

Report from the Institute for

ISSN
1067-2478

Volume 16

Number 1

PHILOSOPHY & PUBLIC POLICY

Winter

1996

School of Public Affairs • University of Maryland
College Park, Maryland 20742 • 301-405-4753

Public Journalism and Deliberation

In 1798, fearing the subversive influence of revolutionary France, Congress made it illegal to incite opposition to acts of government, or to publish writings intended to "defame" public officials or bring the political system "into contempt or disrepute." James Madison, who strongly opposed censorship, fought these restrictions with a vigorous defense of press freedom. Thus far in the nation's history, he wrote, American journalists had performed an invaluable service by "canvassing the merits and measures of public men." Madison assumed that citizens could not vote intelligently unless they understood the policies, goals, capabilities, and behavior (i.e., "the merits and measures") of the people who sought their votes. Since the government could not be trusted to provide such information without bias, and since most citizens were unable to observe their representatives directly, an independent press was essential.

Freedom of the press has been secured since Madison's day, and journalists now provide abundant information about politicians and policy. But such information — even if it is freely collected and widely consumed — is not sufficient to make a successful democracy. Citizens also must *deliberate* about policy.

For example, most of us don't automatically know how we would weigh tax cuts against spending priorities; we must discuss this question in order to formulate our own views. Unless we deliberate with other people, we may never choose among conflicting values or develop clear and consistent political positions.

To make its research readily available to a broad audience, the Institute for Philosophy and Public Policy publishes this quarterly newsletter. Articles are intended to advance philosophically informed debate on current policy choices; the views presented are not necessarily those of the Institute or its sponsors.

In This Issue

PUBLIC JOURNALISM AND DELIBERATION Peter Levine	1
RELIGIOUS CONVICTIONS IN PUBLIC LIFE Kent Greenawalt	6
A THEOLOGICAL ARGUMENT AGAINST THEOPOLITICS David Luban	10
ANIMALS AS INVENTIONS: BIOTECHNOLOGY AND INTELLECTUAL PROPERTY RIGHTS Mark Sagoff	15

And if we lack such positions, then no democratic government can possibly implement our aggregate wishes.

We could perhaps leave deliberation to our elected representatives, who are interested in public issues, chosen for their competence, fairly diverse, well served by expert advisors, and accountable. However, the political arena places serious constraints on deliberation. Everything that politicians say can be used against them for years to come. A casual remark can be interpreted as a sign of weakness or a change of bargaining position. Because the political environment is necessarily competitive, politicians must put distance between themselves and their opponents, so consensus is difficult to attain. For all these reasons, deliberation should not be limited to legislative bodies. Besides, if citizens lack personal experience with deliberation, they will be poorly equipped to judge the conversations that take place in official forums such as Congress.

*Although the press has strengthened
representative democracy in America,
it has done little to enhance
public deliberation.*

Although the press has strengthened representative democracy in America, it has done little to enhance public deliberation. In fact, by emphasizing partisan political maneuvering, journalists have sometimes suggested that public talk is irrelevant to the power games that constitute "politics." By concentrating on elections, they have implied that citizens act through the ballot box alone. Their heavy use of polls has helped to define "public opinion" as the response of detached individuals to preformulated questions. Their fixation on divisive issues and controversial figures has polarized opinion and made citizens weary of political debate. Finally, their relentless search for scandal in government has given all politics an odor of disgrace.

However, during the last few years, a new movement, called public or civic journalism, has won a place in many newsrooms. This label has been adopted by a loose coalition of reform-minded journalists with diverse ideals and projects. But a common theme unites many of their experiments: the cultivation of public deliberation.

Example #1: Election Coverage

In North Carolina, the *Charlotte Observer* and the local ABC-television affiliate decided to adopt a self-described "public journalism" approach to the 1992 elections. They deliberately ignored political strategy

and stopped running wire-service stories that treated the campaign as a competition among professional politicians. Before the campaign began, they polled 1,000 citizens, asking them what issues the candidates should discuss. They then recruited 500 of these people to serve as a "citizens' panel" that would collaborate with journalists to devise questions for candidates to answer. Reporters from the business, health, education, and religion beats covered topics that the panel considered relevant to the election. Members of the panel met directly with some candidates, and some of their deliberations were televised locally.

