FOURTH EDITION

MEDIA ETHICS

Issues & Cases

PHILIP PATTERSON

LEE WILKINS

Media Ethics

Issues & Cases

PHILIP PATTERSON
OKLAHOMA CHRISTIAN UNIVERSITY

LEE WILKINS
UNIVERSITY OF MISSOURI-COLUMBIA

PATTERSON MEDIA ETHICS, 4E, JEAN H., 7/01

McGraw-Hill Higher Education
*A Division of The **McGraw-Hill** Companies*

FOREWORD

CLIFFORD G. CHRISTIANS
RESEARCH PROFESSOR OF COMMUNICATION
University of Illinois–Urbana

The playful wit and sharp mind of Socrates attracted disciples from all across ancient Greece. They came to learn and debate in what could be translated "his thinkery." By shifting the disputes among Athenians over earth, air, fire, and water to human virtue, Socrates gave Western philosophy and ethics a new intellectual center (Cassier 1944).

But sometimes his relentless arguments would go nowhere. On one occasion, he sparred with the philosopher Hippias about the difference between truth and falsehood. Hippias was worn into submission, but retorted at the end, "I cannot agree with you, Socrates." And then the master concluded: "Nor I with myself, Hippias. . . . I go astray, up and down, and never hold the same opinion." Socrates admitted to being so clever that he had befuddled himself. No wonder he was a favorite target of the comic poets. I. F. Stone likens this wizardry to "whales of the intellect flailing about in deep seas" (Stone 1988).

With his young friend Meno, Socrates argued whether virtue is teachable. Meno was eager to learn more, after "holding forth often on the subject in front of large audiences." But he complained, "You are exercising magic and witchcraft upon me and positively laying me under your spell until I am just a mass of helplessness. . . . You are exactly like the flat stingray that one meets in the sea. Whenever anyone comes into contact with it, it numbs him, and that is the sort of thing you seem to be doing to me now. My mind and my lips are literally numb."

Philosophy is not a semantic game, though sometimes its idiosyncracies feed that response into the popular mind. *Media Ethics: Issues and Cases* does not debunk philosophy as the excess of sovereign reason. The authors of this book will not encourage those who ridicule philosophy as cunning rhetoric. The issue at stake here is actually a somewhat different problem—the Cartesian model of philosophizing.

The founder of modern philosophy, René Descartes, preferred to work in solitude. Paris was whirling in the early seventeenth century, but for two years even Descartes's friends could not find him as he squirreled himself away studying mathematics. One can even guess the motto above his desk: "Happy is he who lives in seclusion." Imagine the conditions under which he wrote *Meditations II*. The Thirty Years' War in Europe brought social chaos everywhere. The Spanish were ravaging the French provinces and even threatening Paris, but Descartes was shut away in an

apartment in Holland. Tranquility for philosophical speculation mattered so much to him that upon hearing Galileo had been condemned by the Church, he retracted parallel arguments of his own on natural science. Pure philosophy as an abstract enterprise needed a cool atmosphere isolated from everyday events.

Descartes's magnificent formulations have always had their detractors, of course. David Hume did not think of philosophy in those terms, believing as he did that sentiment is the foundation of morality. For Søren Kierkegaard, an abstract system of ethics is only paper currency with nothing to back it up. Karl Marx insisted that we change the world and not merely explain it. But no one drew the modern philosophical map more decisively than Descartes, and his mode of rigid inquiry has generally defined the field's parameters.

This book adopts the historical perspective suggested by Stephen Toulmin:

> The philosophy whose legitimacy the critics challenge is always the seventeenth century tradition founded primarily upon René Descartes. . . . [The] arguments are directed to one particular style of philosophizing—a theory-centered style which poses philosophical problems, and frames solutions to them, in timeless and universal terms. From 1650, this particular style was taken as defining the very agenda of philosophy (1988, 338).

