Ethical Issues in Professional Life: A Multimedia Course

by Robert Mertzman, C.Ph.
& Peter Madsen, Ph.D.

This multimedia course was made possible by:

- Florida Humanities Council
- Center for the Advancement of Applied Ethics, Carnegie Mellon University
- Jones Intercable, Tampa, Florida
- Paragon Cable, St. Petersburg, Florida
- JK Studios, Sarasota, Florida

Additional funding was provided by:

- Arthur Andersen & Co.
- Bishop Center for Leadership Ethics
- The Center for Ethics, University of Tampa

For more information: Center for the Advancement of Applied Ethics
Carnegie Mellon University
Pittsburgh, PA, 15213 (412) 268-5703

Copyright© 1992 by Mertzman and Madsen
A Preface by the Authors

Ethics is in the news. Confrontations and the differences of values and opinions create lead stories and headlines. Ted Koppel's Nightline is a good example. A typical show pits two different spokespersons, such as a pro-life and a pro-choice advocate, involved in loud, angry, insulting discussions. Then the show closes with a cartoon about the issue. The viewer is more likely to be enraged than enlightened, and this style of presentation of ethical issues gives off more heat than illumination. While raising an ethical issue is important, providing a means for analysis and understanding is much more important. This is the purpose of our applied ethics multimedia course.

The course is designed to develop reasoning skills and give factual information about many of our most influential professions. While medical, legal, government, media, accounting and many other professions are covered in this series, not all professions have their own specific discussions. It is our belief that anyone completing the course will benefit through an improved ethical thinking process, which concerns any profession. The method of reasoning, the types of problems, and the moral mazes involved have strong similarities that cross boundaries from one profession to another.

Ethical Issues in Professional Life: A Multimedia Course is better than we had any right to expect when we began the project. We hope you find our efforts worthwhile.

-- Robert Mertzman and Peter Madsen

THIS TEACHER'S GUIDE . . .

is for use with one of the fourteen, 30-minute videocassette programs of Ethical Issues in Professional Life.

Titles of the fourteen programs:

1. Introduction to Professional Ethics
2. Reasoning in Medical Ethics
3. Ethics and Engineering: The Case of the Challenger
4. Ethics and the Legal Profession
5. Government Ethics
6. Ethics and Media Professionals
7. Ethics and Business Professionals
8. Ethics and Social Science Professionals
9. Ethics and Scientific Research
10. Medical Ethics: The Neonatal Unit
11. Ethics and Accounting Professionals
12. Ethics and Financial Professionals
13. Ethics, the Environment, and Professionals
14. The Social Responsibilities of Professionals
ETHICS AND THE MEDIA

Topics to be covered in this chapter include:

- The responsibilities of media professionals
- Moral mazes for media professionals
- Ethics, business and advertising in the media
- The role of media in a free society

INTRODUCTION

There are no professionals who touch our lives more directly on an everyday basis than those who practice their craft in the media. TV, movies, newspapers, books, magazines, radio, and so on—the media and the people who bring them to us do much to inform us about the happenings of the world and shape our attitudes toward those events. They entertain us while they mold our values. They wake us in the morning with a radio alarm, and, on the morning TV news shows, tell us what has happened while we have slept. They help us to communicate with one another via computers and other technological devices. And they distract us from reality with entertaining diversions such as cartoons, novels, short stories, horror films and situational comedies. In short, as the 1960s media scholar Marshall McCluhan has put it, "The medium is the message."

What McCluhan announced in the 1960s, which many now find to be a correct assertion, is that the media are pervasive in the sense that they have a direct impact upon those who are involved with them. They not only provide a message, but in the delivery of it they also massage the receiver of the message. They work us over, change us and affect us in ways that we have not yet discovered. Given the power of the media to function as such a major factor in modern life, it is important to scrutinize the ethical responsibilities of media professionals and to raise pertinent questions about just how they are delivering the message and how they are massaging our minds. In other words, because media professionals touch us so directly with both the content and the form of their professional activities, it should not be surprising that they have numerous responsibilities and that their profession is confronted with numerous moral mazes.

In addition to a review of the responsibilities and ethical dilemmas of media professionals, a study of media ethics needs to include treatment of more specific issues that have
ethical ramifications. Here topics like advertising and the business side of the media come into view. Also, the proper role of the media in society has become an ethics-laden issue. As we shall see, these issues have created a good deal of controversy in contemporary life and so any study of the ethics of professionals in the media needs to cover them.

**THE RESPONSIBILITIES OF THE MEDIA**

The literature of media ethics usually focuses its attention upon journalism whenever the topic of responsibility is raised. No doubt this is the case due to the importance attached to journalism in our society. Journalists have become our primary source of information in a fast-paced world where superpowers can crumble over a weekend, walls of injustice fall in a fleeting moment and wars of insurgency arise overnight. Journalists give us a window on the world and in so doing their professionalism is no small matter. Given our reliance upon them, it is important that their task is carried out responsibly.

Fulfilling the public’s right to know means that it has a right to know the truth. Among the various basic responsibilities often cited in journalistic ethics are truth-telling, independence, fairness and accuracy. These, among others, can be called the virtues of the journalist. Obviously, conveying the truth is of paramount importance in the delivery of information to the public. Fulfilling the public’s right to know means that it has a right to know the truth. Thus, one of the most fundamental responsibilities that journalists have is to convey the truth of the matter that they are reporting about.

