Chapter 2

MASS MEDIA ETHICS AND THE POINT-OF-DECISION PYRAMID

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A few years ago, I had the privilege of attending my nephew's wedding in Albuquerque, New Mexico. I was greeted at the rehearsal dinner by the presiding pastor, who asked me what courses I taught at the University of North Texas. As I recited the list, my response evoked a guffaw from him when I said "media ethics."

"Isn't that an oxymoron?" he asked.

My reaction was immediate and defensive. "Well, no more than clerical ethics," I retorted with a sardonic smile, thinking about the widely reported scandals involving Protestant and Catholic clergy in America during the last two decades.

But this pastor did have a point. Public trust in the news media has suffered low percentages in opinion polls for years. Public opinion data tracked from 1966 to 1992 show that no more than 29 percent of Americans expressed "a great deal of confidence" in the press. [1] During the 1990s, the public's assessment of having "a great deal" or "quite a lot" of confidence in newspapers measured barely above 30 percent. By the same criteria, the public's confidence in television news in 1996 was only 36 percent. [2] From their analyses of data from a variety of sources, communication scholars Patricia Moy and Michael Pfau noted a general pattern of declining public confidence in many democratic institutions. [3]

A *USA Today/CNN/Gallup* Poll conducted May 19-21, 2003, revealed that only 36 percent of those surveyed said they believed the news media get their facts straight. Trust in the media, wrote *USA Today* reporter Peter Johnson, had dropped from 54 percent in mid-1989 to a low of 32 percent in December 2000-during the height of the uproar that followed the George W. Bush vs. Al Gore election results. [4]

That poll was taken shortly after revelations that a reporter for *The New York Times,* Jayson Blair, had fabricated many of his articles-including embellished stories about the Washington, D.C.-area sniper shootings in October 2002. Blair joined the ranks of nationally disgraced journalists such as Janet Cooke, Stephen Glass, Patricia Smith and Jack Kelley. Cooke, formerly of *The Washington Post,* lost her Pulitzer Prize in 1981 when she admitted to having made up the story of a 12year-old heroin addict she called "Jimmy." Glass, an associate editor for *The New Republic,* was fired in 1998 after his editors discovered he had artfully crafted fictitious details in 27 of 41 stories he had written over a period of three years. The scandal later became the subject of the 2003 movie "Shattered Glass." *The Boston Globe's* Smith resigned that same year after she admitted to making up people and quotes in a number of her columns-fabrications that were discovered during a routine check by the newspaper's editors. Kelley, a 21-year veteran at *USA Today,*

resigned in January 2004 after the newspaper found evidence that he had faked or exaggerated numerous stories since the early 1990s.

Jack Shafer of *Slate* wrote that journalists such as B lair, Cooke and G lass get away with embellishing stories because of the trust that develops over time between capable reporters and their editors. Editors expect their reporters to gather facts and report them accurately. But Shafer surmised that editors tend to trust the especially talented writers more than they should. He warned editors to be leery of details in a story that either sounded too good or appear as a result of pressure that editors put on writers to add details that their first draft lacked. Still, he said, "it's almost impossible for an editor to beat a good liar every time out."

These high-profile examples of professional misconduct are recognized as unethical by everyone. Edmund Lambeth, author and professor emeritus at the University of Missouri's School of Journalism, calls willful falsification "the most egregious breach of the ethic of truth telling.6 Whether they realize it or not, journalists who embellish, falsify or plagiarize their stories are guided by a philosophic framework called ethical egoism. A decision to fabricate stories is based on these journalists' self-interests, not the interests of the newspaper or magazine they work for or the readers they serve. Clearly, both journalist and organization lose in the long run.

Ethical lapses are not always as straightforward as fabricated or plagiarized stories. How facts are gathered and reported also can present ethical challenges. Jim Van Vliet, a veteran sportswriter for *The Sacramento Bee,* was fired in August 2003 when it was learned he had filed a story about a game he never attended but only watched on television. His account of the San Francisco Giants' loss to the Pittsburgh Pirates at San Francisco's Pacific Bell Park (now SBC Park) included unattributed quotes from other sources. Although the story and quotes were accurate, how Van Vliet gathered the information violated basic journalistic values and ethics as practiced by the *Bee,* and management had no choice but to fire an employee of 34 years, according to a statement released by the newspaper's sports editor.[7] A *Newsweek* story in 2005 erroneously reported that military interrogators had flushed a copy of the Koran down a toilet at the detention camp at Guantanamo Bay. The poorly reported story, which the magazine later retracted, created unintended consequences, as riots broke out around the world that resulted in many deaths.

News reporting that includes deception and trespassing in pursuit of undercover investigations also raises serious ethical questions. Editors and producers sometimes justify such tactics with the excuse that they serve the greater good by uprooting perceived corruption or malpractice. This utilitarian argument of the end justifying the means was the rationale offered by ABC executives and producers of ABC's "Primetime Live" for using deception in its undercover investigation of food Lion. The 1992 show aired videotape that appeared to document unhealthy food handling practices by Food Lion employees and the sale of spoiled food to the store's unsuspecting customers. Within two years of the broadcast, 84 stores closed down and thousands of employees lost their jobs.[8] In 1997, a North Carolina jury rejected ABC's rationale and fined it $5.5 million in punitive damages for fraud and trespass. Although the fraud charge was overturned on appeal and the fine substantially reduced by the trial judge and by an appellate court, the trespass charge was allowed to stand.[9]

Food Lion did not challenge the facts of the broadcast in court because of the burden of proving libel. But out of court, Food Lion vehemently denied the show's accuracy. Using the 45 hours of outtakes obtained during litigation, Food Lion produced a videotape of its version of events, which showed a series of compelling contradictions to the "Primetime" broadcast. These contradictory versions of the story focus attention on the extent that professional values may serve to frame a story at the expense of ethical values. Did television's voracious appetite for dynamic visuals to illustrate accusations against Food Lion put pressure on producers and editors to take liberties in the cutting room that obscured the facts? Did the producers make more out of the story than was actually there? Indeed, if deception, trespass and hidden cameras were so vital to build this story in the interest of public health, why did ABC wait six months to air the story, just in time for sweeps week? This question was raised near the end of a special 90-minute "Viewpoint" hosted by Ted Koppel in 1997-but never answered. Did ABC put profits ahead of public health? Is it possible that the jurors who found ABC guilty of fraud and trespass reflect the public's growing impatience with journalists who cut corners ethically?

