CHAPTER 13

Ethics in News Journalism

That awful power, the public opinion of a nation, is created in America by a horde of ignorant, self-complacent simpletons who failed at ditching and shoemaking and fetched up in journalism on their way to the poorhouse. — Mark Twain

In 1947, the Hutchins Commission of Freedom of the Press presented its report on a "Free and Responsible Press." In it the commission called for a press that today might be deemed "socially responsible." The five obligations of modern media, according to the Hutchins Commission, were:

- To provide a truthful, comprehensive, and intelligent account of the day's events in a context that gives them meaning.
- To serve as a forum for the exchange of comment and criticism.
- To develop a representative picture of the constituent groups in society.
- To be responsible for the presentation and clarification of the goals and values of society.
- To provide full access to the day's intelligence.

In other words, not only should media do their job and attend to the ramifications of carrying out that job, but they should also involve themselves in the well-being of society as a whole. As stated by the journalists Bob Kovach and Tom Rosenstiel, "The primary purpose of journalism is to provide citizens with the information they need to be free and self-governing."[1]

Journalism today is a diverse package of offerings including print (newspapers and magazines), broadcast (radio and television) and, of course, the internet. The face of news journalism is changing, literally every day. According the Project for Excellence in Journalism, "The Web is becoming a more integral part of people's lives. Eight in 10 Americans 17 and older now say the Internet is a critical source of information."[2] According to the same survey, more Americans identified the internet as a more important source of information than television, radio, and newspapers. And the number going online regularly for news is growing. In late 2007, more than seven in 10 Americans said they went online for news.[3]

Probably the most important change instigated by the internet is "citizen" or "participatory" journalism. The growing phenomenon involves "ordinary" citizens playing an active role in gathering and reporting news. Mark Glasser, a freelance journalist, says:

The idea behind citizen journalism is that people without professional journalism training can use the tools of modern technology and the global distribution of the Internet to create, augment or fact-check media on their own or in collaboration with others.[4]

How this movement will affect mainstream journalism (practiced by "professional" journalists) is evolving. What is clear is that any form of journalism will encounter ethical issues. Many of these problems are bound to plague the "new" journalism as well, but many new issues are bound to surface as journalism changes. What follows in this chapter is mostly the thinking concerning traditional journalistic practices that have developed over the past 100 years or so. However, as has been noted throughout this book, what has been considered unethical in the past will probably still be unethical today and tomorrow. Media practitioners must use the lessons of the past to inform their actions now and in the future, especially if they want to avoid the mistakes of the past.

The Broad issues in News Journalism

Before we begin a detailed look at the research and the ethical issues specific to journalism, we will look at two larger issues that inform the practice in the United States and, to a large extent, the Western world. These will include the concept of objectivity, upon which the modern practice of journalism is grounded, and media bias, a topic directly related to objectivity and a cause for much concern among journalists, their audiences, and their critics.

Objectivity

As we learned in Chapter 4, subjective claims are based on individual feelings, personal opinion, or taste. In other words, the subjective view of reality is relative to the observer. However, not everything we can observe is relative. Some of it is just plain fact. Water still boils at 100 degrees Celsius, regardless of who observes it. In order to observe objectively, then, we must accept the notion of a "reality" that can be both identified and described accurately. At the same time, we must remember that, as human beings, we still tend to view the objective world through a subjective lens. The trick to being objective is to recognize this inclination and understand that there will be different accounts of reality that must then be judged as either adequate or inadequate based on facts and reason, not on personal perspective.

Philosophically, objectivity has acquired several different meanings over time. The basic meaning distinguishes objectivity from subjectivity, which means to remove all "human judgment . . . , usually with the aid of some appropriately rigorous methodology."[5] The second sense of the word conveys disinterestedness or neutrality, which is generally used to denote the difference between objectivity and advocacy of a particular idea (e.g., political). An important use of the term was suggested by the pragmatist philosophers Charles Peirce and, later, John Dewey. They argued that objectivity could be attained only as part of a collective decision formed by a "community of the competent."[6] In other words, it was useless to exclude the active participation of the observer from the subject of observation. It was only through an interaction between the two that we could arrive at a common understanding of the world. "[K]nowledge came from an active community of inquiry in which individuals tested themselves against and contributed to an evolving collective understanding."[7]

Objectivity, as used in news journalism, incorporates all of these approaches; however, which gets higher billing often depends upon whom you ask. It is generally accepted that journalistic objectivity refers to being without prejudice or bias, presenting information fully and in context, and with an eye to being fair and balanced. Julia Fox, a

professor of broadcast news, characterizes objective reporting as being neutral, unbiased, and balanced and void of personal ideology and values, opinions, and impressions. Journalistic objectivity is a professional norm seen by journalists as both an individual responsibility of the reporter and a collective responsibility of the profession.[8]

She notes, however, that this is a relatively new phenomenon, pointing out that there was a fiercely partisan press in the United States for much its history. The historian Michael Schudson agrees that the press remained "deeply partisan" until the end of the nineteenth century, and suggests that the modern notion of an objective press dates more accurately to the 1920s.[9]

It was during and after this period that Walter Lippmann argued for a new form of journalism in which objectivity would replace what he saw as an ingrained, often unconscious, bias in the press. This was also a time, following World War I, when propaganda began to be more fully understood, and increasingly used by a developing new occupation called "public relations." Journalism, according to Lippmann, was being practiced by "untrained accidental witnesses" whose personal opinions superseded reality in favor of preconceived stereotypes—thus creating and perpetuating the "pictures in our heads."[10] Lippmann believed this problem was exacerbated by the public's limited access to first-hand experience of the world.

> When these pictures come from distant places, brought to us by a press without much self-discipline or sophistication or intellectual weight, our actions—our votes, our choices—are at the mercy of the flawed picture of the world that various media provide.[11]

Lippmann believed that the crisis in journalism was reflective of the crisis of democracy as a whole. The modern world was just too complex for personal understanding, thus only knowable second-hand—and second-hand information was a muddle of pre-conceived stereotypes. How could democracy function if citizens couldn't understand its intricacies and the media were unable or unwilling to explain them?

His solution to the problem was twofold. First, he argued that journalists should acquire a "scientific spirit." By this he meant that they should arrive at a common method of gathering, analyzing, and reporting the events of the day, relying exclusively on verifiable fact, not opinion or speculation. He knew this would not be an easy task; however, he noted it was precisely "because news is complex and slippery [that] good reporting requires the exercise of the highest scientific virtues."[12] According to the American Press Institute, the original intent of Lippmann's proposal was to develop a "consistent method of testing information—a transparent approach to evidence— precisely so that personal and cultural biases would not undermine the accuracy of their work."[13] They note that "In the original concept . . . the method is objective, not the journalist. The key was in the discipline of the craft, not the aim."[14] This discipline of verification is what separates journalism from other modes of communication, such as propaganda, fiction or entertainment.[15]

The second part of Lippmann's solution was based largely on Plato's observation that most people couldn't figure out reality on their own. They had to rely on the intelligent elite for guidance. In the *Republic* Plato suggested a government composed of "philosopher kings" who would wisely guide the masses in the best way to live and prosper. In the same vein, Lippmann imagined a "specialized class" of elites who would form information agencies, or, as he termed them, "political observatories," that would

then inform both government and, through the press, the people. In other words, reality would be interpreted by those most able to understand it. The press would play a vital role in this function because of its shift from opinion to factual reporting. According to Schudson, it was around this time that the objectivity norm became a fully formulated occupational ideal, part of a professional project or mission. Far more than a set of craft rules to fend off libel suits or a set of constraints to help editors keep tabs on their underlings, objectivity was finally a moral code. It was asserted in the textbooks used in journalism schools, and in codes of ethics of professional associations.[16]

Problems with Objectivity

The most persistent complaints about objectivity are that it doesn't truly exist, or that it does exist, but it's the wrong approach for journalism. We needn't go into the epistemological argument over whether reality is objective or entirely subjective; however, that long-debated topic does inform the discussion over whether it is even possible to be objective as a journalist. The idea of an attainable objectivity in journalism rests on the "commonly held view that there is some fixed reality which can be observed and recorded without bias."[17] However, as the Australian educators Rick Iedema, Susan Feez, and Peter White note:

> The way events are observed, interpreted and reported will always be conditioned by the social background and ideological perspective of journalists, editors and management. Even the most ostensibly "factual" report will be the product of numerous value judgments. These will have determined, for example, that this event, rather than some other, deserved to be covered, how prominently it was to be featured, the way in which the event was to be described, which part of the event received primary focus, which experts, eye witnesses or participants were called upon for comment, which viewpoints were regarded as authoritative, and so on.[18]

Most of those who work in journalism agree that true objectivity is more an ideal than an obtainable reality. However, because of the belief of those outside journalism that the objectivity standard so often touted by the field is part of an unwritten contract that journalists have with their audiences, a recurring complaint against the press is that it *lacks* objectivity. Journalists Evan Thomas and Suzanne Smalley, writing for *Newsweek*, say that "the criticism is fair, in the sense that it is almost impossible to be completely objective."[19]

Subjectivity always creeps into the choices made by reporters and editors on what to include or what to emphasize in a story. News people are all too human, and sometimes they are not even aware of their biases. But on the whole, the mainstream press does try, with imperfect results, to be fair.

As we saw in Chapter 9, truth in journalism relies on a combination of factors: accuracy, context, and fairness/balance. Objectivity has often been viewed similarly, especially as regards fairness and balance, in the belief that by being fair and balanced, neutrality (thus, objectivity) is achieved. Remember, however, Walter Lippmann argued that objectivity is not a result; it is a method. The journalist need not be neutral, but her method of gathering, analyzing, and reporting should be. Objectivity of method can produce news that may at once be both accurate and complete, and present a point of view. Neutrality, then, is not the issue, and, in fact, can be abused.

> [T]he impartial voice employed by many news organizations, that familiar, supposedly neutral style of newswriting, is not a fundamental principle of journalism. Rather, it is an

often helpful device news organizations use to highlight that they are trying to produce something obtained by objective methods . . . [T]his neutral voice, without a discipline of verification, creates a veneer covering something hollow. Journalists who select sources to express what is really their own point of view, and then use the neutral voice to make it seem objective, are engaged in a form of deception.[20]

Adopting a neutral stance, in other words, is only a fiction of objectivity. Ethics scholar Stephen Ward defends the concept of objectivity, but says that the concept he defends is not the traditional idea of objective reporting as a neutral description of "just the facts." Instead, [it is] a theory of objectivity that stresses the testing of journalistic interpretations in various contexts.[21]

Ward's "pragmatic objectivity" fits well with John Dewey's assertion that what is ultimately objective is determined by a combined communicative effort involving both journalists and their audiences. In this interpretive mix, both parties reason about and with values that are, in a sense, subjective, but, in a larger sense, are "part of good inquiry, a coherent life, and a democratic society."[22]

As Lippmann pointed out, there is a difference between the method of objectivity and an objective result. We must remember that journalists are human beings, and, as such, they use language to construct reality. As with all such constructions, subjectivity informs the result. It is entirely possible to use the method of objectivity and still present a subjective viewpoint. Many newspapers around the world do this regularly. Facts are still facts. They can and should inform opinion, but opinion follows facts. It should not precede them. According to the public journalism advocate Philip Meyer, good journalism should be concerned with "objectivity of method, not objectivity of result."[23] This is scientific method applied to the practice of journalism.

