

THE “END” OF NEUTRALITY: TUMULTUOUS TIMES REQUIRE A DEEPER VALUE

*Carol Pauli**

I. INTRODUCTION

American political talk has grown so fragmented and polarized that some observers say that “[w]e are no longer in any ‘public conversation.’”¹ Accusations of “fake news” are followed by disheartening discoveries that providing people with accurate information may only serve to further entrench their erroneous beliefs.² One longtime journalism professor worries aloud that “what’s at risk is the idea of a public that is even ‘inform-able.’”³ Putting the problem in terms familiar to mediation, can we get the parties back to the table? This essay will focus on journalists, whose ideal has been to maintain a neutral position from which to establish the shared, accurate information that the public needs to make decisions. But along the way, I want to point to an overlap between journalists and mediators because I think they face similar challenges to neutrality in their work. The comparison may seem odd. The news media rarely enter conflict resolution literature. Even in discussions about public conflicts, the media make only brief appearances, often as outsiders whose headlines emphasize disagreements and risk exacerbating them. I once attended a discussion on improving police-community relations. One speaker described a meeting he had called between the two sides, and he

* Instructional Professor, Texas A&M University School of Law; J.D. Benjamin N. Cardozo School of Law; M.S. Columbia University Graduate School of Journalism; former writer for the Associated Press, CBS News, the Evansville (IN) Sunday Courier & Press, and the Decatur (IL) Herald-Review. The author thanks the excellent editors of the *Cardozo Journal of Conflict Resolution*.

¹ Sue Robinson, *Crisis of Shared Public Discourses: Journalism and How It All Begins and Ends with Trust*, 20(1) JOURNALISM 56, 56 (2018).

² S.I. Strong, *Alternative Facts and the Post-Truth Society: Meeting the Challenge*, 165 U. PA. L. REV. ONLINE 137, 145 (2017).

³ Aspen Digital, *Disinfo Discussions: The Role of the News Media with Jay Rosen*, at 24:19 (July 5, 2021), <https://www.youtube.com/watch?v=XWyAMD0ng4U> [https://perma.cc/K28V-R8RG]. “I think we are kind of in a sense understating the problem. What we’re really grappling with here is not disinformation or the platforms. It’s the crack-up of the public itself.” *Id.* at 24:04.

detailed the care he had used in putting police and community members in alternating seats, so they would talk to each other on a personal level. The meeting had gone well, and he was pleased with the public reaction afterwards.

“What role did the media play?” I asked.

He waved his hand dismissively. “I told everyone to just ignore them.”

As a longtime news writer, I objected to his ironic excluding of the press from a gathering that aimed at inclusion. Yet, to be fair, news reporters *try* to be outsiders. If they had been offered assigned seats in the gathering, they might well have declined. A lonely spot on the sidelines may be better for maintaining a neutral perspective. That is, in part, my point. In their own way, journalists are—like mediators—third-party neutrals. They listen to various parties in a conflict, relay messages between opponents, and try to verify a baseline of facts in the disjointed public conversation.

That conversation now swirls in an atmosphere of distrust. Fewer than half of Americans say that either political party “governs in an honest and ethical way”⁴ or that either party has “a lot” of good ideas.⁵ According to a recent Pew Research Center poll, both Democrats and Republicans express less faith in their own party now than last year, yet, in each camp, 90% have an unfavorable view of the other.⁶ Ironically, while Americans see both parties as “too extreme,” nearly half on each side want their leaders to “stand up” to the other side, even if that impedes progress on addressing important problems. At some important moments in the past, the news media have acted like trusted mediators, providing a bridge between opposing sides.⁷ But the news media are not generally trusted now. Only four out of ten Americans express confidence in journalists to act in the public’s best interests.⁸

⁴ *Biden Starts Year Two with Diminished Public Support and a Daunting List of Challenges*, PEW RSCH. CTR. 4 (Jan. 25, 2022), <https://www.pewresearch.org/politics/2022/01/25/views-of-the-republican-and-democratic-parties/> [https://perma.cc/EB7J-54TR].

⁵ *Id.* at 2.

⁶ *Id.* at 23.

⁷ See Carol Pauli, *News Media as Mediators*, 8 CARDOZO J. CONFLICT RESOL. 717, 717–18 (2007).

⁸ Brian Kennedy, Alec Tyson, & Cary Funk, *Americans’ Trust in Scientists, Other Groups Declines*, PEW RSCH. CTR. (Feb. 15, 2022), <https://www.pewresearch.org/science/2022/02/15/americans-trust-in-scientists-other-groups-declines/> [https://perma.cc/E8K4-E48E].

