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# A Free and Undemocratic Press?

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# Center for the Study of Ethics in Society

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*A Free and Undemocratic Press?*

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# Center for the Study of Ethics in Society

Founded 1985

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# **A Free and Undemocratic Press?**

**Presented October 29, 2009**

**Dr. Stephen J. A. Ward**

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## Dr. Stephen J. A. Ward

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He is the author of the award-winning *The Invention of Journalism Ethics: The Path to Objectivity and Beyond* and co-editor of *Media Ethics Beyond Borders*. His research interests include history of journalism ethics, ethical theory, global media ethics and science journalism. Prof. Ward is principal investigator of an international study into the public communication of controversial science. Prof. Ward is associate editor of the *Journal of Mass Media Ethics*.

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## **A Free and Undemocratic Press?**

**Stephen J. A. Ward**

I want to examine the link between a free press and a democratic press. Is a free press necessarily a democratic press? How judge whether a press is democratic? These questions require reflection on the liberal theory of the press and what democracy requires of journalists. I argue that the future of our democracy depends on a core of journalists practicing an objective, deliberative journalism across all media platforms. This is a journalism that goes beyond simply exercising its freedom to publish, to an ethical concern for how it facilitates public discourse in a pluralistic society. Journalists not only have freedom to publish; they have duties to use their freedom to foster reasonable political discourse. A libertarianism that thinks democracy only requires a free and diverse media, offline and online, is not enough.

By a free press I mean a press relatively unfettered by government and law in its news gathering and publications. By democracy I mean a constitutional liberal democracy. A constitution is a social contract that defines the terms by which different groups can peacefully and fairly co-exist and enjoy the

benefits of cooperation. A constitution balances freedom and justice. It protects basic liberties for all while making sure the pursuit of liberty by any individual or group is restrained by the rule of law. The constitution is rooted not only in liberty but in principles of justice, such as restrictions on what majorities can do to minorities. Citizens not only vote but meaningfully participate in debate and decisions. Therefore, to ask if a press is democratic is to ask whether the press contributes to this ideal of liberal democracy.

I begin by critiquing a revival of the libertarian model of the press which is popular among some free press advocates and new media enthusiasts. Libertarianism is the view that a democratic, public sphere requires primarily – or only – a free media available to many citizens. For cyberspace, the restraints of journalism ethics are not especially relevant. Ethical rules belong to a fading era of professional journalism. A libertarian model eschews talk of press duties and emphasizes the value of free voices.

I don't claim that all people who value a free press or who work online are libertarians. Later I will note more nuanced views. I pick out libertarianism for attention because it poses the clearest, strongest challenge to ethics. I am weary of hearing this attitude in comments by students, in reaction to my ethics columns, and in articles on journalism. Once we have set it aside

we can move on to more fruitful discussions. I will begin by using history to question the libertarian position. Then I'll put forward my conception of democratic journalism, based on John Rawls's political liberalism.

### **Path to Liberal Theory**

Let's re-trace the path that led to the liberal theory of the press in the nineteenth century.<sup>1</sup> We are so used to the phrase, a free and democratic press, that we think the two notions are inseparable. We forget our history. The link between a free press and a democratic press was slowly constructed. There was a time when liberals were not democrats. We forget a time when journalists themselves rose up to argue that a free press needed ethics.

The path begins with the English and American press in the eighteenth century. In England, the end of press licensing allowed the newspaper to become a medium for the Enlightenment public sphere. Newspapers claimed to be tribunes of the public, protecting liberty against government, creating public opinion and then representing that opinion to government. By the end of the eighteenth century, the press was no longer a collection of small newsbooks or pamphlets. The press was a

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<sup>1</sup> For a detailed history of this path to liberal theory see my *The Invention of Journalism Ethics*, chapters three to six. All quotations in this section of the text are taken from these chapters.



Fourth Estate, a socially recognized institution, a power to be praised or feared with guarantees of freedom in the constitutions of America and France.

This Enlightenment emphasis on the public was not a liberal theory of the press. The latter would arise in the nineteenth century when ascendant liberalism was applied to the press. The liberal theory was libertarian in spirit. In economics, liberalism supported *laissez-faire* – a free economic marketplace. Liberalism also supported a free marketplace of ideas that would allow the press to be a watchdog over government. This liberal view assumed that there was a “hidden hand” in both a free marketplace of the economy and of ideas that led in the long run to the victory of the most progressive ideas.

