CRISIS
OF
CONSCIENCE
Perspectives on Journalism Ethics

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The State of Journalism Ethics

The study of journalism ethics has become something of a growth industry. Whereas only a decade ago there was just a handful of books on the topic, today there are dozens. Several nationally distributed periodicals devote themselves entirely to the subject, and scores of other publications include regular articles and studies about journalism ethics, a discipline that more than one observer has contended—only half in jest—is a contradiction in terms.

Is there really a need for another book about journalism ethics? I wrote this work partly out of frustration—not at the quality of other works in the genre, because most are excellent in their own specific ways—but because few observers have attempted to knit together all the offerings from various fields, leaving us very much like the blind people clinging to assorted parts of the elephant's anatomy. We all seem to have grabbed a piece of something and assumed that what we have is all there is: that the tail is a rope, the trunk is a snake, and the leg is a tree.

Perhaps you've noticed this phenomenon in your own reading, or by viewing seminars at which experts from various fields debate whether the news media have acted “ethically” or “unethically.” Usually, the constituency of these panels includes practicing journalists, former journalists who now teach and/or write about the profession (the category into which I fall), and a variety of academics from disciplines outside of journalism.

On paper, these presentations usually promise to be lively and intriguing; in actuality, they often fall flat, and do so in a predictable pattern. The journalists parade their horror stories. The communications researchers hand out their papers and statistical analyses. The historians lecture about original intent in the Constitution. The lawyers recite their libel law. The philosophers quote some Aristotle. And then we pack up our briefcases and leave without making any real attempt to draw interconnections among the ideas presented.
Goal of the Book

If you are using this book as a text in a course about journalism ethics, you probably share some of the same frustrations. Is the field of “ethics” about law, philosophy, communications theory, or just commonsense applications of what you learned in Reporting I? I believe it is about all these things—and more. There is a spiderweb of connections among all of these disciplines, and taking a step back and appreciating the pattern of that web is the goal of this book. *Crisis of Conscience: Perspectives on Journalism Ethics* dissects the case histories of alleged media biases, insensitivity, lack of objectivity, irresponsible and unfair reporting, and “unprofessional” journalistic conduct. But the book also traces the sometimes spectacular historical struggle for freedom of expression, and clarifies some of the arguments which—once they are translated from the often obscure technical language of philosophy—shed a blinding, crisp light on ethical problems that have confronted men and women for centuries. Note, too, that what we term “philosophy” also digs into some rocky ground for the student of journalism ethics. We’ll study logic—a branch of philosophy—and see how unwarranted leaps of logic can distort the facts as we see them. And we’ll even dig a little more deeply into the concept of how we “see” those facts by occasionally examining a branch of philosophy known as *epistemology*—the study of how we know what we think we know.

Above and beyond the fact that the study of journalism ethics involves an enormous linkage to other eras and other disciplines, the field itself is *fascinating*. Once we take the time to fit all the interdisciplinary pieces together, we find that the factors that have intermingled to form the doctrines under which American journalism now functions crackle with the excitement of a good novel. A host of characters advance the plot—in ways that may surprise you.

For example, we’ll explore the fact that Christopher Columbus, a consummate public relations practitioner, was probably as important a player in the early development of mass communications as was Johannes Gutenberg, the inventor of movable type. We’ll examine why the U.S. Civil War forever changed the way news was gathered and presented and also transformed our ideas about “objectivity.” And we can travel back just about a hundred years to discover that many of our fundamental concepts about privacy stem not from abstract legal doctrine but from the anger felt by a young attorney named Brandeis, who went into a huff when reporters crashed a social gathering at his law partner’s home.

In addition, this book makes an effort to *define* some of the terms we use to debate journalism ethics. For instance, we consistently batter each other with charges that we have not been “fair” or “objective,” but we do so without *really* coming to grips with what those terms mean. As we will see, concepts such as fairness are often in the eye of the beholder—or, as another example, in the artificial eye of the camera lens, which can be used by an
operator skilled in artifice to paint entirely different pictures from the same set of circumstances. Even such seemingly self-evident concepts as “truth” will be dissected, thrust under our microscope, and reassembled in such a way that we can at least do battle with a common vocabulary. In Chapter 5, for instance, we reprint two completely “true” stories—stories that evoked entirely different “realities” and, in a strange type of verbal reversal, eventually backfired, producing reader reactions exactly opposite from the author’s and editors’ original intent.

Finally, we will, at appropriate points, consider journalism ethics as an individual responsibility, evaluating whether ethical questions are a matter of groupthink and collective puzzle solving, or if they begin and end with the virtue of one man or woman—a man or woman who may have to make an individual decision and pay the resulting individual price.

These approaches in and of themselves are not entirely new, of course. Historians—good ones—are usually quick to point out that history is a web of interconnections, not a series of dates, battles and revolutions entirely unto themselves and unrelated to the rest of society. Many philosophers, including the Britisher A. J. Ayer, noted that most arguments are a waste of time until we get down to the business of defining exactly what it is we’re talking about—sort of an intellectual “garbage-in—garbage-out” theory of reasoning. And the concept of individual virtue as an ethical yardstick was hardly foreign to such thinkers as Socrates, Plato and Aristotle, the first of whom learned and taught a particularly difficult lesson about paying a price, the ultimate price (via a goblet of forcibly ingested poison) for standing by an individual decision.

But taken together and applied to journalism, I hope that these frameworks will provide an original approach to the issues involved. Here is how it will be approached:

**Organization of the Book**

This book is divided into four parts:

Part One of *Crisis of Conscience: Perspectives in Journalism Ethics* examines some of the premises on which our concepts of journalism and journalistic ethics are based.

Part Two focuses on some of the principles we commonly associate with journalism, principles such as accuracy, objectivity, responsibility and fairness; the chapters in Part Two unravel the fabric of those ideas and search for the common thread with which we can reliably trace an ethical conflict.

The chapters in Part Three probe how principles of journalism come into conflict with the day-to-day realities of news and news gathering.
Part Four examines the successes and failures of various attempts to resolve the problems, and proposes a concluding personal viewpoint on journalism ethics and a defense of that view.

