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ABSTRACT
Increasing attention is being directed at the impact of fake news on democratic societies across the globe. Scholars in a range of fields are attempting to determine who is behind fake news propaganda efforts, what its effects are, and how to combat it using technological means. This study looks at the ethical issues raised in the fight against fake news. By developing an outline of a pragmatist media ethics, this article examines the complex ethical terrain of the normative challenges of fake news. The pragmatist approach to fake news emphasizes the conflicting values and outcomes at stake in attempts to conceptualize and eradicate fake news. Such an imaginative engagement with the phenomenon of disinformation on its own terms is an essential first step in diagnosing its ethical challenges and potential solutions.

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Social media platforms have come under increasing scrutiny as the tide of fake news content has become more intense. During the 2016 election cycle, Pew research found that 23% of respondents shared a fabricated news story, either knowingly or unknowingly (Barthel, Mitchell, & Holcomb, 2016), and post-election analysis showed that fake news stories generated more engagement than real stories on social media sites (Silverman, 2016). Caplan, Hanson, and Donovan (2018) worry that “the circulation of false stories, propaganda, and media manipulation by a diverse array of actors online remains a significant threat to American democracy” (p. 2). Facebook eventually pledged to fight disinformation that compromises the activities of digital citizens (Kolodny, 2016; Romano, 2017). Much of the discourse over eradicating fake news is technical in nature, emphasizing the use of algorithmic means to solve this problem, an optimism echoed in Facebook CEO Mark Zuckerberg’s statement to Congress that soon “We will have AI [artificial intelligence] tools that can get into some of the linguistic nuances of different types of content to be more accurate in flagging content for our systems” (Heller, 2018). This optimism builds upon the current uses of AI to combat fake news, as well as more extensively deployed measures such as the use of algorithms to flag misinformation, reporting systems for users to flag disputed materials, and a coordinated effort among various fact-checking organizations to label false information circulating on social media (Constine, 2016). Caplan et al. (2018) summarize the common assumption shared by many: “fake news’ has been treated as a problem of content moderation, to be solved by algorithms and/or human moderators that identify and remove false, inflammatory, or objectionable content” (p. 4).

Fake news challenges our commitments both to the importance of truthful information in the media and the value of encouraging “the use of media to promote fair and wise decisions in the public good” (Ward, 2011, p. 118). But while scholars, commissions, organizations, and social media companies are examining solutions to the challenges of identifying and stopping fake news (e.g., Barthel, Mitchell, & Holcomb, 2016; Caplan et al., 2018; Directorate-General for Communication Networks, Content and Technology, 2018; Poynter, 2017; Romano, 2017; Verstraete, Bambauer, &
Bambauer, 2017), more reflection on the ethical tradeoffs is needed to comprehensively guide policy. Fake news implicates contradictory, but important, concerns for the ability to persuasively express one’s views and the demand for truthful information from others and from information sources.

This study extends our ethical reflection on fake news by evoking the pragmatist tradition of moral theorizing. In doing so, it will complement the existing work that has shown the usefulness of pragmatist theory in explicating media ethics (Allen, 2014). Employing the normative ethics of John Dewey, this study will add to our understanding of the ethics of fake news in the following dimensions. First, it will argue that “fake news” really denotes a complex and variegated range of phenomena, thus rendering judgments of its normative implications and ethical problems equally complex. Second, this study uses pragmatism’s pluralistic engagement with the central values of the three main ethical systems (utilitarianism, Kantian deontology, and virtue ethics) – what Dewey labels as the factors of the good, the right, and the virtuous – to fully explore the range of values and value conflicts underlying fake news – and some of its putative solutions. While this study does not “solve” the problem of fake news, its contribution to knowing what values are at stake in some or all of the range of phenomena denoted by the label “fake news” is essential to understanding the ethical tradeoffs proposed solutions might entail. Extending the reasoning of some earlier work using pragmatist ethics in analyzing media practices (Stroud, 2014), this study concludes by showing the value of pragmatism as a theoretical framework for future research on the importance of platform ethics and media literacy in the fight against fake news.

**A pragmatist approach to media ethics**

Flexibility and pluralism are admirable qualities in theories of media ethics, since “we cannot uncritically assume that ethical theory is to media ethics as theoretical physics is to engineering” (Christians, Ferre, & Fackler, 1993, p. 165; also Plaisance, 2015, p. 3). Pragmatists such as John Dewey and Richard Rorty resist conceptualizing ethics as inquiry oriented toward achieving certainty, and instead emphasize themes of contingency, community, and context in their accounts of ethical judgment (Horne, 2001; Menand, 2002). For Dewey (1988a), our need for inquiry and intellectual reflection arise only in problematic situations and are oriented toward contingent acts of problem solving. Complementing other traditions in practical ethics, his account of philosophy is inherently melioriative, emphasizing usefulness in addressing difficult issues (e.g., Ruetenik, 2008; Stroud, 2010). Dewey’s approach to moral problems entails that we take note of value conflicts and tensions that always seem to characterize human activity, even when we may overlook such complexities in a rush to settle or “solve” a problematic situation (Pappas, 2008).

