

Chapter 1

MORAL RESPONSIBILITIES AND THE POWER OF PICTURES

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Pictures are powerful. Publishing strong images makes economic sense, whether or not the images injure subjects or audience members. But economics is not ethics.

Pictures are almost always legal to publish even if they stereotype the subjects or cause harm. But the fact that some action is legal does not make it ethical.

Pictures that stereotype are often aesthetically appealing. They make some of us laugh or feel compassion or feel anger. But aesthetics is not ethics.

This essay is about ethics. Specifically, I describe the ethical¹ responsibilities that follow from one (or one's news organization or advertising agency or public relations firm) having the power to disseminate images to a general audience. Publishing images that injure is a morally questionable act. Sometimes morally questionable acts can be justified. Other times the actions turn out to be wrong. Publishing images that injure requires good moral (not economic, legal, or aesthetic) reasons to justify the harm caused. Sometimes that justification can be accomplished; sometimes it cannot. Here I differentiate between the cases in which harm can be justified and when it cannot.

THE MEANING OF HARM

Economics, aesthetics, and freedom of the press aside, it is wrong, in a prima facie sense, to do things that cause harm to other human beings.

This tenet echoes throughout 2000 years of Western moral philosophy. Whether one studies the basic three historical theories of utilitarianism, deontology, and virtue theory or contemporary mixed formalism and feminist critiques, the minimal level of morality remains the same: Don't cause harm unless you have what an impartial audience would judge to be a very good reason.

For the purposes of this chapter, I am considering the term *injure* (as in *Images That Injure*) to be synonymous with *harm*. Harm, as the word is used in a philosophically technical sense, includes direct harm (being killed, being caused pain, being disabled, or being deprived of pleasure or opportunity) and harm that is sometimes direct and sometimes indirect, such as when someone breaks a promise to you, cheats or deceives you, disobeys the law resulting in injury to you, or deprives you of duty.² Harm is indirect when the person harmed is not aware of having been harmed or the harm caused is more dilute, as is the case with deception. If someone successfully deceives me, I do not know that I have been deceived, yet I have been caused harm by being deprived of accurate information. If someone unsuccessfully attempts to deceive me, I have been directly harmed by the knowledge that I have been lied to. In addition, the whole community has been harmed by a decrease in trust by at least two people (the deceiver and me) in what others say to us.

Images that injure can cause harm in both direct and indirect ways. As a woman of average height and weight, I am directly harmed by the images of women that advertising puts forth. The subtle computer manipulation that elongates legs and narrows hips to idealized proportions causes me pain and deprives me of pleasure. I am harmed because I know that empirical evidence shows that young women develop eating disorders and low self-esteem because they compare themselves with such images. I am harmed because the presentations make me angry. The presentations also cause indirect harm in that the idealized presentations suggest to the full society that real women fall short in some way. Creating physical expectations that women cannot reasonably fulfill causes harm to relationships throughout society.

Some philosophers have argued that causing offense is different from causing harm. Indeed, eighteenth-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 needs to be presented that some will find offensive, the message giver has a moral (but not legal) responsibility to present that message in as civil and inoffensive way as possible.³ The key element is in

deciding what messages *need* to be presented. The answer to the question of need can be found by appeal to the particular social functions that different media fulfill.

THE SOCIAL FUNCTIONS OF MASS MEDIA AND MORAL CONSIDERATIONS

This dictate—do not cause unjustified harm—is coupled with another maxim that echoes throughout Western moral philosophy: Do your job. Do your job means that one should work to fulfill one's role-related responsibilities. Role-related responsibilities are those associated with being in relation to others, such as parent, student, life partner, and professor. We have a moral responsibility to fulfill those duties to others. In a similar way, media institutions, like other social institutions, exist because they fulfill some legitimate role. News media exist to tell citizens what they need to know for self-governance. Persuasive media exist to provide their clients' messages to the audience. Entertainment media exist to provide amusement and to disseminate culture.

It is not surprising that these minimal ethical requirements to do one's job and not cause unjustified harm reflect basic human intuition. If someone causes harm to you or to someone you care about, you quite rightly demand an explanation. We all want others to do their jobs in regard to us because, when they don't, we are likely to be caused direct or indirect harm. What is irrational to want for oneself (being caused harm without reason) is immoral to cause others.

Most writing in historical and contemporary ethics takes the reader well beyond this minimal maxim to an examination of the responsibility that we all have to promote good. However, most urgently, moral analysis starts with a question of 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 are questions that must be answered; and they must be answered by analysis of criteria within the scope of moral consideration.

Considering injury within the scope of moral consideration is different from examining that injury from the perception 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. However, the need for economic

stability does not excuse immoral 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.

In this example, it is easy to see that a doctor's role-related responsibility is to her patient. Her recommendations are correctly made based on the clinical needs of the patient rather than on the opportunity for her to make additional income. 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 the image.

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 and the families of subjects harm, but that relate directly to what citizens need to know for self-governance, such as 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 morally irrelevant.

A harmful image cannot be justified by appeal to law. The law allows the publication of almost all text and pictures. However, the fact that almost any image *can* be published does not imply that all such images *should* be published. For example, whereas it was legal to publish the pictures of people who were killed in the attacks of 9/11, 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 an argument to publish a picture that is morally questionable. If a photo lacks aesthetic appeal, no one will argue for its publication. In almost all cases, images likely to be published are compelling in an inviting or in 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.