The seventeenth-century philosophers set aside the particular, the timely, the local, and the oral. And that development left untouched nearly half of the philosophical agenda.

> Indeed, it is those neglected topics—what I here call "practical philosophy"—that are showing fresh signs of life today, at the very time when the more familiar "theory-centered" half of the subject is languishing (Toulmin 1988, 338).

This book collaborates in demolishing the barrier of three centuries between pure and applied philosophy; it joins in reentering practical concerns as the legitimate domain of philosophy itself. For Toulmin, the primary focus of ethics has moved from the study to the bedside, to criminal courts, engineering labs, the newsroom, factories, and ethnic street corners. Moral philosophers are not being asked to hand over their duties to technical experts in today's institutions, but rather to fashion their agendas within the conditions of contemporary struggle.

All humans have a theoretical capacity. Critical thinking, the reflective dimension, is our common property. And this book nurtures that reflection in communication classrooms and by extension into centers of media practice. If the mind is like a muscle, this volume provides a regimen of exercises for strengthening its powers of systematic reflection and moral discernment. It does not permit those aimless arguments that result in quandary ethics. Instead it operates in the finest traditions of practical philosophy, anchoring the debates in real-life conundrums but pushing the discussion toward substantive issues and integrating appropriate theory into the decision-making process. It seeks to empower students to do ethics themselves, under the old adage that teaching someone to fish lasts a lifetime, and providing fish only saves the day.

Media Ethics: Issues and Cases arrives on the scene at a strategic time in higher education. Since the late nineteenth century, ethical questions have been taken from

the curriculum as a whole and from the philosophy department. Recovering practical philosophy has involved a revolution during the last decade in which courses in professional ethics have reappeared throughout the curriculum. This book advocates the pervasive method and carries the discussions even further, beyond freestanding courses into communication classrooms across the board.

In this sense, the book represents a constructive response to the current debates over the mission of higher education. Professional ethics has long been saddled with the dilemma that the university was given responsibility for professional training precisely at the point in its history that it turned away from values to scientific naturalism. Today one sees it as a vast horizontal plain given to technical excellence but barren in enabling students to articulate a philosophy of life. As James Carey concludes,

> Higher education has not been performing well of late and, like most American institutions, is suffering from a confusion of purpose, an excess of ambition that borders on hubris, and an appetite for money that is truly alarming (1989, 48).

The broadside critiques leveled in Thorstein Veblen's *The Higher Learning in America* (1918) and Upton Sinclair's *The Goose Step* (1922) are now too blatantly obvious to ignore.

But *Media Ethics: Issues and Cases* does not merely demand a better general education or a recommitment to values; it strengthens the communications curriculum by equipping thoughtful students with a more enlightened moral awareness. Since Confucius we have understood that lighting a candle is better than cursing the darkness, or, in Mother Teresa's version, we feed the world one mouth at a time.

PREFACE

As you glance through this book, you will notice its features—text, illustrations, cases, photos—represent choices the authors have made. I think it's as important to point out what's missing as what's there, and why. I'll begin with what's been left out and conclude with what you'll find in the text.

First, you'll find no ethics codes in the book. Several media organizations have codes that are well thought out. Some media ethics texts include them. However, we agree with Anthony Insolia of *Newsday* when he says, "Rules and guidelines, unfortunately, cover only the pat situations," and with Arnold Rosenfeld, of the *Dayton Daily News and Journal–Herald* when he says, "The decisions straight out of the book are easy. It is unfortunately the 2 to 3 percent for which there are no book rules that we earn our pay—and reputations."

Second, you'll find no media bashing in this book. There's enough of that already, and besides, it's too easy to do. This book is not designed to indict the media; it's designed to train its future employees. If we dwell on ethical lapses from the past, it is only to learn from them what we can do to prevent similar occurrences in the future.

Third, you'll find no conclusions in this book—neither at the end of the book nor after each case. No one has yet written the conclusive chapter to the ethical dilemmas of the media, and I don't suspect that we will be the first.

