

Communication Law & Ethics RU COMS 400 Unit 2



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Class web site: revolutionsincommunication.com/law



On Track: Second week

- Announcements
- Your Qs about quizzes, schedule, etc.
- Interest in Wicked or UG research?
- Your reports on current issues
- Q: Ethical dilemmas? What did you consider? How did you resolve?
- L: Ethics & Media (30 minutes)



On Track: Unit 2

- Read Section 2 on web site
- Assignment 2 Ethics hypothetical
- Take quiz 2

Structure of this section:

- How ethics works for the media
- Historical & religious traditions of ethics
- Professional codes of ethics
- Media & social responsibility
- Ethical thinking / hypotheticals

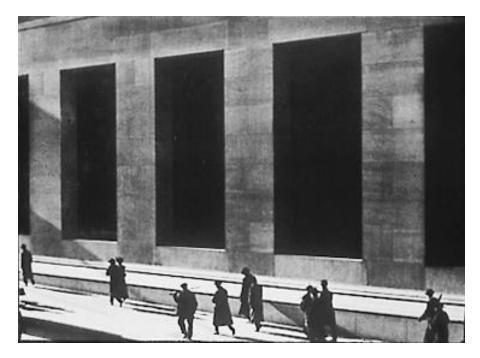


Why be ethical?

- A virtuous life is far happier
- Practical benefits of an earned reputation for honesty
- Important in career development
- Loyalty is to professional standards, not to current boss or job
- Need to keep long term issues in mind when dealing with ethical problems



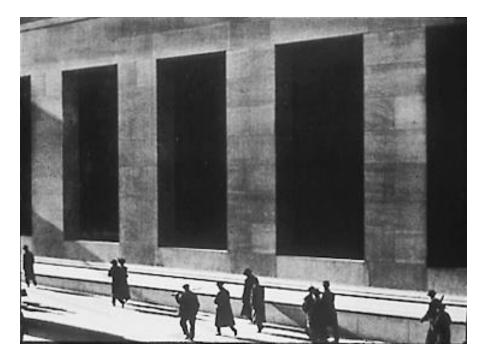
Ethics & the Media



- We all need a reasoned approach that helps us balance conflicting demands and loyalties
- The balance includes ethical traditions (duty, virtue, justice and consequence ethics) as well as personal moral codes.



Ethics & the Media



- Ethics concerns what is right, equitable, fair, just, dutiful and/or responsible.
- Ethics involves the exercise of individual judgement.



Media ethics is a special case

- Broader responsibility than most professions
 - "A free society specifically rejects most speech and press restrictions." – SPJ, Fred Brown
- No external regulatory board (US)
 - This absence of professional discipline makes journalistic codes, including the SPJ Code of Ethics, more advisory than mandatory.



Why study ethics?

- Balance: We all need a reasoned approach that helps us balance conflicting demands and loyalties
- Beyond the surface: How do we arrive at concepts of right and wrong?
- Practical issues: How do we handle ethical challenges at work?



I Historical traditions

- Virtue ethics / Plato
 - Greek traditions
- Consequence ethics / John Stuart Mill
 - "Teleological" Utilitarianism
 - greatest good for greatest number
- Duty ethics / Immanuel Kant
 - "Deontological" Categorical imperative
- Justice ethics / John Rawls
- Bioethics / Aldo Leopold



Virtue ethics / Greek traditions





Virtue ethics / Greek traditions

Groundhog day.

"The wretch, concentred all in self, Living, shall forfeit fair renown, And, doubly dying, shall go down To the vile dust, from whence he sprung, Unwept, unhonored, and unsung."

— Walter Scott, <u>The Lay of the Last Minstrel</u> <u>1805</u>.



Plato – seek the ideal life / Allegory of the cave
Aristotle – "Nicomachean" Ethics

Reason creates moral and intellectual virtues and that leads to true happiness (*eudaimonia*).

Moral education builds character

Virtues include moderation, courage and magnanimity; the intellectual virtues include art, science and philosophical wisdom.

Epicurus – Help others attain happy virtuous lives The Golden Mean -- seek moderation, good is usually found between the extremes

Virtue ethics / Greek traditions

Aristotle's "Eudaimonia" represents the ultimate human good, which is achieved through living a virtuous life, not just seeking fleeting pleasures.