Scientific method was developed to protect human investigators from the unconscious tricks of self-deception that afflict us all. Its procedures of peer review, replicability, and falsifiable hypotheses protect journalists as well.[24] Meyer argues that a journalism that does not involve community in its deliberations is not acting responsibly in its function as a disseminator of information. Objectivity, as defined by the knee-jerk, absolutist school of media ethics, means standing so far from the community that you see all events and all viewpoints as equally distant and important—or unimportant. It is implemented by giving equal weight to all viewpoints and assertions—or, if not all, an interesting variety within a socially acceptable spectrum. The result is a laying out of facts in a sterile, noncommittal manner, and then standing back to "let the reader decide" which view is true. This, in effect, is objectivity of result, defining objectivity not by the way we go about our business of gathering and interpreting the news, but by what we put in the paper. It can be measured out: so many lines for this group, so many for that. In an effort to be fair, we sprinkle our resources to produce as even an effect as we can.[25]

What Meyer proposes is a press that involves community discourse in its search for the "truth," recognizing that a more subjective relationship with community and the realities that affect it may result in a "kind of truth that is different and in some ways better than the truth arrived at by more objective methods." This does not negate the need for such things as investigative journalism, or the use of objectivity as a method. But, it does allow the news media the leeway to recognize the difference between good and bad ideas (perhaps even promoting the good ones) and to note that difference without appearing to be biased in favor of the good ones.

He argues that modern journalism has evolved into a "race apart, distant, detached, and uninfluenced by anything but a dogged desire to discover and impart the truth regardless of its consequences."[26] These journalists prefer to tell the objective truth and "let the chips fall where they may; give light and the people will find their own way."[27] What Meyer ultimately argues is that objectivity of method can, and often should, result in subjectivity of result. As Rick Iedema, Susan Feez, and Peter White suggest, "The difference between describing events 'objectively' and dealing with them 'subjectively' is a difference in the degree of our commitment to the truth value of what we are saying."[28]

The case both for and against objectivity rests not only on the debate over whether or not reality can be accurately described, but also on the ability of journalists to represent any given reality as free as possible from bias, but not necessarily from subjectivity. As the communications scholar Howard Myrick says,

> [T]o the extent that [journalists] move in a positive direction on the continuum from speculation, innuendo, yielding to extraneous pressures, and the sloppiness of depending on press releases and staged press conferences which too frequently are designed to manipulate public opinion rather than inform, to that extent they will be regarded as responsible journalists. When they reach the point on the continuum that is defined by accuracy, integrity, and honesty, to that extent the prerequisites of objectivity will be achieved. It is a goal well worth pursuing, for the good of the profession of journalism and, more importantly, the good of the nation.[29]

Finally, ethics scholar Clifford Christians, in developing what he calls *dialogical ethics*, argues that the idea of objectivity, involving neutrality and detachment (both utilitarian ideals), is sorely outdated. Objectivity as a one-dimensional framework of rational and moral validation accounts for some of the goods we seek in community, such as minimal harm, but those issues outside the objectivity calculus are excluded from the decision-making process. The way power and ideology influence social and political institutions, including the press, is largely ignored.[30] Dialogical ethics, instead, calls for "authentic disclosure" wherein the complexities of society and culture can be fully accounted for only through the involvement of community and its varied voices.

Next, we will visit the supposed opposite of objectivity in journalism—bias. Biased reporting is one of the most often cited problems concerning journalists, especially from those who comprise their audience. However, as we will learn, at least part of what might constitute bias goes largely unnoticed by journalists themselves who, as Robert Enteman pointed out in his book *Democracy Without Citizens,* too often fall prey to the routines of the practice, including some of its built-in biases.[31]

Structural Biases in News Journalism

Andrew Cline, a professor and former journalist, observes that the press is often thought of as a "unified voice with a distinct bias," usually either politically right- or left-leaning, depending on the critic.[31] In order to avoid political bias (or any sort of bias, for that matter), journalists invoke the ethics of objectivity and fairness. Objectivity, in turn, is sought through attempting to be fair to those concerned with the news, and through a "professional process of information gathering that seeks fairness, completeness, and accuracy."[32] He describes the job of journalism as applying a "narrative structure to ambiguous events in order to create a coherent and causal sense of events."[33] However,

he notes that journalists often go about their jobs without reflecting on the possibility that some biases are built into the practice—that there are certain premises and assumptions that go unnoticed in the work of news journalism.

In categorizing the potential forms of those biases, Cline notes that bias does not suggest that a message is necessarily false or unfair, but that consumers of information, nonetheless, need to be aware that those biases exist. He suggests that the real biases of journalism are structural. That is, they are inherent within the structure of modern, particularly American, journalism. He also notes that the kind of bias he is referring to is accurately described as "framing," which presents a particular viewpoint—a viewpoint that is not always immediately apparent, but, nonetheless, colors the way we view the world. What follows is a distillation of Cline's categories.

Commercial Bias

Increasingly, the business of news is making money. As news outlets are bought by large conglomerates and become only one of many interests in a vast business empire, there can be a disconnect between the ideals of news journalism and the imperatives of the marketplace. Large corporations typically demand a return on investment that some in the news business believe is unreasonable. With the proliferation of news outlets (the internet being the most noticeable) comes an new incentive to deliver what will be the most profitable "product" in an increasingly cluttered media market. As we saw in Chapter 12, the media have long been supported by advertising. This symbiotic relationship between news journalism and advertising requires, to some extent, that programming appeal to the target market of the advertisers. Because the overall organization must be profitable for its owner, the news segment must draw an audience. Decreased viewership of TV news programming, for instance, means fewer eyes on the advertising that supports that programming.

However, viewership has been steadily rising since 2014 with increases of two percent in 2013, then another five percent in 2014. The State of the News Media 2016 report found viewership stable, up slightly one percent in 2015[34]

In addition, the audience for network news is visibly aging, with an average age of 53. All you have to do is watch the commercials, which comprise over a third of a 20-minute broadcast. They are predominantly pharmaceutical and health insurance ads targeted at the aging audience. Because of the need to remain commercially viable, however, news must continue to satisfy existing audiences and attract new ones—especially younger audiences. Although recent tactics have included adding heavier doses of "soft news" (feature stories, human interest, entertainment-oriented content), probably the most time-honored tactic is to provide stories featuring conflict, because, as Cline points out, conflict draws readers and viewers. The effect of this tactic will become clearer as we elaborate on bias below.

Temporal Bias

The news media are biased toward the immediate. Although we have always suspected that news happened all the time, even when we were asleep, we were trained by the media to expect it at certain times of the day. At one time, "immediate" meant you had to wait for the evening paper to find out what was happening in the world. The advent of radio altered that somewhat as broadcasts could be "beamed" literally at any hour of the day or night; however, in the first few decades of radio, most stations simply signed off at midnight. Television was initially the same story. Television network news

has traditionally been presented in the early evening, matching the schedule held first by newspapers and then by radio. It wasn't until the advent of 24-hour programming in general that the concept of an around-the-clock news channel even became viable—the advent of which literally changed the face of journalism.

The rise of cable news signaled a rise in expectations among audiences seeking news. No longer will they be content to wait until the evening to get their daily dose of news. They expect it when they turn on their televisions, and, increasingly, when they turn on their computers. The notion of what's new has been altered irrevocably by technology. However, the fact of news is that there isn't always a story to be covered or, even if there is, there aren't always the resources available to do so. It's one thing to have a 24-hour news operation. It's quite another to fill all that time with news. As an earlier (2008) State of the News Media report revealed:

> For all the time it has to fill, roughly 18 hours of original programming each day, cable news has become in many ways a niche medium that offers viewers narrow formula rather than a broad-based agenda of the events of the day. That formula … was a combination of controversial opinion, a dose of tabloid-tinged crime and celebrity, edgy personalities, and, during the daytime, a focus on the immediate.[35]

Nonetheless, the expectation that there will always be something of interest drives news outlets to present "news" even when there's nothing to present.

Expediency Bias

Closely related to temporal bias is expediency bias. Because of the intense deadline pressure faced by most journalists, there is extreme pressure to be first with a story—to "scoop" the competition. The 24-hour news cycle exacerbates the situation as news operations increasingly compete for market share and viewer attention. As a result, there is a bias toward "information that can be obtained quickly, easily, and inexpensively."[36] The result is the hurried call to a veteran "expert" or official for a pithy quote or opinion in a hurry. Well-known sources become regulars on talk shows, or are often quoted in news stories—as much because they can be accessed quickly as for the validity of their opinions.

Visual Bias

Television has always been biased in favor of moving images. After all, television contains all the elements that Marshall McLuhan once called a "hot medium"— sight, sound, and, most importantly, motion. This puts news stories that aren't accompanied by interesting visuals at a distinct disadvantage. Compare, for instance, what you see on a televised newscast with what you might observe by watching CSPAN (Cable Satellite Public Affairs Network), which offers non-stop coverage of government proceedings and public affairs programming. Although what is happening in a senate hearing might ultimately affect your life more than a story on a car chase covered by helicopter news teams, it's less likely that viewers will nod off during the latter.

What this means realistically is that much news of import may be pushed aside in favor of potentially lighter fare with more interesting visuals. Another result is that we are often treated to ludicrous images of the exterior of court houses in which proceedings are occurring from which the media have been banned, or to still photographs of celebrity weddings, or to the myriad images of politicians shaking hands with visiting dignitaries in front of banks of microphones.

It is not only television that has fallen prey to the "no image, no story" syndrome. Newspapers, in order to compete, long ago adopted full-color photography, and have continued to increase the number of visuals they present in order to attract and hold the attention of readers. And, with the advent of broadband internet capabilities, even newspapers and radio news programs are now able to offer digital video and slide shows to their audiences. In one sense, this has surely added to the level and quality of information we have access to. But, in another sense, it still biases news in favor of the visual, whether that visual actually adds anything to the story or not.

Bad News Bias

As Cline so aptly puts it, "Good news is boring (and probably does not photograph well, either)." The old adage, "If it doesn't bleed, it doesn't lead," still holds sway over too much of news. Watch any local newscast and see what it leads with. If there is a story about a stabbing in a community, it is much more likely to lead the newscast (and dictate the tone of the teasers leading up to the newscast) than a story on a new business that may employ hundreds of community citizens in a tight job market. This preference for bad news tends to make the world we live in seem much more dangerous than it is.

A 2001 study by the Berkeley Media Studies Group found that, historically, depictions of crime in the news are not reflective of the rate of crime generally, the proportion of crime that is violent, the proportion of news content devoted to crime, the proportion of crime committed by people of color, or the proportion of crime committed by youth. The study proposed that:

> The problem is not the inaccuracy of individual stories, but that the cumulative choices of what is included—or not included—in the news presents the public with a false picture of higher frequency and severity of crime than is actually the case.[37]

There are several reasons for this. Newspapers and television have tended to emphasize violent crime, especially the more unusual forms—mass or serial murders, crimes against children, torture, etc. Violent crime, according to the findings, is covered more than any other topic on network newscasts. In fact, television crime reporting was found to be the inverse of crime frequency. "That is, murder is reported most often on the news though it happens the least."[38] Finally, the study also showed that often the rate of crime coverage increased while real crime rates dropped.

The reasons suggested by the study for this bias toward the reporting of violent crime are that the stories are easy to do and perfect for the deadline-driven newsroom. "They are often about life and death—'good stories,' full of drama and emotion—that keep audiences attentive."[39] In summary, the study suggested that

> The steady diet of violent crime, coupled with the absence of nonviolent crime and general context, means that the rare crime looks like the normal crime; homicide is the prototypical crime in the news. Further, increased coverage of crime in general and homicides in particular while crime and homicides are declining gives the viewing public a skewed view of crime trends.[40]

Narrative Bias

The Greeks, including Aristotle in his *Poetics*, proposed that stories (or narratives) be composed of a number of elements. First, they must have a plot with a beginning, middle, and end. All "good" stories follow the progression of introduction,

rising action, climax, and falling action—leading to a finale in which loose ends are typically tied up neatly in order for the audience to achieve dramatic closure. This narrative form has been passed down to the modern storytellers of today, the news media. The problem is that real life isn't exactly carried out in the same manner as a Greek play, or a modern novel or movie. According to Cline, "Much of what happens in our world … is ambiguous." Leading the media to "apply a narrative structure to ambiguous events suggesting that these events are easily understood and have clear cause-and-effect relationships."[41]

In addition, because good storytelling requires drama, journalists often seek it out for their stories, whether it is actually present or not. And, since drama is often the result of conflict, journalists often match competing interests against each other, usually in the form of experts or officials with differing points of view, in order to create a sort of false conflict. This is often done under the guise of "fairness," covered next.

