Ethical Issues

*Chris Roberts, Ph.D., **August E. Grant, Ph.D.
*Assistant Professor, University of Alabama, **Professor, University of South Carolina

Divorced from ethics, leadership is reduced to management and politics to mere technique.

James MacGregor Burns, presidential biographer and author of Leadership (HarperCollins, 1978)

Always do right – this will gratify some and astonish the rest.

Samuel “Mark Twain” Clemens, 1901

---

### CHAPTER OBJECTIVES

The objective of this chapter is to provide you with information about:

- **The nature of ethics**
  - The difference between ethics and morality
  - The peculiar nature of media ethics and its competing demands
  - How what’s legal is not necessarily what’s right
  - Codes of ethics useful but not a panacea
- **The Potter Box: A systematic approach to ethical decision making**
  - Define facts
  - Identify values
  - Consider ethical principles
  - Balance loyalties
  - Limits to the Potter Box
- **Specific considerations of ethics and the following:**
  - Entertainment
  - News
  - Sales
  - Content ownership/distribution
  - User-generated content

---

### CONTENTS

- Chapter Objectives.387
- Follow the Law? .....390
- Follow a Code of Ethics? .................392
- Thinking Ethically: Introducing the Potter Box...............393
- Practical Perspectives on Ethics......................402
- Ethics and User-Generated Content.................406
- Summary ................407
- Case Study 15.1 A Piece of Advice....408
- References...............409
You are general manager of FMRX, the second-ranked television station in the three-station market of Freedonia. Your station hopes to make a move on the top-rated station by introducing *Good Morning, Freedonia*, the area’s first local news/entertainment show. It will be expensive to add the staff and equipment needed to produce a 90-minute weekday show, and in these difficult economic times, you expect that the program may not break even within its first 2 years. Your career may be riding on the decision: If the program is not profitable by then, the bean counters at your corporate headquarters might fire you.

Your advertising director says he has a way to make the show profitable within 9 months: Let the advertising department sell product placements in one or two “soft” segments in the program each day. Local car dealers and area restaurants are among potential clients who would be eager to pay for host-sponsored segments that highlight their products and services, your ad manager tells you.

Your station’s news director hates the idea, saying that it violates the news directors’ code of ethics. The news director is worried that an anchor who sings the praises of a restaurant client one day might have to report a story about a deadly salmonella outbreak there the next day, which would hurt the credibility of the news department.

What do you do?

Though Freedonia is the fictional country in the Marx Brothers’ 1933 movie *Duck Soup*, the *Good Morning, Freedonia* case study is similar to real dilemmas that faced several general managers at stations across the United States. The word *dilemma* – derived from a Greek phrase that translates as “double proposition” – may not be the best word choice, because many decisions are not binary, yes-or-no decisions. This case study has no simple solution, but it is the type of bottom-line decision you might face one day as a media manager/entrepreneur as you balance your beliefs and goals against economic realities.

Further complicating matters is the fact that most media managers believe that the messages their organizations produce include intrinsic societal values that are different from, but at least as important as, their dollars-and-cents value in the marketplace. That implies that it may be harder to manage a media operation than, say, a department store, because your product often is inexorably tied to your own sense of worth and values, as well as the worth and values of society. Yet those intrinsic values must be balanced against the reality that media organizations do not survive unless they (at a minimum) pay for themselves or turn a profit for their owners. Most media organizations are parts of conglomerates whose underlying ethic is based on Pareto Optimality, an economic theory that “assumes a social state is optimal when no one’s utility can be raised without reducing the utility of someone else.”¹ This assumes that a business’s key contribution to society comes when it maximizes its profits. Hosmer states it more plainly: “Profit maximization, again according to
management, is the only moral standard needed for management.” No wonder, then, that the varied and competing interests of today’s media organizations make many managers feel like the guy at Venice Beach who juggles a roaring chainsaw, a 10-pound bowling ball, and a navel orange.

Although the Good Morning, Freedonia case study comes with concrete ramifications involving money and jobs, it is ultimately a choice about ethics. You must decide whether, or to what extent, you would trade the credibility of your news organization for money (and, maybe, to keep your job). The study of ethics is the study of character and the decision-making processes that influence our morality. Although it’s easy to confuse “ethics” with “morality,” the two are not the same. Ethics comes from the Greek word meaning “character,” and it has ties to the word for custom. The word morality comes from the Latin word for “mores,” or behavior. Black and Bryant suggest you think that ethics is behavior above the neck, while morality is behavior below the neck. Simply put, how we think about ethics – our values, our conscience, our sense of right and wrong – helps determine how we act.

When thinking about ethics or any other tough decision, it’s useful to start with what we agree upon. Ethicist Cliff Christians has long argued for a global media ethic based on what he calls protonorms – concepts of good that are rooted in universal human understanding. Atop that list is the sacredness of human life, which he says necessarily leads to moral actions that require us to respect dignity, honesty, and nonviolence. Yet even when we buy into these fundamental standards, the world remains closer to charcoal than black or white, because even these standards can compete with one another. (Is there ever a time when telling the truth should take a backseat to human dignity, for example? Is there ever a time to be violent? Are there individuals who are so evil that we should not hold their lives as sacred?) These top-line values provide a good place to start, but they may not be sufficient in helping us make day-to-day decisions.