II. BEING MISTRUSTED—AND WORSE

Public distrust of the news media is not entirely new. A generation ago, Atlantic Monthly editor James Fallows reported that American "disdain for the media establishment [had] reached new levels."⁹ Back then, social media could not be blamed. The problem, he said, was the news itself: Audiences saw journalists as arrogant and cynical because their stories repeatedly portrayed civic life as nothing more than a hopeless contest among scheming politicians.¹⁰ Audiences were steadily turning away,¹¹ and as a result, Fallows wrote, the news media were threatening the health of the political system.¹²

Some publications tried to re-engage audiences with "public journalism," the project of New York University Professor Jay Rosen. He called on newsrooms to encourage participation, not cynicism, by facilitating public conversation and even holding community dialogues.¹³ But that movement had critics, steeped in the traditions of the field, who saw the role of independent outsider as a key value of journalism, a reason for its historical status in American life. Those were the heady days following the Watergate era, when the press had uncovered wrongdoing that forced President Richard Nixon to resign. U.S. Supreme Court Justice Potter Stewart wrote that establishing an unofficial "Fourth Estate" as a check on the three official branches of government was "the primary purpose of the constitutional guarantee of a free press."¹⁴ The news media were powerful. They were gatekeepers of information and set the agenda for public discourse. Technology has changed all of that, of course. It allows anyone to publish, perhaps most notably a presidential candidate who bypassed the press and sent messages directly to millions of followers. The 2016 election shocked mainstream reporters. Polls had predicted that Hillary Clinton would soundly defeat Donald Trump, for one thing, so the press had to face its failure to accurately understand a large swath of the American public. But beyond that, the press saw its traditional position upended.

⁹ JAMES FALLOWS, *BREAKING THE NEWS: HOW THE MEDIA UNDERMINE AMERICAN DEMOCRACY* 5 (1996).

¹⁰ *Id.* at 7.

¹¹ *Id.* at 3.

¹² *Id.* at 7.

¹³ Jay Rosen, *Questions and Answers about Public Journalism in Debate: Public Journalism*, 1 *JOURNALISM STUD.* 679, 679–80 (2000).

¹⁴ Potter Stewart, *Or of the Press*, 26 *HASTINGS L. J.* 631, 634 (1975).

At the White House, on the day after the Inauguration, reporters assembled in the press room for their longtime role of holding the President accountable. Instead, they were scolded, with Press Secretary Sean Spicer telling them that their job was now reciprocal. “It goes two ways,” said the Press Secretary. “We’re going to hold the press accountable, as well.”¹⁵ One reporter tweeted, “Jaw, meet floor.”¹⁶ Was a traditional neutral stance even possible?

In the ensuing years, the news media came to see that limits on a President’s behavior were largely based, not on law, but on norms, “unwritten rules of legitimate or respectable behavior”¹⁷ on which other government branches and the public relied.¹⁸ Legacy news organizations chronicled the President’s violations of norms.¹⁹ And even that queasy untethering did not seem to be the worst of it. Broader societal norms of good faith and truth-telling seemed to be unraveling as well. Then, as now, in the sprawling, electronic conversation, false information was published easily, spread quickly, and could be aimed at the most vulnerable audiences.²⁰ Falsehoods could take on added power by being embedded in stories, including those that “draw on or create the frameworks from which societies, cultures, and individuals derive their identity and thus meaning.”²¹

At exactly the time when lives depended on information, in the COVID-19 pandemic, polarized factions demonized opponents, and accurate information suffered. Never mind the longer-term threat of climate change or the immediate realities of racial injustice. News stories were vital, but facts were too easily cast into doubt and suspicion on the Internet. The Columbia Journalism

¹⁵ *Statement by Press Secretary Sean Spicer*, TRUMP WHITE HOUSE ARCHIVES (Jan. 21, 2017, 5:39 PM), <https://trumpwhitehouse.archives.gov/briefings-statements/statement-press-secretary-sean-spicer/> [<https://perma.cc/XB9M-38TC>].

¹⁶ Glenn Thrush, TWITTER (Jan. 21, 2017, 5:42 PM), <https://twitter.com/glennthrush/status/822937366721654784> [<https://perma.cc/7NAU-9TB6>].

¹⁷ Daphna Renan, *Presidential Norms and Article II*, 131 HARV. L. REV. 2187, 2189–96 (2018).

¹⁸ *See id.* at 2193.

¹⁹ *See, e.g.*, Peter Baker, *For Trump, a Year of Reinventing the Presidency*, N.Y. TIMES (Dec. 31, 2017), at A1, <https://www.nytimes.com/2017/12/31/us/politics/trump-reinventing-presidency.html> [<https://perma.cc/7C29-VJSN>]; David Montgomery, *The Abnormal Presidency*, WASH. POST MAG. (Nov. 10, 2020), <https://www.washingtonpost.com/graphics/2020/lifestyle/magazine/trump-presidential-norm-breaking-list/> [<https://perma.cc/DXJ7-ALPB>].

