

Creating the Conditions for Ethical Journalism

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I conducted a seminar one Tuesday in March 1987 for the *Louisville Courier-Journal* reporters and editors on the idea of the ethical journalist. I was at the end of my 10-week stint as ethics coach for the newspaper. After our weeks of dissecting specific publish-don't publish dilemmas, I wanted the journalists to spend this concluding session considering the morality of the agent rather than the morality of actions.

I raised the question, "What is an ethical journalist?" at the beginning of the seminar. The reporters grappled in silence for a moment and Mike Gartner, the newspaper's executive editor, stood, then walked purposefully from the room. He returned a minute later and dramatically slid a bound copy of the *Courier-Journal's* policies the full length of the seminar table to me. "That," he said, "is the ethical journalist."

Gartner probably overstated his case in implying that an ethical journalist was one who followed the company's policies. I certainly overstated my case when I replied that the journalist who simply followed company policy was decidedly *unethical*. In the friendly debate that followed, the 10 journalists around the table

grappled with the connection between responsible policies and practices of the news organization and ethical individual action. I think we all left that discussion feeling that a responsible news organization and an ethical individual formed a partnership that helped good things happen.

It seems to me that a responsible news organization is the necessary but not sufficient condition for ethical journalism. Policies alone are insufficient because, the individual journalist, as an autonomous moral agent, is free to follow or not follow company policy. The journalist is free to interpret policy in a way that is self-serving or in a way that is moral. And, the journalist is free to follow corrupt company action or lobby for change in the policies that seem irresponsible or conflict with her ability to be ethical.

Yet, policy statements or other indications that the news organization recognizes responsibility to its community are necessary for ethical journalism to occur. It would be difficult to call an SS officer ethical as he carried out Hitler's extermination camp policies. In an analogous way, the journalist can only be as ethical as her news organization allows for her to be. The news organization creates the conditions for ethical journalism to occur.

In this paper, I argue for specific responsibilities for the news organization--responsibilities that, if recognized, create the conditions for ethi-

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cal journalism. The responsibilities for news organizations are actually derivative in the sense that, if true, they hold for the industry as a whole. But, the news industry in the United States is an amorphous mass. Lacking a national press, one can argue only that specific news organizations carry out responsibilities.

First Amendment As a Mythical Basis for Responsibilities

Before I argue what does constitute a basis for responsible journalism, I feel compelled to argue why the First Amendment, traditionally used to explain press responsibilities, does not. I find three problems with using the First Amendment as a basis for journalistic responsibility: 1. legal journalism does not equal ethical journalism, 2. detailing rights does not imply duties; and 3. the First Amendment is a culturally relativistic basis for journalistic responsibilities.

Legal v. Ethical Journalism

Constitutional freedoms and statutory limitations provide minimal standards of accountability for journalistic conduct. The legal system tells journalists what they *may* do without worrying about punishment. The law tells them what they *must not* do unless they are willing to be held legally accountable for their actions (Hodges, 1986).

Ethics tells us what we should do, and there is not necessarily a reward or punishment hooked onto the following through of an ethical or moral obligation.

For example, decisions such as whether to publish a photograph that would needlessly embarrass someone is beyond the scope of law. The law has nothing to say about whether to lie to a source. However, most news organizations refrain from needlessly causing harm and don't condone the practice of reporters lying to sources. In choosing such voluntary guidelines, news organizations are following an acceptance of responsibilities that go beyond meeting the minimal constraints of law.

If the basis for *ethical* obligations were the legal dictates, then, logically, the press would have certain responsibilities because of the First Amendment. Logically, if the Amendment did not exist, there would be no responsibilities.

That doesn't seem right. That would be like saying murder or other capital crimes would be acceptable if there were no written law against them.

When we place the law as the basis for morality, we are reasoning in a backwards fashion. Laws and other stated limitations on behavior, constitutions and other statements on freedoms, articulate what is believed to be morally right. The actions aren't right because the document says so; the document says so because the actions are right.

Legal Permissions and Moral Obligations

Law is also problematic as a basis for moral responsibilities because one cannot derive duties from rights. It's true that the First Amendment clearly defines the freedoms of the press. However, one cannot logically argue responsibilities connected to those rights.

