

## Chapter 1

# Ethical Responsibilities and the Power of Pictures

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Pictures are powerful. Strong images sell, both in print and in bringing eyeballs to advertisers on websites.

Pictures are almost always legal to make and publish, especially if they are photos taken in public, willingly distributed on the web, or originally created for product promotion.

Pictures often appeal to emotion or to our ideals of good composition. They are aesthetically pleasing.

But, none of these facts, nor all of them together, provides sufficiently good reason for publication if the picture can reasonably be predicted to cause harm.

This chapter is about ethics. Specifically, I describe the ethical responsibilities that follow when someone (or someone's news organization, advertising agency, public relations firm, or website) has the power to disseminate images to a general audience. Publishing images that injure is an ethically questionable act. Sometimes ethically questionable acts can be justified. Other times, they cannot. Publishing images that injure requires good ethical justification for the harms caused. Economic, legal, or aesthetic justifications will not suffice; personal ethical accountability is necessary.

While I argue elsewhere that correctly made ethical judgments apply universally and are not based simply on some individual's personal opinion

or some culture's convention,<sup>1</sup> here the crucial ethical feature to be grappled with is the inequality of power between the person or organization publishing an image and the person or people who are potentially harmed by the publication. When someone has the power to harm another, that person has the accompanying responsibility to make sure that any harm caused is ethically justified.

### Media and Power

Media institutions are powerful. According to a compilation from various credible websites (which are themselves examples of powerful media), children between the ages of 2 and 17 watch an average of 25 hours of television each week; adults are estimated to spend half of their leisure time watching television or consuming other media; more than 52 million copies of the more than 1,400 daily newspapers in the United States are sold each day; more than 25 billion books are sold each year; 86 percent of U.S. homes have cable TV, and 61.8 percent of them have computers (Infoplease.com 2007). The United States has the highest internet penetration rate in the world, with more than 72 percent of the population estimated to be users (World Bank 2009).

Our own awareness of the narrowness of any one person's experience tells us that only a small portion of what we believe that we know about the world is based on first-person sensory experience. Media provide vicarious experience for us. They provide sensory experience of events. They virtually connect us and provide access to a world of issues and differing opinions outside our personal sphere. Subtly, or explicitly, media presentations, both targeted and general, shape our perceptions of reality. How "evil" an influence this mediated reality might be is a point of contention among scholars (Starker 1989). But it is a given that media messages play a part in teaching us which lifestyles to value and what counts as appropriate behavior according to dominant society. This is true whether the literal media product is information, persuasion, personal opinion, or entertainment. From the choice of who or what counts as "newsworthy" to the decision about which body images are used to promote sales to the construction of contexts for situation comedies, media managers promote certain lifestyles and make it difficult for members of the audience to value others.

Media practitioners are responsible for the impact of their work, even if there is no intention on the part of the practitioner or on the part of the industry to cause harm. Individuals in the audience are necessarily

vulnerable to the impact of the media in all of its social functions (Kovach and Rosensteil 2001).

The rapid and expanding involvement of individuals who are not affiliated with traditional media in the production of media content has not made individuals less vulnerable to the power of corporate messages. Instead, it has expanded the set of people who have power and who have special responsibilities that attach to having power over others. Bloggers, citizen-journalists, YouTube contributors, and others who provide messages to a mass audience have responsibilities that follow from those voluntary roles.

### Role-Related Responsibilities and Basic Ethical Requirements

While ethics encompasses being the best people that we can be, the most basic minimal ethical requirement is stated in a negative way: Do not cause unjustified harm. Coupled with that requirement throughout the history of ethics is a second requirement: Do your duty. People have an ethical responsibility to do what others reasonably expect them to do. All legitimate adult roles in society have role-related responsibilities. If you can identify a role, such as college student, professor, parent, or journalist, you can also articulate the unique societal function that accompanies each role. Among mass communication practitioners, journalists have the job of gathering and providing information to citizens that is needed for self-governance; public relations practitioners have the job of promoting their client's message to identified constituencies; advertisers have the job of stimulating consumption from identified audiences; and entertainment media amuse us and disseminate culture. Practitioners should do their jobs, but, ethically speaking, they must also do their jobs without causing unjustified harm.