Truth-telling has not always been the mark of media professionals, however. There are all too many instances of deliberate acts of deception in the media. One of the more notorious acts of public deception was Janet Cooke’s series of articles on the plight of a child living in urban squalor that was published by the *Washington Post*. Cooke’s piece was so moving that it earned her and her newspaper a Pulitzer Prize, the most prestigious award in journalism. The only problem was that she had fabricated the whole story and the child she had written about was a creation of her own mind. The *Post* had to return the Pulitzer and Cooke became the primary example of how journalists can be irresponsible in matters of truth-telling. Apparently, she was more interested in her own career than in providing truthful reporting to the public.

Another case of irresponsibility by a media professional is the John Irving episode. Irving wrote a best-selling biography of
Howard Hughes, the aircraft industry millionaire recluse, who had earned a reputation as an eccentric. Irving capitalized upon the public's interest in Hughes given his past flamboyance and penchant for privacy. The biography that Irving offered gave a picture of Hughes as an extremely eccentric hermit who engaged in all sort of bizarre activities. The only problem with this account of Hughes was that it was, once again, mostly fiction created by John Irving. Truth was sacrificed on the altar of success as Irving felt he could further his career and line his pockets at the expense of the book-buying public. And again, a fundamental principle of media professionals had been broken.

Besides truth-telling, independence, fairness and accuracy are also identified as fundamental responsibilities of journalists. Here the need for journalists to be impartial observers is what is most important. They need to be sure that their own bias does not taint the report they are giving. The public needs to have information that is not slanted in any way in order to reach its own conclusions about the events of the day. Independence means reporting objectively, with freedom from personal prejudice. Indeed, objectivity is used as a synonym for independent journalism.

Journalists need also to be fair to those about whom they are reporting. They should not introduce their own judgments about those in the public eye when they do their reporting nor should they slant their stories in such a way that an unfair picture of the subject under consideration is the result. Fairness means doing justice to newsworthy events and people without putting a favorable or unfavorable spin on the news.

And, finally, accuracy is a requirement in news reporting, if the public is to have a clear understanding of its world. An accurate report provides an adequate picture of the "who, what, when, where and how" of a news item. Editors of newspapers require at least two sources before they will print a "scoop" so as to insure the accuracy of the scoop. Accurate reporting tells the facts in such a way that the journalist can say with conviction that he or she has provided the public with as true-to-life a rendition of a news event as possible.

As might be guessed, the fulfillment of these fundamental requirements of media ethics—these basic media responsibilities—is no easy matter. In fact, each of them has its own special burden for the media professional who tries to achieve it. Moreover, there is the possibility that these basic responsibilities can conflict with one another or with other
responsibilities that media professionals also have and, thereby, create a moral maze. Suffice it to say at this point, the ethical difficulties that a conflict of responsibility may present for media professionals stand as one obstacle in their attempts to be ethical professionals.

In addition to the basic responsibilities of truth-telling, independence, fairness and accuracy, there are other role-related responsibilities that media professionals have. One of the more significant of these is called the “gatekeeping” function. Gatekeeping is the process of deciding what will or will not be included as a newsworthy event in the reporting of the news—what shall be let in at the gate or not be let in. An editor of a newspaper, for example, is constantly engaged in the gatekeeping function when he or she makes decisions about what items will or will not appear in the daily newspaper or what facts will or will not be shared given the physical restrictions on space. Gatekeeping is not only a functional concept. It has ethical overtones since what is or is not considered newsworthy will have an effect on the people’s right to know. Gatekeeping can also have an effect on the truth of a matter, the independence and the objectivity of reporting as well as on the fairness and accuracy of the news.

Another role-related responsibility that can be identified is one that has to do with the sources of news items. In the gathering of the news, reporters often are given tips or leads about newsworthy events. When these sources request that they remain anonymous and not have the lead attributed to them in print or on TV, it is generally recognized that reporters should honor these requests and not reveal their sources under any circumstances. The responsibility to protect sources can lead to some difficult times for reporters. This is the case when the courts might find the identity of the source useful in a criminal proceeding and subpoena the testimony of the reporter who knows the source. Each individual media professional needs to make his or her own value judgment in such a situation, since he or she could very well spend time in jail for refusing to reveal the source. The relationship between a reporter and his or her source is not a legally protected one as is the attorney-client relationship or the physician-patient relationship in medicine. Hence, fulfilling the ethically-accepted standard of protecting your sources in journalism can have some legal ramifications.

Although there are more that could be mentioned, the final role-related responsibility that we can examine here is that of the “watchdog” function of the press. This function suggests
that the press has become an institution—often called the fourth estate in addition to Congress, the judiciary and the executive branch of government—that has as one of its goals the check and balance of other institutions. Its job, according to this view, is to blow the whistle on wrongdoing when uncovered in society. As watchdogs, reporters are required to investigate alleged instances of illegality and publicize them, given the people’s right to know of such misconduct. Indeed, today’s reporting has almost come to mean investigative reporting and not merely the telling of an event.

The watchdog function can also have its risks to those who engage in investigative reporting. Some have allowed the end of getting the story to justify almost any means of getting it. “Checkbook journalism” is a good example of this ends/means problem where a news organization is willing to pay top dollar to a news source for the information he or she might have. In All the President’s Men, a retelling in book form of the investigative journalism that uncovered the Watergate scandal, Carl Bernstein and Bob Woodward appear to have put many of their journalistic ethics to bed as they engaged in various strong-arm tactics, deceptions and outright lies to get to the bottom of the Watergate mess. The leading question about the ethics of investigative reporting thus seems to be: To what extent does the people’s right to know justify actions that in non investigative reporting would be considered unethical?