There Are No Easy Answers

Every journalist learns, at some point in his or her career, that when you cannot come up with an articulate summary for an article, chapter or, in this case, a book introduction, you can always fall back on the stock phrase, "There are no easy answers." That cliche is intoxicatingly compelling because it is almost always true. But there are answers to some of the questions that confront journalism; I truly believe that. And the answers don't elude us because we are inept at finding answers.

We just haven't been asking the right questions.

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CARL HAUSMAN
Chapter 1
Evolution of Modern Journalism

If I loosened the reins on the press, I would not stay in power three months.
—Napoleon, explaining why he would control the newspapers of Paris and appoint himself editor in chief of his own house organ, the Moniteur.

In 1579, an independent-minded journalist named John Stubbs was among the first in his profession to discover, in a painful and convincing manner, the predicament that underlies many decisions about what makes the news and what does not. Stubbs, whom historian and journalist Nat Hentoff (1988, p. 57) termed “a critic of certain royal policies,” found his freedom of expression compromised by Queen Elizabeth. She was (they were?) not at all amused by an attack Stubbs had written concerning the proposed marriage between the Queen and the Duke of Anjou.

To prevent him from promulgating further sedition, Stubbs’s right hand was severed. Then more acutely aware of where his best interests lay, Stubbs raised his remaining hand and uttered a simple and direct oath: “God save the Queen.”

The co-opting of Mr. Stubbs is one example of the long series of conflicts that affect the journalist: What do journalists have a right to say, and by whose authority can they be forced not to say it? By what mechanisms are journalists, including the unfortunate Mr. Stubbs, restrained from disseminating information that is inflammatory, biased, an invasion of privacy, obtained illicitly, in violation of a personal or professional ethical standard, or simply false?

These and other frictions will, of course, be discussed at length in the following chapters. But first, it may be worthwhile to take a closer look at
several of the deep, underlying fossils that chronicle the evolution of present-day concerns over the practices and scruples of journalists.

The modern mass media began, appropriately enough, as a commercial venture. It is unlikely that Johannes Gansfleisch, later to adopt his mother's surname of Gutenberg, harbored particularly lofty ambitions when he set about perfecting a machine that used movable type, an innovation that made mass production of written material possible and eliminated the need for the cumbersome process of copying any manuscript by hand. Rather, in true entrepreneurial fashion, he reacted to supply and demand factors: The Black Death had devastated the literate community and the surviving scribes commanded outrageous salaries.

Some sort of automated writing was, for those weary of being gouged by the surviving scribes, a dire necessity. The technology, though, proved hideously difficult to perfect. The Chinese had tried—for centuries—but their clumsy porcelain-block technology and huge inventory of alphabetic symbols made their efforts hopelessly cumbersome. But Gutenberg, a goldsmith from Mainz, Germany, had two major advantages over the Chinese: a knowledge of metalworking and an alphabet of only 23 characters.

While the precise technological origins of automated printing and movable type are in dispute (many inventors lay claim to portions of the process), the historical effect is quite clear. Knowledge, in the words of journalist and historian James Burke (1978, p. 105) was "democratized." Provided you could "pay and read," Burke wrote, "what was on the shelves in the new bookshops was yours for the taking. The speed with which printing presses and their operators fanned out across Europe is extraordinary. From the single Mainz press of 1457, it took only twenty-three years to establish presses in 110 towns: 50 in Italy, 30 in Germany, 9 in France, 8 in Spain, 8 in Holland, 4 in England, and so on."

While a product recognizable as a newspaper would not surface for another two centuries, the printing press almost immediately became a powerful medium of spreading information about events which recently happened—or, for lack of a better definition—news. And, as became the case with this new commodity of easily spread news, the relationship between the medium and the event was symbiotic. In the case of the Gutenberg machine, the power of the press was linked to the discovery of the New World. The power of the event was fed by the reach of the media; the power of the media was fed by the excitement over Columbus's discovery.

Christopher Columbus was keenly aware of the benefits of good public relations. He did, after all, rely on the largess of notables and nobility, and from historical accounts (Stephens, 1988, pp. 82-83) Columbus was active on the banquet circuit and spread news of his discoveries with the zeal of an accomplished press agent. The new printing press, which had virtually just arrived in Spain, was put to work spreading word of the New World. Hundreds of copies of Columbus's version of his exploits were in circulation.
when the explorer's tour returned to Barcelona, and other such materials were translated and printed in Rome, Paris, Antwerp, and Florence.

The net effect? As Mitchell Stephens described in *A History of News: From Drum to Satellite* (p. 83):

Thus the letter press Gutenberg had developed—the invention of the century—was able to circulate a firsthand account of Columbus's voyage—the story of the century—to a significant portion of literate Europe within months of his return. Columbus's voyage helped demonstrate the power of Gutenberg's press as a method for moving news. And the letter press arrived in a Europe whose geographical, philosophical and economic frontiers were about to race outward, a Europe ready for a news medium equipped to give chase.

But the Europe so ready to expand its borders was not so eager to expand the freedom to use this new device. The British monarchy, as Mr. Stubbs would learn fifty years later, quite naturally viewed the "democratization" of information as a threat to the established order.

How the British and eventually the Americans dealt with this threat is the main path of our narrative, but it is worth a side trip to note that the Columbus/Gutenberg connection would be but one example of the symbiotic relationship between advances in media technology and events that propelled that new medium to greater importance. When Morse refined his telegraph, for example, he not only put the Pony Express out of business but also made it possible for a group of newspapers to pool their resources and form the Associated Press, the first nationwide electronic news service. This service was a totally new type of business, and it would foster a totally new type of information exchange—for the AP would soon become the principal source of information about the American Civil War. Since the AP served customers of all political persuasions, the coverage had to be neutral in tone. As a result, a new mass communications technology melded with an event of staggering proportions in a new symbiosis that produced not only the news service but the principle of journalistic objectivity.

