

Media Law and Ethics (JoCo2015)

Part Two: Media Ethics

Everyday Ethics

Ethics are the moral principles that govern the appropriate conduct for individuals and organizations. Journalists must always conduct themselves ethically. What are the elements of ethical conduct in journalism?

When you read an article in a newspaper or on a Web site, or when you see a story reported on your local television station, you most likely assume it is true. There's nothing more important to a news organization than **accuracy**, which means **getting all the facts right and always seeking the truth**. Consistent accuracy gives the journalist and the news organization **credibility, a reputation for being right**. Credible news organizations and their employees strive to be **fair and independent**; that is, free from the influence of government, businesses or individuals.

2.1 Ethics Defined

Ethics defined as field of philosophical inquiry which sets a standards of behavior as 'right' and 'wrong'. Ethics exists earlier than journalism or it started around 3rd B.C. in Greece. The term ethics comes from the Greek word 'ethos' which means character (prepared to what a good person does).

Good journalists live in fear of making mistakes, and they work very hard to avoid them. Mistakes do happen, however, so news organizations make an effort to correct them as soon as possible. The willingness to correct mistakes is another mark of credibility.

There are many day-to-day situations in which journalists have to make ethical decisions. Some people try to influence reporters, or persuade the journalists to write favorably about certain people or businesses. Some ethical decisions are small, such as whether they should let a community leader pay for the lunch they have together. Some are larger, such as whether they should take a free trip offered by the resort about which they will write a travel story. The Society of Professional Journalists has a broad Code of Ethics, but opinions may differ on how to handle some specific situations.

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The three basic parts of journalism ethics: eclectic stand

⇒ Truth telling

- The media may lose their watchdog role to the public
- The wellbeing of democracy suffers

Ethics presupposes accountability on part of the individual journalists as well as the media in general.

Ethical Views

There are two types of ethical views

A. Objective View

Considered that standards should be applied to all people in all situations at all times to be called ethical a person should practice what the society in. E.g. lying is unethical regardless of the circumstance of the surrounding it or of the values and believes.

B. Subjective View

Morality of an act depends on the cultures values and belief as well as on the particular circumstances. Recognizes that “the end might justify the means” a good result can justify the use of an ethical means to achieve that result. E.g. lying is unethical but making someone who is unattractive feel better by telling them they look great or telling a critically ill person that they will feel better soon should not be considered as unethical practice.

2.2 Theories of Ethics

There are three basic theories of ethics

1. Meta-ethics (classical theory)

Meta-ethics is a theoretical field of study which focuses on the nature of ethics and which searches meanings for theoretical abstractions such as goods, justice and fairness. It brings you theoretical foundations for making ethical decisions without being involved in the decision making process itself. The term ‘Meta’ comes from the Greek word meaning “underneath” or “behind”. It studies the paradigms underneath or behind ethical choice in the decision making process. The most well-known of this kind are:

A. Teleology

The word teleology comes from the Greek word ‘Telos’ means consequence or effect. It can be defined as ethical system with in which the moral worth of an action is judged by the relative

ahead and reports the truth even if he is certain that thousands of people will die because of the story as s/he matters to report the truth and not the consequences of that truth.

There are also two types

- **Pure deontology** - It rigidly ignores the outcome of the actions as long as they are based on sound principles.
- **Mixed deontology** - There is some attention paid to the consequences while the focus is still on adherence to principles.

Advantages of deontology

- Decision is easy by following a set of principles not the consequences as such.

Demerits/criticisms

- Consequences are unavoidable: Consequences can't be divorced from action (decision) taken
- Deontologists tend to absolutist: it lacks flexibility

C. Golden Mean (virtue ethics)

Strict rules that take away the moral agent own responsibility rebels against true ethical behavior. Absolutist tendency of deontology leads to a form of legalism. On the other hand teleology can produce some form of antinominism- a kind of morality that lacks rules, principles, codes, standards or directive which thus tend to relativism, anarchy and nihilism.

Virtuous person will be able to distinguish between two extremes and the ethical action will be the one that occupies the so called "golden mean" between two undesirable alternatives. E.g. extreme truth & extreme false are two undesirable alternatives so we should take the average.

2. Normative or Applied Ethics

It builds on meta-ethics. It reveals itself on the theories of the media in general and on code of ethics in particular. It assumes a different ethical stance (position) across differences in political ideology and varying theories of the media.

Normative ethics leads to applied ethics where insight derived from both meta-ethics and normative ethics are realized in practical terms. In applied ethics contrasting values are often weighed against one another in order to find responsible and practical way forward. Reaching at properly reasoned ethical decision is the concern of applied ethics.