Agreeing upon ethical standards can also be difficult, because of the influences of the prevailing cultural standards of our nation and region. Often times, the ethical standards of a culture have more to do with tradition or religion and nothing to do with universal protonorms and ethics. For example, men wear short pants in warm weather in the United States, and you see people wearing shorts in advertisements for shorts and for products that have nothing to do with shorts. In the West African nation of Senegal, however, shorts are taboo except when taking part in the national sports of wrestling and soccer. An advertisement in Senegal showing a man wearing shorts would draw howls of protest, despite a tropical climate that seems perfect for shorts. There’s no inherent universal goodness or badness when it comes to wearing shorts; the differences in culture and the influence of religion produce the differences in perceptions. Clearly, then, ethics are tied into our society’s values, and those values vary by society and seem subject to change.
Our ethical decisions are further influenced by our choice of media organizations and, to a lesser extent, the individual characteristics of the mass media channel. For example, newspaper journalists who create composite characters and invent scenes in news stories likely would lose their jobs, but filmmakers do it all the time with movies that are “based on a true story.” Both seek to tell the “truth,” but traditional newspaper journalists feel a moral obligation to facts, yet filmmakers may feel an obligation to a metaphysical truth in which facts might intrude on larger truths (not to mention the need to entertain). Or we may be in the business of producing sex- and violence-filled messages that would make our grandmothers blush or bring premature knowledge to a 9-year-old, but we are able to live with ourselves through the knowledge of our First Amendment freedoms and the belief that it ultimately is the responsibility of a viewer or parent to decide whether to consume our messages. Or we may be in a public relations job that requires us to spin a message in a way that may not be 100 percent truthful but will make our client look good. To live with ourselves and reduce the uncomfortable cognitive dissonance between our ethics and our actions, we decide whether to stay in our chosen communication field by agreeing with the prevailing standards, to find a different line of work because we cannot live with those standards, to work within the system to change those standards, or live a life of quiet desperation by staying in a field whose standards we don’t agree with but are afraid to challenge.

With help from the Good Morning, Freedonia case study, we’ll spend this chapter thinking about ethics and describing good and bad ways to make ethical decisions. What we won’t do is give you an answer, because ethics rarely offers tidy solutions. Well-meaning people can reach different decisions that they can fully justify to themselves and to others. What’s important is that we make our decisions only after clear thinking – not just ad hoc (Latin meaning “for this purpose”) decisions where we quickly shoot from the hip or rely on the prejudices of history or of moralizing. In this chapter, we will think about the process of thinking, and we will help you identify your ethical standards. We will introduce a systematic way to guide you in thinking – but, ultimately, you must make your own choices.

**FOLLOW THE LAW?**

When facing an ethical choice, our first response may be to focus on the law. This is particularly true for mass communicators, who revel in the freedom of the First Amendment. Even though “Congress shall make no law ... abridging the freedom of speech, or of the press,” lawmakers have made plenty of laws that restrict an absolute right to free speech. Speech judged to libel or unfairly invade another person’s privacy can lead to multimillion-dollar verdicts, and multiple federal agencies regulate commercial speech. Pornography is generally legal, but
porn involving children is illegal, and pornography that fails the Miller Test created by the Supreme Court* is labeled obscene and therefore illegal.

Yet relying on what is legal is not sufficient when it comes to questions of ethics, because a perfectly legal message may not be perfectly ethical. Because of its potential effects on society through its depiction and treatment of women, pornography often is a question of ethics, not law. Plenty of television shows appeal to our base instincts in order to draw as large an audience as possible, but can appealing to the lowest common denominator always be justified? A news story with incorrect facts about a politician or a public figure may not be judged libelous because of the higher burden of proof in a libel case, but the story remains wrong.

Obeying laws seems reasonable, as we can agree that it’s generally in society’s best interest when people follow the rules. There are times, however, when you can argue like Mr. Bumble (from Chapter 51 of Oliver Twist by Charles Dickens) that “the law is a[n] ass – a[n] idiot.” Segregation was the law in parts of the United States through the 1960s, but many high-principled people believed Jim Crow laws were unethical and were willing to risk jail, beatings, and death when they followed their ethical beliefs and disobeyed. As a journalist, you may be willing to risk jail by refusing a judge’s order to reveal a confidential source. As an advertiser, you may risk a fine by publishing an ad that breaks a content-based rule you believe violates your First Amendment right to free speech. These times are rare, and most of the time we are doing the right thing by obeying the law.

Simply obeying a law, however, does not mean you have made an ethically sound decision. Ethics are not necessarily about law, which can best be described as the agreed-upon bright lines that define the outer limits of acceptable behavior. Take, for example, federal laws that forbid tobacco ads on television or on billboards within 1,000 feet of a public school. Society has decided that in order to protect impressionable children it is reasonable to restrict the free speech rights of companies that make legal products. But some argue that high-sugar, high-fat foods also are bad for children’s health, yet no law restricts cereal makers from advertising their products to children. That means the maker of Chocolate Frosted Sugar Bombs (the cereal from the “Calvin and Hobbes” comic strip) could bombard children with ads for a nutrition-free product that tastes like “eating a bowl of Milk Duds.”

---

* The Miller Test, created by the Supreme Court’s 1973 ruling in the Miller v. California lawsuit, says speech is obscene if the average person, “applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest,” if it depicts or describes sexual activity or excretory functions (according to state laws) in a “patently offensive way,” or if taken as a whole lacks “serious literary, artistic, political or scientific value.”
Moreover, there’s no law that says the maker of Chocolate Frosted Sugar Bombs could not use bikini-clad models when advertising to children. But cereal companies don’t use sex to sell children’s cereal – not only because they figure those ads would be ineffective or unethical, but because they also know they could expect a backlash of bad publicity and boycotts by moms and other do-gooders. Kellogg’s, McDonald’s, General Mills, and others went so far as to stop children-targeted ads for foods that fail to meet their tighter nutritional guidelines. They did so voluntarily, the New York Times noted in a June 2007 story, not just because it was the right thing to do but because they faced lawsuits and federal regulation. In short, those food companies could not rely on laws (and ultimately did not want laws) that told them what to do. In reality, laws rarely come into play when we make ethical decisions. It’s necessary to consider the applicable laws when making an ethical decision, but it’s clearly not sufficient because ethics asks “should I?” and not “is it legal?” Thinking about law does us little good in the case of Good Morning, Freedonia, because no law forbids a TV station from blurring the lines between editorial and advertising. A quote attributed to Plato summed it up nicely: “Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws.”

**FOLLOW A CODE OF ETHICS?**

If laws offer limited help when we must make decisions about ethics, what about codes of ethics? Organizations representing journalists, broadcasters, advertisers, public relations practitioners, bloggers, and the adult entertainment business have published codes of ethics that spell out the minimum expectations and the highest values of their members. Those codes serve as ethical trailheads to newcomers and as a public relations tool to show outsiders that the organization’s members take ethics seriously. But as Black, Steele, and Barney point out, “the best codes have built-in limitations” because they cannot anticipate every situation.