Narrative bias also leads to the creation of master narratives. "They tend to be set story lines with set characters who act in set ways."[42] Jay Rosen defines "master narrative" as the story that "generates all the other stories."[43] For example, corporate scandals aren't so much about important economic news as they are tragic stories of "corporate criminality," replete with villains and victims and climaxed by a tragic ending. Likewise, political campaign coverage becomes a "horserace," with the focus on winning more than on the issues. "Winning, then, is the story that produces all (or almost all) the other stories,"[44] and only candidates who are capable of winning become news. Rosen says that the master narratives of the news media are never talked about, or even recognized for what they are. The point is that once a master narrative has been set, it is very difficult to either recognize or alter.

For example, following the onslaught of hurricane Katrina in 2005, the city of New Orleans was devastated. Television was filled with images of flooded streets and thousands of homeless, desperate people. There were also images of people scavenging through deserted stores looking for food and other necessities. A now infamous photograph taken by the Associated Press showed a young African American wading through the flooded streets with a bulging plastic garbage bag in his hands. The caption read, "A young man walks through chest-deep flood water after looting a grocery store in New Orleans on Tuesday, Aug. 20, 2005." A similar photo taken by *Agence France-Presse* showed two White people doing exactly the same thing captioned, "Two residents wade through chest-deep water after finding bread and soda from a local grocery store after Hurricane Katrina came through the area in New Orleans, Louisiana." At first glance, this could be viewed as blatant racism; however, on closer inspection we see a master narrative at work.

This particular narrative had been formed over many years in the U.S. by similar scenes following riots, usually involving African Americans, in places such as Wilmington, Detroit, Watts, Chicago, and Baltimore. In the news coverage of many of these riots, people were frequently shown looting stores—and most of these people were Black. Thus, a narrative was constructed, many years in the making, composed of a breakdown of civil authority, African Americans, and looting. When hurricane Katrina came along, we were presented with the same images complete with all the elements of the master narrative in place; however, the cause of the civil breakdown and the reasons for the "looting" were very much different. Despite this, the media tended to offer up the

stereotyped narrative that had been constructed over all those years. To their credit, many news operations quickly rethought the use of the term and began to recognize that most of the activities that had been labeled as "looting" were instead survival tactics resulting from a natural catastrophe. After all, if you can't buy food at the local grocery store because it is largely destroyed and deserted, and you are starving, what choice do you have? Nonetheless, there is some evidence that public charitable response to the disaster was based in part on the perception of rampant crime in New Orleans and the "racial cues embedded in news coverage."[45]

Fairness Bias

One of the hallmarks of journalistic objectivity is fairness— so much so that the search for balance sometimes results in a sort of faux conflict. The result is that, if someone presents a viewpoint in a news story, editors and journalists are compelled to dig up an opposing viewpoint in the name of balance, regardless of whether the opposing point of view is needed or even logical. This compulsion for fairness has resulted in a conflict-driven media filled with pundits from opposing sides literally shouting each other down in the name of balance. And, although screaming matches between political pundits can be chalked up to "theater," as the comedian Jon Stewart so aptly put it as a guest on CNN's now-cancelled *Crossfire*, the effects of the fairness bias infect even the most innocuous news stories. For example, if a candidate running for office says something newsworthy, then the media generally attempt to get a reaction from a the opposition candidate. According to Cline, "This creates the illusion that the game of politics is always contentious and never cooperative."[46] So that, even if the point being made by the first candidate is valid and widely accepted as true, the media are compelled to present an opposing viewpoint. This sort of balance game can create an illusion of legitimacy for a viewpoint that isn't warranted.

An excellent example of this is the 2005 Terri Schiavo case. Schiavo was a young woman who had been kept alive artificially for over a decade following a car accident. The case became public when her husband tried to have her removed from life support so that she could die. Her parents steadfastly refused to cooperate and brought the case to court. Based on the media coverage, one would have believed that there was a nationwide debate over Schiavo's fate.

The journalist Eric Boehlert says the press was "allowed to stick to its preferred narrative that the Schiavo story had sparked a divisive 'debate' about the right-to-die issue," based largely on its need for conflict and its bias for fairness.[47] In reality, national polls were showing overwhelming support for the husband's cause.[48] When Schiavo was eventually taken off life support and subsequently died, Boehlert wrote on Salon.com,

> "It was fitting that reporters were in danger of outnumbering pro-life supporters outside Terri Schiavo's hospice . . . Has there ever been a set of protesters so small, so out of proportion, so outnumbered by the press, for a story that had supposedly set off a 'furious debate' nationwide?"[49] Ultimately, Boehlert puts the blame on the media for their invention of a conflict that didn't exist, at least on a national level. He says that "The excessive media coverage of the Schiavo story wasn't the most disturbing part. It was how, too often, journalists appeared to be afraid of the facts."[50]

Glory Bias

Geraldo Rivera has developed a reputation as an investigative reporter and talk-show host, and, most notably, by being controversial. As an "embedded" reporter with

the 101st Airborne in 2003 during the early stages of the Iraq war, Rivera was denounced by the U.S. military for disclosing troop movements on live television. He had literally drawn their positions in the sand during a report on Fox News. Initially, there was some confusion over whether he was expelled from Iraq officially and would be shifting his base of operations to Kuwait. When MSNBC mistakenly reported that he had been immediately forced to leave Iraq, Geraldo responded on Fox News from Iraq by saying:

> It sounds to me like some rats at my former network, NBC, are spreading some lies about me. You know, they can't compete fair and square on the battlefield, so they're trying to stab me in the back.[51]

At that point Geraldo Rivera became the story.

In 2015 in another example of what might be called self aggrandizement, long-time NBC news anchor, Brian Williams (whose ratings were consistently high) was suspended for six months for misrepresenting his experience in the 2003 invasion of Iraq. It seems that an earlier story he had told on the *Nightly News* involved a helicopter he was riding in being forced down by a rocket-propelled grenade (RPG). Almost immediately, his story was questioned by a member of the flight crew on one of the three helicopters that had been forced down, who noted that Williams hadn't been on any of them. In fact, he arrived nearly an hour later on another helicopter. Further investigation revealed that he had also exaggerated other earlier stories on various incidents. Following his suspension, Williams moved to MSNBC as Chief Breaking News Anchor.

We all recognize certain reporters and news anchors because we frequently see them on television. In fact, the State of the News Media 2008 report referred to an increase in what it called "a host-oriented culture" peopled by personalities with their own agendas.[52] However, simply being well-known and opinionated doesn't necessarily represent glory bias, although it comes pretty close.

By the very nature of their jobs, journalists are close to important and newsworthy events and people. The temptation to insert themselves into the stories they report on is therefore great, especially for television reporters. This most often happens because of their proximity to important and often unfolding events or to the politically powerful, the decision makers, the elite sources they rely on so heavily. According to Cline, "This bias helps journalists establish and maintain a cultural identity as knowledgeable insiders."[53] We see it every time a local TV station produces a promo for its news programming, complete with stirring music and anchors posing as if they were celebrities imbued with a special knowledge gained only through their ability to be close to the important events of the day and to the movers and shakers who control those events. When the people reporting those events and covering the powerful elite become as, if not more, important than the stories themselves, then we see the effects of glory bias.

As we move through the rest of this chapter, keep in mind that much of what is covered is affected by these two overarching issues: objectivity and its direct opposite, bias.

Ethical Approaches Specific to News Journalism

Because of the vital role the press has played historically as a purveyor of opinion, a harsh critic of government and politics, and a provider of citizen-centered information, it has been continually monitored over the years to make sure it is fulfilling its function. Not everyone has been kind. Even the staunchest defender of a free press,

Thomas Jefferson, had his moments. Near the end of his presidency, Jefferson showed his growing disaffection from the press when he wrote:

> Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle. The real extent of this state of misinformation is known only to those who are in situations to confront facts within their knowledge with the lies of the day.[54]

It shouldn't be surprising, then, that of all the disciplines we've discussed so far, news journalism is probably the most researched, especially in the area of ethics. According to Clifford Christians, who compiled a bibliography of books in media ethics, more than half the books written on the subject have emerged in the last decade.[55] In addition to the scores of books, hundreds of scholarly articles on the subject have been published covering nearly every imaginable aspect of the practice.

We will begin with some of the propositions put forth on how best to address the overall subject of journalistic ethics. Many of these will reference much already presented in this book, but in more detail and specifically related to journalism, both traditional and modern. As the ethicist Stephen Ward puts it, "The ethics of journalism is the never-ending task of inventing and reinterpreting its moral framework, because the project of journalism is ever changing."[56]

Shared Values: An Antidote to Relativism

Ethics scholar Deni Elliot says that many outside journalism might deduce that reporters tend toward ethical relativism because they typically hesitate to impose their moral viewpoints on other journalists. She suggests, instead, that "journalists do hold moral standards by which they judge professional behavior," and that, "without such standards, journalism would not be recognizable as a discreet [sic] industry."[57] Journalists, like other professionals, are motivated to use the "shared values" of their profession in doing their jobs, and it is by the standards that result from those values that journalists are judged.

Elliot lists several "essential shared values" that she says provide the basis for journalistic standards.

- First, *news accounts should be accurate, balanced, and complete*—for these are the elements that others often point to as lacking when they speak of ethical problems.
- The second value is the *avoidance of harm in the publishing of news stories*.
- The third, and what Elliot calls "deciding value," is that *journalists should provide readers with information they need*. This value is particularly important because it can serve as a counterbalance to harm.

Elliot also proposes a test to determine whether or not a shared value is essential to a particular profession. For instance, if we remove the above three values from the profession of journalism, what remains? We would have a press that *could* produce inaccurate, unbalanced, and incomplete stories—developed without thought as to whether the stories are important or not and whether any harm would come from them. In fact, we would have a press much like the one that existed prior to the twentieth century in the U.S. However, she reiterates that values alone are not sufficient for ethicality. It is the motivation to act on the shared values of the profession that ultimately results in ethical journalism.

Finally, Elliot points out that what may be taken as relativism by some is really pluralism. That is, journalists are willing to give each other some leeway in decision making—but "within the limits of essential shared values."[58] She points out that journalism is decidedly not relativistic, and, in fact, a "complete ethic for journalism is likely to contain a smattering of various ethical theories."[59] As we shall see below, others have thought the same thing.

A Contracturalist Approach

Stephen Ward proposes a "contracturalist" approach to ethics in journalism. Drawing on the notion of social contract, he suggests that ethics understood this way is a set of "legitimate but fallible principles" that guide the actions of journalists in their role as purveyors of information vital to public understanding and discourse.[60] Because these principles are determined by journalism's social obligation to society—via the social contract—critiques of journalistic ethics should then be based on the implicit and explicit promises made by journalists to their audiences as part of that contract. If journalists break these promises, they jeopardize the special protections they receive—for instance, under the First Amendment. Among these "promises" are that journalists act as "independent communicators for the public at large," and are not the mouthpieces of special interests or of the government.

The professional journalist is obligated to speak to the public in a manner that is different from partisan public communicators such as the social advocate, the government official, the lobbyist, the public relations person promoting a product, or the lawyer representing a client. Professional journalism is the organized, socially recognized activity of communicating to the public for the public, from the impartial perspective of the public good.[61]

As part of his contracturalist approach, Ward proposes three foundational principles:

- **The claim of credibility:** "All journalists (and news organizations) have the ethical duty to provide the public with credible news and analysis, within the limitations of news gathering."[62] This goes to the expectation that information presented will be truthful to the extent it is as "accurate and verifiable as can be expected, given the constraints of deadline, conflicting views, and incomplete information."[63]
- **The claim of justifiable consequence:** As with other professions, one of the primary obligations is to mitigate any potential harm that might be caused by the actions of the professional. This is usually dealt with in a utilitarian manner, balancing the potential harm to individuals against the potential benefit to society as a whole.
- **The claim of humanity:** "Journalists owe their primary allegiance to humanity, not to parts of humanity."[64] Because Ward is building a global journalism ethic, this claim is an important one in that it requires journalists to act as if the whole of humanity were their audience, thus affected by their actions. In his words, "Loyalty to humanity trumps other loyalties, where they conflict."[65]

The three claims capture what are arguably the most general and important features of journalism's social contract: *reliability*, *impact*, and *allegiance*. Ward suggests

these three principles because they accurately reflect the expectations of society as regards the news media, via the social contract.