As an easy example, consider the parent's job of promoting the wellbeing of her children. She should do that to the best of her ability. But if her son needs a liver transplant, it is unjustified to intentionally have another child killed to supply her son with the needed organ. The fundamental ethical requirement—do not cause unjustified harm—defines an acceptable scope within which an individual can express her role-related responsibilities.

It is not surprising that these minimal ethical requirements to do your duty and not cause unjustified harm reflect basic human intuition. We are hardwired to understand ethics. Every competent rational adult human being wants to avoid being killed, caused pain, disabled, or deprived of freedom or pleasure unless there is some good reason for it.<sup>2</sup> All competent

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rational adult human beings also want this for the people they love. What's more, every competent rational adult human being knows that all other human beings have the same desire for how they and their loved ones should be treated. This human axiom—the understanding that all people want to avoid being caused these types of harms—is the foundation for both ethical and unethical behavior. As people assume that others want to avoid harms, they know how to avoid causing harm and they know how to intentionally cause harm as well. As an extreme example, terrorism and torture work only because the perpetrators know, without a doubt, how to inflict harm or the fear of harm on others. People are capable of calculated unethical behavior like this because of the universal understanding of what constitutes harm and the recognition that all of us want to avoid it for ourselves and those we love. Ultimately, what is irrational to want for oneself (e.g., being caused harm without good reason) is unethical to cause to others.

Most writing in historical and contemporary ethics takes the reader well beyond this minimal maxim to an examination of how humans should also promote good. Avoiding unethical activity is not enough to create a thriving relationship, family, or community. But most urgently, moral analysis starts with the recognition that someone has been harmed or that it is reasonable to predict that someone might be harmed. Sometimes harms happen with no one being at fault. If I trip over a tree branch while walking in the forest, I may suffer a broken leg, but it doesn't follow that another person is the cause of my harm. But suffering harm because of the publication of text or images is conceptually different from suffering an accidental harm. Someone has made choices regarding the publication. Whether those choices are made intentionally or only with awareness that the publication might cause harm, that person has committed an ethically questionable act. If the harm is caused through a neglect of duty, it is morally questionable even if the person did not know that harm could result.

Once harm or potential harm is established, the important questions focus on blameworthiness. Did someone do something that caused harm? Does that person have moral culpability for that harm? Is there anything that mitigates, explains, or justifies the harm caused? The questions of agency, culpability, and justification must be answered to determine whether an ethically questionable act, like publishing an image that injures, is ethically permitted or prohibited. For the purposes of this chapter, I am using “injure” (as in *Images That Injure*) as synonymous with the term “harm.” Harm, as the word is used in a philosophically technical sense,

includes both harms that are caused directly and those caused indirectly. Direct harms include being killed, being caused pain, being disabled, or being deprived of pleasure or opportunity. Indirect harms are those that can happen without the injured person even being aware that he or she was treated badly. Indirect harms are also those that cause injury of some sort to the community or to a group larger than a single individual. Indirect harms include promise breaking, cheating, deception, disobeying laws, and neglecting one's duty (Gert 2008).

Some philosophers have argued that causing offense is different from causing harm. Indeed, nineteenth-century philosopher John Stuart Mill would argue that it is important that we expose ourselves to ideas that we find offensive so that we can better know the truth. However, he also counsels that if a message that some people will find offensive needs to be presented, the message giver has an ethical (but not legal) responsibility to present that message in as civil and nonoffensive a way as possible (Mill 1991). The key element is in deciding what messages "need" to be presented. Those that need to be presented are those that fit most directly with the message giver's role-related responsibilities. And those messages should be presented in a way that is less likely to cause unjustified harm.

Indirect harms are often more difficult to identify than direct harms, but they are important when one considers the power of pictures. For example, if a news photo is altered to lead the viewer to believe falsely that a presidential candidate and a known activist were shoulder-to-shoulder at an antiwar rally, the viewers who see and believe the picture are harmed, even if they don't know they have been deceived. They are caused harm by forming opinions about the candidate based on false information. Deception causes direct harm to the reputation of the candidate and to the viewers by depriving them of the opportunity to grapple with truthful information and come to decisions about candidates based on accurate understandings. They are harmed in this way even if the truth is never known. However, if the truth does come out, the previously deceived viewers suffer yet another indirect harm because they are likely to become less trusting of the authenticity of news photos and are likely to question useful, truthful depictions in the future. The media that distributed the deceptive picture are harmed directly by a loss of viewer credibility. News publications rely on viewers' belief in the accuracy of their text and pictures.

