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# Media Ethics

## CASES AND MORAL REASONING

*Fifth Edition*

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# Preface

**M**edia ethics has been traveling a rough road at the junction of theory and practice. Occasionally, textbooks will include an ethics chapter but will not integrate it with the workaday problems that follow. Principle and practice do not merge well in such endeavors, nor in our daily actions. The rush of events forces us to make ethical decisions by reflex more than by reflection, like drivers wheeling around potholes, mindful that a blowout sends them into a courtroom at one ditch and into public scorn at the other. Some books that focus on journalism ethics will be entirely case driven for the lack of theoretical substance. Some few others, clearly, are books we respect and learn from. We hope this one sits on shelves next to them.

Two different mindsets are involved in press ethics; thus, fusion becomes difficult. Whereas the study of ethics requires deliberation, careful distinctions, and extended discussion, the newsroom tends to emphasize toughness and the ability to make quick decisions in the face of daily crises. Similarly, advertising and public relations professionals are expected to be competitive and enterprising, entertainment writers and producers to value skepticism, confident independence, and hot blood. Therefore, for the teaching of ethics to be worthwhile, the critical capacity must emerge in which reasoning processes remain paramount. Yet executives of media firms value people of action, those who produce volumes of work in a high-pressure environment. If media ethics is to gain recognition, the gap between daily media practice and the serious consideration of ethics must be bridged creatively.

Like the previous editions, this revision attempts to integrate ethics and media situations through case studies and commentaries. Communication is a practice-oriented field: Reporters for daily newspapers tend to work with episodes, typically pursuing one story after another as it happens; advertisers ordinarily deal with accounts and design campaigns for specific products; public relations professionals advocate a specific cause; and actors and writers move from program to program. Because communication is case oriented, media ethics would be uninteresting and abstract unless it addressed practical experiences. However, media ethics ought to be more than a description of professional ethics. Therefore, in this book we will analyze cases and connect them with the ethical guidelines set forth in the Introduction. The reader will be prodded and stimulated to think ethically. Considering situations from a systematic framework advances our problem-solving capacity. That, in turn, prevents us from treating each case independently or having to reinvent the wheel. The commentaries pinpoint some crucial issues and introduce enough salient material to aid in resolv-

ing the case responsibly. Much of this project's inspiration came from Robert Veatch's award-winning *Case Studies in Medical Ethics*, published in 1977 by the Harvard University Press. Veatch mixed his commentaries, and we have followed suit—raising questions for further reflection in some, introducing relevant ethical theories in others, and pushing toward closure where doing so seems appropriate.

All the cases are taken from actual experiences or have been created to illustrate the actual ethical pressures faced by professionals. In order to protect anonymity and increase clarity, names and places have been changed in many of them. Though our adjustments do not make these cases timeless, they help prevent them from becoming prematurely dated and shopworn. We attempted to find ongoing issues that occur often in ordinary media practice and did not select only exotic, once-in-a-lifetime encounters. In situations based on court records, or in instances of historic significance where real names aid in the analysis, the cases have not been modified.

As the integration of theory and practice in ethics is important, so is the integration of news with other aspects of the information system. The four sections of this book reflect the four major media functions: reporting, persuading, representing, and entertaining. Since we want readers to do ethics rather than puzzle over their immediate experience, we have chosen a broad range of media situations. Many times when similar issues are encountered in several phases of the communication process, new insights can be gained and sharper perspectives result. As the cases-by-issue list in the Appendix indicates, deception, economic temptation, and sensationalism, for example, are common in reporting, advertising, public relations, and entertainment. The issue of how violence is handled can be explored in reporting as well as in entertainment. Stereotyping is deep seated and pervasive in every form of public communication; cases dealing with this issue occur in all four sections. Moreover, the wider spectrum of this book allows specialists in one medium—television, newspapers, or magazines, for example—to investigate that medium across all its uses. The cases-by-medium list in the Appendix organizes the cases according to the major divisions of media. Often practitioners of journalism, advertising, public relations, and entertainment are part of the same corporation and encounter other media areas indirectly in their work. The distinctions among them will continue to blur as convergent technologies and integration of the industry accelerate toward the twenty-first century.