A Deweyan approach to media ethics will start with the idea of habit. For Dewey, habits represent our means to becoming “intelligent” or adapted to a complex social or natural environment (Dewey, 1988b). How would a pragmatist theory of media ethics describe the right habits of analyzing moral situations? Dewey (1984) highlights one important difference between a pragmatist approach to ethics and many other orientations toward ethical analysis. Many moral theories are tempted by what Dewey identifies as the fundamental error of moral analysis: the over-emphasis of one factor or feature common to human experience. Such an approach errs insofar as it over-simplifies the ideal approach to ethical analysis and judgment: “Whatever may be the differences which separate moral theories, all postulate one single principle as an explanation of moral life” (p. 280). This commitment to ascertaining the optimal approach or principle has immediate effects on the habits of attention and problem-solving of agents guided by these orientations; the problematic situation is approached as already evil, unethical, or morally good: “morally speaking, the conflict is only specious and apparent” (p. 280).

Pragmatist ethics emphasizes an orientation toward ethics that eschews methods of judgment and analysis that presume and entail pre-determined situations. Pragmatist approaches to media ethics would likewise emphasize the “uncertainty and conflict [that] are inherent in morals” (Dewey, 1984, p. 280) in our media use. Moral situations in any practical context are inherently complex, and
therefore call for inquiry and judgment as to their moral character. This process of judgment, however, does not erase or subsume any sense of the complexity of the ethical situation; instead, ethical analysis is a necessary, but fallible, process that may be revised at a later time.

There are three sources of situational complexity in the pragmatist framework for moral inquiry (Dewey, 1984, 1989). Each of these factors relates to an aspect that always seems to be present in our experiences. These independent factors are labeled by Dewey as the good, the right, and the virtuous. The basis of the good lies in the common aspect to moral situations that involves interests and desires relevant to some stakeholder. Utilitarian approaches to ethics emphasize this factor in attempting to systematize the ends or goals of agent-centered activity into a “united and coherent system” that centers on some notion of happiness or the greatest good (1984, p. 282). The second factor, the right, comes from the realities of interaction among agents pursuing differing ends. Humans living among other humans “inevitably make demands on one another. Each one attempts, however unconsciously by the very fact of living and acting, to bend others to his purposes, to make use of others as cooperative means in his own scheme of life” (1984, p. 282). Moral systems emphasizing rules, such as that of Kant’s ethics, developed concepts of “rights” and “duties” as a way of recognizing the impact, and limits, of the actions of an agent on other agents. A theme of such systems is the preservation of autonomy, or the ability of individual agents to significantly direct their own actions and course of life among other agents. The third factor that Dewey discusses is the “virtuous,” or an agent’s socialized or communal reactions to the virtues or vices she perceives in the actions of others.

Taken as a theoretical framework, pragmatist ethics recognizes the aspects of individual happiness, coordination among agents seeking specific ends, and our habitualized reactions to perceived virtues and vices (Pappas, 2008). Pragmatist media ethics builds on this pluralistic reading of ethical concerns in any problematic situation, maintaining an uneasy but useful accommodation of utilitarian, Kantian, and Aristotelian emphases. Such an approach would leverage the insights and advantages of each of the “big three” normative theories, but avoid the drawbacks incurred in overemphasizing values like autonomy, effectiveness, or communal delineations of what is virtuous. Pragmatist media ethics thereby extends approaches to media ethics (e.g., Meyers, 2016) that eschew universals for the advantages of flexible strategies of engaging problematic situations. The pluralism of such an approach would resist any theory or its application that fixates on one factor as primary: “one cause for the inefficacy of moral philosophies has been that in their zeal for a unitary view they have oversimplified the moral life. The outcome is a gap between the tangled realities of practice and the abstract forms of theory” (Dewey, 1984, p. 288). Media ethics operationalized according to this pragmatist orientation becomes a method of emphasizing flexible, imaginative, and attentive ways of engaging our media problems, thereby rendering it useful for examining the range of ethical controversies inherent in fake news.

**Pragmatism and the ethical evaluation of fake news**

The normative analysis of fake news – and the conflicts that await us should we attempt to eliminate it – begin, overtly or covertly, with some conceptualization of its nature. While scholars are more attuned than ever to the democratic harms of various types of fake news, “the academic literature is still relatively thin” (Hirst, 2017, p. 82). Some of the work that explicitly examines the ethical dimensions of fake news conceptualize it as misinformation: “Fake news is made-up news, manipulated to look like credible journalistic reports that are designed to deceive us” (Brennen, 2017, p. 180). Influential empirical examinations of fake news also tend to emphasize fake news as a homogenous category, such as Silverman’s (2016) “list of ‘fake news’ sites that outperformed established media corporations, [which] placed clear imposter sites like AbcNews.Com.co alongside Breitbart, a far-right media outlet with strong ties to the Trump administration” (Caplan et al., 2018, p. 2). Caplan et al. (2018) criticize this conceptual flattening as a common approach: “Under this large ‘fake news’ umbrella are hoaxes and conspiracy theories, hyper-partisan content, and state-
sponsored disinformation, all of which are circulated or amplified by networked individuals that may be spreading false information both intentionally and unintentionally” (p. 9). How can we start to conceptualize “fake news” in such a way as to meet the pragmatist demand for theory mirroring the complexity of actual phenomena?

