

Teaching Caselettes

THE ETHICS OF POLITICAL SATIRE

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Political satirists like Jon Stewart, Larry Wilmore, Stephen Colbert, Samantha Bee, Trevor Noah and John Oliver have become trusted critics and investigators of American political culture. Do these comedians have any ethical responsibilities regarding the political information they disseminate or does the responsibility ultimately lie with the public?

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Issue Background:

Between 1999 and 2015, *The Daily Show* with Jon Stewart put on over 2,000 episodes skewering politicians, delivering biting critiques of Congress and legislative politics, challenging journalists and 24-hour news networks. His former correspondents have developed a number of successful offshoot political satire shows: *The Colbert Report* with Stephen Colbert, *Last Week Tonight with John Oliver*, *The Nightly Show* with Larry Wilmore, *Full Frontal with Samantha Bee* and the *Daily Show* with Trevor Noah.

Political satirists are routinely described as a trusted source of news, an increasingly important player in American elections and as shaping the attitudes of Americans towards politics. With great social and political impact, some have claimed, comes greater scrutiny and ethical responsibility. Satirists' coverage of serious topics such as the debt ceiling, net neutrality, patents or the minimum wage have occasionally been criticized as incomplete, misleading or biased. In response, political satirists have uniformly reaffirmed their role as jokesters rather than serious commentators, shifting the burden of responsibility on the media and the public. However, they have also occasionally issued corrections, updates or defenses of their original positions. In addition to considering the standards that would govern political satire, the question remains of whether responsibility for upholding these standards should be assigned to the producers of political satire or to the general public.

Do these comedians have any ethical responsibilities regarding the political information they disseminate or does the responsibility ultimately lie with the consuming public?

'I'm Just a Comedian'

Political satirists advertise themselves as mere entertainers,¹ a category that keeps them carefree concerning slander, libel, accusations of bias,² or, as the *Daily Show* website used to put it, "unburdened by objectivity, journalistic integrity or even accuracy".³

One could argue that it is precisely the status of outsiders to the mainstream media world and the legal and ethical codes constraining journalists that have allowed political satirists to deliver high-quality commentary and biting critiques without fear of legal or political repercussions and that we should therefore allow comedians to stick to their defense. As Colbert once exclaimed at praise for his contributions to journalism, "Are you trying to get me fired?"

However, there are a number of reasons to be suspicious about this self-description and investigate how and why political satirists are perceived as journalists.

¹ In a 2007 interview whose transcript is available online, Bill Moyers told Jon Stewart: "You've assumed that role [journalist]. The young people that work with me now, think they get better journalism from you than they do from

² For a summary of legal protections against defamation for satire and parody Dorsen, Harriette K, "Satiric appropriation and the law of libel, trademark, and copyright: remedies without wrongs", *Boston University Law Review* 65 (1985): 939-952.

³ Smolkin, Rachel, "What the Mainstream Media Can Learn from Jon Stewart", last modified July 2007, <http://ajrarchive.org/Article.asp?id=4329>.

From Fake News to Real Awards

Despite these numerous disclaimers about their status as "just entertainers", satirists like Noah, Oliver or Colbert present themselves in ways very similar to news anchors and news personalities. All of these shows employ a news-like set, reporter's attire, series of images and clips from the day or week's political news, (satiric) commentary, investigative segments and one-on-one interviews with politicians and producers of American culture (writers, musicians, professors, film-makers). Stewart, Colbert and others have occasionally apologized for misleading information or issued corrections and updates to stories aired on their shows, indicating some willingness to accept responsibility for political content.⁴

The American public increasingly associates political satirists with journalists. In a survey asking Americans about the most admired news figures, Jon Stewart made the top ten, tied with Anderson Cooper and Tom Brokaw and 6% of Americans under 30 named Stewart as their favorite journalist.⁵ Upon retiring from their respective shows, Stewart and Colbert have been called the Walter Cronkite and Edward R. Murrow of our generation and the "voice" of the millennial generation.⁶ A 2009 Rasmussen poll reports that nearly one-third of voters under 40 consider political satire shows to represent an alternative to traditional media outlets.⁷

Oliver, Stewart and Colbert have all received Peabody Awards and been recognized for their contributions to the public discourse. The Daily Show with Jon Stewart received the Peabody twice for its coverage of the presidential elections in 2000 and 2004 under the headlines "Indecision 2000" and "Indecision 2004". The Colbert Report received the award in 2007 and 2011 for its episodes on campaign finance, including "Hail to the Cheese—Stephen Colbert's Nacho Cheese Doritos 2008 Presidential Campaign Coverage" and his Super PAC segments, while John Oliver won it within 6 months of the show's launch for "at times becoming an investigative journalist as skilled at interrogating his target as any Progressive Era muckraker".⁸