When wires became cumbersome for certain communications applications (ship-to-shore transmissions being an obvious case in point) the "wireless" would mature, expand, and enjoy its great moments—again, in a symbiotic relationship with a major event. In this case, the event shook the world and radio brought the earthshaking news into living rooms half a world away. As Edward R. Murrow, the pioneer of broadcast journalism, intoned his famous "This... is London," Americans felt the immediacy of a distant war. They vicariously experienced the hardships of Londoners during World War II, and heard with their own ears the cacophony of the Nazi blitz. Moreover, they felt the drama. Murrow's pregnant pause after "This..." heightened the intensity. (Indeed, the pause had been incorporated into his reports at the suggestion of his one-time speech teacher.) Radio became the medium that brought great events into the living room, and with it brought elements of the dramatic, the theatrical, and the sensational.
Television, regarded in the years after the war as something of a clumsy stepchild to radio, would eventually create a sense of drama and immediacy equaling and in some ways surpassing radio. TV, though, lacked two prerequisites: technical feasibility and a symbiotic event to propel it to its great moment.

From a mechanical standpoint, early TV was a technical disaster. It was studio-bound and hopelessly cumbersome. Film crews could provide pictures for TV, but the technology still offered a minimum of portability; as a result, TV was a novelty but not a practical method for disseminating news. Former CBS News President Fred Friendly remarked (interview, 1987) that covering the Korean War for television was like being forced to carry "a two thousand pound pencil."

Even studio operations were clumsy. Newscasters had very little alternative but to read their copy to the camera, blinking through the blinding lights that were needed by primitive cameras. There were no TelePrompTers, of course, so a newscast usually involved little eye contact and a great deal of paper shuffling, and the static shot of the announcer simply reading the news was not particularly evocative. Alternatives were tried. Douglas Edwards'
(Don Hewitt, now executive producer of "60 Minutes") tried to convince Edwards to learn how to read Braille; Edwards refused. Some newscasters prerecorded their scripts into an audio tape recorder before airtime, and played it back through an earpiece as they repeated the script while holding eye contact with the camera. While a novel approach, this was not something everyone could master.

And what could a newscaster show, given the constraints of early TV? Newsreel footage was available, but it was hardly a timely way to relay information; the two-thousand-pound pencil still could not instantly be pressed into use to cover breaking news. Personalities such as John Cameron Swayze tried diligently to inject visuals, sometimes pointing to hand-drawn maps. The effect was, if not ludicrous, rather ungainly.

But as technology evolved, television would now have its great moments. The innovators who refined this laughingstock of a medium knew that the impact of actually seeing events would someday be stunning—and surely enough, viewers marveled at the famous moment when Murrow would show live shots from the West and East Coasts. As television became "respectable," viewers would soon number in the millions; they would be marshaled into what might be described as a manufactured national experience.

The year 1955 produced such an experience, a milestone of sorts: On March 7, one out of every two Americans was watching Mary Martin play Peter Pan on television. Media analyst Leo Bogart (1972, p. 1) asserted that, "Never before in history had any single person been seen and heard by so many others at the same time. The vast size of the audience was a phenomenon in itself as fantastic as any fairy tale."

But the phenomena of size and power had, by this time, become painfully evident to Joseph McCarthy, the junior senator from Wisconsin who resurrected the witch-hunt as a political tool. McCarthy enjoyed enormous power as a result of his fanatical inquisitions into the lives of supposed Communist infiltrators. But in 1954 McCarthy had seen his career scuttled when millions watched the evolving medium and did not like what they saw. It was, perhaps, the first great TV moment, the event that was finally able to capitalize on the evolving technology and use that new technology to its ultimate. Murrow assumed a role of objectivity and used film, film shot on the Senate floor under reasonably ideal and static conditions, conditions that did not reduce television images to a cumbersome two-thousand-pound pencil, to lay bare the sinister tactics used by McCarthy. Murrow simply played back portions of McCarthy’s speeches, and McCarthy’s tactics were reflected—warts and all—to the public, reflected by the medium that had been dubbed "the mirror with a memory."

Television, then, had added another element to the media arsenal: spectacle. The mass spectacle could not only galvanize millions who marveled at Mary Martin but also could mobilize mass opinion among those who had been repelled by their unfiltered reflection of the junior senator from Wisconsin.

The abilities of the media to reach large audiences, to provide immediacy and spectacle, and to provide an audience with ostensibly objective (and
editor of the *New York Weekly Journal*, had been sharply critical of New York Colonial Governor William Cosby. As a result, Zenger was jailed in 1734 and tried the following year for the crime of seditious libel.

Zenger’s attorney, the elderly, white-maned Andrew Hamilton, argued that since the criticisms of Cosby were *true*, they did not constitute libel. The prosecution, though, contended that the truth of the comments only exacerbated the crime. Veracity, under the seditious libel law in effect during pre-Revolutionary days, only served to make the statements more inflammatory.

But Hamilton argued his case brilliantly, actually convincing the jury to ignore the judge’s instructions and find Zenger innocent. His tactic? Hamilton circumvented the abstract issue of a “free press” and concentrated instead on the right of average citizens to complain about an incompetent administration.

And so a major precedent had been set: Truth was a *defense* against libel, and seditious libel was therefore weakened as a tool of restraint.

British control would, of course, soon be overthrown, and a new framework of law would emerge from the Constitution and the Bill of Rights. And while some would argue against portions of the Bill of Rights, there was comparatively little opposition to a *general statement* affirming the general concept of a free press during the Constitutional Convention of 1787 or the drafting of the Bill of Rights in 1789. *Specifics*, though, were another story. Klaidman and Beauchamp (1987, p. 7) in their insightful study *The Virtuous Journalist*, provided a historical sketch of the climate of the times:

Virtually everyone accepted the principle of press freedom, as a rejection of precensorship and licensing. However, the context of the principle was unsettled. The idea that there should be no prior restraints on publication was supported almost unanimously, but so was the principle that there should be legal recourse for anyone damaged by licentious publication.

While the “context of the principle”—the precise rights granted by the First Amendment—remains unsettled to this day, the die had been cast. The American press, while not allowed absolute freedom, had been granted specific and fundamental legal protections by a government which, in the process of its creation, had granted *itself* only limited powers. While, as Jimmy Carter once pointed out, the United States certainly did not invent freedom or human rights, it could rightly be said that the quest for freedom and human rights invented the United States.