Positive impact on well-being: Practicing virtues like generosity, honesty, and compassion can foster positive relationships, a sense of purpose, and contribute to overall well-being, leading to happiness.

Inner satisfaction: The act of doing the right thing, can provide a deep sense of satisfaction, contributing to happiness

Virtue ethics / Greek traditions

Virtue ethics is internal. Not just doing the right thing for external reasons but also because it is good for your self, your development, your own soul. To become the person you would like to become.

Virtue ethics as "concerned with Being rather than Doing", as addressing "What sort of person should I be?" rather than "What should I do?"



- "Let yourself be silently drawn by the strange pull of what you really love. It will not lead you astray."
 Rumi – Persian poet
- "In the moral life the enemy is the fat relentless ego" Dame Iris Murdoch – British philosopher & novelist

Duty ethics (Deontological)

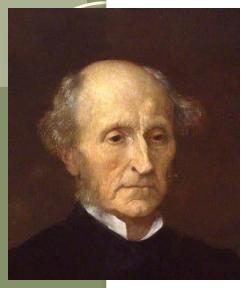
- Base ethical decisions on rules
- Enlightenment philosopher Immanuel Kant (1724-1804)
- Categorical imperative: Act as if your rule would become a universal law.
- Do what would be right if everyone did it.
- (Typical modern example: what if everyone walked on the grass?)



Duty ethics (Deontological); Immanuel Kant

Its not the consequences that make and action right or wrong, but whether they conform to a greater good.

- Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.
- Act as though you were, through your maxims, a law-making member of a kingdom of ends.



Consequence ethics Utilitarianism John Stuart Mill

- Greatest good for the greatest number of people.
- The value of an action is determined by its outcome.
- Problems doesn't involve personal virtue, justice or duty. Also, the greatest good for the majority might be very bad for a minority.



Justice Ethics / John Rawls Alternative to utilitarian, duty ethics.

- Social choices should be made in nonself serving way from an unbiased original position or "veil of ignorance."
- Example: Those who cut the pie are the last to chose their own portion
- Distributive justice (equitable benefits / costs) versus procedural justice (maintaining rules & standards)



Bioethics

- Aldo Leopold Scope of ethics widens to include all humans (not just family or nation) and the natural environment
- All beings have moral value
 - Kant said human cruelty to animals was wrong because it degraded humans; bioethics says its wrong because animals have their own (intrinsic) moral value.
 - Medical research should be ethical
 - Belmont report 1979 presents ethical standards for research



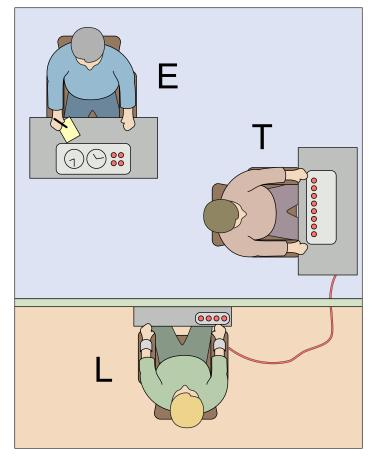
Issues that led to Belmont report

- Nazi experiments 1930s 1945
 - Hideous cruelty; Tests of drugs and treatments to advance Nazi racial & ideological goals
- Serratia germ warfare experiments 1950
 - Dangerous bacteria sprayed in San Francisco
- Tuskegee Syphilis Study 1932-1972
 - News reported by Associated Press
- Stanford U. prison experiment The "guards" became cruel to "inmates"



The Milgram Experiment 1961

- Tests obedience to
 E (experimenter),
 who orders
 T (teacher) to shock
 L (learner)
- E & L collaborate;
 the subject is T
- Fake electric
 shocks escalate to
 lethal levels (450 v)



Simpsons / Milgram SE01 E04 - There's No Disgrace Like Home





Belmont Report 1979

- Conference location outside DC
- Ethical Principles and Guidelines for the Protection of Human Subjects of Research
- Three core principles Autonomy (respect for persons), Beneficence, and Justice.
- Primary areas of application via IRBs -informed consent, assessment of risks and benefits, and selection of subjects.