⁴ Jon Stewart has often responded to criticisms of his stories by issuing corrections. For example, he corrected a story on the shooting of a black teenager in San Bernardino: Daily Show "A Single Factual Error", December 8, 2014, <http://www.cc.com/video-clips/xn508x/the-daily-show-with-jon-stewart-a-single-factual-error>. Larry Wilmore issued an apology for his comments on black women in a subsequent episode: Nightly Show, "Designer Babies", February 5, 2015, <http://www.cc.com/video-clips/fvmpj/the-nightly-show-with-larry-wilmore-designer-babies>.

⁵ Pew Research Center, "Today's Journalists Less Prominent: Fewer Widely Admired than 20 years ago", last modified March 8, 2007, <http://www.people-press.org/2007/03/08/todays-journalists-less-prominent/>.

⁶ See recent books such as "From Cronkite to Colbert: The Evolution of Broadcast News" or recent coverage of his retirement in Schwartz, Brad, "Jon Stewart and Stephen Colbert's Greatest Legacy: Teaching Millennials to Think", last modified August 6, 2015, <http://www.vanityfair.com/hollywood/2015/08/jon-stewart-stephen-colbert-legacy>.

⁷ Rasmussen Reports, "Nearly One-Third of Younger Americans See Colbert, Stewart as Alternatives to Traditional News Outlets", last modified March 25, 2009, http://www.rasmussenreports.com/public_content/lifestyle/entertainment/march_2009/nearly_one_third_of_younger_americans_see_colbert_stewart_as_alternatives_to_traditional_news_outlets.

⁸ Peabody Awards, "Last Week Tonight with John Oliver", last accessed April 26, 2016, <http://www.peabodyawards.com/award-profile/last-week-tonight-with-john-oliver>

Learning with Leivity

According to a recent academic study, viewers of the Colbert Report Super PAC episodes ranked higher in knowledge of campaign finance laws than non-viewers and even than viewers of alternative news sources.⁹ Similarly, viewers of John Oliver's coverage of net neutrality reported much higher knowledge about the issue, as well as strong preferences against "fast lane" regulation by the FCC.¹⁰ Both of these stories involved investigative journalism and advocacy for specific legislative action. However, both stories have received criticism from opponents for factual inaccuracy and biased reporting.¹¹

A number of impact studies of the Daily Show describe higher political knowledge among viewers, though some also point to growing cynicism and apathy.¹² In addition to their responsibility for the content of the news, many of the political satirists have publicly apologized for ethically dubious statements, such as Jon's apparent indication that he did not vote in the election.¹³ As opinion leaders and active participants in the public sphere, political satirists seem to be taking their role as civic educators more seriously than they openly admit.

Ethics for Serious Satirists?

If political satirists were to be bound to a similar ethical code to journalists, we would expect them to be more accountable for the truth, accuracy and impartiality of their stories as well as more transparent about their fact-gathering process. Journalists themselves do not abide by a single code of ethics, but examples of professional standards do exist. According to the Society of Professional Journalists, "ethical journalism strives to ensure the free exchange of information that is accurate, fair and thorough".¹⁴ The SPJ provides four ethical principles that they encourage all members of the media to follow in their practice:

⁹ Bruce W. Hardy, Jeffrey A. Gottfried, Kenneth M. Winneg & Kathleen Hall Jamieson "Stephen Colbert's Civics Lesson: How Colbert Super PAC Taught Viewers About Campaign Finance", *Mass Communication and Society* 17.3 (2014): 329-353.

¹⁰ University of Delaware Center for Political Communication, "National Survey Shows Public Overwhelmingly Opposes Internet 'Fast Lanes'", last modified November 10, 2014, http://www.udel.edu/cpc/research/fall2014/UD-CPC-NatAgenda2014PR_2014NetNeutrality.pdf.

¹¹ For a critical take on Oliver's episode, see Healey, John, "John Oliver finds humor in net neutrality, but loses the facts", *LA Times*, last modified June 5, 2014, <http://www.latimes.com/opinion/opinion-la/la-ol-john-oliver-gets-net-neutrality-wrong-20140604-story.html>. For criticism of Colbert, see Institute for Justice, "Colbert's Super PAC Surprisingly Un-super", last modified February 3, 2012, <http://makenolaw.org/blog/9-independent/241-colberts-super-pac-surprisingly-un-super>.

¹² Baumgartner, Jody and Morris, Jonathan S, "The Daily Show Effect: Candidate Evaluations, Efficacy, and American Youth", *American Politics Research* 34.3 (2006): 341-367.