Liberalism produced two types of liberal press: An elitist newspaper in England and an egalitarian, popular press in America. The elite press, for example the *Times* of London, and its supporters were not particularly democratic. Elite liberals in England favored a marketplace of ideas as long as it advanced liberalism, and as long as the marketplace could be led by elite liberals. Charles Knight, advocate of popular publishing, thought the press should disseminate middle class ideas down to the lower classes. Victorian liberals were haunted by the idea of government controlled by the masses and by a democratic “leveling” of opinion. James Mill, father of J.S. Mill, supported a

free press because it allowed “the sufficiently enlightened” to engage in open discussion.

The story was different in America. Here, journalists and the public were more ready to draw a direct link between a liberal and a democratic press because of the more egalitarian character of society and a popular press. Beginning in the 1830s, the new penny papers of New York, Boston and elsewhere claimed to be informing all classes for greater democratic involvement. However, by the end of the 1800s, the popular press was dominant on both sides of the Atlantic, as a mass commercial press operated by Hearst, Pulitzer, and others.

It is difficult for us to appreciate the enthusiasm generated by the newspaper. London commuters in the 1880s fought over newspapers at railway stations. “Newspapers have become almost as necessary to our daily life as bread itself,” effused Mason Jackson. The newspaper was praised lavishly as an instrument of progress and educator of public opinion. Editor Charles Peabody said the press “raised the tone of our public life; made bribery and corruption ... impossible.”<sup>2</sup> Charles Dickens and Joseph Paxton, builder of the Crystal Palace, brought out their *Daily News* to promote “principles of progress and improvement ... the bodily comfort, mental elevation and general contentment of the British people.”

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<sup>2</sup> Ward, *The Invention of Journalism Ethics*, 214-219

This was the great liberal hope for the newspaper. But that hope was perched on vulnerable assumptions: That if you make the press free, it will advance liberalism, rational public opinion, and democracy; that a commercial press would put the interests of the public ahead of its own. At the turn of the twentieth century, critics challenged these assumptions.

### **Doubts about Liberal Theory**

Disillusionment with the liberal press arose from two sources. First, the hope that an unregulated press would be a responsible educator flagged as the commercial press was accused of being too sensational, too dependent on profits and advertisers, and so powerful that it distorted the marketplace of ideas. The press was a tool of press barons. A commercial press seemed to be no better for journalism and democracy than a partisan press, dependent on political patronage. So much for the hidden hand of the marketplace.

A second source of disillusionment was skepticism about journalism's capacity to report truthfully about a complex modern world. There was a growing awareness that reporters' stories were distorted by manipulative forces in the public sphere, from the press agent to the war propagandist. Public opinion could be irrational, or manufactured.

### **Birth of Journalism Ethics**

So, what should be done? One response was to develop an ethics for journalism. This project worked against the original impulse of the liberal theory. Ethics was needed because a free marketplace of ideas was not enough. The world needed journalists to adhere to ethical principles. Journalists should discipline their reporting with the rules of objectivity.

The creation of modern journalism ethics began among the growing ranks of journalists as they formed themselves into professional associations. Across America, state and national associations, such as the Society of Professional Journalists, wrote codes of ethics that stressed professionalism, independence, truth-seeking, and objectivity. The codes became the content for the first ethics textbooks and for courses in journalism schools. In Canada, England, and the United States, high-level commissions investigated the impact of a powerful free press on democracy. Ethics was a self-imposed restriction on journalistic freedom. As the twentieth century progressed, new press theories added more duties to journalism ethics. A social responsibility theory of the press was articulated by the Hutchins Commission in the late 1940s.<sup>3</sup> Later, communitarians called upon the press to strengthen communal values, rather than encourage individualism. Feminists sought a journalism that did

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<sup>3</sup> Ward, *The Invention of Journalism Ethics*, 226-7

not demean women and which fostered caring relations among citizens. Public journalists argued that journalism's primary purpose was to re-ignite civic engagement.

Nothing like this was envisaged by the partisan journalists who fought for a free press in the eighteenth century; or by libertarians in the nineteenth century. Clearly, the prevailing liberal theory had failed. So my point is: If the model was inadequate then, why it is any more adequate today? I will return to this question later. But first I want to introduce my alternative model.

### **Democratic Journalism Model**

My model starts with two assertions: First, a free press is not the goal of journalism. The goal is to use a free press to advance democracy. Second, journalists have responsibilities concerning what and how they communicate because of their impact. Journalists have an ethics because they can do both substantial public harm, and substantial public good. On the negative side, journalists can destroy reputations, deal in malicious rumors, demonize minorities, plagiarize and fabricate stories, 'doctor' images, intrude on private lives and add to the trauma of vulnerable people. They can manipulate elections, spark racial tensions; accept kick-backs for doing (or not doing) stories. They can sensationalize and misrepresent issues. In times

of tension, they can support the removal of civil rights, support unjust wars, and act as a megaphone for demagogues. There is also the positive side of journalism – contributing to the public good. Journalists have more than negative duties to not do things, such as to avoid harm. They have positive duties to do certain things – to seek truth courageously without fear or favor.

