of trust.

What this approach fails to account for is that journalists, if they are to provide information in a manner aiding public deliberation, must both decipher sets of purported facts and present information to a broader audience. Avoiding normative assumptions is impossible; journalists have a commitment to democracy in their craft, a commitment undergirded by a commitment to provide pertinent information and context to public deliberation on political issues. Two key parts of this role of journalism are deciding

what testimony to rely on and which value systems to use in conveying information to the public. Journalists are typically second-hand receivers (or further removed) of political information. Whether they are learning about the legislative process from aides leaking information, receiving press briefings from a press secretary, or being informed about policies from politicians themselves, political news journalists are normally not watching the act of legislation itself. That is, political news journalists are reporting on an activity they are not necessarily watching (as opposed to football journalists, who I presume watch all 90 minutes of the matches they report on). Through this discussion we can see that journalism has a normative commitment to fulfill certain epistemic obligations in the public sphere, and they are not adequately fulfilling this obligation presently. Not fulfilling their normative commitments has provided reason for journalists to be viewed less trustworthy by the general public.

Section 1.7: Concluding Thoughts

Political communication gains trustworthiness through an iterative process wherein communicators are expected to (1) make reliable and truthful claims, (2) carry through their professional and normative commitments, and (3) be competent to carry through their commitments. To be trustworthy, journalists must be trusted to fulfill their professional and normative commitments, and also to check that political actors are trustworthy themselves. Journalism cannot be expected to fulfill its normative commitments being led by *performative objectivity*. The combination of political journalism not incentivizing good epistemic practices and the de jure institutionalization of a figurative ‘marketplace of ideas’ in the United States have resulted in a scenario where political speech in the public sphere has no institutionalized checks. I will turn in

Chapter 2 to explore the most harmful communicative practices which a marketplace of ideas permits. By identifying bad epistemic practices and their harms in the public sphere, we can begin to lay the foundation for new epistemic norms for journalistic communication grounded in the necessary epistemic function of American journalists.

Bibliography

"Abrams v. United States." *Oyez,* www.oyez.org/cases/1900-1940/250us616. Accessed 18 Apr. 2021.

Associated Press. (2021). *AP fact check*. AP NEWS. https://apnews.com/hub/ap-fact-check.

"Brandenburg v. Ohio." *Oyez,* www.oyez.org/cases/1968/492. Accessed 13 Sep. 2021.

Dale, D. (2021). *Fact check*. CNN. https://www.cnn.com/specials/politics/fact-check-politics.

Durham, M.G. (1998), On the Relevance of Standpoint Epistemology to the Practice of Journalism: The Case for “Strong Objectivity”. Communication Theory, 8: 117-140. https://doi.org/10.1111/j.1468-2885.1998.tb00213.x

Gottfried, J., Mitchell, A., & Walker, M. (2020, December 17). *Americans See Skepticism of News Media as Healthy, Say Public Trust in the Institution Can Improve*. Pew Research Center's Journalism Project. https://www.journalism.org/2020/08/31/americans-see-skepticism-of-news-media-as-healthy-say-public-trust-in-the-institution-can-improve/.

Jefferson, T. (n.d.). *First Inaugural Address* | *The Papers of Thomas Jefferson*. Princeton University. https://jeffersonpapers.princeton.edu/selected-documents/first-inaugural-address-0.

Kessler, G., & Rizzo, S. (2021, February 10). *Analysis* | *Trump's false or misleading claims total 30,573 over 4 years*. The Washington Post.

https://www.washingtonpost.com/politics/2021/01/24/trumps-false-or-misleading-claims-total-30573-over-four-years/.

Kessler, G. (2021). *Fact checker*. The Washington Post. https://www.washingtonpost.com/news/fact-checker/.

Kirtley, J. E. (2020). *Shield laws*. Shield Laws. https://www.mtsu.edu/first-amendment/article/1241/shield-laws.

Mill, John S. *On Liberty*. London: John W. Parker and Son, West Strand, 1859. Print.

Milton, John. *Areopagitica*. Oxford: Clarendon Press, 1894. Print.

Muñoz-Torres, J.R., 2012. Truth and objectivity in journalism: Anatomy of an endless misunderstanding. *Journalism studies*, *13*(4), pp.566-582.

O'Neill, Onora (2018). Linking Trust to Trustworthiness, International Journal of Philosophical Studies, 26:2, 293-300, DOI: 10.1080/09672559.2018.1454637

O'Neill, O. (2020). Trust and Accountability in a Digital Age. *Philosophy, 95*(1), 3-17. doi:10.1017/S0031819119000457

"Nebraska Press Association v. Stuart." *Oyez,* www.oyez.org/cases/1975/75-817. Accessed 22 Aug. 2021.

"New York Times Company v. Sullivan." *Oyez,* www.oyez.org/cases/1963/39. Accessed 22 Aug. 2021.

Pew Research, (2020, December 07). Americans' Views of Government: Low Trust, but Some Positive Performance Ratings. Retrieved December 11, 2020, from https://www.pewresearch.org/politics/2020/09/14/americans-views-of-government-low-trust-but-some-positive-performance-ratings/

Pew Research Center. (2021, April 26). *Demographics of Internet and Home Broadband Usage in the United States*. Pew Research Center: Internet, Science & Tech. https://www.pewresearch.org/internet/fact-sheet/internet-broadband/.

Popper, Karl. 1959. The Logic of Scientific Discovery. New York, NY: Basic Books.

Qui, L. (2021). *Fact checker*. The Washington Post. https://www.washingtonpost.com/news/fact-checker/.

Salmon, F. (2021, January 21). *Trust in media hits new crisis low*. Axios. https://www.axios.com/media-trust-crisis-2bf0ec1c-00c0-4901-9069-e26b21c283a9.html.

"Schenck v. United States." *Oyez,* www.oyez.org/cases/1900-1940/249us47. Accessed 13 Sep. 2021.

Schudson, Michael. “The News Media as Political Institutions”. *Annual Review of Political Science*. 2002 5:1, 249-269.

Schroeder, S. Andrew (2018). Democratic Values: A Better Foundation for Public Trust in Science. *British Journal for the Philosophy of Science*:axz023.

Streckfuss, Richard. “Objectivity in Journalism: A Search and a Reassessment.” Journalism Quarterly, vol. 67, no. 4, Dec. 1990, pp. 973–983, doi:10.1177/107769909006700453.

Strömbäck, Jesper, Yariv Tsfati, Hajo Boomgaarden, Alyt Damstra, Elina Lindgren, Rens Vliegenthart & Torun Lindholm (2020) News media trust and its impact on media use: toward a framework for future research, Annals of the International Communication Association, 44:2, 139-156, DOI: 10.1080/23808985.2020.1755338

Tuchman, Gaye. “Objectivity as Strategic Ritual: An Examination of Newsmen's Notions of Objectivity.” American Journal of Sociology, vol. 77, no. 4, 1972, pp. 660–679. JSTOR, www.jstor.org/stable/2776752. Accessed 10 Feb. 2021.

Endnotes

[i] One can be trustworthy on one topic but not another. This is particularly common in politics, where advisors may be labeled trustworthy in an esoteric area and not provide much useful information elsewhere. In this case, we will need to be particular in how we talk about the trustworthiness of the actor.

[ii] For Lippmann, “good reporting requires the exercise of the highest of scientific virtues” (p. 27 1920).

Chapter 2: **What are Lying, Spin, and Bullshit to the Journalist?**

American journalism is currently guided by the rigid neutrality of *performative objectivity.* I argued in Chapter 1 that this form of journalism cannot effectively incentivize good political communication in the American public sphere. Chapter 2 will begin with an account of good political communication, mapping Paul Grice's general features of discourse as a template for good political communication, with slight modifications and valuable guidance from Jurgen Habermas's work. The remainder of Chapter 2 will focus on lying, spin, and bullshit, arguing these are three prevalent forms of speech that undermine good political communication. This exploration will examine how these problematic forms of speech undermine good political communication, particularly in a 'marketplace of ideas' where *performative objectivity* neutrally presents political communication.

Section 2.1: Good Political Communication

Before mapping out general features of lying, spin, and bullshit and their function in American political discourse, I will present a picture of good political communication. We will need this picture as a tool to contrast with bad communicative practices. I will begin my account by consulting Paul Grice's arguments in "Logic and Conversation". Grice argued the general features of discourse are that: talk exchanges are cooperative (the cooperative principle), all participants in talk exchanges recognize a mutually accepted direction in conversations, and the purpose of conversations can be either fixed or fluid in nature (p. 45). Where the asserter and their audience follow these general features of discourse, and they possess a shared language and understanding

of cultural norms, conversational implicatures are facilitated. Implicatures allow hearers to pick up contextual meanings that were not expressly stated. For example, a television ad telling one to vote for Joseph Biden implicitly sends the message that one should not vote for Donald Trump in the same race.

The cooperative principle plays an important role in facilitating implicatures and productive communication. Without cooperation, people cannot trust each other to be trustworthy individual epistemic actors or to fulfill any commitments that people make to them. Sustained cooperation helps to form the basis for shared linguistic and social norms, which helps provide the basis for social, economic, and political activities. The practicing of shared norms, and the trust that others are cooperative, helps provide context for implicatures and thus helps conversation continue at some points where clarification would be needed if norms did not facilitate implicatures. We can thus see that there is an iterative notion to building linguistic norms and the implicatures that shared social understanding and language help facilitate. From Grice's general features of discourse, we can see that a norm of cooperation emerges as central to communication.

The relationship between journalists and political actors differs from general relationships in the conditions of cooperation. I argued in Chapter 1 that journalists approach political actors from a naturally skeptical stance. This skeptical stance appears to entail a different commitment to cooperation than interpersonal communication normally requires. I see the commitment to cooperation as altered by this skeptical stance but not severed. Journalists need information and news from political actors to fulfill their epistemic function to public deliberation, and political actors

often desire information to be widely disseminated for political purposes and want that information to be presented in a desirable light. The two actors have a slightly altered norm of cooperation because political actors are often evasive or misleading with political news journalists, undermining the idea of a mutually accepted direction of conversation and cooperation as the basis of discourse.

Journalists often have the task of trying to keep evasive political actors on topic, exposing a reason for added skepticism that is not normally present in everyday interpersonal communication. Still, ideal communication between journalists and political actors will be cooperative, have a shared direction, and the conversation can be either fixed or fluid, and this type of ideal communication does help facilitate the journalist's ability to gather and produce news. Having fleshed out that there are grounds for cooperation between journalists and political actors, I will now examine Grice's maxims of conversation as they relate to political discourse. Grice argues that four maxims of conversation make up the cooperative principle: quantity, quality, relation, and manner (p. 45).

Quantity refers to the quantity of information provided; it is expected that participants in conversations will make contributions that provide informative detail to the topic at hand but that they will not add in superfluous information (Grice p. 45). In political speech, this dedication to providing relevant information is imperative to facilitating good political reporting and thus for providing the information that public deliberation is based on. Politicians, or the staff who sometimes speak on their behalf, cannot be expected to provide all available information with any assertion or set of assertions. Yet, political actors should normally be expected to relevantly answer

inquiries by the general public and by political journalists. The public requires good sets of information when engaging in public deliberation, deliberation set in newspapers, barbershops, local associations, and online fora which serve as the basis of the collective consciousness of the American public. The political actor who is intentionally misleading is intentionally polluting the information which exists in the public sphere and which gives validity to democratic institutions. I will speak more on bad communicative practices in the coming sections. For now, I would like to emphasize that American political actors have a commitment to democratic deliberation to provide relevant sets of information and abide by the maxim of quantity, and this commitment ideally helps to provide good sets of information for journalists to report and the public to deliberate on.

Political speech should not only provide relevant sets of information to the public sphere, but it also desirably abides by a norm of truthfulness. Grice's maxim of quality requires that speech acts try to be truthful, and has the added condition of arguing that claims should not be made if they lack supporting evidence. There is a tradition of philosophers arguing that speakers have special obligations where they assert information as truthful. The argument here is that those who claim to make truthful assertions have a responsibility not to mislead their audience (Searle; Manson and O'Neill p. 59). In the political context, when politicians assert information that they know to be untruthful or which compels citizens to take up an inaccurate picture of political events, they are misleading journalists and the general public. By not being truthful, political actors insert untruthful knowledge into the public sphere, which is particularly the case with *performative objectivity*-led journalism where political discourse is not critically analyzed in 'News' but rather only in 'Analysis'. Such insertions of bad

information left unchecked risks polluting public knowledge via the route of bad communicative practices, which journalists report on, the public consumes as political discourse worthy of being disseminated, and thus shares, discusses, and debates as justified beliefs in the public sphere.

The maxim of relation forthrightly entails that people will be relevant in their conversations, that discussion will speak appropriately to the conversation at hand. In the political context, there are times when politicians have individual incentives to not speak pertinently to the conversation at hand, and at times this speaking tactic is institutionally incentivized. Institutional design in the United States, as in most liberal democracies, is meant to facilitate cooperative and focused dialogue between opposing political parties and interests. Good political speech practices are often incentivized by institutional norms and rules which provide constraints on speech acts in official duties, i.e. in a legislative body, official debates, and other structured scenarios. For example, in the United States Senate, there are official rules of decorum to ensure that speech is cooperative. Senators may not speak of another Senator in a disreputable manner (Rules of the Senate, Rule XIX 1.b).

There are further institutional design features that ensure a mutually accepted direction for most political speech in state institutions, as in the United States Senate. Committees are formed to focus on specific areas of interest, such as the Committees on Budget, Commerce, Judiciary, and Veterans Affairs. The design of such committees is meant to create discussion between senators about particular topics and issues within those topics. Senators are allotted limited amounts of time to speak at committee meetings and on the Senate floor; enforcing a rule of brevity. The reporter as an

observer of the legislative process should find it easy to decipher which topics are being discussed because of the institutional rules and design, as well as by rules of verbal decorum that are normalized and often institutionalized.

