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The Political Ethics of Political Campaigns

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Campaigns are an odd way to choose leaders. Corporations, universities, hospitals, and other organizations rely instead on search committees, trustee boards, and outside consultants, and the like. Some of the most important public offices, such as judgeships, agency directorships, and cabinet positions, are made by appointment. It would be hard to argue that campaigns are necessary or desirable if the chief aim were to select the most qualified or the most deserving office holders according to any usual standard of merit. The political skills required for successful campaigning are only a small part of the qualifications needed for governing well, and in some respects what governing requires is the opposite of what campaigning requires (Gutmann and Thompson 2012).

What then is the democratic purpose of campaigns? I suggest that it is primarily to create conditions in which citizens can freely choose their leaders. Because the qualifications for these public offices are so varied and so contestable, we cannot specify in advance exactly the basis on which citizens should choose, and in any case we should expect that citizens may reasonably choose one leader over another for a variety of different reasons. If their choice is to produce a legitimate decision, they must be able to choose freely. The alternatives among which they choose are of course limited—arguably, too limited. But this constraint is imposed by the electoral system, which raises different ethical issues than campaign ethics (Thompson 2004).

Campaign ethics focuses on making the choice as free as possible within the constraints set by the electoral system. If making the choice free as possible is the main purpose, what does free choice require? What criteria should we use to assess the extent to which campaigns promote free choice?

Recognizing the Limits of Campaigns

Although political scientists no longer insist that campaigns have only ‘minimal effects’ (as the conventional wisdom in the field long held), they continue to find that campaigns largely reinforce attitudes that most voters had before the campaign started (Gardner 2009: 83-111; Erikson and Wlezien 2012). Most voters cast their vote on the basis of what political scientists call ‘fundamentals’—such as the performance of the economy, partisan identification, and ideological compatibility (Campbell 2016). Campaigns can clarify these influences and help voters ‘apply’ them to particular candidates and parties, but the influence of the fundamentals dominates campaign events (Jacobsen 2015: 33-35). To protect

their ability to cast their votes in accord with fundamentals is not only a more realistic aim of campaign ethics but also a more normatively acceptable aim. If voters were to so easily abandon long-held views about these fundamentals in the relatively brief period of a turbulent campaign, their choices would not likely be very well grounded. They would be the result of distortions created by the campaign.

Protecting voters from these distortions may be a modest aim but the minimalist ethics of campaigns it suggests is nonetheless as important as it is neglected. The approach here is also minimalist in another sense: it seeks to ground the ethics on a single principle, free choice, even though of course the electoral process may also be assessed by other principles as well.

Some theorists favor more ambitious aims, and argue that campaigns should promote the purposes of deliberative democracy (Ackerman and Fishkin 2005; Bessette 2010; Orr 2013). Campaigns should enable citizens to reason together about the public good, and to learn from one another and their representatives through political discussion. Political scientists may be right about campaigns today, the theorists say, but surely campaigns could be made more deliberative in the future if we just try harder. Deliberative democracy is a normative theory, and should not defer so readily to empirical social science. (For another ambitious account, which intriguingly locates the ethical purpose of campaigns in the practice of 'solicitation of trust', see Beerbohm 2015).

However, even a normative theory should pay attention to what is feasible (as the Kantian maxim counsels: 'ought' implies 'can'). More importantly, there are normative reasons to accept the limited role of campaigns in promoting deliberation (Thompson 2013). First, campaigns by their nature are strategic interactions, not deliberative exchanges. They do not function well if opponents are cooperating, rather than competing. They are supposed to provide voters with clear and distinct choices, which are typically highly partisan, and not best revealed through deliberative agreements.

The second problem with trying to make elections deliberative comes from the effect not on campaigns but on deliberation. Attempting to promote deliberation in campaigns discredits deliberation itself. Candidates and their supporters use reasons not primarily to reach agreement or encourage mutual respect, as deliberative democracy prescribes, but usually to gain advantage over opponents and to motivate their partisans, as campaign strategy requires. Under these conditions, attempts to encourage true deliberation are likely to give deliberation a bad name. (Deliberation may have a more important role in initiatives and referenda campaigns, in which the people are directly making law). Deliberative democrats should want to protect deliberation from campaigns. The aim of campaign ethics should be more protective than educative.