1. Word choice - To be fair means to choose words to the best of your ability justly reflect the reality you are reporting on.
2. Perspective or context- Stories are incomplete without meaningful context. Use the best perspective or context
3. Providing sources with equal opportunity- You have to moderate issues evenhanded. Don't overlook a certain party, don't undermine the other one.

2.3.3 Independence

Keep your distance from anyone who is going to pressure. Maintain a sort of distance from yours/others' interest. There is conflict of interest. Preparing ourselves from apparent conflict of interest.

There are Pressure Source:

- I. **Advertisers:** might have some potential impact on reporting. They need smooth coverage when you cover the activities of the organization. Otherwise they decline their ad customary.
- II. **Political force:** they have the guns
- III. **Employers:** need make money from the selling of ad, articles, etc. If they are not very far sided they are not ready to accept something that not compromise their income. It is very much social
- IV. **Personal interest:** this is the most dangerous one.
- V. **Circle of influence:** So who can have potential up on you? Independence is a defense to:

- ❖ Conflict of interest
- ❖ Competing loyalties to outside or yourself or your profession is of fundamental ethical principles.

Conflict of interest is something which affect credibility what people consider from us. Credibility can be compromised the moment audiences identify conflict of interest in your production even when the reporting is actually fair. What matter you have the image in the eyes of the people.

The overall concern of independence is journalists must be bought. The moment they are bought they are reducing themselves as some.

Area of conflict

- **Blood relation with subject:** there is one say "blood (the issue of affiliation) is thicker than ink [material (pen) reporting]." The remedy for such conflict of interest is to disclose

not be sold to the public. This is the case for sports reporters who sit in a press box to cover a game. If ever in doubt about accepting anything from a source or the source's representatives, a reporter should discuss it with editors.

2.3.5 INTEGRITY

Journalists frequently face situations that test their integrity, that quality of possessing an inner sense of knowing right from wrong and adhering to high moral principles or professional standards. Often journalists have to decide the honorable way to handle a source, or the right way to deal with information they get from a source. Suppose you agree to keep confidential a source who supplies you some good information. Back at the office, however, your editor says the information cannot run without attribution. Do you go back to the source and ask that person to go on the record? Do you publish the source and explain later that it was the boss's decision? Your natural instinct is probably to go back to the source and ask that person to go on the record because that's the right thing to do. Your integrity is guiding your decision making.

What about the information from your source? Suppose you see a few facts that you question. Do you run the information anyway because you got it from an on the record source? Do you take the time to verify those facts that raised questions for you? Verifying facts, no matter who presents them, is always a good idea.

Some reporters say that their reputation is the most important professional asset they have. Reputable reporters always try to do the right thing. They don't misrepresent themselves or break the law to get a story. They treat their colleagues, the public and their sources—the people from whom they get information—fairly and respectfully. They live and work with integrity.

Journalists who act with integrity are honest in their reporting, and they are honest with readers and viewers about where they get their information. This principle of honesty is the reason many news organizations discourage or ban the use of anonymous sources except in extraordinary cases. Anonymous sources are sources who don't want to be named. News organizations now encourage transparency, which means writing into the story where the information came from and allowing the public to decide for itself whether to believe the story.

Imagine you are a reporter for your high school newspaper and you find out from the principal's son, a fellow student, that his mother will be moved to another high school at the end of the semester. Because the son was not supposed to tell anyone this news, he wants to be anonymous, or unnamed in the story. He says you should call him "a source close to the principal."

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That would not be permitted by many news organizations. However, a good reporter may still go after the story by trying to get the information on the record, meaning that the source

influence an audience. Propaganda is often biased, with facts selectively presented (thus possibly lying by omission) to encourage a particular synthesis, or uses loaded messages to produce an emotional rather than rational response to the information presented. The desired result is a change of the attitude toward the subject in the target audience to further a political, or other type of agenda. Propaganda can be used as a form of political warfare.

2.5.2 Media bias

Media bias is the bias of journalists and news producers within the mass media in the selection of events and stories that are reported and how they are covered. The term "media bias" implies a pervasive or widespread bias contravening the standards of journalism, rather than the perspective of an individual journalist or article. The direction and degree of media bias in various countries is widely disputed. Practical limitations to media neutrality include the inability of journalists to report all available stories and facts, and the requirement that selected facts be linked into a coherent narrative. Because it is impossible to report everything, selectivity is inevitable. Government influence, including overt and covert censorship, biases the media in some countries, for example North Korea and Burma. Market forces that result in a biased presentation include the ownership of the news source, concentration of media ownership, the selection of staff, the preferences of an intended audience, and pressure from advertisers.