What, then, is in the book?

First, you'll find a diverse, up-to-date, and classroom-tested compilation of cases in media ethics. Authors from more than thirty institutions and media outlets contributed real-life and hypothetical cases to this text to help students prepare for the ethical situations they will confront in whatever areas of the media they enter. The authors believe case studies are the premiere teaching vehicle for the study of ethics, and this book reflects what we think are the best available.

Second, binding these cases together and providing a philosophical basis from which to approach them constitutes the text. While it intentionally has been kept succinct, the text introduces students to the relevant ethical theory that will help eliminate "quandary ethics," which often results when cases are used as a teaching strategy.

Third, you'll find built-in discussion starters in the questions that follow each case. The questions at the end of the cases were written by the authors of each case, with the instructions that they were to be like concentric circles. The tightest circle—the micro issues—focuses only on the case at hand and the dilemmas it presents. The next circle—middle-range issues—focuses on the problem in its context, and sometimes

manipulates the facts slightly to see if the decisions remain the same. The most abstract level—the macro issues—focuses on issues such as truth, equity, responsibility, and loyalty. Properly used, the questions can guide discussion from the particular to the universal in any case in a single class period.

The book may be used either as the main text for a media ethics course or as a supplementary text for ethics modules in courses on newswriting, media and society, advertising and public relations, and photojournalism. The book works well for teachers who like to use the Socratic method in their classes, or as resource material for lecture classes.

Our approach in this text is best illustrated by an anecdote from a class. One student had the last hand up after a particularly heated case study. When I called on her, she asked, "Well, what's the answer?" I was surprised that she asked the question, and I was surprised that I didn't have a ready answer. I joked my way out of the question by asking if she wanted "The Answer" with a capital "a" or a lowercase one. If she asked today, I'd respond differently. I'd tell her that the answer exists within her, but that it won't emerge in any justifiable form without systematic study and frequent wrestling with the issues.

That's what this book is about. The chapters direct you in some systematic way through the philosophy that has explored these questions for centuries. The cases will make you wrestle with that knowledge in scenarios not unlike ones you might encounter while working. Together, they might not enable you to find "The Answer," but they might help you find *your* answer.

For the authors and contributors,

Philip Patterson

ACKNOWLEDGMENTS

When ethics entrepreneur Michael Josephson opens his public speeches, he asks audience members to think of the most ethical people they know. Those people set ethical standards for others, by who they are and by what they inspire. It's fair for readers of this book to know who's on my list.

First, my mother, whose sense of human connection and compassion has been only incompletely copied by her daughter. Second, my father, who is the most principled human being I have ever met. Third, my stepmother Carrie, who's managed to love the family she's married into—a feat worthy of far more than a Kantian sense of duty. My dissertation advisor and friend, Jim Davies, affirmed for me the ethical connection between people and politics. My former colleagues at the University of Colorado, Russ Shain, Steve Jones, Sue O'Brien, and Risa Palm, have proved that connection to be a very human one, as have my colleagues at the University of Missouri. They have also been willing to listen—*another ethical activity that too often goes unmentioned.* Barrie Hartman and the staff of the *Boulder Daily Camera* were wonderful reality checks.

I've received intellectual help as well. I've attended a number of conferences designed to teach me about ethics. The Hastings House, Gannett, the Poynter Institute, and the University of Nebraska have done their best to educate me in this field. The people connected with those efforts deserve special mention. Among them, Ed Lambeth, Ted Glasser, Deni Elliott, Cliff Christians, Lou Hodges, Martin Linsky, Roy Peter Clark, Don Fry, Sharon Murphy, Jay Black, Ralph Barney, Steve Kalish, and Robert Audi have helped most profoundly. Many of them you will find mentioned in various contexts on the pages that follow. All of them have a special place in my intellectual psyche.

Two sets of acknowledgments remain.