Protecting Free Choice

Given this limited function of campaigns and campaign ethics, what ethical standards should we use to assess the conduct of candidates? The standards should be directed toward protecting voters from

practices that distort their free choice (Thompson 2004: 65-22). Voters are not free if they are led to believe false statements, or if they are pressured by irrational means to believe statements whether true or false. These two ways roughly correspond to Aristotle's modes of undermining free action: ignorance and compulsion (Aristotle 1963 III.1). An act is less free to the extent that it is done without knowledge of relevant information, or under pressures that act directly on the emotions rather than going through reason. Candidates and the media behave unethically when they interfere with the free choice of voters. They can do this in two ways (tracking the conditions of ignorance and compulsion): by providing misinformation; and by engaging in manipulation.

Candidates use many different techniques to misinform or manipulate (such as paying people not to vote, making fraudulent robo calls, initiating cybersquatting, and playing other dirty tricks), but this chapter concentrates on communications—ads, speeches, and social media—because they illustrate most vividly the standards, and because represent the largest expenditure of time and money.

Misinformation: Distorting the Content of the Message

We should not expect candidates to provide all the information that might help their opponents or even the public. Full disclosure is not a standard to which we should hold candidates. But if we cannot expect candidates to be public educators, we can still demand that candidates be honest advocates. We can insist that they do not misinform voters. But misinforming is not as simple an act as it might seem. It takes several different forms.

Omissions

Communications can be true and relevant but still misleading because they omit essential facts. What you do not say can be as misleading as what you do say. One of the most disturbing kind of omission lies not in the content of the communication itself but in its context. What is omitted from an ad is who is paying for it. In US campaigns, there has been a dramatic decrease in the number of ads that do not disclose donors (Confessore 2014).

Why is this kind of omission objectionable? Should not voters judge the message, not the messenger? We usually regard it as a logical fallacy—ad hominem criticism—to attack the speaker instead of his arguments. If the argument is good (or bad), why should it matter who makes it?

The trouble is that in the case of most campaign ads, there are hardly any arguments. The effect of the ad depends largely on the credibility of the source. It is perfectly reasonable to want to know who is paying for it, if only to calibrate the level of one's suspicion.

Positive v. negative communications

Contrary to conventional wisdom, not all negative ads are harmful, and those that are harmful are not so because they are negative (Lau and Brown 2009; Elmelund-Præstekær and Svensson 2013). They may

'reduce support for the target, but they also reduce support for the attacker by at least as much' (Jacobsen 2015: 40-41). There is evidence that attack ads are more informative than positive ads (Sides et al 2009). By their nature, they have to be more specific and offer more evidence. Some negative ads actually increase turnout (although here the evidence is mixed).

But surely we want to object to some kinds of negative ads. In the final days of the Georgia Senate race in 2002, Saxby Chambliss ran an ad implying that his opponent Max Cleland was soft on terrorism because he voted against the Homeland Security bill (Gettleman 2002). The ad was objectionable not because it was negative, but partly because it was misleading. Like a number of other Senators, Cleland voted against the Homeland Security bill because it did not guarantee labor rights for federal workers in the new department. Cleland could hardly be said to be weak on national security issues: as a Vietnam veteran who lost both legs and an arm in the war, he consistently supported defense bills.

A further and more generalizable objection is not to this ad itself, but to the fact that it was not effectively countered. Because it appeared so late in the campaign, Cleland was not able to respond with his own ad. At a critical moment on a sensitive issue, the content of the campaign was distorted, and the outcome affected by a particular charge that should not have had so much weight. Thus, the goal should be not to discourage negative ads, but to make sure that there are adequate opportunities to respond to them. Candidates or others can then supply the missing facts to correct the misleading claims.

Half truths v. flat-out Lies

The director of 'Vote Leave,' the successful 2016 campaign to get Britain to leave the European Union, has acknowledged that one of its most effective claims—that 'we send the EU £350m' every week—was an exaggeration (Cummings 2017). (About half is returned to the UK.). But the claim, he wrote in a post mortem on the campaign, was meant to provoke an argument by raising a real economic objection to remaining in the EU, which even the adjusted figure would support. He distinguished this kind of claim from 'flat-out lies,' such as the Prime Minister's false assertion that under Brexit migrants would have to leave in six months if they did not have a job. We should not so easily excuse the exaggeration — misleading statements are not the best way to provoke productive arguments—but the distinction the director draws is important and increasingly relevant.

It used to be assumed that half truths would be harder to counter than blatant lies. They seemed more insidious because they could not simply be denied or discredited by expert testimony. Outright lies, especially those involving publicly available facts or generally agreed upon scientific findings, would be rare in a campaign. They could be easily challenged, would cast doubt on the credibility of the candidate, and ultimately prove counter productive. It seemed perhaps less important for campaign ethics to condemn them.