It is likely that many publics would agree that the news media should report what is accurate and verified, that news media should consider their impact, and that journalists should maintain allegiance to a public interest that is greater than their own personal interests. The three principles state the basics of a plausible social contract for global journalism.[66]

A Duty-based Approach

As discussed earlier in this book, ethical decisions based on a sense of duty or obligation have been viewed historically as an alternative to consequential approaches such as utilitarianism. Probably one of the most useful of those approaches is the *prima facie* system proposed by W. D. Ross (and used to define moral claimants in Chapter 2). Christopher Meyers argues that Ross's approach, in fact, links both consequential and duty-based theories and provides a reasonable basis for decision making in journalism.[67]

Recall that Ross believed certain moral duties could be intuitively known as being literally self-evident—such as, "Persons should keep their promises." Although many have since argued that intuition is far too vague a concept on which to base moral principles, Meyers proposes that, from an applied ethics perspective, it doesn't matter where the principles come from—what matters is *why* they are valid.[68] He also says that Ross successfully bridged the gap between consequential and duty-based ethics. Although Ross is clearly in the duty camp when it comes to motive and obligation as the driving force behind moral decision making, Meyers points out that some of Ross's duties, especially non-injury and beneficence, are forward-looking, based on probable outcomes of actions— in other words, an obligation to produce benefit or to avoid harm. So, Ross's duties contain both duty-based admonitions "rooted in motives and reasoning," and obligations based on predicted, if potentially unforeseeable, outcomes.[69]

A key element of Meyers' analysis of Ross is the notion that decisions based on conflicting duties and resulting in honoring one above another also provoke further duties. For example, if a journalist decides not to run a story, based on non-injury to the subject of the story, she must still ask if that decision affects any of the other duties—for example, fidelity to the readers to provide them with information that may be vital to their understanding of an important topic. What if the story is about an AIDS victim, and the reporter decides not to run it in order to prevent harm to the subject of the piece? Don't readers gain something from learning more about the disease and its consequences within their community? Is the reporter then further obligated, by, say, the duty of reparation, to provide something else that serves the purpose of keeping the community informed on such important issues as AIDS awareness—perhaps a series on the disease, or a deeper investigation of the causes of it locally? As Meyers points out, it was Ross's position that all moral dilemmas were a conflict among duties, and that any decision among conflicting duties was bound to further obligate us. But it is exactly this process that makes Ross's duties attractive. The fact of conflict among duties makes the application of them "wholly contextual, with each situation bringing different moral facts," potentially requiring a privileging of one over another.[70] At the same time, it requires us to consider, at the deepest level, our obligations to each other and the consequences of our actions.

Meyers concludes that Ross's duties combine the key elements of both consequential and duty-based approaches. From duty-based approaches, it draws on the primacy of motive in acting on obligations that, in and of themselves, have apparent moral value. And motives, as we have seen, are key to ascribing accountability. At the same time, Ross clearly recognizes the importance of potential effects of certain duties, namely non-injury and beneficence. Finally, Ross recognized the importance of relationships and how they affect the context of decision making, thus helping us determine which duty is paramount in a given situation. As Meyers puts it, "The theory thus emerges as a viable tool for engaging, even resolving, real world problems, including those in media ethics."[71]

Virtue Ethics

Virtue, or character, ethics concentrates not on the action itself, or the consequences. Rather, it focuses on the moral agent and the characteristics that make that person capable of making a right decision. As a concept, it is particularly appealing to certain constructions of professional ethics. As philosopher Alisdair MacIntyre notes, any area of human endeavor, such as professions, in which standards of excellence guide the production of societal goods is an "appropriate locus for the exercise of the virtues, and the virtues are those qualities that allow practitioners to excel in their roles."[72]

Virtue ethics also seems to align nicely with what moral philosophers call "role morality." As Kevin Gibson explains it, "The notion of role morality suggests individuals may adopt a different morality depending on the roles they undertake."[73] For instance, a journalist may be put in the position of violating someone's privacy because of a story. As an individual, the journalist may feel that, under normal circumstances, such a violation would go against his individual moral beliefs. However, journalists are regularly required to visit some harm on the people they cover, and the "morality of the role" they have chosen allows this in, say, the pursuit of the greater good.

For others, the key benefit of virtue ethics is that it supports democracy. Recall that the concept was originally developed within a democratic system—that of ancient Athens over 2,500 years ago. As media ethicist Elliot D. Cohen says:

> Within a democracy, the virtues of journalists include character traits that are conducive to the stated end of journalistic practice . . . [T]hese character traits can be defined as habits or dispositions to act in manners that advance the end of a democratic press. These habits involve dedication to principles of conduct that follow from the journalistic end of serving democracy. Insofar as this end is a moral end, these virtues and their corresponding principles are also moral.[74]

Cohen suggests that such virtues as being responsible, loyal, fair, impartial, honest, and courageous in reporting news are all part of "what it means to be a competent journalist."[75]

Another proponent of using virtue ethics as a foundation for journalistic ethics is Aaron Quinn, educator and ethicist. He proposes that ethical decisions are best made when internally derived (as from the elements of good character) rather than externally derived (as from rules or guidelines).[76] Following Aristotle, Quinn suggests that the virtues, values, and principles that will guide journalists ethically are best provided by education and life experience.

Quinn proposes two primary virtues for journalists: justice and integrity. The first is what he calls an *agent-neutral* virtue—one "that calls for equal application to all persons, with no special consideration for an individual or discreet [sic] group."[77] Justice was recognized by Aristotle as an overarching virtue that affected the running of a good society, treating citizens not equally, but according to their merit (distributive justice). A journalist possessing the virtue of justice would be able to judge efficiently the merits of others in a given situation and decide whether they deserved to be treated in a certain way or not. For example, a drunken driver who caused an accident might deserve less privacy consideration than his victim who was an innocent pedestrian.

Integrity, on the other hand, is *agent-relative*—"the moral value of the virtue in a given case relates directly to its relevance to a specific person or discreet [sic] group of persons."[78] Integrity is integral to moral action. This is especially true under virtue ethics because of its focus on character. Integrity means being consistent in one's actions by upholding one's principles. A consistent character is the hallmark of a virtuous person. Thus, good character drives good action.

Finally, Quinn proposes what is known as a *regulative ideal*, "a standard by which one ought to judge one's actions both in a general sense—what it is to be a good journalist—or in a particular circumstance, how ought a journalist to act in this situation, right now." A regulative ideal requires internalization of a standard of conduct, a conception of excellence, by which to guide one's motivations and judge one's own actions. For example, a good journalist may have developed, over the years, an internal ideal of what defines excellence in journalism. This ideal will then serve to regulate her actions by checking her motives against the ideal in each situation—thus guiding her actions.

Quinn suggests that the process of developing a regulative ideal allows journalists to bolster certain key virtues, such as justice and integrity, while continually testing and adjusting their actions. The novice may require constant comparison of the ideal against the impulse. The seasoned journalist, on the other hand, may have reached a point of character development in which the right action has become second nature. This is completely in line with Aristotle's notion of character being the culmination of education and life experiences—a place from which the golden mean is always the obvious choice.

Special Issues in Journalism Ethics

As we have already seen in this chapter, the practice of news journalism comes with its own set of ethical issues. Some of those have already been discussed earlier in the chapter. Here, we will discuss only two additional areas, deception and privacy; however, they are two areas often cited as being troublesome for journalism. They also subsume many of the offenses people outside journalism focus on, including topics such as sensationalism (a result, perhaps even a goal, of some forms of investigative reporting and privacy invasion). In addition, we will, as in the other chapters, deal specifically with new media and the potential for ethical problems there.

Journalistic Deception

Exactly what constitutes journalistic deception? Most ethicists agree that both outright lying and misleading through the withholding of information constitute deception, especially as it relates to journalism. Lying means to consciously assert something that you know is not true. Withholding information relevant to a complete

understanding of something can mislead at a level that sometimes can be even more of a moral problem than outright lying.[79] For example, a woman asks her husband, "Are you cheating on me?" He responds, "No. I am not cheating on you." What he withholds is that he *was* cheating on her, but he broke it off. His direct answer is therefore not a lie; however, his withholding of information is potentially as deceptive as any outright lie. Deception, then, is more than just lying. It also includes any action that would lead someone to believe something that is not true. It is this definition that we will assume here.

Ethicists Deni Elliott and Charles Culver have identified several conditions for deception.

- Acting with the *intention* to deceive, even if the deception is ultimately unsuccessful—because the attempt to do something unethical is still morally suspect, regardless of the outcome.
- Actively lying verbally or by other non-verbal means. Examples of non-verbal deceptions might be altering appearance, as in a reporter masquerading as a physician in order to gain access to a shooting victim. Or nodding your head to indicate "yes" when the truth is "no."
- Withholding information so as to alter perception. For example, a journalist might leave out certain facts about the subject of a news story that so as to make him seem more heroic at an accident scene. The subsequent picture of him will thus be one manufactured in part by not having presented a complete story of events.[80]

Because withholding information is often a grey area in deception, Elliott and Culver give it special consideration. They outline three key areas in which journalistic deception is most likely to occur.

1. *Investigative deception* refers to deceptions carried out during the news gathering process. For example, a reporter poses as someone she is not in order to gain access to information.
2. *Interrogative deception* may take place during interviews, even when the people being interviewed know they are talking to a journalist. For example, pretending to be sympathetic to a subject when you may, in fact, be hostile. Or intimating that your broadcast interview is being taped when, in fact, it is live.

   An infamous example of this type of deception took place in 1995 during an interview between Connie Chung, then CBS host of *Eye to Eye*, and the mother of Newt Gingrich, Republican Speaker of the House. During the interview, Mrs. Gingrich indicated that she couldn't say what her son thought of then first lady, Hillary Rodham Clinton. When Chung suggested to her that the information would be "just between you and me," the House Speaker's mother indicated that her son thought Clinton was a "bitch." Reaction not only to the slur but also to the way in which it was extracted was immediate and condemnatory. "What we have here is a short-term rating gain for CBS and a long-term black mark for media credibility," said Everette Dennis, then executive director of the Freedom Forum Media Studies Center at Columbia University.[81] He classified Mrs. Gingrich as an "innocent" when it came to dealing with the media, and suggested that Chung, and CBS, had exploited that fact by intimating that the Gingrich comments would be off the record.

It is exactly this sort of problem that cause Elliot and Culver to argue that journalists "have a duty to relate information about the procedural features of [an] interview to the source," including the following:[82]

- A duty to tell the source that an interview for publication is taking place (including a duty to relay more detailed information to less sophisticated sources).
- A duty to tell the source how the information is being recorded.
- A duty to tell the source if, through some misunderstanding and resultant action on the part of the source, the source becomes more likely to be harmed than he or she knows.

3. *Informative deception* takes place when a reporter either intentionally includes false information in a story or withholds information, thereby allowing the reader to initiate or sustain a false belief. This is probably the rarest form of journalistic deception because so much of what constitutes good journalism has to do with completeness. Deception of this type generally denotes bias. An example might be withholding information about an alleged act of sexual harassment by a congressional representative on the eve of an election in order not to prejudice the outcome.

That was the excuse used by the Portland *Oregonian* in 1992 when the then Oregon Senator Bob Packwood was accused of sexual harassment in a *Washington Post* article. It was only after the publication of that article that it became obvious that the senator's own home paper had avoided the story. The *Oregonian's* editor admitted to the *Post* that his paper "should have been a little more aggressive . . . We were worried about ruining a man's career."[83]

It also came to light that the senator had even kissed one of the *Oregonian's* own reporters during an interview—a fact that was kept quiet by everyone who knew about it. A bumper sticker at the time read, "If it matters to Oregonians, it's in the *Washington Post*."