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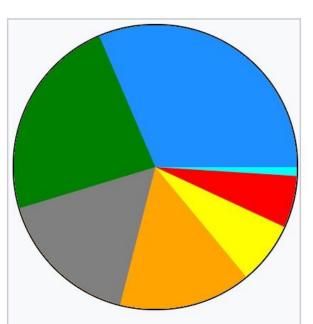


Bioethics & social media

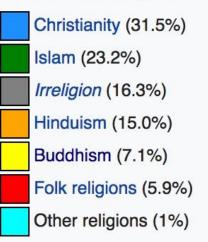
- Issues include debate over public health, including efficacy of vaccinations, legal / illegal abortion, genetic screening, deextinction, human cloning ...
- Fact-checking social media outrage
 - Eg:Vaccines do more harm than good
- Revival of eugenics idea, that we should improve the human race, in a repetition of long discredited theories about what is an improved human.

Religious traditions

- Buddhism 520 million
- Christian 2.24 billion
 - Judaism 17 million
- Hinduism 1.15 billion
- Islam -- 1.8 billion



Worldwide percentage of Adherents by Religion, 2010^[28]





Buddhism

- Gautama Buddha (480 400 BCE)
- Why do we suffer?
 - We cling to impermanent things, keeping us in samsara, endless cycle of death and rebirth
- The way to liberation, to nirvana is ...
- The eightfold path: Right views, Right aspirations, Right speech, Right conduct, Right livelihood, Right effort, Right mindfulness, and Right meditational attainment.



Buddhism

- Ethics -- Five Precepts (not commandments)
 - Abstain from killing (<u>Ahimsa</u>);
 - Abstain from stealing;
 - Abstain from sensual (including sexual) misconduct;
 - Abstain from lying;
 - Abstain from intoxicants.



Christianity

- Based on teachings of Jesus Christ
- Ten Commandments (also Judaism)
 No other gods, no graven images, name of God not taken in vain, holy Sabbath, honor father and mother, don't kill, don't commit adultery, don't steal, don't lie, don't covet.



Christianity

- Trust God: "You shall love the Lord your God with all your heart, with all your soul, and with all your mind. This is the first and great commandment." Matthew 22:36-38
- Love your neighbor: "You shall love your neighbor as yourself"
- Don't love money "For what profit is it to a man if he gains the whole world, and loses his own soul?"



Hinduism

- Ancient religion of India and SE Asia
- Vedas, Upanishads, Bhagavad Gita
- Sanātana Dharma -- ethical duties
 - Honesty, refraining from injuring living beings, purity, goodwill, mercy, patience, forbearance, self-restraint, generosity, and asceticism.
- Karma moral law of cause & effect
- Liberation from sorrow and suffering through virtue is life's goal



Islam

- Based on teachings of Prophet Muhammad
 (570 632 CE)
- Quran Major religious text
- Surrender to the will of God
- Mercy (rahmat) & forgiveness
- Depictions of people, & especially Muhammad and God, forbidden
- Six articles of faith: Belief in: Allah, Angels, Holy Books (Quran), Prophets, Day of Judgement, predestination
- Five pillars: Faith, prayer, charity, fasting, pilgrimage

3 Moral principles

- Autonomy / people make their own choices without manipulation
- Nonmaleficence / do no harm
- Benificence / help people
- Justice / fairness
- Fidelity / honor
- Veracity / truthfulness



3 Principles (cont)

Communitarian or Libertarian ?

- Egalitarian
- Altrusitic
- Social Cons.
- Economic Lib.

Elitist

Individualistic

Social Liberal

Economic Cons.



Professional Ethics

- **SPJ –** Soc. Professional Journalists
- **AAF –** Am. Advert. Federation
- **PRSA –** Public Relations Soc. Am.
- **RTNDA –** RadioTV News Dir. Assn.
- NPPA Nat'l Press Photographers Assn.



SPJ code of ethics

- Society of Professional Journalists
- Seek the truth
- Act independently
- Be accountable and transparent. Admit mistakes.
- Minimize harm and have compassion for those who may be affected adversely by news coverage.