Types of Media Bias

1. **Bias by omission** -leaving one side out of an article, or a series of articles over a period of time; ignoring facts that tend to disprove liberal claims, or that support conservative beliefs; bias by omission can occur either within a story, or over the long term as a particular news outlet reports one set of events, but not another.
2. **Bias by selection of sources** - including more sources that support one view over another. This bias can also be seen when a reporter uses such phrases as "experts believe", "observers say," or "most people believe".
3. **Bias by story selection** - a pattern of highlighting news stories that coincide with the agenda of the Left while ignoring stories that coincide with the agenda of the Right; printing a story or study released by a liberal group but ignoring studies on the same or similar topics released by conservative groups.
4. **Bias by placement** - Story placement is a measure of how important the editor considers the story.
5. **Bias by spin** - Bias by spin occurs when the story has only one interpretation of an event or policy, to the exclusion of the other; spin involves tone - it's a reporter's subjective comments about objective facts; makes one side's ideological perspective look better than another.

purse. It is acceptable, however, to use someone else's idea or concept for a story. News organizations routinely take ideas from one another. City newspapers like to localize a national story by getting their own sources and examples. The key is that they do their own reporting by finding new and different examples.

Newsmen and women also commit plagiarism when they lift ideas from books and other media without attribution. But it is in the best interest of journalists and their mass media to acknowledge their sources, because if the story lifted turns out to be false, the blame will first go to the original source. Besides, since the game of the media is to be the first to come out with the news, those who go to great extents to achieve that feat should be accorded their deserved credit, in the interest of fairness? Therefore, when reporters obtain statistics from documents to beef up their reports, it is only proper that they should indicate the source.

Why plagiarism is considered a serious offence in the academia? Discuss.

2.5.4 Fabrication

There is no fiction writing in journalism, and fabrication is fiction writing. Fabrication covers everything from making up quotes and details to make a story more exciting or interesting, to writing a whole story that didn't happen. Fabrication can be more difficult to detect than plagiarism. The editors at USA TODAY found this out the hard way. In 2003, an investigation of the work done by one of the paper's star reporters, Jack Kelley, revealed many instances where he had made things up. Kelley resigned, as did two top editors who worked with Kelley. Two other editors were reassigned because the investigation showed there were quotes, descriptions and whole stories fabricated over a number of years that should have been questioned by good editors.

2.6 Code of Ethics

Code of ethics has both characteristics of law and ethics. It is codified ethics. It is a guideline as how to behave. It has a sanction but different from the pure law. An important distinction must be made between law and ethics. Because the two things are not equal. The legality of an action doesn't necessarily mean that it is ethical; an illegal action is also not be definition unethical.

Laws are not the cornerstones of democracy. **It is the moral respect of the law that provides the foundation for democratic culture.** Here there are two important things that came out at once: law and morality (ethics). **All laws must be morally just.** If laws are morally unjust a case can be made for civil disobedience.

2.6.1 How journalists see laws and ethics?

3. Being general and vague by definition- The particularities are easily ignored, making code of ethics not a realistic but an idealistic tool and hence meaningless
4. It can be used against journalists in court of law
5. Values cannot be forced upon people

Although there is a lot of truth in these arguments none of them are compelling enough. The good that code of conduct/ethics can lead to, if correctively used, certainly outweigh the harm they can cause.

2.7 Self-Regulation

2.7.1 The Definition of Self-Regulation

At one end of the spectrum, the term is used quite narrowly, to refer only to those instances where the government has formally delegated the power to regulate, as in the delegation of securities industry oversight to the stock exchanges. At the other end of the spectrum, the term is used when the private sector perceives the need to regulate itself for whatever reason—to respond to consumer demand, to carry out its ethical beliefs, to enhance industry reputation, or to level the market playing field and does so.

Thus, the term “self-regulation” means that the industry or profession rather than the government is doing the regulation. However, it is not necessarily the case that government involvement is entirely lacking. Often times, an industry (the press) will engage in self-regulation in an attempt to stave off government regulation. Alternatively, self-regulation may be undertaken to implement or supplement legislation.¹⁵

2.7.2 Arguments in Favor of Self-Regulation

The claimed advantages of self-regulation over governmental regulation include **efficiency**, increased **flexibility**, increased **incentives** for compliance, and reduced **cost**.

- For example, it is argued that industry participants are likely to have “superior knowledge of the subject compared to [a] government agency.” Therefore, it is more efficient for government to rely on the industry’s collective expertise than to reproduce it at the agency level. This factor may be particularly important where technical knowledge is needed to develop appropriate rules and determine whether they have been violated.
- **Second**, it is argued that self-regulation is more flexible than government regulation. It is easier for a trade association to modify rules in response to changing circumstances than for a government agency to amend its rules.
- **Another** argument in support of self-regulation is that it provides greater incentives for compliance. It is thought that if rules are developed by the industry, industry participants