Control of mass communications is the first and most fundamental conflict in what is, when viewed from a historical perspective, a relatively new phenomenon. The democratization of information gave birth to an entirely new set of practical dilemmas.

As one example, before the advent of mass communication, little if any sustained thought was given to invasion of privacy (a topic discussed in depth in Chapter 7). Sedition was certainly a less onerous threat to the ruling
The flames of rebellion were spread only by word of mouth; the invention of mass communications media changed that completely and permanently. Communications media would encounter entirely new dilemmas. The immediacy of the new technological wonder called radio could convey not only the drama of the blitz on London, but also had the power to cause a nationwide panic among naive listeners who could not distinguish between the drama of a real war and the drama of a fictional Martian invasion. The spectacle and mass audience appeal of television could bring down a demagogue, but could also be put to far less noble and evenhanded enterprises. As a result, the practitioners of journalism faced dilemmas involving ethics.

What, exactly, is ethics, and how does one reason ethically?1 Consideration of those questions must wait until the following chapter, but at this point it might be worth noting that many of the journalists who pioneered the practice of judging right from wrong—and as John Dewey (edition 1969, p. 1) said, it is the business of ethics to judge—did so on a very personal level.1 Cubbs, Harris, and Franklin faced a risk to their persons. Later practitioners risked their personal reputations and careers. And in a field where so much ethical firmament was carved out of personal risk, a case can and will be made that ethics must remain largely a matter of personal judgment.

While it is undeniable that news reporting has become a bureaucracy, bureaucracies have never been known for sharing a collective ethic. Codes of ethics have been employed, certainly, and management of all media has handed down ethical edicts and intricate procedures governing professional conduct. But can virtue be passed down by edict? To paraphrase Aristotle, it is doubtful that a person of bad character will be reformed by lectures.

Consider, also, the role that personal ethics played in the development of modern journalism, as news outlets continued their evolution away from government control and, as recounted by former Columbia Journalism Review Editor James Boylan (1986, p. 32), moved away from institutional and bureaucratic control as well.

In general, these new managements [of newspapers which in the 1960s began to shift away from centralized institutional control] shifted toward greater emphasis on reporting, less on editing, allowing reporters to look at themselves as true professionals. The reasons for this shift were varied, but one common theme was the desire to maintain journalistic integrity. As former Washington Post editor Ben Bradlee said, "We are in the business of truth, and we are not in the business of entertaining." This attitude was reflected in the work of journalists like Carl Bernstein and Bob Woodward, who investigated and exposed Watergate and other government scandals.

1 Some scholars of ethics and philosophy draw a distinction between "reason" and "ethics," maintaining that reasoning and ethics are different things, and therefore "reasoning ethically" is difficult or impossible. For example, D. A. J. Richards in his book A Theory for Reasons and Actions (Oxford: Clarendon Press, 1971) makes this distinction, claiming it is inaccurate to confuse "rationality" and "reasonableness." The rational is governed by the principles of logical choice, but what is reasonable is what is required by moral principles that specify duty and obligation, and to sum up the argument in my own words, never the twain shall meet. However, such a view is not universally held. If you are interested in a rebuttal, see Ronald D. Milo's Immorality (Princeton, NJ: Princeton University Press, 1984), in which he argues that morality can indeed be a source of reasoning.
professionals, overcoming at last the petty standards imposed by the desk. Being a pro came to mean more than being a good soldier; it meant allegiance to standards considered superior to those of the organization and its parochial limitations. (Emphasis mine.)

That personal ethic reflects what has been termed the "professionalism" of reporters. While the word "profession" has many connotations not necessarily relevant to this discussion, many, including columnist and author Walter Lippmann, saw the professionalism of reporters as the most striking change in journalism since the British and Colonial governments abolished press licensing.

In an address to the International Press Institute in 1965 (cited by Boylan, p. 34), Lippmann maintained that:

This growing professionalism is, I believe, the most radical innovation since the press became free of government control and censorship. For it introduces into the conscience of the work of the journalist a commitment to seek the truth which is independent of and superior to all his other commitments—his commitment to publish newspapers that will sell, his commitment to his political party, his commitment even to promote the policies of his government.

Lippmann would later live up to his personal ethic when he refused to be co-opted by Lyndon Johnson, who—stung by Lippmann's refusal to toe the party line on Vietnam policy—made Lippmann something of a pariah in the Washington press corps. As Lippmann packed up and left Washington, he warned his colleagues to "put not your trust in princes."

The practitioners of the personal ethic of virtue have, historically, seemed equally reluctant to invest unquestioned trust in princes, in elected officials, in news bureaucracies or even the people themselves. Murrow and his colleague Fred Friendly bucked an unsupportive CBS corporate structure and a timid, apathetic press corps when they sought to illumine the tactics of Senator McCarthy. In fact, Murrow and Friendly faced such corporate trepidation that they were forced to invest money from their own pockets to produce and promote the program.

Murrow summed up what might be the core of the personal ethic at the conclusion of his "See It Now" program on March 9, 1954. After letting viewers see McCarthy tactics with their own eyes, Murrow pointed out (Murrow collected broadcasts, 1957, p. 355) that McCarthy did not create the climate of fear, but "he merely exploited it and rather successfully."

"Cassius was right," Murrow concluded. "The fault, dear Brutus, is not in our stars but in ourselves."
Chapter 2

On Reflection: Ethics and Its Relevance to Modern Society

At least you'll have a short bibliography.

—Reaction to Professor H. E. Goodwin when he told friends he was writing a book on journalism ethics

While it is doubtful that editorial conferences in most newsrooms will soon involve regular analyses of Kant or Aristotle, a case can be made that the works of so-called classical philosophers are having an impact on the way decisions are made; and that a demystification of philosophical reasoning could at the very least provide an individual an insight into his or her ways of thinking and decision making.

As examples, consider the context of these two remarks:

During the PBS series “Ethics in America,” former CBS News President Fred Friendly spoke of the need for a “categorical imperative” when evaluating newsroom ethics. Act, Friendly advised, as though your principles would be followed by everyone.

