

Theoretical Insight

Journalistic Values in Modern Democracy Balancing Power Between Constitutionalism and Populism

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Acknowledgement

This work was supported
by the Ministry of
Education of the Republic
of Korea and the National
Research Foundation
of Korea (NRF-
2020S1A5C2A03093177).

Received

11 March 2021

Revised

2 May 2021

Accepted

13 May 2021

ABSTRACT

In modern representative democracy, political legitimacy is based on potentially conflicting principles: (1) the “popular sovereignty” principle, stating that the republic must be based on “the opinion of the people,” and (2) the “rule of law” principle which suggests that constitutional values of the republic must be protected from “irregular interpositions of the people.” As a parallel institution supporting the democratic republic (e.g., the press as the “Fourth Branch”), the role of journalists has continuously changed, and the journalistic institution has been balancing those two potentially conflicting principles. This study examines the current status of journalistic values as part of modern democracy. Traditionally accepted news used to balance the conflict between constitutionalism and populism by distancing journalists from both the existing elites and the mass. However, due to the recent transformation of the media landscape and the uprising of people’s anti-establishment feelings, news audience has struggled to relate their everyday lives to the mainstream journalism institutions. As a key alternative journalistic value of the traditional journalistic standard, the “news objectivity,” this study suggests “social empathy” as a solution of the modern political conundrum between two potentially conflicting principles that most representative democracies face.

KEYWORDS

populism, constitutionalism, news objectivity, social empathy

Journalism and political scholars have been interested in the close relationship between journalistic practices and political regimes (Carey, 1997; Hallin & Mancini, 2011; Schudson, 1998; Williams & Delli Carpini, 2011). There are numerous political regime forms with respective journalistic counterparts, but representative democracy is the most widely adopted form worldwide. Despite the danger of oversimplification, this study will focus on two principles that are commonly contrasting in modern representative democracy countries: (1) “popular sovereignty,” indicating that the supreme political authority in a country comes from the people, and (2) the “rule of law,” suggesting

that the suggesting that the political system should operate by constitutional laws forcing essential values, such as self-limiting government, human rights, or freedom of speech. As emphasized by many modern political intellectuals (Arendt, 1965; Manin, 1997; Schmitt, 1929/2010; Waldron, 2012), the two principles are vulnerable to contradiction or even mutual exclusion. The most eminent case, for example, can be traced to the controversy among the Founding Fathers of the American Revolution.

Both principles are also observed—either explicitly or implicitly—in journalistic practices. Journalists, symbolized as a “watchdog” or a “tribune,” frequently present themselves as an advocate of the ordinary or oppressed people’s will (Bennett, 1990; Kovach & Rosenstiel, 2014; Schiller, 1981; Schudson, 2013). However, journalists, especially the so-called “prestigious” ones, are asked to keep the people from being crowds or mobs who may voluntarily give up their essential liberty for tyrants or demagogues (Lippmann, 1922; Tocqueville, 2009). In some situations, journalists act as the discursive agency of popular sovereignty against the ruling elites; in other situations, they act as the guardian of the traditional constitutional spirits against the popular will.

While there are previous studies examining the association between the quality of news and the health of the democratic system, journalism scholars, to the best of my knowledge, are rarely interested in the potential conflict between popular sovereignty (i.e., populism) and the rule of law (constitutionalism) in journalistic practices in democratic societies.¹ This study

argues that any journalistic practices in modern democracy are a discursive representation of a balancing power between popular sovereignty (labeled *populism*) and the rule of law (termed *constitutionalism*).

First and foremost, advocating popular sovereignty against the ruling elites cannot be equated with denying constitutionalism. What this study points out is that populist movements started by attacking ruling elites’ speech and practices that are frequently based on controversial constitutional values, such as human rights, equality, or separation of powers. For example, in countries of Western Europe or North America, many right-wing populists have attacked ruling elites advocating or supporting such values latent in constitutionalism by mobilizing anti-immigration feelings. In South Korea, some politicians, to secure more popular votes probably, strategically instigate populist feelings of anti-Feminism and/or human right for the social weak. Although elitism and constitutionalism are not always identical as correctly pointed out in your comment, they could be perceived as similar or even identical by populist advocates, especially during the legitimacy crisis of the current democracy.