The effects of the paper's misstep with the Packwood story lasted for years. During a more recent brush with similar issues, the now political editor of the *Oregonian* noted that editors at the time "flat-out knew the senator harassed women, one in their own office no less, and, with eyes open, they passed on a story that could have affected his re-election."[84]

Finally, as Elliott and Culver argue, the bottom line in defining deception is that withholding information is every bit as much of a problem as outright lying in journalism. The authors reiterate that the act of deception is always, on the face of it, immoral. And the burden of proof is always on the journalist to show justification.

The Case For and Against Deception

Now that we have a definitional handle on what constitutes journalistic deception, the ultimate question arises: Is it ever proper for a journalist to lie in order to get a story? This is the primary question every journalist must ask when deciding whether to engage in investigative reporting, especially undercover reporting, which is the area we will focus on here.

The question is not a new one. At the turn of the century, the reporter Nellie Blye (a pseudonym) posed as an insane woman so she could expose New York City's notorious Women's Lunatic Asylum. Carrying on in that tradition in the 1960s, Gloria

Steinem became a Playboy Bunny in order to give readers an inside look at what the women employees of the Playboy Clubs had to go through earn a living. In the 1970s, the reporter Carol Lynn Mithers posed as a man to get a job on a sports magazine and then published the results of her investigation in a *Village Voice* article called, "My Life as a Man." The *Chicago Sun-Times* sent female journalists into clinics in downtown Chicago that performed costly abortions on women who were not pregnant. Even the venerable Walter Cronkite once voted under false names twice in the same election to expose election fraud. And, in 1977, in probably the most famous undercover scam in decades, the *Chicago Sun-Times* set up a fake bar called the Mirage, run completely by undercover journalists, in order to record dozens of city officials engaged in bribe taking.

In the now-famous Food Lion case, ABC's *Prime Time* went undercover to expose what it suggested was the giant grocery store chain's practice of selling tainted meat and fish and ignoring expiration dates on other food products. When Food Lion sued ABC in a North Carolina court, it based its legal position on the fact that ABC undercover reporters had lied on their employment applications in order to gain access to Food Lion stores for the purposes of surreptitious filming. The jury awarded Food Lion $5.5 million in damages (later reduced to just over $300,000, and ultimately dismissed). Both journalists and non-journalists came down on opposite sides of the issue.

Writing in *USA Today* magazine, Joe Saltzman painted a picture of investigative reporting as a time-honored tradition, fighting both big government and big business on behalf of the American people.[85] Whereas most journalistic accounts of the case were in this vein, David Wagner, writing for *Insight on the News* (a *Washington Times* publication), saw it differently. Citing possible collusion between ABC and the United Food and Commercial Workers International Union (UFCWIU), Wagner contended that the report was simply a concerted effort to "get Food Lion" because it had repeatedly resisted pressure to unionize.[86] Eventually, an appeals court threw out the original verdict and exonerated ABC. Despite this final ruling, the Food Lion case exemplifies the problems caused by undercover reporting using deceptive practices. The question of using deception to gather information is a sticky one that has troubled journalists for a very long time. In fact, the Society of Professional Journalists (SPJ) code of ethics advises journalists to:

> Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story.

The argument in favor of using questionable means to gather news deemed of value to the public welfare is based solidly on utilitarian grounds. According to the utilitarian view, deception must be used at times to further the public interest. Supporting this position, Sissela Bok, in her seminal work, *Secrets: On the Ethics of Concealment and Revelation*, holds that journalistic deception, like lying in general, is not an either–or proposition. Rather, it is best viewed as operating along a continuum from unnecessary to necessary.[87] Thus, journalistic deception that clearly benefits the public welfare could be seen as permissible, whereas deception that results in a story that merely titillates or satisfies the public's curiosity over some matter is clearly suspect. However, since the guiding ideal in journalism is to tell the truth, any deviation from that ideal must be able to stand up to the closest scrutiny. In other words, the burden of proof for using deceptive techniques in news gathering is squarely on the journalist.

According to educator and ethicist Louis Day, investigative techniques such as undercover reporting and the use of hidden cameras should be employed only after a full and deliberate discussion in which the decision makers:

1. are convinced that the information sought is of compelling public importance;
2. have considered all alternatives to the use of deception;
3. are convinced that the benefit to be derived from the deceptive practice outweighs the possible harm to the various parties involved; and
4. are willing to disclose to their audience the nature of the deception and their reasons for using such tactics.[88]

This test, although not solving all the problems associated with undercover reporting, certainly requires a hard look at the justification for using such techniques. Conversely, ethicist Bob Steele, identifies five criteria that *do not* justify deception.

- winning a prize;
- beating the competition;
- getting the story with less expense of time and resources;
- doing it because "others already did it";
- the subjects of the story are themselves unethical.[89]

The last two are of particular importance because of events in 2006 in which NBC was sued over the suicide of a subject covered in a televised sting operation. In November of that year, an assistant district attorney in Rockwell, Texas, made arrangements to meet privately with someone he was led to believe was a young boy he had reportedly been sending sexually explicit messages to over the internet. The "boy" was, in fact, a volunteer posing as a chat-room participant for NBC's *Dateline* news magazine program. *Dateline* was in the act of producing another segment of a series of televised sting operations based on the exploits of a group called Perverted Justice that had been conducting similar stings via the internet and that had already gained quite a bit of notoriety. Perverted Justice was a paid consultant for the NBC program. The idea was to lure subjects to a house where they would be confronted by TV cameras and the show's host.

Although the subject in this instance never showed up for the rendezvous, the local police attempted to arrest him at his home after being encouraged by NBC (according to the lawsuit). As the police and camera crews entered his home, he shot himself in the head.[90] The lawsuit was settled in 2008. *Dateline* hasn't produced another episode of "To Catch a Predator."

This much-talked-about ethical lapse fits Steele's last two unacceptable criteria for undercover reporting. The show was an offshoot of what had already become a highly controversial internet operation—one that had subsequently been mimicked by local TV news crews around the country, and one that FBI spokesman Jeff Lanza called an example of "vigilante justice."[91] Perverted Justice's position, and that of most of the news outlets using their model to run their own stings, is that the people exposed through these methods were themselves immoral, and so deserved to be outed. However, Charles Davis, director of the Freedom of Information Coalition at the Missouri School of Journalism, noted that when this kind of story is gathered through undercover means, "You're moving from an observer of fact and recorder of history into someone who's creating history."[92]

Deception of any form is a shaky practice, especially for journalists, whose primary obligation is to tell the truth. Although there may be some debate over the usefulness of deception in news gathering, it is ultimately up to journalists to make the call, keeping firmly in mind the potential for abuse this tactic brings with it—and the potential for tragedy if it is used unwisely.

Photo Manipulation: A Special Case of Deception

The public may well be losing faith in photojournalism. Part of the problem is that so much of the photography we see today is obviously manipulated digitally: magazine covers, advertisements, posters, billboards, etc. And we are increasingly treated to the digital manipulation, and creation, of moving images on television and movies. The last bastion of "photographic truth" may well be news photography; however, even that is coming under assault as photographs are increasingly altered, often in the most minor ways, in order to present just the right story.

For example, in April 2003, the *Los Angeles Times* photographer Brian Walski was fired over a photograph he submitted from the field in Iraq. It turns out that the photograph he submitted to the *Times* of a British soldier directing civilians under fire from a mortar attack was actually a composite of two photographs. An employee of another paper, with whom the photograph was shared, noticed that there was duplication of some of the people in the crouching crowd being directed by the soldier. Further investigation revealed that two images had been combined to produce the dramatic photo. Walski admitted that he had manipulated the photos on his laptop computer in the field in order to "improve the composition."[93] The *Times* Director of Photography, Colin Crawford, reacted this way:

> What Brian did is totally unacceptable and he violated our trust with our readers. We do not for a moment underestimate what he has witnessed and experienced. We don't feel good about doing this, but the integrity of our organization is essential. If our readers can't count on honesty from us, I don't know what we have left.[94]

Why all the furor? Because, despite our cynicism, we still want to believe that what we see in a newspaper or otherwise presented by a news outlet is an accurate reflection of reality. That means that where it appears directly affects our expectations. In judging the ethicality of photographs, context becomes an all-important factor. Twenty years ago, ethics scholar Edwin Martin pointed out that the "vehicle of presentation" indicated to viewers the level of reliability of the photograph in representing the reality. He argued that "advertisements, fashion magazines, art galleries, and newspapers provide contexts of varying inferential license"—that is, what a photograph infers as being true will vary according to its context.[95] None of us expect the cover of a humor magazine to represent reality, much less print advertisements in magazines. However, photos appearing in newspapers, in fact "infer" reality, and, in that sense, have a greater "assertional" force—they effectively assert that what they represent is unaltered reality.[96]

Tom Wheeler, a former magazine editor and photo manipulation expert, points out that there is a fine line between reality and what can be presented in any photograph purporting to reflect reality.[97] However, it is the job of the journalist to interpret the world in ways that correspond as closely as possible to reality. He refers to this type of photography as *editorial* photography. In his book *Phototruth or Photofiction*, Wheeler argues that news photographs are "assumed to have captured objects or events that have happened in real time and space."[98]

As noted in Chapter 6 of this book, Wheeler has developed what he calls the "qualified expectation of reality" test (QER) based on whether the viewer of a photograph expects it to depict reality or not, particularly given its context. Thus, a cover for a fashion magazine would have a lower QER than a front-page photo in a newspaper. In delineating the instances in which QER will play a determining role, Wheeler proposes several tests for photographers, especially editorial photographers, to use when determining the ethicality of their photographs.

- The first is the ***viewfinder test***. Wheeler argues that viewers don't typically expect that an editorial photograph actually is reality; "only that it corresponds in some sense to reality, that the objects it portrays are no more or less than those that were seen through the viewfinder."[99] This test allows for traditional processing and editing techniques and allows, to some degree, interpretive influences of the photographer herself. It does not allow for certain alterations to the photograph after exposure—such as addition, removal, rearrangement, or substantial alterations of material objects within the frame. This would disallow such practices as the removal of a fence post in a famous photo of the Kent State shootings in 1970. The photo, taken by a student photographer, subsequently won a Pulitzer Prize. It was later altered by Life magazine to remove the post that seems to grow out of the head of the primary focus of the photo.[100]

- The ***photojournalist's process test*** assumes that certain decisions made by the photographer "in the field" are understood by viewers, thus their QER is adjusted by this realization. For instance, despite the fact that photographers typically frame subjects, select a lens, adjust aperture, etc., viewers expect that this is part of the process of photography and accept it. Even the use of special lenses, such as fish-eye, are understood as acceptable special effects, in the same way they know that, just because a photographer chooses black and white film, reality is not black and white. The same is true of some post-exposure techniques such as cropping or dodging and burning (used to lighten or darken exposure). None of these "traditional" methods tend to violate what viewers expect in an editorial photograph.

- The ***technical credibility test*** basically notes that most people will recognize manipulated photographs that are amateurish in their execution. An infamous attempt to place the former presidential hopeful John Kerry alongside the onetime anti-war activist Jane Fonda and pass it off as an Associated Press photo failed simply because it looked exactly like what it was—a digital cut-and-paste job. However, with the increasing sophistication of digital editing software, telling a fake photo from a legitimate photo is becoming much harder to do. A 2007 *Time* magazine cover depicting a tearful Ronald Reagan garnered a lot of attention, despite the fact that the masthead carried a credit for the artist who painted in the tear on the late president's face. There were many who believed the emotional moment had been captured in reality some time during the Reagan presidency; therefore, the use of it to illustrate the turmoil in today's Republican party was nothing short of disrespectful.

- Finally, Wheeler proposes the ***obvious implausibility test***—or, more tongue-in-cheek, the "pregnant Bruce Willis" test. The latter term is based on a cover perpetrated by the now defunct *Spy* magazine—a publication focusing on political

and celebrity satire. The cover featured a photograph of actor Bruce Willis, naked and obviously pregnant. It was a pointed parody of an earlier *Vanity Fair* cover in which his wife at the time, Demi Moore, was featured pregnant and naked. Wheeler's point is that if the fiction of a photograph is immediately obvious, then QER is completely suspended.