At a broader social level, the whole community has been indirectly harmed by the decrease in trust. Communities and relationships among people work only to the degree that trust is present. Deception is successful

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only because people expect the truth. Every act of deception always creates, at a minimum, an indirect harm by decreasing the collective trust upon which relationships and community are built. And this indirect harm occurs even if the only person who knows about the deception is the deceiver herself.

Images that injure can cause harm in both direct and indirect ways. For example, the images of women often found in advertisements cause harm to viewers. The subtle computer manipulation that elongates models' legs and narrows their hips to unattainable proportions causes viewers pain and cheats them as well. Young women who experience emotional pain based on the realization that they will never look like that idealized image are directly harmed. The presentations also cause indirect harm in that the idealized presentations suggest to the community as a whole that real women with proportional bodies do not match ideal standards but, rather, need enhancement. Images that create expectations that women cannot reasonably meet cause harm to relationships throughout society.

### **Ethical Questions Cannot Be Answered by Economics, Law, or Aesthetics**

Scrutinizing injury within the scope of moral consideration is different from examining that injury from the perspective of economic, legal, or aesthetic concerns. Economics is important to the running of a media business, whether the focus of that business is entertainment, persuasion, or news. Mass communication industries, like other endeavors, require an economically stable base from which to operate, but the need for economic stability does not excuse unethical behavior. Physicians in private practice, for example, are financially dependent upon their patients, but we would not excuse a doctor's unethical activity by her need to make money. Doctors who take kickbacks from labs and specialists in exchange for patient referrals are quite rightly accused of having a conflict of interest. It is ethically wrong for a doctor to impose her own personal beliefs on what an adult patient should do. If a doctor believes that a patient will benefit from cosmetic surgery, it is not legitimate for the doctor to act without the patient's permission. The doctor's aesthetic choice is not justification for interfering with the patient's ability to withhold consent.

In this example, it is easy to see that a doctor's role-related responsibility is to her patient. Her recommendations for patient care should be made based on the clinical needs of the patient rather than on the opportunity for the doctor to receive additional income or because her choices reflect

her own personal interest. In a similar way, corporations, including media organizations, have a role-related responsibility to provide the service they have promised to provide, but it doesn't follow that any means to that end is acceptable. The responsibility of all mass media image creators and managers is to recognize their power in creating viewer perception and to use that power judiciously by

1. presenting images accurately or clearly labeled as fiction, parody, or photo illustration; and
2. being responsible for the symbolic as well as the literal meaning of images.

Fulfilling that responsibility plays a fundamental role in explaining or justifying the publication of particular images. An image is more easily justifiable when its presentation relates directly to the media's role-related responsibility. It is more difficult to justify an injurious image when this direct connection does not exist. For example, news photos that cause audience members, the subjects, and the families of subjects harm but that relate directly to information that citizens need to know for self-governance, like pictures of dead and wounded soldiers in a war fought on our behalf, are strongly justified. Feature photos that show people in public in accidentally compromising positions are less easily justified. Whether a picture works in a marketing sense is ethically irrelevant.

If economic considerations do not justify the distribution of unethical images, neither are harmful images justified by an appeal to law. The law allows the publication of almost all texts and pictures. However, the fact that almost any image *may* be published does not suggest or determine that all such images *should* be published. Law sets the minimum expectation for how people should act; ethics sets the bar higher by examining potential harm to individuals rather than conformity with legal expectations. An everyday example is that people generally avoid lying to others, although very few instances of lying are against the law. Whether or not to publish harmful photos is rarely a question of law. For example, while it was legal to publish the pictures of people who were killed in the attacks of September 11, 2001, most news organizations refrained from showing identifiable corpses. They found insufficient justification to offset the harm caused to those viewing the pictures and the families of the deceased.

Aesthetics is often at the core of arguments to publish pictures that are ethically questionable. If a photo lacks aesthetic appeal, few will argue for its publication. In almost all cases, images likely to be published are



**In this powerful news photograph, a man with a protective scarf walks along a street filled with ash and papers after terrorist attacks caused the Twin Towers of the World Trade Center in lower Manhattan to collapse on September 11, 2001. (Courtesy of the Library of Congress.)**

compelling in an inviting or a disturbing way. However, the fact that an image is a “helluva picture” doesn’t provide justification for publishing a picture that will cause someone to suffer harm. It is not likely that a picture will be published unless it is visually compelling. However, reasoning why it is acceptable to cause harm to a viewer or subject evokes a different set of considerations than viewer attraction.