A lot of political speech operates free from these institutional constraints. Here we might think of campaign rallies, interviews, press conferences, and even the discourse that comes off the record between reporters and politicians. The standards of speech that are rigorously enforced in the legislative and more formal parts of office are relaxed in these other settings. In informal settings, political actors often are intentionally evasive or misleading because they have no check on their speaking relevantly. Where political actors do not speak relevantly to the discussion at hand in news interviews, particular problems emerge for the journalist and flows of information in the public sphere. Journalists are typically granted only a limited amount of time with politicians for interviews. That politicians exhibit brevity and speak to the agreed subjects at hand is critical to producing useful interviews in particular. Journalists must combat politicians occupying conversational space for strategic reasons, normally avoiding answering hard questions, to fulfill their professional and normative obligations. To fulfill their epistemic function, journalists need politicians to speak pertinently to the discussion at hand, particularly in non-institutional, media-based settings where time is a precious commodity.

In building on the maxim of relation, institutional design, and informal settings, I touched on past Grice's final maxim, the maxim of manner, without mentioning it specifically. Manner emphasizes that individuals engaged in conversation should speak clearly and with brevity. Clear speaking entails that those engaging in political speech

use conventional language that is accessible to the general public. Political actors frequently use esoteric language and acronyms that refer to obscure government agencies, and journalists sometimes follow suit. The use of acronyms and esoteric language treats people as what Manson and O'Neill call 'epistemic sponges' without providing the tools to soak up the information people are being doused with (p. 63). Epistemic sponges refer to people who can be doused with information, which they are expected to soak up. People are not sponges though; they are fallible beings with a finite amount of time to learn about political matters. Language that is not clear, either through being deceitful or using esoteric language and acronyms, treats people disrespectfully and treats politics as a sort of language which is only accessible to a small few. Such an approach to political discourse breeds mistrust in political communicators and brings up the necessity of brevity. Being brief and concise (in terms that the layman understands) makes political speech accessible for a large audience, and allows for political education and political involvement without added linguistic barriers to entry.

In review, Grice's features of discourse and the maxims of cooperation do map onto ideal political speech. From this mapping of Grice's features of discourse and the maxims of conversation that make up the cooperative principle, we are left with the idea that good political communication should follow norms of truthfulness and cooperation. Institutional constraints sometimes provide direction for political speech and specific topics to discuss, although much political speech is free of institutional constraints. Outside of institutional constraints, political actors can be expected to sometimes have incentives to not follow norms of truthfulness and other ideal practices that make up this

norm such as sincerity, accuracy, brevity, and concision. The skeptical stance of journalists is justified and forms the basis of a strained form of cooperation.

Section 2.2: Political Speech and Political Authority

One reason to be concerned with political actors' speech inside and outside of institutions is that political actors' speech carries both normative and legal authority. This authority of the speech of political actors is not discussed in Grice's general features of discourse nor in the maxims that make up the cooperative principle, but is necessary to fully flesh out good political communication. As the guides of public policy debates, politicians, political candidates, and activists all have normative and often legal authority attached to their speech acts. Political actors' assertions often contain promises or obligatory actions which the actor is expected to fulfill to be considered trustworthy actors.

A stance as a public official or a candidate for office imbues the authority to make claims conferring commitments, as their authority infers the ability to fulfill political commitments. Jurgen Habermas refers to political actors' holding roles which permit authority to pass laws and lead nations into war, in addition to candidates' ability to make campaign promises that have the potential to be enacted, as a validity claim to rightness (1973; 2008 p. 89; Chilton 2004 pp. 57-58;). The rightness of speech is grounded in political legitimacy because the power of particular speech acts, such as promises and declarations of official actions, from public figures is tied to their legitimacy as public officials (or future public officials). This status of legitimacy confers access to the use of coercive measures and thus lends legal authority and normative authority associated with the acceptance and following of laws, rules, and regulations.

Ideally, political actors should be committed to democratic legitimacy. In the United States and other liberal democracies, political actors who hold office have legitimacy lent to their speech from democratic procedures. Chief among these procedures is voting processes and the authority of holding public office, which are both validated from collective decision making after public deliberation, which requires trustworthy information to be deliberated on. The power of speech acts provides a reason for why journalists must interact with speech from a political actor much more skeptically than they would in normal interactions. The journalist must verify that politicians are abiding by a norm of truthfulness, both by engaging in cooperative speech practices and verifying this cooperation across many interactions. Journalism is needed to incentivize politicians to follow the norm of truthfulness, a norm of cooperation, and to help serve a coercive function on speech without coercive powers.

The legal validity of political speech and the importance of effective speech and information markets for the validity of collective decision making render it especially important that there is a stronger mechanism for coercing against bad political communication from federal actors in the United States. As I showed in Chapter 1, political speech markets in the United States are left unregulated by the U.S. Constitution and SCOTUS rulings, necessitating journalism to check political speech in the public sphere. Journalism has a vital epistemic function in the public sphere, helping lend legitimacy to political actors and serving as the most prominent American institution capable of incentivizing norms of truthfulness and cooperation, which help sustain a commitment to democratic legitimacy. The democratic legitimacy of political actors is conferred through good political communication and good public deliberation before

voting, which necessarily requires good political communication. The rest of Chapter 2 will examine lying, spin, and bullshit as three prevalent and problematic forms of speech in the United States public sphere, considering how each interacts with the epistemic function of journalists.

Section 2.3: Lying

The idea that politicians sometimes lie to constituents and journalists is readily accepted in standard political commentary and in philosophical work on the use of political power. I will in no way dispute the sociological observation that lying does indeed occur quite often in politics generally, and specifically in American politics. I will want to flesh out the notion of lying in political speech and then examine the harms of unchecked lying on political discourse and political processes. I will begin by comparing two broad conceptions of lying that are regularly argued for: in conception (1) lying occurs when a false statement is intentionally made with the intention of deceiving the audience (Isenberg p. 248; Primoratz; Siegler p. 128; Williams p. 74, pp. 96-97), and in conception (2) lying occurs when an untruthful statement is intentionally made with the intention of deceiving the audience *and* a breach of trust occurs because the hearer is justified in believing the speaker's assertion and is led to a false belief (versions of this argument are made by Chisholm and Feehan pp. 149-153; Fried pp. 55-67; Simpson pp. 624-626).

Much of the philosophical literature on lying trends towards a version of conception (1). Arnold Isenberg defines lying as "a statement made by one who does not believe it with the intention that someone else shall be led to believe it" (p. 249). Harry Frankfurt argues that a lie "is designed to insert a particular falsehood at a

specific point in a set or system of beliefs, in order to avoid the consequences of having that point occupied by the truth" (p. 51). Such conceptions of lying are premised on the notion that lying consists of making a statement that one knows to be false and which is made with the intention of convincing the listener to believe it is truthful. The asserter must be knowledgeable of available information in the world to make reason-informed judgements. That is, there must be an accepted and verifiable set of political information that is accessible to the public, and social parameters around truthful information. A politician who is lying intentionally makes untruthful statements with the intention of changing the beliefs of a listener so that they also believe an untruthful statement.

There is an implicit notion here that there must be a relationship between the speaker and the listener, and that the listener must have some trust in the speaker. I have already commented that trust between journalists and political actors is built on a skeptical foundation and is developed through an iterative process of interactions including interviews and press conferences, and an examining of political promises, and political actions. The verification of trust is facilitated by previous sets of verifiable information, which journalists can use to examine whether political actors lie to them or otherwise engage in actions which undermine their trustworthiness. Without agreed upon sets of political information, it would be nearly impossible to set parameters around when a person was lying. Fact-checking would be a much more difficult endeavor, a key role of the journalist, in a world where there were no sets of truthful information to be agreed upon.

While definition (1) only argues that there must be intent to deceive the audience, (2) codifies the breach of faith that occurs after lies are communicated. I count this as a

promising move. Lying violates both the norm of truthfulness and the norm of cooperation. Lying denotes a lack of cooperation, undermining the trustworthiness of an asserter. There is a clear breach of faith that occurs in the undermining of trustworthiness. One might step back here to ask: why should already skeptical journalists care about political actors justifying their skeptical stance by lying? What faith is there to breach? With journalism led by *performative objectivity*, we might think that there is no breach of faith in lying. Journalists led by *performative objectivity* default to presenting information neutrally, allowing most political speech in news sections to be presented without qualification. There can hardly be a breach of faith if journalists are not trained to have a professional commitment to identify and contextualize lying in their reporting. What is problematic for journalists is that the lack of trust in political news media is given justification by political news' refusal to hold political actors accountable via reporting. Political journalists have a normative obligation to fulfill their epistemic function, and the public is justified in losing trust *performative objectivity's* ability to fulfill the commitment to be arbiter of political speech.

The persistent liar breaks down trust in the faith of their listeners that they make truthful statements and reasonable commitments. For the journalist, dealing with a political actor who persistently lies could be cause for analyzing the statements of a particular asserter more rigorously or providing extra context for lies uttered (in an ideal world all statements would be analyzed equally rigorously, but we live in a market driven journalism world where resources are finite). I will address journalistic practice and obligations more in Chapter 4. For now, I would like to make the point that the politician who lies consistently has broken faith from journalists in the notion that asserters make

truthful claims generally, and as such gives reason for added skepticism that should be reflected in journalistic practice. The politician here may want to cry ignorance, that they are not lying and are not breaching faith because they were ignorant of the information available. Normally, political actors do have access to pertinent information on issues they are speaking on, with advisors often providing expert advice on esoteric issues. Good journalism is reliant on politicians having a good grasp of information and presenting the information available to them faithfully. The political actor who does not have access to information and knowingly asserts untruthful information regardless has failed their own duty to follow the norm of truthfulness, and has become less trustworthy. Journalists will need an effective mechanism to incentivize political actors against lying, or journalists will not be able to procure the information necessary for effective public deliberation which lends legitimacy to democratic institutions.

Section 2.4: Two Accounts of Spin

Spin is another commonly used form of problematic political speech. Spin is often used colloquially in describing political speech in a demeaning manner; we often hear "that politician spun the facts to benefit themselves!". This colloquial notion's emphasis on spinning information for personal benefit does provide good direction for a philosophical exploration of spin as a form of misleading political speech. There are two accounts of spin, from Thomas Carson and Neil Manson, that I will contrast before arriving at my own conception of political spin. Carson's account of spin argues that spin involves taking events or facts that are not in dispute and placing an interpretation on them, often with the intention of making a political candidate look good and their opponent look bad (p. 57). Carson argues that a common form, presumably the most

common form based on his language, of spin is the use of half-truths. Half-truths are "true statements or sets of true statements that selectively emphasize facts that tend to support a particular interpretation or assessment of an issue and selectively ignore or minimize other relevant facts that tend to support contrary assessments" (pp. 57-58). Spin as half-truths emphasizes that the selection of information asserted in spin has the primary goal of supporting a misleading interpretation of events.

Manson argues spin "is identified as a form of selective claim-making, where the process of selection is governed by an intention to bring about promotional per-locutionary effects" (p. 1). Manson says spin involves selectively choosing and arranging claims with the intention of bringing benefits to the speaker (promotional per-locutionary effects). This account necessarily identifies two features of spin: (1) an aim of bringing about promotional per-locutionary effects and (2) a difference in the speaker's *first-order* interpretation and *constructed* interpretation (p. 5). To bring about promotional per-locutionary effects, speakers create a constructed interpretation that differs from their original, sincere interpretation of information. Manson argues that actors construct a new interpretation using (a) aspect selection and (b) lexical selection. (a) Aspect selection regards which aspects of a given topic one chooses to highlight when speaking. If a veteran of the American military asserts that the United States has never been a clear loser in a military conflict, they may choose to speak of World War I, World War II, and the Revolutionary War. They will likely omit discussing the War in Vietnam, the Korean War, and the Wars in Iraq and Afghanistan. The speaker did not necessarily lie, though the speaker chose to emphasize a particular set of truthful information (aspect selection) that led to a perception of the United States in military

conflict that is not entirely accurate, and which is self-serving to the speaker in their professional capacity and as a (slightly delusional) unabashedly patriotic American.

The second major linguistic aspect of spin used to create a constructed interpretation is (b) lexical selection. Lexical selection involves the language that is used in speech to describe information. When I review the presidency of Franklin Delano Roosevelt (FDR), I may describe it as “an incredibly bold push forward for progressive taxation!” or I may say that “his administration enacted progressive domestic policies which disproportionately helped white Americans”. Saying that FDR’s policies were an “incredibly bold push forward” indicates that there is something remarkable about what FDR did. FDR made the push for these progressive policies after all, being bold where others were timid or did not have the desire to act. Meanwhile, the second phrasing where FDR’s policies were progressive but which had an uneven benefit distribution indicates a less laudatory review. Both may be used in the political context to further an argument, and such arguments are often used to re-create shared notions of political history. Creating different interpretations of information and events helps to further the political ends of the speaker, though it is an obviously misleading tactic that can lead to inaccurate representations of information which citizens use to justify political decisions, as well as shared representations of the United States itself and citizens’ place within that history.

In thinking about political speech, Manson’s account of spin is superior to Carson’s due to Manson arguing that the per-locutionary effects that accrue to a speaker in the use of spin are the primary reason for using spin. Carson only argued that speakers using spin make assertions that ‘tend’ to support a particular

interpretation of events (p. 57). What Carson's interpretation leaves out is that political spin necessarily intends to promote a specific interpretation of information, and that this interpretation has the goal of accruing benefits to the speaker themselves. In the political realm, most political actors, particularly politicians, engaging in political speech are worried about re-election. One means of furthering their individual prospects is to speak about legislation, and one's political record in a manner which gives the implication that politicians are fighting towards shared political ends. Spin can and certainly is used to distort one's record with the intention of accruing benefits at the ballot box.