All of these tests allow for audience expectation of reality to come into play. The bottom line is: If the audience expects the photograph to represent reality, then it shouldn't have been altered in any way not already assumed as legitimate by that audience. On the other hand, if the manipulation is obvious, then there can be no expectation of reality. However, if the photograph has been altered, and the audience expects it to reflect an unaltered reality, then something must be done to apprise them of the alteration. Wheeler suggests written disclosure appropriate to the degree of image alteration. For example, if the substance of the photograph hasn't been significantly altered (say, the removal of an awkward phone line obstructing someone's face) then a simple disclaimer stating that alteration, is probably sufficient. However, when the image has been altered significantly, as in the now infamous O. J. Simpson *Time* cover, then a fine-print disclaimer on the inside masthead probably won't serve.

Wheeler offers some final suggestions for the profession as a whole.[101]

1. Embrace a broad definition of "editorial photography" as being photographic images published for news, editorial or documentary purposes.
2. Treat the reader's Qualified Expectation of Reality as a sacred trust; we can suspend it altogether with immediately obvious photo-fiction, but otherwise we cannot violate it.
3. Publish no editorial photography that falls into all of the following categories:
   • It is photofiction.
   • It fails one or more of the QER tests.
   • There is no appropriate disclosure.
4. In determining appropriate disclosure, consider whether the fiction is a detail, requiring only a brief mention in fine print, or is the essence of the image, requiring an identification sufficiently prominent to mislead no one; the extent to which the publication's commercial potential depends on the photo-fiction.
5. Remember that the ultimate test is one of honesty and perception: Do we mislead our consumers? Do they think we mislead them? When in doubt, let us err in favor of the public trust.

Privacy and the News Media

Information is power. At no time in history has this been more true than today. Our personal autonomy is greatly affected by how much others know about us, and we seem to be increasingly willing to let them know. In today's "performance" culture, in which existing at all seems to mean existing publicly, the concept of privacy is radically different from the one delineated by past generations. Social networking sites such as Facebook are filled with private moments made public. Rowdy party pictures compete with deeply private love notes for public attention. The television screams reality at us from shows designed to embarrass even the most hardened souls. The private lives of public officials and celebrities are the stuff of common gossip on internet blogs and entertainment "news" programs. Can journalism help but be affected by the trend toward

disclosure? Up until very recently, presidents' private lives were a matter of private concern. Franklin Roosevelt's life-long relationship with another woman as well as John F. Kennedy's alleged frequent dalliances were virtually ignored by the media of their day. Compare this with the Clinton–Lewinsky story of the 1990s, when the frenzy with which the media reported even the most sensitive details of a White House sex scandal literally dominated the news for months. Some imagine this was a historically recent trend, but journalism wasn't always as chaste as it appeared during much of the twentieth century.

Privacy has a muddied history in journalistic ethics. The nature of the early press in the United States pretty much guaranteed that subjects of news stories, particularly political figures, would have little or no privacy. During Thomas Jefferson's presidency, opposition newspapers regularly reported on rumors of his alleged sexual relationship with his slave Sally Hemings. Andrew Jackson shared a similar fate when his mistimed marriage to Rachel Robards (she wasn't quite divorced yet) became the stuff of press gossip on the eve of his election. It wasn't until the twentieth century that the privacy laws we are familiar with today were enacted, protecting citizens from the prying eyes of the media.

Privacy as a Legal Concept

Privacy has no single legal definition; however, the simplest definition does come from a jurist. In 1888, Judge Thomas Cooley defined privacy as "the right to be left alone."[102] Subsequent definitions refined the concept somewhat. In 1890 Samuel Warren and Louis Brandeis argued for the creation of a legal remedy that would allow citizens the right to sue over invasions of privacy, worrying (prophetically) that "what is whispered in the closet shall be proclaimed from the housetops."[103] The modern definitions of privacy also assume a sense of place, distinguishing between the private and the public sphere. For instance, this "right" is generally restricted to places in which a person might reasonably expect privacy, such as home, or a hotel room. Most people, including journalists, assume that anything that happens in a public space is, by definition, public, especially if the disclosure is voluntarily made (think of loud cell-phone conversations here). The same applies for information already a matter of public record, such as arrest records.[104]

Although there are early examples of privacy as a legal concept, especially in the form of trespass laws, the privacy constructions we are most familiar with are historically very current.

- *Intrusion* is most cited by people as "invasion of privacy." It basically refers to the sanctity of an individual's private space being "invaded" by an uninvited intruder, and covers such acts as wiretapping, looking through windows, and physical trespass. As regards journalists, it is most often about physical trespass and the use of such intrusive techniques as telephoto lenses to capture private moments. In 1999, the Supreme Court ruled that journalists have no right to enter a person's home without being invited by the person dwelling there. This ruling put an immediate damper on the production of the myriad "cop" shows in which alleged criminals were caught and arrested in dramatic fashion on camera, often in their own homes.
- *Publication of embarrassing private facts* limits the rights of journalists to print or otherwise reveal facts, even true facts, about individuals that will cause them

embarrassment. This could include information about their personal finances, sexual relations, medical treatment, personal correspondence, etc. However, this prohibition has been often tested in court with the result that public figures have much less protection than private individuals—a distinction that has dominated legal findings concerning privacy.

- *Publication that might place someone in a false light* deals with possible distortions or outright falsehoods that could leave a false impression of someone. This is similar to defamation in that it would have to be proved intentional or done out of careless neglect to be legally actionable. Nonetheless, certain instances do occur in which individuals are harmed in this way. For example, a photo of a person taken to illustrate one story might appear alongside an unrelated story in a newspaper leaving the impression that the unrelated story and the photo are connected. This is especially troublesome if the story is a negative one.

- *Appropriation* has to do more with advertising than journalism and involves the use of person's name, picture, or likeness without that person's permission, usually for commercial exploitation. So, if you see an image of a celebrity tied to a product, it's almost certain that the advertising agency has permission to use it as an endorsement. Otherwise, they could be sued.

In order for invasion of privacy to be legally actionable, two criteria must be met. First, the news gathering or publishing process must have violated certain legal principles that protect the individual (one of the above torts). Second, it must be clear that the action isn't protected under First Amendment privilege. As with libel cases, there may be a sort of "constitutional excuse" granting immunity for some articles or broadcasts.[105] This is especially true in cases involving public figures, or, in some cases, information gathered in a public place. It may also be argued that the information published is of legitimate public concern. As ethicist Louis Hodges notes, "It is just for a journalist to violate the privacy of an individual only if information about that individual is of overriding public importance and the public need cannot be met by other means."[106]

Privacy as an Ethical Concept

In order to discuss the ethical aspects of privacy, we must first understand the human need for it. Sissela Bok defines privacy as "The condition of being protected from unwanted access by others—either physical access, personal information, or attention."[107] But why do we value privacy at all? Louis Hodges asks us to visualize privacy as "circles of intimacy," at the center of which we exist alone with our "fantasies, unarticulated hopes, memories."[108] In the second circle, we occupy a space with someone we know personally and with whom we are willing to share certain intimacies—generally in a one-to-one relationship, as with a spouse. The third circle includes a larger group of friends, but friends with whom you are still willing to share information about yourself that you would not necessarily want to become public—a sort of trust relationship. The circles continue outward until they encompass all of humanity, with the level of intimacy lessening as we move farther from the center. The idea is that we need to maintain some control over these circles of intimacy by determining who enters and who does not. Hodges suggests that our need to control these circles of intimacy stems from psychological needs, such as the need to develop and maintain a sense of self while simultaneously constructing boundaries between ourselves and others in order to protect

our notion of who we are as individuals. This allows for what Kant would call "individual autonomy"—control over our own destinies.

Ethicist Candice Gauthier proposes several classical models for addressing the ethics of privacy, including a *Kantian model* based on respect for persons. From this perspective, "Invading a person's privacy treats that person as a mere means by interfering with the choice to keep certain information private."[109] This typically initiates a dilemma between reconciling the rights of individual subjects of news stories with the rights of the consumers of news, who must also be recognized as rational agents and who require "relevant information in order to make reasoned choices."[110] The deciding factor on honoring the Kantian ideal would have to be a weighing of interests, thus suggesting that a recognition that respect for persons is perhaps not an absolute rule. Rather, it is one that must be tempered by the balancing of needs. Gauthier argues that invading the privacy of some and interfering with their choices regarding the release of information may be necessary in order to permit others access to information needed to make equally important choices in their lives.[111]

She does note, however, that respecting the privacy rights of individuals should be the default position for journalists unless it can be proven that the rights of the consumers of the information are greater. She provides a checklist that provides some guidance when these dilemmas are encountered.

- Why is this information considered private by the subject of the story?
- Do these reasons make sense?
- Would I want to keep this information private, if it concerned me?
- How important is it to the subject and the subject's life that this information is kept private?
- For what specific life choices does the public need this information?
- Are these relatively trivial or significant choices? How vital is this information to those choices?
- Is similar information available from public sources?[112]

Gauthier also provides a *utilitarian model* of privacy invasion based even more directly on the notion of competing claims. As with all utilitarian judgments, dealing with invasion of privacy requires a weighing of benefits and harms. Because of the requirement of impartiality, the moral claims of the subject of a story carry no more weight than those of the consumers of news. Gauthier warns us, however, that we must not make utilitarian decisions based on sheer numbers. Rather, we must consider the nature and severity of the potential harm. As John Stuart Mill warned, much can be sanctioned in the name of the common good that violates the dictates of justice. As Gauthier points out:

> when individual reporters or editors are attempting to justify a specific invasion of privacy by benefits for the common good, they must be reasonably certain that the information revealed really will promote the common good and that this good is generally recognized, as such, by the community.[113]

Gauthier's third construction is the t*ransfer of power model* based squarely on the "conception of personal privacy as our control over who has access to us and to information about us."[114] As mentioned at the beginning of this section, information is power. If this is true, then invasion of privacy equates to the theft of that power.[115]

Privacy protects our thoughts, words, relationships, and activities from being used

against us. It protects us from the judgments and repressive or punitive reactions of institutions, groups, and individuals. Privacy, understood in this way, serves as a valuable counterweight to the power of others.[116]

As with the other models, a journalistic decision to invade a subject's privacy must involve a recognition of the reason for the act. Reporters must question their motives for disclosing as well as the motives of their audience in knowing information about someone that is clearly private. Simple curiosity isn't enough. It must be shown to be of vital importance to the public, which is especially relevant in cases concerning political candidates or office holders. It may be that private information about people who have more power over others than most of us do deserve more scrutiny, even into their private lives or the aspects of their jobs that might otherwise remain private.

This brings up the important distinction between private and public individuals. Louis Day notes that the private–public distinction has developed into a situation in which private individuals are privileged by the courts when it comes to privacy. This has resulted in a near elimination of protection for public officials and public figures. Loosely defined, public figures include celebrities and others who, for whatever reason, find themselves in the limelight. Public officials are those who work within the various levels of government, from the lowly file clerk in the hall of records to the president of the United States. The courts, and common sense, seem to conclude that, because public figures and officials *choose* to do whatever they do within the glare of public scrutiny, they have asked to be scrutinized more closely. This may have some merit legally, but ethically it is suspect. Even if the "zone of privacy" accorded public figures and officials is necessarily smaller, should it be non-existent? Day argues that even these individuals deserve some modicum of privacy, and some level of control over their private affairs.

Of course, the level of privacy an individual *deserves* is also determined, in part, by his or her position. Logically, then, those with less power to affect the lives of others should be accorded more consideration than those who have more power. For example, it may be more ethically appropriate to investigate the private life of the President of the United States than the clerk in the hall of records in your hometown. However, even those subjects who may be classified as public figures (especially those not holding power themselves that directly affect the well-being of others) deserve a modicum of privacy, and it would be wrong to assume that the possession of power automatically allows for invasion of privacy.