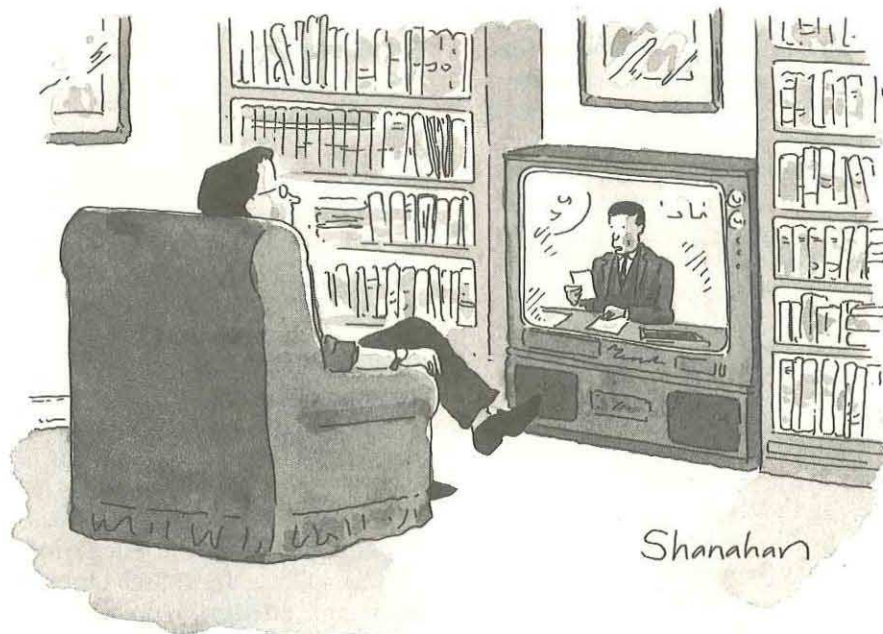
When the *Observer* found that voters had questions about environmental policy, its reporters submitted those questions to Senate candidates during the primary campaign. At first, the incumbent senator, Terry Sanford, declined to answer; he told the paper's editor, Rich Oppel, that he was not planning to talk about the environment until the general election. But when Oppel replied that he would publish the voters' questions and then leave a blank space (or the words "would not respond") under the senator's name, Terry Sanford relented. "In about ten days," Oppel recalled, "he sent the answer down."

This example shares several features with many (although not all) other cases of public journalism. First, the *Observer* convened a panel of citizens who influenced the newspaper's decisions about what issues to cover and how. Public journalists argue that reporters should stop taking direction from official press releases and news conferences, and start pursuing the voters' agenda.

Second, the *Observer* assumed an activist stance. Once its readers expressed concern about environmental policy, the newspaper demanded that the candidates respond to this concern. The newspaper did not simply inform North Carolina voters about Senator Sanford's behavior and statements on the campaign trail, so that voters could decide whether to reelect him. Instead, the *Observer* invited its readers to deliberate about their own policy priorities, and then discuss these priorities with the senator.

Example #2: A Search for Consensus

The *Wichita Eagle* has dedicated itself, perhaps more than any other paper, to public journalism. Its writers and editors believe that public journalism influences them even when they are not using citizens' panels or other forms of public deliberation. The *Eagle* claims to be engaged in public journalism whenever it describes constructive public dialogue taking place in the community, and whenever it emphasizes the public's "struggle to find a middle ground." Although the paper does not shrink from covering strife as well as deliberation, its editors try to emphasize the



"Hey! This is news."

Drawing by Shanahan; © 1995
The New Yorker Magazine, Inc.

community's search for consensus and pragmatic solutions: aspects of public life that mainstream journalists often ignore. For example, the day after a primary election, the *Eagle's* front-page, banner headline read: "Folks in the middle seek ways to find common ground."

Of course, all is not perfect in Kansas, and the *Eagle* sometimes openly laments Wichita's failure to solve its problems. In its stories about the city's shortcomings, the newspaper often blames itself. One recent article was entitled: "1994: Our community is challenged; Wichita had to confront race issue." Discussing a particular racial controversy, a reporter asked, "In our haste to solve the problem, did we miss the opportunity to work our way through it as a community?" And he concluded: "With the best of intentions, we blew the opportunity." The "we" refers to Wichitans in general, but also explicitly to the *Eagle*.

Three Objections

Critics object to public journalism on several grounds. One complaint is that public journalists have compromised their obligation to accuracy and objectivity. For instance, the *Charlotte Observer's* use of citizens' panels may seem inherently misleading, because it allows the newspaper to cover deliberation when in fact people rarely meet in diverse groups to talk about politics. Similarly, when the *Wichita Eagle* describes

"folks in the middle" getting together to hash out their problems, this looks to many hardened political reporters like an obvious falsification of the grim reality. Public journalists, the critics argue, make civil society look better — more civil — than it really is.

In one sense, citizens' panels do distort reality. It would be a mistake to predict aggregate public behavior by observing deliberation. If politicians or journalists want to know how the public at large will vote during the next election, a conventional opinion poll can probably provide the best insights into this behavior. Participants in a roundtable may offer particularly poor insights into the future actions of the whole public, because people who engage in inclusive, informed deliberation will often reach different conclusions from those of their non-deliberating peers.