THE MORAL MAZE OF PRIVACY

Just as we have seen for professionals in the areas of medicine, engineering, law, and public administration, so too are media professionals confronted with numerous moral mazes in the conduct of their professional lives. Many of the ethical issues, problems and dilemmas that play out for media professionals are due to some conflict among their basic or role-related responsibilities, while others have different sources. This section will cover only a few of the moral mazes that seem to recur most often in this professional area.

The first moral maze that can be raised is probably the most profound for those in journalism One recurring ethical issue that has plagued the news media is that of privacy rights. On the one hand, the media has the responsibility to fulfill the public’s right to know about newsworthy events. This is the raison d’etre of news-gathering organizations. On the other hand, this responsibility can pose problems in the delivery of the news when there may be a question of the right of individuals to privacy. How far does the people’s right to
know extend? How much of the private lives of newsworthy individuals should the media reveal when it reports the news? When does the public's right to know end and the right to privacy of an individual, who is in the news, begin?

We are all familiar with the 11 o'clock nightly news reporter pushing a microphone, bright lights and a camera into the face of a grieving mother who has just been told her child has died, asking, "How do you feel?" The sensibilities and sensitivities of reporters who act in such a crass manner have been critiqued time and again. But reporters continue to zealously encroach upon hapless victims of all sorts of tragedies with their microphones, lights and cameras as if the world would end if they don't get their story for the nightly news.

Then there is sensationalism, often used by the print media to sell its newspapers or magazines. Taking an issue about the life of some celebrity and casting the "story" under a misleading headline that maligns or even libels the individual—but catches the eye of the public—is a common tactic of some print journalists. Publications like The National Enquirer or The Globe have used such tactics regularly to their monetary advantage and have often been sued for their invasions of privacy.

One particular field that has been criticized for its insensitivity to the privacy rights of newsmakers has been that of photojournalism. Deciding whether or not to take a picture that depicts the pathos of a certain event often requires a recognition that someone's privacy is at stake. Various photos are taken by these journalists, and then their editor back at the newspaper employs the gatekeeping function of editing and chooses which photo(s) will appear in the paper. Photojournalists are often told to take as many photos at the scene as possible and let the editor edit them. This puts the photojournalist in a precarious position in that he or she is forced to take compromising pictures of situations and people. While his or her professional responsibility is to take as many photos as possible, many of those photos might be objectionable on the grounds that they violate people's privacy.

Two primary examples of the seriousness of this issue about individual privacy and the media come to mind. The first is the public exposé of Gary Hart, and the second deals with the identification of the woman (who later came forward and identified herself in an interview with Dianne Sawyer on ABC's Prime Time), who alleged that she had been raped by William Kennedy Smith. The former raises the question of
how much of the private life of public figures the public should be privy to. The latter raises the question of whether the press goes too far in some instances in trying to protect certain classes of individuals but not others.

As is widely known, 1984 presidential candidate Gary Hart was observed by the media to be engaged in an extramarital affair, and the ensuing flap forced him from the campaign. This episode prompted a wide-ranging debate about the limits of privacy of those in public life. The Hart affair raised the question of whether every detail of the personal life of public figures was fair game for media exposure or not. What should the public know about candidates for public office?

One argument holds that there are definite limits to what the public has a right to know about the private matters of politicians and others who make the news. As any citizen has legally protected privacy rights, so, too, do newsmakers. The media must respect those rights. Those who adhere to such views often also claim that incidents like the Hart affair are just attempts by the media to sensationalize the news and capitalize upon the sensation they have created. The numerous “feeding frenzies” of the press, as critics sometimes call these episodes, are exploitive and should be labeled as irresponsible examples of journalism.

Others, of course, disagree. The counter-argument runs that there is a bona fide right as well as a need for the public to be aware of the character flaws of those who occupy or hope to occupy places of power. Since democracy rests upon the citizenry making informed choices, such information that gives a more complete picture of public figures is valuable information without which people will be making poor political choices. Adultery, former and present drug use, alcohol abuse and other hidden flaws should be revealed in the media as an acceptable function of a responsible press.

The William Kennedy Smith case can be viewed as another example of the privacy problem. Here the question centers upon whether or not it is appropriate for the press to hide the identity of a woman who alleges rape. In the Kennedy Smith case, most newspapers followed a policy of not printing the name of a woman who alleges rape, but there were some, like the New York Times and The Globe, who printed the name of Smith’s accuser. Even NBC network news revealed her identity. The case prompted a firestorm of debate about the policy of not identifying rape victims in the media.
Some argue that rape is a crime with social connotations and that identifying those who claim they have been raped is further victimization. The predominant belief is that victims deserve to be protected and their privacy kept intact as much as possible. Others hold that it is unfair to reveal the identity of the individual accused of rape and not the alleged rape victim. Why should the woman be protected and not the man? Is this not a form of gender discrimination?

While this debate rages on, most print and broadcast media have kept to their past policy of not identifying the woman for the reasons cited. It will be interesting to follow this debate and see if this policy about the ethical treatment of alleged rape victims undergoes any changes in the future.

**ETHICS, BUSINESS AND ADVERTISING**

Many of the difficulties that crop up in news-gathering organizations have to do with the fact that they have two fundamental activities that tend to conflict in practice. On the one hand, there can be no doubt that the media serve the public by providing information. They therefore earn the public’s trust. On the other hand, it must be understood that news-gathering organizations are also business organizations. They need to seek a profit in order to gather the news at all. The problem is that serving the public may run counter to conducting a business, and when these two basic functions of news organizations come into conflict, moral mazes again arise.

