

Defining the Line Between the Public's Right to Know and  
the Individual's Right to Privacy

by Gail Hulnick

*If journalism at one time seemed to be an appendix to culture, today, by contrast, culture finds itself at the mercy of journalism. It is part of a world dominated by journalism. The mass media decide who will be known and to what degree and according to which interpretation.*

Milan Kundera (1984)

**Abstract**

Journalists make daily decisions that define the line and reflect the tension between the public's right to know the truth and an individual's claim to anonymity and privacy. Those decisions are grounded in ethical decision-making tools that may include a formal Code of Ethics, ethics education received as a student or in the workplace, and personal values and attitudes formed through experience. This study examines the news media ethical decision-making process, through interviews with journalists and journalism educators, and argues that the primary (but not exclusive) influences on the outcomes of ethical dilemmas in the newsroom are individual conscience, management leadership, and peer pressure. The study also examines future implications of technological and economic change in the media environment for the privacy issue.

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## Section 1. Introduction

*“There is not a crime, there is not a dodge, there is not a trick,  
there is not a swindle, there is not a vice which does not live by secrecy.”*

Joseph Pulitzer

Many journalists believe that the public’s right to know and the need to shine a light on vice and corruption supercede all other considerations. But often the light they shine does not focus on vice or corruption, but on private people whose lives have been changed by a ‘newsworthy’ event and who find themselves put in a public spotlight by the news media, or on people in public life whose private lives are deemed to have a (negative) effect on their ability to do their jobs.

Two major developments in the 20<sup>th</sup> century have created the conditions for individual privacy to become a burgeoning concern: the growth in mass media size, profile, and daily influence; and the technological change often referred to as the ‘Information Revolution.’ Privacy is one of the fundamental freedoms, essential to liberty and human dignity. The Canadian Charter of Rights does not specify an absolute right to privacy for Canadian citizens, but that does not mean that no right to privacy exists; rather that it is a ‘limited’ right and subject to analysis and definition through experience and discussion. In Quebec, the Charter of Rights and Freedoms indicates the right to respect for private lives; provincial statutes in provinces such as B.C., Manitoba, Saskatchewan, Alberta and Newfoundland offer recourse to those who believe their privacy has been invaded. Generally, it is a defense to an action for violation of privacy if the journalist had consent; if there were grounds to argue that the publication was in the public interest or was fair comment on a matter of public interest.

Alan Westin has conceptualized four types of privacy: solitude, intimacy, reserve, and anonymity.<sup>1</sup> For our purposes, it is anonymity that is under discussion: the right to be out of the public eye, to go about one’s business and life without strangers knowing the details.

The word ‘privacy’ also has been used frequently in the past two years to indicate a concern over personal information and the dangers of a ‘surveillance society’, in which governments and businesses gather photographs or private information about citizens’ medical, legal, family, business and other affairs, and freely exchange this information for various purposes. (In Europe, the current term is ‘data protection.’) Canada passed a law in April 2000: Bill C-6, the Personal Information Protection and Electronic Documents Act, which requires government and federally-regulated businesses to maintain the confidentiality of any information they collect about individuals and to give individuals a voice in when, how and why it is collected. The statute does not affect the news media.

This study is an examination of privacy that is affected by the news media. The research for this paper focuses on news media use of an individual’s photograph or facts about events in an individual’s life. Media coverage does eliminate privacy, but often the individuals affected do not object. In fact, many actively seek a high profile and public recognition, to further their own interests or some cause or philosophy they support. In the situations, however, where the individual may object, journalists weigh the need for privacy against the public’s right to know. The balance is often unsteady; as with many ethical issues, the choices are unclear.

This issue encompasses several situations that pose ethical decision-making challenges for journalists and for executive and leaders at newspapers and broadcasting stations: covering tragedy; the use of graphic

photographs or video; identifying juveniles (by name or by photograph); confidentiality of sources; identifying people accused of crimes; identifying victims of crimes or accidents; probing the personal lives of people in the news for various reasons; and revealing potentially embarrassing information. It also encompasses questionable reporting methods. In all of these situations, the dilemma is the choice between the public interest or the public's right to know and the individual's right to privacy or anonymity.

The attention level given ethical debates, within journalistic circles, has risen and fallen throughout the years. A study of early journalists, from 1850 to 1950, showed that many of them admitted committing crimes, trampling privacy and ignoring ethics to 'get the story.'<sup>2</sup> There was not much interest or training in ethics until the 1920s and 30s; then, the focus on ethics in news reporting disappeared again until the 70s, 80s and 90s.<sup>3</sup> Reporters who were active in the Canadian news media in the 1950s say they witnessed many examples of unethical behaviour. In *Guide to Canadian News Media*, Peter Desbarats, Media Ethics Chair at Ryerson Polytechnic University writes, "Even in the 1950s, when I worked as a police reporter for the Montreal Gazette, journalistic ethics meant, more or less, whatever a journalist could get away with... Privacy was little respected."<sup>4</sup>

Fifty years later, ethics courses are mandatory in some university journalism schools; newsrooms post Codes of Ethics on the wall and encourage discussions among senior and junior reporters; occupational organizations representing journalists, news directors and editors regularly review and disseminate their Codes of Ethics. Journalists express less admiration for shady tactics than they perhaps did in the 'wild and crazy days' and more concern about fairness, honesty, and ethical methods of gathering the news.<sup>5</sup>

Although news is now being gathered in a more serious manner, with a higher awareness and value placed on ethics and ethics training, another cultural shift has changed the conditions in the working environment for journalists, particularly for those who cover politicians, athletes, performers, or other celebrities. John B. Thompson refers to this change as the 'mediation process', suggesting that mass communications media have changed the nature of social interaction generally and that 'mediated visibility' (and scandal) are an occupational hazard for many people in public life in North America.<sup>6</sup>

In Canada, due to many significant differences in legal, political and social structures and processes, the 'mediation process' is perhaps not so entrenched. In 1993, communications professor David Taras found that "Canadian journalists believe that reporting on the private lives of politicians is out of bounds unless the story has a direct bearing on a matter of vital interest to the public. (This view is held most strongly among Francophone journalists.)"<sup>7</sup> This view was born out in interviews conducted for this paper.<sup>8</sup> However, competitive pressures and demands for increasing speed in gathering and reporting news stories, particularly in these times of filing for Internet news websites and 'instant' live coverage from the scene of 'breaking news', are having an impact on Canadian journalists and on their contemplation of journalistic ethics and privacy concerns. Ethicist Earl Winkler writes "The current practice of disclosing information about the personal lives of political figures suggests an erosion of journalistic standards. There is an increasing tendency to publish such information without concern for whether such disclosure serves the political or informative function of the press."<sup>9</sup>

In an article called "Journalism in a Fish Bowl: Ethical Dilemmas in Campaign Coverage", Frederick J. Fletcher observes, "The appropriate role of so-called 'character issues' in election coverage has been a matter of controversy in recent elections in both Canada and the U.S."<sup>9</sup>

In these early years of the 21<sup>st</sup> century, concern about ethical treatment of people in public life and of private citizens who attract the attention of the news media is growing. In the U.S. many social theorists and media critics have examined the negative impact of media culture on the country's attitudes toward

work, knowledge, truth, and a civil society, and have suggested many links between the content of news and other programs, and the apathy, aggression and celebrity obsession that pervade daily life in some quarters.

One can also note that in Canada, a private individual is less likely to find her photograph or story in a newspaper or on the air; this is due, in part, to fewer media outlets in Canada (less time and space to fill) and to fewer 'reality-based' programs, such as COPS and Rescue 911. It may also be due to a less competitive media environment and to a less aggressive reporting style.<sup>11</sup>

Nonetheless, there are examples in Canada of situations where people felt their privacy had been invaded by unethical journalists. This paper will detail some of those examples, in an effort to illuminate the difficult choices that must be made on a daily basis by journalists as they define the fine line between the public's right to know and the individual's right to privacy or anonymity. The factors that characterize the process of ethical decision-making for journalists and some of the methods used to arrive at decisions will be examined. Many journalists believe there are no 'hard and fast rules' that can be applied every time and that the facts of each story must be assessed<sup>12</sup>; this paper will look at some of the criteria used when the outcome "depends on the situation."

The public's right to know is one of the guiding principles of journalists. They believe strongly that if officials are allowed to act in secrecy, miscarriages of justice and corruption may result. The author's survey and interviews with journalists indicate that most would put the public's right to know before any claim to privacy, if required to choose.

Despite its importance, (or perhaps because of it), the public's 'right to know' is not precisely defined.<sup>13</sup> Is it an unobstructed right to know everything? Is the public's right to know always in 'the public interest'? Do journalists understand 'the public interest' to mean the public 'good', in the classic sense, or the public's curiosity? If we assume the public is always curious about the private details of other's lives (or pictures of their experiences), does that make it right to 'print everything you know'? (one piece of advice given junior journalists) Is the public always curious or are they often offended by the information or photographs put before them, and are the media therefore out of step with the very audience they claim to serve?

This is not just a Canadian or North American concern; there are examples all over the world. One involves recent publicity given the wife of the German Chancellor, Doris Schroeder, who has berated that nation's press in an article in *Der Spiegel* magazine, for intruding on her 10-year-old daughter's privacy by posing as parents to get inside her school. The situation is particularly striking because Doris Schroeder is a national journalist herself.

This paper will describe the parameters and criteria used by Canadian journalists and some of the applied ethics methods of reasoning used to reach a decision. Ethics training, in journalism schools and in the workplace, will be discussed; the role of Codes of Ethics will be considered. A discussion of some of the broader issues of the changing role of the news media (in the context of ethical decision-making) is included, as is an attempt to forecast some of the trends that will affect privacy issues and media ethics in the future. The information is based on published sources, on a media ethics survey of Canadian journalists conducted by the author, and on interviews with working reporters, their editors, producers, and news directors.

In the author's early years as a journalist, a mentor suggested a very simple test to use when deciding whether to print or broadcast a piece of information or a picture: Is it true? Is it fair? And is it necessary?

Simple to state, but often difficult to implement.

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<sup>1</sup> Westin, Alan. (1967). *Privacy and Freedom*. New York: Atheneum.

<sup>2</sup> Fedler, Fred (1994). Actions of Early Journalists Often Unethical, Even Illegal. *Journal of Mass Media Ethics*. Vol. 12.3

<sup>3</sup> Miranda, Joseph A. (1998). Lessons on Ethics in News Reporting Textbooks 1867-1997. *Journal of Mass Media Ethics* Vol 13:1.

<sup>4</sup> Desbarats, Peter. (1990) *Guide to Canadian News Media*. Toronto: Harcourt, Brace, Jovanovich.

<sup>5</sup> Survey of Canadian journalists on media ethics. Gail Hulnick 2001.

<sup>6</sup> Thompson, John B. (1997). Scandal and Social Theory. In *Media Scandals: Morality and Desire in the Popular Culture Marketplace*. Lull, James and Hinerman, Stephen, eds. New York: Columbia University Press p. 144.

<sup>7</sup> Taras, David. (1993) A Question of Character: Political Reporting in Canada and the United States. In *Canada and the United States: Differences that Count*. Thomas, David, ed. Peterborough: Broadview Press.

<sup>8</sup> A survey of Canadian journalists on media ethics. Gail Hulnick 2001. (also, Ryerson Media Ethics Chair Peter Desbarats and University of King's College Journalism Professor Bruce Wark, personal communication.)

<sup>9</sup> Winkler, Earl. (1996). The Unbearable Lightness of Moral Principle: Moral Philosophy and Journalistic Ethics. In *Deadlines and Diversity: Journalism Ethics in a Changing World*. Alia, Valerie, Brennan, Brian and Hoffmaster, Barry, eds. Halifax: Fernwood Publishing . p.16.

<sup>10</sup> Fletcher, Frederick J. (1996) Journalism in a Fish Bowl: Ethical Dilemmas in Campaign Coverage. In *Deadlines and Diversity: Journalism Ethics in a Changing World*. Alia et al., eds. Halifax: Fernwood Publishing. P.140.

<sup>11</sup> Bruce Wark, Journalism professor, University of King's College, Halifax. Personal communication.

<sup>12</sup> A survey of Canadian journalists on media ethics. Gail Hulnick 2001.

<sup>13</sup> Bain, George. (1994). *Gotcha! How the Media Distort the News*. Toronto: Key Porter Books p. 154.

## Section 2. – The Privacy Issue in the Ethical Decision-Making Process

A tornado hits a trailer park in Pine Lake, Alberta. In the aftermath, residents sit in despair, surveying the wreckage of their lives. A television journalist approaches a group, not knowing their relatives were among the 11 people killed; when they find out he is with the news media, they become upset and ask him to leave, saying they don't want to be on television.

What if he went back to the TV station news van and had the cameraman take pictures from a distance? What if he knew ahead of time that these were survivors who had lost family members and therefore shot video from a distance, approaching later to ask for an interview? If they refuse an interview, is it ethical to use the long-shot pictures? What if they not only refused an interview but also stated, in very strong terms, that they did not want to be on television? What if there were other residents who could be asked for permission to film, and who would give it? What if there were not enough time to ask anybody else? What if they were the only survivors that night?<sup>1</sup> Is it right to use the pictures? What if it is the only way to get the job done?

A little boy falls from his grandfather's lap, while the two are on a riding lawnmower. He lands beneath the mower, which mangles and cuts off his leg. A TV cameraman happens to arrive just after the ambulance leaves for the hospital, and gets pictures of the distraught grandfather with his head in his hands, weeping uncontrollably. The videotape editor back at the station objects to using shots of the grandfather, arguing that it is an invasion of privacy at a moment of grief. Five newsroom staffers debate the ethics of airing the pictures, and decide that the shots serve as a reminder to the public to be vigilant with any kind of motorized equipment when children are present. The toddler's mother (and daughter of the man in the TV news report) was furious with the station's coverage of the tragic accident. Her objection was not with the reporting of the accident itself, but with the pictures of her father, because she felt (despite any words to that effect in the news report or in the police report) the pictures imputed blame for the accident to the grandfather.<sup>2</sup>

What if the reporter obtained permission to use the pictures from the toddler's mother? What if the cameraman arrived when the ambulance had been present and had shot and used only long-distance pictures of a stretcher being loaded into the vehicle? What if the only report used was a copy story (text only, no video), read on the air by the anchor? Would the safety warning have the same impact? Is it the news media's proper role to serve the public interest by covering tragic accidents to impart a safety warning?