### **Justification for Publishing Images That Injure**

Justification is the process by which an ethically questionable act is determined to be ethically permissible. Sometimes the justification is weak; sometimes it is strong. Other times, publishing images that injure is not ethically justified. For example, publishing a freeze-frame from a security video in a newspaper or website when law enforcement is attempting to apprehend criminal suspects is strongly justified, even though it certainly causes harm to the suspects. If the suspects are members of a minority group that has been disproportionately presented as criminals, the publication



may cause indirect harm by adding to stereotypical views. But the need to protect the community by apprehending the suspects makes the publication strongly justified. Some philosophers would argue that giving criminals their due by apprehending them and providing legal consequences for their action actually respects the criminals and their choices. Assuming that the law is being applied fairly and impartially, the criminals are being treated as competent, rational adults who knowingly and voluntarily chose to act in a nonpermitted way.

But now imagine the same news staff putting together a multipage photo essay as part of a year-end wrap-up. If the overwhelming number of pictures of African-American men that appear in that photo essay are those suspected or convicted of crimes, publishing the photos is not ethically justified. Historically, African-American men have been overrepresented in negative media depictions and Anglo-American men have been overrepresented in positive media coverage. The news staff cannot justify the harm caused by perpetuating the stereotype even if the photo essay accurately represents what appeared in news photos throughout the year. Indeed, if the news staff becomes aware that they are primarily publishing stereotypical photos of a particular racial group or gender, that should indicate to them that they need to be more conscious of the pictures they are selecting for inclusion in the paper throughout the year. Subtle racism and sexism can be found in the pattern of image choice in many news organizations.

Publishing news photos or illustrations in which race is important or evident is justified by the connection of the artwork to the news organization's responsibility to tell citizens information that is important for self-governance. The more direct that connection, the stronger the justification. However, the fact that there is a strong connection between the communicator's social function and the injurious image does not necessarily justify the act. If there are ways of fulfilling one's social function without including images that injure, that is always the better choice. To return to the presentation of photographs from the attacks on 9/11, the horror of that story could be told without close-up identifiable photos of those who jumped to their deaths from the upper floors of the World Trade Center buildings. To their credit, most news organizations avoided that choice.

Outside of news photography, the scale of presentation of racial minorities or people with disabilities as compared to the presentation of those from dominant society need not be demographically balanced. In fact, given that individuals who do not fit within the image norms of dominant society historically have been ignored, the tendency in more recent years has been to overrepresent

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such individuals in feature and public relations imagery. This ethically permissible approach to inclusion in positive visual depictions has been an implicit, but forceful, way of reminding the community of its diversity.

### Systematic Ethical Analysis for Images That Injure

The following is a series of steps that may be used by individuals or media organizations to determine whether specific instances of images that injure are justified.

1. Identify the injury. Describe the different individuals and groups being hurt by the image directly or indirectly.
2. Ask whether it is reasonable to hold the image maker or distributor ethically blameworthy for the injury. Remember that infliction of injury does not have to be intentional. Those who publish are responsible to use their power judiciously. Not intending to cause harm does not decrease the publisher's ethical responsibility. The crucial ethical question is if it is reasonable to predict that the audience, subjects, or other vulnerable people will be directly or indirectly harmed by the image. What is the evidence for this prediction?
3. Describe the social function of the media and how this particular image connects to the duty of the image makers to do their jobs. The more tenuous and indirect the connection between the role-related responsibilities and the image, the less justified the image. If the role-related responsibility can be met without the use of an injurious image, or by using an injurious image in a less provocative way, publication is also less justified. Another way to examine the level of justification is to ask why people need to see this image.
4. To complete the analysis, consider how you would explain to everyone—subject, audience, your grandmother, children, and any other people affected by the image—why the publication is strongly, weakly, or not ethically justified. Provide alternatives if possible.

The easiest way to avoid taking responsibility for causing harm to others is to ignore one's accountability for the consequences of one's actions. Recognizing the implicit power that each of us has in communicating is the first step toward ethical action. The considerations above will help move each of us beyond mere recognition.

### Notes

1. See, for example, Elliott (2008).
2. This is the starting point for common morality, as described in the works of Bernard Gert (2008).

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