AAF code of ethics

- American Advertising Federation
- Distinguish ads from news & editorials
- Substantiate claims
- Be fair; consider the audience
- Protect privacy
- Follow regulations
- Full disclosure of financial context, business ownership

4 Other Ethics Codes

- Rotary International Four Way Test
 - I. Is it the **truth**?
 - 2. Is it **fair** to all concerned?
 - 3. Will it build goodwill and better friendships?
- 4. Will it be **beneficial** to all concerned?

Info Comm Tech (ICT) ethics aka Social Responsibility

 New but, like bioethics, spring from a perception of unethical conduct by the big social media companies like Facebook (Meta), Google (Alphabet), Apple, Amazon, Microsoft and others.

Issues:

Misuses of artificial intelligence (replicating propaganda bots or copyright violations);
 (more)



ICT ethics 2

- Hate speech against individuals, cultures, ethnic groups, nations
- Invasions of personal privacy, surveillance (eg China's "social credit" system);
- Violations of the Universal Declaration of Human Rights;
- A lack of fairness in the global media structure
- Algorithms boost hate speech in social media;
- "Truth decay" (vaccines, elections , insurrection, etc)
- Election interference / foreign propaganda

Info Comm Tech (ICT) ethics aka Social Responsibility

- International Law
- Nuremburg principles
- Hutchins Commission
- MacBride Commission (UN)
- Rwanda, Bosnia, Myanmar tribunals
- Cultivation Theory
- Non-violent communication
- Peace journalism

International law

- Hugo Grotius
 - On the Law of war and peace 1625
- International Humanitarian Law
- Red Cross
- International Criminal Tribunal at The Hague, Netherlands (Holland)

Hugo Grotius 1583 - 1645

- (I am) fully convinced...that there is a common law among nations, which is valid alike for war and in war, I have had many and weighty reasons for undertaking to write upon the subject.
- Men rush to arms for slight causes, or no cause at all ... it is as if, in accordance with a general decree, frenzy had openly been let loose for the committing of all crimes.

Hugo Grotius 1583 - 1645

- On the Law of War and Peace 1625
- Just causes for war: <u>self-</u> <u>defense</u>, <u>reparation of</u> <u>injury</u>, and <u>punishment</u>;
- Rules governing conduct of war





Geneva Conventions

- Liber Code 1863
- Red Cross 1864
- Wounded 1907
- Prisoners of War 1929
- Civilians in War 1947
- Unified conventions 1949



Nuremburg Trials 1946





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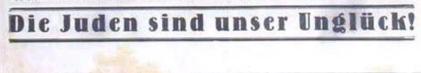
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Judenopfer



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Wirtschaft und Judentum

Ohne Lolung der Audenfrage teine Erlolung der deutschen Birtichaft Der Stürmer und der deutsche Raufmann

Die Juden sind unser Unglück!

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Diblitte Berftauffehrler

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Damon Geld



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Nuremburg Principles 1946

- Principle VII -- "Complicity in the commission of a crime against peace, a war crime, or a crime against humanity ... is a crime under international law."
- Julius Streicher, editor of Der Sturmer, a Nazi newspaper that forcefully advocated extermination of Jews, was convicted of crimes against humanity and executed at Nuremberg in 1946.

Nuremburg judgement (cont.)

Others in German Nazi media were imprisoned as war criminals, for example:

- Leni Rheifenstahl, whose 1936 Triumph of the Will was a celebration of the Nazis (3 years)
- Fritz Hipper, who made The Eternal Jew in 1939 for the Nazis (2 years)



Hutchins Commission 1948

The press should:

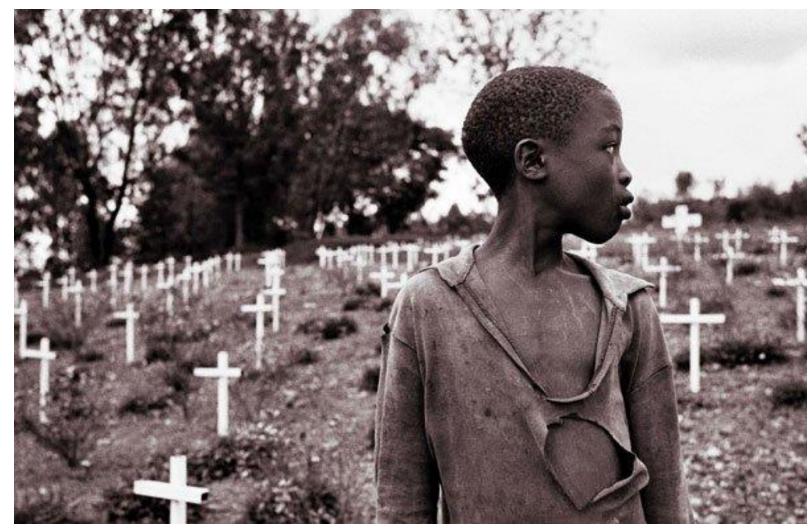
- Give a truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning;
- Provide a forum for the exchange of comment and criticism;
- Project a representative picture of the constituent groups in the society;
- Promote the presentation and clarification of the goals and values of the society; and
- Provide full access to the day's intelligence.



MacBride Commission, 1980

- Many Voices, One World --- UNESCO
- The unequal flow of communication was making developing nations dependent on the cultural products of the industrial West. Centuries-old customs, time-honored cultural practices and simple life styles were being threatened.
- The one-way flow of information from industrial nations to developing nations was also a problem





Propaganda and Conflict: Evidence from the Rwandan Genocide * (David Yanagizawa-Drott, 2014)

 Broadcasts increased militia violence not only directly by influencing behavior in villages with radio reception but also indirectly by increasing participation in neighboring villages. In fact, spillovers are estimated to have caused more militia violence than the direct effects. Thus, the article provides evidence that mass media can affect participation in violence directly due to exposure and indirectly due to social interactions.



Rwandan Genocide

• A United Nations criminal tribunal found the editor of Kangura newspaper and two executives with Rwandan radio had repeatedly called for the killings. They were convicted of genocide, incitement to genocide, conspiracy, and crimes against humanity, extermination and persecution. Two were sentenced to life imprisonment, and one was sentenced to 35 years in jail.



Rwandan Genocide

 If there was Facebook, Tik Tok, and Instagram, it would have been much worse.

UN News: Can you describe what happened over those 100 days, where more than a million people were killed, mostly by machetes?

Henriette Mutegwaraba: It wasn't only machetes. Any tortuous way you can think about, they used.



Henriette Mutegwaraba

Genocide

We keep saying "never again", and it keeps happening: the Holocaust, Cambodia, South Sudan. People in the Democratic Republic of the Congo are being killed now, as I'm speaking (2023).

Serb propaganda that led to ethnic cleansing of Croatians and **Bosnians** in **1990s**





Cultivation Theory

- George Gerbner & others
- Media environment has psych effects
 - "Mean world" syndrome; News about violence leads viewers to believe their world is more dangerous than it is.
 - Body image: Media depictions of an imaginary ideal tend to cheapen the real
 - Some foreign propaganda designed to cultivate culture war in the US



Army of Jesus Sponsored · 🔞 Like Page

Today Americans are able to elect a president with godly moral principles. Hillary is a Satan, and her crimes and lies had proved just how evil she is. And even though Donald Trump isn't a saint by any means, he's at least an honest man and he cares deeply for this country. My vote goes for him!

SATAN: IF I WIN CLINTON WINS! JESUS: NOT IF I CAN HELP IT!



Russian Propaganda

Created by trolls in St. Petersburg Russia according to Senate Intel. Committee Report

97 Reactions 15 Comments 29 Shares





Examples of ethical dilemmas

- Journalists -- Protecting sources, ID victims, privacy vs news, conflicts of interest, inaccuracy
- Advertising & PR Cultural differences (Nestle infant formula), PETA ('holocaust on your plate), misleading ads (tanning)
- Media production privacy, graphic images, cultivation of fear, lack of awareness of foreign propaganda



Would you report ...

- Names of witness to a crime?
- Names of juvenile charged in crime?
- Names of victims of crime?
- Names of people with communicable disease?
- Credibility of witnesses in an upcoming criminal trial?



Would you report ...

