

A Conceptual Analysis of Ethics Codes

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Codes necessarily state standards of professional practice, but the term "standards" is itself ambiguous. "Standards of professional practice" can mean anything from minimal expectations for all practitioners to the perceived ideal for which practitioners should strive. Carefully articulated codes of ethics should recognize the differences between minimal standards and standard-as-ideal. They should also articulate group norms—largely unstated expectations of how all people within the group should or do perform. The process of producing a code of ethics is intellectually healthy because it constitutes critical analysis of the profession by its practitioners.

"Code of ethics" is a phrase with powerfully negative connotations for some journalists and journalism educators. They equate codes of ethics as rules of conduct against which journalists could be judged, fired, or held legally accountable for their actions. There is also the fear that a code of ethics would someday provide a criterion by which journalists could be removed from practice.

While journalistic codes of ethics have undoubtedly been misused by judges, prosecutors, and practitioners within the industry, the foundation for the misuse, and fear of growing misuse, is based on conceptual confusion. Codes of ethics are not synonymous with external control, licensing, or other restrictions concerning who may be a journalist or how journalists may operate. As I argue in this essay, the basic problem with current codes of ethics in journalism is the lack of clarity concerning the purpose of the individual codes. I suggest methods for clearing up the confusion that will prevent

misunderstanding and possible misuse.

Codes necessarily state standards of professional practice, but the term "standards" is itself ambiguous. "Standards of professional practice" can mean anything from minimal expectations for all practitioners to the perceived ideal for which practitioners should strive. When those drafting the code are using "standard" in one sense and someone else, such as a judge, applies a different definition of "standard" to the document, confusion and misuse of the code are likely.

When a lawyer's or physician's license is pulled, or when critics argue that journalistic codes of ethics are meaningless because a practitioner cannot be disciplined for behavior contrary to that stated in the document, *standard* is being used to mean minimum expectations. I call this Standard Definition #1: minimum expectations of a group member set by law or custom.

Journalists who conform to this sense of industry standards act in

ways that keep them out of jail and in a job. They refrain from intentionally publishing defamatory statements. They refrain from plagiarizing. They refrain from unwarranted invasions of privacy. If they are working for a news organization that strives to meet the basic informational needs of a mass audience, they work to gain access to complete information and to present the fruits of their reporting in a balanced, readable way.

An important distinction between this use of standard and the others that follow is that under Standard Definition #1, one is held morally (and often legally) blameworthy for failing to uphold this type of standard, but is not perceived as morally praiseworthy for doing so. For example, reporters are not likely to be patted on the back for refraining from plagiarism. However, they can certainly expect to hear about it if they do offer someone else's work as their own.

News organizations should clearly articulate these standards—the minimum expectations for employees. And, they often do. Statements of policy concerning conflict of interest are common expectations set down in this sort of document. However, these standards should be clearly marked as minimal organizational expectations, within a code of *accountability* or rules of conduct. It should be clear that employees will be held accountable for violations of these standards. Since violations of these standards are actionable, it is sensible for news organizations to codify them, but senseless for a journalistic professional group to state such standards. There is a place for professional society standard setting, but not in the sense of standards discussed so far.

When specific news organizations provide employees with statements of minimal expectations, these standards should never be intermingled with more general statements of organizational purpose (such as serv-

ing the informational needs of the community) or with characteristics of ideal journalistic conduct (such as dispassionate objectivity). If the news organization does not differentiate between minimally acceptable behavior and the behavior that would bring accolades, it is unrealistic to expect a judge or jury to do so.

At the other end of the scale is standard-as-ideal. I call this Standard Definition #2: perceived characteristics of the ideal practitioner that may or may not be realistically attainable.

Journalists are praiseworthy for coming close to the perceived ideal, but are not blameworthy for falling short. For example, journalists who win Pulitzers are noteworthy—they have, in one way or another, come close to the perceived characteristic of the ideal journalist—but that does not imply that all the other journalists are doing something wrong.