CBS News chief anchor Dan Rather created a media scandal during the 2004 presidential election campaign when "60 Minutes" aired a story based on fraudulent memos provided by a source. The September 8 story reported that President Bush benefited from his political connections while serving as an officer with the Texas National Guard during the 1970s and that he failed to report for duty at least twice. Immediately following the broadcast, Internet bloggers, document experts, talk radio, major print media and rival networks pointed out the flaws in the documents as well as alleged connections between CBS news producers and Democrat John Kerry's presidential campaign.

Other media practitioners face ethical challenges. Public relations and advertising professionals also deal with a skeptical public that questions their commitment to ethics. **In** the preface to *Public Relations Ethics,* scholars Philip Seib and Kathryn Fitzpatrick acknowledge the need for practitioners and the industry to question both the means applied to reach goals as well as the consequences of public relations practice.[10] Furthermore, they insist that practice should be grounded not only in outcomes, but also in "solid principles.,,11 Similarly, advertising exists as a perpetual paradox in the eyes of the public. Advertising ethicists Cornelius B. Pratt and E. Lincoln James observed that the industry, a major economic, social and competitive force in the modern world, is "a bull's-eye for public wrath.,,12 The tobacco industry provided a convenient target in the late 1990s with the accusation that advertisements for Camel cigarettes, which featured the animated character Joe Camel, targeted children. The venerable fast-food chain McDonald's and the food industry in general are among the latest targets for criticism as watchdog groups contend that aggressive advertising aimed at children threatens to exacerbate the already epidemic problems of obesity, high blood pressure and heart disease.[13]

Certainly, individuals and media organizations have a right to freedom of expression and to generate profits in the process. Media enterprises could not exist, let alone serve the public interest with their information, products and services without financial incentives and surplus capital. But while the public may take for granted the exaggerations and ethical lapses of national tabloids and sensational television shows, it expects most media to behave responsibly, guided by ethical principles. Most scholars and practitioners also agree on the need for greater ethical rigor in the workplace. But they don't share the same philosophical views upon which to base moral reasoning.

Academics and practitioners have argued over what constitutes good journalism and media practices since the Hutchins Commission report of 1947. Named after Robert Maynard Hutchins, then chancellor of the University of Chicago, this report called on the American press to live up to its social

responsibilities. This angered the press establishment at the time, but advocates of public or civic journalism rekindled the debate in the 1990s.1[4] With regard to media ethics, there are those who are content with traditional journalism and a utilitarian approach-the dominant mode of moral reasoning for most Western media-informed by *laissez-faire* libertarianism; 15 and there are those who advocate a communitarian approach to moral reasoning, a framework of normative social ethics rooted in communitarian democracy.16 In other words, upon which standard does the media professional base professional practice and ethical decision making-one that is found within the individual or one that is derived from community?

Indeed, ongoing ethical breaches in media practices as well as growing public concern have contributed to a steady stream of books, case studies, articles and new ethics courses over the last 20 years in an effort to define what good journalism should be and how it should be practiced. Most of these resources provide a rich overview of the philosophical foundations for ethics, ranging from the Western cultural heritage of Greek philosophy and Judeo-Christian religions to the Enlightenment philosophers.

Chief among the Enlightenment philosophers as far as ethics goes are Immanuel Kant (1724-1804) and John Stuart Mill (1806-1873), by way of his elder contemporary, Jeremy Bentham (1748-1832). Kant is credited with articulating the deontological approach, which emphasizes duty ethics. The Greek word deon, the root word of deontology, means duty. Deontology refers to the idea that one should act on principle or according to a universal moral duty rather than solely on the basis of consequences. Bentham and Mill are recognized for introducing the teleological approach called utilitarianism, which focuses on the nature of an act or decision. The Immanuel Kant emphasis in this approach is on positive outcomes, whereas the deontological approach focuses on right and wrong. Both ethical views are grounded in individualism, the cornerstone of libertarianism.

For Kant, the starting point of moral reasoning is personal conviction or intuition rather than some sort of external moral authority or from consequences alone. Kant believed that individuals should act only on the principle or standard that could become a universal law rather than on the basis of unknowable outcomes. In other words, given a certain set of circumstances, an individual should act in a

way that he or she would wish all others to act; this person should take an action from which a rule could be applied universally. He called this rule the categorical imperative. Kant also insisted that individuals be treated as an end rather than some means to an end, which underscored a respect for human dignity. Similar to the Golden Rule, which states, "Do unto others as you would have them do unto you," Kant's categorical imperative is the ethics of reciprocity. Kant reasoned that these standards could be derived intuitively from close examination of the circumstances. The appeal to this approach is that it provides rules or guidelines to follow before ethical dilemmas arise; all similar circumstances would not change the rule or guideline. But strict adherence to a categorical imperative ignores the possibility of competing rules or principles. Indeed, moral dilemmas arise when values (both moral and nonmoral) and abiding principles compete or collide. Even the Ten Commandments, Lambeth argues, are connected to consequences. The prohibition against adultery results in good consequences-peace in the marriage. In other words, the Ten Commandments embody principles that, when followed, beget results, good consequences.[17] The fact is, consequences cannot be completely ignored.