A newspaper editor interviewed by this author once decided to proceed with publication of a controversial investigative article concerning a Colorado judge—an article that apparently was the cause of the judge’s suicide. The editor, Jay Whearley, who at the time of the incident worked for the Denver Post, maintained that he was guided by utility, the principle of “producing the greatest good for the greatest number.” It was regrettable that the subject of the exposé had killed himself, but this was a legitimate story about a public official. In the long run, more people were helped than hurt by the discovery of the scandal.
It would appear that there is something of a junction developing between the disciplines of journalism and philosophy. Witness the examples cited above: Terms such as "categorical imperative" and "utilitarianism" were once the sole domain of the ethicist, but are gradually moving into the newsroom's lexicon. At the same time, highly publicized journalistic dilemmas are becoming the subjects of debate and analysis by scholars trained in philosophy.

But decisions regarding ethics, by their very nature, are rarely clear-cut. Since the issues are generally intertwined with a series of problems and dilemmas, the decision maker must recognize those ideologies and thought processes that contribute to the issue at hand—recognizing that the typical "ethical" dilemma does not emerge from a vacuum and unfold with mathematical precision.

Second, there is a danger of slinging charges involving the term "ethics" when it is unclear exactly what that term means. Similarly, how do we define "moral" or "immoral" behavior, and how do ethics differ from morals?

For the sake of simplicity, let's examine the second question first: How, exactly, do we define ethics?

Ethics is often defined as the branch of philosophy that deals with questions of right and wrong, and good and evil. By extension, the term "ethical" is often taken to mean behavior that conforms to the basic principles of right and good. John Dewey (1969 edition, p. 1) noted that ethics is a science dealing with human action, but while other such sciences—such as anthropology and psychology—encompass human action, too, those branches of knowledge describe. "It is the business of ethics," he wrote, "to judge."

Morality usually refers not to the philosophy of right and wrong, as such, but to prevailing customs. In common usage, however, the terms are roughly synonymous, although we can easily observe our tendency to ascribe the term "moral" to matters dealing primarily with customs and not fundamental philosophy. For example, we would be far more likely to describe marital infidelity as "immoral" as opposed to "unethical." Another point of usage: "Ethics," when used to refer to the branch of philosophy, is usually treated as a singular noun, thus, "Ethics is a controversial subject." When referring to individual collections of ethical principles—"My personal ethics are quite flexible"—the word takes a plural form.

The differentiation between "ethics" and "morals" is not always a clear cleavage, but a different perspective on the word "ethics" might ease some of the confusion. As philosopher Antony Flew noted (1979, pp. 112–113) there is a reasonably clear definition of ethics among philosophers, but a more generalized "lay" definition which suggests a "standard by which a particular group or community decides to regulate its behavior." So if we assume that there are at least two meanings of ethics—the study of right and wrong within philosophy and the more common understanding that identifies "ethical" behavior with good behavior—we can eliminate the problem of
trying to differentiate between “ethics” and “morals.” The more informal definition of ethics, according to many scholars, including Flew, generally corresponds with the concept used by academicians; this is a long way of saying that from this point forward we can deal with “ethical” behavior using the most commonly understood sense of the term without being inaccurate.

In any event, tightening the definition of ethical and/or moral behavior is difficult for any research in any field. One investigator, Raymond Baumhart (1968, pp. 11, 12), asked 100 businesspeople for their definition of “ethical.” While most responses centered on a vague idea of “what my feelings tell me is right,” some were astonishingly honest. One said:

Before coming to the interview, to make sure that I knew what we would talk about, I looked up ethics in my dictionary. I read it and can’t understand it. I don’t know what the concept means.

While certainly among the more candid responses, the above answer just might be among the more cogent. Few of us can completely articulate our concept of ethical behavior, and even those who have written volumes on the subject cannot always completely clarify their thoughts; in fact, the precise reason they have taken volumes to define those concepts is that the general concept of ethical behavior is difficult to define narrowly. In addition, philosophers who examine such issues tend to create intricate definitions of ethical standards, qualifications of those definitions, and qualifications of the qualifications.

This, of course, is the nature of philosophical discourse. That discourse sometimes appears impenetrable to the layperson because it is couched in the precise language necessary for detailed evaluation. To the uninitiated, Aristotle can be as bewildering as an article in the Journal of the American Medical Association.

But as is often the case, when the technical verbiage is stripped away, the concepts are quite clear. While much of communications ethics is, by nature and necessity, related to examinations of recent case histories, many educators have reached back into the literature of philosophy and incorporated classical thoughts into their texts and curricula. One of the more influential books on media ethics education, Media Ethics: Cases and Moral Reasoning by Christians, Rotzoll, and Fackler (1987, pp. 9-17), for example, employed Aristotle’s golden mean, Kant’s categorical imperative, Mill’s principle of utility, Rawl’s veil of ignorance, and the fundamental Judeo-Christian ethic as models to link classical thought to modern newsroom dilemmas.

To simplify the discussion, we can at this point utilize very basic definitions of those concepts. (More extensive discussion follows later.) The golden mean, of course, refers to what Aristotle thought was the ideal course of action and thought, a middle path between two extremes. Kant urged a categorical imperative that would dictate that you act as though your individual action would be applied in every case, and would become a univer-
The veil of ignorance is a mental device whereby one tries to screen out preformed opinions and concepts. Among the precepts of the Judeo-Christian ethic are tolerance, compassion, and the resolve to do unto others as you would have them do unto you.

A trio of highly influential mass communications scholars named Siebert, Peterson, and Schramm (1964) utilized the classical literature in their landmark *Four Theories of the Press*, a book which analyzed press workings within the framework of cultural influences. The authors identified four constructs:

- The authoritarian theory, under which a powerful government controlled the press either by censorship or punishment after publication.
- The libertarian theory, which held that an educated public would choose wisely among information in a free marketplace, and should be allowed that privilege.
- The Soviet Communist theory, under which the government not only controls but produces the news.
- The social responsibility theory, which contends that the media owe a duty to the public and must be held accountable in some way should they be derelict in that duty.