Additionally, it is not an intention of this paper to make any normative claims that one principle is superior to the other, or that journalism pursues one principle by sacrificing or refraining the other. Instead, the study suggests that nearly all modern democratic societies experience the potential tension between constitutionalism and populism either explicitly or implicitly, and such tension should be reflected in the journalistic

¹ Some readers may think the tension between constitutionalism and populism introduced in this paper resembles with so-called Dewey-Lippmann debate in 1920s. Despite undeniable similarities, the historical and social contexts of the Dewey-Lippmann debate is somewhat different from the current contexts with two reasons. First, while Dewey opposed to some stances taken in Lippmann, Dewey’s understanding of the public or the mass is not much different from Lippmann’s understanding (Alterman, 2008; Jansen, 2009). However, compared to the 1920s in which “the public” or “the mass” were perceived as an anonymous and homogenous group, “the people” in 2010-2020’s populist movements are heterogeneous groups with multiple voices (Mudde, 2004; Taggart, 2020). Despite some similarities between 1920s and 2010-2020s, there are undeniable differences in the political contexts and the nature of the mass between two periods.

practices of these societies, shaping the notion of good citizenship. Thus, if one believes two principles must be coordinated and that the modern democracy is in crisis due to the lack of balance between them, discursive solution can be sought by renewing and redefining the journalistic values that reconcile them.

This paper is structured as follows: First, a review of the history of the two principles (i.e., constitutionalism and populism) is presented, explaining why and how they are potentially conflicting. Second, the study analyzes the historical development of modern journalistic values and outlines how they have previously solved the potential conflict between those two principles. Third, the current status of the journalistic values is evaluated regarding the recent emergence of extreme right or radical populist movements worldwide. Finally, “social empathy” is suggested as the key alternative journalistic value of “objectivity,” helping to solve the modern political conundrum between two potentially conflicting principles which most representative democracies currently face.

What Do We Need for the “Good Republic”? Constitutionalism Versus Populism²

Revolutions establishing modern representative democracy resulted in two interrelated consequences. One consequence was the rise and spread of “democracy” based on popular sovereignty, implying that the ruler and the ruled are, and must be, equal (Arendt, 1965; Rancière, 2014; Tocqueville, 2009). The democracy-related

ideas, such as *general will*, *self-government*, or *equality*, cultivated during the Enlightenment, were later realized through modern revolutions in France and the United States. The other consequence related to the spread of democracy was elites’ fear of the unintelligent, irrational, and impulsive crowd, or mob (Le Bon, 2002; Lippmann, 1922; Ortega y Gasset, 1994; Tocqueville, 2009) who may voluntarily give up its liberty for a tyrant’s or demagogue’s seduction. Napoleon would be a vivid example of how revolution from the bottom ends with the rise of a tyrant. Napoleon ascended the Emperor’s throne with significant popular support following the French Revolution.

Despite contrasting development of their respective revolutions, France and the United States have both similarities and differences in the following political context (Arendt, 1965; Tocqueville, 2009). First, there were no kings after both revolutions. In the American Revolution, the English King lost his control over the Continent. In France, the people demolished the Kingship. Second, the aristocrats were uprooted. In the American Revolution, there were only a few noble immigrants from Europe, and the emotional bonds between the noble people and the ordinary citizens were not rooted firmly. The French aristocratic body was physically eradicated through the *Reign of Terror* and a series of wars. After both revolutions, democracy, as the government of the multitude, became the only feasible political system.

In *Democracy in America*, Alexis de Tocqueville (2009) persuasively argued why the American Revolution could be a blessing and

² Some readers may argue that it is inappropriate to juxtapose them as contrasting. The intention to contrast the two principles is to allow clearer explanation of the crisis in today’s representative democracy and journalism. This paper’s use of the two principles originates from Waldron (2012) and Wolkenstein (2015), as from the excerpt below: “But I think it is worth setting out a stark version of the antipathy between constitutionalism and democratic or popular self-government, if only because that will help us to measure more clearly the extent to which a new and mature theory of constitutional law takes proper account of the constitutional burden of ensuring that the people are not disenfranchised by the very document that is supposed to give them their power” (Waldron, 2012, p. 279)

a curse to the American society, as well as why such interpretations would be effective to other societies of representative democracy. During the 1830s, Tocqueville, an informed French aristocrat surviving *the Reign of Terror*, found that the value of equality not only “enlivens” but also “endangers” the American society. What he observed in both the United States and France was the decline or absence of aristocracy and the dominance of the majority rule, acknowledged as the equality-based democracy. While today’s Tocqueville readers do not pay much attention to his elegy of aristocracy (except some scholars, for example, see Rancière, 2014), Tocqueville’s concerns about the equality-based democracy cannot be appropriately understood without understanding the virtues of the alleged aristocracy. Below are Tocqueville’s words on aristocracy that started declining after revolutions:

The mass of people can be seduced by its ignorance or its passions. You can catch the mind of a king unawares and make him vacillate in his plans; and, besides, a king is not immortal. But an aristocratic body is too numerous to be won over, too few in number to yield easily to the intoxication of unthinking passions. An aristocratic body is a firm and enlightened man who does not die. (Tocqueville, 2009, p. 372)

As shown in the excerpt, Tocqueville, consistent with Aristotle’s (2013) and his successor’s classification, assumed three political systems: (1) *monarchy* by a king, (2) *aristocracy* by aristocrats, and (3) *democracy* by the mass of people. Tocqueville, like most Western political intellectuals, suggests that a government incorporating the three systems is superior to one comprising only one system. After the ancient regimes in the United States and France collapsed, only the mass of people remained, so democracy became the only plausible government system.

Conservative thinkers, since Plato in ancient Greece, have been worried about the fervor

of the mass, afraid that all social structures and traditional values can collapse into an undifferentiated chaos (Le Bon, 2002; Manin, 1997; Ortega y Gasset, 1994, Rancière, 2014). Such concerns over the out-of-control democracy were clearly reflected when framing the American Constitution (Arendt, 1965). American Constitution Framers, such as James Madison or Alexander Hamilton, thought the Constitution must protect the newly born Republic and the Union from the impulsive passion of the ordinary people who could easily be influenced by a demagogue because of their intellectual immaturity, poverty, and independence (Hamilton et al., 1987). To control the impulsive passion of the mass, the American Constitution gave the supreme power to the Court, instead of to elected officials, like presidents or congress-people (i.e., *Judicial Review*; Hamilton et al., 1987). Similar to the United States, other Western republics created similar institutional constraints oppressing the suicidal revolt of the mass. So-called “parchment barriers,” a phrase from *Federalist Paper #48*, clearly demonstrate what Constitution Framers emphasized on when designing the laws of the Republic (Hamilton et al., 1987). In a similar manner, modern republics adopting the representative democracy system are “the art of aristocratic legislators and experts who strove to make a compromise with democracy” (Rancière, 2014, p. 2). Thus, constitutionalism emphasizes the rule of law, more specifically, the rule of experts who truly understand the gist of the constitutions.

While it is effective to control the outburst of popular passion in politics, elitism partly latent in constitutionalism intends to oppress the political desire, wants, or wills of the people in the equality-based society (Arendt, 1965; Rancière, 2014; Taggart, 2000). Therefore, it is helpful to examine Hannah Arendt’s (1965) reflections on the comparison between the American and French Revolutions:

Paradoxical as it may sound, it was in fact under the impact of the Revolution that the revolutionary spirit in America began to wither away, and it was *the Constitution itself*, this greatest achievement of the American people, which *eventually cheated them* of their proudest possession. (Arendt, 1965, p. 239, emphasis added)

To Robespierre, speaking in September 1791 before the National Assembly, to prevent the delegates from curtailing the political power of clubs and societies, this public spirit was identical with the revolutionary spirit. ... Robespierre himself used to denounce *'the conspiracy of the deputies of the people against the people' and the 'independence of its representatives' from those they represented, which he equated with oppression.* (Arendt, 1965, p. 241, emphasis added)

The strict observance of constitutionalism creates alienation in the mass of people. When the existing constitutional institutions, such as the parliament or administration, dysfunctions to validly represent the people's voices, the latter aim their antipathy towards the governing elites (i.e., anti-elitism), resulting in populist movements (Canovan, 1981; Mudde, 2004; Taggart, 2000).

In ordinary political discourse, populism has been frequently used as a pejorative term. However, scholars of populism argue that modern representative democracy is tinted with populism (Canovan, 1981; Kazin, 1998; Taggart, 2000). Despite the conceptual ambiguity underlying the term populism, all populist movements share at least two common features (Mudde, 2004): (1) emphasis on the ordinary people as the whole unity, and (2) anti-establishment feeling.³ In populist discourse in representative democracy, the elites are severely criticized and discredited

because populists believe that the former clearly fail to represent the will of the ordinary people. In other words, populism arises when the representative democracy dysfunctions, and the ruling elites are perceived to be different from or superior to the public or the mass.