Despite the advantage of Manson's account of spin over Carson's account, Manson's account can still be improved. I would like to extend the notion of per-locutionary effects for the speaker, which Manson explicitly states, to also include per-locutionary effects intended to benefit a particular political actor, party, or cause. Here, I am thinking about the political speech of surrogates for political candidates; press secretaries, cabinet officials, and others. Although the precise goal of speech acts differs for different surrogates, there is a unifying idea that surrogates speak on behalf of political actors with the intention of improving the latter's political standing. These surrogates do bring about per-locutionary effects to themselves, though as a surrogate they are necessarily also trying to benefit the actor they are speaking on behalf of. Any hit to surrogates' credibility harms trust in the speech of the political actor they are speaking on behalf of, at least to the degree that the surrogate is seen to be an effective and reliable interlocutor for the political actor in reportable public fora. Reportable public fora where surrogates appear today include spaces such as Twitter, Facebook,

YouTube, Snapchat, and TikTok, in addition to more conventional fora such as press conferences, television appearances, and campaign rallies.

From this discussion of Manson and Carson, I arrive at the notion that political spin involves the selective choosing of statements that are intended to benefit the speaker and their political aims via creating an insincere interpretation of events or information. The political actor using spin wants their audience to draw particular inferences where a more expansive set of information and context would lead to a different interpretation. The public sphere will commonly contain surrogates using spin to attain individual benefits, but also necessarily to obtain benefits to the political actors they are speaking on behalf of. Drawing from Manson, the selective choosing of statements involves both (a) aspect selection and (b) lexical selection, which are both used to further the end of accruing benefits to political actors and political movements. The use of spin must not, and often does not, practically involve making false claims, though there is a lack of respect for truthfulness involved in insincere selection of claims made with the intention of creating an insincere interpretation of information in the public sphere.

Spin harms the norm of cooperation; the essence of spin is that the asserter is not cooperating with the audience. This lack of cooperation is intentionally hidden; spin necessarily contains a lack of disclosure of some information with the intended effect of misleading people to accrue promotional per-locutionary effects. Aspect selection of speech is intended to support a particular interpretation of a set of information with no specific regard for whether or not the audience benefits from that interpretation. The lack of cooperation necessary in spin denotes a lack of respect for truthfulness, which is

exhibited through a constitutive lack of respect for accuracy. Drawing back to Grice, we can say that spin uses authority associated with office to undermine the maxims of quality and relevance.

The journalist dealing with spin has multiple questions to confront. When a political actor engages in spin, journalists must decide how to represent the speech act; i.e. should further information be added to a news article to provide the context necessary to draw the implication that a political actor intentionally sought? The answer to this may depend on the iterative experience reporters have with political actors. When the speech act comes from a surrogate, the journalist may need to both represent the surrogate's avoided implication, but also the reasons the surrogate had for drawing the hearer to a specific conclusion. A function of journalism is to be privy to a range of interpretations that are available in political discourse. I will comment more in Chapter 4 on the obligations and norms that should journalists as they interact with political spin.

Section 2.5: Evaluating Bullshit

My philosophical exposition of bullshit will build from Harry Frankfurt's ideas in 'On Bullshit', which was published in 1986 in a collection of essays and then republished as a solo text in 2005. Frankfurt noted in the republished edition that bullshit is "one of the most salient features of our culture" and that "Everyone knows this.". I think Frankfurt is right. The renaissance of Frankfurt's text in the mid-2000s, and a flurry of recent books on the prevalence of bullshit in political discourse (Ball 2017; Baron 2018; D'Ancona 2017) highlights that bullshit is abundant in political communication today in the United States, not to mention the United Kingdom, and Continental Europe. There is little doubt that bullshit occupies a central place in political speech.

Having acknowledged that bullshit is prevalent in the American public sphere, I will turn to argue what bullshit looks like and how it functions in the political realm. Frankfurt compellingly argues that bullshit is a form of misrepresentation from the asserter to the audience. Bullshit is phony. The asserter removes themselves from the true-false dichotomy which is a necessary condition of political communication, showing an indifference to how things really are (Frankfurt p. 34). Bullshitters speak in a manner which appears truthful, cooperative, and sincere. The bullshitter does not notify the audience that they have removed themselves from a commitment to the true-false dichotomy. As such, the audience is deceived into thinking that the speaker has a commitment to be truthful and takes their assertions as good communication if they view the asserter as trustworthy.

Bullshit is disconnected from settled beliefs (Frankfurt p. 40), which distinguishes bullshit from lying and spin. Spin interacts with sets of truthful information, then decides which selection of speech and syntactical structure would best serve the ends of the speaker. Lying works within a true-false paradigm and involves intentionally making false statements with the intention of deceiving the listener. Bullshit makes no reference to the settled beliefs that constitute the basis for discussion in speech, for creating conditions of cooperation and for shared understanding in political discourse. Bullshit necessarily shows a lack of regard for evidence, which may rise to contempt for evidence in some situations.

Frankfurt argues that the use of bullshit is stimulated because people are so frequently compelled, particularly in public life, to discuss matters which they are not experts on (p. 63). We might think that political actors in particular are often compelled

to speak with authority on a variety of fields they are not experts in. For a hypothetical example, we can think of a politician who grew up on the Upper West Side of Manhattan, lived their entire life in New York City, and became mayor of New York City, before seeking nomination to a major party ticket for the presidency of the United States. The politician would normally go through Iowa in this journey, and may find themselves stopped at a local farmers' bureau discussing rural agricultural policy. Without any history working in this field, the political actor may be compelled to bullshit.

What is the city politician to do in this scenario? Well, hopefully they would have hired good advisors with expertise on farming policy. If they did not, the political actor can either admit their incompetence on rural agriculture policy, which could be harmful politically, or bullshit. The politician may choose to bullshit their way through the session by highlighting sets of information not based in reality or otherwise speaking on information which they are not knowledgeable about. The bullshitter will normally try to misrepresent their own knowledge of a matter in an attempt to bring about per-locutionary benefits.

The incentive to bullshit here comes about because there are currently personal benefits to be had by bullshitting in the American public sphere. Political actors have an incentive structure designed to frequently portray themselves as experts when speaking. Admitting that one is not an expert may be seen as an admission of weakness in that the political actor who admits they are not qualified to answer a question may be viewed as lacking authority in other domains. Bullshitting by political actors is often driven by a desire to receive personal benefits in the form of enhanced political support. Sometimes the benefits accrue via entrenching support in alternative

narratives, which helps to create constant disbelief in political opponents who are not included in alternative narratives. Bullshit is frequently used to fulfill the end goal of growing political support.

The use of repetitive bullshit risks creating a sort of muscle-memory of bullshitting in political discourse. If we are to believe, as Frankfurt posited and I have assumed, that bullshit is prevalent in American society, and further that bullshitting is particularly easy in the political realm when political actors are compelled to answer questions they are not qualified to answer, then we can see that persistent bullshitting creates an indifference to the norm of truthfulness. Undermining this commitment risks a cascading effect of indifference to shared beliefs and shared information that is used to publicly deliberate on issues before going to the ballot box and which is necessary for effective political action in polarized multi-party democracies like the United States. The positive effects which accrue to bullshitters send signals to non-bullshitters that bullshitting will help further political ends. This signal to bullshitters keeps the cascading indifference to truthfulness going, and denotes a severe lack of cooperation in speech acts.

This cascading indifference to truthfulness is not confined to political actors; the public often receives cues on accepted political beliefs and norms of discourse from political actors they support and respect. Quassim Cassam provides an effective framework for thinking about how unregulated bullshit harms public discourse beyond the actions of political actors. Cassam refers to political actor's indifference to basing beliefs in shared sets of information and evidence as epistemic insouciance, and refers to bullshit as "the primary product of epistemic insouciance" (p. 3). Cassam argues that

epistemic insouciance creates “epistemologies of ignorance” where listeners are more easily deceived because of their attitude of indifference to being truthful (p. 2). An indifference to shared sets of beliefs and norms guiding public deliberation will be harmful to enacting meaningful collective political action and will harm the quality of public deliberation that does occur, and risks creating distinct social narratives. Distinct social narratives, norms, and beliefs risk fraying shared social interactions that form the basis of communal associations, and which are necessary for sharing market signals and fostering collective economic interaction and growth.

What I have sought to prove is that unchecked bullshit in politics, as with *performative objectivity*-led journalism, can create a muscle-memory effect with positive reinforcement. This positive reinforcement creates a permission structure for political actors to bullshit. Bullshit undermines shared norms of discourse and inserts beliefs into the public sphere with no regard for truthfulness, which means that bullshit poses a distinct threat to public discourse. With lying, journalists can label statements as obviously false, and with spin they can shade in the missing gaps in information the speaker chose selectively emphasized or de-emphasized. The journalist dealing with bullshit needs to identify the relevant information that exists in the world, provide context for the relevant information found and the already asserted information, and place this context within the asserter’s misrepresentation of justified collective beliefs. I will speak more on journalist’s obligations and norms which should guide their practice in dealing with bullshit (and spin and lying) in Chapter 4.

Section 2.6: Concluding Thoughts

You may be wondering why I did not discuss wishful thinking, moral grandstanding (which Brandon Warmke and Justin Tosi discussed in *Grandstanding: The Use and Abuse of Moral Talk*), and other problematic forms of political speech. To be fair, these are all interesting forms of speech, but they are not the speech practices that cause the most persistent problems for political news journalists and information sharing in the public sphere of the United States. As such, I focused in Chapter 2 on lying, spin, and bullshit as three prevalent and problematic forms of political speech that journalists must deal with and which *performative objectivity*-led journalism does not check adequately. Each of these forms of speech risks harming norms of public discourse and the shared political beliefs and understanding which serve as the basis of public deliberation. Now, I will turn to look more precisely at the harms of these bad communicative practices, before identifying how journalists should go about the task of counteracting these problematic and prevalent forms of political speech in American political discourse.

Bibliography

Ball, James. *Post-truth: How Bullshit Conquered the World*. , 2017. Internet resource.

Baron, Ilan Zvi. *How to Save Politics in a Post-truth Era: Thinking Through Difficult Times.* Manchester: Manchester University Press, 2018. Print.

Cassam, Quassim (2018). Epistemic Insouciance. *Journal of Philosophical Research* 43:1-20.

Carson, Thomas L. *Lying and Deception: Theory and Practice* (Oxford: Oxford University Press, 2010).

Chilton Paul, Analysing political discourse: Theory and practice. London & New York: Routledge, 2004.

Chisholm, R. M., and T. D. Feehan, 1977. 'The intent to deceive,' *Journal of Philosophy*, 74: 143–159.

Frankfurt, Harry G. *On Bullshit*. Princeton University Press, 2005. *JSTOR*, www.jstor.org/stable/j.ctt7t4wr. Accessed 18 Dec. 2020.

Fried, C., 1978. *Right and Wrong*, Cambridge: Harvard University Press.

Grice, Paul, 1975., 'Logic and Conversation', in *The Logic of Grammar*, D. Davidson and G. Harman (eds), Encino, CA: Dickenson, 64–75. Reprinted in SWW.

Habermas, Jürgen. *Theory and Practice*. Boston: Beacon Press, 1973. Print.

Habermas, Jürgen. 2008. *Between Naturalism and Religion*, C. Cronin (trans.). Cambridge: Polity. 2008. [German, 2005b]. Print.

Isenberg, A., 1973. 'Deontology and the Ethics of Lying,' in *Aesthetics and Theory of Criticism: Selected Essays of Arnold Isenberg*, Chicago: University of Chicago Press, 1973. 245–264.

Manson, Neil (2012). Making Sense of Spin. *Journal of Applied Philosophy* 29 (3):200-213.

Manson, N., & O'Neill, O. (2007). *Rethinking Informed Consent in Bioethics*. Cambridge: Cambridge University Press. doi:10.1017/CBO9780511814600

Primoratz, Igor (1984). Lying and the "Methods of Ethics". *International Studies in Philosophy* 16 (3):35-57.

Rules of the Senate: U.S. Senate Committee on rules & administration. (n.d.). Retrieved March 04, 2021, from https://www.rules.senate.gov/rules-of-the-senate

Siegler, Frederick A. "Lying." *American Philosophical Quarterly*, vol. 3, no. 2, 1966, pp. 128–136. *JSTOR*, www.jstor.org/stable/20009199. Accessed 28 Apr. 2021.

Simpson, D., 1992. 'Lying, Liars and Language,' *Philosophy and Phenomenological Research*, 52: 623–639.

Tosi, Justin, and Brandon Warmke. Grandstanding: The Use and Abuse of Moral Talk .: Oxford University Press, 19. Oxford Scholarship Online. Date Accessed 28 Jun. 2021 <https://oxford.universitypressscholarship.com/view/10.1093/oso/9780190900151.001.0001/oso-9780190900151>.

Chapter 3: Limits of Ethical Theories Guiding Journalism Alone

Journalism guided by *performative objectivity* has proven unable to check political actors' misleading communicative practices. Lying, spin, and bullshit are three examples of misleading communicative practices that are prevalent in the American public sphere. I will begin Chapter 3 by identifying the harms of unchecked misleading communicative practices. I will begin this inquiry by conceptualizing the harms of bad communicative practices generally, before arguing that unchecked misleading political speech undermines desirable norms of political speech, damages trust in democratic processes, and creates a problematic power-inequality in political communications. Political incentives to mislead the public mean that misleading speech will be a persistent problem in American political discourse, and effective journalism is needed to counteract this incentive. The remainder of the chapter will evaluate whether major ethical theories, namely, Kantian (Section 3.3), virtue ethics (Section 3.4), and utilitarian theories (Section 3.5), can provide the proper philosophical grounding for the necessary role of journalism as a check on bad epistemic practices in the American public sphere. I will not try to strike down each ethical theory, although I will find that none provides the right philosophical grounding for journalism in the American public sphere.