In thinking about our Good Morning, Freedonia case study, codes may be useful in reminding us that not everyone thinks it’s OK to blur the line between editorial and advertising. The American Society of Magazine Editors’ ethical guidelines call for editorial integrity “to make sure that the difference between advertising and editorial content is transparent to readers and that there is no advertiser influence or pressure on editorial independence.” The Radio Television News Association’s code (2000) says journalists should be sure to “[r]ecognize that sponsorship of the news will not be used in any way to determine, restrict, or manipulate content.” The Society of Professional Journalists says its members should “[d]istinguish news from advertising and shun hybrids that blur the lines between the two.” Still, plenty of
magazines blur the line – some even sell the cover to advertisers – and some television stations sell product placement segments inside of newscasts. They do so with only the savviest media consumer knowing that this is taking place, although in some cases federal regulators require broadcasters to make clear that a product placement (or its public relations equivalent, a video news release) is included in a show. Some stations include the disclaimer during the segment; others wait to include it in the closing credits, which raises yet another ethical issue.

The journalism, television news, and magazine codes say that blurring the line is bad, but the codes cannot stop the station from selling product placements in its newscasts. Codes of ethics are voluntary. Media practitioners do not have to join the trade group to practice the trade, and the worst the trade group can do is kick out the transgressors. (Some academics say communication is not a true “profession,” like law or medicine, in part because anyone can be a mass communicator in a nation that has no legal barriers to entry.) Codes of ethics, then, ultimately offer limited help when making an ethical decision and are often unenforced and unenforceable when broken. Clearly, then, a better approach is needed than relying on law and codes when making ethics-related decisions.

THINKING ETHICALLY: INTRODUCING THE POTTER BOX

With few exceptions, mass media ethics textbooks borrow a decision-making strategy proposed by Ralph Benajah Potter, Jr., a Presbyterian minister who taught from 1965–2003 at Harvard Divinity School. His doctoral dissertation began as an effort to delineate a Christian position on nuclear weapons, but he found that he could not land on a single justification because multiple “elements of belief were coming together in the establishment of people’s concrete decisions about what ought to be done.” To work through the ambiguity, he found himself sorting his notes on the topic into four piles,

1 The three most used media ethics textbooks use the Potter Box to help students manage the decision-making process. Media ethics: Cases and moral reasoning (Pearson, 2005) and Media ethics: Issues and cases (McGraw-Hill, 2004) both rely heavily on the Potter model. Ethics in media communications: Cases and controversies (Thomson Higher Education, 2006) concatenates the Potter model into what author Louis Alva Day calls the “SAD formula” — situation definition; analysis of the situation, including the application of moral theories; the decision, or ethical judgment. Another variation of the Potter Box is the “point of decision” pyramid described by Contemporary media ethics: A practical guide for students, scholars and professionals (Marquette, 2006), which builds from a philosophical base to a middle that includes considerations of facts, principles and values, and stakeholders and values, before reaching the point of decision at the top.
and those piles led to a model – soon called the “Potter Box” – that is widely used when a person making a decision wants to systematically consider myriad and conflicting factors. Potter suggests that decision makers should:

- Define the facts of the case
- Identify the values of the decision maker
- Consider the ethical principles of moral philosophy that could be applied
- Balance the decision maker’s loyalties

The box (Figure 15-1) helps a decision maker balance considerations of the immediate, “real-life” parts of the problem (facts and loyalties) and its more philosophical parts (values and ethical principles).

Although it is useful to start with the facts when working through the box, the box “is not merely a random set of isolated questions, but a linked system” that allows you to move among topics as the need arises. Thinking about the values might lead you to focus on loyalties, which might move you think about principles. And thinking about principles might lead to changes in your definition of the ethical problem, which leads you back to the first part of the box. Eventually, going through the box several times – with a different focus each time – can help you reach a solution.

After working with the Potter Box, it quickly becomes clear that the approach is not a Magic Eight Ball that spits out a single answer. The “right” answer to you might come in Quadrant Three (principles) and Quadrant Four (loyalties) to someone else. Ultimately, well-meaning people will reach different solutions when they have different values or different loyalties. A person using the Potter Box at different times could reach different conclusions about the same topic. It can be a frustrating process – and may have to be done quickly under the duress of deadline – yet the Potter Box is designed not to make the decision but instead to help you organize your thinking as you reach an ethically defensible decision.

**Thinking Ethically: Applying the Potter Box**

This section of the chapter focuses on the four steps in the Potter Box, providing general insight on each step as well as seeing how the box could be used to make a decision in the *Good Morning, Freedonia* case study. Space limitations do not allow for fuller discussions on each of the steps, so refer to the list of references at the end of the chapter for more insight on the Potter Box’s uses.
1. Define the Facts

General insight: Although it may seem easy, determining the facts that should play a part when making a decision can be quite difficult. Now is time to focus on gathering information without prejudging those facts, playing favorites with facts, ignoring facts, or hiding facts. Though it is important to realize that some facts are more important than others, it's also worth remembering that we may not be able to gather all the facts we truly need to make a decision. As former Defense Secretary Donald Rumsfeld explained, "There are things that we don’t know. But there are also unknown unknowns. There are things we don’t know we don’t know." The best we can do is to define the situation as clearly, accurately, and completely as possible, with the understanding that new facts can change our analysis.

Good Morning, Freedonia: A fictional case study by definition must present enough facts to prompt discussion and proposed solutions, but consider other information that might be useful in making a decision. What might your corporate bosses think about the plan to sell part of the show, and what do they think of you in general? Have other stations in Freedonia or in your chain done something similar, and what happened in those instances? Can you order an analysis to determine whether the sales manager would be right in predicting that the show would be profitable in 9 months by selling product placements? Do you know enough about your personnel to be able to predict whether the news director would quit in a sanctimonious huff, or if the sales manager would quit and complain to corporate bosses that you kept him from maximizing revenue, based upon your decision? With the exception of the question about what the corporate bosses might think, none of individual questions would be enough to lead you to a decision but taken altogether could contribute to the decision.