This leads me to my democratic model. I think journalists have a positive duty to promote democracy. Earlier, I defined democracy as a constitutional social contract that protects liberty within the bounds of justice, and requires meaningful citizen participation. Today, I think that participation must take into account the pluralism of our times. I agree with Rawls that a central issue for the future of liberal democracies is how citizens, with different interests and different conceptions of life, can live together in freedom and relative harmony. How do they arrive at common principles and policies?

To respond to this challenge, Rawls developed his idea of political liberalism.<sup>4</sup> Democracies do not accept the imposition of principles from one religion or philosophy on the entire body politic. This requires citizens to identify an overlapping consensus on political principles for running their country, sharing benefits, protecting basic rights, and operating institutions. Moreover, these principles must be applied every day

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<sup>4</sup> Rawls, *Political Liberalism*, 131-172

to new and thorny issues. Therefore, inclusive and reasonable deliberation about principles should take center stage. The quality of communication among citizens is of special importance. How citizens approach the discussion of issues, and how they speak to each other, is crucial. Without public means of deliberation, discourse can be high-jacked by loud and intolerant voices. Media manipulation becomes an extension of power, an undemocratic way of dealing with the differences among us. Rawls argues that a special sort of discourse is crucial when citizens deal with the fundamental issues. He calls it "public reason."<sup>5</sup> It is reasonable discourse by people willing to transcend their own interests and ideology to consider what is fair to others. Public reason is a form of deliberation defined by Michael Walzer as "a particular way of thinking: quiet, reflective, open to a wide range of evidence, respectful of different views. It is a rational process of weighing the available data, considering alternative possibilities, arguing about relevance and worthiness, and then choosing the best policy or person."<sup>6</sup> If you follow Rawls in this line of thinking, the question about a democratic press becomes this: How do journalists promote public reason in pluralistic societies?

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<sup>5</sup> Rawls, *Political Liberalism*, 212-254

<sup>6</sup> Walzer, "Deliberation, and What Else?" 58

The short answer is this: Journalists promote public reason when they fulfill two crucial functions of democratic media – an informative and a deliberative function. On my view, journalists have a duty to improve the informational and deliberative health of citizens as public health officers are responsible for the physical health of citizens.

### **The Informative Function**

What is the informative function? It is not just reporting any sort of information. It is a combination of three types of journalism that require skill and disciplined inquiry. First, accurate, contextualized reporting on events. Second, investigative journalism, as the necessary exploration of what goes on below the surface of society. And three, informed interpretation of major social areas. Intelligent context and depth of investigation – these are two qualities of democratic journalism. And I will mention a third: objectivity. The informative function is best fulfilled when journalists adopt the attitude of what I call “pragmatic objectivity.”<sup>7</sup> This is not a traditional objectivity of reporting just the facts. It is about adopting an objective stance and then evaluating stories according to a set of norms. Journalists adopt the objective stance when they are disinterested. They are disinterested when they do

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<sup>7</sup> Ward, *The Invention of Journalism Ethics*, 261-316



not prejudice a story in advance but follow the facts where they lead. They are willing to put a critical distance between them and their views. Journalists then have to test their stories with a set of criteria, such as the empirical strength of their reports and their coherence with existing knowledge. Pragmatic objectivity includes the critical evaluation of claims to fact, knowledge, and expertise. Objectivity is not neutrality or perfect knowledge of reality. It is a flexible imperfect method, a way of testing stories and reducing bias. If journalists carry out these three forms of journalism objectivity, they carry out a major task of democratic media. They express views grounded in knowledge, experience, research, and a critical but open mind. They provide a reliable base for all subsequent analysis and comment.

### **The Deliberative Function**

So, what about the deliberative function? Good journalism deliberates, and helps citizens deliberate. Here, the manner in which journalists talk to their audience, frame their topics, and structure discussion is paramount. A non-deliberative approach can be seen and heard on television and radio every day. It is the tired format of talking heads screaming at each other. Or it is the arrogant talk show host who frames the topic in the most simple and provocative manner. Hot talk is a modern example of why a free press is not enough for democracy. If all

of talk radio was divided evenly between clones of Rush Limbaugh on one hand and extreme liberals on the other, would this make news media democratic and deliberative?