These are two examples of the judgment calls journalists must make. For many readers, the first and most obvious inclination is to empathize with the victims of the tragedy and to criticize the media intrusion on their privacy. But an effort to see the situation from the reporter's point of view, as she is motivated by the pressure to do her job, meet the expectations of her employer and her peers, and fulfill the public's desire to know what's happening, may add a facet to the reader's perspective. If one then considers the situation from a third perspective, (and the one represented in the largest numbers), that of the viewer, listener or newspaper reader who is expecting to see and hear details of the tornado or who is emotionally moved by the story of the injured child or inspired to take new safety precautions that prevent some future tragedy, does one then reach the conclusion that the greater good outweighs the potential harm?

The essential question for journalists may be stated as: how do I do my job well without being unnecessarily intrusive, unfair or unethical? For members of the public, it may be framed as: how do I

preserve my privacy and my dignity, while not impeding the openness, freedom of communication and opposition to secrecy necessary for a democracy to survive?

This section examines some of the ethical dilemmas that arise from the conflict between the public's right to know and the individual's right to privacy or anonymity; the criteria that are (or can be) used to distinguish one set of facts from another; the frameworks journalists use in making ethical decisions; and the differences in treatment between 'public' and 'private' people.

### **Ethical Decisions**

Ethical decisions must be made in two areas: the content of the news story or pictures; and the way the content is gathered. In both, the treatment of public figures may differ from the treatment of private individuals, depending on the journalist or newsroom making the decision.

With regard to content, one of the most controversial areas in which privacy issues come to bear, is in the area of tragedy coverage. Many viewers or readers find it difficult to watch and feel that grief is often exploited by the news media. Others are not so sensitive, as is revealed in the experience of one of the news directors interviewed for this paper: "We had great pics of a man arriving at the scene of an accident where two of his kids had been run down in a crosswalk. They both died. He was distraught. We ran the pictures sound up and got many complaints. People felt we exploited his grief. But I spoke with him and he had no complaints. He felt the coverage accurately portrayed what happened at the accident scene and would get a lot of drivers to be more careful at crosswalks."

The first decision to be made on any story is whether to cover it at all. Although news directors and editors usually make the decision on whether to air graphic material based on the actual content of the material, there is a certain momentum that stories acquire, once the assignment has been made to a reporter. If the newsroom has committed the time and resources of a reporter, and perhaps a photographer or cameraman, to a particular news event or story, there is a resistance to 'dropping' the story, and having to fill the air time or page space with something else; the arguments in favour of dropping the story have to be extremely compelling.

Thereafter, numerous decisions follow, centering on the methods of news gathering, the explicitness of the written or broadcast copy, the photographs, and the extent of identification of victims, sources, and other people associated with the story.

Decisions about identification and naming names usually rest on newsroom policy. Most newsrooms have a policy against naming children and youth arrested or convicted of a crime; rape victims; juvenile victims of crime; and sources who have been promised confidentiality in return for information.

In the case of juvenile victims, the concern is that the child often is not in a position to think about or give informed consent to the use of his name or likeness in the media, yet the implications of fame can affect him for years afterward. . Many journalists express a concern for the child's future peace of mind, in that they may be subject to teasing and ridicule long after the news event has passed. In some cases, the police and authorities are the ones who are putting the children in the public view, by putting out news releases or introducing them at press conferences. Most newsrooms will run with the information at that point, although some journalists still express unease under those circumstances.

In some cases, as in the case of a young boy abandoned in a Calgary supermarket, identification in the media is considered necessary at the time in order to complete an investigation or provide medical

assistance needed. But even the authorities are sometimes overwhelmed by the intensive and scope of media interest in certain stories and the lengths to which some journalists will go to turn up personal facts not yet revealed by their competitors.

The names of juvenile offenders are routinely shielded. Another particular privacy problem stems from pre-trial publicity that arises from the practice of naming the names of accused people who are adults. The right to a fair trial may be damaged and the family may suffer embarrassment or harassment. In some jurisdictions, a high percentage of arrests do not result in convictions or even charges, and therefore people question the ethics of publishing the names of the accused. Some may also consider the effect, given the social stature and impact of the media in our culture, of publication or broadcast of the names of the accused; many people will assume there is guilt, just because of the publicity, particularly if it is unusually widespread and lengthy (and if it develops the character of a “trial by media”).

The danger, of course, is that non-publication of the names of accused and the associated secrecy will lead to injustice, even tyranny. But at an Ontario Press Council symposium on the subject, held in the mid 1980s, speakers drew a distinction between having ‘open court’ with access to information (thereby satisfying the public’s right to know and the desire to avoid secrecy and injustice) and having ‘publicity’ (open access for the media.) Media people equate the two, but these speakers rejected the notion of the news media as the public’s surrogate.<sup>3</sup>

Another dilemma in this area is whether to name names of victims of crime. It may leave them open to another attack or to continuing attention about a subject they may prefer to keep private. On the other hand, it is one of the best assurances of fair treatment for an accused person; if there is only an anonymous victim (not willing to be part of the public process of accusing someone of a crime), can we really be sure the alleged crime took place?

The ‘naming names’ issue raises the question of the retrieval of anonymity. Once someone has been given public attention in the media, either as the accused, the convicted perpetrator of a crime, the victim of a crime, or even as a bystander at some newsworthy event, is it possible to prevent further circulation of one’s name? University of British Columbia Journalism School professor Stephen Ward, among many journalists and academics, thinks not.<sup>4</sup> Names and facts in news reports may be repeated, summarized, or condensed, not only by the originator of the story, but in other publications and in other media that pick up the essential details and either repeat or augment them. The Internet has added to this ‘never-ending notoriety’ aspect, in that a keyword, database, or name search can turn up a story years after it was originally published or broadcast; it is up there until the originator decides to break the link.

Private information about medical or legal affairs sometimes comes into the hands of journalists and they must decide how to handle it. The first step is usually to contact the individual to verify the information; most say they will publish only if they receive permission. There is much more likely to be media interest if the individual is a person who is either in public life or whose name is well-known.<sup>5</sup> Journalists are particularly likely to give the story ‘heavy play’ if the information in some way has a negative effect on the individual’s ability to do his (taxpayer-funded) job or if the information reveals hypocrisy on the part of the individual.

The first dilemma arises here because the information once was private and is about to be made public. There is a second dimension that occurs when the information is so sensitive the journalist knows the individual may be hurt by its publication. A third factor arises if there are family members or friends (who may not be people with any reason to be in the public eye) who may be hurt by the disclosure. Journalists must also decide in situations where some people will be hurt, but others will be helped.

Another dilemma comes up when the subject of the information knows the journalist has it and tries to prevent its publication or broadcast. Sometimes, the effort comes in the form of threats to cut off advertising to the newspaper or broadcasting station. The decision whether to publish becomes gut-wrenching, however, when the threat is not monetary but emotional; some veteran journalists have had the experience of having the subject of a story call and threaten to commit suicide if the information is made public.

A further complication is added by the 'pack' or 'herd' characteristic of journalism. Occasionally, information that one newsroom may believe to be unethically obtained (or not sufficiently verified) is published or broadcast far and wide by another newsroom. After a certain length of time, when the information is considered to be 'in the public arena' to such a degree that there is no basis for regarding it as 'private' any longer, the original outlet may join the group and go ahead and publish the material. Journalists regard this as a matter of acknowledging the reality that the individual's privacy has already been lost, and there is no further harm to be done, so they may as well carry the information, too. They often do not realize that there is a cumulative effect, of many newspapers and broadcasts repeating the information, that may lead to an impression of truth or merit in the information or allegations, that would have no effect, if there weren't so many outlets carrying the same story.

Many times the photographs in a print story or the video in a television news story present the most difficult dilemmas of all. If they are compelling, but disturbing to some readers or viewers, is it sufficient to preface the coverage with a warning? How would you do that in a newspaper? Sometimes the story is reasonable and inoffensive but the photograph is regarded as an invasion of privacy; for example, the use of a newspaper picture of a person who has been killed in a traffic accident, still lying in the street, partially covered by a blanket, is often criticized as disrespectful and lacking in compassion. Photographers take the pictures (sometimes offering several shots with a range of explicitness) and bring them back to the newsroom; editors and news directors debate the merits of using graphic visuals, trying to walk the fine line between respecting the individual and serving the public right to know.

An aligned issue is the question of whether the story was obtained using ethical or unethical methods. If a piece of information is true, fair, and necessary, but was not handed out by an official, and was obtained through methods such as stealing a document, going through a wastebasket (or even a dumpster!) or lying about one's identity, is it ethical to publish or broadcast it? Is it stealing, if it is a public document, written using taxpayer funds by people whose salaries are paid using taxpayer funds? Is it stolen, if the journalist does not actually take it, but received it from a person who does not have the authority to reveal it?

The ethical question of impersonation is an intriguing problem for journalists, going back to the days of the first female investigative journalist, Nellie Bly, who pretended to be insane in order to gain entrance to an asylum and report on the abysmal conditions there. Was it unethical journalistic behaviour in that case? What about in cases where the public benefit and the value of exposing the facts are not quite so clear? If it is the only way to report on injustice or cruelty, does the motivation for the unethical behaviour outweigh the dishonesty?

Interviews with journalists for this paper showed that, in most newsrooms, impersonation is not allowed; it is regarded as lying. Journalists are expected to find other ways to uncover the facts.

In addition to impersonation, some of the other dubious methods include: reading documents upside down while seated across a desk from an interview subject; wearing disguises (in Paris, an unemployed journalist and two students got jail sentences for wearing medical white coats and going into a hospital,

looking for a sick actor)<sup>6</sup>; the ambush, where the reporter and/or photographer hide, and lie in wait for a person they want to catch off guard; the surreptitious recording (including the ‘Trojan horse’ method of leaving a briefcase with a running tape recorder in a meeting room.)

During interviews for this paper, journalists disclosed tactics used by other reporters that they find odious: “I hate it when reporters stand on the doorstep of a grieving relative, while wearing a radio mic and with a cameraman across the street so the person doesn’t realize they are on TV.” “I object to reporters offering to go ‘off the record’ with somebody, then printing their comments anyway, claiming they never promised to go ‘off the record.’” “I don’t agree with ‘sneak photos’ – except of people accused of crimes.” One news director drew this line: “I did have a crew get some family pictures once by entering a home that was left unlocked. We did not use those pictures.”

While legal prohibitions against wiretapping, trespass, libel and defamation, theft, and even fraud may deter the more egregious transgressions, the law is not designed to plug every hole, and indeed in some cases, constitutional concerns about freedom of expression may infuse a countering force, particularly in cases where the method of obtaining the information cannot be determined with certainty.

As a community, we must rely on the ethical judgments of journalists and their newsroom supervisors and executives. There are no polls taken in advance of publication or broadcast, and often reporters have very little time to make their news-gathering decisions.

### **Criteria for Ethical Decision-making**

Philip Meyer, one of the most prolific American writers on the subject of media ethics, once wrote that journalistic ethics are like art: people may not be able to define it, but they know it when they see it.<sup>7</sup>

It is part of a journalist’s job to deliver the most complete, accurate, and vivid account possible of a story. But it is often difficult to decide how to draw the line between a ‘good story’ and exploitation. Some journalists rely on internalized guidelines they have developed over years of experience; some newsrooms have written policies and procedures that come into play whenever an ethical dilemma must be resolved. Journalistic organizations, associations, and societies have Codes of Conduct or Codes of Ethics.

Many, practitioners and observers believe that it is the individual journalist’s personal code of behaviour that is primary. “Journalism ethics, in the contemporary view... are based on personal standards of conduct, reinforced by a policy of press freedom and responsibility,” writes veteran journalist and former Dean of Journalism at the University of Western Ontario, Peter Desbarats.<sup>8</sup> Marilyn Matelski, in her survey of U.S. television journalists found a result similar to Desbarats’ observation. “...ethical beliefs in broadcasting usually (are) individualized and personal, despite general policy agreements.”<sup>9</sup> As one of the veteran crime reporters interviewed for this study commented, “Just me and the little voice in my head in the middle of the night.”

Whether the decision emanates from a journalist’s personal standards, newsroom policy or a formal Code of Ethics, the following criteria are often involved in the determination process:

*Is it True? If so, print it.*

Notions of ‘press responsibility’ usually encompass the public’s right to know, mitigated by ethical issues. For journalists, the public’s right to know is a mission, a motivation, and a justification for much (if not all) news-gathering. Journalistic opinion falls along a continuum. Those at one end believe it is best to print anything and everything that may serve the public’s appetite to know; that if the reporter,

editor or producer knows a fact (no matter how embarrassing, superfluous, or trivial) it is the journalist's job to pass it on to the public, not to conceal it. In a way, journalists who use this view as their ethical framework are rejecting the notion of any screen or filtering function.

Others dispute this position, arguing that "just because a photograph exists does not mean it has to be printed."<sup>10</sup> One can extrapolate and conclude that 'just because a name or a set of facts has been released by the police does not mean it has to be printed.' Some outlets (often those going by the 'print everything you know' dictum) let the police function as the information-filtering device: 'if they release it, we print it.'