A clear example of the usage of Standard Definition #2 comes from show animal parliance. The American Kennel Club, with the cooperation of experts within the breeding and showing groups, issues occasionally revised standards for recognized breeds of dogs. The standard for each breed, which lists a set of perceived ideal characteristics, is, as a whole, reflective of no particular dog. The standard would, in fact, defeat its purpose if it were reflective of a particular animal. This standard is of the ideal breed specimen. It is a model for those breeding and showing dogs to follow. While no breeder can hope to have a dog that perfectly matches the ideal standard, some come closer to the ideal than others. The dogs that come closest are most praiseworthy.

Standard-as-ideal is used in professional groups as well. All working journalists have a notion of "the ideal journalist." While that notion differs somewhat from perceiver to perceiver, there is some agreement on some ideas of what the ideal journalist might do, how he/she might react



in specific cases. The agreement provides criteria by which the peer group can judge undoubtedly praiseworthy action. Practitioners who come close to the ideal have gone beyond conventional behavior in some significant way.

Persons who draft codes of ethics often have Standard Definition #2 in mind. For example, the preamble in the Society of Professional Journalists/Sigma Delta Chi's code provides a model for journalists in stating that "the duty of journalists is to serve the truth." The code also describes some ideal characteristics for journalists in saying that, "Journalists acknowledge the newsman's (sic) ethic of protecting confidential sources of information."

Now, truth is certainly an important value for U.S. journalists, but the TRUTH of a situation is often complex and not always attainable prior to this day's deadline. Realistically, journalists often provide "facts as we now know them" while striving for the ideal of truth.

Protecting confidential sources is a respectable ideal as well. But, the simplicity of the ideal ignores the pragmatic realities of court subpoenas and sources who manipulate the media by requesting disclosure of unattributed information. The journalist who risks jail to protect a source is praiseworthy, but there is nothing blameworthy about the journalists who refuse to grant confidentiality to a particular source because they believe, on balance, that the information is not worth more than probable legal action.

When describing ideal journalistic characteristics or behaviors, those writing or revising codes of ethics should clearly explain that they are using "standards" in that ideal sense. To avoid misuse of the document, it's important that the document states that while the news organization or professional society applauds journalists who approach the ideal, there is no implication that there is some-

thing wrong with the journalist who falls short.

The SPI/SDX code exemplifies the usual confusing mix of minimum expectations and ideal characteristics in a single document. Along with the ideal characteristics in the code, the document provides some statements that mirror the minimum expectations that are appropriate only within a news organization's rules for employee conduct. For example, the code admonishes that journalists should accept "nothing of value" and that "so-called news communications from private sources should not be published or broadcast without substantiation of their claims to news value."

More problematic within the code are statements that are difficult to classify within either the minimum or ideal sense of standard. For example, the statement that "There is no excuse for inaccuracies or lack of thoroughness" reads like a minimum expectation by which to judge adequate performance. Yet, in reality, there are many justifiable reasons for a news organization to print or broadcast inaccurate or less than thorough reports. In a very real sense, the reporter's "facts" are only as good as the sources of information. The thoroughness of a complex story often can be judged only by piecing together many weeks of reports that become more and more thorough and accurate as the story unfolds.

This does not excuse sloppy or intentionally inaccurate reporting, but the realities of what is available to be reported cannot be ignored. The reporter who manages to get past that information that is generally available and who presents exceptionally accurate and thorough complex stories (when compared to others working on the same story) is praiseworthy. Thoroughness and accuracy are ideals for which every reporter should strive in every report. But, falling short of the mark is more often indicative of sources with some-

thing to hide than it is of reporter inadequacy. Yet, if such an ideal is presented in a way that it reads like a minimum expectation, one cannot fault the judge who interprets the ideal as a minimum.

As presented thus far, that which is now included in industry codes of ethics, could, if clearly separated, meet two important and distinct needs for practitioners: the articulation of a code of accountability that sets down minimum expectations, and the articulation of a model of what is perceived as ideal journalistic behavior. The writing, revising, and discussing of codes of ethics may help with clarification of yet a third sense of standard—that of group norms.