But the 2016 presidential campaign in the US showed that a candidate can repeat falsehoods, and

make statements contrary to well established scientific findings —with apparently little or no cost. A Canadian newspaper compiled a systematic list of 560 falsehoods uttered by Donald Trump during the campaign, nearly all of which were contradicted by widely known facts or readily available public records (Dale and Talaga 2016). Trump seems to have discovered a novel technique of disinformation: in addition to the familiar tactic of repeating a lie so often that it comes to be accepted as the truth, he multiplies the sheer number of lies creating such a blizzard of untruth that, before any single lie can be exposed, another takes its place.

When the media environment is so fragmented and citizens rely on only sources that reinforce their prejudices, blatant lies go unchallenged, or if challenged, they persist, often even more firmly believed than before. The filters on which democratically healthy communication depends have been weakened, and the sources of truthful information have lost much of their credibility.

Imbalances

Communications can be true and not misleading but still interfere with free choice. When the campaign is dominated by only a few issues or only a few voices, voters' attention and therefore their decision making is impoverished. They act with less information than they should have. This can happen in two ways—one involving issues, the other, influence.

Some issues such as a candidate's sexual misconduct or abuse of drugs even when relevant have a tendency to divert attention from other more relevant considerations. A kind Gersham's law operates in a process in which the less relevant drives out the more relevant. Democratic accountability permits some exposure of the private lives of officials if such information is necessary for assessing past or likely future performance in office. This is the basis of a familiar 'relevance' standard: private conduct should be publicized to the extent that it is relevant to the performance in public office. But an often neglected point is that relevance is a matter of degree. The standard should not be interpreted as drawing a bright line between private and public life, which would allow the conduct to be publicized without limit once it has been deemed relevant. The standard, properly interpreted, seeks a proportionate balance between degree of relevance and extent of publicity (Thompson 2007).

Character is certainly relevant to the choice of political leaders—in some ways more relevant than positions on issues— but it is a special kind of character, which I call 'constitutional' (Thompson 2010). Constitutional character is the disposition to act, and to motivate others to act, according to the principles that constitute the democratic process. Constitutional virtues include sensitivity to the basic rights of citizenship, a respect for due process in the broadest sense, the sense of responsibility, tolerance of opposition, willingness to justify decisions, and a commitment to candor.

Some voices have more influence than they should because they have more resources than other citizens. In the US this is the result of a deeply flawed campaign finance system, and it violates principles of equality (though the Supreme Court has refused to accept this claim). However, the system can be

shown also to violate a principle of free choice (Thompson 2004: 105-17). It creates an environment in which financial power shapes the conditions of choice in ways that citizens would reject if they had the opportunity. It is not that money should not have a role. It just should not dominate to the extent it does. It now constrains what voters hear and ultimately the conditions under which they choose.

Once we recognize that the underlying conflict in the reform debate is not simply between liberty and equality, we can take more seriously the possibility that free choice may be enhanced as well as constrained by campaign finance regulation. The constraining effects are emphasized by those who regard spending money on political causes as an expression of a free choice. Because money facilitates political speech, it enables some citizens to influence which candidates are nominated and what information voters receive. Any restriction on raising and spending money limits this influence and information. Money may also be necessary to counter another kind of influence—celebrity power—so prominent in the 2016 presidential election.

Yet the absence of such restrictions can also seriously undermine free choice. It can distort the information that voters receive and thereby make their choices less informed than they should be. The imbalance in political communication, the tilt toward the voices with more money, contributes to this distortion. So do the financial pressures on the media, which dilute the quality of political communication.

But distinct from the general problems of balance and quality is a further specific distortion, in which financial imbalance combines with informational omission. In a system of unregulated contributions and expenditures, voters cannot easily discover who is funding the candidates and for what purposes. They vote knowing little about the major contributors to whom the candidates are indebted and even less about what those contributors will ask of the candidates if they win. They cannot judge to what extent the candidate they vote for will represent their interests or will represent competing interests.

Thus from the perspective of campaign ethics, we should assess the regulation of campaign finance by balancing these various liberties, not simply by giving priority to the liberty to contribute and spend. Indeed, in the present system in most democracies, the latter liberty already tends to dominate, and balancing would call for greater limits on its scope.

Manipulation: Distorting the Mode of the Message

The second way in which voters' choices can be undermined is by distorting not the content but the form of the communication. Candidates and their supporters try to manipulate voters. Manipulation involves a politician's attempt to influence your beliefs and actions (a) to serve his or her own ends, without regard to yours; and (b) with means that circumvent your rational faculties.