The first challenge is to imagine how “fake news” incorporates “faked” content. Fakeness is often clearly tied to absolute untruth. This is worrisome as a characteristic of media content, since a “central issue in journalism ethics is truth” (Christians, 2011, p. 196). The emphasis on truth in journalism has been put into question by those in the humanities who have problematized the possibility of objectivity and fact (Kuhn, 1962; Lyotard, 1984; Rorty, 1979). Ward (2011) argues that this critique of objectivity had important effects on discourses of truth in media ethics, even if the notion of objective reporting still survives as an aspirational ideal of training and practice. Contemporary discourse over fake news relies on some ideal of truth-conveyance, often defining the phenomena “to be news articles that are intentionally and verifiably false, and [that] could mislead readers” (Allcott & Gentzkow, 2017, p. 213).

Other scholars define “fake news” in a manner that emphasizes its subdivisions and complexities. Wardle (2017) provides one such typology that captures the different types of fake news or disinformation during the 2016 election cycle in the United States. The different categories involve distinct intentions of those creating certain content, the different types of content shared, and the various ways it might function once distributed. She starts with a distinction between “Mis- and Disinformation” (also utilized in Jack, 2017), and then specifies seven types of problematic content across a spectrum: “satire or parody,” “false connection,” “misleading content,” “false context,” “imposter content,” “manipulated content,” and “fabricated content.” Even though each of these is a type of “fake news,” the content becomes increasingly deceptive – at least in intent – in the final three categories involving imposter sources that look like real sources, manipulated genuine content, and material that is entirely fabricated. Hirst (2017) also employs a broad notion of “fake news,” including intentionally fabricated content, satire, commercialized “news” advertisements, political charges of biased content, propaganda, and highly ideological content as part of the general construct. Verstraete et al. (2017) also include hoaxes, propaganda, trolling, satire, and humor in their concept of “fake news.” Tandoc, Lim, and Ling (2018) examine 34 empirical studies that use the term “fake news” and derive a typology that includes satire, parody, fabricated content, photo manipulation, advertising materials, and government propaganda. One must also note that the term is being deployed in a significantly different sense than earlier uses of “fake news” that tended to emphasize satirical or comedic journalism (Baym, 2005; Borden & Tew, 2007).

Some scholars have even attempted to systematize the various approaches to defining fake news. Caplan et al. (2018, p. 9–10) argue that some of these definitions of “fake news” emphasize the intention of the creators of the content, whereas others focus on the truth or falsity of the content (regardless of the intention of its creator). Yet other accounts look for identifying features in the content that can be used to algorithmically eliminate it without judging its truth or falsity or its creator’s intentions. The present study does not need to settle these complex definitional debates once and for all. What all of these accounts highlight is the concern relevant to the pragmatist media ethicist: “fake news” can mean many things, not all of which will be problematic in the same way. As Caplan et al. (2018) illustrate, some of the most problematic content will involve falsehoods and intentional deception, but not always in tandem or in the way we might assume. Using a pragmatist approach to ethical analysis that builds on this realization, we can explicate how different types of fake news content – including those motivated by intent to deceive, involving false content, or that function to deceive others – can pose different ethical challenges.

**Issues of the good: consequences and harms**

This study uses the framework for analysis provided by Dewey’s concepts of the good, the right, and the virtuous to map the ethical values at stake – and often in conflict – in the phenomena known as “fake
news.” Dewey resists taking one of these loci of value as primary or most important, but he also calls on us to resist a disabling relativism. Our exploration of the problems to be solved begins with the notion of the good. One of the main ethical challenges raised by fake news involves its impact or effects on democratic processes that directly implicate communal and individual happiness. Theorists such as Habermas (1998) insist that the most normatively satisfying democracy will be one of relatively equal and non-deformed information flows. Financial interests clearly shape modern communication pathways, but propaganda and fake news can easily be seen as another deforming element to free communication. A European Union report on fake news concluded that “the risk of harm includes threats to democratic political processes and to democratic values that shape public policies in a variety of sectors, such as health, science, education, finance and more” (Directorate-General for Communication Networks, Content and Technology, 2018, p. 35). McNair argues that many ethical concerns of fake news orbit around its violation of “a core principle of liberal democracy – the need for free and independent media, for objective and reliable journalism as a support for the electoral process and also for effective political scrutiny of political elites” (2018, p. 78). The false or misleading information injected into communicative activities warps the sort of decision-making that democratic citizens should instantiate. If fake news leads to bad consequences for democracy, then the primary ethical concern becomes how to eliminate such a detrimental influence.

The discourse around the ethics of fake news, viewed from this aspect of the moral situation, becomes an eminently utilitarian affair (e.g., Bentham, 2007). Such a consequentialist approach fixates on concerns of maximizing effects that we deem as good for a democracy. Guided by this factor of the moral situation, social media and internet companies have attempted to de-amplify the ability of individuals and groups to loudly spread problematic information online. Facebook has partnered with a variety of fact-checking organizations – including factcheck.org, snopes.com, and politifact.com – to identify and flag fake news stories. Shared content was flagged as “disputed,” and was accompanied by relevant truthful content from a fact-checking website. Such flagging carries a strong, but still opaque, rhetorical weight (Crawford & Gillespie, 2016), and is intended as a heuristic prod to encourage readers be more critical about what they are consuming and sharing.