As Sissela Bok (1982) explained:

We cannot legitimately argue from someone's right to disseminate a story to the public's right to information it contains, much less to any obligation to disseminate it. The entailment by the First Amendment of the public's right to know, therefore, is not tenable, and cannot provide the justification for all that is done in the name of catering to such a right (p. 255).

Some argue that, although the duties of the press are not expressed in the Constitution, those duties are contained in the theory that underlies the document. For example, the social responsibility theory of the press is outlined by Siebert, Peterson and Schramm (1956) in the classic *Four Theories of the Press* :

The theory has this major premise: Freedom carries concomitant obligations; and the press, which enjoys a privileged position under our government, is obliged to be responsible to society for carrying out certain essential functions of mass communication in contemporary society (p. 74).

If that's so, journalists are left with equally compelling though contradictory "duties."

The press should serve as a watchdog of government, according to Constitutional theory. From *Four Theories*:

The framers of the constitution were children of the Enlightenment, and their assumptions about the nature of man and the relationship of man to government were implicit in the instrument they drafted. Government was the chief foe of liberty, they believed, and the press must be free to serve as a guardian against governmental encroachments on individual liberty (p. 76).

The watchdog duty implies that news media ought be continually critical, analytic and vigilant in illustrating problems of government. News organizations are guardians of democratic self-governance through this duty. They are obligated to recognize and expose problematic or corrupt governmental action.

News media as watchdogs, then, have the duty to judge whether governmental action fits within the ideals of the system and to expose actions that do not fit in with the ideals. This obligation necessitates an assumption that some government actions are corrupt, wrong, dangers to the system.

However, another duty, equally derivable from Constitutional theory, is that the press ought to provide the statements of fact and opinion that stimulate public debate on significant issues. From *Four Theories*:

If the press were free, men would speak. True, they might lie, vilify, distort. But the wonderful invisible hand envisioned by

Adam Smith and the self-righting process discerned by John Milton would set things right. Man would seek truth amidst the welter of the ideas which swarmed in the marketplace; and being rational, he would separate truth from falsehood, good from bad (pp. 76-77).

To fulfill that duty, news media ought be dispassionate observers of society, duly recording and publishing what is offered without interpretation.

The early coverage of Senator Joe McCarthy provides an excellent example of the press fulfilling its duty as society's channel of information without fulfilling its duty as watchdog of government. They simply could not meet both Constitutional-theory-based duties at once.

Cultural Relativism Is Inadequate

Even if it were possible to derive the responsibilities of news organizations from the First Amendment, the result would affirm the belief that each nation or society decides on its own what is moral or ethical behavior.

This is certainly not descriptive of the way the world works, nor could we wish that as an ideal. We do judge the actions of other countries, arguing, for instance, that there is something universally wrong with torture and other human rights violations no matter what the other culture may practice. And, if news organizations have responsibilities simply on the basis of what they are in society, those responsibilities should hold across time and across cultures.

On its face, determining such a universal imperative for news media seems ludicrous. Certainly, press actions look different in different societies and there seems nothing wrong with tolerating press-government relationships that are conceptually different from the one that has evolved through U.S. ideals.

However, if we look behind the different faces of the different governments and different news media, we may well see a single imperative interpreted and expressed in various ways. There is nothing unique about tolerating different expressions of a single principle. For example,

we have certain understandings of what it means to parent. At its essence, parenthood means nurturing the young in a way that prepares youth for adulthood. How that principle is expressed looks very different among cultures and has variation even within a single city block. Yet, unless the parents' actions move outside bounds to become actions that are non-nurturing, non-parenting if you will, we accept those variations.

So to, news media in different cultures and different periods in history may express a single imperative in ways that look different in a *prima facie* sense.

Power Relationship Implies Obligations

The journalistic relationship is, at its base, one of power. The reporter has the power to decide how to use information provided by a source; the photographer has the power to decide which shot angle depicts the most accurate representation of the scene at hand. The news organization has the power to decide what information to provide. While it's true that the reader-viewer may have access to a multiplicity of information sources, for the time of contact, the audience is dependent upon the news organization for whatever information the organization chooses to provide.

This power relationship, like other power relationships, implies obligations. Before examining precisely what the journalistic power obligations include, let's consider how obligations follow from other power relationships.

Parenting provides a clear example of power and ensuing obligation. People choose to become parents, either directly by doing nothing to prevent pregnancy or indirectly by ascribing to certain beliefs that make procreation a duty. Yet, parenting means more than conceiving or delivering a child. Parenting implies minimal nurturing obligations. If parents are not meeting these responsibilities, society removes the child from their care. The child is placed with other adults who will parent. Parenting implies nurturing obligations by definition.