Manipulation is closely related to deception (including some of the types of misinforming already discussed). But not all manipulation is deceptive. Even when a manipulative act is deceptive, the

manipulation adds a further distinct wrong to the act. Deception is typically a defensive, protective strategy: it is intended to deflect you from interfering with the deceiver's plans. Manipulation is more aggressive: it is intended to induce you to do the manipulator's bidding. It involves using another person directly only as a means. With deception, you obtain a kind of power similar to that of Hobbes's sovereign: the liberty to go your own way unimpeded. With manipulation, you acquire the kind of power that Machiavelli's prince exercised: the ability to make others go your way unaware.

Manipulation is therefore usually more insidious, and campaign ethics needs to pay special attention to it. How should we interpret the prohibition against the manipulator's short-circuiting of reason? It is unrealistic and undesirable to say that communications should never use emotional appeals that make claims that cooler heads would reject. That would take the passion and the fun out of politics.

But some kinds of appeals may go too far. Consider this test: manipulation is wrong when it exploits emotional reactions that are either (a) not morally respectable; or (b) not psychologically controllable. If the message is false or misleading, that makes the manipulation worse. But even if the message is true, voters are still being used in ways that they cannot fully control, and for ends they may not agree with. They are being used as means only.

Going Nuclear v. Playing the Race Card

There is a plethora of manipulative ads, speeches and tweets in recent elections, but step back and recall an ad that ran long ago in the early days of TV political advertising. It is the notorious Daisy Petal ad (officially known as 'Peace, Little Girl'), which the Democrats ran against Barry Goldwater in 1964 (Mann 2011). It actually ran only once, but it has become an icon in campaign advertising. It showed a young girl picking off the pedals of a flower as a countdown to a nuclear launch and then an explosion are heard in the background.

In 1964, Goldwater's positions did seem more bellicose than Johnson's, more likely to risk nuclear war. In this respect the daisy petal ad might have accurately captured a relevant difference between the candidates at the time. But the powerful emotional appeal of the ad was designed to play on the most basic emotions of viewers and to evoke a response that went beyond any criticism of Goldwater that could be rationally justified. Goldwater certainly did not want a nuclear war any more than Johnson did.

But if this had been the only problem with the ad, we should not want to condemn it. It was manipulative, but at least the emotion it appealed to was morally admirable. It should be regarded as manipulative but not improperly so. The more serious problem was that the ad was also misleading: Johnson knew at the time that he intended to escalate the war in Vietnam. So the difference between the candidates was not so great after all. In this case, it is not the manipulation but the deception leading to misinformation that is objectionable.

Here is a contrasting example. The notorious Willy Horton ad run by the Republicans in 1988 more clearly fails the manipulation test (Museum 1988). As Governor of Massachusetts, Michael Dukakis had supported prison reform including a weekend release program that was widely thought to be successful. However, one of the convicts who received a weekend pass, Willy Horton, an African American, committed rape while he was out of the prison.

The ad not only exaggerated the risks of the weekend release program, but was also intended to exploit racial prejudices. It fails the proposed test—by playing on morally repugnant emotions. But is racial prejudice the only reason it fails? You might ask whether we should object if the ad had portrayed a white felon who had committed a crime while on release. Would that be objectionably manipulative too? Perhaps not as objectionably, but it would still fail on the first condition, that the reaction should be psychologically controllable.

October Surprises

Information or announcements that come into the campaign at a point close to the election—so-called ‘October Surprises’ (Keller 2016)—count as another form of manipulation, because they do not allow time for responses and rational reflection and are therefore psychologically hard to resist. Some of the surprises are unavoidable—initiated by foreign powers (the release of the Iranian hostages) or mother nature (Hurricane Sandy in 2012). But others are deliberate and could be avoided (such as announcements of pending FBI investigations of candidates). Public opinion polls may also interfere with free choice by encouraging potential voters to base their decision to participate on what they see others doing rather than on their own autonomously determined reasons. To the extent that turnout is discouraged, the civic culture is impoverished, and the system of free choice eroded.

Social Bots

In a major speech to parliament in 2016, the German chancellor Angela Merkel called for a debate on the manipulation of public opinion by social bots (Copley 2016). A type of software program typically propagated on social network sites, social bots are designed to mimic human agents, often making users think the bot is a friend (or an enemy) and thereby winning their trust (or distrust) under false pretenses. The bots are frequently used to spread false information and denigrating rumors. But even when employed for benign purposes, they should still be considered manipulative insofar as they deceive users about the communicator’s identity in ways they cannot easily detect, and thereby circumvent their rational faculties only for the messenger’s own ends. Germany’s major political parties have pledged not to deploy bots in campaigns, but some experts warn that the anonymity of bots makes it easy to evade detection, and in any case third parties might still use bots to try discredit parties or politicians.