2. Identify the Values

General insight: Like its Latin root meaning “worth,” this stage requires thinking about all the people, groups, beliefs, and issues that have significance for the decision maker. Values are important because they ultimately influence our behaviors, as we are rarely comfortable with actions that do not comport with our strongly held attitudes about what is good or bad, right or wrong, and useful or folly. Those values are inculcated from parents, role models, organizations (whether it be churches or street gangs), peers, and society all around us. The values can be seen negatively or positively – Rokeach showed, for example, how socialists valued “freedom” and “equality” highly, communists valued “equality” but not “freedom,” and fascists valued neither.

A decision maker’s values can be lumped into several categories. A list of values held by media managers might include:

- **Moral** – justice, fairness, truth, honesty, transparency, nonviolence
- **Logical** – consistency of thought, wisdom, inner harmony
Professional – freedom of speech, freedom of the press, the public’s right to know, autonomy, quality story-telling, innovative, seeking recognition for good work, maximizing profits, providing “truth” to the public, speaking truth to power, pleasing an audience, pleasing bosses

Personal – salvation, self-respect, mature love, self-control, a comfortable life, a happy life, broadmindedness

Societal – thrift, restraint, personal freedom, personal responsibility, national security

Aesthetic – a world of beauty, imagination, and pleasure

This list is not exhaustive, as values vary by decision maker. It is clear that values can easily become in conflict with one another. One media ethics writer defines ethical thought as finding ways to “negotiate among conflicting values.” Regardless of whether a decision maker is aware of it, values often are the starting place – and the fallback position – when making a decision. The key to the Potter Box is to be able to identify the competing values and, when possible, determine which of the competing values deserve more consideration than others.

Good Morning, Freedonia: The key in this step is identifying which values might be in conflict with one another. If you rose from the news ranks to become station manager, then your values might lie in basic news values related to being credible with an audience and autonomy. You might consider the aesthetics of a newscast that includes product placements. Your personal self-respect might come from delivering a news product that does not blur advertising with editorial content. You might struggle with the moral issue of transparency, as the audience may not understand that the news show contains product placement. If you rose from the sales ranks to become general manager, then your values might be closer to maximizing profits and pleasing bosses. Your personal self-respect might come from creating content that makes it appealing to advertisers. Regardless of your background, you may value the happiness and comfort that come with your high-paying, high-power position in your community.

As stated before, your values are based on your upbringing and world view. How you rank your values depends greatly on what is important to you – and, perhaps, what you are willing to do to keep your job.

‡ This list of values is compiled in part from Milton Rokeach’s list from his values survey and from Christians et al., Media ethics: Cases and moral reasoning, pages 25–26. Though Rokeach’s list has values listed in sets of terminal (end-states of existence) and instrumental (modes of behavior) values, the chapter’s list combined those values into the single set.
3. Consider the Ethical Principles of Moral Philosophy

General insight: The wisdom of many millennia is the focus in this part of the box, which asks decision makers to choose among the many moral philosophies that have both stood the test of time and provide consistency in ethical thought. By relying upon one of these principles, a decision maker can steer clear of moralizing and instead reach a decision that can be both ethically justifiable and ethically consistent.

Louis Hodges, a Duke Divinity School graduate and retired Knight professor of journalism ethics at Washington and Lee University, listed five key values that are central to ethical principles – duty, love, rights, virtue, and utility. These philosophies are contradictory, as they appeal to different values, and one may be better than others given the situation that needs resolving. The approaches can further be categorized by whether they are focused more on the outcome (known as consequentialist ethics or teleological ethics, from the Greek word meaning “end” or “purpose”) or focused more on the idea that some acts are good or bad regardless of the outcome (known as deontological ethics, from the Greek word meaning “duty” or “obligation”). As a simple example, deontologists would nearly always tell the truth, because they believe it is wrong to lie, and teleologists would balance the damage of a lie against the possibility that telling the lie is less harmful than the result of not lying.

Though plenty of thinkers have crafted well-defined ethical principles, the ones that Western mass communicators pay closest attention to include those stated by the following men.

Aristotle and Confucius

Aristotle, a student of Plato, offered the “Golden Mean,” which states that what is ethical lies between the extremes of excess and deficiency. Confucius, who lived half a world away a century earlier, described a similar ethical principle in The Doctrine of the Mean.

Aristotle was influenced by a Greek culture that sought lives of harmony, proportion, and symmetry. As he wrote in Eudemian Ethics, “even greatness of spirit must be a middle ground.” His Nicomachean Ethics described three pillars – a balanced state that leads to good health, a definition of virtue as what falls between two vices, and that your mean will be different from the mean of others.

This last pillar suggests that finding the golden mean is not a simple “divide by two” solution in which the mean is the precise middle. Instead, different

---

§ Another value, the “ethical egoism” defined by Machiavelli and others that argues people should do what is in their own self-interest, ultimately has flaws because it neither contributes to Pareto Optimality nor provides the consistency that a true moral philosophy would require.
situations require different decisions about where the mean lies. Because of this, the “Golden Mean” approach is a teleological approach that values both virtue and utility.

**Jesus Christ**
His principle of *agape* has been translated from the Greek to mean “love” or “charity,” which is distinct from love for family, the “philia” brotherly love for others, or sexual love. Christ’s statement that his followers should “love your neighbor as yourself” (Matthew 22:39) has led to a Judeo-Christian ethic of focusing on the worth and needs of others. This ethical principle focused on love and virtue and can be both deontological (always follow the rule of selfless love for all, especially the weak) and teleological (be willing to focus on outcomes that will best help others).

**Immanuel Kant**
This eighteenth-century German philosopher is best known for a deontological approach to ethics that values duty above all else. His “Categorical Imperative” requires that people do only what they would want to become a universal law, and it requires that people are treated as an ends unto themselves and not merely a means to an end. Put more simply, it says that you should do only what you would want everyone else on the planet to be able to do – and do not worry about the consequences because higher truths are at stake.