- Allegations of prior offenses just before a trial or an election?
- Names of people who died in an accidenty <u>before</u> relatives notified?
- "Police say they have a confession...?"
- "The accused has a rap sheet ..."
- Rufused breathalizer (or polygraphy or gunshot residue)

Dominion power paid editors

- The Virginian-Pilot and the Daily Press published unsigned editorials related to Dominion Energy and state energy policy that were written by a columnist who also works as a part-time speechwriter for the company.
- Gordon G.C. Morse, a longtime columnist for the Hampton Roads newspapers. Morse started an ongoing, part-time speechwriting contract with Dominion Energy in 2006, according to a spokesperson for that company.
- Which ethical codes does this violate?

Ethical dilemma

Your editor assigns you to attend a civil rights demonstration in Charleston SC, but not to write about the speakers' points of view. Only write a story if there is violence, and then only write about the violence. But when you arrive, the police chief reminds you of your duty:



"The more you (journalists) do your job, the less I have to do mine."

-- Reuben M. Greenberg, Chief of Police, Charleston SC 1982 – 2005



Poynter. NEWS UNIVERSITY

Journal News Gun Map

Should you publish a list or a map of "Concealed carry" gun permits in Westchester County NY?

Why or why not?



Professional ethics





ABOVE: A young man walks through chest deep flood water after **looting** a grocery store in New Orleans on Tuesday, Aug. 30, 2005. Flood waters continue to rise in New Orleans after Hurricane Katrina did extensive damage when it made landfall on Monday. (AP Photo)

LEFT: Two residents wade through chest-deep water after **finding** bread and soda from a local grocery store after Hurricane Katrina came through the area in New Orleans, Louisiana (AFP/ Getty).

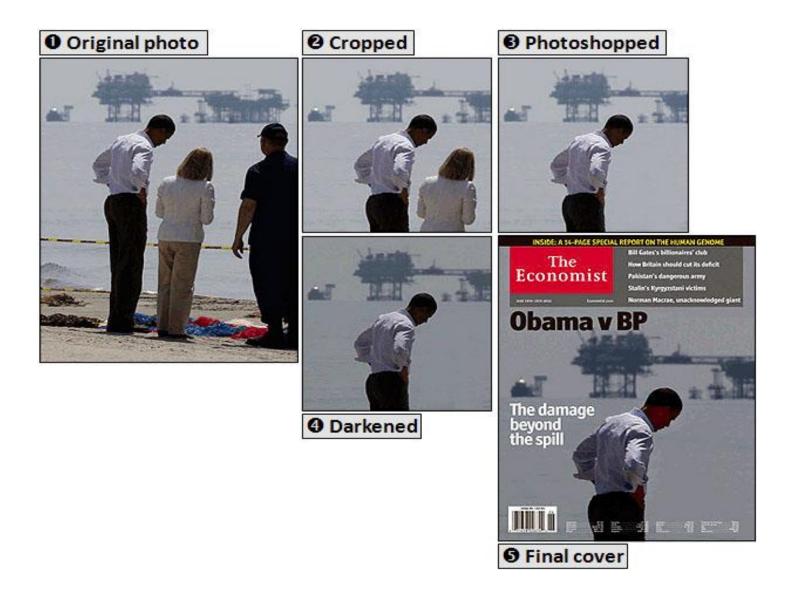
Professional ethics – VisComm



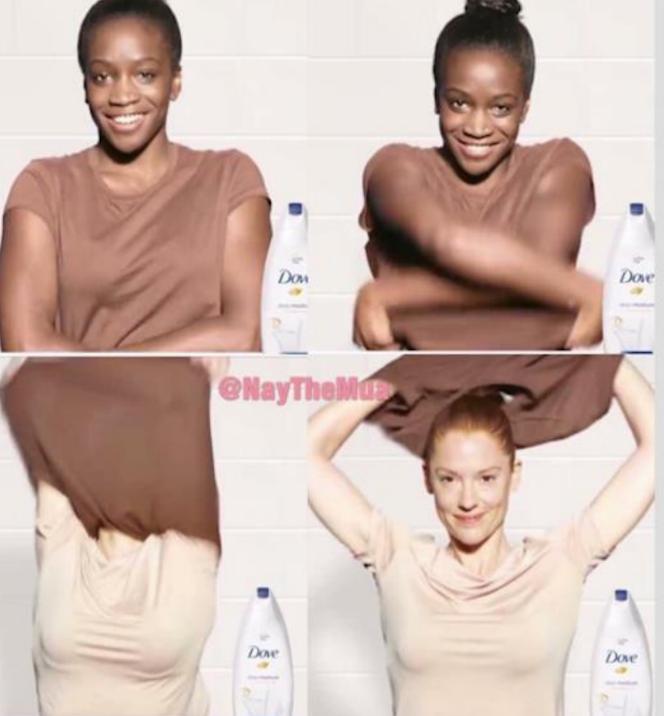




Does this give the wrong impression?