What are some of the ways that the public trust and the business concerns of the media collide? One obvious answer here is that through the vehicle of advertising, media organizations experience ethical difficulties that might cause them to lose the public’s trust in their endeavors. Advertising is the most typical way that the media can achieve their bottom-line business objectives. Yet advertising practices have been roundly criticized as irresponsible and manipulative. A brief survey of these practices can bring this criticism into focus.

Advertising has been said to create wants in people rather than fulfill their needs. What this criticism suggests is that products and services that are showcased in the media are often unnecessary items that people are urged to purchase—perhaps the better phrase is seduced to purchase. Advertising, in general, creates a dependency effect, a thesis first advanced by economist John Kenneth Galbraith, where consumers want what they see advertised and see it advertised so often that they confuse their wants with needs. This form of manipulation,
especially the creation of wants in children’s advertising, has been the subject of much controversy. Yet media organizations engage in it as a common business practice that meets their bottom line requirements.

Many also claim that individual advertising techniques are also unethical in various ways. For example, the use of scantily-clad women in beer commercials suggests to males who purchase this brew that they will be successful with the opposite gender. Indeed, the abundant use of the female form in advertising is considered by many to be a flagrant abuse of women and a manipulative device that should not be engaged in. Likewise, the use of males in certain broadcast advertising is on the rise and it too has been criticized.

Exaggerated claims of products, a practice called “puffery,” that herald them as “the very best money can buy” or “scientifically tested” or “doctor recommended” are often cited by critics as unethical in nature. Here the public is misled by half-truth and innuendo into thinking that a specific product or service has a value that perhaps it does not.

Some advertisers have gone even further in their attempts to mislead, as the recent Volvo case demonstrates. In a TV ad, the viewer saw a large Big Wheel truck run over the tops of a row of cars from different manufacturers. All of the cars that were in the row were crushed by the weight of the Big Wheel except for the Volvo. The announcer then went on to laud the inherent safety of the Volvo over the other car manufacturers. Later it was learned that the Volvo used in the ad had steel reinforcements so that it would not cave in under the weight of the Big Wheel. Thus, an outright deception of the public had been perpetrated.

Besides advertising abuses, the media can be caught in the throes of a dilemma between their responsibility to inform the public honestly and their obligation to run a business. This problem can be called “advertiser influence.” Here news organizations must sometimes weigh reporting an event against showing one of their advertisers in a poor light. By running a story that is unfavorable to an advertiser, the news organization runs the risk of losing that advertising money. Also, some advertisers have been known to ask for favorable treatment in the presentation of the news. Some magazines capitalize upon this advertiser influence and print articles that give favorable mention to those who take out ads in the publication. Hence, we again see how the public trust can run counter to the business responsibilities of media organizations.
THE ROLE OF THE MEDIA IN A FREE SOCIETY

Apart from the various ethical issues, problems, and dilemmas that media professionals must contend with and apart from some of the many criticisms they receive, there is no doubt that the media are a most important institution. We have pointed out that one of the basic responsibilities of the media is to inform the public so that it can make intelligent decisions in the process of governing itself. So even in the face of great criticism about the ethical nature of various activities by the media, we need to underscore the importance of print and broadcast news organizations, magazines, radio and so on.

With such importance as the "fourth estate" the media also wields great power. There is seemingly little limit on its power to influence and mold public opinion, and upon its ability to shape our attitudes towards the events of the day. But, by and large, if journalists and other media professionals recognize their ethical obligations to the public, they can successfully manage the great power in their hands.

Some, however, have concluded that the media all too often abuse their power. We often hear from this camp that the media are fostering a left-wing ideology in their reporting of the news. These critics have suggested that certain controls be placed upon media professionals to insure that this abuse of power does not continue. The Federal Communications Commission was established as a mechanism to oversee the power of the media while at the same time protecting the first amendment rights of a free press. From time to time, suggestions for self-regulation will surface in the debate about media abuses. Ideas about a National News Council that would have the power to discipline individuals and organizations have been offered as one way to oversee the media. State or federal licensing of journalists has been recommended as another controlling mechanism.

Of course, the difficulty with controls is that the first amendment to the Constitution guarantees a free press. The first amendment recognizes the significant role that the media play in a free society based upon democratic ideals. To date, the proponents of a free press have won the day and there are few controls on the operations of the media. What the future holds, if opinion is swayed against the media because of perceived unethical professional conduct, is another question. The hope is that freedom and responsibility can flourish together in the professional lives of those in the media.

************
Dr. Robert Steele is a media ethicist with the Poynter Institute for Media Studies. He examines many of the typical issues that journalists and others in the media will encounter.

TOUGH CALLS IN JOURNALISM

There are many issues dealing in journalistic ethics. Three of the most important issues are invasion of privacy, where there is always a great deal of controversy, not only for a journalist, but how the public perceives it; conflict of interest, which is also a significant issue; and truth-telling.

Deception deals with the ethical issue of telling the truth—a primary basis of journalism is to tell the truth to the public—within the pages of a newspaper, or in television and radio news. This issue concerns the gathering of information and whether journalists should portray themselves as somebody other than journalists in order to get information.

One of the classic cases happened in Chicago in the late 1970s when the Chicago Sun Times wanted to investigate improper conduct among city officials. The newspaper set up the Mirage Bar—which should have been a clue to those who were supposedly doing illegal actions, but was not. The newspaper and a local government agency ran this bar for a long period of time in order to get what the newspaper felt was a very important story. In a sense, the newspaper was deceptive—[the journalists] were not bartenders and barmaids—they were pretending to be somebody other than who they were.