From the perspective of the good, the ethical question of fake news focuses on its causal contribution to this democratically undesirable state of affairs. The good calls on us to find a way to solve that which harms or disables the desired state of consequences. But solutions attempting to rectify this state must be sensitive to any collateral costs or consequences they create in their operation. For instance, should “elites” such as journalists, media companies, and academics criticize instances of fake news, and will this contribute to the desired outcomes? One study has found that elite discourse around putative fake news leads to lower levels of media trust and less-accurate identification of trustworthy news (Van Duyn & Collier, 2019). Other research suggests that efforts at flagging fake news items on Facebook has little effect on reader perception of the item’s truth; in some cases, flagging is even correlated with a higher rate of believing non-flagged fake news items (Schwartz, 2017). This coheres with some work that indicates that in some circumstances, fact checking inclines individuals to cling to false beliefs with more tenacity (Flynn, Nyhan, & Reifler, 2017; Nyhan & Reifler, 2010; Nyhan, Reifler, Richey, & Freed, 2014). Others have challenged this line of research (e.g., Wood & Porter, 2018), since it conflicts with a body of work that indicates that fact checking has corrective effects for many stories (Bode & Vraga, 2015) and can correct misperceptions and deceptive advertising in some circumstances (Fridkin, Kenney, & Wintersieck, 2015; Weeks, 2015).

These criticisms are not decisive in condemning the enterprise of fact checking. There is clearly evidence that fact checking works in some applications. Thus, the factor of the good represents a continuing arena of conflict over how we are to achieve certain pro-democratic results regarding information distribution, all delineated by the ethical value of consequentialism. Assuming that fact checking does have a reasonable rate of return in maximizing the sharing of true news items, there are there even more consequentialist ethical concerns raised. If fact-checking efforts are successful at suppressing certain sources and stories, there is the danger that it can become perceived as a partisan weapon, as it has in the past (Caplan et al., 2018, p. 7–8). For instance, online political communities
quickly noticed that one of the sources in Timberg’s (2016) analysis was PropOrNot, an anonymous group of individuals committed to identifying fake news. Many of the listed sites, for better or worse, ended up being conservative in nature. This source was criticized in terms of transparency and its methodology, leading the Washington Post to add an “editor’s note” to the original article indicating that “The Post, which did not name any of the sites, does not itself vouch for the validity of PropOrNot’s findings regarding any individual media outlet, nor did the article purport to do so. Since publication of The Post’s story, PropOrNot has removed some sites from its list” (Timberg, 2016). One does not have to look hard to find websites that attempt to resist the hegemony of fact-checking websites and groups. For instance, Durden (2017) analyzes and supposedly exposes weaknesses and biases of “the 9 fairest fake-news checkers,” even though his methodology is unclear. As research has discovered in the cases of past accusations against fact checkers and political journalists, such accusations of bias are most likely politically motivated (Barker, 2002; Domke, Watts, Shah, & Fan, 1999; Jamieson & Cappella, 2008). Many of the tangential points and tenuous arguments made by Durden, even if true, do not impugn specific fact-checking claims; they instead seem to be part of a partisan attempt to delegitimize fact-checking attempts in general, since he codes the act of fact checking as a partisan weapon. Regardless of their veracity, what the existence of such sites and accusations tells us is not that there is a problem with the endeavor of fact checking per se; instead, they serve as evidence that some, as correct or ignorant as they may be, can take fact-checking efforts to be partisan weapons. This phenomenon is supported by the literature that shows that perceptions of political bias in journalistic activities are often conditioned by partisanship of those making the accusations (Lee, 2005, 2010). Journalists must clearly be involved in fact-checking endeavors, but such activities must proceed with the knowledge of such a resistance – and how certain ways of fact checking can create or discourage such partisan reactions.

What this highlights is the effects that our attempts at stemming fake news might have for our democracy if they are perceived as successful but partisan. These attempts could drive certain groups further into their own echo chambers, seeking respite from partisan attacks from “the mainstream media” or some other oppositional group. It can also lead to the label of “fake news” being applied to areas that some would balk at, such as President Trump’s constant labeling of mainstream media sources (and their critical content) as “fake news.” He has even used the push to curtail fake news as a way to call for government action, asking the Senate Intelligence Committee to investigate “fake news networks” (May, 2017). What emerges from a nuanced look at the consequentialist ethical aspects of fake news is the worry that in “solving” this democratic problem through technical means we may be creating new problems for our democracy. If the aim of an adequately informed citizenry is to deliberate together, then solutions that weaponize the “fake news” label and drive individuals away from efforts of media literacy and fact checking would be a non-desirable consequence.

### Issues of the right: respecting autonomy

Viewed from the factor of the good in the pragmatist ethics framework, fake news seems democratically bad, leading to an emphasis on identifying successful ways to create democratically good effects. But pragmatist ethics points out that there is another aspect to experience that must be accounted for – that of the right, or the need to coordinate actions (or the capacity for acting) among agents. One of the central concerns with fake news becomes how it functions or could function as expressive speech, a classical concern connected to freedom of thought and action in liberal societies (Brison, 1998; Easton, 1995) that often strive to maximize the freedom of all regardless of the desirability of specific acts of a particular agent’s own choosing. While the perspective of the good focuses on fake news as a category of harmful or non-desirable speech, the perspective of the right will explore whether one should restrict this speech independent of its consequentialist desirability. The important normative questions regarding the speech acts implicated by various fake news phenomena become: How does fake news implicate our capacity as autonomous agents both as
speakers and judges of information content? How do the autonomous acts of speakers respect or fail to respect the capacity for autonomy of other agents?