²⁰ Philip M. Napoli, *What if More Speech is No Longer the Solution? First Amendment Theory Meets Fake News and the Filter Bubble*, 70 FED. COMM. L. J. 55, 59 (2018).

²¹ Braden R. Allenby, *The Age of Weaponized Narrative or, Where Have You Gone, Walter Cronkite?*, 33 ISSUES SCI. & TECH. 65, 66 (2017).

Review acknowledged the journalists’ temptation to be bitter, to say, “Report all the news you want. The reality of our media ecosystem is such that any story—no matter how consequential and well-vetted—is liable to come up against suspicion, or outright dismissal.”²²

III. LOOKING BEYOND NEUTRALITY

A deeply unsettling experience has the virtue of demanding a deep response. In this case, challenges to long-held societal norms have rocked the ideal of neutrality. In journalism, neutrality suggests impartiality, a lack of any interest in the outcome for one side or another.²³ Richard Tofel, the founding general manager of the nonprofit news organization ProPublica,²⁴ has written that neutrality works when the playing field is reasonably level: “‘Neutrality’ may be an especially attractive value if you view public life as an endless series of fights between two sides distinguishable most importantly by the primary colors of their uniforms.”²⁵ But neutrality pales when the context is bizarre, as when one side’s argument is based on falsehoods or poses an existential threat.

Neutrality is not an end. Neutrality is a means to an end.²⁶ Determining what the end should be is a hard exercise, and it demands something other than logic. As Lon Fuller observed, reasoning is of no use until we have determined “what we really want.”²⁷ That decision rests on reflection and contemplation, and it is vital. As Fuller put it, “a means without an end is a monstrosity.”²⁸ For both journalists and mediators a partial answer to “what we really want” from neutrality is party self-determination.

²² Simon V.Z. Wood, Maria Bustillos, & Haley Mlotek, *Why Bother?: Carrying on in the Face of Uncertainty*, in *WHAT IS JOURNALISM?*, COLUM. JOURNALISM REV. (June 22, 2021), <https://existential.cjr.org/whybother/> [<https://perma.cc/8L7W-AT2J>].

²³ Markus Ojala, *Is the Age of Impartial Journalism Over? The Neutrality Principle and Audience (Dis)Trust in Mainstream News*, 22 *JOURNALISM STUD.* 2042, 2043–44 (2021).

²⁴ *Richard Tofel: President, 2013-2021*, PROPUBLICA, <https://www.propublica.org/people/richard-tofel> [<https://perma.cc/S66X-3Z5U>] (last visited April 26, 2022).

²⁵ Richard J. Tofel, *What Do Our News Values Mean Now?*, SECOND ROUGH DRAFT (May 20, 2021), <https://dicktofel.substack.com/p/what-do-our-news-values-mean-now?sR> [<https://perma.cc/9M4G-4EWE>].

²⁶ See Milton Rokeach, *A Theory of Organization and Change Within Value-Attitude Systems*, 24 *J. SOC. ISSUES* 17 (1968) (distinguishing instrumental values from terminal values).

²⁷ Lon L. Fuller, *Human Purpose and Natural Law*, 3 *NAT. L. F.* 68, 73 (1958) (reprinted from 53 *J. PHIL.* 697 (1956)).

²⁸ *Id.*

That is the core goal of mediators,²⁹ allowing parties to actively take part in resolving their conflict and decide its outcome.³⁰ It is also the point of journalism, “to provide factual information to facilitate informed decision-making.”³¹ But, as mediation scholars have noted, even self-determination is problematic. For one thing, without more, it can mean mere selfishness on the part of parties.³² Parties may feel satisfied because (1) they are uninformed,³³ (2) a supposedly neutral process has suppressed their anger,³⁴ (3) they accept “voice” in lieu of a deserved financial reward,³⁵ or (4) they must censor themselves in an entrenched system of white supremacy.³⁶ Although mediators, in extreme cases, can take up questions of fairness,³⁷ some scholars have sought something more, a guiding value outside of self-determination: “a minimal threshold of justice.”³⁸ The news media, too, could use a guiding value. Professor Rosen has called on journalists to reach outside of neutrality, pledging allegiance to democracy and opposition to authoritarianism:

I think the great struggle for journalists in the years ahead is to find a way that they can emerge from this period as proponents of democracy, as pro-democracy, pro-truth, pro-participation, pro-elections, pro-legitimacy of democratic government. They have to stop assuming these things as sort of the background to their work and push them into the foreground and become champions of these fundamental values.³⁹

²⁹ See AMERICAN ARBITRATION ASSOCIATION, AMERICAN BAR ASSOCIATION & ASSOCIATION FOR CONFLICT RESOLUTION, MODEL STANDARDS OF CONDUCT FOR MEDIATORS (2005) (beginning with “Standard I. Self-Determination.”).