MORAL CAUSALITY AND THE SUFFERING OF HARM

Sometimes people suffer harm and it is no one's fault. If I go to my favorite restaurant, which does not take reservations, and find that all of the tables are filled and other prospective diners are lined up in front of me, no one there is to blame for my continuing hunger or for my disappointment at an hour's wait outside the restaurant door. I have suffered harm (hunger/disappointment), but no person caused my harm, unless you want to include my choice to go to this particular restaurant for dinner. If, while I wait outside the restaurant for a table to be free, I fall victim to a drive-by shooting, the diners who got there first are not to blame for my untimely demise. It is not their fault, even though it is because of them that I am standing outside. The other diners create what Aristotle would call the proximate cause of my harm. But they are not morally blameworthy.

Moral blameworthiness requires either an intention to cause harm or the neglect of one's responsibility. Images that injure are rarely produced with malice or with the intent to cause harm to individuals or to the community. Because the media have power, however, they have two role-related responsibilities: to fulfill their social function and to use their power judiciously. Media have the power to influence how viewers perceive events or individuals. Media practitioners have a responsibility to provide presentations that are accurate or, in the case of entertainment or persuasion, are either accurate or are clearly presented as fiction or parody. The power and influence of mass media create special responsibilities for image providers to be aware of the harm they do or could cause and to publish images that injure only with knowledge of that harm and willingness to justify the harm.

Power creates special moral obligations. Any time there is a relationship with inequality in power, the more powerful party incurs special responsibilities in regard to the more vulnerable party. We are most familiar with this in the parent-child or teacher-student relationship. I have particular responsibilities toward my stepdaughter, Allison, and toward my students that I don't have toward those who are not vulnerable to my power.

For example, if I wear my gay and lesbian pride button as I walk through the local town, I am likely to pass some stranger who is offended by the pink triangle and its symbolic reference. I don't have a special relationship in regard to that homophobic individual. Conventions, as well as the primacy of liberty and free expression, allow individuals to hold and express beliefs that may offend others. I am no more morally blameworthy for the harm (offense) I cause the stranger than I would be blameworthy for the

harm (disappointment) caused by my buying the last ticket to a showing of a new movie.

However, if I wear the same button to Allison's summer camp performance, I am morally accountable because of my relationship to my stepdaughter. I can reasonably predict that some of the more conservative parents and campers will react to that button in a way that has negative consequences for Allison. Unlike the situation in which I offended the stranger on the street, I now need to justify causing my stepdaughter to suffer harm. Wearing the pride button in a situation in which I can predict it is likely to have negative consequences for her is, *prima facie*, morally questionable. I may justify my choice by deciding that it is important to increase the level of tolerance toward gay and lesbian people. I might believe that my wearing the button and provoking rude remarks to my stepdaughter will teach her how to take responsibility for her family's unpopular beliefs. My justification may be weak or strong, but justification of some sort is necessary because, unlike the stranger on the street, my stepdaughter is vulnerable to my power.

MEDIA AND POWER

Media institutions are powerful. The connection between expressive media and receptive audience embodies an amazing description of the mediated reality that all citizen-consumers live. Children between the ages of 2 and 17 watch an average of 25 hours of television each week; adults are estimated to spend half their leisure time watching television or consuming other media; 60 million copies of the 1,500 daily newspapers and the 7,600 weekly or semi-weekly newspapers are sold each day; more than 60,000 different periodicals are in publication, with 40,000 books rolling off the presses each year. Considering the amount that we think we know about the world, only a small percentage of that knowledge is based on first-person sense experience. The media provide the vicarious experience and then shape our perceptions of it. How evil an influence this mediated reality might be is a point of contention among scholars. However, it is a given that media of all types sell more than the literal product of information, persuasion, or entertainment. From the choice of who or what counts as newsworthy to deciding which body images promote sales and building the contexts for situation comedies, media managers promote some 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.

JUSTIFICATION FOR PUBLISHING IMAGES THAT INJURE

Justification is the process by which a morally questionable act is made morally permissible. Sometimes the justification is weak, sometimes it is strong, and sometimes it is nonexistent. For example, publishing the police sketch of an African American rape suspect in the local newspaper causes harm to African American men by contributing to the stereotype of African American men as criminals. Publishing the picture certainly causes harm to the suspect. However, publishing the picture is strongly justified by the need for the suspect to be apprehended. Imagine now the same news staff putting together a multipage photo-essay as part of a year-end wrap up. The overwhelming number of pictures of African American men that appear in that photo-essay are those of suspects in crime, those convicted of crimes, or those playing basketball. The staff cannot justify the harm caused the audience and African American men by contributing to the stereotype by appealing to the newsworthiness of the pictures. Realizing that the vast majority of editorial pictures of African American men fit the stereotype may indicate to someone the desperate need for diversity training, but that is not adequate justification for publishing photos that cause harm. 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 choice is always the better one. To return to the presentation of photos 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.

SYSTEMATIC MORAL ANALYSIS FOR IMAGES THAT INJURE

The following is a series of steps that can be used to determine whether or not specific instances of images that injure are justified:

1. Identify the injury. This is the level of conceptualization. Describe who is being hurt by the image and how one knows that.
2. Ask if it is reasonable to hold the image maker/distributor morally blameworthy for the injury. Is it 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 imagemakers doing their jobs. The more tenuous 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, the image also is less justified.