Denigration: Distorting the System of Free Choice

So far the standards described here have focused on voters as individuals—prescribing what candidates should and should not do to enable a voter’s choice to be more or less free. But a campaign might well support individual free choice but at the same time create an environment that makes the exercise of liberty more difficult—either for certain groups, or for all citizens considered collectively. Candidates and their supporters distort the system of free choice when they denigrate individuals and groups. These failures could also be interpreted as violations of a principle of equality or equal respect, but in keeping with the minimalist framework proposed here I emphasize their effect on the free choice of those who are denigrated, and the practices that affect all participants who have to participate in a process that they would not choose.

Candidates who use racist and xenophobic rhetoric reveal serious character flaws and cause some citizens distress or fear. But they also degrade the campaign as a democratic practice. Although a campaign is a competition in which citizens choose sides, it is still part of a democratic process in which all citizens should have the opportunity to participate on equal moral terms without fear of disrespect or implicit exclusion. Denigration is in this way a distinct wrong, even when it misleads and manipulates.

Campaign rhetoric does not have to be explicit to be denigrating. An especially insidious way to divide and denigrate citizens is the so-called dog whistle. The candidate makes a statement that seems to most listeners to make a legitimate (though perhaps disputable) point but to others it conveys a morally objectionable message. The candidate shows he agrees with the racists he is trying to reach, while preserving his respectability for the rest of the voters whom he doesn’t want to offend.

On the campaign trail in 1980, Ronald Reagan gave a now infamous speech in Mississippi, where he told assembled supporters that:

‘I believe in states’ rights.... I believe we have distorted the balance of our government today by giving powers that were never intended to be given in the Constitution to that federal establishment’ (Neshoba Democrat 2007).

To some, this may have sounded like a statement on constitutional law. Yet to the residents of Neshoba County, where the speech was held, it was heard as an attack on what the immediate audience still viewed as an illegitimate federal imposition—the civil rights agenda. Not incidentally, the Neshoba County Fair was very close to the town of Philadelphia, Mississippi, where three civil rights activists were shot and killed in 1964. As one commentator wrote: Reagan ‘was tapping out the code. It was understood that when politicians started chirping about ‘states’ rights’ to white people in places like Neshoba County they were saying that when it comes down to you and the blacks, we’re with you’ (Herbert 2007).

Even a simple request for information—asking for proof of citizenship—can send a denigrating message. The persistent demand to see Obama’s birth certificate was intended to cast doubt on Obama’s

legitimacy, notably on racist grounds. Ultimately, the demand lost its force with most citizens, partly because Obama himself mocked it (as at the White House Correspondent's Dinner in 2011). In this case humor was the best disinfectant for rhetorical offense.

Preventing denigration may take priority over providing information especially when the candidate's intention seems less to inform than to incite his followers. In the Netherlands, Geert Wilders, the far-right politician who was a leading contender to become prime minister, was convicted in 2016 of inciting discrimination and of insulting a group because he led a crowd at a political rally chanting, 'Fewer, fewer' to the question 'Do you want more or fewer Moroccans in this city and in the Netherlands?' (Siegal 2016). Geert claimed he was only informing the public: 'Because I spoke the truth. I cannot take back the truth.' His claim to be informing the public is obviously weak, as are most attempts to defend denigration by appealing to truths.

Designing Institutional Support

We should not underestimate the importance of clarifying and publicizing ethical standards. That project can help create and sustain informal norms, which ultimately may be the most effective form of enforcement. Especially in the US where the First Amendment reigns, informal pressures may often be one of the few ways to protect the free choice of some citizens from the abuse of free exercise of speech by others. But some changes in the institutions that affect campaigns should be considered. Here are few examples (some admittedly quixotic).

Boards and Commissions

Consider establishing a National Fact-Checking Board with a broad mandate to evaluate major speeches, ads, and debates of candidates. The Board would be nonpartisan, independent, and publicly funded. It could be modeled after the US Presidential Debate Commission, though with more legal powers. Its mandate would go beyond pointing out misinformation; it would also be authorized to expose misleading statements, noting omissions, and criticizing imbalances in the pattern of communication in the campaign. The Board would regularly publish reports, which the media regulated by the FCC would be required to air. With a large staff and respected professionals, the Board could over time build a reputation for fair and impartial appraisals of campaign conduct. Although voters do not pay much attention to fact checkers, elites do, and the fact-checking especially if broadened in this way, may in that way have an indirect positive effect. In any case, we need to reaffirm what in the past seemed to go without saying—that truth telling is an essential standard of ethical campaigning.