The Potter Box is included in the Introduction as a technique for uncovering the important steps in moral reasoning. It is a model of social ethics, in harmony with our overall concern in this volume for social responsibility. It can be used for analyzing each case and reaching responsible conclusions. (Instructors who wish to use a videotape lecture of the Potter Box, can request it by e-mail at [icr@uiuc.edu](mailto:icr@uiuc.edu)). This book is intended for use as a classroom text or in workshops for professionals. We are especially eager to have communication educators and practitioners read and think their way through this textbook on their own. Whether using this volume as a text or for personal reading, the Introduction can be employed flexibly. Under normal circumstances, we recommend that the



Potter Box be studied first and the theoretical foundation given in the Introduction be considered thoroughly before readers proceed to the cases. However, readers can fruitfully start elsewhere in the book with a chapter of their choosing and return later to the Introduction for the theoretical perspective.

Whether used in an instructional setting or not, the book has two primary goals. First, it seeks to develop analytical skills. Ethical appraisals are often disputed; further training and study can improve the debate and help weaken rationalizations. Advancement in media ethics requires more attention to evidence, more skill in valid argument, and more patience with complexity. Without explicit procedures, as Edward R. Murrow reportedly complained, "What is called thinking is often merely a rearranging of our prejudices."

Second, this book aims to improve ethical awareness. Often the ethical dimension goes unrecognized. The authors are not content merely to exercise the intellect; they believe that the moral imagination must be stimulated until real human beings and their welfare become central. Surprising as it may seem, improving ethical awareness is in many ways more elusive than honing analytical skills. In stark cases, such as the Janet Cooke affair, we realize instantly the cheating and deception involved.\* But often the ethical issues escape our notice. What about the abortion clinics in Case 7? The legal questions regarding entrapment are relatively clear, but what is unethical about using undercover strategies? Or naming a shoplifter, printing photographs of grieving parents whose children just died in a fire, writing about the sexual escapades of a senator, exposing a prominent right-to-lifer concealing an abortion, or revealing secret information about government policy that contradicts public statements? The ethical issues here are not always self-evident; thus actual and hypothetical cases become a primary tool for firing up the moral imagination.

Improving analytical skills and raising moral sensitivity are lifelong endeavors that involve many facets of human behavior. Studied conscientiously, the terms, arguments, and principles introduced in these chapters may also improve the quality of discourse in the larger area of applied ethics. We trust that using the Potter Box model for the seventy-eight cases in this volume will aid in building a conceptual apparatus that facilitates the growth of media ethics over time.

We are fully aware of the criticism from various areas of radical social science that ethics is a euphemism for playing mental games while the status quo remains intact. That criticism warrants more discussion than this preface permits, but it should be noted that we find this charge too indiscriminate. Much of the current work in professional ethics is largely a matter of semantics and isolated incidents, but this volume does not belong to that class. The social ethics we advocate challenge the organizational structures. Many of the commentaries—and even entire chapters—probe directly into significant institutional issues. Certainly, that is the cumulative effect also. Reading the volume through in its entirety brings into focus substantive questions about economics, management and bureaucracy, allocation of resources, the press's *raison d'être*, and distributive jus-

\*For a thoughtful analysis of this historic case, see Lewis H. Lapham, "Gilding the News," *Harper's*, July 1981, pp. 31–39.

tice. We have employed the case-and-commentary format for its instructional benefits—it allows us to separate issues into their understandable dimensions<sup>\*</sup> without slipping into small problems of no consequence on the one hand, yet not encouraging a complete dissolution of the democratic order on the other.

We recognize also that today's crusading relativism is a formidable challenge to such efforts. Moral commitments are crumbling beneath our feet. Cultural diversity has hoodwinked us into ethical relativity. Divine-command theories and metaphysical foundations for norms are problematic in a secular age on the far side of Darwin, Freud, and Einstein. Many academics believe truth claims are impossible after Jacques Derrida and Michel Foucault. In a world of sliding signifiers and normlessness, ethical principles seem to carry little resonance. Though this textbook is not an appropriate place for coming to grips with the complexities of relativism, we believe the idea of normative principles can be successfully defended in contemporary terms. For example, Chapter 6 of *Good News: Social Ethics and the Press* by Clifford Christians, John Ferré, and Mark Fackler (Oxford University Press, 1993) develops such a defense. Two other books construct normative models also: Edmund Lambeth's *Committed Journalism: An Ethic for the Profession* (Indiana University Press, 2d ed., 1992) and John C. Merrill's *The Dialectic in Journalism* (Louisiana State University Press, 1989). Deni Elliott has demonstrated in empirical terms that without shared values the practice of everyday journalism is impossible. In other words, although reporters and editors are pluralists, they are not relativists.\*

Serious students will recognize that we maintain the traditional distinction between ethics and morality. Ethics we understand as the liberal arts discipline that appraises voluntary human conduct insofar as it can be judged right or wrong in reference to determinative principles. The original meaning of *ethos* (Greek) was "sent," "haunt," "abode," "accustomed dwelling place," that is, the place from which we start out, the "home base." From *ethos* is derived *ethikos*, meaning "of or for morals." In the Greek philosophical tradition this word came to stand for the systematic study of the principles that ought to underlie behavior.