#### *Is there a moral to the story or picture?*

As discussed earlier, journalists and editors sometimes use the reasoning that it is ethical to print a horrific picture or details of a tragic story, if there is an education function for the media to perform. Nick Russell writes in *Morals and the Media*, "There is one justification. The story had to be written as a warning to parents never to relax their vigilance."<sup>11</sup> It seems then, that they believe the privacy of individuals must be compromised for the greater good of the many. To the writer's knowledge, there is no study of whether viewers' or readers' do respond to this sort of story with increased vigilance – i.e. whether the journalists' stated purpose in printing the story is achieved.

#### *Is it a good Story?*

What of the unstated purpose? Often the reasoning process includes a host of factors: is it a 'good story'? (not 'good news', but a 'good story', in the journalistic sense, with drama, emotional involvement, significance to the community, uniqueness). Does it involve anybody famous? Will it draw the attention of today's reader or viewer, already inundated or even overwhelmed by a vast array of information and news?

If it does draw the attention of the reader or viewer, then the effect on circulation figures or ratings will be positive. In interviews conducted with journalists across Canada, the author posed the question: People who are critical of journalists' decisions to publish or broadcast startling information or photos often say 'they do it because it sells papers (or raises ratings.) Is that a consideration?' The number of responses is too small to use as a basis to draw any general conclusions, but the comments are interesting:

"Not at our newspaper."

"Yes, there's a certain truth to it. We are in business to make money... It may prompt us to 'walk the line', but shouldn't cause us ever to compromise on ethics."

"Never. You want to tell a better story than your competition and that's a healthy thing... but I don't relate a compelling story with more money for my company in ad revenue. It doesn't work that way."

"Yes, to the extent that a vivid photo or blockbuster story is certain to attract more readers. The issue is whether the image or story has news value."

"Yup... that and people's insatiable desire to know."<sup>12</sup>

#### *Does it fit the reversibility rule?*

An ethical yardstick used by some journalists is the 'reversibility rule' (also a restatement of the Golden Rule). This decision-making criterion requires the journalist to ask himself: would I want this covered, in this way, if it were about me or my family or friends? The journalist who covered the toddler/lawnmower accident replies, "No, but that's true of 99 per cent of the stories we cover in a week."

*Is it happening in a public place?*

An important consideration is whether the reporter and subject are in a 'public place.' In one of the U.S. emergency rescue shows, a woman was filmed in a ditch, pinned inside her family's overturned car, moaning in pain and even begging to die. She was tended by a paramedic wearing a microphone. A cameraman also taped her helicopter ride to hospital... When the woman sued the show's production company for invasion of privacy, a Los Angeles appeals court ruled that she had a potential right to privacy in the helicopter, but not in the ditch, which was a public place.<sup>13</sup> This was an American case, reflecting American law, but it is relevant to Canadians for at least two reasons: we are part of the North American audience and many Canadians watch these reality-based TV programs; and Canadian journalists seem to hold the same view about public places as the U.S. judge. The questionnaire used for the survey done by the writer asked journalists and media executives to consider several different scenarios involving the definition of a 'public place' and a 'private place.' One news director replied, "Is there really any such thing as a non-public place anymore?"

*Is it happening at a private time?*

Another factor in the ethical decision-making process for some journalists is the concept of a private time, rather than place. Rather than focus on where the story or interview takes place, who the individual is, or what the story is, the reporter or media executive uses 'when', as the gauge. For example, if the individual is getting married, having a baby, or dying, and wants privacy, some reporters will define that as a private time, and over the line, in terms of ethical coverage. Others say those private times should be covered "if they give their permission, or if the grieving or dying people are in a public place. Grieving and dying are a part of life."<sup>14</sup>

*Can I use and apply an ethical framework?*

In the past, most journalists made the judgment call, using a case-by-case approach; many still do that today. But recently, university journalism schools have been teaching students several philosophical frameworks to use in decision-making and introducing them to classic philosophical methods of deriving a set of ethical principles.<sup>15</sup>

"Potter's Box", conceptualized by Dr. Ralph Potter of the Harvard Divinity School<sup>17</sup>, is one reasoning system taught by Canadian journalism professors. Briefly stated, a journalist should define the situation (look at the importance of the event and the options available for covering it); determine her other values on the issue; look at the principles of the station or newspaper, magazine or website; and make decisions about loyalties (to oneself, to the newsroom, to the source, to the audience or community, and to journalism).

Other applied ethics methods taught in journalism schools<sup>17</sup> are Aristotle's Golden Mean; the utilitarianism of Jeremy Bentham and John Stuart Mill, in which decisions should be based on causing least suffering, while bringing most reward (and knowledge is considered one of the most important rewards, or social 'goods'); Rawls' theory of justice or the 'veil of ignorance', which emphasizes that fairness is fundamental and all coverage decisions should be made without knowledge or concern about social differentiations such as class, status, race, gender, age and personal prominence; and Lawrence Kohlberg's 'ladder of moral reasoning', based on the assumption that it is better to be concerned with the public than with oneself.<sup>18</sup>

In *The Philosophy of Moral Development*, Lawrence Kohlberg writes of a "bag of virtues."<sup>18</sup> Journalists need to examine their values (and virtues) so that their actions and decisions across a range of situations and stories can be made consistent. This is one of the most difficult challenges in negotiating the shifting

sands of ethical decision-making: how does one weigh the importance of consistency, which is linked to fairness, against the importance of recognizing the unique characteristics of each story?

In *Ethical Journalism*, Philip Meyer warns against several common decision-making methods, including the absolutist position, where no compromise is allowed, and the ‘slippery slope’ analysis, which Meyer says is frequently used in journalistic decision-making, but which has holes in it that render it a bad method for choosing.<sup>20</sup>

Although journalists may be taught or trained in a particular system of thinking, newsroom experience usually leavens and seasons the theoretical loaf. “After you’re in the field for a while, if you work in a busy newsroom, you’re confronted by ethical decisions all the time. After you learn certain ways of deciding, it becomes faster, almost instinctive.”<sup>21</sup>, writes Peter Desbarats. This fact has implications for the expectations of the junior journalist and for the information, both textbook and experience-based, imparted by the journalism ethics professor.

#### *Am I in the right newsroom?*

Reporters often seek out newspapers or broadcasting stations that match or are close to their own values and ethics. Otherwise, the reporter may be uncomfortable in a newsroom and may be required to cover stories or use methods that offend his or her moral sense; or, the opposite may occur, and the reporter may find the newsroom code too stifling. The choice will come down to doing a good job, according to that newsroom’s terms, or remaining true to one’s own principles, and perhaps ending up stressed, in constant conflict, or unemployed.

#### *Who really makes the decision?*

An associated issue is the locus of authority for decision-making. In the first (and perhaps final) stage, it rests with the individual reporter; if, for example, she is given a piece of private information and decides not to proceed with it, everything stops there.

But if the ethical decision is a difficult one, or if the reporter has a policy of taking every piece of information to her editors or producers for discussion, then the process comes to involve one or more others, in either an information discussion or a formal committee meeting. In most newsrooms, the chain of authority is made clear. In the survey of journalists recently done by the writer, most said they decide through informal discussions with supervisors and colleagues, and that management leadership is the most important factor in ethical decision-making. Newspaper journalists were more likely to say they decide alone.

External agencies also may have a bearing. On the crime beat, for example, some newsrooms adopt the stance that any information the police will release (names of accused people, victims, convicted child abusers who have finished doing their time, details of what was done to murder victims) should be printed. Others occasionally will not publish or broadcast certain details, if they feel that ethical considerations such as privacy, civil liberties, or fairness override the simple analysis that these are accurate details and that ‘the other media will publish them, so we may as well, too.’

### **News Media Treatment of People in Public Life**

Individuals who are in the public spotlight, whether as elected politicians, business leaders, heads of institutions, and celebrities usually expect there will be media interest in their activities. Indeed, many of them seek out and stoke this media interest, sending out media releases, calling press conferences, hiring

media relations specialists, and trying to manage the way their image, ideas and plans are presented in the public arena. Journalists view them differently than they view non-public people; “the rules are much clearer with celebrities... like politicians they have thrust themselves into the public domain for personal gain. They can’t pick and choose when they want to be public people.”<sup>22</sup>

What they often don’t expect is their inability to control everything that is said or written about them, and the media’s interest in aspects of their lives outside the ambit of their occupational or political persona. A well-known name will draw media (and public) attention more quickly, whether to a bona fide news event, a manufactured, ‘hype’ occasion or a scandal. John B. Thompson observes that “all citizens may be formally equal before the law, but not all transgressors are equal in the court of scandal.”<sup>23</sup> The activities and foibles of politicians, business leaders, performers and professional athletes get more ink and air time; it is almost tautological, in that they are deemed to be newsworthy because of the public interest in them and the public interest in them grows because they are well-known, due to being deemed newsworthy and constantly seen in the media.

Canadian journalists tend to be more circumspect than American journalists<sup>24</sup> but ‘character issues’ are a factor in Canadian political news coverage, if information about a politician’s personal life is deemed to have an impact on his or her ability to do the job. The journalists interviewed by the writer identified several other decisive factors: if laws are being broken; if community standards of ethical conduct are being breached; if public funds are being wasted; if hypocrisy is an element in the individual’s public pronouncements, given the news about their private activities.

When do the media give ‘wall-to-wall’ coverage to a private story involving a public person? S. Elizabeth Bird offers an interesting theory that popular media stories are similar to folklore. “Narratives are constructed from familiar themes that repeat themselves over time... Media scholars have learned from folklorists and anthropologists that culture is participatory, rather than coercive.”<sup>25</sup> When a scandal resembles a familiar folk tale or includes ‘larger than life’ characters and mythic themes such as redemption, revenge, love, hate or greed, it draws more attention from the public and is given more coverage, by more media outlets, for a longer period of time, than other private information about public people.

The timing of reporting news on a public person is an important factor. As one of the journalists interviewed said, “The most difficult times for me have been (in) the month or so before elections when stories surface alleging scandals about various political candidates. The difficulty is weighing the public’s right to know against whether the candidate will have enough time to properly defend him or herself before election day... At times I have investigated then not pursued stories because I felt they were being manufactured by the candidate’s political opponents at election time.”

There are varying degrees of prominence and high profile, of course; those who are internationally famous are never out of the public or the media eye, despite the extensive and expensive lengths to which some go to try to find some privacy. Many observers suggest that Princess Diana was hounded to her death by aggressive journalists and photographers and that a curtailment of some of the more extreme tactics of celebrity news-gathering has resulted.

### **News Media Treatment of Private People**

As noted earlier, there is some evidence that journalists and the community regard any accident victim as an ‘involuntary public figure.’ Journalists who responded to the writer’s survey made it clear they would treat private individuals with more discretion, but, depending on the information and the facts, generally

the public right to know, the public interest, and/or the public's interest would override hurt feelings or complaints about invasion of privacy.

If the private person is related to a public person, usually their activities are not covered in Canada, unless they happen to be the spouse of a public person, in which case they are often subjected to scrutiny.

### **A survey of Canadian journalists**

The writer has recently contacted several hundred Canadian journalists and asked for their views and experiences on a number of subjects related to the ethical decision-making process. Most reported that they believe it is acceptable to print or broadcast information about the private lives of people in public life under certain circumstances. Many supplied information on their set of criteria to guide the publication decision; the most important and most frequently cited is whether the private information affect the person's ability to do the public job?

Although some respondents resisted the request to provide a definitive statement on which is primary – the public's right to know or the individual's privacy, the majority did come down in favour of the public's right to know. Some of the mitigating circumstances described by individual journalists include:

With regard to the locus of decision-making power in a newsroom, most of the respondents to this survey identified management leadership as the most important factor in making judgment calls on ethics. There is variation, of course, depending on the newsroom culture, the organization's history, and the individual personalities present.

'Unwritten newsroom priorities' is a category that was included to capture the fact that in some newsrooms there are norms and practices in place that are not immediately obvious, but nonetheless have a major impact on social control in that environment. Meyer writes about the 'unwritten rules' and has suggested the set he has observed:<sup>26</sup> 1) a story originated by another ... is never as newsworthy as one originated by one's own newsroom; 2) newspapers are written for other news people, not for the general reader. This rule makes news people strive for the spectacular; 3) avoid directly admitting a mistake; 4) always publish, regardless of the costs; and 5) if it involves money, it is probably bad.

In this survey of Canadian journalists, very few respondents specified 'unwritten newsroom priorities' as first in importance.

One comment was written into the space left for 'Other' factors in making judgment calls: the recommendation of the newsroom's lawyers.

### **Cases**

The journalists asked to answer the questions in the survey were presented with five situations where judgment calls had to be made on privacy/anonymity questions. In most of the cases, the majority of journalists opted for more disclosure rather than less, even when the information had to do with private details about financial debts or health records. A situation involving the use of a photograph of a crime scene drew mixed, and strong response, with about half agreeing that the photograph should be used and half disagreeing.

An attempt was made to determine whether the journalists' competitive instincts would make a difference in their assessments of these hypothetical situations (i.e. is there a double standard, based on whether it's

your 'scoop' and not the other guy's?), but no conclusions can be drawn based on the simple, and limited number of questions asked here. (It can be argued that this is not an area that can be investigated using self-report by journalists; far more effective and valid would be a controlled experiment in which choices had to be made.)

Real-life examples of cases that turn on some of these ethical questions of privacy and anonymity versus the public's right to know exist in the annals of the press councils and the Canadian Broadcast Standards Council, an independent organization established by the Canadian Association of Broadcasters to apply standards and to provide recourse for members of the public with complaints against any of its 430 members. The CBSC refers to the CAB Code of Ethics and the RTNDA Code of Ethics for guidelines. "The news must be reported fairly and accurately, must include only the relevant details and must respect the dignity and privacy of the people involved."<sup>27</sup> The prime and fundamental responsibility of the broadcast publisher is seen to be the 'full, fair and proper presentation of news, opinion, comment and editorial.'

Several cases adjudicated by the Council serve to illustrate some of its thinking, with regard to privacy issues.