These concerns about the coordination and protection of speech are rooted in Kant’s (1785/1996) ethical framework. The Kantian tradition in ethics is notable because it offers one of the most distinctive separations of moral worth from consequences available in the western world. This is why Deweyan ethics takes Kant’s ethics to be the exemplar of approaches that emphasize the right (1984). For the Kantian approach, there is no necessary connection between states of affairs that make everyone happy and states of affairs that we would count as virtuous or morally worthy. In many cases, an agent is faced with the reality that acting ethically will leave many parties extremely unhappy. The concept in Kantian ethics that replaces the ideal of happiness or pleasurable consequences is the ideal of autonomy, or the state of humans directing their own activities and lives. Autonomy includes the concept of freedom, a clear value in media ethics, and the role of speech in democracy (Adam, 2008).

Hill and Thomas (1991) notes that the general concept of autonomy is a complex notion, but that it tends to enshrine a claim that agents “ought to be free from certain influences (inappropriate influence from others)” (p. 31) in directing the course of their actions and lives. There are limits to any right to autonomy insofar as certain actions affect the capacities and interests of others. For instance, uses of autonomy that lead to violence done to others may be rightfully restricted, since the autonomy of others is directly reduced. In matters concerning the direction of one’s own life, the Kantian would demur to proposals that others “fix” an agent’s badly-informed decisions or that they prevent the agent from doing something against her own interests. Respecting personhood and the normative ideal of autonomy means we often have to let others act in ways we would never see as justified, or in ways that seem clearly against their interests (Hill & Thomas, 1991). In its resistance to paternalism, a view that others have defended in media ethics (e.g., Thomas, 2016), autonomy often cuts against states of affairs that we see as being for the greater good; in its Kantian guise, it enshrines an ultimate respect for the agency of others to direct their lives, even in applications we do not envy, admire, or support.

The partial pragmatist valuing of rightful relations among freely acting agents – autonomy, or the protection of agential powers to direct their own actions – can reveal additional ethical challenges of fake news. In terms of fake news and its reception, one can see that the various types involving intentional deception (e.g., those with purposively fabricated content) would be ethically problematic because they represent actions that infringe on the autonomy or freedom of others to guide their lives based upon their own reasons and judgments. For instance, in the high-profile case of “Pizzagate,” leaked emails from Democrat John Podesta were interpreted in various online forums as containing coded references to a child-abuse ring connected with Hillary Clinton operated out of a pizza restaurant. An individual bent on justice arrived at the restaurant with an assault weapon supposedly to investigate the charges and rescue any trapped children; he eventually fired three shots in the restaurant before surrendering to police (Breiner, 2016). Such intentionally deceptive fake news infringed on the autonomy of the shooter, who decided to act upon it as accurate information. The false information, functioning as a powerful lie, also endangered the bodily autonomy of those in the restaurant being targeted. Brennen (2017), extending the reasoning of Bok (1978), points out how lies might limit the autonomy of agents accepting them: “Lies may misinform us by eliminating some of our objectives or making certain objectives seem unattainable or no longer desirable. Lies may also eliminate necessary alternatives or lead us to believe that there are more alternatives than there really are” (p. 180). On this account, fake news (e.g., intentionally misleading or fabricated stories) curtails the ability of agents to act autonomously.

It is not clear that eliminating fake news – whatever one decides that denotes in specific cases – would decisively and totally increase individual autonomy. First, valuing of autonomy means respecting an agent’s ability to make decisions, as well as errors, in arriving at their beliefs. Efforts to eliminate the creation, expression, or spread of such stories, if successful, would undoubtedly affect the autonomy of agents to gather and analyze information as self-directed beings. While this observation does not settle the debates about fake news, it is surely a consideration, as technologically-sophisticated efforts to eradicate fake news functions as a quest to eliminate a certain class of
materials that are *a priori* held to not be useful for autonomous decision-making and judgment. Of course, news sources have long been the judges and gate-keepers of what counts as quality information, but in the fight against fake news, “quality” is hard to determine with the certainty that effective and scaled efforts at suppression would necessitate to be free of worries about harm to agent autonomy at some level. For instance, few would suggest suppressing satire sites such as *The Onion* even if some percentage of its readership may be misled. But the concerns get more complex when we consider suppressing or eliminating sources such as *The Valley Report*, a site peddling realistic stories accompanied by a small disclaimer that “2,000,000 hits per month and all of these stories are fake. Don’t be stupid” (Caplan et al., 2018, p. 11). Such sites flummox our attempts to clearly delineate and eliminate fake news, as they challenge our ability to clearly and determinatively judge for others how a site might be or will be engaged. While such a site may be judged worrisome according to its likely effects, the concern revealed by the ideal of autonomy is that we must take seriously the powers of judgment of others as to what is good information or bad information. These worries are magnified in the case of newly-created sites that do not have a track record of functioning in a specific way among social media users.