However, information of great *moral* relevance can be derived from deliberation, since participants share ideas, educate themselves, and defend their values. In deliberation, they do not abandon their right to their own interests and beliefs, but they test them in open discussion. The public's deliberative sense is what *ought* to guide policy makers, so journalists perform a public service by identifying and promoting it.

The decision to emphasize the search for consensus within a community raises a different set of issues. For example, when the Presbyterian Church (U.S.A.) held its annual Assembly in Wichita, most newspapers described an intense and bitter struggle over such issues as the ordination of gays and lesbians. The

Fresno Bee declared: "It's not life or death for the Presbyterian Church (U.S.A.) as thousands of members gather today in Wichita, Kan. But the church body is flailing and emergency lights are flashing over issues like biblical interpretation, sexuality, and finances." And the *Minneapolis Star Tribune* announced (in a news story): "Fear is stalking American Christendom, slowly, one denomination at a time, corroding the heart and soul of its religious institutions. Fear of change. Fear of heresy. Fear of each other. It has landed, for now, on the 2.8 million-member Presbyterian Church."

In marked contrast, the *Wichita Eagle's* reporter, Thomas B. Koetting, quoted Presbyterian conferees who deplored division and sought consensus (although he did not ignore the controversy that other newspapers emphasized). As we have seen, public journalists typically go looking for the people in any group who want to reach a constructive agreement. This search may introduce bias into their coverage. But mainstream journalists typically seek people with polarized opinions, so that they can balance pithy quotes on either extreme of any issue. Even at a church conference, they hope to find "flashing lights" and "flailing bodies." Under these circumstances, public journalists have at least as good a chance of being accurate as mainstream reporters.

Indeed, according to the *Salt Lake Tribune*, the Presbyterian Conference turned out to be "an emotional session that resolved a lot of issues that many thought would divide the faith. . . . Participants left Wichita pleased." One delegate remembered that the Assembly had ended in a scene of "tremendous healing," with participants hugging and singing "Praise God from Whom All Blessings Flow." Of course, some delegates may have left Wichita dissatisfied, even angry. No poll was taken to determine the ratio of pleased and displeased conferees. But even if the meetings had been dominated by conflict, Koetting might still have written accurate stories about groups of delegates who sought common ground. By the same token, even if the conference had been largely peaceful, the mainstream reporters might still have filed accurate accounts of the debate in the committee rooms where controversial resolutions were being discussed.

In short, mainstream reporters and public journalists share a commitment to publishing facts; neither group tolerates inaccurate quotations or statistics. What caused the discrepancy between Koetting's coverage and that of the national press was a disagreement about the *kind* of people and events that are important — about what constitutes the "news." In general, public journalism entails a partial change of subject matter from conflict to deliberation, but not a retreat from accuracy.

Detachment

If the first line of criticism against public journalism relies on the principle of *accuracy*, a second invokes the value of *detachment*. Some critics argue that journalists should be neutral, detached describers of the world as they find it; they should never attempt to change society in keeping with their values. One reason for this stricture may be a fear of the media's power. Some critics believe that the press has no right to be politically engaged, because an activist press could alter public life almost at will — and without democratic accountability.

In response, one might argue that the *Charlotte Observer* and the *Wichita Eagle* do not favor any particular policies in their news pages (at least, no more than do any other papers); rather, they encourage *procedures* of public deliberation. For example, in his dealings with Senator Sanford, Rich Oppel did not force him to adopt any particular position on the environment. Instead, he compelled the senator to engage in a dialogue with the citizens' panel. Thus Oppel promoted a particular democratic *process*, and not a political *outcome*. This procedural role might assuage the critics' fear that the media are too powerful and unaccountable to play an active role in the political arena.

And yet, the border between encouraging democratic procedures, on the one hand, and promoting particular values and policies, on the other, is not always precise; some issues seem to lie in an intermediate realm. For example, the *Akron Beacon Journal* won a Pulitzer Prize in 1994 for its antiracism program, which it described as an example of public journalism. One could argue that racism is a barrier to deliberation, because it undermines the equality and mutual respect that (among other things) distinguish deliberation from less valuable forms of discourse. But one could also argue that opposition to racism is a policy goal — albeit a laudable one — in which case the newspaper may have overstepped its proper bounds.

The *Beacon Journal* convened biracial panels to discuss racial inequality and provided the participants with data to consider. This part of its program was typical of public journalism, and so far its goals were narrowly procedural, because citizens could reach any conclusion they chose. But, in addition to reporting on the citizen discussions, the newspaper also invited local organizations to devise programs against racism, offering professional support at the newspaper's expense. Finally, it asked readers to take a pledge to fight racism. The *Beacon Journal* estimates that some 10,000 citizens in the Akron area were involved in programs related to race relations by mid-1994. It is difficult to criticize the intentions behind the program, but we should ask whether the *Beacon Journal's* role was purely procedural — and whether that matters.