In 1994, the CBSC received a complaint of undue exploitation of grief and invasion of privacy in the reporting of a woman's murder by her estranged husband. The CFTO Nightbeat News report focused for 33 seconds on her grieving son and mother. They were photographed on a public street outside the building where the crime occurred. The Council concluded that although the story was painful, it was not an invasion of privacy, as no interview was sought and no private dwelling was entered. It found that no contravention of the CAB Code of Ethics took place. (Decision 92/93-0178.)

This Canadian Radio Television and Telecommunications Commission, which issues broadcast licenses in Canada, was asked to review the CBSC ruling. It supported the CBSC.

In 1996, CJOH-TV broadcast a report of a vigil held in Minto Park, in remembrance of the Montreal massacre, generated a complaint to the CBSC when a collective request for a 'private moment of grief, rage and sorrow' was not granted by the television reporter and cameraperson. The Council replied that the story *as told* (italics from the CBSC) was neither sensational nor sensationalized. (Decision 94/95-0081.) "...the event was held in a public location, which was the choice of the organizers... its organizers solicited press presence... It would have been unreasonable to expect that the final few moments would be excluded... Freedom of the press is not a tap to be turned off at the whim of the newsmaker."

In 1994, an individual involved in a B.C. Supreme Court case complained that CHBC-TV personnel had come onto the deck of his home, photographed him through his kitchen window and tried to conduct an interview. The individual felt he had been harassed and discriminated against. The station replied that it is station policy to go onto private property to try to obtain interviews and to leave if asked. The station also felt it was relevant that when the story of the court order involving the individual first broke, he had been acting as campaign manager for a federal election candidate.

The Council found no breach of the RTNDA Code of Ethics. (Decision 93/94-0292.) One issue seemed to be the ability of news media to do their job. "If news organizations were required to make an appointment every time they wanted to get a story, they would be effectively handicapped, if not muzzled." Another was the involvement in a court proceeding. "The Regional Council is of the view that the right of privacy of an individual ends when he or she becomes a party to court proceedings...In the absence of a judicial

order to the contrary, the CBSC considers all court proceedings and their outcomes to be public by their nature.”

A complaint regarding the airing of video showing a young girl in CKCO-TV news report of a murder resulted in a Council ruling that “the issue is not so much the recording and broadcasting of the individual as it is the identification of the person. Where the broadcaster provided no information which permits the public at large to identify the individual, the broadcaster has not interfered with the person’s right to privacy.” (Decision 96/97-0174.) The information referred to seems to involve only the actual naming of a person; his or her photograph does not seem to be considered identification, nor deserving of privacy. “The principle is not altered by the age of the individual... the same privacy principles apply whether the image used is that of a child or an adult.”

As in the previous example, a key issue is the journalist’s ease in getting the job done (and the implications for openness, access, and the extent of media coverage of events in a democratic society.) “It would not be realistic, for example, for television station news teams to seek permission from everyone who might be seen on camera at a crime scene, an accident, the picketing of a shop or a legislature, the arrival of a public figure, or other events too numerous to describe here.” No specific mention is made of the degree of difficulty involved in requesting permission of a single child and her parent or guardian.

## Conclusions

The evaluation of ethical methods and content of news stories involving the anonymity/privacy issue is sometimes subject to a double standard. As David Brin observes in *The Transparent Society*, “Whenever a conflict arises between privacy and accountability, people demand the former for themselves and the latter for others.”<sup>27</sup>

To avoid the danger of applying different standards, some observers and members of the public have asked for a Code of Ethics that would apply to all journalists. Many newsrooms and associations have developed their own Codes or guidelines; in the next section, the writer examines the issues revolving around the subject of Codes of Ethics for journalists.

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<sup>1</sup> Survey of Canadian journalists. Gail Hulnick 2001.

<sup>2</sup> Survey of Canadian journalists. Gail Hulnick 2001.

<sup>3</sup> Ontario Press Council (1984). *Trial by Media: An Account of an Open Forum on Pre-Trial Publicity*.

<sup>4</sup> Dr. Stephen Ward, personal communication.

<sup>5</sup> Survey of Canadian journalists. Gail Hulnick. 2001.

<sup>6</sup> Russell, Nick (1994) *Morals and the Media: Ethics in Canadian Journalism*. Vancouver: University of British Columbia Press. p. 128.

<sup>7</sup> Meyer, Philip (1987). *Ethical Journalism*. White Plains, N.Y.: Longman’s, Inc.

<sup>8</sup> Desbarats, Peter (1990). *Guide to Canadian News Media op.cit.* p. 183.

<sup>9</sup> Matelski, Marilyn J. (1991). *TV News Ethics*. Boston: Focal Press (Butterworth-Heinemann) p. 24.

<sup>10</sup> Russell, *ibid.* p. 121.

<sup>11</sup> Russell, *op. cit.* p. 120.

<sup>12</sup> A survey of Canadian journalists. Gail Hulnick. 2001.

<sup>13</sup> Brin, David (1998). *The Transparent Society*. Reading, MA: Addison-Wesley. p.62.

<sup>14</sup> A survey of Canadian journalists. Gail Hulnick. 2001.

<sup>15</sup> Stephen Ward, Journalism professor, personal communication.

<sup>16</sup> Potter, Ralph. (1972). *The Logic of Moral Argument: Toward a Discipline of Social Ethics*. Ed., Paul Deats. Boston: Boston University Press. pp.93-114.

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<sup>17</sup> Professors Wark, Smith Fullerton, Desbarats, and Ward. Personal communication.

<sup>18</sup> Kohlberg, Lawrence. In Russell op.cit. p. 120.

<sup>19</sup> Meyer, Philip *ibid.* p. 15.

<sup>20</sup> Desbarats. Peter. Personal communication.

<sup>22</sup> Survey of Canadian journalists. Gail Hulnick 2001.

<sup>23</sup> Thompson, John B. (1997). Scandal and Social Theory. In *Media Scandals: Morality and Desire in the Popular Culture Marketplace*. Lull, James and Hinerman, Stephen, ed. New York: Columbia University Press. p. 40.

<sup>24</sup> Taras, David. (1993). A Question of Character: Political Reporting in Canada and the United States. In *Canada and the United States: Differences that Count*. Thomas, David, ed. Peterborough, ON: Broadview Press

<sup>25</sup> Bird, S. Elizabeth (1997). What a Story! In *Media Scandals: Morality and Desire in the Popular Culture Marketplace*. Lull, James and Hinerman, Stephen, eds. New York: Columbia University Press. p. 41

<sup>26</sup> Meyer, *ibid.* p. 25.

<sup>27</sup> Canadian Broadcast Standards Council.

<sup>28</sup> Brin, *ibid.* p.12.

### Section 3. Codes of Ethics

In other fields where individuals often make tough judgment calls, they have the assistance (and motivation) of a Code of Conduct or Ethics. In response to some of the perceived errors in journalistic judgment and unethical methods or outcomes over the years, members of the public suggest a potential solution might be found by establishing an effective national Code, which would apply to all journalists. There are Codes of Ethics in some newsrooms and organizations, but some are employer-generated, some are journalist-generated, some are specific, some are vague, some detail consequences for infractions, some do not.

In Canada, in 1977, the Canadian Daily Newspapers Association issued a “Statement of Principles”. It noted that many newspapers have their own Codes. Specifically on the privacy issue, the Statement had this to say: “each case should be judged in the light of common sense and humanity.”<sup>1</sup> In 1990, then University of Regina Journalism School professor Nick Russell conducted a survey and found that 31 of 59 newsrooms responding had a Code of Ethics.<sup>2</sup>

Some of the Codes in use in Canadian newsrooms include the RTNDA (Radio and Television News Directors Association) code, (adopted by newsrooms in privately owned broadcasting stations); the Journalistic Policy handbook, in use at the CBC, and the CDNA Statement of Principles. Some newsrooms use parts of these codes, but adapt them for their own use, and some design and customize their own newsroom code.

With respect to privacy, the RTNDA Code (which is regularly reexamined and rewritten and is currently subject to a year-long review) states: Broadcast journalists will always display respect for the dignity, privacy and well-being of everyone with whom they deal and make every effort to ensure that the privacy of public persons is infringed upon only to the extent necessary to satisfy the public interest and accurately report the news.

The Canadian Broadcasting Corporation handbook on Journalistic Policy suggests that care must be taken when investigating or reporting on a matter concerning an individual not to unreasonably violate that person's privacy.

Carleton University has a Statement of Ethics and Professional Standards for the School of Journalism and Communication, which it distributes to all students and uses as a teaching tool and as a guideline for behaviour while working on student publications. On privacy, it asserts: Journalists constantly have to balance the individual's right to privacy against the public's need for information. Where an individual's need for privacy is an issue, do weight it against the value of the information to the audience...Where the balance seems even, the journalist's first obligation is to the audience.

In the United States, many journalists base their actions on the Society of Professional Journalists Code, often referred to as the Sigma Delta Chi Code. The Code is organized into sections: Seek truth and report it; Minimize harm; Act independently; Be accountable. Under the section ‘minimize harm’, it states: Journalists should recognize that gathering and reporting information may cause harm or discomfort. Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Show compassion. Be sensitive.

### Conditions for Code Effectiveness

Journalism professors, experts, and journalists themselves point out that several conditions are necessary for a Code or set of guidelines to be effective. The Code must be in regular use and must have the commitment of all. In the late 1980s, the American Society of Newspaper Editors gave its members a questionnaire that they could use to do an 'ethics audit' in their newsrooms. The Society collected and published the results, which showed that some senior news executives did not know whether their newsroom had a written Code or not, nor what penalties had been determined for various violations.<sup>3</sup>

The Code must be intelligent, carefully thought out, well written, and relevant to the working environment. A Code of Ethics must take into account the context in which its potential users do their jobs. Desbarats writes, "If codes and guidelines are not used in the course of everyday work and are unknown to many journalists in these organizations, it may be because they are inapplicable."<sup>4</sup>

The Code must have, as its *raison d'être*, truth rather than 'spin'. Some journalists believe that a Code of Ethics is nothing more than a public relations exercise. There is no denying that there is public relations value; as John Quinn, a former President of the American Society of Newspaper Editors wrote in a 1984 article "The issue is one of credibility. A thoughtful ethics policy can be a major and needed step in promoting credibility."<sup>5</sup> However, if it is to be supported by journalists, it must be the steak, not just the sizzle.

The Code must be clear and specific. In the United States, the Sigma Delta Chi Code is somewhat more specific than the Canadian print journalism version. For example, "The media should not pander to morbid curiosity about details of vice and crime" compared with "each case should be judged in the light of common sense and humanity.

(This could be viewed as rather ironic since the U.S. media generally and local television newscasts in particular, seem to be much more absorbed with vice and crime than their Canadian counterparts. However, American journalists would probably argue on any given individual story, that they are not pandering to morbid curiosity, *in this case*, but rather, are serving the public's right to know.)

The Code must be enforceable, with practical consequences and penalties.

Some experts have analyzed the experiences of newsrooms and journalists with Codes of Conduct and concluded that the conditions for effectiveness are rarely met and the arguments against Codes are overwhelming.<sup>6</sup> However, others disagree. Russell suggests "It is extremely difficult to develop an effective code that covers all eventualities, but it's wide of the mark to say they're unenforceable."<sup>7</sup> While some have maintained that the frequent requirement to decide on a case by case basis renders guidelines impractical and of little use, others feel that is an exaggeration.

### Benefits Derived from Codes of Ethics

Inherent in the notion of a code of conduct or ethics is the principle of accountability, which brings a benefit to a community. The journalist needs to know he is accountable for the everyday decisions – which story to pursue; whom to seek out for interviews; which facts to select; which facts to emphasize; what pictures to use; what names to use. Clifford Christians suggests that journalists are accountable to three groups: the community, the government and their peers, and that codes are primarily tools for peer

accountability.<sup>8</sup> Journalism professor Bruce Wark also would rank peer accountability as primary. “Journalists are so plugged in to their peers, so dependent on each other for standards. There is very little public feedback or input.”<sup>9</sup>

(The author would add that many journalists also are accountable to themselves, carrying a mental ideal of a code of ethical conduct as a personal, internalized mechanism.)

When asked, the journalists in the survey done recently by this writer rejected the suggestion that they are accountable to the government, unless the concept refers to their obligation, as any citizen, to obey the law. Their conception of accountability to the community seemed to involve essential and broad ethical concepts such as truth, fairness and justice; their ideas about accountability to a sub-group of the community – their own viewers, listeners or readers – seemed to be more specific and detailed.

Often what may seem intrusive or of dubious accuracy to the readers of one publication is perfectly acceptable to the readers of another. A piece of private information or a graphic photograph may be rejected by the producers of one newscast, while aired (repeatedly) by another. In unambiguous situations, the journalists at various outlets make the choices appropriate for their newsrooms, for the standards of their ‘community’ of readers or viewers, and for the terms of their Code of Ethics, if they have one.

In cases where the choices are less obvious, the phenomenon of ‘pack’ journalism kicks in. (Based on personal observation and experience, the author prefers the phrase ‘herd journalism’; if one is going to use animal imagery, the depiction of journalists all chasing the same story and moving like a group of cattle or horses is more accurate than the image of a ravening wolf pack.)

If a story is not clearly against a journalist’s individual principles, the newsroom Code of Ethics, or his supervisor’s stance, then the journalist will go after it, once another newspaper or newscast puts it out in the public arena. He will feel that he has to ‘match’ it (i.e. verify the same facts and get the same interviews), put a new ‘top’ on it (i.e. start with a new fact that will justify the appearance of this story on her newscast or in his newspaper a day or more after the initial story was run by the competition), or run it, with a credit for the news organization that broke the story (the least desirable option.)