¹³ Daily Show, "Democalypse 2014: America Remembers It Forgot to Vote: Midterm Election Results", November 4, 2014, <http://www.cc.com/video-clips/r98it7/the-daily-show-with-jon-stewart-democalypse-2014---america-remembers-it-forgot-to-vote--midterm-elections-results>.

¹⁴ Society of Professional Journalists, "Ethics Code", last accessed April 26, 2016, <https://www.spj.org/pdf/ethicscode.pdf>.

- *Seek truth and report it*: Ethical journalism should be accurate and fair. Journalists should be honest and courageous in gathering, reporting and interpreting information
- *Minimize harm*: Ethical journalism treats sources, subjects, colleagues and members of the public as human beings deserving of respect
- *Act independently*: The highest and primary obligation of ethical journalism is to serve the public.
- *Be accountable and transparent*: Ethical journalism means taking responsibility for one's work and explaining one's decisions to the public.

Public Responsibility

As an alternative to demanding that comedians act like ethical journalists, we might expect that the primary responsibility lies with the consuming public to distinguish between information provided by professional journalists and that distributed by comedians and entertainers. This ethical obligation of the democratic public can be manifested at the individual level, at the level of civil society, or at the level of government.

Individual-level accountability implies that each viewer is considered responsible for fact-checking information received from any source, including political entertainment. Each individual citizen has complete latitude to choose which news sources they trust and how to sift through the competing accounts of news stations as different as Fox News and MSNBC. Parents may scrutinize the viewing choices of young children, but responsibility remains at the individual or family-level.

Alternatively, civil society can take responsibility for fact-checking political satire. A number of successful non-profit websites and organizations already provide information regarding the factual content of news stories, particularly information concerning the electoral process or political coverage. Politifact.org has received the Pulitzer Prize in 2008 for their coverage of the national election.¹⁵

Finally, one can imagine government-support for scrutinizing the truth content of political satire through the provision of public service announcements along the line of "This product is meant for entertainment and not intended as a serious source of news."

¹⁵ Adair, Bill, "PolitiFact wins Pulitzer", last modified April 20, 2009, <http://www.politifact.com/truth-o-meter/article/2009/apr/20/politifact-wins-pulitzer/>.

Appendix

The Daily Show with Jon Stewart produced over 2,000 episodes in its 16 years under Jon's leadership. The show generally featured an opening monologue by Stewart acknowledging the highlights of the day, a segment featuring a reportage or exchange done by a 'senior' correspondent, an interview and a final Moment of Zen. Over the years, the Daily Show has featured tens of talented correspondents, all members of the colorfully named *The Best F#@king News Team Ever*. Through the use of correspondents, the show has often been able to discuss issues of race, gender and high social salience that are not featured in the primary news coverage portion.

- Season 20, Episode 2,677, "Uncensored: Three Different Kinds of Bulls**t", aired August 6, 2016

<http://www.cc.com/video-clips/ss6u07/the-daily-show-with-jon-stewart-uncensored---three-different-kinds-of-bulls--t>

- Season 20, Episode 2,539, "Jessica's Feminized Atmosphere", aired October 2, 2014

<http://www.cc.com/video-clips/5ndnit/the-daily-show-with-jon-stewart-jessica-s-feminized-atmosphere>

The Daily Show with Trevor Noah has so far continued the classic format with a few twists and turns. Trevor Noah began as a Daily Show correspondent with a segment called "Spot the Africa", where Trevor highlighted both stereotypical Western perceptions of African states and the lingering issues with race relations in America. Trevor Noah began his show by declaring his intention to continue Stewart's "war on bulls**t". Since taking over his duties as host, Noah has focused on the 2016 US elections, but also added a global touch by announcing a set of international Daily Show episodes. The first installment, the Myanmar Daily Show, covered the election of pro-democracy Nobel Prize winner Aung San Suu Kyi into parliament and described the phenomenon of Buddhist extremism.