Another commission, perhaps modeled after Pulitzer Prize Committee or after a citizens' assembly, would award honors for exemplary campaign conduct. It would give special recognition to campaigns that consistently followed the ethical standards described here. Alternatively, the commission

could announce rankings—say, designating a campaign as a three-star enterprise, or a rally as 90-point event. Any such recognition probably would have to be ongoing, revised from time to time, so that it could track the dynamics of the campaign.

Political Parties

Political parties could develop new rules to control the conduct of their own candidates, and impose political penalties that could discourage the most egregious violations. Parties could strengthen their codes of conduct with more stringent sanctions (ACE 2012: 68-74, 80-81), which could range from expressions of disapproval to deregistration and withdrawal of financial support. Campaign managers guilty of violations could be black listed, or in other ways blocked from working for party-endorsed candidates.

Public Opinion

To avoid so-called October surprises, which do not give candidates time to respond or voters time to consider the implications, laws could restrict the kind of information released close to the election. Government agencies could be prevented from releasing reports or findings that could influence the outcome. Publication of public opinion surveys (and exit polls) could be more restrained than at present so as not to depress turnout and otherwise distort the final days of the campaign. (Sixteen EU countries already ban reporting of opinion polls close to the election (ACE 2013.)) Potential voters are less free if rather than deciding on their own, they make decisions about whether to vote only by considering whether others are voting.

Public Forums

To control the tendencies toward civic disrespect and other forms of denigration, we could strengthen laws against defamation, carefully tailored for campaigns, and focused on racial and other slurs by candidates or their official surrogates. There may be more room for regulation here than is commonly assumed (Marshall 2004; Rowbottom 2012).

In European countries, less encumbered than the US by deference to a constitutional provision like the First Amendment, offensive speech in campaigns can be prohibited if it denigrates groups and religions. In its ‘fact sheet’ on hate speech, the European Court of Human Rights (2016), while affirming the value of free expression, lists more than a dozen exceptions—such as ethnic, racial and religious hate speech. (For a defense of regulating hate speech, see Waldron 2012).

Campaign Finance

The familiar reforms, especially public financing, could help make campaigns more ethical according to the standards described here (Campaign Finance Institute 2016; U. S. Library of Congress 2016). But some of the reforms should be specifically targeted to protecting voters' free choice by directing efforts more toward correcting imbalances than eliminating the influence of money, and more toward assisting voters in making decisions than in creating fair competition for candidates. Also, we should recognize that the length of campaigns may be just as important as the regulation of funding. Compared to the US, most other advanced democracies limit the campaign period (in some cases setting it as short as two weeks), and even without limits on spending do not experience the extreme forms of communication distortions seen in the US

Strengthening Civic Obligations

Institutions alone cannot make campaigns more ethical. We can try to encourage politicians and their campaign managers to observe the minimal principles laid out above. But they are caught up in the heat of a campaign, and have an obligation to act zealously to support their own cause. To expect them to be notably public-spirited would be not only realistic but in a professional sense unethical. It would be like expecting a defense lawyer to give equal weight to his client's interest in acquittal and the court's interest in conviction of a guilty defendants. The lawyer certainly has some obligations to the court (such as not to facilitate perjurious testimony), just as the campaign manager has an obligation not to encourage lies by his candidate. That is a higher standard than many managers now observe. But to find agents who have stronger obligations, we have to look beyond the campaigns themselves and turn to the media and ultimately to citizens.

Media

Even in an age of truthiness, the simple duty of truthfulness still has relevance. This traditional principle still alive in many quarters of the professional world of journalism. It expresses not a commitment to pure objectivity or equal time but an obligation to report events and information as accurately and fairly as possible. The journalists who respect that obligation should be encouraged and praised. But they are under increasing threat from the pressures of profit imperatives and special interests. No less disturbing is the fact that their role has been reduced by the fragmentation of the media and the rise of the internet. Candidates and their supporters can use social media to bypass the traditional media completely and speak to the mass public directly.

These changes pose new challenges to journalists. How can journalists get the attention of the misinformed, who tend to read and watch only media that reinforce their mistaken views? When journalists do get the attention of these citizens, how can they overcome the widely shared distrust of so-

called mainstream media? Some relatively innovative practices that journalists themselves have been proposed may help (McBride and Rosenstiel 2014). Reporters and editors can be more transparent about their own processes of news gathering. They can show how they put together investigative reports, why they reject some information, why they trust some sources and not others. In short, they would write more stories about writing stories. A more far reaching change would be to further develop what is called citizen journalism. Traditional media outlets could make more use of reports from what used to be called 'stringers' but who would now comprise thousands of volunteers throughout the polity and who would report and document events at times and places otherwise neglected. The sheer numbers might provide not only credibility but also reliability by means of what would be a form of crowd sourcing.