³⁰ Nancy A. Welsh, *The Thinning Vision of Self-Determination in Court-Connected Mediation: The Inevitable Price of Institutionalization?*, 6 HARV. NEGOT. L. REV. 1, 4 (2001).

³¹ Napoli, *supra* note 20, at 97–98.

³² Joseph B. Stulberg & Sharon B. Press, *Variations on a Theme by Sander: Does a Mediator Have a Philosophical Map?*, 31 OHIO STATE J. ON DISP. RESOL. 101, 118 (2016).

³³ Ellen E. Deason et al., *ADR and Access to Justice: Current Perspectives*, 33 OHIO STATE J. ON DISP. RESOL. 303, 310 (2018).

³⁴ See Trina Grillo, *The Mediation Alternative: Process Dangers for Women*, 100 YALE L. J. 1545, 1572 (1991).

³⁵ Isabelle R. Gunning, *Know Justice, Know Peace: Further Reflections on Justice, Equality and Impartiality in Settlement Oriented and Transformative Mediations*, 5 CARDOZO J. CONFLICT RESOL. 87, 89 (2004).

³⁶ Sharon Press & Ellen E. Deason, *Mediation: Embedded Assumptions of Whiteness?*, 22 CARDOZO J. CONFLICT RESOL. 453, 462 (2021).

³⁷ Nancy A. Welsh, *Do You Believe in Magic?: Self-Determination and Procedural Justice Meet Inequality in Court-Connected Mediation*, 70 SMU L. REV. 721, 760 (2017).

³⁸ Ellen Waldman & Lola Akin Ojelabi, *Mediators and Substantive Justice: A View from Rawls’ Original Position*, 30 OHIO STATE J. ON DISP. RESOL. 391, 418 (2016).

³⁹ Aspen Digital, *supra* note 3, at 25:44.

But Rosen must have in mind an ideal democracy, because we know too well that democracy, like individual-level self-determination, is imperfect. Corruption, voter suppression, and gerrymandering can obscure abuses of power. Even fair and open elections can create systems of oppression if minorities are not protected.

In another tumultuous time, the political scientist, Harold Lasswell, articulated a value deeper than democracy, underpinning it: “The supreme value of democracy is the dignity and worth of the individual.”⁴⁰ At the end of World War II, human dignity took place in the foundation of international law, the United Nations Charter aiming “to reaffirm faith . . . in the dignity and worth of the human person.”⁴¹ A good candidate for a universal “minimum threshold of justice,” dignity has been asserted as a fundamental value across a range of positions, from religious to rationalist.⁴² It names an aspiration that distinguishes democracy from authoritarianism⁴³ and provides “the emotional driving force that propels the human rights movement.”⁴⁴ Justice William J. Brennan, Jr. placed human dignity at the crux of American law.⁴⁵

The concept of dignity is notoriously broad⁴⁶ and arguably too ambiguous to be useful.⁴⁷ Still, exploring and charting its territory is a worthy project.⁴⁸ I think this is especially true for fields like

⁴⁰ Harold D. Lasswell & Myres S. McDougal, *Legal Education and Public Policy: Professional Training in the Public Interest*, 52 YALE L. J. 203, 212 (1943) (describing democracy as “a commonwealth of mutual deference—a commonwealth where there is full opportunity to mature talent into socially creative skill, free from discrimination on grounds of religion, culture, or class”).

⁴¹ U.N. Charter preamble.

⁴² David Luban, *Lawyers as Upholders of Human Dignity (When They Aren’t Busy Assaulting It)*, 2005 U. ILL. L. REV. 815, 816–17 (2005).

⁴³ FRANCIS FUKUYAMA, *IDENTITY: THE DEMAND FOR DIGNITY AND THE POLITICS OF RESENTMENT* 49 (2018).

⁴⁴ Evelin G. Lindner, *Why There Can Be No Conflict Resolution as Long as People Are Being Humiliated*, 55 INT’L REV. EDUC. 157, 170 (2009) (explaining that “the human rights framework makes quiet acceptance of subjugation of underlings impossible. In the human brain, negative emotions serve as eye-openers when something is wrong and needs to be addressed.”).

⁴⁵ Leslie Meltzer Henry, *The Jurisprudence of Dignity*, 160 U. PA. L. REV. 169, 171 (2011).

⁴⁶ *Id.* at 172–75.

⁴⁷ Doron Shultziner & Itai Rabinovici, *Human Dignity, Self-Worth and Humiliation: A Comparative Legal-Psychological Approach*, 18(1) PSYCH., PUB. POL’Y, & L. 105, 110 (2012); *see also* EVELIN LINDNER, *MAKING ENEMIES: HUMILIATION AND INTERNATIONAL CONFLICT* 65–66 (2006).