Consequences become the determining criterion in Mill's utilitarianism, which seeks the highest normative principle through inductive reasoning rather than through intuition. His elder contemporary, Jeremy Bentham, held that individuals should take those actions that result in the greatest happiness for the greatest number. Bentham's notion of utility is rooted in the individual's quest to minimize pain and maximize pleasure. Mill expanded the concept of happiness to value intellectual pleasure over sensual pleasure. Thus, an individual should make a decision that leads to the greatest good for the greatest number. This pragmatic approach involves assessing an action's consequences rather than the motives or character traits of the individual taking the action.

Several concerns become evident with a strict utilitarian application. For example, how can an individual be certain that a particular decision will result in the greatest good? Or that it will serve the greatest number? One cannot know the result of an action taken, much less whether it will be for the good of the majority. Also, decisions made to benefit the greatest number may be at the expense of the least number, that is, the minority. Certainly, the majority of the workforce-white males-in 1950s America consistently benefited from preferential treatment in the workplace, but at the expense of women and minority males, a concept that seems

immoral to us now but could be justified under Mill's utilitarianism.

Interestingly, Mill considered Kant's approach to be utilitarian because, ultimately, it is derived from circumstances that have consequences.[18] Kant's categorical imperative emerges from a personal "intuitive" assessment of circumstances and their consequences just as Mill's moral reasoning emerges from a personal "inductive" assessment of circumstances and their consequences. The important difference is that Mill's "act utilitarianism" is more open to moral relativism because rules are malleable and not necessarily to be projected universally, depending upon the perceived consequences, whereas Kant's categorical imperative is a universal rule to be applied to all similar circumstances. Both perspectives depend primarily on the individual's assessment of duty or utility, and only secondarily on moral reasoning derived from community. Of course, given that these are Enlightenment ideas, it is no surprise that the burden for moral decision making rests squarely on the individual, the centerpiece of libertarianism.

As a practical matter, moral reasoning for most individuals involves a synthesis of both philosophical precepts. That is, principles have been handed down through Western culture via religion, education, family and other socialization processes to become internalized. The individual, in effect, is a social construct. That is, an individual's identity is largely fashioned by the multilayered society of which he or she is a part. Thus, individuals weigh self-interest (ego) with competing interests in light of internalized codes of moral behavior and on the basis of perceived outcomes. John Merrill, an ethics scholar and contributor to this book, believes that journalists reason from both a deontological and a teleological position:

"On the one hand, they subscribe to *a priori* rules and maxims that they feel duty bound to follow generally. On the other hand, they feel that on occasion they must make exceptions and take special circumstances into consideration.,,19

Undoubtedly, media practitioners approach moral dilemmas informed by sociological factors such as family relationships, religious convictions and professional training, but the dominant philosophical base for moral reasoning in most Western media practice seems to be utilitarian. Communitarian scholar and sociologist Amitai Etzioni states categorically that it has become the dominant mode of moral reasoning in libertarian societies and their media enterprises.[20]

The individual-centered, libertarian framework of Western media practices was challenged by the 1947 Hutchins Commission report mentioned earlier. The report's call for social responsibility was relevant for all aspects of media practice, including advertising and public relations. The commission identified five general responsibilities of the media, several of which also resonate with communitarian ideals:

I.   Present a "truthful, comprehensive account of the day's events in a context which gives them meaning."

2.   Serve as "a forum for the exchange of comment and criticism."
3.   Project a "representative picture of the constituent groups of society."
4.   Present and clarify the "goals and values of society."
5.   Provide "full access to the day's intelligence."2!

However, the underlying philosophy of the report remained utilitarian, again affirming the dominance of utilitarianism in current media practice. As Lambeth noted, "The Hutchins Commission report, the most important statement on the media in the twentieth century, philosophically brought utilitarianism under the media tent whether the ringmasters of the press noticed or not.,,22

The Hutchins Commission report, unpopular as it was with the American media establishment at the time, nevertheless shook the media's philosophical foundations on the eve of monumental societal changes. Social and political upheavals defined the decades following this report:

- The population explosion of post-World War II and the subsequent migration toward sprawling suburbia in the United States, the revving up of the Cold War and the Civil Rights movement and the emerging nuclear threat in the 1950s.
- A presidential assassination, the climax of the Civil Rights movement, the so-called counter-cultural revolution, the Vietnam War and the continuing threat of nuclear holocaust in the 1960s.
- The women's movement, the Watergate scandal, the revelations of the Pentagon Papers, the ignoble end of the Vietnam War, and the continuing Cold War and nuclear threat during the 1970s.

These and many other societal tremors, according to author and political science professor Anthony Eksterowicz, contributed to a decline of public optimism in American institutions, including the media establishment.[23] The concern of media practitioners over the growing gap between citizens and journalists, as well as the dominance of the market-driven media organizations they work for, fueled the interest in public journalism. **In** addition, the technological innovations

stretching from the 1980s to today, which have revolutionized the way information is gathered, stored and disseminated, have contributed to the interest in public journalism.[24] Public or civic journalism seeks to address society's challenges head-on, rather than remain detached, which is a basic tenet of traditional journalism. Civic journalism seeks to improve public life by promoting public participation and public debate. Promoting citizen participation in solving community problems is seen as a good thing because it nourishes representative government. This particular assumption of public journalism is consistent with one of the basic objectives of traditional journalism, which is "to tell people what they need to know so that they can participate in self-governance.,,[25]

But media professionals, public journalism argues, should give the public more than disjointed, de-contextualized stories and episodic, value-neutral information so communities can make sense out of life's complexities. For example, the public journalist may become involved in pre-election coverage aimed at raising public awareness of the issues and encouraging participation in the electoral process. In the same way, a public journalist may cover stories that raise awareness of poverty, homelessness and so on. Lambeth and his co-editors brought together an impressive collection of original research and professional essays that report on bold efforts to implement the ideals of public journalism and enrich the ongoing professional and academic conversation of the movement.[26] Still, academics and professionals in the field have yet to agree on the claims of public journalism.[27]