[The journalists] were balancing two different aspects—doing something that normally would be wrong, lying about who they were for what they felt was a larger public purpose, informing the public in a way that they felt was necessary about illegalities in the system or a failure in the system. Journalism’s primary mission is truth-telling. Journalists chastise those in society who do not tell the truth, asking for accountability from our government officials; challenge law enforcement officials when they use deceptive techniques and, at times, sting operations. Journalism’s goal is to be higher than others on moral grounds when it comes to the standards they set.

In the sense that this is a case where the ends justify the means, the newspaper might also argue a different ethical theory in a
deontological approach of principle-based thinking. Journalism, in most news organizations, would have the principle standard of “we do not deceive others.” While that is not a rigid principle which would be followed every time, it is a principle of not deceiving others except in exceptional situations. The Chicago Sun Times thought this case was exceptional because the social fabric of the society was being affected by the system failure: Code enforcement officers were seeking kickbacks.

A better example of a case where deception was used for what journalists felt were justifiable reasons was in Virginia, where an abortion clinic was supposedly performing abortions on women who were not even pregnant. The newspaper decided to go undercover in that situation and deceive the operators of the abortion clinic. A female reporter pretended to be a customer, took in a male urine sample, and used that for a pregnancy test. They told her she was pregnant and needed an abortion. To the minds of the newspaper [the clinic] was a scam operation and potentially harmful to a number of people—pregnant women, or non-pregnant women, as the case would be. It could even [cause] a loss of life.

In the Chicago Sun Times case, the Times was recommended by many members of the Pulitzer committee for the top prize in journalism that year. However, there were members of the committee who felt that deception is not a proper approach in journalism and they should not receive the Pulitzer. There are differences of opinion of whether it was right or wrong.

The best principle is one that says deception is not appropriate, but journalists look at the circumstances of each situation and ask if the situation [merits] a deviation from the principle because of the potential harm.

There are several concerns here. One is that if journalism uses deception too often, or for the wrong reason, public support and the credibility of journalism will erode, so it becomes counter productive. Second, you need to look at whom you are using deception against. In those two cases, one was the city officials involved in Chicago. These are people who hold the public trust, they are on the tax roll, in the sense of receiving the taxpayers’ money. In the other case you have doctors who are running an abortion clinic. There is something different about using deception against the powerful people in society.
CONFLICT OF INTEREST

One of the tenets of journalism is independence. Journalists and news organizations should be independent of those that they are reporting on, whether it is government, big business, or special interest. One of the questions these days concerns whether journalists should be allowed to take positions on controversial social issues, such as abortion. Should journalists be allowed to join a pro-life or pro-choice group (to use those two terms to exemplify the two sides), if they feel strongly that they need to take a position on a particular issue? If they do, does that potential involvement then compromise their ability to be independent journalists?

For example, Linda Greenhouse, a reporter for The New York Times, marched in an abortion rally in Washington D.C., and also reported on that issue as part of her beat for the newspaper. Is that a conflict of interest? Some would say yes; it is in that particular case. She felt so strongly about that particular issue, just as others might feel about war or civil rights issues. She felt that she needed to become involved. Newspapers need to re-examine their policies in light of these instances.

The business section is a primary area for ethical review, and news organizations tend to be very stringent in their guidelines. I think you need the clarification not only for the protection of the newspaper and readers, or broadcast and viewers, but also for the instances where journalists were fired because there was a lack of clarity in the rules.

There is potential for conflict in the sports area. There are cases where sports reporters, sports editors and, particularly, sports broadcasters become such advocates for their home teams or for certain athletes that it is questionable whether they can report on those teams or those individuals with any sense of credibility.

It is very important for journalists and news organizations to remain at a distance from those people, groups and organizations that they are called upon to report on. Retaining a higher moral ground is important, particularly when it comes to conflict of interest and keeping independence. But that does not mean that journalism is not aggressive or assertive; by its very nature, it goes after a lot of people, causing some harm along the way; because the nature of journalism is that the product will cause some harm.
Journalism represents the public. If [people] choose the calling of reporting or editing, they are giving up some of those rights, by choice, that they might otherwise have in society. While it is appropriate and necessary for journalists to vote, there are questions about whether journalists should register for one political party or the other, or, particularly, whether they should become active in any political party because it prevents journalists from having that significant distance. What is often said is that it is not the conflict of interest that kills you, it is the perceived conflict of interest.

MORAL REASONING

One of the conflicts in truth-telling is in the approach to the story. The promise of fairness, interest, truth-telling, independence can sometimes feel like you are throwing darts at a board and hoping that you hit the bull's-eye in doing it. The real key is moral reasoning. There is a big difference between moral reasoning and moralizing. Moralizing, in a sense, is rationalizing and you are not bringing into play the key ethical principles which allow you to combine that with critical thinking. Moral reasoning combines critical thinking and ethical principles in a way that allows you to make good ethical decisions.

You can have more than one right answer to an ethical dilemma depending on what principles you use. A Kantian can come up with one answer that would be [justifiable] based upon those principles. A Utilitarian can have another answer, and an Aristotelian still another. All three answers could be correct ethical answers, but it does not necessarily mean they are good ones if you have not reasoned in the right way.

INVASION OF PRIVACY

Take photojournalism, for example. To apply moral reasoning and, complicating the story a little more, with truth-telling and conflict of interest, when you look at the invasion of privacy restrictions, how does that come out as an ethical situation? One of the hardest areas for journalists to deal with is invasion of privacy. Many journalists struggle with it and a number of journalists end up leaving the business because of the feeling that they are hurting too many people.