⁴⁸ For typologies of dignity, *see* Giorgio Resta, *Human Dignity*, 66 MCGILL L. J. 85, 86 (2020) (finding that, when applied by governments, dignity may be viewed as a negative right, as the source of a duty to protect, or as the source of a duty to provide social benefits); *see also* Meltzer Henry, *supra* note 45, at 189–90 (listing five conceptions of dignity: institutional status, equality, liberty, personal integrity, and collective virtue).

journalism and mediation. Both make a point of operating in broad, informal spaces at the margins of legal structures and have less use for rigid boundaries than for a wisely-anchored mooring.⁴⁹ The literature of both fields refers to “dignity and respect,” as though these were a given pair, already understood. But to begin mapping the territory of dignity, Donna Hicks at Harvard University’s Weatherhead Center for International Affairs recommends disentangling the two. Respect, she writes, must be earned, but human dignity is the inherent value of every person, regardless of accomplishments or qualities.⁵⁰ She lists “ten elements of dignity,” which she describes as suggestions for honoring the dignity of others.⁵¹ Among them, several are especially pertinent to news reporters in dealing with their sources and audiences: accepting others without prejudice, treating them fairly, actively listening to others, empowering others to act on their own behalf, and taking responsibility for one’s own mistakes.⁵²

The outline of dignity becomes even clearer and more compelling when viewed against its opposite: humiliation. The word stems from the Latin *humus*, earth.⁵³ Psychologist Evelin Lindner defines it as a downward push.⁵⁴ “Humiliation entails demeaning treatment that transgresses established expectations. . . . At its heart is the idea of pinning down, putting down or holding to the ground. Indeed, one of the defining characteristics of humiliation as a process is that the victim is forced into passivity, acted upon, made helpless.”⁵⁵

Humiliation can take many forms. Silencing is one,⁵⁶ along with “forced intrusions into one’s body, social exclusion, defaming one’s name, conveying a social message of helplessness, and relegating a lower social status to a person or a group.”⁵⁷ The universal impact is a diminished sense of self-worth,⁵⁸ and the resulting pain

⁴⁹ See Carrie Menkel-Meadow, *The Evolving Complexity of Dispute Resolution Ethics*, 30 GEO. J. LEGAL ETHICS 389, 390 (2017).

⁵⁰ DONNA HICKS, DIGNITY: THE ESSENTIAL ROLE IT PLAYS IN RESOLVING CONFLICTS 5 (2011).

⁵¹ DONNA HICKS, LEADING WITH DIGNITY 16 (2018).

⁵² *Id.* at 16–17. The other elements can be paraphrased as follows: recognizing others’ contributions, validating others’ concerns, including others in all levels of relationship, easing others’ concerns about physical and psychological safety, and giving others the benefit of the doubt. *Id.*

⁵³ LINDNER, *supra* note 47, at 3.

⁵⁴ Lindner, *supra* note 44, at 165.

⁵⁵ *Id.* at 169.

⁵⁶ See Luban, *supra* note 42, at 822.

⁵⁷ Shultziner & Rabinovici, *supra* note 47, at 113.

⁵⁸ *Id.*

is processed in the same area of the brain as physical pain.⁵⁹ Humiliation sets off internal alarms, whether it is personally endured, only threatened, or merely witnessed in the media.⁶⁰ Therefore, while we may not know dignity when we see it, we can physically feel its opposite in the same way that, as Joseph Stulberg has observed, we may experience injustice more readily than justice, in moments that “instantly appall” us.⁶¹

Such a pivotal moment occurred with the murder of George Floyd, appalling in its stark display of the hallmarks of humiliation as Floyd was forced to the ground, pinned down, and rendered helpless. The policeman who held his knee on Floyd’s neck was sentenced to twelve and a half years in prison for second-degree murder—and ten years more for denying Floyd “the dignity owed to all human beings.”⁶² This extreme example stirred millions to demonstrate across the United States in outrage, a concept that includes “a refusal to ‘normalize’ the crime.”⁶³ Shouts in the streets declared the inherent worth of African American individuals: “Black Lives Matter.”

Is moral outrage ever permitted for a neutral? Something like that question has seemed to be lurking among reporters and mediation scholars in recent years. Would unsettling conversations about neutrality be different if both fields began by affirming the inherent worth of every person?⁶⁴ Would it be possible to trace connections from the principle of dignity to the more specific, contextualized rules of conduct that would be needed for practice?⁶⁵

⁵⁹ Linda M. Hartling & Evelin G. Lindner, *Healing Humiliation: From Reaction to Creative Action*, 9 J. COUNSELING & DEV. 383, 385 (2016) (“[R]esearchers found that the anterior cingulate cortex (ACC)—a neuro alarm system of the brain—is particularly active during the processing of physical and social pain. Furthermore, the ACC is activated when there is the possibility of physical and social pain. Therefore, not only do direct experiences of humiliation trigger social pain but also the possibility of humiliation (i.e., the threat and fear of humiliation) and being the witness of humiliation (e.g., via media).”) (citation omitted).

