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The problem is the writing

Directing fire at lawyers and jurors does not get to the basic problems of codes of journalistic ethics.

By Deni Elliott

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The problem with ethics codes is not that lawyers misuse them, nor that jurors misunderstand them. The problem with codes is that journalists can't seem to write them.

When journalists find themselves in court, *something* will instruct the jury and the court about how reasonable journalists act in similar situations. Far better for that *something* to be a well-conceived and well-written code of ethics than the "disgruntled journalist or J-school professor" that George Rahdert warns us about.

We do have, in fact, a national news ethic. Television news simulations that aren't labeled as such, reporters who lead their readers to believe that they are reporting from the scene of a story when they are not, and composite story subjects presented as bona-fide individuals are a few of the practices that have been widely condemned. National awards would be meaningless without agreement on what constitutes outstanding journalism.



of the two against an overlay of conventional practices.

If the code writers can't get it straight, how can jurors and lawyers be expected to separate the lofty ideals from the conventions of the business, or from the behaviors for which a journalist should be drawn and quartered? Why shouldn't a juror be confused when the professional society's code says one thing and the editor says, "But we have a different practice in our newsroom"?

National professional societies should confine their codes to description of the ideals and, in a separate section, the usual practices of the profession. News organizations should describe, in their codes and statements of company policy, the minimal expectations for staff and discuss how in-house conventional practices differ from the national norms.

The Code of Ethics of the Society of Professional Journalists provides a case in point for the current state of confusion. The Code includes, as it should, ideal standards for which all virtuous journalists strive, with statements like "Truth is our ultimate goal."

And, "Objectivity in reporting the news is another goal that serves as the mark of an experienced professional. It is a standard of performance toward which we strive. We honor those who achieve it."

However, the next sentence in the SPJ Code seems different. It says, "There is no excuse for inaccuracies or lack of thoroughness."

Now, how is one to make sense of that? It reads like a minimal standard, comparable to the ABA's Disciplinary Rules.

But would we want journalists held accountable for every inaccuracy or lack of thoroughness?

Which news story is "thorough"? How can it be when news itself is a snapshot of evolving truth?

No excuse for inaccuracy? How about the mistake in the police report? How about the lying source who has been trustworthy and truthful for months? What about the misunderstanding with the copy desk that results in a pivotal paragraph being dropped?

Maybe this is neither an ideal nor a minimal standard, but a description of the way journalists usually act. If so, it should read something like this:

Within the recognized constraint of deadline, journalists do everything within their ability to provide stories that are both accurate and complete.

A minimal standard should be expressed this way: There is no excuse for lazy reporting.

When truth, objectivity and no excuse for inaccuracy appear in the same section of the code, it makes sense that they might be treated alike. With no differentiation between kinds of



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A useful code is one that clearly outlines the minimal expectation, specifies that other goals are ones that most mortal journalists can only hope to approximate, and states that still others are conventional practices that are followed, all things being equal (but set aside with adequate justification).

If clearly-labeled ideals and conventions are misused in the courtroom, then the problem is with the quality of the news organization's legal representation and not with the code. Being "outlawyered" can happen at least as easily with expert witnesses as with well-written codes.

If the written minimal standards come back to haunt the news organization that fails to live up to them, so they should. The public nature of journalistic misadventures means that ethical breakdown in one organization raises questions of credibility for all.

For another view, see "[Written rules can be hazardous.](#)"

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