Democratic journalists and citizens approach public discussion differently. The aim is not to simply express my view; it is not about portraying those who disagree with me as unpatriotic enemies who must be crushed. It is not a winner-take-all affair. Deliberation is not a monologue. Democratic discourse is social and cooperative. It is about listening, learning. It expects robust disagreement, but it also seeks areas of compromise and new solutions. Democratic journalism challenges character assassination, flimsy facts and loaded language like "socialist." Democracy is about how we speak to each other, engaging in a public reason. It needs the democratic virtues of tolerance, reciprocity, and the glorious ability of humans to transcend their perspective. When fundamental issues threaten to confuse and divide us, it is time for a democratic journalism working through objective and deliberative public journalism. Without this type of democratic journalism, a reasonable public cannot come into existence.

### **Special Features**

My democratic model, with its stresses on these two functions, has a couple of note-worthy features. The first is that

democratic journalism is *political* in this sense: It focuses on investigating the underlying political structures of our democracy. Journalism should dive below the daily coverage of politics to ask how well our democracy is operating, whether institutions uphold constitutional rights, whether minorities are treated fairly by majorities. A second feature is that journalists should be as concerned about issues of justice as they are about issues of freedom to publish. Journalism's contribution to reasonable discourse is as important to journalism ethics as the historically privileged value of a free press. Journalism is more than the exercise of free speech; it is an exercise of democratic speech, of just, respectful and equal speech. While I support the legal right for robust free speech, a country whose public discourse is predominately intolerant and ideological is headed for serious trouble.

### **Criteria of Democratic Journalism**

Therefore, here is what Rawlsian democracy requires of journalism. It requires: (1) Journalists who act as agents for pluralistic, liberal democracy; (2) Objective public journalism; (3) A focus on basic political and social structures. (4) Methods of discussion that encourage public reason and direct conversation toward fair solutions. (5) Creation of more spaces for deliberation and bridging among groups. Our journalism as a

whole is democratic to the extent that it realizes these ambitious ideals.

Given this discussion, let me summarize the reasons why freedom to publish is an important but not sufficient condition for full democracy. One reason is that a marketplace of ideas in any era can be distorted and dominated, including today's internet. Another reason is that one shouldn't confuse the means of journalism with the ends of democracy, and that journalists can't avoid ethical restraints on their freedom. Words have consequences. In a multi-media world, there are additional reasons. A democratization of the media is not identical with the democratic use of media. The lovely idea of many voices connected globally ignores the plain fact that the world is anything other than Marshall's McLuhan's "global village". A media-linked world creates great tensions among cultures. McLuhan himself knew there was no direct link between an increase in communication technology and world harmony. He eventually replaced the term "global village" with "global theater." Also, although Internet access grew by 362% from 2000 to 2009, especially in the global South, it still covers only a quarter of the world's population. A large percentage of the most popular news sites belong to mainstream media. Globally, about a dozen conglomerates dominate the world of media, film and similar cultural products. This has sparked a debate whether we

are entering the age of a global public sphere with many new players or witnessing the colonialization of the global sphere. Moreover, celebration of a diversity of voices online has little to say about who these voices are, and how such voices have to interact to address issues democratically. It says nothing about the type of information available, the obstacles put up by governments and censorship, or the motives that can thwart discussions. Conversation, offline or online, may lead nowhere, or somewhere. It may promote informed rational opinion or emotional shouting. To assume that interactivity is by itself sufficient is as naïve as thinking in the late 1800s that a mass commercial press automatically would be a great educator of the masses. In the twenty-first century, the freedom to speak and chat online is a great good but it is still a facilitating condition for democracy. Online, we need to stress the other virtues of the Internet, such as its ability to critically challenge bogus claims and provide links to expertise around the world. We need to deliberately use media in democratic ways, not just assume democratic discourse will happen.

The issues that confront us, from climate change to health care reform, are so complex, and the main players so often manipulative, that we can't adopt a new *laissez-faire* attitude that thinks getting more voices to connect is the answer. There is still a role for journalism to play in objectively informing the

discussion and critically directing the conversation. The role of democratic journalism is not just to provide space for all to comment on and read, but spaces where we structure conversation and inquiry so we can more readily deliberate. The complexity of dealing with today's issues leaves plenty of room for both professional journalists and citizen communicators who have knowledge, research abilities and a democratic spirit.

Our best hope – the new liberal hope – cannot be, realistically, that in this expanding universe of media, that all communicators will have the skill or the motivation to do democratic journalism. What we can hope for is that our societies will be able to maintain a core of objective public journalism across all media formats – from newspapers to radio to TV to blogs. If our media system is to be democratic, this core will work beside advocacy journalists and opinion journalists. A democratic model welcomes this open public sphere. Let a thousand voices bloom. But it is the democratic journalism that I have described which should be an ethical anchor for the journalism system.