Photojournalists have one of the hardest jobs in terms of the role they play in gathering information: They are called upon to go out and make instantaneous decisions on what they are going to take pictures of, how they will take those pictures, and
what those pictures will portray to the public. There are some classic cases in terms of these types of issues, where a photojournalist is called upon to cover a tragic scene, sometimes unfolding right before his or her eyes. A drowning situation, for instance, in which you arrive at the scene and are called upon in your professional role to take pictures, but on a personal level you become emotionally, to some degree, involved. One photojournalist described that to me as a game of Simon Says; a person can only take one step forward, but when you put that camera on your shoulder, he says, Simon Says take five steps forward and take the pictures.

A LOUISVILLE GUNMAN

In Louisville, [Kentucky], a crazed gunman went through the Louisville Courier Journal's printing plant with an automatic weapon, an AK-47, and killed eight people, then killed himself as the SWAT team came in at the last minute. He was a former employee of the plant and had been fired. One of the photographers for the Courier Journal captured on film one of the bodies lying near a conveyor belt where the huge roles of paper would go down. It was a very powerful picture in many ways. Some would think it grotesque in some ways—the body was spread out, but there was very little blood. There was some printer's ink on the floor, and ironically, that became part of the debate: Is it blood or printer's ink?

The facts were bloodied a little bit in the particular situation. There was little time, less than an hour, to decide whether they were going to run the photo or not. The editor decided that it was as powerful a photo as they had and decided to go with it on the front page above the fold because he felt it depicted the nature of that tragedy, the reality of what really happened, and it was indicative of the mayhem that could be caused by crazy people with automatic weapons. In a sense the editor was making a stand and said this picture portrayed that. The photographer made the decision to shoot it, and the editor made the decision to use it.

They received more than 500 phone calls saying that this was an invasion of privacy; it was inappropriate. The family filed an invasion of privacy suit, which was thrown out by the courts because [the event] was determined to be newsworthy. Ethically, however, it was a significant debate. The one thing that the editor said in hindsight [was that] while he would still run the photo, he wished he had notified the family of the victim that the picture was going to run in the paper the next morning—not to give them a choice, but to notify them. I think
that is a logical point. He wanted to minimize the harm to the family, and at the same time, to maximize what he felt was a public benefit by portraying, in a stark and powerful way, the pathos and the ills of society.

There is a theory existing in most of the news organizations that photographers should shoot everything and let the editors decide. I think that is an improper perspective. It assumes the photojournalist is a robot, and he or she is not a moral agent. The photographer should shoot almost everything, but there are times when the photo might cause significant harm beyond what is necessary in a particular situation.

In the *Louisville Courier Journal* example, they had a variety of pictures from the inside and outside of the building. One of their choices might have been an alternative from the 20 different photos they ran on the inside on a double-page spread. One powerful photo was of 11 ambulances lined up in front of the building. I would have taken that photo and combined it on the front page with perhaps the shooting victim photo a little bit smaller. That is Aristotelian thinking in the sense of finding some point on the continuum between what might be construed as extremes, to minimize the impact of the photo of the victim and bring forth other elements. Those are the kind of decisions that editors make—do you crop a photo to make it smaller? Sometimes a powerful, but harmful, photo might run on the inside of the newspaper, so that when people pick up the paper they do not see it blasting them in the eyes right away; it gives them time to prepare. It minimizes harm.

THE PURPOSE OF NEWS

John Chancellor once said there are three roles of the press in society: to inform, to entertain and to educate. Those things come into play in a variety of ways. The entertainment part is the comics, the funny photos on the front page or whatever. The informing part is very important, and that is the primary role, to get the information out in a marketplace of ideas in society in order for people around the country—and around the world—to have the information to function properly.

THE WILLIAM KENNEDY SMITH RAPE CASE

One of the most interesting cases from both the journalistic perspective and the view of the public—ongoing at the time of this interview, June of 1991—is the allegation against William Kennedy Smith in West Palm Beach, Florida. Smith allegedly raped a woman at the Kennedy compound and the
media coverage of that particular case has raised a great deal of controversy within journalism and by the public reaction. Within the ethical boundaries of journalism, this is a classic case of balancing the public's right or need to know versus a certain sense of invasion of privacy or protecting individuals from significant harm. Protecting the alleged assailant of this case as well as protecting the alleged victim in this case must be balanced with how much information the public has a right, or a need, to know.

From the standpoint of media ethics, the issue concerns how journalism has covered the case from the beginning with the allegation against a very well-known individual and, in this particular case, a well-known family; and the question of whether his name should have been revealed early on, before charges were filed.

A second ethical question concerns the name of the woman, the alleged victim. Should the victim's name be revealed to the public at an early point, or at any point in the case? Many journalism organizations revealed William Kennedy Smith's name early on and said that he was the target of the investigation as an alleged assailant and that charges would eventually be filed against him. The name of the woman was revealed fairly early on in the case as well, which is counter to what most journalism organizations in the country have followed as policy. Very seldom do the newspapers, television or radio stations reveal the name of a rape victim publicly.

There were several arguments used in this case to make the rape victim's name public. The first revelation came from one of the tabloid newspapers in Great Britain and was followed by one of the tabloid newspapers in the U.S., one of the tabloids outside of mainstream journalism. They used the name for whatever reason supermarket newspapers do. Whatever their argument might be, it is a non-mainstream position. The next revelation came from NBC television news. Their argument was that it had already been revealed in some quarters. But even more importantly, Michael Gardner, president of NBC news, said that the reason that it was revealed is that the purpose of the news business is to get information to the public, not to restrict information. In a case like this, there is significant public importance because of the individual family involved in the case and we should tell the public more and not less. Consequently, they decided to reveal the name.