U.S. journalists, like members of every other formal or informal group, operate within a set of understood conventions that govern behavior. Every group, from children playing together to committees designated to perform a certain task, has largely unstated expectations of how all people within the group should or do perform. One must internalize guidelines to be part of the group, although those guidelines may be as diverse as being willing to play make believe with other children, being motivated to complete the appointed task, or believing that the public ought to have newsworthy information.

Often, when journalists believe that a colleague has violated some "standard" of behavior, they are not referring to the violation of a law or stated policy. Standard, in this sense, means something like, "this is our usual practice."

While these standards usually conform to legal minimums, they may be extra-legal or quasi-legal as well. For example, journalistic surreptitious taping of telephone conversations may be within acceptable conventional standards among some journalists even when it is not allowed by some state laws. Activities such as trespassing into unlocked offices, scanning files on officials' desks, and

accepting governmental secrets are legally questionable, but are acceptable by convention in some journalistic circles.

Other conventional standards do not conflict with law, but cannot be stated as minimum expectations. For example, how a journalist decides how hard one must push for information from a resistant source, whether to trade information with a source, how and when it is acceptable to go "off the record", how one judges a story to be newsworthy, how one judges information to be relevant, and what makes for a fair and balanced presentation of the available facts are all judgments made on group norms.

Conforming to "usual practice" is not particularly praiseworthy, so members already inculcated with conventional standards tend not to notice behavior that fits the norm. And, while group members do notice deviant behavior, a journalist's deviance is more likely to cause discussion on the standard than it is to conclude in the journalist's dismissal. If the norms are not articulated, group members tend to think that all who share their affiliation (all U.S. journalists, all members of a specific news organization, all investigative reporters) accept the conventional standards that govern their own actions.

So, while codes can provide working journalists with statements of minimums and perceived ideals, the codes can also help journalists abstract and articulate these "understood" conventions of the business. Those who engage in abstracting or analyzing the conventions become more sophisticated practitioners as they do the analytic, critical work of developing and justifying criteria for judging some behaviors acceptable and others not. The very loose nature of the U.S. journalistic group along with Constitutional freedoms guarantees that there will never be a national document of usual practice that has full group agreement. But, that does



not detract from the worth of attempting to abstract and analyze conventional behavior. For both the minimum and ideal codes, the purpose is a product—a list of criteria against which one can respectively

judge blameworthy and praiseworthy activity. The purpose of the document of usual practice is the process itself—the critical analysis of the profession by practitioners.

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The Case Against Mass Media Codes of Ethics

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Insights from First Amendment considerations and from developmental psychology are utilized in suggesting that whatever value codes of ethics may hold for the mass media, they represent serious difficulties in inculcating substantial ethical values in individual journalists and in the profession as a whole. Evidence from developmental psychology suggests that codes are probably of some limited value to the neophyte working in the media. Codes also help assure non-journalists that the industry really is concerned about ethics. However, codes probably should be relegated to a framed wall hanging for any journalists who have advanced beyond their internships. Confusion reigns because codes are often founded on moralistic rather than moral philosophical bases, and there is a blurring between general precepts and specific practices covered in codes. As individual professionals mature intellectually and ethically, they should transcend socially approved conventions codified by "regulators," and begin to become social catalysts in their own rights, according to this essay.

In the recently published mass communications textbook by one of this paper's authors (Black & Whitney, 1983, p. 432), a lengthy section devoted to the history of various mass media codes of ethics concluded that:

Codes seem to have certain elements in common: They have few, if any teeth; they are both unenforced and unforceable. They are incumbent upon members only, and the only sanction that can be applied against a member is expulsion from membership, sometimes a small penalty. The codes tend to be bland statements drawn up in response to public disenchantment with media operations.

At best, they are a stopgap of semiserious self-regulation in the hope that somehow their platitudes will satisfy both public critics and government's temptation to regulate.

By their existence, they are an attempt to organize, to standardize, and to codify ethics. This is a large order and, in the complexity of institutionalized mass media, comprises really only a halfway measure toward the regulation that media are trying to avoid. Codes arise in response to public demand, but they are framed to cause the least commotion.

The same argument has been heard frequently of late, a period