- Season 21, Episode 2,678, "Trevor Continues the War on Bulls**t", aired September 28, 2015

<http://www.cc.com/video-clips/nl2lu0/the-daily-show-with-trevor-noah-trevor-continues-the-war-on-bulls--t>

- Season 21, Episode 2,700, "The Myanmar Daily Show", aired November 12, 2015

<http://www.cc.com/video-clips/wzhzq9/the-daily-show-with-trevor-noah-the-myanmar-daily-show>

The Colbert Report ran from 2005 to 2014 for a total of 1,447 episodes. Stephen Colbert cultivated a fictional news anchor persona that he describes as "a well-intentioned, poorly informed, high-status idiot", himself a caricature of a political pundit. Colbert often parodies the conservative political talk shows on Fox News such as *The O'Reilly Factor* with Bill O'Reilly. The Colbert Report set, affectionately named "The Eagle's Nest", was abundantly decorated with self-aggrandizing Colbert portraits and monograms and patriotic American paraphernalia, including copies of the Constitution and Bill of Rights. Recurring segments include *Better Know a District*, where Colbert aired his outrageous interviews with Congressmen and Congresswomen from 94 electoral districts. Colbert has used his notoriety and strong fan base to interject himself (ironically) in the actual political process. In 2011, he testified before Congress in character on a bill concerning migrant farm workers. He briefly pursued a presidential bid in his home state of South Carolina in 2007 before being removed from the ballot. In 2012, he started his own Super PAC called "Americans for a Better Tomorrow, Tomorrow", highlighting loopholes in American campaign finance law over multiple episodes. The PAC collected \$1.02 million dollars, proceeds which were eventually donated to charity. Colbert is also famous for coining the term "truthiness" mocking the appeal to emotions, gut feelings and rhetoric by politicians as a substitute for rigorous arguments based on facts, evidence or logic.

- Stephen Colbert's Testimony Before Congress on Immigrant Farm Workers, aired September 24, 2010

<http://www.c-span.org/video/?295639-1/immigrant-farm-workers>

- Season 1, Episode 1, "Truthiness", aired October 17, 2005

<http://www.cc.com/video-clips/63ite2/the-colbert-report-the-word---truthiness>

- Season 8, Episode 1,016, "Colbert Super PAC SHH! - Secret Second 501C4 - Trevor Potter", aired November 12, 2012

<http://www.cc.com/video-clips/66y7dx/the-colbert-report-colbert-super-pac-shh----secret-second-501c4--trevor-potter>

The Nightly Show with Larry Wilmore airs every week night after the Daily Show and originally started in 2014, taking over the empty slot left by the Colbert Report. The Nightly Show begins with a similar monologue covering the day's news and political events, but instead of a one-on-one interview, Wilmore prefers to moderate a panel with multiple guests, often guests with opinions wide apart on the political spectrum. Wilmore's coverage pays close attention to racial issues in the US and his style of satire is often more biting than either Stewart or Colbert's. One of the recurring segments "Keep it 100" challenges Wilmore's guests to truthfully answer a sensitive or politically incorrect question without any spin or empty rhetoric. Guests that fail to keep it 100% real get a packet of weak tea.

- Season 1, Episode 33, "Blacklash 2016: The Unblackening", aired March 24, 2015

<http://www.cc.com/video-clips/evsk4c/the-nightly-show-with-larry-wilmore-blacklash-2016--the-unblackening---ricky-velez---mike-yard>

Last Week Tonight with John Oliver started in 2014 with a risky new format for the political satire/fake news shows. The show employs a large team of writers and researchers to put out one installment every week featuring a few short stories related to the week's events and one large segment featuring in-depth coverage of a single issue. From the first few episodes, Oliver did the unthinkable for a comedy show and aired a 12 minute segment on the death penalty. His in-depth reportage pieces have since taken on a variety of topics previously thought too dry (infrastructure, civil asset forfeiture, net neutrality, the IRS) or too dark (prisons, nuclear weapons, revenge porn, mental health) for extended comedic coverage. John Oliver has interviewed Edward Snowden in Russia, exposed false advertising by the Miss America Pageant and taken on big sugar, big tobacco, big oil, big pharmaceuticals and every other large corporation engaged in ethically questionable practices. Oliver often ends his shows by demanding action from his audience, whether in the form of online petitions to the Federal Communications Committee, donations to his new church Her Lady of Perpetual Exemption, protesting or other creative awareness-raising campaigns such as the use of mascots or Supreme Court puppy look-alikes. Despite coming close in style to an investigative journalist, Oliver firmly denies having any role other than comedian.

- Season 1, Episode 11, "Incarceration in the United States", aired July 20, 2014

https://www.youtube.com/watch?v=_Pz3syET3DY

- Season 1, Episode 5, "Net Neutrality", aired June 1, 2014

<https://www.youtube.com/watch?v=fpbOEoRrHyU>

- Season 2, Episode 34, "Patent Trolls", aired April 19, 2015

https://www.youtube.com/watch?v=3bxcc3SM_KA

The newest political satire show is *Full Frontal with Samantha Bee*. In only a month of air time, Samantha Bee has provided excellent coverage of the presidential candidates and the state of American politics.

- Season 1, Episode 4, "2010 Election", aired February 29, 2016
https://www.youtube.com/watch?v=fw41BDhI_K8