The following day The New York Times revealed the name, as did some other newspapers. The argument of The New York
"The New York Times' argument, which was the weakest, was that, simplistically put, somebody else did it, we might as well do it, too.

There were several different reasons why it was revealed. The supermarket tabloids revealed it, basically, for their traditional sensationalistic reasons. The argument of NBC television was that it was a marketplace of ideas and information should be out there. The New York Times' argument, which was the weakest, was that, simplistically put, somebody else did it, we might as well do it, too.

One might look at what the New York Times did and what NBC did and say that they were [applying] a couple different ethical theories. On the one hand, some journalism organizations were using consequentialist thinking under utilitarian deontological thinking, looking for the greatest good for the greatest number. NBC said, for instance, that the greatest good for the greatest number was publicizing the names of the alleged assailant and the woman in order to have this free market information which was fair in this particular case. They put less weight on the victim and used consequentialist thinking in that particular approach.

The organizations which did not print the name of the victim in this particular case were following deontological thinking in the sense that their particular approach was that, by their principles, they do not reveal the names of rape victims. Some of those would say that their principle is not to reveal the name of rape victims except in exceptional situations, which is a knock down from rigid Kantian deontological thinking. Other organizations might have been looking at it more from a particular rights perspective and doing it that way, a John Rawlsian justice perspective; there were probably a whole variety of approaches going on.

By the very actions journalism takes, the tough call is that harm is bound to be caused to somebody and, in that sense, journalism harms somebody every day. By the very nature of printing a newspaper, putting the television newscast on TV or [broadcasting] a radio newscast, some people will be harmed and some people will benefit by the stories that are broadcast.
In the Kennedy Smith case, the harm was potentially very significant, to both the alleged assailant and the alleged victim. The alleged assailant, once he was identified publicly, is going to be known for the rest of his life whether or not charges were ever filed, and whether or not he is found innocent or guilty.

The potential harm to the victim is significant, for as we know, in our society there is still a significant societal stigma against victims of rape. We would like to have that changed in the sense that the crime is not viewed as a sex crime, and that women are not victimized in the same sense as the media has often portrayed them in a negative way, but [the stigma] still does exist. If her name were known, the alleged victim, in this particular case, would potentially be revictimized and would suffer a great deal of further trauma, not only going through the initial experience as she alleged it took place, but also by having her name publicly revealed. She might be held up to shame or scorn in the eyes of many people. The infliction of harm seems to play the major role in the decision whether or not to make that name public in a rape case like this.

**ASPECTS OF POTENTIAL HARM**

An ethical concern in journalism centers around balancing the aspects of potential harm, and two of these deal with the alleged assailant and what harm might happen to him and the alleged victim and what harm might happen to her. A third aspect is what potential harm there might be to society for not knowing the information—the NBC television argument—that society needs to know this information in order to effectively function in a democratic world, that the absence of information is worse than having information out there that may cause other problems. The fourth point of harm caused is to the media itself. A negative reaction of backlash has come from both the public and within journalism charging journalism with irresponsibility for revealing the name of the victim. To some degree journalism is irresponsible for revealing the assailant’s name before he was charged. Then you have this negative backlash, an erosion of credibility so that journalism does not have the status that allows it to function effectively in the society or the democracy. It is, therefore, functioning in a counterproductive way, because the watchdog mentality is eroded by the lack of confidence and credibility. It is really a wide and far flung, complex situation of ethical dimensions.

The ethical dimensions involve both the rights of the victim and the rights of the accused, the rights of the public and the
obligation of the professions. In ethical decision-making, you are balancing several different values according to those rights. Few issues in ethics are ever black and white, unless you are a Kantian thinker in which rigid rules apply. Almost all ethical dimensions in journalism, and almost all ethical dimensions in any professional field, have varying shades of gray. These rights and obligations parameters are some that certainly spell it out.

Another issue in the Kennedy Smith case is the argument that some would make about a powerful family being involved. Some would say that elevates the story to a higher level of the public’s need to know and public discussion. This is not your average person, some have argued; he is a fairly well-known person from a very well-known family, which is a dimension that affects it. Another part of it, and related to that, is the allegation by some, again we are talking June of 1991, before the case has fully played out, that the powerful family has potentially influenced the law enforcement and judicial system in a negative way.

One of journalism’s goals is to comfort the afflicted and afflict the comfortable. In other words, journalism should go after the powerful in society and be helpful to the powerless. The argument can be made in this particular case—and we do not know that for sure—if you have a powerful family that is using its power in a negative way to influence the system and you have a powerless victim, that journalism should go full speed ahead in going after the case in as public a way as is possible.

**THE PROFESSIONALISM OF JOURNALISM**

The process of ethical decision-making is an essential part of journalism. People need to have ethics, but the ethics can vary greatly depending on one’s religious background, one’s cultural mores, and a variety of factors influencing where one’s ethics come into play. The key is having a good process of ethical decision-making as individuals and as organizations within the culture. Journalists have to make many decisions in very short time frames in order to meet deadlines, because of evolving facts and information. Consequently, journalism places a premium on individuals and organizations having the ethical capacity to carry out their ethical intentions.

One difference in journalism from the other professions is that the product of the ethical decision is more often very public. When you make a decision to do something, it is on the front page of the newspaper or in the lead of your television or radio
newscast, so the decisions become very public and, therefore, open to a great deal of scrutiny and criticism.