As demonstrated by the quotes earlier, the French Revolution brought severe tension between constitutionalism and populism. While those were less severe in the American Revolution, the American Republic have also encountered prominent populist movements (Arendt, 1965). The Bill of Rights (i.e., Amendments) and articles of *Anti-Federalist Papers* are legal and discursive ways to maintain the revolutionary spirit of the ordinary people. Beside the initial populist endeavors, such movements have regularly appeared throughout American history (Kazin, 1998; Schiller, 1981). The leadership of President Andrew Jackson during the 1830s was based on the ordinary people's populist desire. So-called Jacksonian Democracy was strongly populist (Kazin, 1998), as exemplified in "extended suffrage" and "opposition to banking." In the 19th century, the *People's Party* stated that their political thoughts are populist, which showed substantial, even if not complete, success in a bi-party system in the United States. Recently, the *Tea Party* and *Occupy Wall Street* movements (including support for the President Trump and Brexit) are other examples of populist movements attacking ruling elites who are either liberal or conservative under the guidance of the mass in the United States.

Nearly all representative democracies are concerned over which principle ("rule of law" or "people's voice") is more important and should be dominant for a better working government. As pointed out in the political communication

³ Additionally, support to ostracize foreigners or immigrants, emphasis on the crisis of the existing establishment, or romanticized view on community are emphasized in the populist movements (for review on a variety of populist movements, see Canovan, 1981; Taggart, 2000).

and journalism studies, media systems are closely related with political systems (Bennett, 2012; Hallin & Mancini, 2011), and a crisis in one of them is translated to the other (Barnett, 2002; Lippmann, 1922). This raises the question of how this tension has affected journalistic practices.

Journalism as the Mirror of Democracy

Bourdieu, in his short book entitled *On Television* (1996), explained journalistic practices using his field theory, suggesting that journalism is a field where a set of social forces competes and cooperates with their own rule of games. As cumulatively reported in journalism research, journalistic practices are influenced by political, economic, social and/or cultural factors (Barnett, 2002; Bennett, 2012; Hallin & Mancini, 2011; Williams & Delli Carpini, 2011). While infrequently discussed in journalism studies, the tension between constitutionalism and populism in modern representative democracy is similarly observed in journalism history.

As introduced in most journalism studies (e.g., Bennett, 2012; Hallin & Mancini, 2011; Schiller, 1979, 1981; Schudson, 2003), modern journalism started with partisan newspaper whose main purposes were advocacy of a specific cause and mobilization of supporters for the cause. Since the birth of partisan newspapers, the close relation between media and political systems has been actively discussed in numerous research. For example, out of the four dimensions introduced in Hallin and Mancini's (2011) model, only one dimension (structure of media market) is economical while the other three (political parallelism, professionalization of journalism, and role of the state) are political or, broadly speaking, politico-cultural. Despite the nation-level differences in the Western World, most journalistic practices have tried to escape from the traditional advocacy role by

exalting an alternative emphasizing journalists' professionalization and their independence from parties and the state, which is an invention of American journalism (Hallin & Mancini, 2011; Schudson, 2013).

American journalism also started with partisan newspapers advocating the revolutionary spirit of the American Independence against King George III, who the Founding Fathers called an English 'tyrant.' To abolish the American ancient regime, the Founding Fathers have highlighted their expectation that journalism should mobilize the democratic passion of the people. "Newspaper without government," a famous quote from Thomas Jefferson (1787), symbolizes how the Founding Fathers successfully harness the political energy of populism in the early stage of the Revolution. However, close analysis of the full text around the quote reveals how the Founding Fathers admired but simultaneously feared the democratic passion of the mass:

The people are the only censors of their governors: and even their errors will tend to keep these to the true principles of their institution. To punish these errors too severely would be to suppress the only safeguard of the public liberty. *The way to prevent these irregular interpositions of the people is to give them full information of their affairs through the channel of the public papers, and to contrive that those papers should penetrate the whole mass of the people.* The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them.⁴ (Jefferson, 1787, emphasis added)