**John Stuart Mill**
A century after Kant came a different approach from Mill, a London-area philosopher who defined a more practical teleological theory first described by Jeremy Bentham. Their theory of utilitarianism argues that an ethical person will seek the greatest good (or happiness) for the greatest number, or at least the least bad for the fewest number. This appeal to utility requires people to consider all the possible actions, their possible consequences, and to calculate the amount of good or bad that could happen to the fewest or most people. Ethicists have differentiated between “act” utilitarianism, which takes a case-by-case look at a situation, and “rule” utilitarianism, in which people look for the ethical rules that can do the most good or least harm. The problem, of course, is that we cannot always predict accurately which choice will bring the most good or least harm.

In using this approach, a government could justify buying land from an unwilling seller in order to build a road that will help everyone in a community, or a newspaper not printing the name of a rape victim because harm to that victim is worse than the harm to the community in not having the victim’s name.

**John Rawls**
The twentieth-century Harvard philosopher focused on the ethical duty we have to justice. His best-remembered approach requires decision makers to start
from an “original position” of ignorance about themselves. They are to reach the fairest and most just decision without knowing what role they play, because reasonable people would reach a decision that protects weaker parties. It is a more complicated approach than the Golden Rule’s “do unto others as they would do unto you,” but the sentiments are similar. Rawls described his work as deontological in nature, because fairness—especially for society’s weak—is more important than producing the greatest good for the greatest number.

A critique of his work comes from feminist theory, which argues that more important than justice is concern about relationships and caring for others.

**William David Ross**
This Scottish philosopher, who died in 1971, was focused on the binding duties we have toward each other. These seven *prima facie* duties include fidelity (keep your promises; do not lie), reparation (make up for your wrongdoing), gratitude (when possible, repay good), non-malfeasance (do not hurt others), justice, beneficence (work to improve the world), and self-improvement.

Ross acknowledges that his list is incomplete and that items on the list can compete with each other; when this happens, work for balance to make up for the shortcomings. His approach is a deontological one with a focus on duty.

*Good Morning, Freedonia:* It is clear that not all of the ethical principles mentioned are of equal worth in considering the situation, but the one(s) you choose to focus on can be instrumental in influencing the decision you make. In some instances, two people could use the same theory to justify different decisions. Think about the decision of whether to allow product placement inside of the show through the framework of these philosophies.

Aristotle and Confucius could be used to argue that product placement— if not in news shows, not involving news personnel, not pushy, and limited to well-defined segments—might be justifiable in certain circumstances. One station general manager has made this argument. Or it could be that some of the values stated in the second box—transparency and self-respect, for example—are so overarching that the golden mean has no middle ground.

Kant’s “Categorical Imperative” could be used to argue that allowing a news show to include product placements is wrong, because we would not want all news shows to include such ads. The news director would likely rely on this rules-based approach when arguing that the line between commerce and news should never be crossed, and doing so would crassly treat audience members not as news consumers but as an audience that can be manipulated by advertisers regardless of the setting.

John Rawls would ask you to think of yourself as an audience member who may not be aware that the same show uses similar formats to deliver both news
and advertising. Rawls would suggest that, at the very least, it would be unethical if the audience is not aware that the show includes product placement.

John Stuart Mill’s utilitarian approach is tricky, because of the difficulties in determining what would do the most good or the least harm. The sales manager can argue that the bad that could come from introducing advertising content into the program would be more than made up for by the revenue, and that labeling the advertising content would further limit the downside. The news director can argue that the loss of credibility in the station’s news operation could not be offset by the financial gain. Neither has the crystal ball that lets them see into the future, which makes your utility-based decision all the more difficult.

What would Jesus do? It is hard to say, because the principles of agape love seem difficult to apply in this situation. The same goes for Ross’s prima facie duties, where a conflict exists between self-improvement (if it can be defined that making a quicker profit is self-improvement) and fidelity (which can be defined as maintaining an obvious wall between news and advertising for viewers).

4. Balance the Decision Maker’s Loyalties

*General insight:* The fourth box asks decision makers to consider to whom they hold duties or obligations. This part of the box helps people identify the numerous and competing people, organizations, and groups to whom allegiances may be held, to consider how those competing interests may be helped or hurt by the decision, and ultimately to rank those loyalties when making a decision.

To whom might we feel the need to be loyal? Day and Christians et al.,²⁶ list six types of obligations:

1. *Yourself.* Above all else, you should be able to maintain your integrity and to live with yourself and the decisions you make. At some point, there may be a line we are not willing to cross in order to advance ourselves; Christians et al. remind us that careerism can lead us to “act out of our own self-interest while we claim to be following our conscience.”²⁷

2. *Objects of moral judgment.* We should be especially careful to consider the harm we can do to people/groups who are “affected directly by our ethical decisions,”²⁸ such as children who may be in our audience or people who are the topic of news stories.

3. *Financial supporters.* The people who ultimately pay our salaries – whether they be subscribers, advertisers, or clients – deserve our attention, and not only because they are the ones who buy our products.

4. *Our organization.* This not only includes our immediate supervisor or others in our office, but also could include shareholders and other parts of a conglomerate for which we work.
5. Our profession and colleagues. We often make decisions based upon what our peers will think, and we work to uphold the highest expectations of our craft and others who practice it.

6. Society. Though this group seems amorphous, it is instructive to remember that our messages (and our gatekeeping of messages) play a role in setting our society’s agenda. We should remember that society is made up of many groups with competing wants, needs, and interests, and that we cannot always predict what impact we will have on those groups and society at large.

As with other elements of the Potter Box, it is easy to see the conflicting loyalties. The task of the Potter Box is to help us identify the stakeholders and determine a potential order of loyalties. How we choose that order often is based on which ethical principle we choose, such as deciding between Kant’s rule that we must treat each person as a means unto himself and Mills’s understanding that the best we can do sometimes is seek to limit the damage we must do.