⁶⁰ *Id.*

⁶¹ Joseph B. Stulberg, *Mediation and Justice: What Standards Govern?*, 6 CARDOZO J. CONFLICT RESOL. 213, 213 (2005).

⁶² *Minnesota v. Chauvin*, No. 27-CR-20-12646, 2021 WL 2621001, at *11 (Minn. Dist. Ct. June 25, 2021) (Sentencing Order & Mem. Op.).

⁶³ Duane Rudolph, *Of Moral Outrage in Judicial Opinions*, 26 WM. & MARY J. RACE, GENDER & SOC. JUST. 335, 375 (2020) (quoting SLAVOJ ŽIŽEK, *VIOLENCE* 189 (2008)).

⁶⁴ At least the question of the uninformed party in a mediation might be affected: “If we do embrace dignity as an independent moral value . . . we should be perturbed by its violations even if the person concerned did not care about his dignity and hence did not suffer at all from the insult.” Meir Dan-Cohen, *Basic Values and the Victim’s State of Mind*, 88 CAL. L. REV. 759, 772 (2000).

⁶⁵ Menkel-Meadow, *supra* note 49, at 390–91.

Could a commitment to a core principle of human dignity help serious journalists re-connect to a fractured public? Could it even bring more people into the kind of shared conversation that will be required for rebuilding trust?

IV. NAMING DIGNITY IN THE NEWSROOM

Journalism is no longer the gatekeeper of public information, so if public trust can be rebuilt, it will not be by journalists alone. Professor Stacy Strong writes that it will require a robust interdisciplinary process to address “psychological, neurological, and social factors” that have provided so much space to falsehoods in the media ecology.⁶⁶ Still, journalists will need to be part of the effort and may need to be on its front lines. At the University of Wisconsin, Professor Sue Robinson writes that the news media may be “a logical place to experiment” with creating a common conversation to tackle wicked problems.⁶⁷ She calls on journalists to “work across multiple publics by taking up the conjoint problems of communities, discovering and explicating the shared values, and producing content around that value.”⁶⁸

Already, some professors are teaching an approach to journalism that—rather than “extracting” news from sources—collaborates with them.⁶⁹ It is worth noting that this approach reflects at least three of Hicks’s elements of dignity: accepting others without prejudice, treating them fairly, and actively listening to them. What else might change if journalism proclaimed that it valued human dignity?

For one thing, the internal life of a publication might change. A newsroom intent on protecting human dignity could follow the example of the Minneapolis Star Tribune, where employees of color demanded changes after George Floyd’s death in their city. In a letter to the newspaper management, these employees expressed their own sense of humiliation: “We are tired of incremental change. We are tired of being undervalued. . . . We are tired of the whisper network of indignities we have to use to support each

⁶⁶ Strong, *supra* note 2, at 145.

⁶⁷ Robinson, *supra* note 1, at 58.

⁶⁸ *Id.*

⁶⁹ *Id.*; see also Katherine Reed et al., *Restoring Trust in Journalism: An Education Prescription*, 75 JOURNALISM & MASS COMM’N EDUCATOR 40, 43 (2020).

other.”⁷⁰ Two months later, the newspaper named its first assistant managing editor for diversity and community.⁷¹ The newspaper’s actions aligned with two more elements of dignity: The newspaper empowered staff members to act on their own behalf, and it took responsibility for its own mistakes.

A newsroom that valued dignity would keep in mind Professor David Luban’s “commonsense . . . account of human dignity as having a story of one’s own.”⁷² The newsroom would continually monitor whether the stories and images of a wide range of its supporters—and its critics—were being represented in the news, and it would explore the needs, interests, and concerns of people all across the political spectrum. In *The Neutrality Trap*, for example, Professor Bernie Mayer and Jacqueline Font-Guzman urge Trump opponents not to dismiss his supporters but rather to consider their vital interest in job security and their resulting fears of competition from immigrant labor.⁷³ Then, the authors continue, the opponents should look for unspoken interests, such as a desire for community and meaning, and look for the systemic forces that may be at work in people’s lives as well.⁷⁴

A dignity-oriented newsroom would also recognize that audience members have their own underlying values and that these do not always match the instincts of journalism. For example, in the book *Strangers in Their Own Land*, a member of the Tea Party in Louisiana said that she resented the tone of the Cable News Network (“CNN”) because it seemed to be scolding her.⁷⁵ She described correspondent Christiane Amanpour kneeling beside a sick child in Africa or India and looking into the camera.⁷⁶ “Her voice is saying, ‘Something’s *wrong*. We have to *fix* it. Or worse, *we caused* the problem. She’s using that child to say, ‘*Do something America.*’ But that child’s problems aren’t our fault.”⁷⁷

⁷⁰ Letter to the Star Tribune Publisher and Leadership (July 2020), <https://s3.documentcloud.org/documents/7010348/Diversity-Solutions.pdf> [<https://perma.cc/62L3-837P>].