Thus, the quest continues for what constitutes good journalism-that which evolved from the Enlightenment, with an emphasis on individual liberty, or civic journalism,[28] with its call for greater social responsibility and argued in the spirit of communitarianism.[29] As University of Missouri journalism scholar Lee Wilkins observed, Christians and others have proffered communitarianism as the next appropriate philosophical base for journalism.[3D]

This debate has been well expounded in Jay Black's *Mixed News,* whose contributors present chapters from both sides of the philosophical divide. Their discussions on the best ways to practice journalism seem to revolve around issues of rights and responsibilities-that is, individual priority versus community priority, informing the community versus building the community, and freedom versus social responsibility. Indeed, the very title of the book-*Mixed News-is* a play on *Good News,* by Clifford Christians, John Ferre and Mark Fackler, which Jay Black called "a seminal work" that argues for communitarian journalism.[31] Good journalism, according to this view, should be grounded in community instead of individualism. The communitarian ethic seeks to strike a balance between individual freedom and

the greater social order, based on shared virtues. Community writ large becomes a major starting point or source for moral reasoning, which seeks a judicious balance of rights and responsibilities. Although journalism is a business that functions along market principles, money should not be allowed total control. This view advocates a transformed corporate culture in which employees and communities have a voice, which, in turn, allows a communitarian ethic to develop.[32]

Etzioni, founder of the Communitarian Network in 1993, argues for a politics of communitarianism that would allow for greater political power at the community level. His book *The New Golden Rule* elaborates on the communitarian ideal. Communitarianism, he argues, disputes the assumption of a freestanding individual, distinct from community. It assumes that individuals are "socially constituted and continually penetrated by culture, by social and moral influences and by one another.„[33]

Communitarian ethics does not discount the individual, which is the cornerstone of libertarianism, but rather seeks a balance between individual autonomy and social responsibility. This equilibrium of individual accountability, when rooted in community-derived moral principles, will help to assure accountability to the community of humankind.

Communitarian ethics assumes universal values or protonorms that are agreed upon by humanity regardless of cultural specificities.[34] It neither espouses nor eschews tribal or communal values per se, but ultimately holds them accountable to universal values. These values then serve to sustain human solidarity. Indeed, without them, nations acting interdependently would never have been able to agree in 1948 upon the Universal Declaration of Human Rights by UNESCO-the United Nations Educational, Scientific and Cultural Organization. Principles of justice, humaneness and liberty were articulated on the values of equality and human dignity in this historic document.[35] Utilitarianism would not dismiss the importance of shared values and principles. Indeed, Merrill credits utilitarianism for elevating to prominence the principles of individual rights (justice) and freedom (as seen in his chapter that follows).

But utilitarianism makes consequences, as reasoned by the individual decision maker, the arbiter of ethical dilemmas, while communitarianism sees community values-both small and large-as the arbiter of moral conflict. In communitarianism, the light of moral reasoning shines brighter on the expectations and values of the community than it does on the consequences or on one person's personal ethics. In utilitarianism, the light shines brighter on consequences as predicted by the individual decision maker.

The dominance of utilitarian ethics in media practices and the communitarian ethic provide contrasting perspectives through which to analyze ethics cases in media practice. The editors of this book have invited contributors to show readers how both approaches may be applied to ethical dilemmas in media-related cases. This book is not an attempt to resolve the traditional versus communitarian journalism debate. Rather, it is offered as a practical textbook that seeks to show instructors as well as current and aspiring media practitioners how to apply the two approaches to ethical dilemmas in the media. This project also attempts to respond to Lambeth's challenge to practitioners and teachers of journalism to "articulate at least the beginning of a system" that would bring together journalism ethics and social philosophy.[36]

The five principles in Committed Journalism, which we apply in the analysis of the cases of this book, should be examined in concert and in dynamic tension with a consideration of consequences. Care also should be taken to prioritize the appropriate principles to shape a course of action that will take into account consequences as well. When ethical dialogue and a tradition of discernment of this kind begin to shape the environment of a newsroom, media practitioners will begin to acquire the ability to discuss the moral reasoning behind their decisions with citizens. The public then can be invited to a conversation with the press that is vital to the health of both journalists and citizens.

The starting point for applying two perspectives to media ethics cases in Western society acknowledges the legacy of the larger society in which it has developed.[3[?]] The principles and values of the Judeo-Christian and classical Greek civilizations comprise that legacy in the West. Those same principles embody the other great religions of the world as well. These principles are acknowledged within codes of ethics endorsed by journalism associations and news organizations.[38] They also appear in historic documents such as the U.S. Declaration of Independence, the U.S. Constitution and such international documents as the Universal Declaration of Human Rights mentioned earlier.[39]

For the purposes of this text, the following five principles efficiently organize the majority of moral principles the world over: truth, justice, freedom, humaneness and stewardship.[40] Principles and moral values are interchangeable. Principles serve as guideposts for what is right and wrong while values, which may be thought of as "principles applied," define what is good and bad. Values are principles in action. It is also important to distinguish between moral and nonmoral values, which are often the same as professional values. Consider, for example, these professional values: meeting a deadline, writing a story in the inverted pyramid format, getting the story first, interviewing the most authoritative source, providing the medium with compelling visual images and maximizing profit. These penultimate values can become ultimate values, thus compelling immoral action.[41] Such nonmoral, professional values serve an important function to guide acceptable journalistic practice, but risk falling short of their function when allowed to trump moral values, which are principles applied.