**Good Morning, Freedonia:** The sales manager in this case would argue that our duty to our employer, and indirectly to our advertisers, deserves our top loyalty. The news director would argue that the duty to the audience (and therefore to society) as well as a duty to professionalism would be more important than other loyalties. As station manager, you must balance those competing loyalties with an over-arching duty to yourself as you make the final call.

**A Solution? Limits of the Potter Box**

The Potter Box is useful in thinking about issues and assigning priorities, but it provides no promise of perfect solutions. As we close the box and the *Good Morning, Freedonia* case study, note that the authors have not recommended a solution. Our hope is to introduce the box and some of the variables that come into play when making a decision.

The box is useful, but profit-centered corporations may move it to the backseat and focus more on the bottom line than on communication ethics. Backus and Ferraris note that “there appears to be no usage of the Potter Box in business communication outside public relations.”29 An ethics textbook used in many business schools30 includes a similar model that specifically mentions legal requirements and economic outcomes that are not explicitly mentioned in the Potter Box.4 A media manager must be aware of the economic considerations

---

4 A search of the *Journal of Mass Media Ethics* mentions the Potter Box in at least 15 articles between 1985 and 2009, yet the Potter Box was not mentioned in articles published by the *Journal of Business Systems Governance & Ethics*, the *Ruffin Series in Business Ethics*, *Business Ethics: A European Review*, *Electronic Journal of Business and Organization Ethics*, and *Business Ethics Quarterly*. It was used once in a 1998 *Journal of Business Ethics* article.
of a decision, of course, but must balance it with larger societal implications in order to make a decision that is truly ethically justifiable.

**PRACTICAL PERSPECTIVES ON ETHICS**

The manner in which these principles of ethics are applied varies within the media. Some professions, such as journalists, get additional guidance from codes of ethics or professional responsibility created by trade organizations. Others have to rely on a combination of training, personal experience, and good advice to inform their behavior. This section explores specific issues you might address in your professional career.

**Ethics and Journalism**

Journalists have long been held to a higher standard of ethics and responsibility because of their unique role in a democratic society. The First Amendment to the U.S. Constitution establishes the press as deserving of freedom from interference from the government. But with that freedom comes a higher level of responsibility than most jobs in media. In addition to the legal considerations, there is also a set of practical considerations for high standards of ethics among journalists – ethical behavior helps journalistic organizations maintain their credibility, which is vital for attracting audiences and selling advertising.

The ethical standards expected of journalists have been compiled in codes of ethics created by professional organizations, media outlets, and other organizations from across the globe (Society of Professional Journalists, 2009). A representative code from the Society of Professional Journalists is reproduced in Figure 15-2. This code divides the ethical responsibilities of journalists into four categories: “seek truth and report it,” “minimize harm,” “act independently,” and “be accountable.” Within each category, specific standards guide reporters, editors, and others involved in the journalism profession.

**Ethics and Entertainment**

The creation of entertainment programming, especially for television and the movies, creates ethical challenges that are very different from, but no less challenging than, those for journalism. At first glance, the process of creating and producing entertainment programming might seem to work outside of traditional media ethics considerations. After all, entertainment programming is less serious and usually involves creation of fiction.

From an ethical perspective, the problem is that people can learn as much from entertainment as from informational content. Albert Bandura’s social learning theory explores the manner in which people learn behaviors that
Preamble

Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty. Professional integrity is the cornerstone of a journalist’s credibility. Members of the Society share a dedication to ethical behavior and adopt this code to declare the Society’s principles and standards of practice.

Seek Truth and Report It

Journalists should be honest, fair and courageous in gathering, reporting and interpreting information.

Journalists should:

— Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible.
— Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.
— Identify sources whenever feasible. The public is entitled to as much information as possible on sources’ reliability.
— Always question sources’ motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises.
— Make certain that headlines, news teases and promotional material, photos, video, audio, graphics, sound bites and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context.
— Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible. Label montages and photo illustrations.
— Avoid misleading re-enactments or staged news events. If re-enactment is necessary to tell a story, label it.
— Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story.
— Never plagiarize.
— Tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so.
— Examine their own cultural values and avoid imposing those values on others.
— Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.
— Support the open exchange of views, even views they find repugnant.
— Give voice to the voiceless; official and unofficial sources of information can be equally valid.
— Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context.
— Distinguish news from advertising and shun hybrids that blur the lines between the two.
— Recognize a special obligation to ensure that the public’s business is conducted in the open and that government records are open to inspection.

Minimize Harm

Ethical journalists treat sources, subjects and colleagues as human beings deserving of respect.

Journalists should:

— Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.
— Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.
— Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
— 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. Only an overriding public need can justify intrusion into anyone’s privacy.
— Show good taste. Avoid pandering to lurid curiosity.
— Be cautious about identifying juvenile suspects or victims of sex crimes.
— Be judicious about naming criminal suspects before the formal filing of charges.
— Balance a criminal suspect’s fair trial rights with the public’s right to be informed.

Act Independently

Journalists should be free of obligation to any interest other than the public’s right to know.

Journalists should:

— Avoid conflicts of interest, real or perceived.
— Remain free of associations and activities that may compromise integrity or damage credibility.
— Refuse gifts, favors, fees, free travel and special treatment, and shun secondary employment, political involvement, public office and service in community organizations if they compromise journalistic integrity.
— Disclose unavoidable conflicts.
— Be vigilant and courageous about holding those with power accountable.
— Deny favored treatment to advertisers and special interests and resist their pressure to influence news coverage.
— Be wary of sources offering information for favors or money; avoid bidding for news.

Be Accountable

Journalists are accountable to their readers, listeners, viewers and each other.