⁴ Available at <http://oll.libertyfund.org/quote/302>

Examining the highlighted expression shows how the Founding Fathers (at least Thomas Jefferson, in this case) thought that journalism is a discursive device to control the rise of the mass's despotism, and such views correspond with the constitutionalism introduced earlier. Widely mentioned in historical studies of American journalism, Jefferson censored newspapers attacking him during his presidency, as some argue that he betrayed his belief in the freedom of the press. What Jefferson was concerned about and censored was partisan newspapers that could undermine the Republic or the Union. He glorified "the opinion of the people" as the foundation of the government, but simultaneously believed that the "irregular interpositions of the people" should be controlled by a discursive device being an *ideal*, rather than *realistic*, newspaper providing "full information" to "every man" in the republic. Newspapers, according to Jefferson, must educate the ignorant people into an informed public. Constitutionalism assumes the newspaper-people relationship be like the teacher-pupil (Dewey, 1927) or leader-follower (see Lippmann, 1920, 1922) relationship (Champlin & Knoedler, 2006, p. 137). In other words, constitutionalism-based journalistic practices aim to control the impulse of populist voices by well-balanced and widely circulated media managed by the informed elites, meaning that Jefferson's "newspaper without government" is a discursive device guided by the informed, although not despotic, elites to tame the popular tempers.

It is not a coincidence that commercial newspapers, known as the "penny press," were born in the 1830s-1910s when American populism was in its prime (Kazin, 1998; Saxton, 1984; Schiller, 1979, 1981). Commercial newspapers have been notorious for sensationalism or yellow journalism, trying to listen to the popular voice, deliver it to the elites, and implant their desires into the political system, rather than to advocating or representing existing

political elites. Investigative journalists actively accused the unreasonable privileges of corrupted political or financial elites, and even confronted sensational news containing crime or violence, showing how the oppressed people with simple and honest virtues were hurt by the cruelty of the unreasonable social hierarchy (Saxton, 1984; Schiller, 1979, 1981). With cheaper price and easy-to-understand terms, the ordinary people can access political information and understand politics better. The development of the democratic informational environment makes it possible for people, as the constituency, to make their own political decision. Journalism scholar Schiller summarized the democratic achievement of the commercial newspapers as follows:

[The commercial newspaper] moved *from the self-interested concerns of partisan political warfare to the apparently omniscient of protecting the people as a whole. ... In systematically equating its voice with that of the people at large*, the commercial newspaper vehemently defended its forceful penetration of political life by reference to the constituting rights of the American People as a polity. (Schiller, 1979, pp. 47-48, emphasis added)

With the spread of the penny press in the American society, partisan newspapers and their related political organizations led by the elite had disappeared. The American democracy and journalism history clearly shows how political practices are closely interrelated with journalistic ones. Following their great achievements, journalistic practices and values developed by the commercial newspapers have become today's journalism norms. Many metaphors, such as "watchdog," "the fourth branch," or "whistle-blower," have originated from investigative journalism, with such roles of the media being emphasized and becoming expected. Even scholars' judgment of competent journalism is based on the legacy of the populist sentiment

of the commercial newspapers (see Kovach & Rosenstiel, 2014; Ward, 2004). For example, Kovach and Rosenstiel (2014) summarized the essence of journalistic ethics to “monitor power and offer voice to the voiceless” by “comfort[ing] the afflicted and afflict[ing] the comfortable” with “loyalty to citizens” (see Chapter 6; also see Ward, 2004).

Having those journalism norms, many journalism and political communication studies have criticized the media for failing to introduce the voice of the people in the public discussion because of economic, social, or cultural factors in the media environment. Such studies have suggested that journalists, despite some significant contributions to the democracy, take the elites’ side by overly relying on elite news sources, or by promoting their social prestige as professionals. Modern journalists are frequently criticized because, borrowing Jefferson’s words, the media tend to “prevent ... irregular interpositions of the people” and seriously lack populist passion (Kurtzleben, 2017) by becoming a discursive device of constitutionalism (Cramer, 2016; Goodhart, 2017). Such media-reporting critics argue that the journalistic practices are unbalanced, leaned more to constitutionalism, and ignore or depreciate popular voices as uncivil, uninformed, or politically incorrect (Cramer, 2016; Fukuyama, 2018; Hochschild, 2016; Murray, 2018).

This paper argues that “journalistic professionalism,” born in the United States and spread worldwide, is the mixture between constitutionalism following the American Revolution and populism by Jacksonian Democracy. Most studies on journalistic professionalism have emphasized journalists’ self-interests promoting their political, economic, and cultural social status (e.g., Bennett, 2012; Schiller, 1979; Schudson, 2013). Although the validity of journalistic professionalism’s prior achievements is not being denied, this study argues that journalistic professionalism is an obscure yet

useful concept coordinating the tension between constitutionalism and populism. In the United States, at least, journalistic professionalism is an effective rhetorical tool that eases and balances the tension. Alleged journalistic professionalism is a strategy to distance journalists from the existing elites as well as the mass, and professional news reporters stabilize the Republic by suggesting constitutional solutions taming the people’s political passion.