On the other hand, *morality* is of Latin origin. The Latin noun *mos* (pl. *mores*) and the adjective *moralis* signify a way, manner, or customary behavior. The Romans had no word that is the exact equivalent of the Greek *ethos*. Unlike the Greeks, they paid less attention to the inner disposition, the hidden roots of conduct, the basic principles of behavior, than they did to its external pattern. This perspective is in accord with the Roman genius for order, arrangement, and organization and with its generally unphilosophical bent of mind. The Romans looked to the outside more than to the inside. The Latin *mores* has come into the English language without modification (meaning *folkways*, how people behave). However, in English usage, the ethics of a people are not the same as their morality. Morality refers to practice and ethics to a basic system of principles.

We incurred many debts while preparing this volume. The McCormick Foundation generously supported our original research into ethical dilemmas

\*Deni Elliott, "All Is Not Relative: Essential Shared Values and the Press," *Journal of Mass Media Ethics* 3:1 (1988), pp. 28-32.

among media professionals; many of the cases and the questions surrounding them emerged from this research. Ralph Potter encouraged our adaptation of his social ethics model. Louis Hodges wrote the initial drafts for the commentaries in Cases 5, 11, 19, and 20 and read earlier editions of the Introduction and Part 1. Richard Streckfuss prepared the first draft of Cases 1, 19, and 20. David Craig wrote Case and commentary number 4, as David Protess did for number 7. Eve Munson wrote the initial drafts for Cases 3, 8, and 47, and gathered material for several more. Richard Craig wrote Case 21 and secured the original materials for the commentary. Robert Reid provided a detailed response to a previous version of the manuscript and spared us several inadequacies. Paul Lester consulted with a Web page of additional material to supplement the cases and commentaries (e-mail [icr@uiuc.edu](mailto:icr@uiuc.edu) for location). Terry Martens gathered information for many of the advertising cases. Also, many advertising practitioners, in a limited survey in 1989, provided insights into ethical confrontations. Michael Giuliano wrote Case 74, and Cynthia Beach contributed Case 63. Carol Pardun thoughtfully responded to the cases in Part 3. Leah Keller and Pat Wright assisted in editing and compiling the present edition. Jay Van Hook and John Ferré edited the Introduction along with other chapters. Diane Weddington recommended the Potter Box as the organizing idea and wrote the original draft applying it to communications. Several teachers, students, and professionals who have used the first four editions provided worthwhile suggestions that we have incorporated into this revision. The following individuals reviewed the manuscript and provided helpful suggestions: Thomas Bivins, University of Oregon; Michael Cowling, University of Wisconsin; John Ferré, University of Louisville; Margaret J. Haefner, Illinois State University; Beth Haller, Pennsylvania State University; Louise W. Hermanson, University of South Alabama; Mitchell Land, University of North Texas; Alfred Lawrence Lorenz, Loyola University; Patrick Parsons, Pennsylvania State University; and Garrett W. Ray, Colorado State University.

We absolve these friends of all responsibility for the weaknesses that remain.

Clifford G. Christians

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# I N T R O D U C T I O N

## Ethical Foundations and Perspectives

---

The true story out of Liverpool, England, was beyond belief. Two ten-year-old boys skipped school last February 12, went to a shopping mall, and spent the day stealing candy and soft drinks. They hung around a video store and shoplifted cans of modeling paint. In the autumn term, Robert Thompson had missed forty-nine days of school and Jan Venables forty days. February 12 was routine for them, until they carved out their diabolical plan. They lured a two-year-old child away from his mother, dragged and kicked him along a two-and-one-half-mile journey, stoned him with bricks, and smashed his head with a twenty-two-pound iron bar. Police found Jason Bulger's half-naked body two days later. Thompson and Venables had tied the battered corpse to a railroad track, and a passing train had cut it in two. Forty-two injuries were identified; one of the accused's shoes had left a sole print on Jason's cheek.