Finally, Day sums up by proposing three moral values that should provide the foundation for an ethic of privacy for media practitioners.[117]

1. Respect for persons.
   - As autonomous individuals we are all entitled to a certain amount of dignity, which should not be arbitrarily compromised for the sake of some slogan such as "the people's right to know."
   - When invasions of privacy are inevitable, as when someone involuntarily becomes a subject of public interest, the goal should be to minimize the harm.
2. Social utility.
   - The moral agent must decide what information is essential or at least useful to the audience in understanding the message being communicated.

This principle eliminates appeals to sensationalism, morbid curiosity, ridicule, and voyeurism as a justification for invasion of privacy.

3. Justice.
- Moral agents are obliged to render judgments based on how much privacy their subjects really deserve under the circumstances.
- Public officials who are accused of violating their oath of office would, under most circumstances, deserve less privacy than victims of human tragedy.
- Certainly, the degree of "voluntariness," or purposeful behavior, is a consideration in deciding what kind of treatment an actor really deserves.

Privacy in Today's "Public" Environment

We now live in a hyper-mediated world in which people voluntarily and freely post information—some of it almost exhibitionistically—about themselves on online social media networks, all the while counting how many "Friends" and Twitter followers they have. Looked at differently, and more provocatively, the question becomes, is the desire of a person to share information and live connectedly on social media the same as being public person?

This question also lays bare the difficulty of constructing an ethics of privacy in a world that is increasingly not private—a world in which people live their lives publicly, a world in which to be real is to be interconnected. Is it even possible to create an ethics of privacy that is applicable for everyone and anyone engaged in public communication, not just for professional journalists?

The internet is a game changer when it comes to the potential damage done by privacy revelations, given the reach, permanence and accessibility of internet-posted information. In this environment, journalists, bloggers and other public communicators must weigh, along with their initial decision about whether to publish an ostensibly private fact, the reality that it will likely circulate in perpetuity once posted on the internet and that it is easily retrievable.

A critical privacy-and-press issue for news organizations to consider is the online revelation of private facts not by journalists themselves, but by individuals who post comments immediately following stories on a news organization's website. It may be, for instance, that a news organization has deliberately withheld from an online story certain information that it considers privacy invasive. Yet, an individual who reads the online story might post a comment for all of the world to see that reveals the privacy-invasive fact. Thus, by supposedly facilitating an open forum for greater reader participation, journalists may be surrendering what power they still possess to police and protect certain privacy interests.

As younger generations post information about themselves online and allow both private companies and the government to collect massive amounts of data from them, they must be aware of the concomitant risks and dangers to their own privacy. If privacy is a social, cultural, and legal construct that varies in definitions and expectations from generation to generation, then we must all become informed stakeholders in the debate about shaping the future of privacy.

Ultimately, privacy is a moving target and expectations of privacy may prove cyclical. Younger generations that today live much of their lives publicly may actually want their privacy back someday. All who communicate, including journalists, should

embrace the mission of educating the public about the interests that lie in the balance between privacy and the press.

The bottom line is that we must protect the privacy of individuals when at all possible. Even in an era in which, by choice or circumstance, the concept of privacy is eroding, we need to remember the reasons we require and desire it. To imagine a world without it is becoming, sadly, easier to do. Jeffrey Rosen, law professor and legal affairs writer for the *New Republic*, laments the erosion of privacy when he says:

> Privacy is a form of opacity, and opacity has its values. We need more shades and more blinds and more virtual curtains. Someday, perhaps, we will look back with nostalgia on a society that still believed opacity was possible and was shocked to discover what happens when it is not.[118]

Ethics and the "New" Media

Journalism is changing, and the most visible manifestation of that evolution has come in the form of radically new approaches for delivering and receiving news, aided specifically by the internet and the advent of social media. Although television is still a major player in news delivery, it is not attracting the 18 to 24 demographic. This group tends to rank the Internet as more important because it delivers speedy news and information; although, the rush to acquire that information may rely more on access than on accuracy.[119] The State of the News Media 2008 Report suggested that "citizen media" had become a "true competitor to traditional media."[120] A key element in the rise of new media has been the advent of online media that operates as partnership, or interactively, with the consumer—now part producer.

Examples of new media abound, including YouTube, the video-sharing site, Facebook, the social networking giant, and Wikipedia, the citizen encyclopedia site. The report estimated that, as of spring 2006, 37 percent of all Americans who go online are engaged with user-generated content. In other words, they had actively "uploaded video or photos, blogged, posted comments to an online news group or Web site, remixed a song, or created some other form of media."[121]

However, the question of whether any of this activity constitutes "news" is a large one. Because the information generated is generally done by "citizens," it is often done without the interference, or aid, of editors. In addition, the content served on most of these sites doesn't always meet the traditional criteria for news. Nonetheless, the growth in popularity of such sites as Twitter, launched in 2006, has led to a change in content. Both Twitter and the social networking site Facebook are now being extensively used as news distribution platforms, according to the report, rivaling news sites for breaking news. As savvy newsmakers begin to place content on social networking sites, the all-important journalistic notion of the "scoop" may be shifting away from the mainstream media.

Participatory/Citizen Journalism: The First Step

Mark Glaser says that:

> The idea behind citizen journalism is that people without professional journalism training can use the tools of modern technology and the global distribution of the Internet to create, augment or fact-check media on their own or in collaboration with others.[122]

Glaser draws the following distinction between this new form of journalism and traditional practices:

> When a traditional media outlet covers a story, the editor usually assigns the story to a reporter, the reporter does the work and turns in a story that gets edited and published. But in the case of ad hoc citizen journalism, a blogger or observer might see something happening that's newsworthy and bring it to the attention of the blogosphere or the online public. As more people uncover facts and work together, the story can snowball without a guiding editor and produce interesting results—leading to the mainstream media finally covering it and giving it wider exposure.[123]

He also points out that the term "citizen journalist" is a bit misleading. After all, aren't mainstream journalists also citizens? J. D. Lasica, senior editor for *Online Journalism Review,* notes that "Participatory journalism is a slippery creature. Everyone knows what audience participation means, but when does that translate into journalism?"[124] He enumerates several models that help define the distinction. First, when online publications and collaborative news sites engage in original reporting based on their own news gathering, few would dispute that it's journalism. Even if citizens contribute photos, video, and tips to news sites, most would still consider it journalism. However, the definition frays a bit when bloggers merely comment on or link to news sites. Nevertheless, if we mix in informed personal commentary, especially if it relies on original research or is provided by an "expert," then it leans more toward journalism—as does the addition of such things as phone interviews with newsworthy subjects posted to a blog site.

Lasica argues that a strict definition of what constitutes journalism in a narrow sense must involve original reporting and an editorial filter, but in a broader sense may also consider travelogues, op-ed commentary and analysis. In either event, "it's certain that audience participation in the news equation is on the upswing."[125]

Detractors and Supporters

Obviously, not everyone agrees that citizen journalism is necessarily a good thing. Most of the criticism of the new form of journalism is based largely on questions such as: What constitutes a journalist? How do we tell the difference between news and opinion? How is it obtained and from whom? What is the level of quality control? and What is the level of transparency? On the first two questions, Wikipedia's founder, Jimmy Wales, notes that, "because citizen journalists are motivated to write mostly on stories they care about personally, their output is typically commentary or analysis." And, although he admits that some forms of citizen news tend toward objectivity, it probably won't replace the traditional model "with its mechanisms to ensure reporters are not just pushing an agenda."[126] *The New York Times* education columnist, Samuel Freedman, agrees when he says "Citizen journalism doesn't merely challenge the notion of professionalism in journalism but completely circumvents it."[127]

> It is journalism according to the ethos of indie rock 'n' roll: Do It Yourself. For precisely such reasons, I despair over the movement's current cachet. However wrapped in idealism, citizen journalism forms part of a larger attempt to degrade, even to disenfranchise journalism as practiced by trained professionals.[128]

Jay Rosen, a staunch supporter of citizen journalism, notes that traditional journalists have editors; however the new journalists (specifically bloggers) have

"(writerly) readers, and the readers represent an editor." Depending on which side you're on in this debate, this can be viewed as either a positive or negative attribute. For example, the State of the News Media 2008 report cites research that seems to show that citizen journalism sites are not as open and interactive as the term implies, noting that the majority of sites analyzed tended to demonstrate the instincts of "strong gatekeepers" who control the content and are somewhat more difficult to interact with than the ideals of citizen journalism suggest. Now, instead of professionals, those gatekeepers were the bloggers or citizens who ran the sites.[129]

Although this is a basically neutral statement, it does allude to a potential dilemma. Does this mean that, as the writer Alissa Quart puts it, "It's amateur hour in America," or does it presage a new way of looking at what we have traditionally defined as news journalism?[130] Media blogger Shel Holtz notes that even though blogging is a participation of sorts, many are still opinion-oriented rather that first-news coverage oriented. Is short, they are not journalism, yet could compete with them over access to a less discerning audience.[131]

However, not everyone is a critic. Jay Rosen believes that citizen journalism, specifically in the form of blogs, are "an extremely democratic form of journalism."[132] He cites the educator and online blogger Jeff Jarvis as saying "the weblog gives people in the audience a printing press, and thus access to their own audience. There's something extremely democratic about that development."[133] The strength of blogging, as Rosen sees it, is that it creates a "sphere of debate" that includes millions of people, not just as listeners (as in traditional journalism), but as participants. The form favors individual voices and self-publishers, most of whom will have no media institution behind them, and no hope of profit. What they are after is free speech and the enhancement of public life.[134]

Online opinion author and pioneer blogger Tim Dunlop suggests that the act of blogging revives the "lost art of argument."[135] He cites the historian Christopher Lasch's observation that democracy requires argument among ordinary citizens—a forum that has been "usurped by an elite group of insiders" who have access to the media and who, because of that access, dominate public discourse. Dunlop argues that opinions need to be tested in public. Or, in Lasch's words:

> It is the act of articulating and defending our views that lifts them out of the category of "opinions," gives them shape and definition, and makes it possible for others to recognize them as a description of their own experience as well. In short, we come to know our own minds only by explaining ourselves to others.[136]

Dunlop proposes that blogging has taken up the idea of public debate and, although it is undoubtedly still short of realizing its full potential, it represents an unprecedented move toward a more realized public voice. He sees the democratization of news as a remedy to an age where politicians increasingly hide behind media experts and image consultants, where media people themselves co-opted by business and political machines and by a star system, where key journalists are spoon-fed press releases and background material by faceless partisans, where almost the ultimate affront is for a journalist to ask a probing question, and, worst of all, where so much decision-making takes place behind closed doors.[136] And Poynter's Media Business Analyst, Rick Edmonds, predicts:

> Citizen journalism and blogs remain something big, even if that something isn't a news

medium. At a minimum, they compete for time and attention, and influence an expectation by readers to be talked *with* conversationally rather than talked *at*, a development that would be imprudent for MSM [mainstream media] to ignore.[137]

Dealing with the Ethics of New Media

As has been said before in this book, many of the moral issues surrounding the new media, whether they are used by public relations, advertising, or journalism, are much the same as those associated with their more traditional forms. There are differences, of course. Although bias is expected in the persuasive media, it is a problem for anyone claiming to be a journalist. In order for a news source to be accepted as legitimate, a distinct line needs to be drawn between opinion and information, and that line must be clear to consumers of the information. Trust is a vital component in the relationship between media professionals and those they serve. For journalists, this trust is best engendered through credibility. Credibility, the quality of being trusted and believed in, is thus essential for anyone hoping to participate in the journalistic process.

One way to look at how the new media can develop credibility and, subsequently, trust is by imagining what a typical visitor to a web site would want if she were looking for a credible news source. Ethicists Arthur Hayes, Jane Singer, and Jerry Ceppos tackle this question by noting that because consumers of online media are faced with a barrage of information, much of it containing biased points of view or actual spin, they must decide what content to trust and from whom.[138] They propose a set of questions that, although they are aimed at the site visitor, also guide the site host seeking to provide a valid journalistic experience. Several of these questions are elaborated below. The first three go to the desire of the consumer to obtain legitimate news.