The tensions between content- and intention-based definitions of “fake news” serves as a push for the development of technological means of information gatekeeping by platforms (Newton, 2016). This trend also must be analyzed in relation to the factor of respecting agential autonomy. For instance, approaches to addressing fake news such as Facebook’s “disputed” label, applied in conjunction with various fact-checking organizations, holds the promise of a bivalent impact on autonomy. First, such a label might allow reasoners to factor in this additional bit of information about a story or source into their calculations of its usefulness and validity, thereby enhancing their autonomy as rational judges of information. Second, and more worrisome, the label itself might assist present and future automated attempts to prevent such stories from reaching the feeds of potential audiences at all. Alexios Mantzarlis, director of the International Fact-Checking Network, postulates this outcome as a goal of many fact-checking endeavors: “The [disputed label] is almost more valuable in terms of reduced reach than in terms of consequences of users understanding of the individual item” (Silverman, 2017). Like efforts to identify a “fingerprint” of fake news items (Caplan et al., 2018), the accumulated data about disputed items can contribute to creating an algorithm that shapes the feeds and information streams to the multitudes of Facebook users. The disputed item may be co-opted into a system of extreme and automated gatekeeping, or even censorship. While consequentialists may rejoice over this effect given their focus on creating a certain state of affairs, a Kantian focused on the right to autonomy may be concerned. Pragmatist media ethics attempts to acknowledge the value of such contrary reactions to sensitively map out the problems and conflicts inherent in the range of phenomena denoted by fake news as a precursor to imaginatively addressing it.

The question of who decides what fake news is becomes even more worrisome when it is an algorithm making democratically-consequential decisions for us. Algorithmic methods of content moderation are often desired because they can handle large masses of content quickly, and given that they seem to avoid the harm to autonomy when biased agents unjustifiably suppress content that should be open to consideration by other agents. For instance, some former Facebook workers talk of suppressing conservative news items and anti-Facebook stories in curating past iterations of the “trending news” section; they also claim that other stories were artificially “injected” into the trending feed, such as items about Black Lives Matter protests (Nunez, 2016). Algorithms are seen as a solution to such imperfect or biased human judgment over what content should be seen and shared (Stanley, 2016). The reliance on algorithms to determine what information autonomous agents ought to judge and use, however, is problematic in that it will inevitably suppress information that decision-makers may want access to. Facebook’s employment of algorithms has “led to several cases of inappropriate censorship,” an occurrence that will only increase with more emphasis being placed on stamping out the initial posting and subsequent sharing of fake news by the public and governmental actors (McNair, 2018, p. 84). Technological solutions are also worrisome given the certainty that fake news peddlers will adapt to this system of content suppression by finding ways to
stay one step ahead of the algorithm. Additionally, marginalized voices potentially could be suppressed given that their content may match the “fingerprint” of other types of fake news; established news sources that adopt the viral marketing strategies of fake news sites might also be suppressed from consideration by social media users (Caplan et al., 2018). While none of these concerns about autonomy are decisive in themselves, this detailed analysis from the perspective of the right does augment discourses based upon achieving pro-democratic outcomes (e.g., the good), and further clarify the range of deontological costs that accompany human and automated means aimed at suppressing content judged as harmful from a consequentialist view point.

Issues of the virtuous: partisan judgments and reactions

Recent work in media ethics recognizes the usefulness of Aristotelian or virtue-based approaches for examining what communities label as virtuous (e.g., Plaisance, 2015). The pragmatist approach to media ethics also values the psychological reactions of individuals within communal contexts. This is a recognition that a vital part of any moral situation will be our conditioned reactions to its details -- and the reactions we desire other community members to have in that situation. These reactions are facts about the morally problematic situation, an aspect that the disputes over fake news bring to light. For many partisans, struggles over applying the label of “fake news” becomes a proxy war for electoral disappointments (McNair, 2018) or critical narratives about mainstream media bias (Caplan et al., 2018). The conflicts over the rhetorical deployment of “fake news” implicate not only the conceptual uncertainties over definitional matters and consequences that we have previously explored, but also the psychological context underlying our reaction to it. One pattern of thinking that enables problematic reactions to supposed items of fake news – and its solutions – are motivated strategies of reasoning, or “partisan perfect reasoning” (Stroud, 2015, 2016; see also Black, 2009). This is the subtly biased habit of reasoning that violates the sort of flexibility and openness that Dewey’s pragmatism posits as integral for cultivated moral agents.

The discourses about identifying and stopping fake news take on a new meaning when considered as sites for the instantiation and formation of partisan habits of reaction and judgment. The operative concerns from this aspect of a pragmatist analysis – the notion of the virtuous – of fake news are these: Who judges what as fake news, and what sort of habits form or inform such judgments? Partisans tend to be inflexible reasoners. Kunda (1990) argues that we reason typically to protect our pre-existing views and interests: “directional goals do affect reasoning. People are more likely to arrive at those conclusions that they want to arrive at” (p. 495). Early research by Wason (1960) explores this phenomenon under the concept of confirmation bias, or the evaluating of information in a self-verifying manner. Work on the hostile media effect by Vallone, Ross, and Lepper (1985) illustrates motivated reasoning in our media consumption, such as “the tendency for partisans to view media coverage of controversial events as unfairly biased and hostile to the position they advocate” (p. 584). Being more mindful about sources of bias does not seem to effectively counter these habits. Perkins, Farady, and Bushey (1991) found that increased intelligence (e.g., higher IQ levels) are correlated with complexity in thinking through one’s own preferred argument, but not an opponent’s argument. When individuals are directed to detect bias in arguments, partisan reasoners tend to find more biases hostile to their original view, even if the story was written in such a way as to give equal attention to each side (Stroud, 2011). Much of this activity of partisan reasoning is driven by the need to affirm an agent’s identity as a specific type of partisan, as well as to avoid or deemphasize contrary information (Bennett, 2012; Green, Palmquist, & Schickler, 2004; Shin & Thorson, 2017; Stroud, Thorson, & Young, 2017).