The most common example of investigative journalism is the Watergate Scandal. Usually, investigative reporting, including all other news reporting, focuses on the “deviant” case in a “normal” system, indicating that the origin of the problem resides in a case instead of in a system. Thus, it is noticeable that the Watergate Scandal ends with the quote “The system worked,” which publicly announces that the American political system is restored after a “crooked” president, Nixon, is dismissed. In most cases of investigative reporting, the conflict between the “crooked elites” and the “simple but honest people” is emphasized and proposed to solve the corruption under the laws of the Republic which the Founding Fathers built. In the eyes of the people, news seem acceptable since journalists inspect venal elites regardless of partisan lines. Regarding the reasonable and informed elites, news seem acceptable since they are not hostile towards the system legitimizing the elite group, despite attacking a few “deviant” individuals from the elite. Therefore, journalistic professionalism strategies have been successful in relieving the tension between the elites’ constitutionalism and the populism supported by the mass.

During the 1960s, when civil right movements had mixed influence in the United States, Arendt (1968) argued the balance between constitutionalism and populism should be met. Further, she suggested that strong democracies need truth-seeking “pariahs” with social authority and respect, and those pariahs should be free from the influence of the government and the

mass. Arendt (1968) mentioned three pariahs: the university (academia), the court (the juridical system), and the press (journalism). Because of academic disturbance in the 1960s, Arendt's discussion is mainly about the role of universities in democracy. However, her work reveals that she believes journalists are professionals (or they must be professionals, even if they are not in reality) when distancing themselves from both the elites and the mass simultaneously:

The telling of factual truth comprehends much more than the daily information supplied by journalists, though without them we should never find our bearings in an ever-changing world and, in the most literal sense, would never know where we are. This is, of course, of the most immediate political importance; but if the press should ever really become the "fourth branch of government," it would have to be protected against government power and social pressure even more carefully than the judiciary is. For the very important *political function of supplying information is exercised from outside the political realm*, strictly speaking; no action and no decision are, or should be, involved. (Arendt, 1968, p. 261, emphasis added)

There are controversies whether journalism is an area of professionalism; if it is, it could be also questionable whether journalists behave as professionals, free from any external influence. However, if we believe that both constitutionalism and populism are necessary for a better-working democracy, we may agree with Arendt's argument that our society needs independent institutions negotiating and (re-)balancing the two principles, suggesting a solution for how the potential tension can be effectively and efficiently solved in a modern representative democracy facing challenges. Today's journalism crisis indicates that journalists and journalistic institutions are not successfully managing the constitutionalism-populism tension in modern democracies.

The Crisis in Journalism: Why People Do Not Read and Even Distrust the News?

Journalism industry, in economic sense, undoubtedly declines (Bennett, 2012; Schudson, 2013; Williams & Delli Carpini, 2011). Regarding the collapse of the modern journalism regime, two phenomena are clear. First, news, especially public news, clearly fail to draw the ordinary people's attention. News of conventional reporting style fail to attract the people's, especially young people's, curiosity (e.g., Marchi, 2012; Mindich, 2005; Williams & Delli Carpini, 2011). Second, news readers have lower trust and interest in mainstream news but utilize alternative news sources written with dubious or even obvious mis-/dis-information (Marchi, 2012). Until now, many studies have analyzed the reasons of the declining readership and trust in news, despite numerous attempts to cope with those trends. This research has no intention to repeat previous analyses or to add suggestions that have not been attempted. Instead, it examines the present value of journalistic practices, that is, news objectivity.

Journalists seek professional careers by claiming that they write "objective" news (Kovach & Rosenstiel, 2014; Ward, 2004). News objectivity has been a controversial issue among journalism scholars, and this paper attempts to stay away from the controversy. Like many social scientific terms, "objectivity" in modern journalism is a contested concept, like "facts" in Rankian positivism. While philosophical and cultural critics on the plausibility of the objective facts deserve serious consideration (for a recent discussion, see Uscinski, 2015; Uscinski & Butler, 2013), this study focuses on the characteristics that make some news considered as objective in working journalistic practices (for studies taking similar stances, see Kovach & Rosenstiel, 2014; Robinson & Culver, 2019; Ward, 2004). Journalists of commercial newspapers chose

“scientists” as their professional role models (Schiller, 1979, 1981). To overcome partisan newspaper bias, they devoted their passion to finding universally agreed facts and provide readers with a range of accurate views on these facts, as scientists do literature reviews when writing academic papers. News objectivity and its related values, such as even-handedness, fairness, or disinterestedness, strongly resemble scientific practices in the academia (Schudson, 2003, 2013; Ward, 2004).