Section 3.1: The Harms of Bad Communicative Practices

Having conceptualized lying, spin, and bullshit in Chapter 2, I will now further draw out the harms of engaging in these bad communicative practices. To begin, I will step back to look at the general harms of bad communicative practices. Bad communicative practices are generally harmful because they break down norms of communication that are built up (sometimes over a long period) and which are context-specific. Norms require trust to be sustained. In Chapter 1, I touched on norms of

cooperation and truthfulness as two essential norms that help facilitate all communicative acts. Norms of accuracy and sincerity are two examples of norms that necessarily follow from the norms of truthfulness and cooperation.

Violations of communicative norms cause clear harms. Successful lying, spin, and bullshit all mislead both the intention of the speaker (i.e. are they engaging in the conversation for the same reason as I am?) and the content of the speaker's assertions (i.e. are they providing truthful information?). In being misled, the listener is led to believe an assertion that they would not believe given the use of non-deceptive language and good information sharing practices. The harm of being misled often begins with the hearer having strong affective attitudes, such as anger and betrayal. This occurs as a reaction to trust being harmed by a breach of faith in the trustworthiness of an individual. The person who is misled was tricked into believing information that is not truthful, and they presumably feel embarrassed about being duped when they are informed of being misled[iii].

Bad communicative practices harm trustworthiness in individual speakers and eventually dissolves it. Each bad speech act serves as a breach of faith between the speaker and the hearer. The breach of faith undermines the trust that exists between the hearer and the speaker. The misleading asserter's trustworthiness is dented with identifiable breaches of good communication. The hearer's access to truthful information is undermined by the use of bad communicative practices, and a recognition of this leads to a breakdown of trust between the asserter and their audience. The breakdown of trust undermines norms of truthfulness and cooperation, which serve as the basis of communicative interactions. The harm to trustworthiness and the

undermining of communicative norms can harm individual relationships, ranging from our sexual relations, familial relations, teacher-student relations. Trust in social, economic, business, and community interactions and institutions can also be undermined. These may include interactions in civic organizations, adult hockey teams, parent-teacher associations, and other community activities where groups are organized and participate together based on shared interests and this participation is facilitated by mutually accepted norms of communication. Our interpersonal interactions and the communities that we participate in are premised on notions of shared communication, and breaking down trust in communication harms communal institutions.

I have thus far largely assumed that the hearer is notified that they have been misled. In such instances, there is a breach of trust which occurs and which sometimes is irreparable. Where the hearer knows they were misled, they will often avoid interactions with the bad actor. Oftentimes though, there is no such knowledge that the hearer has been misled. In the time between when a hearer is misled and takes up a false belief and when they are given access to truthful information, a power imbalance emerges[iii]. The deceived does not know their predicament (i.e. they have been lied to), and they have created false beliefs based on information that they believe. If the hearer is not informed they have been misled, the deceiver will become more trusted and their speech acts will be given more credence. The consequence is that the deceiver has control over information sharing in the domains where they mislead their audience and are believed. This is an especially dangerous situation because bad information sharing

can cover domains as wide-ranging as the location of farmers markets in town to misleading sets of information that foster racist prejudices.

Section 3.2: Harms of Misleading Political Speech

The wrong in misleading political speech begins in the affective attitudes that the speaker displays for the hearer(s). The speaker's use of deceitful speech shows contempt for the hearer. The hearer of political information expects political actors to follow norms of truthfulness and cooperation. Misleading political speech creates a harmful power imbalance between asserters and their audience, which enables political actors to manipulate information-sharing practices. So long as hearers do not know they have been misled, they are likely to continue believing trusted political communicators.

In politics, where debate is often driven by emotion as much as reason, supporters of political actors may often become entrenched in believing misleading political actors. Misleading political actors who are able to bullshit, lie, and spin without effective recourse often encourage their supporters to not believe sources who are willing to call out bad communicative practices. If the asserter becomes entrenched in their misleading portrayal of information, social media often incentivizes digging in to garner support via likes, shares, and views. Supporters often take this digging in as a sign to rally behind their team, which further entrenches the credence placed in misleading speech, and increases conditions of political polarization. The worry here is that political actors may create alternate norms of discourse, which political supporters become entrenched supporting.

The worst-case harms of unchecked misleading political speech are that harmful speech is shared and validated by supporters, increasing political polarization to the

point where public deliberation breaks down completely and distinct norms of communication emerge for different political camps. Short of reaching that worst-case point, the growth of unchecked misleading political communication creates an obvious power-imbalance in information sharing, wherein political actors hold power over information sharing and are able to more easily manipulate information sharing where there is no effective check on bad practices. The bad communicative practices that lead to this power imbalance are enabled by *performative objectivity*-led journalism, which neutrally treats nearly all political communication.

Section 3.3: Dirty Hands, Misleading Communication, and Journalism

I have talked about the harms of misleading speech on political discourse, but I have not adequately commented on why political actors are incentivized to engage in bad communicative practices. For this purpose, I will consult a long tradition in philosophical literature identifying the use of dirty tricks as a necessity of the craft of politics. That is, I will consult literature arguing that political actors sometimes have a professional commitment to dirty their hands. This commitment is rooted in a need to maintain and hold political power, a commitment that is used to justify bad communicative practices with harmful epistemic effects.

Machiavelli commented that in politics, the Prince “must learn how not to be good” (p. 52). The Prince cannot be virtuous at all times and be a successful ruler (p. 53). Instead, the Prince must be virtuous when this does not impose costs. Keeping promises are not an obliged facet of political practice under this vision of political ethics. Machiavelli argued that the best rulers know how to trick citizens into believing they are not lying. The best rulers do not care about being truthful; the successful Prince is

encouraged to be a bullshitter in that they should not care about being truthful. The main concern for the Prince, as Machiavelli argues, is to maintain and grow political power, and at times this will require deceiving one's constituents.

The United States does not have a prince, though the argument that achieving good consequences requires getting one's hands dirty in politics (i.e. being deceptive, or worse) has generally been supported in academic circles. William Galston, Michael Walzer, and Bernard Williams all argued that dirty hands are a necessary part of politics (Galston 1991; Walzer 1973; Williams 1978). Those theorizing the use of political power nearly always argue that dirty hands, including misleading speech, can be justified based on the consequences of not getting one's hands dirty. In thinking about bad communicative practices, the dirty hands rationale for using such speech would be premised on the need to maintain political power and the consequences of not doing so. There is an electoral and political incentive to creating inequities in political information sharing, and as such we can expect that American political actors are not exempt from problems of dirty hands.

Since coercion via prior restraint of publishing information is very rare in the United States, political actors often try to wield their coercive power by controlling which information can be debated in the public sphere. Often, there is tension between what political actors argue is good information sharing and what information is necessary for good public deliberation necessary to democratic legitimacy. The United States Federal Government at times accomplishes the goal of selecting which information can be discussed via a system of classifying information. Labeling materials 'Classified' can permit these materials to be hidden from public view for up to 25 years (For examples of

classification: Gerstein 2009; Giglio 2019; Savage 2021 For a guide on classified materials: The United States Department of Justice 2020). The U.S. Federal Government in particular often tries to classify information related to national security. Such classified information could help journalists contextualize information on the reasoning and actions of domestic and international political actors. We may think that overly classifying materials is a pernicious form of spin, of choosing information available to be discussed, without journalists or the public having the ability to access all of the information available to be discussed. This is particularly problematic as journalists have little recourse so long as the information is labeled 'Classified'.

In addition to confronting political actors who try to wield their power to prevent journalists from fulfilling their commitments, journalists must also uncover problems of dirty hands where actors abuse their power and report this information to the public. Here, it becomes obvious that journalists have a commitment to procuring and sharing information that the general public will use for public deliberation in the process of forming public opinion which will serve as the basis of collective decisions and political action. The value of democratic legitimacy imbues an obligation from journalists to check bad communicative practices, contrary to journalism led by *performative objectivity.* Given the unregulated marketplace of ideas in the United States and incentives for political actors to engage in bad communicative practices, it becomes clear that American political journalists will always have misleading communicative practices to confront.

Section 3.4: Deontology and Political Speech: Too Rigid?

Journalism in the United States must move away from *performative objectivity*-led, value-free journalism, if journalism is going to fulfill its necessary epistemic function given the figurative 'marketplace of ideas' that enjoys de jure institutionalization. Journalism is needed to coerce political actors against practicing prevalent and harmful forms of misleading speech despite not having coercive powers. Journalism guided by *performative objectivity* does not attempt to analyze and contextualize news; nearly all political speech from mainstream parties and actors is presented without qualification. Recognizing that journalism needs a new guide to incentivize political actors to be good political communicators and for journalism to perform its necessary epistemic functions, I am going to look at three ethical camps as guides to journalistic practice: Kantian, virtue ethics, and utilitarian approaches.

I will begin by tracing the Kantian approach through the works of Immanuel Kant and Christine Korsgaard. Kantians argue that actions are right or wrong aside from their consequences; ethical duties that compel one to act in a particular manner. There is an ideal of conduct to live up to regardless of others' actions or the consequences of living by this ideal standard (Isenberg p. 463; Kant p. 438-439; Korsgaard 1986 p. 325; MacIntyre p. 337; Adler p. 443). Kantians argue there is a particular duty against lying. Kant endorses two ethical claims regarding the duty to tell the truth: (1) one must never lie and (2) if one does lie, one is responsible for any consequences stemming from their lie (Korsgaard 1986 p. 326). Lying violates a duty to respect others and the requirement that all people are treated as ends in the Kingdom of Ends (Korsgaard 1986 pp. 335-336). Since one must never lie, all lies are intrinsically and equally bad. Lying is never

permissible and as such would never be an accepted use of political speech under a Kantian view. A Kantian journalistic ethic must start with the duty to check lying.

While the Kantian View is firmly against lying, some argue that deontologists must not hold all deceptive speech to be wrong. Alasdair MacIntyre critically argues that Kant says an individual's "duty is to assert only what is true and the mistaken inferences which others may draw from what I say or what I do are, in some cases at least, not my responsibility, but theirs" (p. 337). Under such a reading, the responsibility for recognizing and understanding the misleading implications of spin, and bullshit would be the epistemic responsibility of individuals. The hearer takes false-inferences from spin and bullshit, and it is their responsibility for taking these false inferences, MacIntyre argues.

Korsgaard has retorted that Kantian theory has the tools to hold a duty against deceptive speech practices without putting responsibility on the hearer for being misled. Christine Korsgaard has argued that because Kantians regard their own free choices as good, they must regard the free rational choices of others as good also (1988 p. 36). Deceptive speech practices undermine the ability of people to make free and rational choices, using the hearer to achieve a specific end. The autonomy to make free and rational choices is undermined when information sharing is polluted with deceptive speech practices. Korsgaard's argument provides the basis for checking the bad epistemic practices of malicious agents who knowingly use deception to achieve an end.

The problem with Korsgaard's Kantian approach is that universalized duties to not lie or deceive do not provide the flexibility necessary for journalists to fulfill their

professional commitments. There may be times journalists should lie! Journalists may have incentives to lie to political actors themselves about their motives in pursuing a particular story. Journalists may likewise need to lie to or bullshit investigations that seek to require handing over the identities of confidential sources. The point is that journalists need flexibility in their craft; universal duties regarding journalistic speech would not lead to good journalism.

In addition to flexibility regarding their communications, journalists also need flexibility in choosing which bad communicative practices to check. A categorical duty to check lying, spin, or bullshit could permit the success of a 'flood the zone with shit' political communications strategy. Stephen Bannon, formerly Chief Strategist to President Donald Trump, has advocated for a 'flood the zone with shit' strategy (Illing). The 'flood the zone' strategy entails that political actors produce as many news stories as possible, whether filled with accurate information, or made-up stories and information on a subject. By creating a mass amount of stories, journalists can be overwhelmed and will find it more difficult to effectively report on the most pressing matters of the day. Such an approach poses particular problems for a Kantian journalistic ethic, which likely would obligate journalists to check all epistemic practices that involve lying and deception.

If Korsgaard means that journalism must treat all lies as equally bad, then a positive epistemic features of Korsgaard's Kantian account proves incompatible with the practicalities of journalism. Journalism needs to be nimble enough to not respond to outlandish stories that are planted to avoid dealing with hard news cycles. Sometimes journalists must not take the bait. Likewise, journalists may need to be misleading

communicators themselves. Despite the protections that are offered to journalists in the United States, such protections are not always readily available for whistleblowers and other government informants. Journalists may find that information which was illegally obtained is nevertheless printable and relevant to the public sphere. In such a case, journalists should not disclose their sources. A Kantian approach, particularly led by Korsgaard's that holds a categorical duty against lying, cannot deal with the particular complexities of journalism that necessitate misleading and deceiving as a professional practice.

My aim here is not to strike down deontology as an ethical theory, though I do think a bit of a bind has emerged. Following Korsgaard's Kantian approach to lying and deception, journalistic codes of ethics would have to stress that both are wrong for the journalist and they must the vast majority of instances of such speech in the public sphere. Strictly following this approach would be bad for journalism's ability to serve its proper epistemic purpose. Political actors may 'flood-the-zone' with lying, spin and bullshit that is not relevant to the conversation, knowing that journalists are obliged to check this kind of speech equally and that forcing this professional obligation would leave journalists less able to check other bad practices, leaving journalist's less able to fulfill their epistemic function against bad communicative practices.

One may want to appeal to a set of deontological duties that are not as strict as the Korsgaard-inspired, Kantian journalistic ethic. This approach would assess the ethics of an action based on whether it follows a moral rule, or a set of moral rules. This has been tried before with the Code for the Journalistic Profession adopted by the Federation of the Spanish Press in Seville on November 28, 1993. This was a

deontological code for journalists that did not contain a strict obligation against lying. Instead, the first obligation of the journalist "is to respect the truth" (Deontological Code for the Journalistic Profession). The code further encodes professional duties to defend the "principle of the freedom to investigate and honestly disseminate information as well as the freedom to comment and to criticize" (Deontological Code for the Journalistic Profession). The code is relevant as a uniquely Kantian ethical guide for journalists, despite being from Spain rather than the United States.