Ethical dilemmas arise when complex situations pit principles against each other and cause us to question whether or not anyone given principle can be held as absolute. Also, the confusion of nonmoral values with moral values creates ethical dilemmas. The Cable News Network (CNN) faced colliding principles when it decided to maintain a presence in Baghdad after the first Gulf War to cover the unfolding facts of life under Iraqi leader Saddam Hussein. The principles of truth telling, justice and humaneness clearly competed for priority positioning in the situations discussed in book contributor Dan Malone's analysis of this case later in this text. The ABC News/Food Lion case cited earlier pitted the principle of truth telling against the principle of humaneness. As moral and nonmoral values were weighed-such as the need to obtain compelling visual images for television broadcast and maximize ratings during "sweeps week"-the producers opted to relegate one principle (humaneness, or so they argued) above another (truth telling) to rationalize their decision to employ deceptive reporting practices. Thus, the priority of principles in the face of any ethical dilemma may be different, depending upon both individual and community values as well as particular circumstances.

Resolving these ethical dilemmas requires weighing competing principles and their associated values along with rights and responsibilities in the context

of relevant stakeholders. Consider these principles:

Truth, for example, should compel factual reporting, which seeks accurate information within the proper context. The value of telling the truth (the principle of truth applied) contrasts sharply with deceiving a source to obtain information or outright lying (a negative application of the truth)-actions that most consider bad or immoral. Jayson Blair's fabricated stories in *The New York Times* violated the principle of truth, which is perhaps the most highly regarded professional and moral value in American journalism. Meanwhile, when the ABC News producers submitted fraudulent job applications to Food Lion and then accepted employment under false pretenses, they violated the principle of truth in a different sense, this time in terms of their work, not necessarily in terms of the finished product. If journalists are expected to tell their stories truthfully to readers or viewers, should they not be expected to adhere to the same principle in their reporting practices? This is a difficult question to answer because some will argue that mitigating circumstances or perceived consequences must be factored into the equation.

For example, a competing principle, such as humaneness, may compel actions that others would consider deceptive in the interest of protecting the public, such as when the producers of "Primetime Live" justified their deception at the Food Lion store to expose so-called unhealthy food handling practices. There also exists the possibility that the nonmoral professional value of telling a compelling story with dynamic visual images-so vital to television-trumped the basic journalistic tenet and moral value of truth telling in the ABC News/Food Lion case.

The principle of humaneness is rooted in the primal instinct toward preserving, nurturing and protecting human life.[42] This is most obvious in parental care of children, which is a universal human trait. Indeed, children are protected by universally shared moral commitments, as evidenced in international efforts against child pornography. Humaneness expects people to avoid doing harm to others and prevent such harm while rendering aid when possible. Sorting out one's responsibility for rendering aid can become challenging to a journalist trying to cover war, famine and other forms of human suffering. Ethics professor Deni Elliott of the University of Montana has pointed out the clash of the principle of justice with that of humaneness when media organizations become involved in raising money for some individuals in need and not others. She writes, "Compassionate reporting results in unjustified harm when news organizations participate in the same kind of institutional unfairness they are often seeking to expose.,,43 Journalists are taught that they have a duty to inform the public through fair and balanced news reporting, which contrasts with advocating for a cause. This professional duty begs the question: At what point does the journalist abandon his or her duty to tell the story and become part of the story by participating in a peace rally, raising funds for a political party, or for that matter, advocating for one homeless person and not another?

Justice demands that news stories be told fairly, without omitting facts of major importance that would change the meaning of the story if otherwise included. Were facts left lying on ABC News' cutting room floor so that a much more dramatic story could be aired to expose alleged unhealthy food-handling practices on the part of Food Lion employees-as claimed by the grocery store chain? The principle of justice may press upon a reporter to consider not revealing evidence that could prevent an accused person from receiving a fair and speedy trial. But, the principles of freedom and truth may prevail as the journalist considers his or her duty to the profession and to the public. When *The Dallas Morning News* story publicized Timothy McVeigh's confession of guilt for the Oklahoma City bombing before his trial, it provoked an outcry from critics who accused the newspaper of compromising McVeigh's right to a fair trial. Did the newspaper's claim of First Amendment privilege or the professional values of news reporting compromise the principle of justice in this case? Without doubt, this case highlights the clash between the moral value of truth telling (truth as principle) and the moral value of protecting the right to a fair trial justice as principle).

Freedom/Liberty

The principles of freedom and justice also compete in the McVeigh situation.

Did the principle of freedom, which is protected by the First Amendment, rightly push aside McVeigh's claim to the principle of justice? Freedom is recognized in the first article of the Universal Declaration of Human Rights, which states, "All human beings are born free and equal in dignity and rights .... „44 Freedom also includes the notion of autonomy, meaning that journalists must avoid any possibility of conflicts of interest that would threaten their ability to report without bias. Journalists are discouraged from accepting gifts, special privileges, or investments that create conflicts of interest as well as a number of other activities to protect their independence. Journalists also should avoid getting too close to their sources.

Stewardship

Stewardship is the responsible management of something committed to one's care, such as the stewardship of natural resources. The term is used in two ways in this textbook. First, media practitioners such as public relations workers, advertising professionals and journalists-reporters, editors, publishers, media owners-are stewards of information and playa unique role in providing much of the content of public discourse.[45] The responsible exercise of this privilege, especially for journalists, includes upholding the First Amendment, which means they are stewards of free expression. Second, media practitioners exercise stewardship as they manage the resources of communication "with due regard for the rights of others, the rights of the public, and the moral health of their own occupation," in Lambeth's words. This, in our view, also should include the role of stewardship in keeping an organization fiscally responsible. As managers contemplate the consequences of media practices, such as reporting on potentially libelous material, they exercise a broad stewardship in weighing the effects of lawsuits against the importance of a story scheduled for publication or broadcast. At the same time, media managers also make decisions that affect profit margins and must weigh other principles that may threaten or enhance profit. At this point, the nonmoral value of turning a profit comes into play. Generating the necessary capital to run a media organization depends on its profitability, which means important stakeholders in any decision include managers, boards of directors and stockholders. Enormous pressures come to bear on media practices to ensure profitability. The decision maker always must weigh the nonmoral value of generating profits with competing moral values as they seek to resolve ethical dilemmas.