### **Democratic or Undemocratic?**

In conclusion, I want to ask the tough empirical question: To what extent is the mixed journalism of today a democratic

journalism? Using the criteria I have listed, is the trend toward or away from the ideal of a free and democratic press?

Coming to a confident generalization about the state of democratic journalism is difficult. There are indexes for judging the freedom of the press developed by Freedom House and Reporters Without Borders which look at countries' press laws and attacks on journalists. But precise indexes for democratic journalism elude us because the criteria are hard to quantify. Another complicating factor is the size of the media universe. However, that said, I'll give you my personal view of where things stand.

It appears that certain parts of the world, such as in the West, are both more free and democratic than in parts of the world where dictators and repressive regimes exist. Beyond this crude division, things get complicated. I would venture to say that most of the mainstream press in the West, especially in the United States, Canada, and England are struggling to maintain a reasonable degree of democratic journalism as I have defined it. This is because there are all struggling with common problems, such as a decline in mainstream media. One might make a claim that media in Canada and Scandinavian countries are more democratic because they have a public broadcasting system and social responsibility models of the press that mitigate the excesses of a hyper-commercialized U.S. media.

However we judge these matters, my concern for the future of good, democratic journalism remains, for familiar reasons. When I watch television or listen to radio, it appears that the ideal of democratic journalism has long been slipping out of sight. Channels multiply (I now watch a sports TV station with the number 663) but without a proportionate increase in serious public journalism, or serious public discourse. The actual amount of democratic journalism may be the same as before, but it gets lost in a sea of info-mercials, entertainment news, reality TV, and so on.

Meanwhile, cutbacks damage the ability of newsrooms to do in-depth journalism; metro newspapers struggle to survive and the 24-hour news clock encourage a journalism that treats news in a breathless manner. Think of the recent coverage of the health care debate over the summer and fall. Does this strike anyone as an exercise in reasonable citizen's deliberating or the challenging of bogus claims like death panels? Watching that debacle, should I be optimistic about democratic journalism and our marketplace of ideas?

### **Positive Trends**

However, I won't leave you despondent. There are encouraging trends. Every day, our laptops give us access to a world of information and news as long as we are willing to search



for it. In addition, there *are* spaces for democratic information and deliberation, despite the obstacles to a global public sphere. There are literally hundreds of excellent web sites and online experiments by community media sites, web sites by NGOs and institutes. These spaces take up the serious discussion of democracy and global justice that much of professional media avoids. These projects add new layers of information and perspective. Also, a concern for the future of journalism has led to the development of new ways to fund journalism. For example, dozens of centers for investigative journalism funded not by private news organizations but by foundations, donations, and public broadcasters have sprung up across America. One of them is in my school of journalism. These centers offer in-depth reports to the media at large and reverse recent declines in investigative journalism. A host of non-profit, news web sites have sprung up, such as the Voice of San Diego.com and the tyee.com in Canada, dedicated to public-interest journalism. Amid talk of the decline in foreign reporting, we have the counter-example of the Pulitzer Center for Crisis Reporting in Washington. Its director Jon Sawyer uses foundation money and new media to feature reports by freelancers and citizen journalists around the world. The future may also require collaboration. In Madison, Wisconsin, journalists and news organizations have organized a group called, All Together Now. The groups agree to

cover a common topic, like health care. As a result, a wide variety of angles on the topic are produced which would be beyond the shrinking budgets of any one news outlet. To support these initiatives, a number of large philanthropic groups, from the Knight Foundation and Ethics and Excellence in Journalism are plowing money into new forms of journalism. And schools of journalism are becoming better at teaching responsible ways to use online and social media.

Also encouraging is the gradual development of an ethics for mixed media, an ethics that proposes norms that straddle online and off line journalism, and allows journalists to responsibly use social media. Online journalists increasingly form themselves into associations, just like in the nineteenth century. There has been a concerted effort of late by mainstream newsrooms, from the BBC and New York Times to NPR, to issue guidelines on how their journalists should use social media such as personal blogs and twitter.

If you care about journalism and democracy, I encourage you to think long and hard about how to use media for democracy. Journalism, at its best, is the lifeblood of democracy. Yet five centuries after the first newspapers, journalism still struggles to avoid debasement, let alone live up to its democratic duty. It's always been that way. The task renews itself – to protect and develop good journalism for today and tomorrow.

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