Such journalistic practices, seeking science-like objectivity, have achieved status of professionals for journalists. When popular voices have been loud and influential, non-partisan reporting has been accepted and welcomed because of the mass’ anti-elitism beliefs, regardless of the partisan differences. The news audience found a correspondence between their position and the journalists’ position, which may help people accept news objectivity. While some elite representatives were harmed by the objective reporting, most of them concede to news objectivity because journalistic devotion to the facts relies on “official sources” which substantially influence the news reporting (Bennett, 1990, 2012).

Unfortunately, today’s news objectivity has become overly clichéd (Marchi, 2012; Mindich, 2005; Ward, 2004). As noted, many critical studies on journalism quality suggest that mechanical application of the fairness frequently becomes the bias itself (e.g., Boykoff & Boykoff, 2004; Kovach & Rosenstiel, 2014), and overreliance on official sources is enough to implant the perception that journalists are the friends of the ruling elites into the people’s mind (Bennett, 2012; Darnton, 1975; Schudson, 2013). The revival of advocacy or opinionated journalism, the diffusion of so-called “fake news,”

and the rise of popular bloggers on the Internet could be the examples of the ordinary people’s detachment from the clichéd objective news reporting. In this regard, the crisis of modern journalism is that the present practices fail to tame the popular passion within the constitutional boundary.

A recent press conference of President Trump (CNN, 2017) is an example of an event signifying the crisis of American style journalism. Prestige papers or established news agencies were denounced publicly as the “fake news media” by the highest elected official. More strikingly, about 45% of the American voters in 2016 professed that they are not confident in the media (Kurtzleben, 2017). While ideological polarization in the United States is intermingled with this distrust in the mainstream media, the election of President Trump, as well as his campaign relying on direct communication with the people through Twitter⁵ by taking antipodal position with mainstream media, strongly implies that the present journalistic practices are hardly effective to garner public support and to preserve the Constitution and Constitutional values (Cramer, 2016; Goodhart, 2017). Through news objectivity, modern journalism has announced itself as the “protector of the public good” (Schiller, 1979, p. 56; also see Kovach & Rosenstiel, 2014), but the present news objectivity continues to lose its power to conciliate the tension between constitutionalism and populism, as it seems ready to be replaced by an alternative option.

Restore Reliable Journalism and Re-build the Strong Democracy

This paper describes the potential tension of modern democracy between constitutionalism

⁵ President Trump’s tweet after the conference deserves to be closely analyzed since he has been considered as a populist politician. He tweeted “The FAKE NEWS media (failing @nytimes, @NBCNews @ABC, @CBS, @CNN) is not my enemy, it is the enemy of the American People!” Please note his expression, “the enemy of the American People.”

highlighting the rule of law and populism praising the popular voices in governance, and how modern journalistic practices originating from the commercial newspapers have attempted to solve this tension. While this study agrees that the present journalistic value of news objectivity must be acknowledged as an important achievement in journalism history, the value seems to have reached its limit in the ability to conciliate the tension between the two principles.

As an alternative or a supplementary journalistic value, this research recommends “social empathy” which “has little place in the familiar rhetoric about journalism” but “deserves more attention” (Schudson, 2013, p. 17). Journalists seeking objective news try to detach themselves from an event, doing their best to describe the event impartially. Such practice is more pronounced when public affairs or political news are reported, but less observed in the case of reporting celebrities’ news, such as sports stars or pop singers, disaster news (e.g., Hurricane Katrina), or other soft news. The problem of such practices is that the news audience does not know how to interpret the event and why it is meaningful to their life (de Botton, 2014). As noted by Baym (2005), an alternative news channel is welcomed because it “places its topics in wider contexts often providing background information and drawing historical linkages of the sort uncommon to [traditional] television news” (p. 264). While not exactly the same, a scholar of journalism ethics concluded that journalism objectivity has been historically constructed and re-constructed depending on the quality of “journalism’s communicative relationship with the public” (Ward, 2004, p. 3) such as offering “voice to the voiceless” (Kovach & Rosenstiel, 2014).