Social media are the source of much of what is now called fake news, which has played an increasingly large role in campaigns. Sites like Facebook and Twitter—through their control over advertisers— could do much more to curtail the propagation of misinformation, and misleading stories, and denigrating communication. But we should encourage another kind of fake news—the kind that The Daily Show, Last Week Tonight, and other comedy outlets traffic in. Their 'journalists' make clear to their viewers that they are not simply reporting the news. But ironically much of what they present provides an accurate and often withering critique of their subjects, backed up with video clips that expose the inconsistencies and falsehoods of politicians (as well as the media).

Citizens

The duties of citizenship also become more challenging as politics become more polarized. The first duty of citizens in campaign ethics is simply to become better informed. There is actually plenty of accurate and diverse information available in campaigns, and a citizens should try to look beyond sources that support only what they already think they believe. They should do so even if they do not intend to change their minds about fundamentals—and even when they should not do so. Some of the reforms already mentioned may enable citizens better to fulfill this duty, but ultimately any success depends on their own commitments and attitudes.

It may be too late to expect many current citizens to respect this duty, but surely it is not too late to try to help the next generation cultivate the dispositions and develop the knowledge necessary for responsible citizenship in democratic campaigns (Levinson 2012). That is why it is such an important a part of any effort to make campaigns more ethical. Its importance also suggests a corollary: one of the most significant duties of current citizens is to try to ensure that the civic education of the next generation is more robust than theirs evidently has been.

Conclusion

In promoting campaign ethics, we should think less about how candidates can compete fairly or debate rationally, and more about what voters need to make decisions—what they need to exercise free choice. What voters need is not education about the common good, but protection from misinformation and manipulation. This minimalist view of campaign ethics in effect adopts a political version of the Hippocratic Oath: do no harm to voters' free choice.

Even so, we can have no confidence that politicians will soon rush to adopt the standards suggested here. Unless citizens themselves pay more attention to campaign ethics—and insist that candidates live up to their obligations to voters—the integrity of democratic campaigns will continue to suffer. Sooner or later, citizens will find ourselves supporting candidates like Luther Divine Knox, the Louisiana politician who once tried to run for governor of the state under a different name. In the hope of winning more votes, he went to court to change his legal name (US Court 1979). His new name? 'None of the Above.' If the integrity of our campaigns continues to deteriorate, we are likely to see—and perhaps even reluctantly welcome—many 'None of the Above's' on our ballots.

References

- ACE Electoral Knowledge Network. 2012. ACE Encyclopaedia: Parties and candidates, 2nd edition. Stockholm: ACE Available online at: <https://aceproject.org/ace-en/pdf/pc/view>
- ACE Electoral Knowledge Network. 2013. ACE Encyclopaedia: Media and elections, 2nd edition. Stockholm: ACE Available online at: <https://aceproject.org/ace-en/pdf/me/view>
- Ackerman, Bruce and James S. Fishkin. 2005. *Deliberation day*. New Haven: Yale University Press.
- Aristotle 1963. *Works: Ethica nicomachea*, W.D. Ross ed. Oxford: Oxford University Press.
- Beerbohm, Eric. 2015. The ethics of electioneering. *Journal of Political Philosophy* 4 (4): 381–405.
- Bessette, Joseph. 2010. Should election campaigns be deliberative? *Election Law Journal* 93: 197-210
- Campaign Finance Institute. 2016. Campaign finance bibliography. Available online at: <http://www.cfinst.org/about.aspx>
- Campbell, James E., ed. 2016. Elections in focus. *PS: Political Science & Politics* 49 4: 649-654 [see entire special issue].
- Confessore, Nicholas. 2014. Secret money fueling a flood of political ads, *New York Times*, Oc. 10, p. A1.
- Copley, Caroline. 2016. Merkel fears social bots may manipulate German election, *Reuters Technology News*, November 24 Available online at: <http://in.reuters.com/article/germany-merkel-socialbots-idINKBN13J1WR>
- Cummings, Dominic. 2017. On the referendum #21, *Dominic Cummings Blog* January 19. Available online at <https://dominicummings.wordpress.com/2017/01/09/on-the-referendum-21-branching-histories-of-the-2016-referendum-and-the-frogs-before-the-storm-2/>
- Dale, D. and T. Talag. 2016. Donald Trump: The unauthorized database of false things, *Toronto Star*, Nov. 4. Available online at <https://www.thestar.com/news/world/uselection/2016/11/04/donald-trump-the-unauthorized-database-of-false-things.html#analysis>
- Elmelund-Præstekær, Christian, and Helle Mølgaard Svensson. 2013. Ebbs and flows of negative campaigning: A longitudinal study of the influence of contextual factors on Danish campaign rhetoric. *European Journal of Communication* 292: 230-239.
- Erikson, Robert S. and Christopher Wlezien. 2012. *The timeline of presidential elections: How campaigns do and do not matter*. Chicago: University of Chicago Press.
- European Court of Human Rights 2016 Fact sheet–Hate speech. Available online at: http://www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf
- Gardner, James A. 2009. *What are campaigns for? The role of persuasion in electoral law and politics*. New York: Oxford University Press.
- Gettleman, Jeffrey. 2002. Senator Cleland loses in an upset to republican emphasizing defense, *New York Times*, Nov. 6.
- Gutmann, Amu and Dennis Thompson. 2012. *The Spirit of compromise: Why governing demands it and campaigning undermines it*. Princeton: Princeton University Press.
- Herbert, Bob. 2007. Righting Reagan’s wrongs? *New York Times*, Nov. 13, p. A29.
- Jacobson, Gary C. 2015. How do campaigns matter? *Annual Review of Political Science*, 18(1): 31–47.
- Keller, Jared. 2016. The strange history of the October surprise. *Smithsonian.com*. Available online at: <http://www.smithsonianmag.com/history/strange-history-october-surprise-180960741/>
- Lau, Richard R. and Ivy Brown Rovner. 2009. Negative campaigning. *Annual Review of Political Science* 12 (2009): 285– 306.
- Levinson, Meira. 2012. *No citizen left behind*. Cambridge MA: Harvard University Press.