In their analysis, Siebert, Peterson, and Schramm linked those theories to influential writings and ideas of the past. The authoritarian theory (pp. 12, 13) was compared to the philosophies of Plato, Machiavelli, and Hobbes. Early Christian philosophies, as well as writings of Locke and Milton, were cited as foundations of the libertarian theory (pp. 41-45). The Soviet Communist theory was, of course, related to the philosophies and social sciences of Marx (pp. 106-107). The social responsibility theory was linked with modern extensions (primarily since World War II) of the libertarian theory (pp. 75-81), and was further extended by writers such as Peterson (1966, pp. 33-49), who argued that the philosophical climate of the twentieth century created conditions where social responsibility extends to the public, which is obligated to be well informed and soundly evaluate information from the media.

Even the decisions of the U.S. Supreme Court have relied on philosophical musings, and have gone so far as to cite Milton and Mill, among others. The English poet John Milton (1608-1674), who began his career in poetry, wandered into political polemics, and eventually returned to poetry, penning *Paradise Lost* and *Paradise Regained*. While *Paradise Lost* was arguably Milton's most familiar work, an essay titled *Areopagitica*—a defense of free speech—was probably his most influential work. Milton's argument for the importance of free speech was cited by the Supreme Court in the famous *Times v. Sullivan* case, in which the right to criticize public figures was expanded.

John Stuart Mill (1806-1873) was also cited in the *Times v. Sullivan* case. Mill, like Milton, wrote on a wide variety of subjects, but many legal scholars
that his essay “On Liberty of Thought and Discussion” was “his most
outstanding contribution to political thought” (Gillmor et al., 1990, p. 4). For Mill,
freedom of thought and expression were precious commodities.

So it seems apparent that the thoughts of these philosophers were not
etched with their bones, although those ideas did at times have to wait on
the shelf for a few centuries or so before their full value could be fully ex-
loited. As one example, consider the fact that Mill was rarely applied to First
Amendment ethical issues until the 1920s—the era following a clash between
governmental censorship and press freedom in World War I. It was only after
this confrontation that First Amendment law was given any extended or
serious attention by the Supreme Court (Gillmor et al., p. 5). And when that
consideration was given, the justices reached back a century for the ideas of
Mill and blew almost three centuries’ worth of dust from the works of Milton.

While applying philosophical reasoning to journalism ethics is hardly a
new idea, it is a fairly recent innovation in the classrooms of journalism and
communications schools. Educators in the field, such as Emerson College’s
Thomas W. Cooper (1986, p. 76), frequently contend that an understanding
of some of the more fundamental questions involving ethical choices can be
more illuminating than a simple recitation of case histories. “For a student to
ask how a local editor might handle a conflict of interest may prove educa-
tional,” Cooper writes, “but to ask how Thomas Hobbes or David Hume
would resolve an ethical dilemma may lead to both a broader and deeper set
of discoveries.”

However, developing an understanding of those “broader and deeper”
discoveries can be daunting; it is difficult indeed for someone who may or
may not have had extensive training in the field of formal philosophy to
mesh the somewhat arcane world of ethics with the often mundane realm of
newsroom operations. The development of various strains of philosophy and
ethics is far beyond the scope of this chapter, although the recommended
reading list in Appendix A does provide a brief time line of ethical thought
that might prove helpful.

But a simpler method to illustrate that interrelationship involves using
the most fundamental dividing point of ethical analysis to demonstrate the
ways in which terms such as “categorical imperative” and “principle of
utility” have a palpable impact on understanding journalistic decision
making.

In the very simplest (and admittedly simplistic) analysis, philosophers
who address the subject of ethics fall into two camps: those who judge the
ethical implications of their actions by the expected consequences, and those
who evaluate an ethical choice by categorically applying pre-evaluated rules,
rather than anticipating the outcome of the decision.

Merrill and Odell (1983), who married the fields of philosophy and jour-
nalism in an unusual and possibly unique book of precisely that title, made
that distinction, holding that analyzing the differences between ethicists who
deal in consequences and those who do not is the logical first step in examin-
ing theories and approaches to ethics. In defining the dichotomy, they use the terms teleological and deontological.

A teleological theory, as defined by Merrill and Odell, is “any theory which measures the rightness or wrongness of an action or set of actions in terms of its/their consequences” (p. 79). A deontological theory is exactly the opposite; it ignores consequences and grounds ethical judgments on categorical reasoning, or God’s will, or the conventions of society (p. 79). A simpler and more linguistically intuitive method of expressing this concept is to utilize the more common synonymous terms consequentialist and non-consequentialist. A teleological theory is a consequentialist theory; a deontological theory is non-consequentialist.

To augment the consequentialist versus non-consequentialist scenario, we can assume that some people confronted with an ethical decision will stay roughly in the middle, advocating an approach that adds up the pluses and minuses and takes the central path, a mean, that balances two extremes.

Figure 2.1 shows a continuum which illustrates the concept of consequentialism, non-consequentialism, and the mean.

Consequentialists essentially hold that instead of attempting to judge whether an act itself is right or wrong, the judgment should be predicated on the outcome of the act. John Stuart Mill and Jeremy Bentham were noted consequentialists. They advocated a type of consequentialism called utilitarianism, the course of action which produces the greatest good for the greatest number, or, as Mill put it, “the greatest happiness.” (Note that while Mill and Bentham share the same basic ideas, there are differences in their philosophies.) In short, consequentialists will argue that the ends justify the means, and that motives are not a particularly important factor in the analysis. If someone saves you from drowning, Mill might argue, it does not...
matter if he saved you out of the goodness of his heart or to get his name in the paper: You were saved, and that is all that counts.

Non-consequentialists contend that results are not the standard by which we judge an action. Motives are the critical aspects in the decision. Immanuel Kant is probably history's most prominent non-consequentialist, and his philosophies still guide those who believe in his "categorical imperative." Basically, Kant held that people live in a sort of moral democracy in which double standards have no place. What applies to one person, he felt, applies to all. The categorical imperative means that each person should act as though his or her "maxim should become a universal law." Kant might argue, for instance, that you have no right to steal food even if you are lost and starving. Stealing—even under apparently justifiable circumstances—condones dishonesty and violates the categorical imperative.