For the past 20 years, my students at the state universities of Missouri and Colorado have taught me much more about ethics than I have taught them. They have suffered through portions of this manuscript with me. Their questions and their insights are evident on every page of this book.

Then there are Miranda and David—my daughter and my spouse. For the smiles, the hugs, the reading of first drafts, the talking, the listening, the suggestions, the lecture about using "skin" names, the films, and all of the rest that being a family means. Love and thanks. I could not have done this without you.

l.c.w.

CONTENTS

CHAPTER IV
LOYALTY: CHOOSING BETWEEN COMPETING ALLEGIANCES   70

CASES

CHAPTER V
PUBLIC RELATIONS: ADVOCATE OR ADVERSARY?   95

CASES

CHAPTER VI
PRIVACY: LOOKING FOR SOLITUDE IN THE GLOBAL VILLAGE   119

CASES

CHAPTER VII
THE MASS MEDIA IN A DEMOCRATIC SOCIETY: KEEPING A PROMISE   147

CASES

CHAPTER VIII
MEDIA ECONOMICS: THE DEADLINE MEETS THE BOTTOM LINE   177

CASES

CHAPTER IX
PICTURE THIS: THE ETHICS OF PHOTO AND VIDEO JOURNALISM   203

CASES

CHAPTER X
ETHICS IN CYBERSPACE: NEW QUESTIONS AND NEW ROLES   237

CASES

CHAPTER XI
THE ETHICAL DIMENSIONS OF ART AND ENTERTAINMENT   260

CASES

CHAPTER XII
BECOMING A MORAL ADULT   287

CHAPTER I
An Introduction to Ethical Decision Making

By the end of this chapter, you should be able to:

- **recognize the need for professional ethics in journalism.**
- **work through a model of ethical decision making.**
- **identify the five philosophical principles applicable to mass communication situations.**

Making Ethical Decisions

Few people must make ethical decisions in public. Though all professionals make occasional ethical mistakes, only journalists have the courage or misfortune to display them to the public. And when those ethical decisions are faulty, public reaction is swift and critical.

Attempting to gain public acceptance or prevent public outcry isn't the only reason for advocating ethical professional practice—and it's not a very profound one at that. The most compelling reason for making ethical choices, other than internal personal satisfaction, is what ethical behavior can contribute to the profession. Ethical journalism is better journalism. Not only is it journalism that sustains reader confidence, an important consideration in these days of waning media credibility, but ethical journalism also sets a standard by digging deeper, including necessary context, and providing a variety of sources without undue regard to any particular set of special interests, including the journalist's own.

Too many books insist that ethics can't be taught. It's situational, they say—every message is unique, leaving no real way to learn ethics other than by daily life. This analysis is partially correct. Most of us, outside of church or parental teachings, have learned ethics by the choices we've made or seen others make.

Ethics, it is argued, is something you have, not something you do. But, while it's true that reading about ethics is no guarantee you will perform your job ethically, thinking about ethics is a skill anyone can acquire. It first requires some background about the study of ethics, which you will be introduced to in this chapter. Then you should learn a decision-making model that allows you to make ethical

choices systematically. The model we've adopted was developed by philosopher Sissela Bok. She has written about the ethical choices many professionals, among them lawyers, doctors and journalists, have to make.

While each facet of mass communication has its unique ethical quandaries, thinking about ethics is the same, whether you make your living writing advertising copy or obituaries. Each day at work, journalists make ethical choices, and some days those choices will have an influence far beyond a single broadcast or one newspaper's circulation area. Thinking about ethics won't make many of those choices easier, but, with practice, your ethical decision making can become more consistent. Ethics will then become not something you have, but something you do. A consistently ethical approach to your work as a reporter, photographer, or copywriter in whatever field of mass media you enter can improve that work as well.

Contemporary professional ethics revolves around these questions:

• What duties do I have, and to whom do I owe them?
• What values are reflected by the duties I've assumed?