From the perspective of the ordinary people, mainstream journalists’ reporting of public affairs might be perceived as the informed elites’ self-talk to other individuals from the same class. Previous studies on political knowledge (Delli

Carpini & Keeter, 1996) have cumulatively reported that: (1) people with more political knowledge (frequently termed the “attentive public”) consume most of the public affairs news, and (2) less informed people prefer to consume easily absorbable news, such as political scandals, episodic, rather than thematic, news reporting, or more vivid news. Such findings imply that news objectivity, pursued by modern journalists, may reinforce the gap of news consumption between informed and less informed publics. For example, misinformation, disinformation, rumors or conspiracy beliefs on the Internet, political entertainment shows, docudramas, or political documentaries have been considered pathological for the audience and unhealthy for the democracy among serious scholars or journalists. However, before making normative judgment, it would be theoretically productive to raise a more practical and empirical question, “Why are the ordinary people allured by such false or semi-factual content?” Although there could be several plausible answers for their commercial success and wide spread among mass, one factor can be found in social empathy activating the “link between private troubles and public issues” (Schudson, 2013, p. 18) which has rarely been satisfied in objective news (regarding Brexit in UK, see Goodhart, 2017; regarding frustration in Rust Belt or Bible Belt in the United States, see Cramer, 2016; Hochschild, 2016). In this regard, Marchi (2012) concludes that “[m]ainstream news media’s ‘objectivity’ was not something ... useful” (p. 256). As explained in Ward (2004), the journalism objectivity is not a historically fixed concept, and it is the journalists’ profession to communicate with the public what is objective, what value should be pursued, and what should be abandoned. Social empathy (Schudson, 2013), in this sense, is *sine qua non* for journalists’ effective communication with the public.

Despite criticism of sensationalism, the early penny press effectively use the “social empathy”

value to speak for the populist passion protecting the public good. According to Schiller (1979, 1981), the penny press achieved social progression by reporting how poverty or crime experienced by the “victims” is associated with the venal political and economic systems. Like the feminism motto, “the personal is political,” people are more likely to find meanings in news reporting showing why the political issues matter to their personal lives (Anderson, 1983). It is widely known that the avalanche of information and the variety of channels have weakened the power of the media as gatekeepers. However, even in the fast-changing media environment, extracting meaning from world events is a solely human effort. “[E]nlarged mentality” (Arendt, 1968, p. 241) is more urgently demanded to link the pieces of information in the era of fragmentation.

While not a definitive example, it is valuable to introduce a concrete example showing the important role of journalism practices based on social empathy in balancing the tension between constitutionalism and populism. Schudson (2016) traces how the Freedom of Information Act (FOIA) was initiated, developed, and settled in American political culture of ‘transparency’ in which government, civil society, and the media have interacted. Schudson (2016) shows how American journalists have attained the position to balance the power between established elites and ordinary people in the legislation of FOIA under the culture of transparency. As one of important actor of political culture, Schudson (2016) argued that, in the United States, contextual journalism has becoming dominant while conventional journalism based on an inverted-pyramid structure has continuously declining. As one of the core values comprising contextual journalism, Schudson (2016) emphasize the role of ‘social empathy’ through which the journalists can be the advocacy for “populism in the political culture” (p. 178) but also the “orchestrator of public opinion” (p. 179). In other words,

contextual journalism prepares the people to understand the overall context of the controversial issue and let the people make own voices (i.e., fostering populism) and deliver people’s voice or voices into politicians or other elites who can transform the people’s raw thoughts into laws (i.e., keeping constitutionalism).

As shown by the recent emergency of populists in modern democracies (Goodhart, 2017; Fukuyama, 2018; Mudde, 2004; Murray, 2018; Taggart, 2000), popular voices want to be powered, but they are not addressed within the frame of existing constitutional systems. The crisis in modern democracy relates to the prime of populism in 19th century and the 1960s in the United States, when American journalists were at the zenith of prosperity by converting populist passions into collective decisions, constrained within the Constitution. Journalism is definitely not the only institution aiding both the progress and stability of the society. However, as Walter Lippmann (1920) equated the crisis in democracy to the journalism crisis, it might not be coincidental to observe the dual crisis in both democracy and journalism across countries (for recent argument, see Barnett, 2002). Borrowing his words, it can be argued that if the society deals with the crisis in journalism, this may solve the democracy crisis. Re-defined journalistic value, such as “social empathy” suggested in this paper, to coordinate the tension between constitutionalism and populism could restore the healthy democracy, which recently experienced crises across developed countries worldwide.

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