⁷¹ Danielle K. Brown, *Impressions of Progress: How Managers and Journalists See DEI Efforts*, COLUM. JOURNALISM REV. (Feb. 10, 2022), <https://www.cjr.org/analysis/diversity-equity-inclusion-progress-newsrooms.php> [<https://perma.cc/4QJW-U9XR>].

⁷² Luban, *supra* note 42, at 822.

⁷³ BERNARD MAYER & JACQUELINE N. FONT-GUZMÁN, *THE NEUTRALITY TRAP: DISRUPTING AND CONNECTING FOR SOCIAL CHANGE* 142–45 (2022).

⁷⁴ *Id.* at 145–48 (2022).

⁷⁵ ARLIE RUSSELL HOCHSCHILD, *STRANGERS IN THEIR OWN LAND: ANGER AND MOURNING ON THE AMERICAN RIGHT* 128 (2016).

⁷⁶ *Id.*

⁷⁷ *Id.*

It would be easy to dismiss her reaction as racism or as a refusal to face unpleasant facts,⁷⁸ but it is also apparent that the Louisiana woman felt shamed by the newscast.⁷⁹ And she is not alone. A recent survey by the Media Insight Project⁸⁰ found that social criticism—the role that Amanpour was playing—is the journalistic principle *least* endorsed by American audiences.⁸¹ Furthermore, the survey found that, overall, “most Americans don’t fully endorse the principles of journalism, and the distrust goes beyond traditional partisan politics.”⁸²

The survey is worth noting here because it looked at underlying values, not at the usual red and blue political camps. It asked a total of more than 3,800 adults to rank five foundational moral values: care, fairness, loyalty, authority, and purity.⁸³ It compared their responses to their views of five traditional values of journalism: oversight (serving as a watchdog over those in power), transparency, factualism, giving voice to the less powerful, and social criticism.⁸⁴ It found that levels of trust and distrust in the news media connected strongly to the categories of moral foundation values that people ranked highest.⁸⁵ The correlation held, regardless of such factors as “age, race/ethnicity, education, gender, political affiliation, or ideology.”⁸⁶

The survey characterized Americans as falling into four groups. Those who most trusted the press made up the smallest group.⁸⁷ They shared values that closely matched journalism’s core principles. Members of this group (“Journalism Supporters”) were the youngest and most educated of the four groups on average, but they made up only 20% of the survey respondents.⁸⁸ The largest of

⁷⁸ A commonly offered rationale for Trump supporters’ voting against their own economic interests is that they were misinformed. *See, e.g.,* Napoli, *supra* note 20, at 96–97.

⁷⁹ RUSSELL HOCHSCHILD, *supra* note 75, at 128.

⁸⁰ The Media Insight Project is a collaboration between the American Press Institute and The Associated Press-NORC [National Opinion Research Center at the University of Chicago], Center for Public Affairs Research.

⁸¹ MEDIA INSIGHT PROJECT, A NEW WAY OF LOOKING AT TRUST IN MEDIA: DO AMERICANS SHARE JOURNALISM’S CORE VALUES? 3 (American Press Institute ed., Apr. 2021), <https://apnorc.org/wp-content/uploads/2021/04/A-New-Way-of-Looking-at-Trust-in-Media-1.pdf> [<https://perma.cc/4BYU-4AE6>].

⁸² *Id.* at 2.

⁸³ *Id.* at 6–7.

⁸⁴ *Id.* at 7.

⁸⁵ *Id.* at 2.

⁸⁶ *Id.* at 22.

⁸⁷ MEDIA INSIGHT PROJECT, *supra* note 81, at 47.

⁸⁸ *Id.* at 55. The two other groups were divided this way: The group with the most racial diversity and the lowest number of college degrees had less trust in the press. This group (“Mor-

the four groups, at 35%, consumed a lot of news, but they did not generally trust it.⁸⁹ Half of the members of this group (“Upholders”) were Republicans.⁹⁰ People in this group valued fairness and care for others—but not as highly as they valued loyalty, authority, and purity.⁹¹ These are “the values that most speak to respect for leaders, groups, and tradition.”⁹² These are also the values that are most troublesome to the watchdog role of monitoring the powerful.