All media practices involve a variety of stakeholders to whom the practitioner owes loyalties and must take into account as ethical dilemmas arise. Journalists often think of the public as their primary stakeholders. James Carey of Columbia University pointed out, "Insofar as journalism is grounded,

it is grounded in the public. Insofar as journalism has a client, the client is the public.,,46 But defining that public is more difficult. Initially, journalists see the public as their readers and viewers. This becomes more complicated when individual members of this huge audience include the people being reported on. Thomas A. Warhover of the *Virginian-Pilot* (Hampton Roads, Virginia) writes that journalists often define their publics by what they are not. "If we attack cantankerous bureaucrats and corrupt officials, then they are not the public. If we monitor the public institutions that catch criminals, educate our youth, build our roads, and pick up our trash, then they are not the public either. It is not the powerful, the power brokers, the movers and shakers.,,47

On the other hand, even though these entities may not fit the implied meaning of "public" in the journalist's mind at the time a story is being reported on, they do become integral stakeholders to consider in the face of ethical dilemmas or potentially libelous situations. Thus, while the end-users of media products and services may be the largest group of stakeholders a journalist must consider, many other groups of people may become involved in the face of a looming ethical dilemma. The media practitioner also answers to editors, producers and public relations or advertising supervisors who, themselves, answer to executives up the chain of command in any media organization. In turn, media organizations answer to their boards of directors and stockholders. Individuals and organizations that become part of any media situation-such as news articles, feature stories, public relations and advertising campaigns-become important stakeholders, especially as situations become complicated or ethically challenging. Individual components of the judiciary may also become important stakeholders for the journalist who faces an ethical challenge. Malone said that when he reports on a story, he often thinks about how a jury of his peers would view his reporting practices, should the published story ever be litigated.[48]

The media professional has a lot to think about when confronting an ethical situation: the complicated facts of a case, the competing principles and values (including nonmoral values) and the various stakeholders to whom he or she owes certain loyalties. Former Harvard Divinity School professor Ralph B. Potter Jr. proposed a model of moral reasoning divided into quadrants-Situation Definition, Values, Principles and Loyalties.[49] Christians and others apply this reasoning device, called the Potter Box model, as an organizing framework or heuristic device for reasoning through ethical dilemmas in the cases found in *Media Ethics: Cases and Moral Reasoning.* 50 This model recognizes the interconnectedness of circumstances, principles and values, as well as the rights and privileges the various stakeholders may claim in any given situation (see Figure 2.1).

As the media practitioner considers the essential facts of a case, he or she will begin to see why certain values and principles emerge as important. Identifying the primary and secondary stakeholders will then suggest to the analyst which rights, loyalties and principles will be forced to compete with each other for primacy. Carefully considering the stakeholders involved in a case helps the media professional question his or her reasons for taking an action that may challenge principles he or she might otherwise have taken for granted. The decision maker may then come to realize that certain professional values held personally or by superiors or by the organization, for example, may tend to eclipse moral values. Christians and others suggest that reasoning in systematic fashion from one quadrant to the other will move the decision maker forward from moral reasoning to making decisions and taking actions based on thorough analyses (see Figure 2.2).

Figure 2.1 THE POTTER BOX

Situation Definition (Establishing the facts of the case)

Loyalties (Determining stakeholders)

Values Q:stql:?lishing values, both moral arid !"lon-moral)

Principles (Identifying competililg !">rinciples)

Source: Adapted from Clifford Christians, et. ai., Media Ethics: Cases and Moral Reasoning, 3-8

Certainly any heuristic device applied to real-world situations may seem rather simplistic in light of the complexity of social and professional life, the myriad details involved in human interaction, complex situations and any competing belief systems. Indeed, one limitation of the Potter Box may be in its lack of any inherent or implied philosophical framework to serve as a foundation for analysis. The editors of this text suggest a modified Potter Box model, called the Pyramid Model, which attempts to base analysis on a philosophical foundation.

The pyramid concept has been used for many years by journalism educators to describe the classic news lead. In this application, the news writer begins with the most important information of a story, then proceeds through quoted sources, narrative presentation of the facts, and then to the least important information. The image of a pyramid turned upside down-called the inverted pyramid-has been used to describe this way of reporting a story.

The triangular image used in this book offers a different application. We
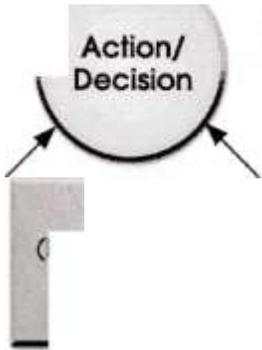
Figure 2.2 POTTER BOX ANALYSIS

SITUATION DEFINITION ::7 publishing the facts of the case)

I **Loyalties.** (Determining" stakeholders) ••.

Values (Establishing values, both moral and non-moral)

**Principles** (Identifying competing principles)

Source: Adapted from Clifford Christians, et. 01., <u>Media Ethics: Cases and Moral Reasoning</u>, 3-8

suggest a transformation of the Potter Box into a three-dimensional pyramid-a point-of-decision pyramid that will help the media practitioner think through an ethical dilemma to the point of making a decision. This Ilyramid assumes a weltanschauung or worldview at the outset. In light of the prominence of utilitarian ethics in media practice and the challenge posed by communitarian ethics, we suggest that the base of the pyramid alternatively consist of the utilitarian perspective or the communitarian perspective as a launching point upon which to build toward a point of decision through analyses of facts, principles/values and stakeholders (see Figure 2.3).
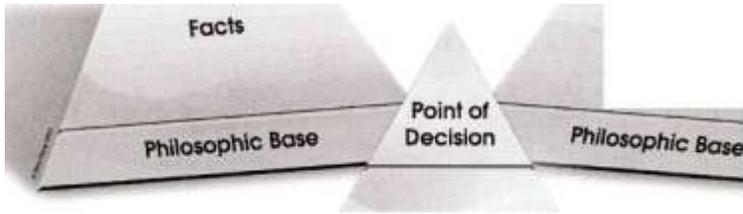
Figure 2.3