How do we evaluate this Dove soap ad from 2017?



ABOUT FAQ CATEGORIES

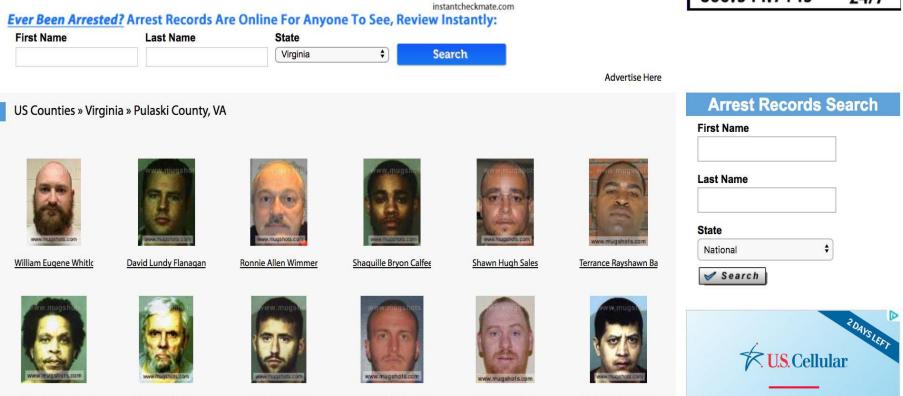
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SEARCH



William Douglas Lewis Edward Franklin Lawre

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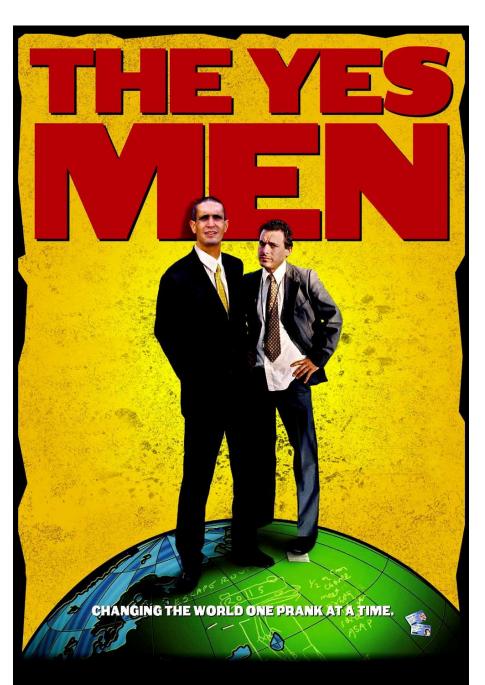
Fidel Alvardo Sanchez

How do you handle unethical fake ads like this one?

Manka Dhingr

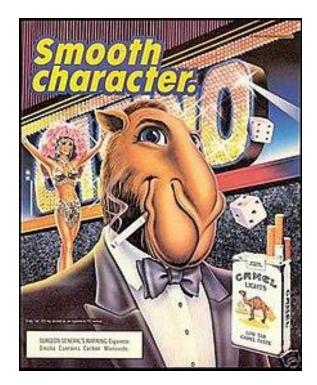
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State Senate