Journalists should:

— Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.
— Encourage the public to voice grievances against the news media.
— Admit mistakes and correct them promptly.
— Expose unethical practices of journalists and the news media.
— Abide by the same high standards to which they hold others.

are modeled by others, including those in the media. Bandura indicated that the likelihood of copying a behavior modeled on the media is a function of people’s perceptions of their ability to copy the behavior and the perceived consequences of engaging in the behavior.\textsuperscript{33}

Consider this example: The 1993 movie \textit{The Program} included a famous scene where college football players demonstrated their courage by lying on the double-yellow stripe in the middle of a road. A small handful of teens who watched the movie saw lying in the road as a test of their own courage, copying the behaviors they watched in the movie. A Pennsylvania teen died, and at least two others were hurt. The question here is ethical responsibility. The Walt Disney Co. deleted the scene within a month of the movie’s opening (\textit{New York Times}, 1993). The question remains: Do writers and directors have a responsibility to not portray behaviors that could be damaging to audience members?

A more common example is the media’s depiction of smoking and drinking. Public health officials have long pressured the media to limit the depiction of smoking and drinking onscreen so that audience members – especially impressionable children – won’t copy those behaviors. But in reality, people \textit{do} drink and smoke. Should reality be sanitized to protect the audience?

One consistent answer that media organizations have used is to show the consequences of negative behavior. If criminal behavior is shown, the criminal would be caught and/or punished before the end of the program. One of the authors of this chapter once wanted to add a food fight to a children’s television show but was concerned about the likelihood of children copying the behavior. The answer, in applying Bandura’s theory, was to follow the 10-second food fight with a 1-minute scene in which the children throwing the food were required to clean up the mess they made. The dramatic point was made, and the final product was more entertaining than the original script.

A separate consideration is the blurring line between entertainment and news. News organizations have long had ethical codes, but those in entertainment don’t have that level of guidance. What happens, then, when the two are merged? Is the morning show example from the beginning of the chapter an example that falls under “journalism ethics” or “entertainment ethics”? What about a radio talk show or a comedy news show on cable television?

\textbf{Ethics and Sales}

As discussed earlier in this chapter, many business executives base their ethical decisions on Pareto Optimality – the idea that decisions in business should be guided by what is best for the stockholders. In practice, however, these decisions are not as simple as maximizing short-term profits. Many decisions with short-term benefit can prove damaging or even disastrous in the long term. For example, selling the largest possible advertising schedule to a client may benefit a media
organization in the short term, but in the long term, the size and efficiency of the advertising schedule have to match the needs of the business. When businesses invest in advertising, they expect to earn a return on their investment. Those who realize that return on investment are much more likely to continue to invest in advertising, benefitting both the advertiser and the media organization.

Ethics in advertising involve more than attention to the needs and goals of the media organization – it also involves ethical behavior in relation to the audience. Just as a business expects a return on investment from advertising, consumers also expect – and deserve – a fair return on their investment in the products they buy as a result of advertising messages. Media organizations have ethical and legal responsibilities to avoid false or misleading advertising. Some companies will always exist by trying to sell questionable products or services, and it is easy for a media organization to reject responsibility for the messages and to push that responsibility on the advertiser. Such short-term thinking ignores the long-term consequences – if any advertising messages lose credibility with the audience, the credibility of all advertising messages may become questionable in the minds of the consumers.

**Ethics and Content Ownership/Distribution**

As discussed earlier in this text, media organizations are engaged in the processes of content creation, processing, and distribution. As you might expect, the lucrative role of content management has as many ethical challenges as any other area of communication.

Content owners are consistently faced with the issue of what rights to content they actually acquire when content is created. Trade unions in the entertainment industry have long recognized the role of creative artists (especially writers, performers, and directors) in creating valuable media content, requiring “residual” payments to creative personnel every time content generates new income. For nonunion productions, the content owner must decide or negotiate the rights that are conferred when content is produced “for hire.” This issue has become especially problematic as new media have emerged over the past 20 years that enable a content owner to earn additional revenue. The two ethical questions are: (1) Did the original (or subsequent) agreements convey rights to distribute the artists’ work in new media? and (2) Does a content owner have an ethical responsibility to share revenue from these new channels with the people who played a role in creating the content?

Most contracts drawn up over the past few decades include wording that addresses the first question, conveying the rights in “any and all media now existing or created in the future.” The second question is more complicated – it is easy to state that, because a content owner has purchased or negotiated the rights, that owner deserves all the revenue from additional distribution.
But a competing perspective asserts that creative artists should be entitled to a portion of the revenues from their work. This is not a legal issue – as of this writing, the law is clearly on the side of the content owner. But it is an ethical issue that content owners must address.

The ethics of the “processing” of media content are more complicated. Limits of technology used to prevent content from being modified without a great deal of time and effort, but today’s digital technology allows content creators and editors to “sample” or modify existing media content (including photos, audio, video, and graphics) to create derivative works. A great example is the iconic poster of Barack Obama that was created during his 2008 presidential campaign, in which an artist (Shepard Fairey) extensively modified and colored an Associated Press photograph of Obama to create a “new” work. A lawsuit over the issue remains in federal court as of this writing.

There are both legal and ethical dimensions to modifying media content to create derivative works. The courts consider a wide variety of issues in deciding legal ownership, including the amount of work taken, how much income was generated from the derivative work, and whether the derivative work is a parody or makes a political point. The ethical issue is much simpler – should you have to get permission from and give credit to a content owner when you take part of their work to create a new work?

**ETHICS AND USER-GENERATED CONTENT**

From the two-decades-old America’s Funniest Home Videos to Web sites such as YouTube and Facebook, media organizations are relying on user-generated content. Allowing users to contribute media content has multiple advantages for a media organization, ranging from content that costs much less to produce than the cost of producing original content) to strengthening relationships between users and media organizations. But media organizations must address a number of ethical issues in adding user-generated content to their message mix, including:

- **Ownership of content**: Every time users contribute content, the organization must clearly define the rights that users are conferring to the media organization. These rights are especially important for breaking news items, where members of the public may be more likely to have pictures or video because they were on the scene as the story happened. (It is also important to note that a statement indicating that users confer all rights to your organization when submitting content may not be binding if challenged in court.)

- **Realism of content**: The ability to contribute content also gives members of the public – especially those with a specific agenda to push – an opportunity to falsify content. The motives for faking news range from simple
mischief to complicated agenda setting, but, in all cases, it is the responsibility of the media organization to verify the source and validity of the content.