A Potential for Exclusion

A third line of criticism suggests that public journalism is dangerous because its emphasis on the "folks in the middle" may cause it to exclude or denigrate people at the political and cultural margins. The idea that everyone ought to sit down and discuss problems together can seem patronizing to people who feel persecuted and imperiled by an uncaring majority. Indeed, there are times when the cause of justice can be advanced better by conflict than by deliberation.

In 1962, for example, the civil rights movement suffered a severe defeat in Albany, Ga., when the segregationist authorities played the role of moderates, avoiding confrontation and even joining the civil rights leaders in prayer. Therefore, Martin Luther King, Jr., and his associates next selected the most recalcitrant city government they could find — Birmingham, Ala. — where they sent schoolchildren on peaceful marches to provoke the police into using fire hoses and dogs. When the Birmingham authorities first used violence against marchers, the civil rights leaders "were jumping up and down, elated. . . . They said over and over again, 'We've got a movement. We've got a movement. We had some police brutality. They brought out the dogs. We've got a movement.'"

Meanwhile, a group of white clergymen published an advertisement in which they accused Dr. King of coming into their community from the outside, stirring up tension, and interfering with a process of local, peaceful change that would have led to justice. Many in the African-American business community also opposed King's protests, claiming that they could work with Birmingham's white moderates toward orderly change. If public journalists had existed in those days, they might have written headlines like: "Folks in Birmingham seek common ground." At the same time, they might have ignored King, who was no ordinary Birmingham citizen, but rather a political leader with a national constituency, bent on creating tension, confrontation, and crisis. (As King wrote in his "Letter from Birmingham Jail," "the creation of tension [is] a part of the work of the nonviolent resister.") Although he maintained that he wanted to sit down and talk with his adversaries, King rightly considered the main topic of controversy — segregation itself — to be nonnegotiable.

If King's methods were inconsistent with public journalism, then what should we conclude? One possibility is that public journalism poses a real danger. The civil rights movement gave a new birth to democracy in America, and certain elements of the traditional press helped its progress. Public journalists, on the other hand, might not have been friendly to King's tactics, so perhaps we should distrust public journalism.

Another interpretation suggests that the example of the civil rights movement, while glorious, has been

overapplied. Confrontation was a necessary tactic to achieve basic democratic rights when these were denied to people on the basis of their race, but it is not a good way to solve the contemporary problems of a divided civil society. In that case, journalists should stop looking for the next Dr. King, stop paying attention to spurious imitators on the right and left, and start quoting the folks in the middle. Public journalism, on this theory, is a necessary successor to the adversarial press of the 1960s.

A third interpretation suggests that confrontation is always necessary when basic political fairness is threatened: for example, when a class of people is denied the vote, constitutional rights, or equal access to government. Democracy must be deliberative, but it also must be fair; and without basic fairness, deliberation is a pointless exercise. In that case, the press always ought to cover confrontational movements that allege injustice in the basic rules of political engagement, even when their claims are suspect, because such allegations deserve a hearing. But reporters should use other tactics — notably those of public journalism — to cover policy disputes that do not involve issues of basic political or constitutional fairness.

— Peter Levine

Sources: James Madison, report on the resolutions of the Virginia General Assembly in opposition to the Alien and Sedition Acts, in *Debates on the Adoption of the Federal Constitution*, edited by Jonathan Elliott (Burt Franklin, 1968; original edition, 1876); Alexander Hamilton, the 71st Federalist, in *The Federalist Papers* (Mentor, 1961); Lisa Austin, "Public Life and the Press: A Progress Report," Project on Public Life and the Press, 1994; Jay Rosen, "Where is Public Journalism? The Search for a New Routine," remarks to Project on Public Life and the Press Spring Seminar, American Press Institute (March 25, 1995); *Wichita Eagle*, quotes circulated at the American Press Institute (April 1995); John G. Taylor, "Presbyterians Will Face Tough Issues at Assembly," *Fresno Bee* (June 10, 1994); Martha Sawyer Allen, "A Schism on Women: 'Re-imagining' Meeting Splits Presbyterians," *Minneapolis Star Tribune* (June 5, 1994); Peter Scarlet, "Presbyterian Head Preaches Reconciliation," *Salt Lake Tribune* (July 9, 1994); James Forman, quoted by David J. Garrow, *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference* (William Morrow, 1986); Martin Luther King, Jr., "Letter from Birmingham Jail," in *I Have a Dream: Writings and Speeches that Changed the World*, edited by James M. Washington (HarperSanFrancisco, 1992).