The approach of the Federation of the Spanish Press drops the rigid Kantian nature of obligations on journalists that Korsgaard's approach would enforce. An obligation to "respect the truth" is much less rigid than Korsgaard's Kantian approach to lying and deception. We might say that such an approach moves from being a Kantian approach to a deontological approach. A deontological approach encodes a set of duties and resulting commitments that journalists have. A problem that emerges is whether the mere presence of an encoded system of obligations would be enough to ensure good journalistic practice. Would the duty ground the following of a set of commitments based in a deontological ethic or would potential sanctions be the reason commitments were fulfilled? Would the development of good norms and value-systems not be required to secure good ethical actions without sanctions? A deontological approach at the very least can help inform us what kinds of duties journalists that stem from their epistemic function, though American journalism may need more than just good commitments to be successful.

Section 3.5: A Virtue Ethics Account

I brought up the idea of value systems guiding the professional work of journalists in Section 3.3, and will now return to this idea to explore virtue ethics as the ethical grounding of journalism. I will begin by examining what virtue ethicists broadly argue a moral person should be like, before examining Aaron Quinn's particular arguments for the moral virtues of journalism and assessing whether virtue ethics should provide the philosophical grounding for journalistic ethics. Virtue ethicists argue that virtuous persons are disposed to act virtuously because they have worked consistently to be disposed to act virtuously. There is a telos serving as a source of direction for people to pursue in trying to be a virtuous person (Cicero p. 42). Eudaimonia, or human flourishing, is the chief good that Aristotle argues people should pursue in human life (Book 1). To work towards human flourishing, one must have moral knowledge (phronesis) and be disposed to act correctly upon this knowledge. Virtue is achieved in degree; any person would rarely be perfectly virtuous, though they can be excellent (Oakley and Cocking pp. 15-17). Excellence is earned habitually through iteratively practicing virtuous characteristics, such as honesty, sincerity, fairness, and integrity, and this iterative practicing of virtuous behaviors habituates one to act virtuously.

Arguments for virtue theory as a guide for journalism have normally appealed to Aristotle's argument for role-based morality in Nicomachean Ethics[iii]. Aristotle argued that "every art and every inquiry, and similarly every action and pursuit is thought to aim at some good", using the examples that "the end of the medical art is health, that of shipbuilding a vessel" (1.1). Since every profession aims at some specific end, there are specific virtues that will guide different professions. Here is where we will encounter

Aaron Quinn's argument of moral virtues for journalists in his essay "Moral Virtues for Journalists" (2007) and the later book *Virtue Ethics and Professional Journalism* (2018)[iii]. The arguments in the book are largely an expansion of arguments in the essay, so I will draw from both[iii]. Quinn argues that political journalists have been guided by institutional norms and codified principles in ethical codes which are imposed by external agents (2007 p. 168), and that external guidance has confused journalists. He has argued that journalists need an internal view of ethics, which emanates from journalists themselves, and that external guidance could only serve a complementary role (2007 p. 168).

Quinn argues that good action is driven by having the right moral character and having the right character habituates people to make the right choices. Having the right virtues and practicing these virtues disposes a journalist to make good choices[iii]. Quinn's book argues extensively for the idea that integrity and justice are the two most important virtues for the journalist (2018 p. 23; p. 50; p. 97). Quinn argues that integrity keeps journalists in accord with constitutive desires such as being truthful and rational. Quinn argues that integrity is "guided by an appropriate sense of justice" (2018 p. 97), indicating that having integrity helps dispose one to act upon the virtue of justice as a journalist. Quinn thus argues that integrity is constitutive of justice, a view which is furthered in his argument that justice is normally the guide for journalists in cases of moral conflict. Quinn conceives of justice as an internal disposition in which an agent governs themselves to habitually treat others fairly (2018 p. 98).

In thinking critically about virtue ethics as a guide for journalism, and specifically honing in on Quinn's arguments, I am brought to two main questions. First, is there a

decision procedure for deciding journalistic action, and, if not, is one necessary in the American context? and, second, is Quinn correct that having the right dispositions should be prioritized over collective norms and obligations?

There is decidedly not a decision procedure in Quinn's conception of virtue ethics as a guide for journalism. Despite leaving open the door to useful forms of external regulation (2007 p. 168), Quinn in 2018 argues against strict professional obligations (2018 pp. 100-102), following Oakley and Cocking in arguing against encoding professional obligations (2001 p. 27). Quinn is committed to the notion that journalists need to recover the right dispositions to be good journalists. Having the right practical wisdom and the right dispositions to act on this wisdom will help the journalist make role-specific choices that align with the guiding values of integrity and justice. At times, he argues the journalist will have to be a detached, value-free observer, while other times the values of justice and integrity will call for a detached psychological distance from story subjects (2018 pp. 107-12).

Drawing from work on Oakley and Cocking, Quinn argues for the necessity of a 'regulative ideal' as a mode of internal, self-regulation. To have a regulative ideal is to have internalized a notion of excellence, a standard which disposes one to know which virtues to act upon in specific scenarios (Oakley and Cocking 2001 p. 25; Quinn 2018 p. 85; Quinn 2007 p. 179). A primary benefit of a regulative ideal is that it grants journalists flexibility in decision-making. Journalists sometimes practice virtues that would not be desirable in most scenarios. For example, journalists should be permitted to be cunning where lying or being misleading will help receive vital information on an important story.

This flexibility is permitted because the person habituated to act excellently will know when acting against their normal dispositions would be the best choice.

Without decision procedures and norms to guide conduct in questions of moral conflict, journalists are left to make choices based on guidance from moral values. One problem with this is the occurrence of value conflicts between the professional and personal moral domains. Quinn presumes that journalists habituated to practice the values of integrity and justice will come to uniform moral choices in cases of internal moral conflict (2018 p. 102). A problem that emerges is that Quinn appeals to a quasi-consequentialist take in discussing cases where there are severe harms of publishing a story that can outweigh the benefits of publishing. This is a small but serious problem, showing that consequences can outweigh otherwise virtuous action in severe circumstances. We see here that a virtue ethics approach will need defined duties and other limits or it will not be desirable as a guide to journalistic practice.

The take against decision procedures is grounded in the idea that virtuous journalists will normally be disposed to make the right moral decisions, and they do not need a decision procedure. The caveat is that in cases of extreme internal moral conflicts, the cases where journalists should be able to consult their values, journalists must default to utilitarian justifications due to the lack of a decision-procedure in virtue ethics. Journalistic practice guided by virtue ethics thus will sometimes have to appeal to utilitarian grounding in cases of moral conflict or severe consequences. This is a problematic notion considering that the figurative marketplace of ideas is a norm of American political discourse and enjoys de jure institutionalization, and reverting to utilitarian justifications turns the ethical turf back to this unregulated market.

A second problem with virtue ethics being the philosophical grounding of journalism is the American public sphere cannot wait for journalists to be habituated to act ethically. Journalism in the United States needs accountability now, considering the severe lack of critical journalistic inquiry associated with *performative objectivity*-led journalism. Journalism's necessary epistemic function calls out for clear professional commitments which are sustained by linguistic and ethical norms. Journalism is a fast-paced profession, with deadlines for procuring and printing information. There is a necessity for firm guidelines, not just firm principles. Virtue ethicists are right that journalists have a set of role-specific responsibilities, though these responsibilities call out for specific guides for action, and Quinn has no interest in firm commitments being written into professional ethical codes, which bind professionals to good norms of practice.

In conclusion, I have argued that American journalism needs more than a new value system. Quinn argued that external regulation of journalists was ineffective and that journalists need to be trained in the virtues of journalism to be well-disposed professionals. Quinn's argument seems to miss the mark though; there has never been a universal regulator of journalistic ethics, nor a universal code of journalistic ethics in the United States. Instead, journalism has been guided by a norm of *performative objectivity* and has been practiced as a value (and being habituated to follow this value has conferred a sense of public integrity on journalists). Journalists have largely been self-regulated as professionals; returning to more self-regulation would not prioritize accountability and change, both of which are necessary if journalism is to fulfill its necessary epistemic function in the American public sphere. Journalists should learn

and practice good value systems in universities and professional training, so that future journalists are habituated to act in the right way, but new norms and professional obligations are needed immediately for journalism to incentivize against bad communicative practices and to fulfill its necessary epistemic function.

Section 3.6: Utilitarianism and Journalism

I will draw down Chapter 3 by examining utilitarianism as the ethical theory that has served as the philosophical basis for the figurative marketplace of ideas and *performative objectivity*-led journalism. I will proceed to argue what utilitarianism broadly consists of, how this relates to *performative objectivity* and market failures in the 'marketplace of ideas', and the harms of such unchecked market failures of speech. Finally, I will argue that a modified utilitarian approach would lose the roots to Mill's ideas, which have guided jurisprudence on political speech and journalism's role in regulating political speech in the American public sphere. Journalism cannot be rooted in utilitarian, Millian ideas, particularly given that the figurative 'marketplace of ideas' will necessarily stay ingrained in American politics and culture.

Utilitarian thinking broadly argues that the right act is the one that creates the most utility for the greatest number of people. This idea undergirds the 'marketplace of ideas' (detailed in Chapter 1, Section 1.5), which argues that unfettered access to speech markets allows all speech to be examined publicly, and the best and most truthful arguments will win in the court of public opinion where all ideas can compete freely (Mill 1859; Milton 1894 p. 561; Goldman 2003 p. 192). The underlying bit of economic theory here is that the free trading of ideas, without any regulation (i.e. censorship, regulation of speech), provides a competitive market mechanism with

incentives that promote truth (p. 192 Goldman; Hayek 1948 pp. 85-86; Schauer 1982 p.1*)*. Frederick Schauer argued that “an invisible hand will ensure that the best ideas emerge when all opinions are permitted freely” (1982 p. 1). Utilitarians argue that epistemically problematic political speech may exist within a system of completely open free speech, but good communicative practices will win out in the court of public opinion.

I detailed the figurative marketplace of ideas as a virtually unregulated market in Chapter 1, Section 1.5. The marketplace of ideas ethos guiding speech has heavily influenced American journalistic practices. Communications theorists readily agree that the neutral portrayal of information is central to the notion of objectivity as practiced by journalists in the United States (Chalaby p. 304; Glasser and Ettema p. 343; Munoz-Torres p. 569). Journalists have adopted *performative objectivity* as a guiding norm. The neutrality of *performative objectivity* has the same philosophical underpinning of the ‘marketplace of ideas’, as there is a belief that the neutral portrayal of political information will allow the political actor with the best argument to win the debate, and by extension to earn popular support. Journalists view themselves and act as a conduit of information rather than someone who contextualizes and analyzes information in the news production process. The use of words like ‘allegedly’ for clear actions, lack of context and analysis in ‘News’ sections, and sourcing subjects as equally valid viewpoints even on subjects where there is one clearly more truthful side to a story are but three common practices of neutrality which have led to journalism failing in its role as a check on bad political speech.

The mass media's failure to fulfill its necessary epistemic function in the public sphere has coincided with a lack of trust in journalism. This lack of trust in mass media journalism has contributed to a movement of readers and viewers to media sources outside of mass media. What is interesting is that mass media sources often provide the on-the-ground reporting that smaller outlets pick up. Given that mass media outlets take it as a journalistic credo to not properly contextualize and analyze bad communicative practices in the public sphere, smaller outlets are given implicit license to put spin or misleading perspectives on information and repackage it as news. Mass media journalism led by *performative objectivity* has thus outsourced news contextualizing and analyzing to smaller media outlets who do not possess the necessary money to do proper on-the-ground reporting.

The harmful effects of journalism being guided by *performative objectivity* can be seen as a two-fold issue. First, the issue of the current state of public deliberation and political discourse in the public sphere among political actors, and then the impact of this interaction on local political speech markets in online fora and the public sphere. With political actors, misleading speech is left unchecked as a rule of the neutrality inherent in *performative objectivity*. Political actors have an incentive to create narratives where this kind of speech is believed and this belief is politically advantageous, as there is no effective check on their bad communicative practices. The epistemic harms of engaging in bad communicative practices can be outweighed by the political benefits of misleading speech. Such utilitarian thinking leads to bad communicative practices, which break down norms of truthfulness and cooperation which underpin effective political communication. The breakdown of these norms

contributes to a breakdown in trust in political communication generally, harms the functioning of political institutions, and creates downstream polarization.

There is a downstream polarization effect of political actors being increasingly polarized and engaging in misleading speech practices which journalism does not effectively incentivize against. The actions of political actors inevitably influence political discourse in the United States. By engaging in bad communicative practices, political actors signal a model of ideal political communication to constituents. A previous study by political scientist Tetsuya Matsubayashi has found that messages from Democratic politicians shift opinions of supporters in a more liberal, pro-Democratic direction, while messages from Republicans shift opinions of supporters to be more conservative, and pro-Republican (2013). Matsubayashi found that messages from representatives had a stronger effect as constituents are more often exposed to messages (2013). This study is not a conclusive decider on the impact of political speech on constituents, though it is indicative that political actors influence the viewpoints and beliefs of their strongest supporters. As misleading language has proliferated and American politicians have increasingly denounced the news, the public has grown increasingly distrustful of the news media and has moved to more polarizing settings of information sharing. They have been given license to make this move by political actors who increasingly do not follow norms of good political communication and share information from these smaller news sources themselves.

What has emerged from this distrust in political news, fueled by some political actors themselves, are echo chambers of information amongst the general public, where people are often divided into reading news sources that align with their viewpoint

and they rarely interact with viewpoints and information that goes against their preconceived political notions. Members of echo chambers systematically distrust sources outside of the bubble of information they are in (Forestal p. 28; Nguyen 2020 p. 141). Such online bubbles incentivize (in the form of likes, shares, and such) staking out polarized positions. Increasing political polarization and feckless *performative objectivity*-led journalism have incentivized political actors to increasingly engage in bad communicative practices, epistemic consequences be damned. The result has been a fragmentation of information sharing, creating distinct narratives around politics based on one's political tribe.