Physicians provide an analogous professional example. Again, by definition, medical doctors provide treatment or palliative care. If an individual did not do this, we would not consider her a physician regardless of her title.

While it's true that society steps in to hold non-doctoring doctors and non-parenting parents accountable, the definition holds without accountability. Imagine visiting a society where there is a woman called the "zat." As we translate "zat" we set the meaning as something like doctor--a person who provides treatment or palliative care. As we followed her through her day, we see her beating rocks with sticks and chanting. Unless we are made to understand that her actions are based on the belief that they will cure or soothe some malady, we would reexamine our initial translation of "zat" for "doctor."

So, what do journalists do by definition? They give broad audiences of people information that helps those people cope with their society. There is no imperative, at this point, that the information be accurate, complete or balanced. Whether they are feeding audiences the governmental line or not, journalists throughout time and across cultures tell people how to cope.

The first obligations for news organizations follows from this societal role for journalists. Because of the power news organizations have in this societal role, news organizations must fulfill their definitionally-derived duty in a thoughtful and wise manner. Specifically, news organizations must decide what information people need to have and should supply that information.

Two parts of this obligation require further attention--that of "information" and of "need." Certainly, the information provided will differ among cultures and even among news organizations within the same culture. Consider, for example, the differences in news coverage of the January 1987 public suicide of Pennsylvania state treasurer Budd Dwyer. Some news organizations felt that their audiences needed to see footage or stills of the actual suicide; other organizations felt that their audiences needed to know that the press-conference suicide occurred but that they didn't need to see the actual act.

Next, what audiences "need" to know should be determined by the news organization. News media are not representative of the people's desires; they are professional interpreters of informational needs. The news judgment of "need" is not happenstance. What is "news" is determined by the context in which the news organization operates. In the United States, people need information relevant to self-governance. And, in the United States, news organizations are the self-appointed suppliers of that information. Therefore, news in the U.S. context, is, in its barest form, information people need for self-governance.

The other obligation that follows from the power held by news organizations is that they use that power judiciously. Parents, doctors, journalists and other powerful people may harm those vulnerable to them from time to time. But, that harm is caused to promote a greater good. Parents may deny one child's special desire so that another child has what he needs. Doctors may postpone one person's treatment in favor of one who is sicker. Journalists may ruin a president's career so that U.S. citizens know that their government is corrupt.

Powerful people and institutions sometimes cause harm. The obligation is that they do so consciously, with a clear sense of how the good of the action outweighs the harm caused.

Promises Supplement Power Obligations

U.S. news organizations could meet these power obligations and still not create the conditions for ethical journalism. The universal power obligations allow for propaganda if that propaganda helps people cope with their world and if it serves a good greater than the harm it causes. Yet, U.S. news organizations are also obligated to provide accounts that are, as nearly as possible, accurate, balanced and complete. This last obligation rests on a "promises" rather than a "power" base.

News organizations make promises to their audiences. Once promising to provide "all the news fit to print," or "all the news you need

to know," the organization, and its employees are obligated to do just that.

It's too much to ask that every news story will be "the true story." News organizations present evolving truths in a piecemeal fashion. The promise to provide information that is complete, balanced, accurate and relevant is the promise of intention. Although no news organization can hope to meet this ideal, the promise lets readers-viewers know that all who work for the organization will be guided by the ideal.

When news organizations realize and articulate obligations that follow from their promises and power, the conditions are set for ethical journalism. Within such a news organization, Mike Gartner is, in part, right: the ethical journalist is one who upholds her news organization's policies because she has consciously decided that the policies conform with fundamental obligations. The ethical journalist both acts as an agent for the responsible organization and keeps watch to ensure that the organization meets its own weighty obligations.

References

- Bok, Sissela. (1986). *Secrets: On the ethics of concealment and revelation*. New York: Pantheon Books.
- Hodges, Louis W. (1986). Defining press responsibility: A functional approach. In Deni Elliott (Ed.), *Responsible journalism*. Beverly Hills: Sage Publications Inc.
- Siebert, Fred S.; Peterson, Theodore; and Schramm, Wilber (1956). *Four theories of the press*. Urbana: University of Illinois Press.