Philosophers who have taken the middle ground essentially put trust in the individual's judgment. In other words, a person trying to evaluate a situation must aim for a point halfway between excess and deficiency. Aristotle called this the "golden mean," the quickest path to excellence. Aristotle contended, for example, that moral virtue is the mean between extremes, a mean that can be determined not by blind adherence to only the consequences, or only the motives, but to "rational principle...that principle by which the man of practical reason would [make a decision]."

Another middle path was pointed out by W. D. Ross, who offered a consequentialist footnote to Kant's theory: Keep the principles and maxims as having prima facie validity ("stealing is always wrong"), but make a rule for exceptions under certain tragic circumstances, when adhering to the maxim would produce serious and substantial damage ("do no harm"). In this way Ross mediates the ethical principles of justice (treat all equally according to moral law) and of benevolence (do good, not harm, to people).

The concepts of consequentialism, non-consequentialism, and the golden mean are easily adapted to discussions of typical journalistic decisions. Here is a hypothetical situation (based loosely on a recurrent real-life situation regularly faced by reporters and editors), followed by examples of how the situation can be analyzed via consequentialism, non-consequentialism, and the golden mean.

SITUATION: A teenager, the captain of the local football team and the president of his high school senior class, commits suicide by hanging himself inside a school building. It is the unwritten policy of the Hypothetical Herald not to publish the names of suicide victims who are essentially private people (as opposed to public figures or officials). However, there is no law prohibiting the publication of the name and details of the suicide, and three editors are considering the possibility of publishing full details of the incident.

Editor A is a consequentialist. His argument: "You know, for years we've swept teenage suicide under the rug. We've pretended that it doesn't happen, or maybe it just happens to really messed-up kids who are runaways or strung out on
drugs. But here's a kid who had everything going for him, and he still killed
himself. I’m sorry—I know it will cause his family terrible pain—but think of all
the lives we might save if we give this full coverage! Let’s hammer home the idea
that even a kid who seems happy and successful can be a suicide victim. Let’s
use his name. Everybody in town knows him. This might wake a few people up.
And to be honest, we can’t let the other papers in town kill us on this. You know
they’re going to run the whole story, and they’re going to run it page one. We’re
under the gun from marketing already, and if we blow off this story we’re going
to be buried.”

Editor B is a non-consequentialist. Her argument: “We can’t just apply the rules
to the easy cases. Sure, it’s tempting to run his name—the word will probably get
around, anyway—but we’ve had a policy of withholding names for years. Why
should we violate our own rules now, just because we think we can do some good
and maybe boost circulation? Arent we exploiting this poor kid? Look, we don’t
know that we’re going to save any lives. All we know is that we’re going to put
the family through hell. That’s why we have the rule in the first place. Let’s stick
to our own policy. If we don’t, what’s the point of having a policy?”

Editor C wants to follow the golden mean. Editor C’s determination is largely an
individualistic judgment that represents, in his or her mind, the virtuous
decision—the decision which is neither irresponsible nor exploitative, the
decision that does not cater to an extreme position but balances the two positions.
Indeed, a golden mean decision, for reasons explained at the conclusion of this
chapter, can be every bit as painful as a consequentialist or non-consequentialist
decision. But ideally, the golden mean decision, the virtue judgment, will balance
the consequentialist and non-consequentialist reasoning and take into account
why that reasoning has taken place; again, more on that will come in the final
section.

Note that a golden mean decision does not necessarily translate to a compromis.
An editor who believes only in compromise for the sake of avoiding
the hard choices on either end of the consequentialist-non-consequentialist
spectrum could produce what we might colloquially call a no-pain-no-gain
statement. Let’s assume Editor D, a strong proponent of compromise,
wanders into the room and proposes just such a settlement:

Editor D: “Can’t we compromise on this? We’ve got an untenable situation either
way. We really can’t ignore the suicide; we’re committing a disservice to our
readers. But we shouldn’t violate our own policy and run the name. Why should
we suddenly pick this kid to make an example? I think we should run the story
but not use the name. Give the basic information, enough information to make
the point about the prevalence of teenage suicide, but withhold identification.”

Note that the scenarios proposed by editors A, B, and D have particular
drawbacks, and these are the same categories of problems articulated by
critics who debate the premises of classical ethics. Our consequentialist,
A can be faulted for ignoring motives, and for advocating a theory that cannot be proved workable.

If you read his response closely, you can infer that one of his main concerns is not being outdone by competing media. While this is not, per se, an immoral position, it can certainly be construed as rather insensitive.

His argument about deterrence seems to make sense, but how do we really know what the outcome will be? Critics of consequentialist reasoning point out that we never really can judge by consequences because we very rarely know what those consequences will be. Will the story deter teenage suicide? Possibly, but possibly not. Doesn't it make more sense to base the decision at the premises of which we are sure: Our policy that, for good reason, protects the privacy of the families of terribly disturbed people who take their own lives? We do this simply because it is the right thing to do.

Non-consequentialists, like Editor B, come in for their share of criticism in classical ethical analysis, too, primarily because critics contend that blind adherence to a categorical imperative is an unrealistic ideal. Second, critics contend that this type of thinking is inherently inconsistent.

As an example of the tendency to follow an unrealistic ideal, our non-consequentialist editor might be accused of blocking a possible act of good by prohibiting full coverage of the suicide. It is arguable (and some respectable authorities have in fact so argued) that teenagers who are considering suicide often exhibit an initial symptom: They talk about suicide to family and friends. But if family and friends are not aware that seemingly happy and well-adjusted youngsters do commit suicide, and are not made intimately aware of such real-life scenarios, aren't we doing them a disservice by the imposition of this unattainable ideal of "protecting" the family?

Also, there is a problem with logical consistency here. By imposing a rule prohibiting the use of suicide victims' names, are we not anticipating consequences? (Besmirching the name of the victim, invading the privacy of the family, perhaps even "glamorizing" suicide are some of the arguments made for such rules.) This makes it appear that those of us who cling to the rule book are closet consequentialists after all.