When the ‘herd’ mechanism kicks in, journalists sometimes find themselves reporting news or airing pictures that they might not have chosen to use, if they were the only game in town. But there is a view, in many quarters, that once it is out in the public domain, the ethical dilemma has been resolved and everyone can proceed on the story and repeat the information, without qualms.

The more specific a newsroom’s Code of Ethics, the more well-respected and frequently consulted, the less likely it is that the herd mentality will take over and that that newsroom and its journalists will look to other reporters at other outlets for signals on what to cover and how to cover it.

Wark also identifies another benefit of written Codes of Ethics. In newsrooms that are unionized, the union leadership may tend to like the code, if it gives a clear set of expectations for employees and procedures that can be followed if there is a complaint, as in the case of the CBC’s Journalistic Policy handbook.

Codes can assist in the process of discussion among reporters, editors, producers, news directors and news executives. They can be used to train newcomers. They give station employees a written document

to which they can refer if put on the spot by a member of the public about some action taken by a journalist.

### **Challenges in Writing and Implementing an Effective Code**

The challenge is to write a document that is sufficiently specific and clear, without being several thousand pages long.

Also, journalists may pay no attention to the newsroom written Code of Ethics, even if it is a good one. Meyer writes in *Ethical Journalism*, “In the ethos of journalism there are two kinds of codes. One kind is written by a committee, is made public and fairly honestly reflects how our journalists think they *ought* to behave. The other kind is unwritten, hidden sometimes from the consciousness of journalists themselves... This unwritten code is more difficult to describe and analyze, but it is the more powerful of the two.”<sup>10</sup>

It is an observation echoed by Wark’s experience. “In actual practice, Codes tend to stay in the desk drawer, consulted only in extreme situations. Journalists tend to go by what their peers say.”<sup>11</sup>

In the writer’s survey of journalists and follow-up interviews, the manner in which the Codes are developed and introduced to a newsroom is an important factor. If they are “developed by working journalists, not delivered from ‘on-high’, they tend to get more respect.”<sup>12</sup> Many of the journalists interviewed for this paper emphasized that it should be written with input from the reporters and photographers who would have to use it; i.e. that it must be ‘grassroots’, rather than ‘top down.’ One reporter identified a problem with Codes in which one clause of the code seems to be at cross purposes to another.

### **Codes of Ethics in Canada**

The writer’s recent survey and series of interviews with Canadian journalists showed that about half report there is a Code of Ethics or other written guideline in their newsrooms. There were several reports that someone in their newsroom had been disciplined for a breach of ethics during the past five years. The examples of penalties given were a verbal reprimand, a letter of reprimand, a suspension, and loss of employment (for a situation involving a journalist’s lying about his method of covering a story.) Some other examples of infractions were open support of a political party, plagiarism, and use of the advantages of being a journalist to pursue private business opportunities.

Experienced journalists are often quite skeptical about the value of written Codes. Examples of some of the comments on this question include:

“It is difficult to codify every ethical decision that needs to be made in a newsroom.”

“Toothless tiger. I have never once in 17 years dealt with them or had them involved in a story or changed the way I presented a story.”

“They’re usually pieces of paper, framed and ignored... there will never be a codified, ‘constitution-like’ guide for reporters that is relevant.”

The list of concerns about Code effectiveness and the challenges in writing and implementing one would seem to point to a conclusion that the task is too onerous, and that a Code of Ethics for journalists is too

difficult to write and enforce, too hypocritical for the journalists' skeptical frame of mind, and too easy to ignore. But Russell argues that despite the formidability of the task, it is a desirable one, given the alternative. "Ideally, every journalist would indeed develop a personal code of the highest integrity, and there are clearly some journalists who already live by such rules. But that nirvana is a long way off... Journalism attracts all sorts of people for all sorts of reasons."<sup>13</sup>

## Conclusions

One of the abiding strengths of journalism and its role in a democracy is its reliance on freedom of expression and freedom of information. These freedoms cannot exist totally unfettered; to allow that creates the risk of subverting the very democracy one is trying to support. But the exceptions should be rare and carefully thought out.

Journalists are people who believe in freedom of speech. While they want to be fair and truthful, they don't want to operate under an oppressive list of regulations. Story telling will sink under the weight of too many rules.

As journalists and media leaders struggled with the issues of Codes of Ethics, their effectiveness and enforceability, at various times some have tried to write detailed penalties and tie them to specific infractions, thereby giving clear signals to the practitioners and to those with a complaint about unethical behaviour. Others have opposed these 'censure clauses', seeing them as incompatible with freedom of speech and the demands of the job.

In the United States, the Society of Professional Journalists attempted to draw up a formal, professional Code of Conduct, which would include all of the elements necessary for it to be truly enforceable. The effort was abandoned in the mid80s. "Although the (SPJ) Society's 1986 national convention ordered its Board to develop procedures for the handling of complaints about unethical conduct by journalists, the Board decided instead to recommend that the 1973 'censure clause'... be dropped and that society embark on an ambitious ethics education program."<sup>14</sup>

A well-written Code of Ethics with explicit sanctions for extreme transgressions might serve as a foundation for journalistic practice, rather than a single answer to a complex question. In concert with the journalist's own preference for ethical behaviour, it can create an environment in which the most flagrant examples of media excess will not be tolerated. The less extreme cases fall into the grey areas, where Codes of Ethics often cannot reach, due to their lack of precision and the journalist's desire for a freer rein. In these cases, individual values come to the fore. Many journalists believe that in the end the decision comes down to a judgment call based on the individual's experience and values, rather than consultation with a Code of Ethics. Clearly, then, the training given journalists, both at the outset and throughout their careers, becomes of paramount importance.

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<sup>1</sup> Desbarats, Peter. (1990) *Guide to Canadian News Media*. op.cit. p. 180.

<sup>2</sup> Russell, Nick. (1994). *Morals and the Media: Ethics in Canadian Journalism*. op.cit. p. 189.

<sup>3</sup> Desbarats op cit. p. 179.

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<sup>4</sup> Desbarats op cit. p. 180.

<sup>5</sup> Quinn, John (1984). Why your paper should/should not have a written Code of Ethics. In *ASNE Bulletin*, October 1984. p. 13.

<sup>6</sup> Goodwin, Eugene. (1983) *Groping for Ethics in Journalism*. Ames,IA: Iowa State University Press pp. 5-7.

<sup>7</sup> Russell, Nick op.cit p. 187.

<sup>8</sup> Christians, Clifford (1985) Enforcing Media Codes. In *Journal of Mass Media Ethics 1* (1985): pp. 14-21.

<sup>9</sup> Wark Bruce. University of King's College Journalism school professor. Personal communication.

<sup>10</sup> Meyer, Philip (1987) *Ethical Journalism* op.cit. p. 17.

<sup>11</sup> Wark, Bruce. Personal communication.

<sup>12</sup> Survey of Canadian journalists. Gail Hulnick. 2001.

<sup>13</sup> Russell, Nick op.cit p. 191.

<sup>14</sup> Cited by Desbarats op. cit p.180. from Censure Clauses: Yes, no, and Try Again. *The Quill* 75, no 8 (Sept 1987)

## Section 4. Ethics Training

Ethics education for journalists may take place at three times: at journalism school or as students working on student publications and productions; when they enter a new workplace, and on a daily basis, in the workplace. Mandatory ethics courses for students are a relatively recent development in the history of journalism (with one notable exception: When the Columbia School of Journalism started in 1912, they had a course on ethics established because Joseph Pulitzer's will, which left \$12 million to establish the school, stipulated that an ethics course had to be part of the program.)<sup>1</sup>

In the 1950s and 60s, very few journalism schools in Canada required ethics courses for graduation. But with the trend to a more professional approach and the influence of major journalistic events such as the Watergate investigation in the 70s, the schools began to beef up their ethics course content. In 1984, Clifford Christians surveyed 274 mass communications programs in the U.S. and found 117 courses, compared with 68 in 1977.<sup>2</sup> In 1990, in *Guide to Canadian News Media*, Peter Desbarats reported that "most journalism schools require students to take courses in media ethics."<sup>3</sup> Today, university journalism schools across Canada all require coursework, including seminars, presentations, research papers, etc. in journalistic ethics.

There are differences in approach, emphasis, and content to be found, among the university journalism schools. At the University of King's College in Halifax, for example, students get a weekly two-hour seminar for 12 to 15 weeks. Teacher Bruce Wark prefers not to emphasize case studies. "I don't spend a lot of time playing scruples with the students... Instead, I look at issues like the formats journalists use, which are of critical importance. They dictate what and how a journalist reports. It's particularly extreme in electronic media, where the stories are getting shorter and shorter."<sup>4</sup> Former CBC journalist Wark's courses also cover the ethical implications of pressures on journalists, in addition to meeting format requirements: the pressures of 'pack' or 'herd' journalism; the pressure to be brief and dramatic; the pressure to include speculation about future events (once discouraged by editors and news directors, Wark says, and regarded as lazy reporting); the use of qualifiers such as 'may', 'could', and 'perhaps' (what Wark calls 'weasel words'), which let the reporter off the accountability hook but thrust him into an ethical quagmire; and the current view of newspapers, TV and radio newscasts as 'products' to be marketed to 'consumers', rather than as information and discussion vehicles for citizens.

At Carleton's School of Journalism in Ottawa, ethics content was included as a part of all of the other courses, rather than as a separate, credit course, until five years ago. Currently a three-hour weekly workshop is conducted over four weeks by teacher Bob Rupert. The course includes historical material on classical philosophy, analysis of Ethics Codes of Canadian newspapers, broadcast stations, and the Carleton University Code, and training in a systematic method of weighing values and priorities to make decisions on issues. "I tell them that sometimes there may be time to brainstorm with peers and gather more information, but many times there isn't. That's why you need a systematic way to look at things."<sup>5</sup>

At the University of Western Ontario, there is a mandatory ethics course in the summer term and an optional course in the winter term. (The winter term course is scheduled to be made mandatory later this year.) Teacher Romaine Smith Fullerton presents material on classical applied ethics constructs and sets up a series of case studies, asking the students to apply a variety of reasoning models and philosophical systems to them. The subjects covered include objectivity, advocacy journalism, accuracy, plagiarism, the influence of advertising, investigative journalism, privacy, digital manipulation of images, and the representation of minorities.<sup>6</sup>

Peter Desbarats, Media Ethics Chair at Ryerson Polytechnic University and former Dean of Journalism at the University of Western Ontario, observes that for a long time, ethics courses were taught by older journalists who focused on practical experience and real-world examples. Recently, there has been an attempt to provide a more solid grounding in theory and to try to apply classical philosophical ideas to ethical decision-making in journalism.

Ryerson's journalism school has a mandatory weekly five-hour course in ethics. In addition to putting journalistic issues into the classical frameworks, Desbarats shows students that media ethics are part of a broad-based increase in interest in ethics. "I've been bringing in people from other fields to show the students that journalism ethics are part of a growing awareness of business ethics, bio-ethics, political ethics, etc."<sup>7</sup>

At the University of British Columbia's Sing Tao School of Journalism, ethics is one of six or seven courses taken by students in the first year. There is a three-hour weekly graduate seminar. Teacher Stephen Ward uses case examples, the Internet, and material he has collected throughout his careers as a Ph.D. in Philosophy and as a war correspondent. Like the other professors interviewed, he puts the specific examples into a philosophical context.<sup>8</sup>

The Canadian journalism professors interviewed for this paper do not use a single, assigned textbook. There is no generally accepted list of relevant and determinant cases and no comprehensive, historically based account of journalistic ethics and/or legal dilemmas and their outcomes. Among the books presented are Nick Russell's *Morals and the Media: Ethics in Canadian Journalism*; *Deadlines and Diversity: Journalism Ethics in a Changing World*, edited by Valerie Alia; *Visualizing Deviance: A study of News Organizations*, *Negotiating Control: A Study of News Sources*, and *Representing Order: Crime, Law and Justice in the News Media*, all by Richard V. Ericson, Patricia M. Baranek and Janet B. Chan. Most instructors draw material from a number of books, journals and websites, and use real-world newspaper, TV and radio broadcast reports as bases for class discussion. All emphasize the importance of being current, and of presenting material that reflects the sort of decisions working journalists are required to make now.

It is acknowledged that this is not a comprehensive survey of every university, college, technical institute, high school journalism course or other journalism training opportunity in Canada; the intent is to provide examples of current practice and thinking in some quarters. Generally, it is possible to say that journalists who get their training in universities probably have taken a mandatory ethics course; in colleges, they may have taken a course or had the subject dealt with in a general reporting course (although many of the journalists interviewed had not); and as student journalists, they may have been introduced to the educational programs and Styleguide offered through the John H. McDonald Foundation and Canadian University Press. If they have arrived in a journalism job from a direction other than any of these, their view of journalism ethics was probably crafted on the job.

The academic landscape for journalism ethics has recently been enhanced with the announcement of a new Beaverbrook Chair in Ethics, Media and Communications at McGill University. A transdisciplinary effort involving the collaboration of Arts, Law, Management and Religious studies, this initiative will generate scholarship in cultural influences and media ethics, particularly with regard to new media.

Based on the information gathered in the recent survey, and on the writer's personal experience in journalism, very few newsrooms give their new reporters an orientation to ethics in general or to the particular expectations of their news operation.<sup>9</sup> None of the journalists who responded reported that ethics training had been part of their orientation when they first joined the newsroom. Ongoing ethics

training opportunities occurred mainly in the context of informal discussions, either with peers or supervisors, although some journalists reported receiving print material on ethics or being invited to a meeting to discuss an ethical question.

Another ancillary avenue of education is provided by the Canadian Association of Journalists, which organizes seminars, workshops and conferences, provides an online list of resources and administers an e-mail discussion forum, in which journalists, students, instructors and interested bystanders have online discussions about journalistic issues and events. While it is not intended or structured as any sort of ethics training mechanism, it may have that effect, as journalists trade opinions and stories.