The Media Insight Project wondered whether journalists could gain trust by addressing the values of these most skeptical readers, so researchers tried revising common types of news stories.⁹³ For example, they changed the headline and first sentence of a hypothetical story about pollution. The original was: “At-risk neighborhood now facing new health threat from toxic drinking water.”⁹⁴ That headline appealed to respondents who most valued care for others—but only to fewer than half of those who put a higher value on loyalty.⁹⁵ That number jumped to 72%, however, when the headline was changed to “Local community at risk after state officials ignore military study.”⁹⁶

Especially promising is that, by keeping the same facts but adding information to address the audiences who valued loyalty and authority, researchers created stories that were viewed as more balanced and trustworthy by all groups.⁹⁷ The study concluded that “[t]he problem at the heart of the media trust crisis may be

alists”), with values that spanned a wide range, were most likely to say that they wanted news to be enjoyable and to share their own views. This group accounted for 23% of respondents. Least trusting was a relatively young group that placed little importance on either moral values or journalistic principles. This mix of Republicans, Democrats, and moderates (“Indifferents”) pay little attention to news. They made up 21% of respondents. *Id.* at 45.

⁸⁹ *Id.* at 4.

⁹⁰ *Id.* at 49–50.

⁹¹ *Id.* at 18 (noting in connection to earlier political research, “Republicans and conservatives tend to fall in the highest quartile on values like loyalty, purity, and authority. . . . To be clear, the findings here and in other Moral Foundations Theory research do not imply conservatives do not care for others or about fairness in society. But these values fall somewhat lower on the scale than the value put on loyalty.”).

⁹² MEDIA INSIGHT PROJECT, *supra* note 81, at 47.

⁹³ *Id.* at 10.

⁹⁴ *Id.* at 38.

⁹⁵ *Id.* at 39.

⁹⁶ *Id.* at 38–39.

⁹⁷ *Id.* at 4 (“For example, significantly more people considered a revised version of a story about election security to be balanced (62% versus 44%). More also considered the revised story trustworthy (78% versus 70%). And even people who already trust the press tended to like stories more when those stories were revised to broaden their appeal.”).

skepticism about the underlying purpose and mission journalists are trying to fulfill in the first place.”⁹⁸

Another hopeful note is that, amid the swirl of untrustworthy messages, people still seem to yearn to know what is true. The journalism principle that won the most public support in the Media Insight study was “factualism.”⁹⁹ This is consistent with a Gallup/Knight Foundation survey, in which journalists and the public agreed in putting the highest value on the journalistic principle of accuracy and correcting mistakes.¹⁰⁰ That goal has new support from the Poynter Institute, a journalism think tank, which has established the International Fact-Checking Network (“IFCN”), a collaborative project to promote fact-checking advocacy and training.¹⁰¹

Finally, the Gallup/Knight study found that, among U.S. adults who say they have lost trust in the media over the past ten years, 69% say that their trust could be restored.¹⁰² In addition to accuracy and fairness, what these audiences said they most wanted to see was transparency—with news organizations quickly acknowledging errors and providing links to research that backed up their reporting.¹⁰³ Again, these points fit several of the elements of dignity. They also echo Mayer and Font-Guzman, “In the end, what we most likely want of journalists is similar to what we want of mediators: authenticity, transparency, integrity, and honesty. . . . But we also want to be left the space to have our own reactions and come to our own conclusions.”¹⁰⁴

V. CONCLUSION

This essay has observed that, when times are tumultuous, third parties who intend to be neutral may need some mooring beyond the norms that are shifting. It argues that neutrality is an unsatisfy-

⁹⁸ MEDIA INSIGHT PROJECT, *supra* note 81, at 2.

⁹⁹ *Id.* at 3.

¹⁰⁰ INDICATORS OF NEWS MEDIA TRUST: A GALLUP/KNIGHT FOUNDATION SURVEY, GALLUP 1, 13 (2018), https://kf-site-production.s3.amazonaws.com/media_elements/files/000/000/216/original/KnightFoundation_Panel4_Trust_Indicators_FINAL.pdf [<https://perma.cc/LS3B-TWZZ>].

¹⁰¹ *International Fact-Checking Network: Empowering Fact-Checkers Worldwide*, POYNTER, <https://www.poynter.org/ifcn/> [<https://perma.cc/HSU7-P93K>] (last visited Apr. 14, 2022).

¹⁰² INDICATORS OF NEWS MEDIA TRUST: A GALLUP/KNIGHT FOUNDATION SURVEY, *supra* note 100, at 5.

¹⁰³ *Id.* at 13.

¹⁰⁴ MAYER & FONT-GUZMÁN, *supra* note 73, at 44.

ing value in such times and suggests that neutrals look to the deeper values of their field. It proposes human dignity as a good place to begin, and it invites others to explore whether an initial commitment to the inherent worth of every person would make a helpful difference in practice.