Attempts to conceptualize and address fake news will undoubtedly involve and invoke these very same partisan reactions. Judgments of what counts as fake news enshrine these partisan tendencies, and these reactions undergird the worrisome trend of the term “fake news” being appropriated by partisans “to extend critiques of mainstream media and justify an alternative media network” (Caplan et al., 2018, p. 8). Highlighting the expansive effects of the weaponization of “fake news,”
McNair argues that “Ideological opponents on the ‘liberal’ left and alt-right use the notion of fake news to marginalize each other’s statements and websites” (2018, p. 10). Similar to the rhetorical weight of the label “flag” (Crawford & Gillespie, 2016), labeling something as “fake news” operates as an a priori way to rule that content out of bounds for reasoned judgment. Such a use of this term is rhetorically powerful, since “to call a news story ‘fake’ avoids the need to discuss why it might be biased (if indeed it is) and subsumes all media criticism of a political actor … within a narrative framework of dishonest, deceptive elites who knowingly state untruths” (McNair, 2018, p. 91). Pragmatist media ethics, respecting the importance of reactions to fake news – and to claims that something is “fake news” – places a renewed emphasis on maintaining some amount of openness or skeptical fallibilism in the reactions of media consumers and scholars.

The issue of how much skepticism to display – and to what ends – is a difficult part of the ethical challenge raised by fake news. As Wardle (2017) points out, emotional skepticism is an important part of this puzzle: “If you find yourself incredibly angry at a piece of content or feeling smug (because your viewpoint has been reaffirmed), take another look.” The challenge is that this further look might be guided by the same partisan reactions we have as enduring character traits. Pragmatist media ethics would be concerned about the presence of these truncated habits of partisan perfect reasoning both in the agents in a situation being analyzed, as well as in the scholars of media ethics doing the analysis. Those pursuing pragmatist media ethics must therefore resist theoretical or conceptual judgments or reactions that simplify “fake news,” when the reality of this digital phenomena is much more complex. Do spun headlines count, even if they affirm an agent’s partisan leanings? Extra caution is needed in judging specific matters of fake news, since our evaluations of what is biased, spun, falsified, satirical, or mal-intentioned are all subject to partisan habits of reasoning. As a commission in Europe described the conundrum of partisan accounts of fake news, “Where does biased but legitimate commentary shade into propaganda and lies” (“Fake news’ inquiry launched,” 2017)?

**Pragmatist paths for addressing fake news**

The pragmatist approach to media ethics explicated here has demonstrated that care must be taken in conceptualizing what fake news denotes in the media ecosystem, as well as with the specific ethical challenges it creates. There is no one homogenous and all-encompassing definition of fake news. But there is value to provisional and partial definitional attempts that delineate the problematic categories of fake news (as opposed to satirical sites, say) around the foci of false content, deceptive intent, and deceptive functioning. But each of these types of fake news content have their own ethical challenges, as illustrated in the preceding examination of the variegated phenomena from the three-fold theory of conflict given by Dewey. Pragmatist media ethics recognizes that “disinformation is a multifaceted and evolving problem that does not have one single root cause. It does not have, there, one single solution” (Directorate-General for Communication Networks, Content and Technology, 2018, p. 5). With this caveat in mind, this article will conclude by identifying two areas that future studies employing pragmatist ethics can contribute to in greater detail: the issues of platform ethics and digital citizenship.

First, the pragmatist approach to the ethics of fake news will place importance on platforms and their role in the ethical morass of the disinformation ecosystem. Eschewing simplistic solutions, platforms must face the reality that they play a vital role in creating and sustaining this ethically problematic situation. The concept of “platform” implies equal empowerment to all users and the neutrality of the technological system itself, but this is misleading. Social media platforms provide affordances that render certain kinds of conduct, such as harassment, easier than in the offline world. Thus, platforms must not be thought of as a priori neutral or above the concerns of ethical reflection (Gillespie, 2010). The discussion of the ethics specific to social media platforms is still evolving, and it is much too complex to be fully explored here. But the usefulness of pragmatist media ethics to this debate can be illustrated briefly. Johnson (2017) provides a useful overview of the terrain of platform
ethics, exploring the responsibility social media sites have to resist hateful or harmful speech. He divides the ethical challenges facing platforms into two main areas: “promoting speech and preventing harm from that speech” (p. 20). First, platforms have an interest in enabling more speech, an ethical guideline that stems from mainly utilitarian values of maximizing consequences that are good for a democratic community. Speech that harms other speakers’ ability to speak can be suppressed on this account, since it functions as an impediment to creating the democratic communicative ideal. Second, platforms should respect the dignity of those using their services by protecting them from harm. The moral value of dignity is a central component to Kantian ethics (e.g., Plaisance, 2007), and here the guidance for platform ethics is premised on the idea that harms to persons infringe on the dignity humans are owed.