## Conclusions

Studies have shown that ethics courses and education in moral reasoning do have an impact on student journalists, their sense of responsibility to society and the choices they would make.<sup>10</sup> As in any field, there is a socialization and education process that takes place at the outset of a career, and is ongoing, in many individuals. The values, attitudes and behaviour they learn are fundamental to the choices they make, in their daily activities as journalists.

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<sup>1</sup> Peter Desbarats. Personal communication.

<sup>2</sup> Christians, Clifford G. (1987) Media Ethics courses have increased since 1977. *Journalism Educator* 40, No. 2 Summer 1987 pp. 17019, 51. Cited in Desbarats, *Guide to Canadian News Media*.

<sup>3</sup> Desbarats, op cit. p. 184.

<sup>4</sup> Bruce Wark, Journalism Professor, University of King's College. Personal communication.

<sup>5</sup> Bob Rupert, Journalism Professor, Carleton University. Personal communication.

<sup>6</sup> Romaine Smith Fullerton, Journalism Professor, University of Western Ontario. Personal communication.

<sup>7</sup> Peter Desbarats, Media Ethics Chair, Ryerson Polytechnic University. Personal communication.

<sup>8</sup> Stephen Ward, Journalism Professor, Sing Tao School of Journalism, University of British Columbia. Personal communication.

<sup>9</sup> A survey of Canadian journalists. Gail Hulnick. 2001.

<sup>10</sup> Yoder, Sharon Logsdon; Blesker, Glen. The Media Ethics Classroom and Learning to Minimize Harm. *Journal of Mass Media Ethics*. Vol. 12.4

## Section 5. Journalistic Values and Attitudes

Several news media experts have observed that the values and attitudes within journalism may be in opposition to the broader values in society. What does a journalist have to do, to be seen to be doing a good job? Are there journalistic norms and newsroom priorities that may be at odds with community ethics? Does the journalistic mission to report the news clash with community standards of privacy and dignity?

The most fundamental set of principles in journalism may be expressed as: get it first, get it fast, get it right.

### Get it first

Journalists are under constant pressure to come up with original information that can be turned into a news story and put into the newspaper or on the air before the competitor does. This emphasis on being first has been a dominant priority in journalism since the turn of the 20<sup>th</sup> century. In the last ten years, an increased priority has been placed on ‘getting it first’ by writing speculative stories (i.e. if it is good to be first with the news of a public figure’s admission of guilt or be first with the news of the outcome of an election or a dispute, isn’t it even better to be first by predicting these things?) Journalists believe a prediction that turns out to be accurate increases their credibility (and many believe that predictions or speculation that turn out to be false are just forgotten by the public.)

Morning-oriented news outlets are particularly sensitive to this and may gear their writing and approach to it. It is thought that it is not enough to give the morning newspaper readers, radio listeners, and television viewers an account of news that happened yesterday. Journalism professor and former CBC journalist Bruce Wark says that World Report on CBC Radio News, for example sees itself as “an agenda-setter for the day.”<sup>1</sup>

This focus on future events and what might happen can have an impact on Canadian journalist’s ethical decision-making process when deciding about publishing private information about people in the public eye. Rather than deciding to reveal, for example, that a politician has a drinking problem or has a terminal illness only if it has affected his ability to do his job, some journalists will decide to publish because there *might* be an effect on the politician’s ability to do his job.

### Get it fast

News directors and editors value speed. Journalists are under pressure to think quickly, gather information quickly, write quickly, and get it on the air or filed quickly. This pressure can lead to mistakes in checking facts, misunderstanding or misinterpretation of the more subtle points in a story or issue, and too much haste in publishing or broadcasting sensitive private information without careful consideration of the ethical questions involved.

A recent development, with the creation of news websites by many of the newspapers and broadcast outlets, has put even more pressure for speed on the harried reporter; they may be asked for “just a few graphs for the website” before they write the full story for the newspaper.<sup>2</sup> This is a different method of writing than the print journalist is accustomed to or trained for and it adds new pressure to the daily job.

### Get it right

Journalists are trained to focus on accuracy as the primary value in their work. “Is it true?” is the first, and basic question, and it stands them in good stead in the ethical and legal arenas, as well as in the court of public opinion.

But ‘get it right’ does not always simply mean accuracy. It also sometimes means having a story that has the same essence and the same basic details as the stories filed by all of the other reporters on the story. Meyer argues that journalists write primarily for their peers and that a newspaper is written not for its readers but for other journalists.<sup>3</sup> Wark concurs, recalling during his experience covering municipal affairs that reporters would gather each morning in the City Hall coffee shop and go over each other’s stories.<sup>4</sup>

While the journalist serves a multitude of masters, including the reader/listener/viewer, the people she covers, her editors or producers, and the publisher/news director/ outlet owner, she also writes and works with the expectation of peer response and review.

### **Get it all**

There is also pressure to have all of the same stories that a competitor has. All outlets monitor one another’s output thoroughly and endeavour to have coverage of all the same major stories. Reporters are often asked to ‘match’ a story another outlet has, and there is often pressure to do so quickly. This can be a difficult assignment to complete, particularly if the other newsroom’s story is based on a personal interview or connection that their reporter was able to make.

### **Objectivity**

This element has been debated since the beginning of journalism, of story telling, and perhaps even of human communication. Is objectivity possible? Is it desirable? Is it necessary? Is neutrality possible? Is fairness a more realistic, relevant goal? Is balance a better one? Is the whole discussion ‘old news’?

A detailed, in-depth examination of the myriad ethical issues surrounding the objectivity debate is beyond the purview of this paper, but insofar as it affects journalists’ decision-making on stories that reflect the privacy/anonymity question, it might be hypothesized that the less objective a journalist is on a particular subject or about a particular individual, the less (rather than more) likely that that individual’s privacy will be respected.

### **Changing Values, Attitudes and Working Conditions**

In the past ten years, changes in the media environment have led to changes in journalism and to the requirements for journalistic performance. Economic pressures, the growth in choices for obtaining news and information, the challenges in maintaining or improving ratings or circulation figures, and changing perceptions about the public’s preferences have all resulted in new expectations. Some are specific to particular newsrooms or employers, but some can be observed to be general throughout the news media environment. Most have probably been implemented in an effort to give readers, listeners and viewers what editors and news directors perceive they want.

### **Get ‘News you can use’**

Year after year, there is an evolution in the emphasis one can observe and in the selection of the material one sees and hears in the media. Today, many newspapers and newscasts are oriented to provide news and information which it is deemed the audience can use: features on travel, home renovations cooking, fashion, movies, etc. The definition of the reader, viewer or listener seems to rest more on their role as a consumer of products and services than as a citizen in a democracy or a member of a community.<sup>5</sup>

Historically, newspapers have always had feature sections and journalists were hired to write what were sometimes called ‘puff pieces’. But the percentage of the paper devoted to feature material seems to have increased; also, there is an increasing quantity of consumer-oriented copy on the news pages and on the

front page. The main reason might be the editors' and news directors' sense that these are the topics the public wants to know about; in some newsrooms now, market surveys are used to determine reader, listener or viewer interests, and then layouts and lineups are planned accordingly.<sup>6</sup> It may also be that pages or air time filled with features about movies, travel, clothing, home renovations, (and the celebrities associated with each), are beneficial to the media organization's advertising revenues.

This shift in emphasis and placement of items filters through the newsroom and affects the journalist's work, the stories suggested and selected, the writing style, the facts selected, and the pictures used. While it is still true that the 'scoop' (the major story, having significant impact on the public and unmatched by any competitor) is valued in a newsroom, journalists are receiving recognition and reward now for stories that are seen to be more consumer information than news and analysis.

### **Keep it Simple**

Newspapers, television and radio programs have tried to increase their readability and clarity to meet the perceived needs of a public in a world where literacy rates are decreasing, reading ability levels and dropping, and the time available for assimilating the news is declining. Many observers and experts point out that attention spans seem to be shorter and the quantity of information available much greater than ten years ago.

Reporters are encouraged to present their information with as much precision, simplicity and brevity as possible. Unfortunately, the story being covered sometimes does not lend itself to brevity or clarity; complexity may be essential. Should the journalist simply eliminate the difficult fact (or the entire story)? (Another bit of doggerel taught in journalism schools and to cub reporters 20 years ago, usually to help in deciding whether to include a fact that had not been satisfactorily verified: "If in doubt, leave it out.")

In those instances, often the journalist does not have the option of dropping the story just because it is too complex to cover in a newspaper or on television: it may be too important to ignore; it may be one that every other outlet is covering and hence, inevitable; or it may be one to which the newsroom has committed significant resources (reporter and photographer's time). The journalist then is often under pressure to render the story more 'palatable' for the audience by simplifying, using very plain graphics, or asking an expert to explain it. Sometimes even then, the effort is unsuccessful; the story is shortened or bumped to make way for something "lite, bright and trite" or for a larger photograph. (This may be a blessing in disguise, if the attempt to simplify a complex story has resulted in a report that is not accurate, fair or intelligent.)

### **Fit the Format**

Journalists have to work to a very strict format, in any media. The size of the news 'hole', number of column inches for a story, the number of seconds that can be used in a 'sound bite', and the total time for a newscast all determine the focus, detail, priorities and attitudes journalists bring to the events and people they cover. These pressures can lead to ethical dilemmas, as journalists try to meet the newsroom requirements while being truthful, fair, and responsive to their mission to serve the public's right to know. Journalism professor Bruce Wark at University of King's College in Halifax identifies the format issue as the fundamental one in today's news media.

### **Write about People**

In the past 15 years, the trend has been to encourage journalists to write more 'people stories' and fewer stories about institutions, programs, and issues. A scan of many newspapers, magazines, radio and television reports shows that many (if not most) items begin with a vignette of some person who is an example of the issue or subject being discussed.

The initial motivation, some years ago, was to make the news pages and casts more interesting, more relevant and more accessible; however, the result also seems to be a decrease in emphasis on thoughtful stories, based only on ideas or issues. Of course, there are still many examples of longer, in-depth articles or series, written in a sophisticated style by people who have researched extensively; however, the general impression is of a media culture and output that dwells on personalities and ‘people stories’. It would be a useful addition to our knowledge of news media to have a comprehensive content analysis and interpretation done on this dimension and its effects on both the quality of journalism and the public’s impression of their social environment.

### **Put in your own reactions and experience**

This trend began with a magazine journalism technique that has been imported to newspapers, radio and television news. In the past 10 years, the ‘first person’ approach has spread into newspapers to the extent that one frequently sees articles that begin with some personal ‘hook’. The article often includes a running commentary of the reporter’s actions and reactions throughout the interview or news event. Some front page, ‘hard news’ stories are starting to use this style. The equivalent trend in radio or television news is the ‘debrief’, in which the reporter is asked questions by the anchor.

### **Believe in the power, the importance, and the rights of a free press**

Journalists tend to believe strongly in the importance of unfettered freedom of speech. Canadian journalism veteran George Bain observed in his book, *Gotcha! How the Media Distort the News*, that “any proceeding which challenges an assumed right of the press to do anything may bring forth dark mutterings about an intrusion on the constitutional right to a free press... what of the right of the person on trial to be judged by an unprejudiced jury? Tough.”<sup>7</sup> This journalistic emphasis on freedom of speech sometimes extends beyond issues of court and political coverage and into other aspects of the way the media portray and report on society: the use of language that is offensive to some, graphic pictures, the revelation of irrelevant personal information; even arrogance and rudeness in some journalists’ dealings with the public.

Journalists are encouraged by their peers, their employers and in their training to develop this belief in the public right to know and in their role as watchdogs and guardians against corruption, evil and secrecy. They resist any attempt by any individual, organization, or government to control, influence, or criticize them in any way. Desbarats observes that “Indeed an apt motto for many newsrooms might be, ‘yes, we believe in ethical journalism but this story is different.’”<sup>8</sup> That is, there is often a detail about a particular story that makes the decision to cover it, or to gather the news in an aggressive or even unethical way, sometimes seem more important than standard ethical prohibitions.

### **Characteristics of Journalistic Work**

Several aspects of the nature of the journalist’s job are noteworthy, with regard to the question of ethical decision-making and the privacy/anonymity issue.

Firstly, the job is a public one. A journalist’s work is open to scrutiny virtually on a daily basis. There are comparable occupational experiences – trial lawyers, performers, and politicians during Question Period, for example; all are under a spotlight and mistakes or missteps are immediately apparent.

Second, the job involves meeting and talking with new people almost every day; often those people are not at their best. This aspect of the occupational experience is not fleeting or occasional, but is a central element; individuals who do not like interaction with strangers or with people whom they do not know well or see regularly probably should not seek out journalism as a career. In many other occupations, one

can go for days without exchanging information, asking or answering queries, or engaging in any sort of conversation with anyone new; but for journalists, as for civil servants serving the public or for retail sales clerks, the ability and desire to relate successfully to others is a requirement of the job.

Third, journalists are required to ‘psyche themselves up’ as performers, teachers, or athletes do. If an event is happening or an interview is scheduled, the reporter cannot decide that this is a day to cancel meetings and focus on paperwork because he is in an introspective mood or is having a bad day.

Fourth, journalists’ work often gives them hours of daily exposure to information about the pain and suffering humans inflict on one another and about the fallibility of virtually every sort of person in virtually every sort of position of authority: teachers, judges, political leaders, priests, fathers, mothers, doctors, lawyers, business executives, etc. Many become suspicious of authority, independent, somewhat rebellious, irreverent, and cynical. (It may be, however, that many journalists were drawn to a career in journalism in the first place because of a psychological profile that includes some of the characteristics mentioned above. A new full-scale Canadian study of the journalist’s psyche and sociological influences would be a fascinating contribution to our understanding of mass communications.<sup>9</sup>)

It can be hypothesized that each of the four characteristics of journalistic work on this (non-exhaustive) list has an impact on ethical decision-making. Perhaps the public nature of the journalist’s work leaves him more accountable for the stories he covers and the statements he writes; perhaps that also renders any more intensive or formalized dissection of his work by outside ‘watchdog’ organizations unnecessary. (Certainly, this writer has heard many journalists over the years argue that ethical breaches are noted and handled expeditiously because of the very public nature of media work; the survey of journalists done by this writer and cited elsewhere in this paper demonstrated this attitude also. As one journalist wrote, in the ‘comments’ section: “People expect honest journalism and would stop buying a newspaper if it trafficked in untruths.”