Ethics takes us out of the world of "This is the way I do it" or "This is the way it's always been done" into the realm of "This is what I should do" or "This is the action that can be rationally justified." Ethics in this sense is "ought talk." The dual questions of duty and values can be answered a number of ways as long as they are consistent with each other. For example, if a journalist sees her primary duty as that of informing the public, she will place a high value on truth telling, tenacity in the pursuit of a story, etc. If a public relations practitioner sees his duty as promoting a cause, his choices would change accordingly.

It is important here to distinguish between *ethics,* which is a rational process founded on certain agreed-on principles, and *morals,* which are in the realm of religion. For example, the Ten Commandments are a moral system in the Judeo–Christian tradition, and Jewish scholars have expanded this study of the laws throughout the Bible's Old Testament into the Talmud, a 1,400-page religious volume. The Buddhist Eightfold Path provides a similar moral framework.

But moral systems are not synonymous with ethics. *Ethics begins when elements within a moral system conflict.* Ethics is less about the conflict between right and wrong than it is about the conflict between equally compelling (or equally unattractive) values and the choices that must be made between them.

Immanuel Kant, the most influential philosopher of the eighteenth century, described this famous ethical dilemma: What should you do when a man carrying a gun arrives at your front door, asking the whereabouts of a second man (who is hiding in your closet) because he wants to kill him? Do you lie, or do you tell the truth? The Judeo–Christian moral system says that both killing and lying are wrong. Yet, you are being asked to make a choice between the two, and Kant's question is a surprising and perplexing one.

When elements within a moral system conflict, ethical principles can help you make tough choices. We'll review several ethical principles briefly after describing how one philosopher, Sissela Bok, says working professionals can learn to make good ethical decisions.

A Word About Ethics

The concept of ethics comes from the Greeks, who divided the philosophical world into three parts. *Aesthetics* was the study of the beautiful and how a person could analyze beauty without relying only on subjective evaluations. *Epistemology* was the study of knowing, debates about what constitutes learning and what is knowable to the human mind. *Ethics* was the study of what is good, both for the individual and for society. The Greeks were concerned with the individual virtues of courage, justice, temperance, and wisdom, as well as with societal virtues, such as freedom.

Two thousand years later, ethics has come to mean learning to make rational choices between what is good and bad, what is morally justifiable action and what is not. Ethics also means distinguishing among choices, all of which may be morally justifiable, but some more so than others. Rationality is the key word here, for the Greeks believed, and modern philosophers affirm, that people should be able to explain their ethical decisions to others. That ability to explain ethical choices is an important one for journalists, who, in the course of reporting a single story, may have to make separate ethical decisions when dealing with sources, colleagues and, ultimately, the public. When an angry viewer telephones to ask why you broadcast the name of a rape victim, "It seemed like the right thing to do at the time" becomes a personally embarrassing and professionally unsatisfactory explanation.

Bok's Model

Bok's ethical decision-making framework was introduced in her book, *Lying: Moral Choice in Public and Private Life.* Bok's model is based on two premises: that we must have empathy for the people involved in ethical decisions and that maintaining social trust is a fundamental goal. With this in mind, Bok says any ethical question should be analyzed in three steps.

First, consult your own conscience about the "rightness" of an action. *How do you feel about the action?*

Second, seek expert advice for alternatives to the act creating the ethical problem. Experts, by the way, can be those both living or dead—a producer or copywriter you trust or a philosopher you admire. *Is there another way to achieve the same goal that will not raise ethical issues?*

Third, if possible, conduct a public discussion with the parties involved in the dispute. These include those who are directly involved, i.e., the reporter or the source, and those indirectly involved, i.e., a reader or a source. If they cannot be gathered, conduct the conversation hypothetically. The goal of this conversation is to discover *How will my action affect others?*

Let's see how Bok's model works on the following sample scenario. In the section after the case, follow the three steps Bok recommends and decide if you would run the story.