Anticonsumerist pranksters

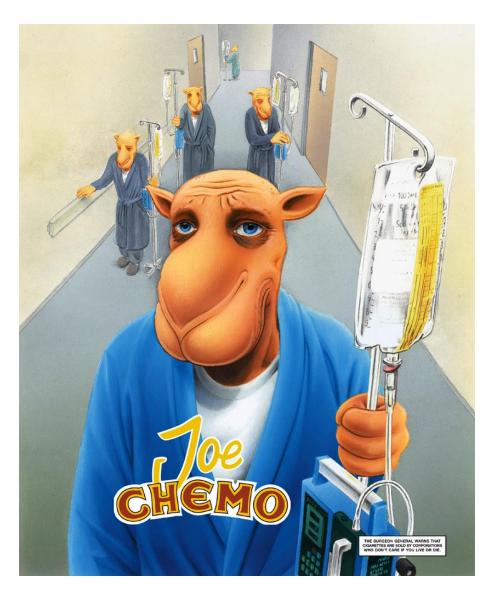
Lampooning government and business with fake press conferences and videos



Was it legal? Ethical?

Did RJ Reynolds approve? Does it matter?

Parody of Joe Camel





Ethical reasoning

- "Ethical reasoning is the ability to identify, assess, and develop ethical arguments from a variety of ethical positions."
- Describe the ethical problem
- Identify stakeholders: Who is affected?
- Identify stakeholder interests
 - Consider ethical traditions
 - Consider religious / moral positions
 - Consider professional codes of ethics



Ethical reasoning 2

- Balancing tests
- Consider opposing rights, interests, or policies
- Assign each a degree or level of importance
- Balance according to traditions & codes
- Decide which factors have more weight
- Explain your decision

During the seven years between 1938 and 1945, 12 million people perished in the Holocaust.

THE HOLOCAUST ON YOUR PLATE

The same number of animals is killed every hour for food in Europe alone.

Holocaust on your plate – 2003

- Stakeholders PETA, Human rights groups, US & European audiences
- PETA duty clear, but is comparison OK with rights groups & audiences?
- Consequences more vegans, or more outrage from emotional campaign?
- Justice ethics Should the great injustice of the Holocaust be compared with raising animals for meat?

Holocaust on your plate – (2)

- Bioethics what is the relative value of animal life? Animals rights advocates believe that all living creatures have rights beyond their utility to humans. Hindus and Buddhists also believe that it is not moral to harm any living thing.
- Are those rights comparable?

Holocaust on your plate – (3)

- Decision Ads ran in the US but not EU
- Ads banned by German and European human rights courts
- The ad made the fate of the victims of the Holocaust "appear banal and trivial."
- The consequences of dramatically comparing animal and human suffering may cause more harm than good.



Non-violent comm theory

- Nonviolent Communication (NVC) is an approach to communication based on the principles of nonviolence. It is not an attempt to end disagreements, but rather a method that aims to increase empathy and improve the quality of life
- Began with Marshall B. Rosenberg (1934 -2015) PhD conflict resolution expert



Non-violent comm theory

FOUR COMPONENTS OF NVC

4. REQUESTS

3. NEEDS

2. FEELINGS

1. OBSERVATIONS



What is peace journalism?

- When editors and reporters make choices that prompt and enable readers and editors to consider and enable non-violent responses to conflict
- War journalism typically 2 parties, one winner
- Peace journalism many parties, focus on negotiations focus on civilians
- Peace Journalism is factual reporting, not advocacy
- But in situations of conflict, there are always people who are working for peace, it is the work of those people that can be reported as a way to make that material accessible to readers and audiences...

PEACE JOURNALISM



Jake Lynch and Annabel McGoldrick

Nor cannot put it down without being convinced" Philip Knightley, author. The First Gesualty

Beginning to take a different view of war reporting -- Emphasis on helping peace to break out.

PEACE/CONFLICT JOURNALISM	WAR/VIOLENCE JOURNALISM
Peace/Conflict-Oriented	War/Violence-Oriented
 multiple parties / goals / issues 	 2 parties, 1 goal (to win)
 giving voice to all parties 	 'us vs them' journalism
 humanization of all sides 	 dehumanization of 'them'
· proactive	reactive
Truth-Oriented expose untruths on all sides/uncover all cover-ups 	Propaganda-Oriented • expose 'their' untruths / help 'our' cover-ups
People-Oriented	Elite-Oriented
 focus on all victims (women, aged, children) 	· focus on 'our' victims (soldiers, 'heros')
Solutions-Oriented • peace = non-violence + creativity	Victory-Oriented • peace = victory + ceasefire

Thank you