However, the public nature of media work and the regular flow of public comment, via letters to the editor, ‘talkback’ segments on broadcasts, telephone calls and e-mails to journalists, editors and news executives, and picket signs outside media offices, occasionally, may also result in some journalists becoming defensive about criticism and less open to discussion about the contents of their reports.

It can be postulated that the second characteristic of the job, meeting new people every day and seeking information from them, may lead to skating on thin ethical ice, as the journalist responds to this aspect of the job by seeing every new contact or associate as a potential source of information, as a means of meeting the information-gathering requirement of the job. Information may be picked up and reported by the journalist, when the other person, although aware he was meeting a journalist, did not realize that many journalists regard every new interaction as a potential source of ‘raw material.’ (This may also lead to, or be a reflection of another interesting psychological variable: do journalists maintain a sort of psychic or social distance from people, if they think they may be required to report on their activities or ideas?)

One could theorize that the third characteristic, the requirement to be always “on”, may lead to a journalist’s decision to run with a story or ask an unfair question, even if it is ethically dubious, just because he is not having a good day, and does not have the psychological resources to be “on” that day. (One would expect that newsroom procedures for assigning staff, for story checking and for discussions on ethical questions, plus an experienced journalist’s professionalism, would provide a backstop for circumstances of this sort.)

The fourth feature of journalistic work mentioned here is important for the privacy and anonymity questions. It may be that some journalists have heard so many horrendous stories and seen so much grief and tragedy that they have little capacity for seeing the situation from the point of view of the people living it. (Two points of significance here (or irony) – that this should come at a point in journalism’s history when writing ‘people stories’ and ‘putting in your own perspective’ is encouraged; and that the majority of journalists surveyed in this research cited the journalist’s individual conscience and personal reactions as the most important factor in making ethical judgment calls.) Some journalists believe that in order to cover the news one must not empathize too much with the people in the news, that it would be impossible to do the job properly if one did not keep one’s distance.

Journalists think they are the ones who should decide what is in the public interest, when it comes to information, and what to put into the newspapers and broadcasts. Yet there is some evidence that journalists may be so removed from the people they cover and the audience and public they claim to serve, that their judgments are faulty. In 1999, the American Society of Newspaper Editors did a survey to try to find out “why newspaper credibility is dropping.” In an article using that title, their *Bulletin* reported that 90 per cent of journalists read newspapers, 36 per cent watch local TV newscasts and 21 per cent watch TV news shows. By contrast, 79 per cent of the public reads newspapers, 79 per cent watch local TV newscasts, and 77 per cent watch TV news shows.<sup>11</sup>

It also would be fascinating and instructive to have a valid study of journalists’ perceptions of the public they cover (and, purportedly, serve.) One can glean some impressions by reading the press, listening to radio and watching television. Journalists tend to view people as time-pressured; multi-faceted, with many different interests, life roles to play and points of view; enthralled with pop culture (although the quantity of pop culture may not reflect the journalists’ belief that the public wants this material so much as the media’s need for the public to buy into pop culture and to carry on in their consumer role); insatiable in their desire to know about tragedy; insatiable in their desire to know about scandal; drawn to stories with happy endings, plucky survivors, and ‘quick fixes’; more interested in knowing about the unusual event (plane crash kills hundreds) than the commonplace event, which may be more reflective of reality (airport closes for the day: thousands of flights land safely); and either apathetic about politics, issues and social consciousness or polarized on the right or the left.

### **Professionalism**

This might be regarded as a fifth characteristic of journalistic work, and one that has an important impact on journalistic norms. There has been much debate within journalism as to the definition of the work: is it a profession? A trade? A craft? Or an art? (as has been argued by journalism professor Peter Desbarats.<sup>12</sup>)

It has been suggested many times over the years that the public might be better served if professionalism were more clearly stated as a defining characteristic of journalism. This has been the source of some of the momentum behind the push for Codes of Ethics, as some journalists and news executives have looked to law, medicine and engineering for ideas on how to proceed.

One important element of the Codes pertaining to the legal and medical professions is the aspect of public accountability. These professions see themselves as self-policing, but with the eye of the public always upon them. Professionals have a duty to the individuals for whom they work, and also to the community. Media Codes of ethics and journalistic practice are seen as an internal matter, and public involvement is rarely sought, welcomed or integrated into the process of encouraging and managing journalists’ ethical behaviour. Ever wary of any effort to manipulate or control the press, journalists resist public input and rarely admit a mistake (except of those of a minor nature.)

Bain's view on the question of journalism as a profession is quite definite: "Journalists are not professionals. Professionals – doctors, lawyers, engineers and all the rest – subscribe to codes of ethics and are accountable to the bodies that administer them. In market journalism, there is no such code."<sup>13</sup> It is a view shared by many, both within and outside journalism; to some, it is an indictment; to others, a statement of strength.

Jeremy Iggers, author of *Good News, Bad News: Journalism Ethics and the Public Interest*, suggests that historically, in theory, journalists were professionals; they had a high degree of autonomy, a pledge to a mission of service to the public, and were accountable to society. However, Iggers writes, recent technological changes and trends in media culture have resulted in an undermining of this (in both professional status and professionalism). New technology has reduced the level of skill required of journalists; newsrooms have been reorganized, to follow a corporate model; and journalism has shifted to a 'market-driven' purpose. Surveys have replaced the journalist as the evaluator of newsworthiness and the goal is to satisfy the customer, not inform the public.<sup>14</sup>

## Conclusions

When it comes to the issue of privacy then, a journalist may opt to go ahead and print or broadcast the story or image, regardless of the broader ethical questions raised, because the journalist is responding to the norms and priorities of the newsroom and the journalistic sub-culture rather than to general ethics.

"Often the decision that is right for society may be wrong, according to accepted professional norms in a particular newsroom, and damaging to a journalist's career, at least in the short term."<sup>15</sup> Desbarats writes in *Guide to Canadian News Media*.

This tendency, of course, goes beyond the privacy issue into other areas of journalistic ethics. For example, the degree of objectivity, balance and accuracy expected in a given newsroom, at a given time, or under various circumstances; the emphasis on speed or on matching competitors' scoops; the format determined by advertising content, editorial stance or perceptions of the public's attention span: all can lead to broadcasting or publication of stories that may run counter to the public interest.

While this discussion about ethics, journalistic norms and journalists' professional values goes on, as it has for many years, there are some who have begun to argue that any focus on ethics is misplaced. Iggers writes, "It is quite possible to be a very ethical journalist, relative to the ethical norms that circulate within the profession, and yet to produce journalism that is ineffectual, meaningless, or even irresponsible and destructive, when examined in the light of a broader conception of the ethical responsibilities of the media."<sup>16</sup>

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<sup>1</sup> Bruce Wark, Journalism professor, University of King's College, Halifax. Personal communication.

<sup>2</sup> Stephen Ward, Journalism professor, University of British Columbia, Vancouver. Personal communication.

<sup>3</sup> Meyer, Philip. *Ethical Journalism* op.cit. p. 25.

<sup>4</sup> Bruce Wark, Personal communication.

<sup>5</sup> Iggers, Jeremy. (1999). *Good News, Bad News: Journalism Ethics and the Public Interest*. Boulder, CO: Westview Press p. 2.

<sup>6</sup> Underwood, Doug. (1993). *When MBAs Rule the Newsroom*. New York: Columbia University Press p.48.

<sup>7</sup> Bain, George (1994). *Gotcha! How the Media Distort the News*. Toronto: Key Porter Books p. 154.

<sup>8</sup> Desbarats (1990) op.cit. p. 181

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<sup>9 8</sup> Some of these questions were raised in a research study that resulted in a U.S. book called *How do Journalists Think?* (Stocking, S. Holly; Gross, Paget H. (1989) Bloomington,IN: ERIC Clearinghouse on Reading and Communications Skills). However, the scope was limited to just a few basic psychological variables and very few conclusions were drawn about the broader implications for news coverage.

<sup>11</sup> American Society of Newspaper Editors. See [asne.org/kiosks/reports/99](http://asne.org/kiosks/reports/99)

<sup>12</sup> Desbarats, Peter. Speech to Sheldon Chumir Ethics Foundation Symposium. December 2000.

<sup>13</sup> Bain, George *ibid.* p. 242.

<sup>14</sup> Iggers, *ibid.* p. 75.

<sup>15</sup> Desbarats, Peter (1990) *Guide to Canadian News Media* op.cit p. 182.

<sup>15</sup> Iggers, op.cit. p. 75.

<sup>16</sup> Iggers, op.cit. p. 75.

## Section 6. Media Ethics: The Bigger Picture

Although a comprehensive analysis of the entire field of media ethics is an undertaking beyond the resources and focus of this project, consideration of the privacy dilemma does raise some broader issues. Jeremy Iggers argues that specific questions about anonymity rights, objectivity, accuracy and investigative methods have become irrelevant, due to changes in the entire environment in which news is gathered. He suggests that journalists are prevented from carrying out their mission (stated or not) of revealing the truth and communicating information that citizens need in order to play their role in democratic life, and instead are assigned to cover numerous trivial stories that address the audience as consumers.

Iggers writes, “Newspapers have never been a place for purists... Nevertheless, a new breed of corporate message is explicitly repudiating that wall of separation between the newsroom and the business office.”<sup>1</sup>

Iggers’ observation is reinforced by Marilyn J. Matelski’s analysis in *TV News Ethics*. “The continual pressure of dwindling audience causes the business of newsgathering to become more ‘business’.”<sup>2</sup>

Media ethics, then become one piece of the puzzle that is the media’s role in society. Should the role be as an advocate for the essential values of truth, justice, and fairness? As a player or as a spectator? Once a side is chosen in that debate, it follows that one has to adopt certain positions on the terms of ethical behaviour.

Iggers argues that if journalists are just marketing consumer information to an audience and delivering customers to an advertiser, then “the public dimension of professionalism is weakened.”<sup>3</sup> This perceived absence of professionalism, if directed at certain individuals, certain stories, or at journalism as a whole, can be one factor leading to the public dissatisfaction with the news media and to the sense of isolation, distance, even apathy that many people have. There is a need, for example, for a serious look at the role the media may have played in the 2000 Canadian federal election, when voter turnout was only 62 per cent (so low, that after the election there were calls for mandatory voting.)

### The Public View of the Media

Among the journalists interviewed or surveyed for this paper, most felt that the public opinion of the news media is average or low. Behaviour that is perceived as unethical was identified by journalists and academics as one of the causes of low regard for the news media. Nick Russell writes in *Morals and the Media*, “Arrogance and independence... these two causes of public distrust of the media may well be related. They emanate from a sense that the media are isolated from their audiences.”<sup>4</sup>

While some dispute the beginning premise, that the news media are held in disrepute by the public,<sup>5</sup> others state it as fact.<sup>6</sup> (The difference may lie in current cultural differences between Canada and the United States. The discussion is complicated by the differences between Canadian and American news. Some think that Canadian journalists are regarded more highly within their own country than American. However, if one looks at the news media as a multi-faceted entity, and keeps in mind that many Canadians watch American news broadcasts and many Canadian news broadcasts carry American journalists’ reports, particularly on breaking and international news, it seems reasonable to make some generalizations about the public view of the North American news media and to draw some insight from U. S. media critics.)

James Fallows, in *Breaking the News*, writes that “Americans believe that the news media have become too arrogant, cynical, scandal-minded and destructive.”<sup>7</sup> Jeremy Iggers cites a 1994 Times Mirror survey reporting that 71 per cent of respondents felt the media “stand in the way of American solving its problems.”<sup>8</sup>

If readership, circulation and television news ratings are declining, then the public is turning away. Editors, producers and news executives have done audience surveys; have tried to ‘give them what they want’; have added features on a dizzying number of topics; have added more lifestyle information, more celebrity profiles, more ‘people stories’ – has it worked? It may be the sheer quantity and diversity of choice available to readers, viewers, listeners and Web surfers that have led to the smaller audiences; but it has also been suggested that public dissatisfaction with the content of the news pages and casts, and with the level of ethics displayed by journalists, has caused the decline.

If the news media continue to deem their role as instrumental in the preservation of democracy and claim the right to freedom of expression in the pursuit of the public right to know, then they must share in the responsibility for any shifts in public participation and attitude. They do not only hold up a mirror to society; they turn a light on and off, and they direct our attention to specific images and ideas.

The public, in general, prefers more information rather than less, and disclosure rather than secrecy. But while the news media occasionally use their resources to expose corruption and cruelty, often the news pages and newscasts are filled with the banal and the offensive, items that never would pass the journalists’ ‘reversibility rule’. Do journalists ever wonder whether ratings and circulation might go up if they ignored the trivial, the scandalous and the overly personal stories?

Observations about the public’s attitude to media culture are often generalized across North America, and as there are vital differences between Canada and the United States in some areas, one wonders whether attitudes to the news media, expectations about journalism ethics, and the privacy issue are substantively different between the countries. Certainly the looser American definition of a ‘public figure’ results in some differences in news coverage.

We can look forward to receiving some of the answers to these questions of public opinion of the news media in Canada when the Canadian Journalism Foundation completes a two-year survey which began in January 2001. The ‘dwindling audiences’ that are causing concern in the industry and competitive pressure on journalists to score big scoops and be more sensational are just some of the significant trends that will affect both the public impressions of the news media and the way journalists do their jobs.

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<sup>1</sup> Iggers, op. cit p.78.