The compromise of Editor D sounds like a reasonable alternative, but can it work in practice? A no-pain compromise in this case could certainly produce no palpable gain for editors or readers. By seeking a compromise, Editor D has proposed a valueless linguistic concession which solves nothing and may, in fact, be counterproductive. First of all, running a story that reports that an unidentified young man at Hypothetical High killed himself stands to send a wave of panic through every reader who has a friend or relative who is a student at Hypothetical High. If those readers have not seen their friend or relative within the last day or so, they cannot help but wonder if the suicide victim was him. Second, reporting some but not all of the story can produce absurd results. Writing, "... the captain of Hypothetical High's football team, and the president of the senior class, whose name is being
"withheld ..." presents the facts necessary for full understanding of the story but creates an obviously ludicrous piece of copy.

However, this example is admittedly taken to its extreme. Given the right circumstances and proper editorial judgment, a case could be made for reporting the suicide but not mentioning the name. A compromise need not necessarily be an abdication of responsibility, but care must be taken to ensure that it does not cause harm by accident.

What would Editor C, the purveyor of the golden mean, do in this situation? We do not know; all that can be conjectured is that a virtue judgment would not cater to an extreme; it would somehow balance respect for the victim with the public's need to know about the event. (Again, recognize that there are self-reference problems to the golden mean, many recognized by Aristotle himself. The golden mean assumes a certain framework, meaning that the user has already presupposed the parameters. This means that if one believes mass murder is acceptable under some circumstances, there emerges some imaginary "midpoint" between reasonable and unreasonable mass murder. That type of self-reference problem won't disappear, and to an extent limits the literal applicability of golden mean reasoning.)

In any event, we do know that people of goodwill and long journalistic experience can and do differ on their approaches to dilemmas such as the one described above. In fact, the case is not entirely hypothetical: A popular young man in a Minnesota high school did kill himself in this way. The St. Paul Pioneer Press and Dispatch chose not to run the name; across the river, the Minneapolis Star and Tribune ran full details. The editors who made the decisions are quoted in Chapter 7; both present compelling cases, and you can judge their ethical reasoning for yourself.

The consequentialist versus non-consequentialist distinction may not be a problem solver—that is, mere awareness of the differences in approach does not guarantee a solution to the problem of making an ethical judgment—but at the very least it provides a tool for understanding our own priorities when making ethical decisions.

Priorities, of course, vary with the situation at hand; just as a position of strength or weakness may affect our choice of consequentialist and non-consequentialist reasoning, so can time constraints. Time and deadlines are brutal taskmasters in journalism, and often cause a conflict between what might be termed a logical and a temporal priority. As an example, a television report often concludes with a "standup," the closing remarks by the reporter, who might "stand up" before the White House, State Capitol, or disaster scene. This is a convention of reporting, something we are used to seeing and therefore a practice perpetuated by television reporters.

But this is a concession to temporal priority. The actual story will usually be written once the reporter returns to the television station, sifts through his or her notes, makes some phone calls, and determines, as best as possible, what the outcome of the story has been. Logically, this would be the correct
the standup’s close. But **temporally**, it is impossible, because con-
structing the story this way would involve another trip back to the scene.

No one result of the conflict between temporal and logical priority is that
and of the story is written first; an odd concession can affect the accuracy
of the report and add an ethical dilemma. Some reporters realize this and
inject the standup tag. Byron Harris, an investigative reporter for a Dallas
TV station, notes (quoted by Biagi, 1987, p. 204) that the practice is
shudder... Print reporters never had to write the last paragraph of a story
before they write the story. TV reporters do it all the time. That’s what a stand-

We do know a little about Editor C, the virtuous journalist who relies on
the golden mean. Editor C is capable of making a virtue decision because he
or she fulfills a certain set of criteria, criteria explained by Dr. James Gustaf-
son (interview, 1990), author of *The Quest for Truth: An Introduction to
Philosophy*. Gustafson notes that people capable of making a virtue decision
will meet these qualifications:

1. They will have a basic sense of decency and a reasonable base of
knowledge. Concerning decency: The midpoint between two extremes cannot
be a compromise between boiling your enemies in oil or dispatching them
with a quick shot to the temple. The parameters must be reasonable. And for
that to be the case, the virtuous journalist must also be informed of the broad
range of issues that have an impact on a decision.

   “Classical philosophers through the centuries,” Gustafson says,
   “have assumed that decisions are made by certain types
   of people—people who have not only absorbed the values of decency,
   honesty and integrity, but understand the context of society and
culture. You cannot take ‘formulas’ from philosophers and wrench
them out of context and expect anything but a shambles.”

2. They will consider the consequentialist and non-consequentialist
viewpoints and understand why they may be using those frameworks. In many
cases, Gustafson notes, consequentialist reasoning is very attractive when
one is dealing from a position of power, when one clearly is in control and in
a position to benefit from ends that ostensibly justify the means. Non-consequentialist
reasoning is often attractive when one is in a position of weakness,
and seeks to appeal to a set of rules for protection or support. Neither
position assumes a value judgment; it simply offers another
perspective from which to evaluate why we are engaging in a
particular type of ethical reasoning.
3. Finally, a virtuous person seeking a judgment made along the
golden mean realizes that there may be a price to be paid. According
to Gustafson, "One of the problems pointed up by Aristotle is that
you cannot do the right thing if you never are willing to sacrifice. A
person of character must be willing to stand by principles, willing to
pay a personal price for virtue."

Gustafson and other virtue-oriented philosophers sometimes bristle at
the notion that ethicists are sophisticated puzzle solvers, equipped with
books of formulas designed to solve any and all problems. Perhaps it is more
reasonable to assume that the best decision will be made not by an ac-
complished puzzle solver, but by an ethical person of character who realizes
that the right choice may not be the most painless choice.

No, the vast majority of us will not wind up dosing ourselves with hem-
lock—but perhaps we will learn to make virtuous decisions based on the
frameworks provided by thinkers of the past, and maybe we will have to
suffer a little for it. But in any event, many of us who teach and write in the
field of ethics recognize that virtually any exposure to an ordered and docu-
mented system of thought brings results; such exposure can only help in the
development of a mature value system.

As this realization grows, more instructors of journalism, as well as
teachers in business, government, and other disciplines, are attempting to
drive home the point that our modern-day ethical dilemmas are not unique.
Thinkers have grappled with similar dilemmas for centuries. And while they
don't have the answers for all the mind-bending questions that confront
journalists, they can help apply a little method to our particular brand of
madness.