I hope to have made it clear by now that the figurative marketplace of ideas in the United States needs regulation from journalists, since jurisprudence in the United States has decided that the U.S. Constitution does not permit state coercion of virtually any political speech, and further has granted strong libel and printing protections to journalists. Acknowledging that the political will does not exist for political or constitutional changes to political speech markets, I have argued that utilitarian thinking cannot be the right guide for journalism in the future. The Utilitarian approach is inextricably linked to the marketplace of ideas ethos, which has been enshrined de jure by SCOTUS, become an accepted norm of political discourse (accepting 'all sides'), and led journalism to neutral *performative objectivity*.

In the end, Utilitarianism cannot be a guide for good journalistic practices because it has historically weighed speech as a positive consequence always, and argues that more speech in the public sphere will result in the further positive consequence of bad speech practices being dis-incentivized, and will incentivize good

political communication norms. Practical experience has shown that this unregulated market theory is not a good guide for political communicative and journalistic practices. Some may want to argue that Mill would throw up his hands (from the grave) to argue that the consequences of unregulated free speech have had a net-negative effect on the public sphere in society and as such utilitarianism can provide a stronger grounding for checking bad communicative practices. This neglects the fact that Mill was committed to truth's supremacy in the public sphere over falsehoods; his retort would likely be that there is not enough good information to outweigh fallacious information, or that such information is not being conveyed clearly. The marketplace of ideas may be able to be regulated, but this is not what Mill had in mind, and this is not what American journalists and the jurisprudence regulating political speech have had in mind. A new utilitarian approach would not truly be a Millian 'marketplace of ideas' approach.

Section 3.7: My Path Forward

I examined Kantian, virtue ethics, and utilitarian viewpoints as guides to journalistic practice in the United States. I found each wanting as a unitary ethical grounding for modern American journalistic practice. The Korsgaard-inspired Kantian perspective would commit journalists to too strong of obligations, though a less-rigid duties-inspired account may be promising. The virtue ethics perspective lacks a decision procedure and the necessary norms that American journalism needs to serve its epistemic function, though journalists having good value systems is desirable. Utilitarians have led American journalism into its current messy state, and Millian-inspired journalism is not capable of helping journalism fulfill its necessary epistemic function in the American public sphere. Recognizing that none of these major ethical

approaches alone provide the right grounding for journalistic practice, I will turn in Chapter 4 to build out a new conception of journalistic ethics grounded in the epistemic function of journalists.

Bibliography

Adler, Jonathan E. (1997). Lying, deceiving, or falsely implicating. *Journal of Philosophy* 94 (9):435-452.

Aristotle, W D. Ross, and Lesley Brown. The Nicomachean Ethics. Oxford: Oxford University Press, 2009.

Cicero. (1931). *De Finibus Bonorum et Malorum* . LacusCurtius • Cicero - De Finibus, Book I. https://penelope.uchicago.edu/Thayer/E/Roman/Texts/Cicero/de_Finibus/1*.html #42.

Chalaby, Jean K. "Journalism as an Anglo-American Invention: A Comparison of the Development of French and Anglo-American Journalism, 1830s-1920s." European Journal of Communication, vol. 11, no. 3, Sept. 1996, pp. 303–326, doi:10.1177/0267323196011003002.

Declassification Frequently Asked Questions. The United States Department of Justice. (2020, November 6). https://www.justice.gov/archives/open/declassification/declassification-faq.

Deontological Code for the Journalistic Profession. Ethicnet. (1993, November 28). https://research.tuni.fi/ethicnet/country/spain/deontological-code-for-the-journalistic-profession/.

Forestal, Jennifer. "Constructing Digital Democracies: Facebook, Arendt, and the Politics of Design." Political Studies, vol. 69, no. 1, Feb. 2021, pp. 26–44, doi:10.1177/0032321719890807.

Galston, William. "Toughness as a Political Virtue." *Social Theory and Practice*, vol. 17, no. 2, 1991, pp. 175–197. *JSTOR*, www.jstor.org/stable/23560249. Accessed 3 May 2021.

Gerstein, J. (2009, June 2). *Judge rules against sealing Gitmo info*. POLITICO. https://www.politico.com/story/2009/06/judge-rules-against-sealing-gitmo-info-023215.

Giglio, M. (2019, October 3). *The U.S. Government Keeps Too Many Secrets*. The Atlantic. https://www.theatlantic.com/politics/archive/2019/10/us-government-has-secrecy-problem/599380/.

Glasser, T. L., & Ettema, J. S. (1994). The language of news and the end of morality. *Argumentation*, *8*(4), 337-344. https://doi.org/10.1007/BF00733477

Goldman, Alvin I. "Speech Regulation and the Marketplace of Ideas." Knowledge in a Social World. : Oxford University Press, November 01, 2003. Oxford Scholarship Online. Date Accessed 3 May. 2021 <https://oxford.universitypressscholarship.com/view/10.1093/0198238207.001.0001/acprof-9780198238201-chapter-7>.

Hayek, Friedrich A. *Individualism and Economic Order: [essays]*. Chicago: Univ. of Chicago Press, 1948. Print.

Illing, S. (2020, January 16). *"Flood the zone with shit": How misinformation overwhelmed our democracy*. Vox. https://www.vox.com/policy-and-politics/2020/1/16/20991816/impeachment-trial-trump-bannon-misinformation.

Isenberg, Arnold. “Deontology and the Ethics of Lying.” Philosophy and Phenomenological Research, vol. 24, no. 4, 1964, pp. 463–480. JSTOR, www.jstor.org/stable/2104756. Accessed 20 Mar. 2021.

Kant, I., Beck, L. W., & Kant, I. (1995). Foundations of the metaphysics of morals: And, What is enlightenment?. Upper Saddle River, NJ: Prentice Hall.

Klaidman, S., & Beauchamp, T. L. (1987). *The virtuous journalist*. New York: Oxford University Press.

Korsgaard, Christine M. “The Right to Lie: Kant on Dealing with Evil.” *Philosophy & Public Affairs*, vol. 15, no. 4, 1986, pp. 325–349. *JSTOR*, www.jstor.org/stable/2265252. Accessed 6 July 2021.

Korsgaard, C.M. Two arguments against lying. *Argumentation* **2,** 27–49 (1988). https://doi.org/10.1007/BF00179139

Machiavelli, Niccolò, 1469-1527. The Prince. Harmondsworth, Eng. ; New York, N.Y. :Penguin Books, 1981.

MacIntyre, Alasdair. *Truthfulness, Lies, and Moral Philosophers: What Can We Learn from Mill and Kant?* The Tanner Lectures on Human Values. Princeton: Princeton University Press, 1994.

MacKenzie, A., Bhatt, I. Lies, Bullshit and Fake News. *Postdigit Sci Educ* **2,** 1–8 (2020). https://doi.org/10.1007/s42438-019-00085-4

Matsubayashi, T. (2013). Do Politicians Shape Public Opinion? *British Journal of Political Science, 43*(2), 451-478. doi:10.1017/S0007123412000373

Milton, John. *Areopagitica*. Oxford: Clarendon Press, 1894. Print.

Munoz-Torres, Juan Ramón (2012) TRUTH AND OBJECTIVITY IN JOURNALISM, Journalism Studies, 13:4, 566-582, DOI: 10.1080/1461670X.2012.662401

Nguyen, C. Thi (2020). Echo chambers and epistemic bubbles. *Episteme* 17 (2):141-161.

Oakley, Justin & Cocking, Dean (2001). *Virtue Ethics and Professional Roles*. Cambridge University Press.

Quinn, Aaron (2007). Moral virtues for journalists. *Journal of Mass Media Ethics* 22 (2-3):168 –186.

Quinn, Aaron. (2018). Virtue Ethics and Professional Journalism. Springer, 2018.

Savage, C. (2021, May 25). *Justice Dept. Fights to Keep Secret a Memo on Clearing Trump in Russia Inquiry*. The New York Times. https://www.nytimes.com/2021/05/25/us/politics/justice-department-trump-obstruction.html.

Walzer, Michael, 1973, “Political Action: The Problem of Dirty Hands”, *Philosophy and Public Affairs*, 2 (2): 160–180.

Weber, Max. Politics As a Vocation. Philadelphia: Fortress Press, 1965. Print.

Williams, Bernard, 1978, “Politics and Moral Character”, in Stuart Hampshire (ed.), *Public and Private Morality*, Cambridge: Cambridge University Press, pp. 55–73.

Endnotes

[I] A power inequality that MacKenzie and Bhatt argued for in instances of lying in political speech. MacKenzie and Bhatt 2020.

[ii] Arguments for virtue ethics as a guide for journalism come in Klaidman and Beauchamp 1987; Quinn 2007; Quinn 2018; while Oakley and Cocking 2001 argue for role-based morality in professional roles broadly in 'Virtue Ethics and Professional Roles').

[iii] Quinn wrote his 2007 essay from Australia while completing his PhD at Charles Sturt University and then wrote his book while based in the United States in 2018. Both contain contiguous ideas that are relevant to journalism in the United States.

[iii] Klaidman and Beauchamp also made this argument. 1987 p. 19.

Chapter 4: An Epistemic Foundation: A New Guide for Journalism

American political journalism needs new ethical guidance; I will begin this chapter by arguing in Section 4.1 that new ethical guidance for journalism should be grounded in journalism's necessary epistemic function to American democracy. Then, Section 4.2 will argue for beginning journalistic inquiry from the standpoint of those marginalized by political news and political action and consulting a wide-range of diverse sources in the course of reporting, drawing from standpoint epistemology. Inquiring from the point of marginalized communities is not enough though; Section 4.3 will argue that journalists should be encouraged to recognize and incorporate their standing in news production. Then, Section 4.4 argues that creating professional codes of conduct and institutionalizing specific good norms of communication will help political journalism serve its necessary epistemic function. Section 4.5 will examine how my new proposal for journalistic ethics would guide journalism in their interactions with lying, spin, and bullshit. Section 4.6 will briefly touch the limits of journalism, while Section 4.7 will provide concluding thoughts.

Section 4.1: An Epistemic Foundation

Journalists have a necessary epistemic function to play in the validity of democratic processes in the United States. This epistemic function is necessitated by de jure institutionalization of the figurative 'marketplace of ideas' and the frequent incentive for politicians to engage in bad communicative practices which contribute to epistemic harms. This function entails that political journalism must incentivize good communicative practices through critical analysis of lying, spin, bullshit, and other

harmful communicative practices. In addition to reporting on political speech, journalists must also report on political action. The reporting of political journalists provides the information which is then disseminated throughout blogs, social media, and smaller, regional publications. The information is viewed, assessed, and used by the public to form public opinion, deliberate, and take collective political action.

The figurative ‘marketplace of ideas’ refers to the idea that all political actors should be allowed to present their ideas in the public sphere, without coercion or censorship. The ‘marketplace of ideas’ argument is that allowing all speech to be included in the marketplace will result in well-reasoned, truthful arguments gaining more support than bad, poorly reasoned ideas. The utilitarian, Millian rationale for permitting all political speech in the public sphere rather than allowing censorship or coercion against forms of speech is given validation by F.A. Hayek’s theory of institutional epistemology[i]. Hayek argued that economic markets with no significant burdens to entry operate most efficiently without interference in private transactions (Hayek). Resource allocation should be left to markets, rather than states which use central planning. Regardless of the social function of the good, Hayek’s argument implies that markets will best regulate the good. Mapped onto speech, we can see the Millian-inspired, Supreme Court validated argument that unregulated speech markets will operate best without government or journalistic interference, as the public can assess and deliberate political speech and actions. This argument provided the grounding for the figurative ‘marketplace of ideas’, and further for the emphasis on neutrality in *performative objectivity.*

I have argued throughout my thesis that there is a market failure in the marketplace of ideas. American journalism, practicing the norm of and guided by *performative objectivity*, has not effectively analyzed or contextualized harmful communicative practices from political actors. 'Analysis' of news has been made distinct from 'News'; 'Analysis' analyzes and contextualizes speech, claims, and the fulfilling of commitments, which help form the basis of assessing the trustworthiness of political actors. 'News' reports information neutrally, allowing the public to assess the information reported. The lack of analysis and contextualization in news production, and political incentives to engage in harmful communicative practices has led to a market failure wherein political actors have incentives to lie, spin, and bullshit and there is no penalty for doing so. Because virtually no state coercion of political speech is permitted constitutionally and journalists enjoy strong constitutional protections, there is a necessity for American journalism to help correct market failures in political speech.

A proper ethical grounding of journalism can be found in the epistemic function of journalism to American democracy. In thinking about why journalism has a commitment to fulfill an epistemic function in the United States, I will consult Elizabeth Anderson's argument for the social distribution of information in institutional epistemology. Anderson identifies three ways that socially dispersed information can be distributed: talk, votes, and market prices (pp. 8-9). Anderson argues that markets respond to price information, while democratic states respond to talk and votes (p.9). Democratic states are needed to solve problems "(a) of public interest, the efficient solution to which requires (b) joint action by citizens, (c) through the law" (p. 9). Anderson argues that public interest

problems should not be left up to markets and unregulated choice because efficient solutions to public interest problems requires joint action enacted through laws.

Drawing back to Anderson's framework, the American public has a vested interest in having good information as the public deliberates, votes, and forms public opinion that influences collective action. The market failure in political speech is thus a public interest problem because it results in bad information sharing practices and this can create inequalities in information sharing which harm democratic processes. Joint action by citizens through the law to coerce political actors into good information sharing practices or to compel either journalists or political actors to be good communicators and responsible epistemic actors is a virtual impossibility in the United States. Given this, it is clear that journalism must fulfill a necessary function helping to fix the discord between an institutional market failure of information sharing which American democracy is incapable and unwilling to respond to. Journalism must do this without coercive means.

American journalism is in a slight bind as it sets out on this task because journalism must respond to price information while trying to fulfill a public interest function. A basic reality of American journalism is that most major political news media outlets operate as for-profit companies in the United States. According to Harvard's "The Future of Media" project frequented news, 17 of the 20 outlets with the highest monthly internet views in the United States (Harvard University 2021). Further, more than half of the 382 major daily newspapers in the United States are owned by seven for-profit companies. Mass media is largely composed of for-profit entities, and

journalism will need to find a way to act in the public function while producing economically viable news.