<sup>2</sup> Matelski, Marilyn J op.cit. p. 21.

<sup>3</sup> Iggers, op. cit p. 81.

<sup>4</sup> Russell, op. cit p.22.

<sup>5</sup> Peter Desbarats. Personal communication.

Survey of Canadian journalists. Gail Hulnick. 2001.

<sup>6</sup> Iggers, op. cit p. 3.

<sup>7</sup> Fallows, James (1996). *Breaking the News: How the Media Undermine American Democracy*. New York: Pantheon Books p.12

<sup>8</sup> Iggers, op. cit p. 3

## Section 7. Trends affecting journalistic ethics in the future

Certainly one of the more important trends affecting ethics, and specifically the privacy issue, is the technological revolution and its implications for news gathering.<sup>1</sup> The speed with which information can be transmitted (and edited) and the ease of manipulating digital images have already changed the entire organization of work in a newsroom.

There are many repercussions from this change. Computers and digital cameras have made it possible for journalists to 'multi-task' (i.e. do several parts of the job simultaneously); the days of the specialist and of clear boundaries between job functions are gone. In some outlets, dwindling advertising dollars and circulation figures have led to budget cuts, staff layoffs and fewer people in the newsroom (particularly older people, whose salaries tend to be higher.) There are fewer controls on the material and less accountability. Journalism professor Bruce Wark recounts, "When I started at the CBC, every piece of copy had to be initialed by someone else. Supervisors read everything. Not now. Many journalists are working alone, due to budget cutbacks."<sup>2</sup>

The technology has enabled the manipulation of digital images and many people who feel they have been 'burned' by the media are seeking redress. Anne Wells Branscombe, in *Who Owns Information*, writes, "...it is clear that the result of all this technological ferment is that we can no longer trust a photograph to tell the truth."<sup>3</sup> She predicts there will be a backlash in the future. "The subjects of electronic images are going to seek more control over the use of their likenesses. Assuming that the photographer has unquestioned rights to the image simply won't do when it can be manipulated into something damaging, embarrassing or even more valuable than the original."<sup>4</sup>

Another trend is the decrease in the number of owners in the industry. Canada now has three newspaper chains and three television networks. This may restrict the number of employment possibilities for journalists even further; it can be particularly problematic for a journalist whose ethical stance is not completely lined up with the employer's and whose reputation precedes her into any job interview.

Cross ownership is another trend that has implications for Canadian media in the future. (Although in some cities there have been radio and television stations owned by the same company, print and electronic media have historically had different 'parents'.) With recent ownership changes that have created the circumstance in which one company owns both newspapers and television stations in the same city, in the past few months the same story or series is turning up both on the television newscast and in the newspaper. For example, in March 2001, the subject of men and their bodies was covered in a series format in the same week in the Vancouver Sun and on BCTV news. Readers of the newspaper articles were urged to watch the television coverage also. In November of 2000, Global TV News viewers in Toronto were advised to read the next day's newspaper coverage of a particular story. It is not known at this point whether the connection between the print and broadcast coverage extends beyond choosing the same subject and doing 'cross promotion', i.e. whether reporters will work together, share information, or write, edit or consult on one another's projects.

If journalists are asked to cover a story and write two or more different versions (for the paper, for the website, for a radio newscast, for a television newscast), this amplifies the impact of a journalist's decision to reveal or not to reveal a name, take a photograph, select a fact. Also there is a danger that fewer and fewer viewpoints will be heard; news outlets are more vulnerable to becoming propaganda organs where there is centralization.

Although Canadians don't create and broadcast the 'reality-based programming' that is widespread in the U.S. today, many Canadians watch them. The future may bring a decline in the availability of these shows, as the individuals portrayed in them are objecting to the loss of their privacy and anonymity. Brin writes, "Dozens of cases are pending nationwide against broadcasters who put ordinary people on television without their permission or knowledge."<sup>5</sup> One can predict that there will be similar pressure on the news media, if the courts require the entertainment media to change their methods.

The development of home video camcorders and digital cameras are of concern, as there is a risk of material taken by amateurs with these cameras turning up on the news. Also, software can allow manipulation of well-known faces and settings such that truth is an illusion.<sup>6</sup> For these (among other) reasons, most newsrooms refuse to use material gathered by a non-staffer, unless it comes from a well-respected freelancer. But what if the information is so compelling, the value in airing or publishing the story so obvious, and the documentation and verification on the facts seemingly airtight – will the incentives to go with the story be impossible to resist?

The growth in Internet use has changed the way many people get the news and the way that news is transmitted. In the future, this trend will intensify and it will become virtually impossible to stop the instantaneous dissemination of a story or pictures. Journalists agree it is very difficult, if not impossible to return to anonymity now, once your name, picture or story is out there (difficult, if the media want to keep you in the spotlight; however, if they do not, it can be difficult for an individual to regain a high profile). With newspaper and broadcast reports, after a certain length of time, a story may die away. On the Internet, however, once uploaded it is up there forever, available whenever anyone types your name into a search engine or database, until the originator decides to take it down.

Some think that privacy concerns on the Internet and on the World Wide Web have to do primarily with personal contact information or credit card numbers, and certainly those government, business and consumer-focused problems have received more attention than the implications for the community or the culture. But recent dissemination of the contents of private e-mail messages in Britain and in Canada, and subsequent media coverage of the ensuing embarrassment<sup>7</sup>, have begun to alert people to the gaps in their anonymity protection and their vulnerability to the goodwill of the recipients of their communication and/or their employer's views on personal privacy and the appropriate use of computer equipment while at work.<sup>8</sup>

Also, information posted on the Internet can sow the seed of media interest. News sites, such as the Drudge Report in the U.S., have taken a role in covering politicians and their activities, public and private; a story can begin as a note on a website, and then be taken up by one of the major news media players, with far more extensive resources at its disposal. Journalists monitor the Internet, looking for story ideas and trends. (Some journalists are concerned about this trend to use the Internet as a source. As one survey respondent wrote, "Too many unattributed references to information from cyberspace. 'An Internet report today says that...' Who is this Internet writer?!"

The speed required in filing for the Internet and in keeping up with daily changes may affect traditional practices in ensuring accuracy.<sup>8</sup> Journalists are questioning whether the rules of checking facts and verifying sources that apply to newspapers can be (or need be) applied to websites; yet people tend to think that information on the Internet has been verified.

The Internet and digital communication generally also have meant tremendous change and improvement in the methods used to cover and report international news.

Some see the openness of the Internet as a tool for ‘universal enfranchisement’, when it comes to news media and journalism. Anyone can write a book or design an image and post it immediately; no credentials are needed and no publisher or programming director screens or filters the material. It is quintessentially democratic. But one would predict that rather than improve the picture for those concerned about ethics, this would cause concern: in the Internet Age, if anyone can be a journalist, without even the basic level of training, acceptance by a senior executive employed by a legitimate news outlet and charged with the responsibility of recruiting and hiring new reporters, introduction to ethics, or peer control as part of newsroom socialization, what will be the impact on the right to privacy and anonymity of individuals and the respect for journalistic norms of accuracy, verifiability, and fairness? How much influence will libel laws have on the Internet and its most ardent supporters (many of whom put great stock in the catch phrase “Information wants to be free!”)? Will the technology foil attempts to control offensive, illegal or untrue information, when attempts to have someone ‘cease and desist’ can be thwarted by ‘mirror sites’, set up on the Internet almost instantaneously?

The future may also hold an increasing interest in ethics, if the current trend continues. The pendulum seems to be swinging back; there is widespread interest in business ethics courses, for example, and ethics consultants are doing a booming business, as governments and quasi-judicial bodies codify the changes in societal expectations about behaviour in the workplace.

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<sup>1</sup> Stephen Ward, Journalism professor, University of British Columbia. Personal communication.

<sup>2</sup> Bruce Wark, Journalism professor, University of King’s College. Personal communication.

<sup>3</sup> Wells Branscombe, Anne. (1994) *Who Owns Informatin?* New York: Harper Collins p. 90

<sup>4</sup> Branscombe, *ibid* p. 91.

<sup>5</sup> Brin, David. *The Transparent Society* op.cit. p. 62.

<sup>6</sup> Matelski, Marilyn J. *TV News Ethics* op.cit. p. 43.

<sup>7</sup> Macleans Magazine, *Do you know who’s watching?* Feb. 26, 2001.

<sup>8</sup> Stephen Ward, Journalism professor, University of British Columbia. Personal communication.

## Section 8. Conclusions

In our cynical time, it would be easy to bash the news media and toss around a few clever quotes. But this research on Canadian journalists found a genuine will to act in an ethical manner and to do the job without harming anyone. The public's right to know is a guiding principle and a fundamental pillar for democracy and the challenge is to preserve journalists' allegiance to it.

Having said that, one cannot ignore the observers and social commentators who decry the media tendency to pander to prurient curiosity and to celebrate the "celebrity culture", to the exclusion of news that would be of value to readers, listeners and viewers in their capacity as citizens of a 21<sup>st</sup> century democracy.

Defining the line between the public's right to know and the individual's right to privacy is an activity in which journalists are involved every day. Every situation has a slightly different set of facts and takes place in its own unique context of time and place; each is assessed on its own merits, using some combination of general principles born of shared journalistic values, knowledge of Codes of Ethics or Conduct, and the individual journalist's conscience.

Despite the goodwill of many journalists and media executives, there are sometimes inadvertent unethical choices made in news coverage. News people and the public alike would prefer to see these incidents minimized. Meyer suggests that the pressures on journalists and the drive for speed are among the major threats to ethical decision-making. "The task for news people is to find incentives for calm reflection and unhurried judgement that are as powerful as the competitive pressures that drive them toward unthinking publication. The incentives should be internal... much depends on the kind of people who work in the newsroom and the kinds of organizations they work for."<sup>1</sup>

It will be extremely helpful to know, through the Canadian Journalism Foundation public opinion study, whether significant numbers of Canadians believe the news media handle this ethical issue and the ethical decision-making process well, and whether they feel they have sufficient recourse in the current system, if they have complaints. The small survey of Canadian journalists done recently by this writer showed the majority of them believe the public's opinion of the news media in Canada is average or low.

Gathering tales of journalistic intrusion and extrapolating to postulate a discrepancy between the public's view and the journalists' view of privacy and anonymity is only a beginning point. Solutions for building a bridge across the line may include several initiatives centred on media literacy, public involvement in the news media, and higher standards for journalistic participation.

Efforts aimed at fostering media literacy in North American, 21<sup>st</sup> century culture (where many people spend more time in front of their television sets than interacting with family, neighbours or friends) have already taken hold in some communities, primarily through the education system. People need to know more about how the news is gathered, how the media set their priorities and choose their stories, and how that affects the polished, carefully constructed, very brief accounts of news events they read, hear and see. People need to know how they can have an impact on news programming: how to complain, how to make contact with the people behind the doors of a newspaper, radio or television station, how to keep up with the changes in ownership and in the industry.

For the most part, codes of conduct and proceedings to deal with any alleged breaches of ethics are handled internally. The reputation of journalists and the level of public confidence in the news media might be raised if the industry made serious new efforts to include the public point of view in setting standards for journalistic behaviour and consequences for infractions. While there are complaint

procedures in place, through the various Press and Media Councils, the Canadian Broadcast Standards Council, the courts, etc., it may be that members of the public are not sufficiently acquainted with these avenues; it also may be that they are too formal, too expensive and too protracted to provide the satisfaction sought by a person who feels his or her privacy has been decimated by a news report.

Members of the public might be asked to become involved in revisions of Codes of Ethics or in discussions of ethical infractions. While journalists and news executives might be quite (properly) wary of the risk of manipulation or unrealistic expectations inherent in allowing an outsider into the ethical decision-making process, that risk might be managed and reduced in the interests of including a point of view often lacking in newsrooms, where journalists and news executives function in a separate world (if not quite an 'ivory tower'.)

If contemporary codes of ethics are to have any relevance in the 21<sup>st</sup> century, some say media owners and their senior representatives must be included. Profit-making goals may be at odds with newsroom ethics and journalistic priorities<sup>2</sup>, and shared communication in developing standards of behaviour and conduct is at least a first step toward integration and understanding.

The question of professional accreditation of journalists might be revisited in this new century. Today's journalists and newsrooms face technological and mass communications issues that were unheard of and unpredicted 25 years ago; speed, saturation and the challenge for current institutions in regulating such a vast (and often unpredictable) landscape have altered many of the previous conditions that led to the conclusion that journalism should be open to all comers. An investigation of the various systems of training, accreditation, ongoing professional development, and conduct supervision used in the legal, medical, engineering and academic worlds could be orchestrated and used in an assessment of the best method of incorporating the features applicable and beneficial to journalism, with no loss of utility in achieving its mission of serving the public's right to know.

David Brin, in *The Transparent Society*, notes that Juvenal posed the riddle two millennia ago: "Who shall watch the watchman?" Brin responds, "There is just one answer. We all do."<sup>3</sup> This may be the idealistic, all-encompassing answer, but it may not be the practical or the desirable one, from the journalist's point of view, if taken literally. But 'we all do' could be taken to mean a call to widespread media literacy, public involvement in the writing of enforceable, meaningful codes of conduct for journalists, their supervisors and their employers, and a consistent training and accreditation system for reporters. The 'we' should be understood to include the watchman him or herself also, in that the individual's sense of honesty, fairness, and justice can be trained, developed and enhanced to a sophisticated and salutary level, in the interest of the public good.

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<sup>1</sup> Meyer, op.cit. p. 92.

<sup>2</sup> Fulford, Robert. (1998). Three persistent conflicts define journalism in Canada. In *Journalism in the New Millennium*, published to mark the official opening of Sing Tao School of Journalism, UBC. Excerpt in Vancouver Sun, Oct. 1. 1998.

<sup>3</sup> Brin, op.cit. p.87.