Already at age ten children can face criminal charges in Britain. But under British law, reporting on the family background and revealing the children's names are prohibited until their trial is completed. Jan and Robert were eleven as their trial began before a twelve-member jury in Preston.<sup>1</sup>

Imagine a London television station honoring British law and only reporting on the court proceedings by reference to Child A and Child B. In contrast, imagine a U.S. newspaper revealing the defendants' names and providing detailed information on their personal histories. As the trial progressed, the question of motive was most troubling. What could drive ten-year-old boys to commit a vicious murder? Are there telltale signs other parents might recognize in their children? As it turned out, both boys were from broken homes, lived in poverty, and were prone to stealing and outbursts of anger. Jan Venables was easily led. A neighbor testified that if anyone told Jan to throw stones at someone, he would do it. When Robert was six, his father ran off with another woman, leaving his twenty-nine-year-old mother to raise seven sons on her own.

Both the London and the U.S. news teams had a rationale for their decisions—the London station feeling constrained by the law and a foreign newspaper responding to intense reader interest. Is the legal standard the only possible one here? If so, is Britain's domestic standard compelling on the international scene? What if the news directors wanted to act in a morally appropriate manner?

When a case such as this is presented to a media ethics seminar for discussion, the students usually argue passionately without making much headway. Analysis degenerates into inchoate pleas that eleven-year-old boys deserve mercy, or into grandiose appeals to the privilege of the press. Judgments are made on what Henry Aiken calls the evocative, expressive level—that is, with no justifying reasons.<sup>2</sup>

Too often, communication ethics follows such a pattern, retreating finally to the law as the only reliable guide. Students and practitioners argue about individual sensational incidents, make case-by-case decisions, and never stop to examine their method of moral reasoning. Instead, a pattern of ethical deliberation should be explicitly outlined in which the relevant considerations can be isolated and given appropriate weight. Those who care about ethics in the media can learn to analyze the stages of decision making, focus on the real levels of conflict, and make defensible ethical decisions. This test case can illustrate how competent moral justification takes place. Moral thinking is a systematic process: A judgment is made and action taken. The London television station concludes that the juvenile defendants ought to be protected and withholds names. What steps are used to reach this decision? How does a paper decide that an action should be taken because it is right or should be avoided because it is wrong? The newspaper in the United States considers it unnecessary to withhold news from its readers and prints the names.

Any single decision involves a host of values that must be sorted out. These values reflect our presuppositions about social life and human nature. To value something means to consider it desirable. Expressions such as “her value system” and “American values” refer to what a woman and a majority of Americans, respectively, estimate or evaluate as worthwhile. We may judge something according to aesthetic values (harmonious, pleasing), professional values (innovative, prompt), logical values (consistent, competent), sociocultural values (thrift, hard work), and moral values (honesty, nonviolence). We often find both positive and negative values underlying our choices, pervading all areas of our behavior and motivating us to react in certain directions.<sup>3</sup>

Newspeople hold several values regarding professional reporting; for example, they prize immediacy, skepticism, and their own independence. In the case of the Liverpool murder, readers, family members, and reporters all value juvenile rights in varying ways. Taken in combination with ethical principles, these values yield a guideline for the television news desk, such as, in the case of the juveniles, to protect their privacy at all costs. The good end, in this instance, is deemed to be guarding a person's right to a fair trial. The means for accomplishing this end is withholding information about the defendants.

Likewise, the U.S. newspaper came to a conclusion rooted in values and based an action on that conclusion. The public has a right to know public news, the newspaper decided; we will print the names and background details. What values prompted this decision? This paper strongly values the professional rule that important information should be distributed without hesitation, that everyone ought to be told the truth. But professional values may be stated in positive or negative terms. In fact, in debates about values, an ethical principle might be in-

voked to help determine which values are preferable. In the newspaper's case, the moral rule "tell the truth under all conditions" is particularly relevant.