Journalism is also different from other professions because it is debatable whether journalism is a profession by the definitions of our society. Most professions in a traditional way have a particular form of training that you go through in order to become licensed doctors, lawyers or architects with a specific code of ethics. Journalism does not have a licensing mechanism, primarily because of the conflict with the first amendment and the freedom of the press. And it does not have a body of study that all journalists go through. Maybe half the journalists in the country have attended journalism school, but many are economics majors or sociology majors who learn the craft on the job. So it is a very different nature of a profession. I would call it a profession with a small “p” in that sense from the other ones that you address in these professional ethics programs.

To some degree in journalism in the last decade or so, there has been a chill—a libel chill—that many news organizations are more hesitant, more timid about going after the powerful in society for fear of being sued for defamation or libel. Many organizations admit they are less hard-hitting because of the multitude of suits in the late 1970s through the mid-’80s. I think this same chilling concept applies to some degree in ethics—there is a significant undercurrent in journalism of listening to the anger and the frustration of the public about journalism, how many people in the public perceive journalism as being too aggressive. There is a certain amount of timidity which comes into play in news organizations when they make these decisions now. I think that journalism should be courageous and not be timid.

**DRAWING THE LINE BETWEEN THE RIGHT TO KNOW AND PRIVACY**

While we talk about where the line is drawn, the key is how you draw the line. It depends on how you draw the line and what process you are using in looking at the facts in a particular case, of weighing the consequences, of looking at the alternatives in an Aristotelian way, of bringing in some of John Rawls’ justice thinking. It is the process you use, and who is involved in the decision-making. In many news organizations in the country, decisions are still made by white guys in ties. If you do not have diversity in terms of gender and in terms of color then you will have a narrow perspective on those decisions. That does not serve the public well. One of

*The key is having a good process of ethical decision-making as individuals and as organizations within the culture.*
the problems in how the line is drawn comes down to who is drawing the line.

A lot of knife-throwing goes on in the newsroom. While the top editors and publishers set policy, some newspapers and broadcast operations in the country have written codes of ethics, but fewer than used to, because the libel scare of the 1980s prompted many media attorneys to advise not having written codes of ethics because they might be used against [the media organizations] in court in libel suits. It is an interesting argument, which to some degree is a red herring in my opinion, but the argument prompted many organizations to get rid of their written codes of ethics. So what you have is many news organizations’ culture that is built up over a period of time about tradition, what certain people have said—journalism is quite known for war stories. Many of the war stories that are told in coffeehouses, in bars, in lunchrooms and in newsrooms by journalists are the culture that develops and sets the pattern of what is right and what is wrong. So in many ways it is an informal thing that comes down over a period of time as much as it is still in some organizations a written code of ethics.

It is generally the case that the organization sets policy from the top either by individuals specifying it or by the actions of individuals in the organization, and in many respects that is a proper way—the actions on the part of leaders set the tone within a corporation. I would also suggest that anybody in the organization can be influential in an informal leadership way.

We do not pay nearly enough attention or give enough credit to the photographers in journalism, who are the ones who, many times, are the first to face the ethical decisions in the field. The same is true with reporters. We need to listen to the photographers and reporters more, to hear what they have to say and what their perspectives are in these cases, which in some respects could bring policy and cultural norms from the bottom up as well as from the top down.

It is important to explore all of the alternatives because many ethical dilemmas can be solved by choosing an alternative between two extremes. It is always important for journalists to be empathetic in the sense of walking a mile in the moccasins of those people involved in the story. That does not mean you wimp out, it does not mean that you are timid, but you appreciate the consequences for all of the stakeholders involved in identifying the stakeholders and recognize [empathy] is very important.
CHAPTER SIX: ETHICS AND THE MEDIA

PART ONE: SELF-STUDY QUESTIONS

1. Watch a network news program and pay attention to the issues of fairness, accuracy and independence. Write a critique of the program based upon your observations.

2. Collect advertising from the print media that you suspect to be misleading, manipulative or deceptive. How do the examples that you have collected use puffery or not?

3. Write an essay about the right of the public to know versus the right of public figures to privacy. How much does the public have a right to know about public figures? Use the categories of VCR in your analysis.

4. Research the topic of the ideological influence of the media on the public. Is the media leaning toward the left? What are examples and counterexamples?

5. Examine the journalism code of ethics from The Society of Professional Journalists. What would you change in this code, what would you add or delete? Why would you do so?

PART TWO

Fill in the blanks with the correct letter from below:

1. According to Marshall McCluhan, the medium is the _________.

2. Among the virtues of media professionals, one can count ________, ________, ________, and _________.

3. Two individuals who are concrete examples of a failure to fulfill the truth-telling responsibilities of the media are ________ and ________.

4. One of the more difficult tasks that editors have is fulfilling the responsibilities of the ________ function in journalism since this function identifies what is and what is not newsworthy.
5. A role-related responsibility of journalists is to _____________ sources that provide them with leads about newsworthy items.

6. The media has become known as the _____________ to describe its “watchdog” function.

7. _____________ is a good example of how some news organizations will allow the end of getting a story justify their means.

8. Many of the moral mazes in the media are due to the conflict between _____________ and _____________.

9. Media professionals must often choose between the public’s _____________ and an individual’s _____________.

10. _____________ is the practice of making exaggerated claims in advertising.

11. To keep their independence, news organizations need to avoid the problem of _____________.

12. A _____________ has been suggested as one form of control over the power of the media.

  a. protect
  b. role-related responsibilities
  c. fairness
  d. John Irving
  e. puffery
  f. truth-telling
  g. right to privacy
  h. gatekeeping
  i. national news council
  j. checkbook journalism
  k. right to know
  l. advertiser influence
  m. Janet Cooke
  n. message
  o. accuracy
  p. fourth estate
  q. independence
  r. basic responsibilities