PYRAMID MODEL OF ANALYSIS
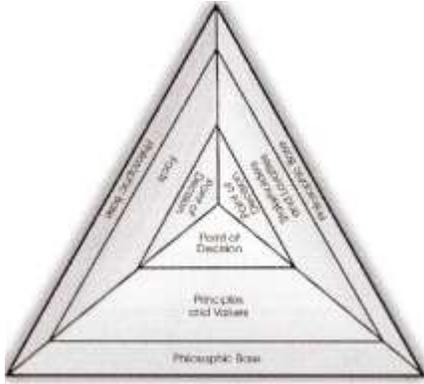
point of Decision

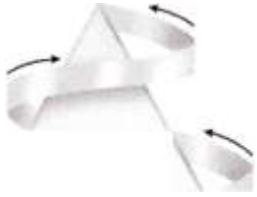*Point of* **Decision**

*Stakeholders and Loyalties*

Principles and Values

The contributors of the case studies in this book applied the Point-of-Decision Pyramid in their analyses (see Figure 2.4). This particular case study approach will serve to better equip readers and media practitioners to use their moral imagination for resolving ethical dilemmas, thus avoiding knee-jerk decisions based

Figure 2.4

PYRAMID MODEL: SPIRAL OF DECISION

Point of Decision
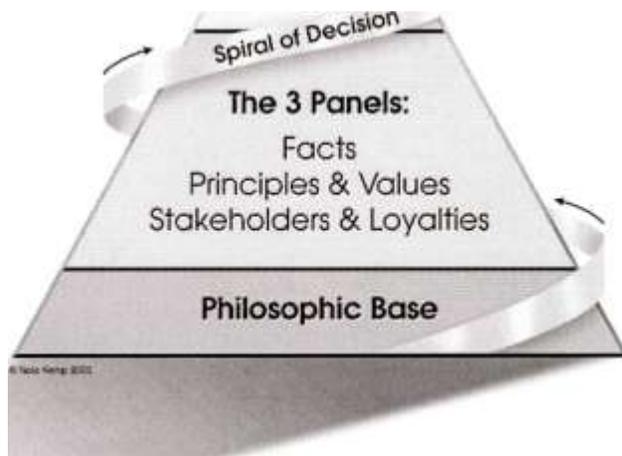
on individual ethics. The following paragraphs explain.

Moral reasoning always is built upon a philosophic foundation, whether or not the decision maker is aware of it. The base of the pyramid of moral reasoning in ethical cases represents the philosophical foundation that informs analysis. The decision maker first should consider the philosophical base as he or she moves from an arrangement of the case facts through the prioritization of the principles and to the list of stakeholders-primary, secondary and tertiary. As in the Potter Box analysis, the decision maker should move from one panel to the next in an effort to come to an informed decision.

First, bullet the case facts that give rise to the ethical dilemma. That is, cut through the fat of details to expose the raw nerve of moral crisis. The gradual exposure of essential facts will help expose the angst of conflicting moral principles, which leads to the second step-the relationship of principles in terms of stakeholders and loyalties. Moving back and forth from the stakeholder panel to the principles panel while constantly considering case facts in the first triangular panel will make apparent the competing principles and values.

The second triangular panel should list, in order of priority, the principles that emerge from an elaboration of the essential facts and thoughtful consideration of stakeholders. Because of their interchangeability, principles and values are considered in the same triangular panel.

The third triangular panel considers the stakeholders and should prompt the prioritization of stakeholders in light of competing rights, claims and loyalties as facts and competing principles and values become obvious. In fact, the first prioritization of principles in the second panel may need to be reconsidered as the analyst poses the following questions when considering stakeholders: Who has the most to gain and who has the least to gain as we move toward the point of decision? Conversely, who has the most and least to lose? Squarely situated on the foundation of a selected moral philosophy, we spiral upward through the prioritized elements of our triangular panels to the point of moral decision. The goal is to build an ethical structure that will still be standing after the storm of crisis has passed.

'Patricia Moy and Michael Pfau, *With Malice Toward All? The Media and Public Confidence in Democratic Institutions* (Westport, Conn: Praeger, 2000), 18; and H. Taylor, *Harris Alienation Index Virtually Unchanged from Last Year's All-time High* (New York, N.Y.: Louis Harris & Associates).

2Moy and Pfau, ibid., quote Gallup, *Public Confidence in Major Institutions Little Changed from* 1995 (New York: The Gallup Organization, 1996).

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'Peter Johnson, "Trust in the media keeps on slipping," *USA Today,* 27 May 2003, [Online] Available at http://www.usatoday.com/life/2003-05-27-medla-trust_x.htm

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d=1960339

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9Food Lion Inc. v. Capital Cities/ABC Inc., 27 Med.L.Rptr. 2409 (4th Cir.1999).

,oPhilip, Seib and Kathy Fitzpatrick, *Public Relations Ethics* (Fort Worth: Harcourt Brace College Publishers, 1995), iv.

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"Cornelius B .. Pratt and 1;; Lincoln James (1994), "Advertising ethics: A contextual response based on claSSical ethical theory, *Journal of Busmess Ethics* 13:6 (1994), 455-69.

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www.commercialexpJoitation.com and ABC News: "Obesity in America: How to Get Fat Without

Really Trying,"<http://abcnews.go.com/sections/WNT/Living/obesity_031208-I.html>.

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Philosophical Foundationsfor News Media (New York, N.Y.: St. Martin's Press, 1997).

16See Clifford G. Christians John P. Ferre, and P. Mark Fackler, *GoodNews: Social Ethics and the Press* (New York, N.Y.: Oxford University Press, 1993). For a popularized version of the

communitarian view, see Amitai Etzioni, *The New Golden Rule: Community and Morality in a Democratic Society* (New York, N.Y.: BasicBooks, 1996).