There is a conflict between journalist's public interest and professional functions which draws back to my discussion of professional and normative commitments in Chapter 1. As professionals, journalists work within an organization, producing news that seeks to be professionally respected but which also needs to garner page views and contribute to reader subscriptions. As epistemic actors, American journalists need good norms and practices of reporting to incentivize good political speech and information sharing practices in the public sphere. Journalism guided by *performative objecti*vity has not distinguished between these two commitments; neutral information is viewed as both an ethical imperative and guiding value, and some have argued that the neutral portrayal of news was developed to attract subscriber money across the ideological spectrum (Chalaby p. 319). Professional and normative commitments are not delineated here. Journalism grounded in an epistemic function to democracy but privy to market prices will have to delineate professional and normative commitments. Normative commitments should ground the ethical norms, obligations, and values which guide journalists, which I will elucidate further in the coming sections. Professional commitments should stem from these normative commitments.

Political journalists must be prepared to work in a non-ideal world, working for outlets that respond to market prices on a professional level while trying to also fulfill an epistemic function to democracy. Currently, journalism led by *performative objectivity* does not have the professional tools to check market failures in the Hayek-inspired, Millian 'marketplace of ideas'. State coercion against bad information sharing practices

in the American public sphere is a practical impossibility; journalists must incentivize good communicative practices, and call out bad practices and their epistemic and political consequences. Journalistic commitments are necessary to fulfill this function, and they must be grounded in the epistemic duties of American journalists. American democracy will need to ground professional commitments in the normative commitments that stem from journalists' epistemic function.

Section 4.2: What is Standpoint Epistemology?

I have established that the epistemic function of journalists should ground the ethical duties that journalists have in the public sphere. Now, I will turn to considering the kind of epistemology that should guide the American journalist. I will argue that journalistic exploration should be grounded in the standpoint of marginalized groups. Let's start with a definition: standpoint epistemology refers to epistemology grounded in the experience of a particular group who has been marginalized in society and has suffered epistemically as a result of this marginalization[ii]. For example, feminist standpoint epistemology has argued for an epistemology grounded in women's lives, experiences, and the forms of oppression that women universally face (Hartsock; Harding p. 442). Feminist standpoint epistemologists often argue that men at the top of stratified societies' socioeconomic food chain dictate what those at the socioeconomic bottom can understand about themselves and the world around them (Harding p. 442 1992). In this perspective, men are primarily at the top and women at the bottom, the former controlling discourse, information sharing, and power. As a result of this social stratification which contributes to knowledge inequities, feminist standpoint epistemologists in support of beginning inquiry from the perspective of women in

science, politics, and other areas. The positive argument is that beginning inquiry from this standpoint can correct epistemic injustices via grounding inquiry in normally ignored perspectives.

Standpoint epistemology has been explored previously in journalistic ethics (Durham; Ryan). Journalistic standpoint epistemology argues that news gathering should begin from the perspective of marginalized groups (Durham pp. 131-134; Ryan p. 13). M.G. Durham argues that occupying the standpoint of marginalized groups in the production of news acknowledges that news stories are a second or third-order reconstruction of events. Durham argues that starting from the standpoint of marginalized groups would necessarily entail that journalists incorporates reflexive thinking into producing news. These are two examples of how standpoint epistemology as the basis of journalistic inquiry attempts to reckon with bias by incorporating the view of marginalized groups into the structure of the methodology of journalism. Durham argues that this move helps incorporate bias “into the structure of the scientific method” and that this approach creates stronger standards for objectivity than value-free models of science (Durham p. 127). This stands in stark contrast to journalism led by *performative objectivity*, which tried to portray journalists as neutral, disinterested communicators of information.

As I take it, American journalism must move on from *performative objectivity*, and must take a more proactive role in combatting harmful communicative practices in the public sphere. Where I will differ from Durham, and other standpoint epistemologists, is in her emphasis on retaining a notion of objectivity in journalism. Durham argues that objectivity as impartiality allows pluralist societies to have the views

of various standpoints represented (p. 119). I disagree with the notion that news production should be impartial. The idea of taking up a marginalized standpoint in the production of news explicitly takes a subjective point of view. The idea of taking a particular point of view is to rectify epistemic inequalities and other harms of bad communicative practices. The point is to be partial to a particular group precisely because that group has been treated unfairly and suffered epistemically.

Prioritizing the perspective of marginalized group as reporters cultivate sources, gather information, and contextualize and analyze information in written or spoken words would have three distinct positive implications for journalistic practice. First, journalists will be required to understand how specific groups are marginalized by current information sharing practices, which will necessitate a good education for journalists and reflection on harmful practices. Second, journalists will have to modify how they gather news to follow the first condition, which will lead to changes in sourcing, information gathering, and other professional norms. Third, the combination of the first two conditions will entail that communicative norms and practices are modified, and a diverse collection of perspectives will be represented in popular political discourse. I will elucidate each of these three implications further below.

Starting from the perspective of marginalized groups creates a strong requirement that political journalists should be well-educated in politics and related fields such as philosophy history, and economics. We should further expect that journalists should have specific knowledge of the sub-domain they cover; for example, we might think that national outlets would have journalists who are well-qualified on issues such as voting rights, women's reproductive issues, and child-tax credits.

Journalists should be knowledgeable about the actors being covered, and their communal histories and traumas. The knowledge and learning requirements associated with prioritizing considering the standpoint of marginalized groups forces journalist to learn which groups have historically been harmed by bad information sharing practices and how bad communicative practices are often exhibited. The benefit of this is that the harms of ignored groups, and their ignored linguistic and social practices, become a central point of news stories.

Journalism that contains a wide variety of educated, well-reasoned people will have a diversity of thought within the profession. Not all journalists will agree on what constitutes marginalized groups or why groups are marginalized. The idea of marginalized, as I take it, refers to groups who have suffered from political action and poor information sharing practices in the public sphere. Neither political liberals nor conservatives are immune from suffering at the hands of these bad practices. Both political liberals and conservatives can be marginalized. Marginalized groups from all over the United States should be reported on, cultivated as sources of news, and have the circumstances of their collective condition learned about.

The kind of standpoint theory that I am arguing for requires taking the standpoint of marginalized groups as a primary focus in producing news, but allows latitude in considering who is marginalized. Considering the standpoint of a wide berth of groups and learning more continuously in the process will require consulting a wide array of sources in the construction of news. Political news journalists often operate on tight timelines, and they often rely on a list of reputable sources—academics, ex-politicians, current politicians, activists—who they trust to provide a quote, perspective, or

clarification on particular issues. The journalist should be expected to reach out to a diverse group of people. Diversity here refers to intellectual, political, racial, ethnic, and gender diversity. There may be limits to the role that political news journalists can play here; they cannot reach out to a diverse set of politicians if there is not a diverse set of politicians to reach out to in reporting on a particular issue. We may think in this instance that the reporter will reach out to parties who are harmed by issues and policies being reported on first, and that there is a normative commitment to consult a diverse group of sources to properly consider the perspective of marginalized groups.

Prominently consulting the perspective of marginalized groups in the production of news will impose new communicative requirements. One such requirement will regard the selection of words used in reporting information. Some of the selection of words requirements may include using preferred pronouns, spelling names in their preferred manner (where there are multiple translations or multiple spellings). These are ways to treat subjects of stories with the respect they deserve, thus identifying them as people who are worthy of being learned about. Another requirement will be to describe information concisely and precisely, and to use language that is accessible to the diverse audience present in a pluralist democracy like the United States. The journalist must contend with editors who might help to undermine these linguistic requirements, which likely entails further commitments on others involved in the production of news, commitments for non-journalists which I will place aside.

Journalism guided by standpoint epistemology theory's emphasis on initially considering the perspective of marginalized groups in the production of news places the journalist under more taxing requirements than *performative objectivity*-led journalism.

Placing more requirements on journalists and slowing down the production of news would be a positive thing for American news production. News production in the digital age has created faster news cycles than ever before. By this, I mean that topics being discussed for less frequent periods in previous eras. The rise of cable created the 24-hour news cycle and social media has put this news cycle into overdrive. With more information being pumped into the public sphere, the political news journalist has often followed, surely at the behest of editors and news executives. Beginning news production from the perspective of marginalized groups will not commit editors and executives to slowing down the production of news, though it will slow down the production process by itself by placing strong requirements on cultivating background knowledge, gathering more diverse sources, learning continuously, and using good language in the production of news.

Section 4.3: The Journalist's Perspective

Incorporating the perspective of marginalized groups in the production of news leaves open the question of whether journalists should incorporate their own standpoint into the production of news. M.G. Durham argued that standpoint epistemology as a guide for journalism requires incorporating reflexivity into the production of news. Durham argues the journalist should examine their own position in the production of news, namely, their position between the news being presented, political actors involved, and groups marginalized by news stories (Durham p. 134). Durham argues that acknowledging and investigating the perspective, implicit biases, and epistemic inequalities between journalists and marginalized groups will help to acknowledge and incorporate bias into the production of news, leading to less partial news.

The standpoint epistemologist compels journalistic reflexivity through the examining of one's position in between news stories, political actors, and marginalized groups; I would go a step further and have journalists both acknowledge and encourage them to feature their perspective in the news production process. The journalist has a personal standpoint that affects how they produce news. This unique standpoint creates differences of perspective in the reporting of news, which includes perspectives on which groups are marginalized or what constitutes being a marginalized group. The idea of marginalized, as I take it, refers to groups who have systematically suffered from political actions and information sharing practices. Neither political liberals nor conservatives are immune from these bad practices, and both political liberals and conservatives can be marginalized. We should welcome journalism that is reported on from a wide array of political perspectives. Cultivating a diverse set of reporters and viewpoints will better represent the culturally, politically, and socially diverse set of perspectives that is present in the United States, in turn exposing readers to a wider range of cultural narratives. Having a wider set of viewpoints represented in mass media news validates a wider range of perspectives, and ways of thinking, discussing, and acting within the world. Exposing people to new and more diverse viewpoints can help facilitate political discussion, break down cultural barriers, and generally lead to more a more inclusive public sphere and more inclusive institutions.

News is not presented in a vacuum. Journalists are humans and as such their gathering and communicating of news content is inextricably linked to their perspective. Journalists acknowledging their perspective in the contextualizing and presenting of news will require newspapers permitting reporters to use their personal perspective in

reporting news; i.e. women should be allowed to use their perspective as a woman to report on how abortion restrictions affect particular communities. Further, newspapers should encourage reporters to cover matters that affect their personal communities, and ideally publications would have a diverse set of political reporters to report on the diverse set of issues that face different groups in a national news setting. Some may view this approach as permitting journalists to become editorialists, although it would really permit news to reflect the standpoint of a more diverse set of perspectives rather than acting as if journalists were able to take a view-from-nowhere approach to journalistic inquiry. By being permitted to make their standpoint public in the course of producing news, journalists can produce news that is more cognizant of the effect of news on various groups. Journalists will be more trustworthy actors because they will have clearer commitments to acknowledge and incorporate their biases and standing into the process of news production. The public benefits by being exposed to a diverse sets of viewpoints, increasing information flows, stimulating public debate, and hopefully serving as the basis of inclusive collective action.

Section 4.4: New Ethical Norms for Epistemic Success

I have identified taking the perspective of marginalized groups as a starting point of journalistic inquiry and emphasized the necessity of incorporating journalist's own perspective into the production of news. These are two epistemic commitments that will require ethical norms and professional commitments to be sustained as a trusted mode of journalistic inquiry. I will use Section 4.4 to consider which norms should guide American journalism and why these norms need to be coupled with strong professional

commitments to be practically successful. Before diving into this discussion, I would like to take a step back to think about how journalistic norms are fostered.

I will begin my inquiry by taking up Cristina Bicchieri's definition of social norms. Bicchieri argues that societies create rules to curb the effects of negative externalities, rules such as those of cooperation and reciprocation that facilitate social interactions (p. 30). People follow social norms because they both believe others in their network will follow them and that everyone ought to follow these norms (p. 33). Social norms thus tell us how people normally act, and also how people normally ought to act. Bicchieri argues that compliance with norms will depend on the combination of punishment and a person's sensitivity to the norms (p. 38). Sanctions are needed to enforce social norms because there is a temptation to not follow the norm, and following of a social norm is both ethically desirable and will help to curb negative externalities.

We can see journalistic professional norms as a social norm. American journalists have followed the norm of *performative objectivity* because other journalists follow the norm and because it was argued that rigid neutrality aligned with how journalists should operate in a marketplace of ideas. New journalistic norms should solve negative externalities in political speech markets, as well as to help ensure that journalism can provide its proper information sharing function to the American public sphere. The norms would be most likely to succeed if many journalists adopted the norms and journalists were convinced that they should adopt the norms, which would be made easier by a universal ethical code that could be enforced across newsrooms.

In thinking about the kinds of ethical norms that will help journalism fulfill its necessary epistemic function in the American public sphere, I will return to the norms of

truthfulness and cooperation, and the commitment to democratic legitimacy. The norm of truthfulness is undergirded by norms of accuracy and decency. Accuracy entails that journalists will accurately report the information given to them. The norm of decency can be seen as permitting journalists to incorporate their own standpoint and to consider the standpoint of marginalized groups in the course of reporting. While journalists are permitted to incorporate their standpoint into the production of news, journalists will not be permitted professionally to spin information with the intent of garnering personal gain or with the sole intention of harming the reputation or personal standing of a subject of a story. To produce news effectively, journalists will need to be decent, empathetic people, who are capable and willing to learn about politics and society, and to locate their own biases and standpoint in reporting information.