- Do I want news and opinion that exclusively agree with my views?
- Do I want news mixed with opinion?
- Do I care whether news and opinion are clearly distinguished from one another?

They suggest that true credibility and trust can be obtained only if your answer is "no" to the first two and "yes" to the last.

Probably the most important concept the authors deal with is authenticity. *Authenticity* has to do with how people view purveyors of news as being credible or not. Until recently, most consumers of news simply assumed the authenticity of mainstream media, supposing that real journalism was naturally being practiced by such bastions of the press as *The New York Times* or *The Washington Post*. This probably has more than anything to do with the "aggregated credibility of hundreds of journalists who, as individuals . . . become part of a 'brand' that has, over time, succeeded in gaining public trust as a source of credible information."[139] Authenticity can be extremely useful for building a sort of immediate credibility for an individual journalist who goes to work for an "authentic" media outlet.

This is rapidly changing, however. In today's world of online journalism, individuals must build a sense of authenticity in other ways. Recent research shows that most people looking for online news gravitate to "aggregators," sites such as Google News that typically don't produce their own news stories. Rather, they help users navigate to work produced by others. One of the problems with aggregation is that it lacks the personalization and credibility of primary news sources organized in actual newsrooms because it relies on computer-generated algorithms to determine which news gets top billing. The priority of stories on Google News, for instance, is determined by

how often and on what sites individual news stories appear, causing them to constantly be rearranged in an order that is practically preordained since they are usually selected by being the most often cited by others. This could result in breaking news stories receiving a very low billing because not enough people or web sites have picked up on them yet. Hayes, Singer, and Ceppos point out, rightly, that relegating the responsibility of gatekeeping to a computer program "removes it from the ethical realm, which rests on human choice. The role, in other words, is stripped of the values that, within an actual newsroom, inform it."[140]

Increasingly, however, blog sites are offering a mix of commentary, passed-along or repackaged news stories (often citizen-contributed), and links to other news sites— what might be called "news and opinion as social dialogue." For those seeking authenticity in a news source, a note of caution should be sounded over aggregators and re-packagers of news, prompting two more questions:

- Does this source break news itself or merely aggregate?
- Are some articles based on first-hand observation rather than secondary sourcing?

Even though commentary on what other's have said is valuable, "a diet of nothing but commentary increases the volume of discourse without necessarily adding to its quality."[141]

Because information providers in the new media cannot automatically achieve authenticity by association with an established news organization, there is an increased need to provide accountability. Hayes, Singer, and Ceppos suggest that related concepts of accountability and transparency are one avenue for achieving authenticity—which equals credibility and trust. As with the other uses of new media in public relations and advertising, transparency is a key factor in determining the validity of information. By exposing the source of information, we are able to judge not only level of expertise, but also motivation—a key to recognizing potential bias. Today's internet environment both exacerbates the problem of lack of transparency and, at the same time, allows for a greater transparency than ever before. Ideally, consumers should be able to identify the sources of information easily and determine the authenticity, thus the credibility, of those sources for themselves. These proposed questions speak to the issue of transparency.

- Is my source of news transparent? Can I easily find out about the news organization and its staff members? Does my news provider publicize its principles and adhere to them?
- Are the sources used in articles clearly identified? Are unnamed sources used sparingly if at all? If unnamed sources are used, is it clear why?[142]

Transparency is more easily accomplished by news aggregators because they typically link directly to stories produced by established news organizations. For bloggers, however, the transparency requirement is harder to handle, because it deals not only with the validity of cited sources but also with the authenticity of the individual blogger. In other words, personal disclosure becomes the primary element of transparency. What are the blogger's biases, expertise, financial considerations?—all of which lead to understanding motivation. Ultimately, it's up to the information providers, whether aggregators or bloggers, to provide the ethical impetus needed to create authenticity. The people using these media forms can choose to use them in a way that enhances the transparency of communication and thus builds trust in the communicators,

journalists included, over time. The medium provides the capability; it's up to humans to provide the credibility.

In a 2005 working paper produced for a conference on blogging and journalism by Bill Michell and Bob Steele of the Poynter Institute, many of these issues were taken up, and suggestions were made to ensure that the future of new media will include a healthy dose of commitment to ethics.[143] They note that, "Like the Internet itself, blogging is a publishing tool invented by non-journalists that holds enormous opportunities, risks, and consequences for journalism and society."[144]

Their central premise was a recognition that publishing of any kind generally holds consequences for stakeholders beyond the writer. Thus, the major ethical issue is to determine what exactly are the writer's obligations to those stakeholders. They cite the journalist and new media pioneer Dan Gillmor, who says, "No matter which tools and technologies we embrace, we must maintain core principles, including fairness, accuracy, and thoroughness. These are not afterthoughts. They are essential if professional journalism expects to survive."[145]

Bloggers, if they are to be considered as being engaged in journalistic practices, need to be open about the principles they subscribe to (fairness, accuracy, etc.). However, whatever standards they adopt, they cannot be imposed from outside. Rather, they must evolve in the same way that other media have traditionally set their own standards—generally through a recognition of their obligations to society as a whole and to the consumers of their product specifically.

As already noted, credibility and trust are essential to the practice of good journalism. Ethical standards help to generate those qualities by providing guidelines for practitioners and a way for the public to measure the success of the profession in living up to their own standards. Likewise, bloggers and other new media purveyors of information need to set their own standards with a recognition of their obligations to their interactive public. In other words, in forming standards and guidelines for new media, it is vitally important that those ideals and aspirations be jointly arrived at through open and honest discourse. There does seem to be a general recognition among purveyors of new media that the most important of these ideals is transparency. As the paper's authors note:

> Transparency can alert the audience to important information. It addresses the critical question of *how* the work is created. Transparency by itself rarely reveals much of the *why*, though, and that's a critical dimension for any audience. That's why we urge bloggers—as we urge journalists—to be transparent about the principles they stand for and the processes they follow in the course of upholding them.[146]

Ultimately, the paper recommends setting standards, especially in the area of transparency and accountability, that will move online journalists/bloggers toward credibility.

Blogging Codes

Like their counterparts on the mainstream media, bloggers hesitate to construct codes that would set absolute standards for everyone (the Kantian approach). Or, as the former journalist and blogging expert Jeff Jarvis puts it:

> What I have a problem with is the idea that one person presumes to come up with an ethical code for an entire culture . . . This is complex and can't be handled in a single code. It's as complex as human character: It's all about the integrity of the individual.[147]

Instead, bloggers spend a good deal of time "suggesting" elements they think are important to consider, if they actually were to ever need a code. This is, of course, an excellent way to think about ethics, and an important first step in the process of building credibility. Here are a few of their thoughts.

Web guru Rebecca Blood believes that the "uncensored, unmediated, uncontrolled voice" of the weblog is both its greatest asset and its greatest weakness.[149] Thus, she proposes several standards that she says share the common characteristic of transparency.

- Publish as fact only that which you believe to be true.
- If material exists online, link to it when you reference it.
- Publicly correct any misinformation.
- Write each entry as if it could not be changed; add to, but do not rewrite or delete, any entry.
- Disclose any conflict of interest.
- Note questionable and biased sources.

Writing in the *Journal of Mass Media Ethics*, Martin Kuhn proposes a code that expands on the idea of the journalistic function of blogging and moves into the realm of blogging-unique values—the form of blogging itself.[150]

- Promote Interactivity
- Post to your blog on a regular basis.
- Visit and post on other blogs.
- Respect blog etiquette.
- Attempt to be entertaining, interesting, and/or relevant.
- Promote Free Expression
- Do not restrict access to your blog by specific individuals or groups.
- Do not self-censor by removing posts or comments once they are published.
- Allow and encourage comments on your blog.
- Strive for Factual Truth
- Never intentionally deceive others.
- Be accountable for what you post.
- Be as Transparent as Possible
- Reveal your identity as much as possible (name, photo, background info, etc.).
- Reveal your personal affiliations and conflicts of interest.
- Cite and link to all sources referenced in each post.
- Promote the "Human" Element in Blogging
- Minimize harm to others when posting information.
- Promote community by linking to other blogs and keeping a blogroll.
- Build relationships by responding to e-mails and comments regularly

What Now for New Media?

As Jimmy Wales puts it, "This community will continue to live and breathe and grow only so long as those of us who participate in it continue to Do The Right Thing."[151] As with all of the media discussed in this book, doing the right thing isn't always easy—mostly because the "right thing" is a slippery concept. What is certain is that both the audience and the providers of news are changing and, in the sense of new media,

becoming the same thing. Wikipedia's own entry for citizen journalism says it "usually involves empowering ordinary citizens—including traditionally marginalized members of society—to engage in activities that were previously the domain of professional reporters."[152]

The question of credibility has become the driving concern among journalists of all denominations, whether in the mainstream media or the new media. And credibility implies a journalism that is reliable and trustworthy. If we are to maintain any sense of what journalism contributes to a democratic society, the purveyors of news must be able to construct the clearest version of reality that they can, based on accuracy and fact, and tempered by human involvement and interaction. The American philosopher John Dewey imagined a community of communicators who, together, would define their reality and then live it in common purpose. Perhaps that's where the new media will take us.

Beyond Citizen Journalism and Blogging: A New Horizon

Internet marketer Joel Comm proposes that (in line with Dewey) "those who use social media correctly don't create content but generate conversations, which create communities."[153] The reason is that today's news consumers no longer want to be fed information, they want to find it themselves and share it with others. And, they want to connect directly with news sources rather than have their information "translated" by a third party.[154] In short, they want to take back control over their information, and they want to be listened to, or as Dewey proposed, communication is a collective endeavor.

As this new model emerges, media outlets must be prepared to deal with potential ethical pitfalls that didn't exist in the past Journalists today vacillate between two worlds—the professional and the private—and news organizations must help them negotiate those potentially treacherous passages. For example, traditional journalism codes prohibit journalists espousing points of view, both on and off the job, such as: marching in protests, contributing to political campaigns, promoting candidates with yard signs, etc.[155] The current question is how do those directives translate into today's digital environment?

In fact, some media outlets today require their reporters have a digital presence, such as Facebook or LinkedIn, but where do you draw the line between being friendly and offering an opinion? Writer and educator Pamela Podger says that any ethics documents for the digital era will need to be flexible enough to adapt to a constantly changing environment.[156] She interviewed editors from a number of newspapers to determine their approaches. Some delineated between public and private spaces, noting that in both spaces they represent the news outlet they work for and should always be professional. For example, *The Los Angeles Times* guidelines for using social media state: "Assume that your professional life and your personal life merge online regardless of your care in separating them. Don't write or post anything that would embarrass the LAT or compromise your ability to do your job."[157] Podger concludes this way:

> As the digital dynamic unfolds—rapidly, chaotically and in directions difficult to predict —some journalists say the mainstream media's traditionally authoritative voice is a thing of the past. News consumers want more insight into how news organizations and individual journalists operate; they want a glimpse of the human news gatherer, with all his foibles. In short, the public—once reliant on major news organizations to decide what's news—is demanding a seat at the newsmaking table.[158]

What Does It All Mean?

Journalism has come a long way in the 60 years since the Hutchins Commission issued its statement on press responsibility. Journalism's report card hasn't always been filled with straight As, but it has generally received at least a passing score. The obligations listed by the Commission in 1947 are still valid today.

- To provide a truthful, comprehensive, and intelligent account of the day's events in a context that gives them meaning.
- To serve as a forum for the exchange of comment and criticism.
- To develop a representative picture of the constituent groups in society.
- To be responsible for the presentation and clarification of the goals and values of society.
- To provide full access to the day's intelligence.

Within the myriad manifestations of modern journalism, we can still find people striving to fulfill these charges every day. They may work for the mainstream media. They may work in the new media. They are probably all struggling to do the right thing. As journalism feels its way into the twenty-first century, there will surely be times when we will despair of the changes that both technology and the human beings who use it have wrought on journalism. If the proponents of "new" journalism are right, it will be only through open and public participation and debate that we will be able to elucidate clearly what we expect of the press, however defined. And that debate will most certainly center around ethics.

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