If we do this kind of analysis, we can begin to see how moral reasoning works. We understand better why there can be disagreement over whether to publicize personal details in this case. Is it more important to tell the truth, we ask ourselves, or to preserve privacy? Is there some universal goal that we can all appreciate, such as truth-telling, or do we choose to protect some persons, suppressing the truth in the process? We do ethical analysis by looking for guidelines, and we quickly learn to create an interconnected model: We size up the circumstances, we ask what values motivated the decision, we appeal to a principle, and we choose loyalty to one social group instead of another. Soon we can engage in conflicts over the crucial junctures of the moral reasoning process, rather than argue personal differences over the merits of actual decisions. One disagreement that appears to be at stake here is a conflict between the norm of truth-telling and the norm of protecting the privacy of juvenile defendants. But differing values and loyalties can be identified too.

## THE POTTER BOX MODEL OF REASONING

Creative ethical analysis involves several explicit steps. Dr. Ralph Potter of the Harvard Divinity School formulated the model of moral reasoning introduced in our analysis of the London murder. By using a diagram adapted from Professor Potter (the "Potter Box"), we can dissect this case further (see Figure I.1). The Potter Box introduces four dimensions of moral analysis to aid us in locating those places where most misunderstandings occur.<sup>4</sup> Along these lines we can construct action guides.

Note how this box has been used in our analysis: (1) We gave a definition of the situation, citing legal constraints, details of the abduction and murder, and events from the trial. One news outlet printed the names and biographical material only after the court case was completed; the newspaper waited until the trial began, but then decided it was free to make news available to its readers that was already available to it. In this case, they chose differently. (2) We then asked: Why? We have described the values that might have been the most important.

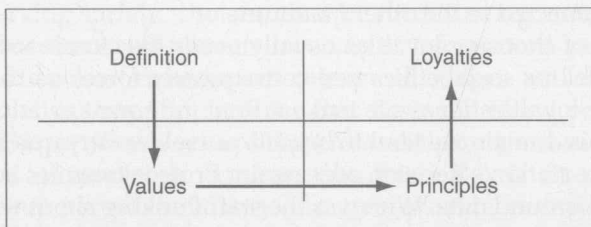


Figure I.1

The London station valued legal orderliness. For the U.S. newspaper, the professional value operative was not to suppress news. Its London correspondent had received anonymous information on the assailants shortly after Jason Bulger was killed. Presumably, the victim's family and supporters wanted it known that Thompson and Venables were conniving, mean-spirited, and ruthless—not mentally deranged. The newspaper completed its investigation by the time the trial began and followed the newsroom value of publishing without delay. But these overriding values may not exhaust all the possibilities. We could have stressed that public persons—in this case, the juvenile defendants—must be reported consistently in news dissemination or readers and viewers will not trust the media's integrity in other situations. American newspaper readers may not make fair trials a supreme value or see any relevance in the fact the murderers were ten years old. A professional value regarding the news flow may be interpreted as less than humane. Each value influences our discourse and reasoning on moral questions. (3) We named at least two ethical principles, and we could have listed more. The television station concluded that the principle of other-regarding care meant protecting the victim's right to privacy. The newspaper invoked truth-telling as an ethical imperative. But other principles could have been summoned: Do the greatest good for the greatest number, even if innocent people such as the murderers' families might be harmed. The television station did not broadcast the names, even at the risk of losing some credibility. The news hungry may conclude that it is not competent enough to obtain these details. (4) From the outset, a conflict of loyalties is evident. The station claimed to act sympathetically toward the juvenile offenders; the newspaper insisted it was acting out of sympathy to its readership in general.

Moving from one quadrant to the next, we finally construct our action guides. But the problems can be examined in more depth: Conceive of the box as a circle and go one step further. This time, concentrate on the ethical principles. Next time in the cycle, focus on the definition of loyalties. If the major source of disagreement is over professional values, for example, concentrate on that area the second time around. Often we value certain things without thinking about them; debating them with those who are not easily convinced will make us more critical of ourselves in the positive sense. The newspaper valued release of information and properly so. But was that an absolute, overriding all other considerations? Our professional values are often honestly held, but having them periodically challenged leads to maturity. In such a process of clarification and redefinition, each element can be addressed in greater detail and then the deeper insight can be connected to the other quadrants.

The matter of choosing loyalties usually needs the closest scrutiny. The Potter Box is a model for social ethics and consequently forces us to articulate precisely where our loyalties lie as we make a final judgment or adopt a particular policy. And in this domain we tend to beguile ourselves very quickly.

Examine the station's decision once again: Protect juveniles in court, publish no names or background data. Who was the staff thinking about when they made that decision? Perhaps they were considering only themselves. They say they did not wish to increase the suffering of the accused and the grief of their families.