- Mann, Robert. 2011. *Daisy petals and mushroom clouds*. Baton Rouge: Louisiana State University Press.
- Marshall, William.P. 2004. False campaign speech and the first amendment. *University of Pennsylvania Law Review* 153: 285-323.
- McBride, Kelly and Tom Rosenstiel, eds. 2014. *The new ethics of journalism*. Thousand Oaks CA: Sage.
- Museum of the Moving Image. 1988. *Bush v. Dukakis; Willie Horton*. Available online at <http://www.livingroomcandidate.org/commercials/1988/willie-horton>
- Neshoba Democrat. 2007. Transcript of Ronald Reagan’s 1980 Neshoba county fair speech, Nov. 15. Available online at: <http://neshobademocrat.com/Content/NEWS/News/Article/Transcript-of-Ronald-Reagan-s-1980-Neshoba-County-Fair-speech/2/297/15600>
- Orr, Graeme. 2013. Deliberation and electoral law. *Election Law Journal*. 12 (4):421-34.
- Parker, Ashley and Steve Eder. 2016. Inside the six weeks Donald Trump was a nonstop “birther”, *New York Times*, July 2, p. A1.
- Rowbottom, Jacob. 2012. Lies, manipulation and elections—controlling false campaign statements, *Oxford Journal of Legal Studies* 32(3): 507–535
- Sides, John, Keena Lipsitz and Matthew Grossmann. 2009. Do voters perceive negative campaigns as informative campaigns? *American Politics Research* 38(3): 502-530
- Siegal, Nina. 2016. Geert Wilders, Dutch politician, distracts from hate-speech trial with more vitriol, *New York Times*, Oct. 31, p. A9
- Thompson, Dennis F. 2004. *Just elections: Creating a fair electoral process in the U.S.* Chicago: University of Chicago Press.
- — — 2007. *La vie privée des politiques*, *Raison Publique* 6 (April): 61-72.
- — — 2010. Constitutional character: virtues and vices in presidential leadership, *Presidential Studies Quarterly* 40 (1): 23–37.
- — — 2013 *Deliberate about, not in, elections*. *Election Law Journal*, 12(4): 372–85.
- US Court of Appeal of Louisiana, First Circuit 1979 *None of The Above v. Paul J. Hardy, William J. Guste, Jr. and Douglas Fowler*, 377 So. 2d 385.
- US Library of Congress. 2016. *Regulation of campaign finance and free advertising: Austria, Canada, Finland, Israel, Japan, New Zealand, United Kingdom* Available online at: <http://www.loc.gov/law/help/campaign-finance-regulation/campaign-finance-regulations.pdf>
- Waldron, Jeremy. 2012. *The harm in hate speech* Cambridge MA: Harvard University Press.