- **Labeling and editing of content**: Media organizations have a responsibility to credit the source of content, especially to make it clear that the content came from third parties not affiliated with the organization. Otherwise, for example, consumers might believe a press release was written by your news staff. Given that traditional media are known for their gate-keeping actions, failure to draw clear distinctions can hurt an organization’s credibility by making it seem as if the organization has vouched for the content’s accuracy.

- **Opinions vs. facts**: Research has indicated that blogs, which are one of a primary source of user-generated content, contain a disproportionate amount of opinions versus original information. When allowing users – or your own staff – to contribute blogs to your organization’s Web site, the site must clarify the responsibility for such content. The question is whether it is ethical for a media organization to make money off someone’s work (usually by surrounding this user-generated content with advertising), but then place all of the legal – and financial – responsibility with the submitter.

Related to this issue is the editing of user comments on Web sites. Many blogs and news sites let readers comment on content but do not edit the comments because, if media organizations edit those contents, they may be liable in cases of libel or privacy invasion. The result can be a free-for-all of name-calling, insults, and lies that are tolerated for the sake of legal troubles.

- **Expanding your reporting base**: It is possible to use “citizen journalists” and other user-generated content to replace the work of reporters, photographers, editors, and other paid staff for your organization. At first glance, this might seem like an inexpensive source of content. However, there is a high value in professionals trained in their craft as well as ethics and First Amendment law. Any time professional reporters are replaced instead of supplemented by user-generated content, the media organization risks its own standards and introduces a breadth of legal considerations.

---

**SUMMARY**

This chapter has explored and applied ethical principles to the management of media organizations. The answers to ethical questions are not simple, and they are rarely obvious. The important lesson from this chapter is that all media executives – in fact, anyone who works in media – should learn and practice a set of ethical standards that will help in making good decisions that protect the organization, the people involved, and the audience. Time spent understanding your own ethical standards, and the standards of your organization and industry, will pay off when deadline decisions must be made.
The general manager of a local television station that has traditionally placed third or fourth in news needs to make a big move by hiring someone who will bring in big ratings. Extensive research in his market indicates that a well-known anchor (Joe King) on the competitive station is pulling high numbers in terms of recognition and also ranks high when those surveyed are asked whether he is a reason for viewers to watch the news. His contract is coming up in 3 months, and rumor on the street is that this anchor no longer wants to continue working for the competition – he has grown tired of their particular brand of news.

The GM doesn’t take any chances and offers this high-profile anchor a package which he gladly accepts. However, the viewers will have to be patient, because Joe King will have to work in an “off-air” position for 1 year as part of his noncompete clause. Before you know it, a full year has passed and a well-planned promotional campaign rolls out announcing that Joe King, everyone’s favorite news anchor, is back on the air and better than ever. After the first week on the air, it appears that Joe is going to be just the answer to their rating woes.

Unfortunately, over the next 9 months, ratings are not only flat – they are actually lower in some newscasts. In a move to complement Joe’s style of anchoring, the GM also hires an Emmy-award-winning investigative reporter who is aggressively going after a local car dealership, Lee’s Automotive. This dealership has had several complaints filed against it for selling used cars financed at higher-than-agreed-upon rates. In addition, some customers claim that they were taken advantage of due to age and physical disabilities. The investigative reporter works with the Attorney General’s office to go undercover and get a local expert to view some of the footage and provide comments on how this dealership is cheating customers.

In the meantime, the new anchor, Joe King, receives a phone call from the owner of this car dealership because he has sponsored Joe’s charity event every year. In fact, Joe has developed somewhat of a friendship with Michael Lee, the owner of Lee’s Automotive. Michael tells Joe about the investigative piece that his news department is conducting and asks that the story be fair and balanced. Joe responds that he does not have anything to do with the story. Michael replies again, “Be sure it is a fair story.” Joe tells him he’ll call him back, and they exchange a couple of phone calls.

Joe finds out more about the story and is now being asked by people in the sales department if he has spoken to Michael Lee of Lee Automotive. Joe tells them that he has not spoken to Michael.

One day prior to the investigative story’s airing, Joe calls Michael and advises him that at this point the best he can do his work with a PR specialist to put a positive spin on the story. In fact, he goes on to tell Michael, “My wife does PR on the side, and she could really help out in this situation.” He goes on to tell Michael that some of the salespeople have been asking him if he had spoken to him, and he told them “No,” as he wants to keep this between them. Michael agrees and asks about the fees his PR specialist wife charges. Joe replies, “My wife will be fair in her pricing.” Joe hangs up feeling like he did the right thing. He ethically cannot provide consultation to Michael and has deflected it to an outside party. Michael, on the other hand, was desperate for help and recorded the entire conversation.

After the story breaks, Lee’s Automotive is experiencing a 50 percent drop in business. Mr. Lee hires an attorney and also releases the recorded conversation to the local newspaper which runs a story on the incident. Mr. Lee explains that he felt like he was being forced to use the services of Joe King’s wife because of the negative story the station was about to run the next day. He also claims that many of the facts in the story were distorted and not fully explained.

The GM stands by the actions of his anchor and explains that Joe was attempting to help, and it was simply a mistake to recommend his wife.

**Assignment**

Write a one- to two-page evaluation that includes the following elements along with your personal perspective on this event:

1. If you are president of this television station, do you support the actions taken by the general manager?
2. What ethical issues does this situation project?
3. What steps would you have taken if you were the general manager?
4. If you worked at another TV station, would you cover this story?
5. Go to Poynter’s Institute and review the Ethics Codes. Do you see any violations?
6. Did this act violate any FCC rules?
7. What impact would this have with the viewing audience?
8. Do you keep Joe King on as your main anchor? If you keep this employee, do you have him address the viewers? How about other employees?
9. What about Michael Lee? Did he break any laws in recording the conversation? Find out what the laws are in your state. Should you take any action?
10. If you ran a television station, what steps would you take to prevent this from happening?

REFERENCES

27. Christians et al., op. cit.