The norm of cooperation works to undergird the norm of truthfulness. The norm of cooperation compels journalists to consult and report on a diverse set of voices and political perspectives. Cooperation should not be achieved via neutrality, even if this neutrality makes it easier to cultivate political sources. Instead, the cooperation between journalists and readers necessitates that journalists should be skeptical of the political actors they cover. Cooperation requires contextualizing who is harmed by news stories and political action, as well as by historical trends and multi-generational harms.
By cultivating journalism with more diverse representation of journalists, sources of information, and consideration of social perspectives, journalists can help cultivate an inclusive public sphere with a diverse set of voices.

The norms of good journalistic speech certainly entail professional obligations. For example, the norm of truthfulness, specifically notions of sincerity and accuracy that

undergird this norm, may entail an obligation to publish the names of all people involved in the production of news (even if only in a little button next to the journalist's name). Making this change would allow the public to become better acquainted with the news production process. Enumerating the role of the journalist would ideally lead to less interference from editors who will have to publicly account for their role in the production of news. Enumerating the journalist's professional commitments would help the public have a firmer account of what journalists should do and this firmer account would provide a good gauge to judge journalists' trustworthiness against.

The internalization of good norms by journalists would best be regulated, enforced, and habituated if accompanied by codified obligations that the norms commit journalists to. The most desirable mechanism would be a professional organization with support from major mass media organizations, which establishes good norms of journalistic communication and a set of obligations for the craft. Such a universal code could easily accommodate a mechanism wherein one would incur workplace penalties for breaking their obligations. Workplace penalties could take the form of losing assignments from editors or being reassigned to a different beat. Regardless of their specific forms, I believe that a set of obligations with an enforcement mechanism is necessary for providing incentivizes to follow good norms of journalism. Codifying norms and the obligations they entail would help create an incentive for journalists to act well regardless of whether they are penalized in the public sphere by other journalists or the public.

Incentivizing good norms of journalistic practice through institutionalization will also help to establish conditions of trust with the public. The public will find it easier to

identify bad journalistic practices where conditions of good practice are established. If journalism follows desirable norms and the commitments that follow, journalism will be more trustworthy to the public because it will have clear commitments. The public can easily assess and penalize bad actors by calling. Penalizing bad journalists in the social sphere could come via social media, not buying newspapers and magazines, and discussing bad journalists and correcting their information practices in public fora such as Parent-Teachers' Associations, local Rotary clubs, and other areas of public discussion both large and small. This would come in addition to desired professional penalties, and the two would work together to incentivize good journalistic practices.

I argued that trustworthy political communication requires an iterative track record of (1) making reliable and truthful claims, (2) carrying through professional and normative commitments, and (3) being competent to carry through commitments. I have argued that the norms of truthfulness and cooperation should guide journalism, and following these norms will require that journalists be decent, accurate, sincere, and empathetic. Journalists have an overriding commitment to democratic legitimacy in the United States. Through these norms, firm commitments can be drawn, which include a commitment to be truthful. The trustworthiness of journalists can be assessed based off how they follow these norms, as well their practice of the two epistemic commitments identified in sections 4.2 and 4.3.

Clearer norms and commitments, combined with stronger measures of accountability, should contribute to more trustworthy journalism in the United States. A better trust relationship between journalists and the public will facilitate better information sharing practices, and by extension will help facilitate better public

deliberation and a more efficient democratic process. Trust is an essential part of information sharing. O'Neill and Manson have argued that a radical shrinking of knowledge will occur without shared norms and trust in information sharing (2007 p. 61). This is particularly true in the case of political journalism. The ecosystem of political information sharing begins with mass media; filtering down to strictly partisan websites (think Breitbart, The American Prospect, Mother Jones), small blogs, and information sharing on social media that functions as news for many people. The information that is publicly deliberated on before collective decisions are made comes from a small groups of sources, and it is thus critical that mass media political journalism is trustworthy. The political news media should contextualize and analyze and information before it is passed on and analyzed by regional and partisan news sources. Political news outlets should be a space of news presentation from a diverse group of sources, fostering a healthy space of pluralist debate.

The United States' functioning as a pluralist democratic state necessitates good, trustworthy journalism. Good journalism requires good norms of the craft, particularly in the context of the United States, where state regulation is not compatible with the nation's constitution. The United States has historically never had a centralized, universal professional ethical guideline which was widely accepted by mass media outlets. Ideally, there would be the will to create a national organization of journalists that establishes ethical guidelines and obligations for the craft. In lieu of such an organization, journalists themselves would do well to establish good norms into their practice, thereby helping to foster better communicative conditions, and putting pressure on bad actors. Journalists have a necessary epistemic function to fulfill in the

American public sphere, a function that must be matched with obligations that help facilitate the practice of good norms and the habituation of good values.

Section 4.5: Back to Lying, Spin, and Bullshit

I identified unchecked lying, spin, and bullshit as three prevalent and problematic forms of political communication in Chapter 2, and argued in Chapter 3 that these communicative forms cause severe epistemic harms when left unchecked. I will now consider what my arguments would entail for journalistic interaction with lying, bullshit, and spin. How would a theory that is guided by norms of cooperation and truthfulness, and further by a commitment to upholding the value of journalism to democratic legitimacy, deal with lying, spin, and bullshit? Would such an approach be a positive step forward from journalism guided by *performative objectivity*?

I will start by commenting that I do argue for a norm of truthfulness which creates a commitment to check lying, bullshit, and spin, though this is not a perfect duty journalists are always committed to follow. I want to appeal to a more flexible notion of duties than Kantian perfect duties. I avoided taking a solely Kantian approach in Chapter 3 because of the rigidity of such an approach. I argued then that journalists need to be flexible actors. As an arbiter of harmful political speech and information sharing practices, journalists must be cognizant of the motives of political actors in using bad communicative practices. Political actors may choose to use bad communicative practices to create cycles of news coverage to create distracting news cycles. Journalists have limited resources (print space, time to interview, gather information, pitch articles, and write them, energy, and cellphone battery space), and must decide

what news is most valuable to cover. Sometimes that will mean ignoring lying, bullshit, or spin.

Journalists have flexibility through a norm of truthfulness that creates a commitment rather than a perfect duty[iii], though this commitment does mean that journalists should normally check bad communicative practices, including lying, spin, and bullshit. It is important that journalism calls out bad communicative practices, and also how journalism calls out bad communicative practices. My proposal implies that journalism should initially focus on epistemic and social harms to marginalized groups in reporting political news, and should choose language, consult sources, and emphasize specific pieces of information in consideration with this. In conjunction with this process, one's own perspective should be incorporated in the news production process, while being guided by professional norms of truthfulness and cooperation and a commitment to the value of democratic legitimacy. Checking bad communicative practices requires not only identifying bad practices, but providing context for the harm that they caused. Considering the perspective of marginalized groups will impose the requirement that harms accrued by harmful language, both to discourse and resulting public policy, will be put to the forefront of the reporting process. By making public who is harmed in a national, shared public forum of information sharing, journalists can alert the general public to bad information sharing practices among politicians and to the harms of bad epistemic practices.

Consistently and effectively checking liars, spinsters, and bullshitters creates a near-constant penalty for engaging in bad communicative practices. By calling these practices out routinely, journalists signal their cooperation with the audience.

Establishing cooperation with the audience by consistently calling out bad communicative practices, and expressing good reasons for not calling out some bad communicative acts, helps to establish trustworthiness of journalists for the public. This is because the public can see that journalists are committed to making truthful claims, they carry through on their commitments (and norms) as journalists, and they have done the necessary educational and background work to speak effectively on their reporting topic. Consistently practicing good norms and fulfilling professional and normative commitments helps journalists establish trustworthiness, helping give more credence to the work of journalism and securing journalism's place as a trusted check on political speech.

Section 4.6: The Limits of Journalism

My proposals for new ethical norms and resulting professional and normative commitments will have limits. Three limits become obvious. First, my proposal will not incentivize all political actors to engage in good communicative practices. Making routine the calling out of bad communicative practices in the production of news does not entail that all political actors suffer from bad communicative practices. Some actors will have supporters privy to their bad communicative practices who receive a thrill out of the bad acts. Other times political actors will dupe the press and the public. My proposal must be content not being perfect. By creating a near-universal penalty on bad communicative acts, my proposal creates a social penalty for epistemic harms while also making clear who is being harmed. This penalty will work at dissuading political actors from harmful communicative practices, if journalists are trustworthy in the eyes of the public.

Second, journalism cannot do any work at the ballot box; voters in the United States can elect harmful political actors if they wish. What journalism can do is provide information that can be debated in the public sphere and used as a reason to vote for or against a particular candidate. Part of the function of knowing how to use the information that journalists present is going to need to be fulfilled by better political education in schools and other formal institutions, as well as through associations and organizations where good civic virtues are learned and practiced. We might think that there is a necessity to educate the public of the production of news itself. Being transparent about the production of news will help elucidate the role of journalists and others in the production of news, and should help to build trust in the institution of national news media itself. Trustworthy journalism cannot remove bad actors from office, though it can make clear patterns of bad communication and political actions, the resulting epistemic and social harms, and this information function should limit the chances that non-democratic actors are successful in conditions of trustworthy journalism.

The third limit of my approach will be imposed by the structure of newsrooms themselves. Journalists often deal with editors who give the go-ahead to a story and guide the direction of journalists, copy-editors who read and edit copy, and publishers who decide where to place stories in both print and online formats. Journalists do not operate in a vacuum; the words and structure of their reporting is often altered after submitting a story for final review. Journalists are not feckless though; journalists can and should develop norms that permit being vocal where reporting and stories were distorted after a journalists' work is finished. Journalists are future editors and

publishers themselves, and need to have the individual and collective will to work together to practice, enforce, and codify norms and resulting commitments. Journalists also desirably should habituate performing the right kinds of actions based on having desirable values, though American journalism does not have the time to wait for habituating the right moral character to be disposed to make good choices (as the virtue ethicist would argue for).

The structure of newsrooms is inextricably linked to the economic side of news production. If I were to further explore journalistic ethics in the United States, I would investigate the interaction between economic markets of publishing and the figurative 'marketplace of ideas'. Some of the interesting questions that emerge would best be answered solely by or in conjunction with economists, sociologists, communications theorists, and political scientists while other questions will be left to philosophers. Questions of inquiry include: what should the role of advertisers in the news production process be? Would mass media conglomerates allow their corporations to engage in the kind of socially critical journalism that I have proposed? Can my conception of journalism produce news that is financially viable in for-profit outlets? How would political news media organizations be organized and how would they function in an ideal world? How should figurative political speech markets be regulated in an ideal world?

4.7: Conclusion

If journalism is going to fulfill its necessary epistemic function, then journalists must serve as an effective intermediary of political speech in the public sphere. My goal in Chapter 4 was to build up ethical norms and commitments for journalists which can

help journalism fulfill its necessary epistemic function in the American public sphere. I argued that norms and commitments should be grounded in journalism's epistemic function to American democracy. I argued for norms of truthfulness and cooperation, and a commitment to upholding the value of democratic legitimacy. Further, journalism has two epistemic commitments: (1) to begin inquiry from the standpoint of marginalized groups and (2) to acknowledge and incorporate one's own perspective into the reporting process. I have argued that the proposed changes would contribute to a correction in the market failure of speech, enable journalism to build trustworthiness as an actor who fulfills their normative and professional commitments, and help journalism fulfill its proper epistemic function to American democracy.

Bibliography

Anderson, Elizabeth. "The Epistemology of Democracy." Episteme: A Journal of Social Epistemology 3, no. 1 (2006): 8-22. doi:10.1353/epi.0.0000

Chalaby, Jean K. “Journalism as an Anglo-American Invention: A Comparison of the Development of French and Anglo-American Journalism, 1830s-1920s.” European Journal of Communication, vol. 11, no. 3, Sept. 1996, pp. 303–326, doi:10.1177/0267323196011003002.

Durham, M.G. (1998), On the Relevance of Standpoint Epistemology to the Practice of Journalism: The Case for “Strong Objectivity”. Communication Theory, 8: 117-140. https://doi.org/10.1111/j.1468-2885.1998.tb00213.x

Harding, Sandra. “RETHINKING STANDPOINT EPISTEMOLOGY: WHAT IS ‘STRONG OBJECTIVITY?".” The Centennial Review, vol. 36, no. 3, 1992, pp. 437–470. JSTOR, www.jstor.org/stable/23739232. Accessed 17 Aug. 2021.

Hartsock N.C.M. (1983) The Feminist Standpoint: Developing the Ground for a Specifically Feminist Historical Materialism. In: Harding S., Hintikka M.B. (eds) Discovering Reality. Synthese Library, vol 161. Springer, Dordrecht. https://doi.org/10.1007/0-306-48017-4_15

Harvard University. (2021). *Index of US mainstream media ownership*. Index of US Mainstream Media Ownership. Retrieved September 9, 2021, from https://projects.iq.harvard.edu/futureofmedia/index-us-mainstream-media-ownership.

Hayek, Friedrich A. *The Use of Knowledge in Society*. Menlo Park, CA: Institute for Humane Studies, 1945. Print.

Manson, N., & O'Neill, O. (2007). *Rethinking Informed Consent in Bioethics*. Cambridge: Cambridge University Press. doi:10.1017/CBO9780511814600

Ryan M. (2001) Journalistic Ethics, Objectivity, Existential Journalism, Standpoint Epistemology, and Public Journalism, Journal of Mass Media Ethics, 16:1, 3-22, DOI:10.1207/S15327728JMME1601_2

Endnotes

[i] Elizabeth Anderson defines institutional epistemology as a branch of social epistemology that investigates the epistemic powers of institutions. 2006 p. 8.

[ii] Much of standpoint epistemology theory is rooted in Nancy Harstock's conceptions of feminist standpoint theory, which she argued for in "The Feminist Standpoint" (1983). Hartsock took a Marxist perspective in analyzing gender and power relations in Western capitalist society.

[iii] Here I see a commitment as something I should do and will be moderately penalized for not doing, whereas a duty is something I have a perfect moral duty to do and will be severely penalized for not doing.