17Lambeth, *Committed Journalism, 20-21.*

"John Stuart Mill, *Utilitarianism* (Oxford: Oxford University Press, 1998), 7. 19Merrill, *Journalism Ethics ... ,*65.

2°Etzioni, *The New Golden Rule, 13.*

21Commission on Freedom of the Press, *A Free and Responsible Press* (Chicago: University

of Chicago Press, 1947), 102.

22Lambeth, *Committed Journalism, 8.*

21Eksterowicz, "The History and Development of Public Journalism," 15. 24Ibid.,16.

25Deni Elliott, "The Problem of Compassionate Journalism," in Jay Black ed. *Mixed News:*

The Public/Civic/Communitarian Journalism Debate (Mahway, N.J.: Erlbaurn, 1997),219.

26Edmund B. Lambeth, PhiliI1E. Meyer and Esther Thorson, eds., *Assessing Public Journalism* (Columbia: University of Missouri l-'ress, [998). See especially the introduction, which summarizes

the movement, 1-12.

27For another overview ofthe'public journalism movement, see "Civic Journalism: Can Press Reforms Revitalize Democracy?" CIl *Researcher* 6: 35 (Sept. 20, 1996), 817 -40. Also, Jay Rosen,

What Are Journalists For? (New Haven, Conn. and London: Yale University Press, 1999), and Eksterowicz and Roberts, *Public Journalism and Political Knowledge.*

28M~my' terms ~erve to e2illress ci~ic journalism, including the following: public, participatory or commumty JournalIsm. See I:l"lack, *Mlxea News ....*

29See Christians, et ai, *Good News* ... a comprehensive @olo~etic for the communitarian approach to media practices. Also, Clifford G. Christians, Mark fackler, Kim Rotzoll, and Kathy

McKee, *Media Ethics: Cases and Moral Reasoning* (New York: Longman, 2001). For a more libertarian view, see Merrill, *Journalism Ethics ....*

JOS~ee Christians, et al. *Good News* ... , a comprehensive illJologetic for the communitarian approach to media practices. Also, Clifford G. ChristIans, Mark Fackler, Kim Rotzoll, and Kathy

McKee, *Media Ethics: Cases and Moral Reasoning* (New York: Longman, 2001). For a more libertarian view, see Merrill, *Journalism Ethics*

l'Black, *Mixed News.,* vi. J2Ibid., 231.

33Etzioni, *The New Golden Rule, 21.*

34Christians, "The Common Good and Universal Values," in Black, *Mixed News, 21.*

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Development, 35 (1988),6-8.

36Lambeth, *Committed Journalism, 23.* 37Ibid.

38Ibid.

39Universal Declaration of Human Rights *Human Rights: A COIl1p.ilation oj International Instruments* (Geneva: Centre for Human Rights, 1988), 1-7. See also ClifforcfG. ChristIans' discussion

of universal values, "The Common Good and Universal Values," in Black, *Mixed News* ... , 18-33.

4"For a thorough discussion of principles, see Lambeth, *Committed Journalism,* 35-47. 4'Christians, "The Common Good and Universal Values," 22.

4'Ibid., 24.

4'Elliott in Black, *Mixed News* ... , 220.

44Universal Declaration of Human Rights, *Human Rights* ... , 1-2. 4'See Lambeth, *Committed Journalism, 32-33.*

46James W. Carey, "The Press and Public Discourse," *Kettering Review* (Winter 1992), II. 47Thomas A. Warhover. "Public Journalism and the Press: The *Virzinian-Pilot* Experience,"

in Eksterowicz and Roberts, *Public Journalism and Political Knowledge, '43.*

4'Dan Malone, personal interview, 18 April 2003.

49Ralph B. Potter ••.. "The Logic of Moral ArglJmen~t in *Toward a Discipline o[Social Ethics,*

ed. Paul Deats (Boston: noston UnIversIty Press, T972), ~3-114.   .

Christians, et aI, *Media Ethics* ... ,3-8.

categorical imperative a moral law that applies to all rational beings; an idea developed by philospher Immanuel Kant who posited that such laws become universal and should be independent of any personal motive, desire or perceived consequences.

civic journalism (also called public journalism) aims to provide people with news and information useful for effective citizenship and the fostering of democratic society. The content of print or broadcast news seeks to make citizens aware of their rights and obligations.

communitarianism holds that normative properties (decisions and actions) should be integral to a sense of community and community values in an equilibrium with active personhood.

deontology refers to the idea that one should act on principle or according to a universal moral duty rather than solely on the basis of consequences.

ethical egoism a system of ethics based on the belief that individual self-interest is the valid end of any ethical decision and all subsequent actions.

inductive reasoning a reasoning process that begins with cases, a collection of data or evidence from which a conclusion is drawn. The premise derived from inductive reasoning is based on facts or observations. By contrast, deductive reasoning begins with a premise or hypothesis and reasoning flows logically from premise to data gathering and analysis to conclusion. The premise attempts to establish sufficient reasons for accepting a given conclusion.

libertarianism a political philosophy built on the primacy of individual rights, private property ownership and free market capitalism. Libertarianism advocates for unfettered individual freedom in all areas of life without interference from government as long as individuals do not coerce or endanger others.

normative refers to norms or rules; normative or prescriptive theory explains how things ought to be (people ought to be honest, etc.). Ethics is about what ought to be, not what is.

outtakes that which is not used in an edited version of a film or videotape.

teleology refers to the study of evidences of design in nature. In ethics, it refers to moral systems that focus on the consequences of an action, also characterized as consequentalist moral systems. Thus, the morality of an action is determined by the consequences of that action.

utilitarianism a theory based on the notion that any decision or action should be taken in terms of consequences that result in the largest possible balance of pleasure over pain and the greatest happiness for the greatest number.