Pragmatist media ethics can contribute to this emerging dialog on platform ethics by highlighting additional levels of complexity and conflict that must be balanced to fulfill the ethical obligations of social media companies. For instance, the previous analysis has shown that Kantian interests extend beyond harm to implicate issues of respecting individual autonomy. Not all speech that harms other individuals is clearly unethical speech, as the example of pointed feminist counterspeech might show (Stroud & Cox, 2018). Platforms must find a way to balance the utilitarian pursuit of creating good (viz., plausurable) states of affairs for as many users as possible with the Kantian concern for maximizing autonomy, a central part to the dignity of human agents (viz., the right). The latter value hinges on the factor of our experience that freedom is a good, to some degree, even when separated from the pursuit or creation of the good or pleasurable consequences. The deliberations of platforms over their responses to online hate and misinformation must also take into account the partisan tendencies of much of our ethical reasoning; contrary to Kantian aspirations and ideals, we are not always fully rational beings and choice architecture matters for the efficacy our exercised freedom (Sunstein & Thaler, 2008). Thus, the pragmatist ethicist will insist that the factor of the “virtuous” – or the habitual patterns of reaction and judgment in regard to moral matters – serve as a theoretical guide to instantiate fallibilism and openness. This openness can operate at the level of individual consumers of social media content, but it can also serve as a warning for the judgments and reactions of those studying and regulating fake – or allegedly fake – content on social media. What we count as fake news, and as the values that structure our evaluations of it, all are subject to partisan reactions and biases; extreme care must be taken in definitional and practical matters in meeting this ethical challenge of fake news.

Second, pragmatist media ethics can also serve as a structuring orientation to thinking through the ethical benefits of training in digital citizenship or media literacy. Media literacy is often taken to be an important tool in the fight against fake news, and it centers on “active inquiry and critical thinking about the messages we receive and create” (Hobbs & Jensen, 2009). Research has been ongoing in this area since at least the 1970s, and many of its advocates connect it to the empowerment of democratic citizens (Arke, 2012; Bulger & Davison, 2018; Hobbs, 1998, 2010, 2017). What Dewey’s ethical system adds to this approach is that democracy not only entails certain political systems, it involves habits of interaction and communicative judgment (Stroud, 2015, 2016). These habits are opposed to the truncated partisan reactions or reasoning strategies discussed previously under the rubric of the virtuous. For the pragmatist view of media ethics, sophisticated media consumers will possess the ideal orientation toward moral analysis, or the “ability to make delicate distinctions, to perceive aspects of good and of evil not previously noticed, to take into account the fact that doubt and the need for choice impinge at every turn” (Dewey, 1984, p. 280).

The ideal habits of reaction and judgment will preserve some measure of skepticism to efforts in media literacy and criticism to insure that these endeavors are truly fallibilist approaches to contentious but important practices. The goal of this approach to media ethics, and the sort of media literacy it would entail, would be to recognize that “each human being has to make the best adjustment he can among forces which are genuinely disparate, [which] would throw light upon actual predicaments of conduct and help individuals in making a juster estimate of the force of each competing factor” (Dewey, 1984, p. 288; also see, 1989). Thus, the pragmatist approach to media
ethics would welcome the use of media literacy training as a response to disinformation online, but would emphasize falliblism as a way to safeguard against employments of media literacy vocabularies that merely serve to uncut narratives and accounts that one has vested interests in undermining (e.g., boyd, 2017). One of the prominent critics of the invocation of media literacy training as a panacea to fake news (boyd, 2018a) has responded to her critics by pointing out the lack of media literacy programs that resonate with conservative communities, questioning “what does media literacy look like when it starts with religious and/or conservative frameworks” (boyd, 2018b)? Pragmatist media ethics would also emphasize the importance of making efforts to create critical media consumers that are able to bridge partisan divides, as well as to sort out useful information from harmful information.

The approach to pragmatist media ethics outlined in this study thus serves to further two conversations that ought to be continued. First, we must talk more about what exactly is ethically problematic about the range of practices that “fake news” denotes, and to recognize that our conceptual or practical choices will entail tradeoffs and the creations of new ethical problems to solve. Media ethicists must continue to explore the very real, and difficult, ethical challenges that responding to fake news evokes. Second, this study has extended pragmatist ethics into our theoretical lexicon of media ethics. In its Deweyan guise, pragmatist ethics serves as a meta-ethical rumination on the formation of traditional theories of ethics while simultaneously integrating them into a normative pluralism that attempts to respect a variety of conflicting ethical values. As is the case with fake news, this pluralism will inevitably be instantiated in lived situations of reasonable and deep disagreement over what exactly a given moral problem is, as well as conflict over which solution is optimal. While pragmatist media ethics does not prize certainty, it rejects a disabling relativism by emphasizing the value of imaginative problem-solving through habits of ethical inquiry in democratic communities (Johnston, 2006; Johnstone, 1983). This study leverages this pragmatist starting point to further our reflection on the ethical complexity and normative tradeoffs that await us in addressing fake news.

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References


