



Communication Law & Ethics

RU COMS 400 Unit 2. ETHICS



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Class web site:
revolutionsincommunication.com/law

On Track: Unit 2 ETHICS

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

Structure of this section:

- Historical traditions of ethics
- Religious basis of morality
- Professional codes of ethics
- Global media, ICT & social responsibility
- Ethical thinking / hypotheticals

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
 - “A free society 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.

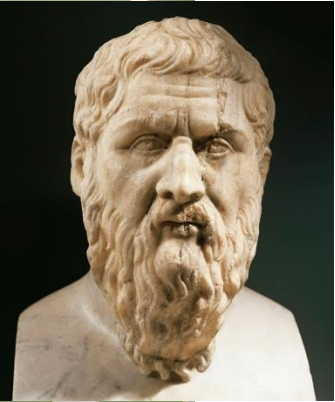
Why study ethics?

- 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? (and do it ethically?)

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*

I Virtue ethics: Greek traditions



- **Plato** – seeking the ideal life
 - Allegory of the cave
- **Aristotle** – “Nicomachean” Ethics
 - Reason creates moral and intellectual virtues and that leads to true happiness (*eudaimonia*) .
 - Moral virtues include moderation, courage and magnanimity; the intellectual virtues include art, science and philosophical wisdom.
- **Epicurian**
 - **The Golden Mean** -- seek moderation, good is usually found between the extremes

I Virtue: Justice & Ring of Gyges

- **Plato** – The Republic Book 2
- Are people by nature unjust?
- A good person (Gyges) finds a ring that makes him invisible. Does it corrupt him?
- Yes, (says Glaucon). So it's only law and the threat of punishment making people honest.
- Not always (say Socrates). Justice, at the root, is part of human nature. “How would a man profit if he received gold and silver on the condition that he was to enslave the noblest part of him to the worst?”

I Virtue: Aggression

- Are humans by nature violent?
- Konrad Lorenz – biological programming
 - On Aggression – violence innate in human nature
 - Man meets dog – animals know their boundaries
- Seville Statement on Violence, 1986
- Refuted "the notion that organized human violence is biologically determined"
- "It is scientifically incorrect to say that we have inherited a tendency to make war from our animal ancestors."
-



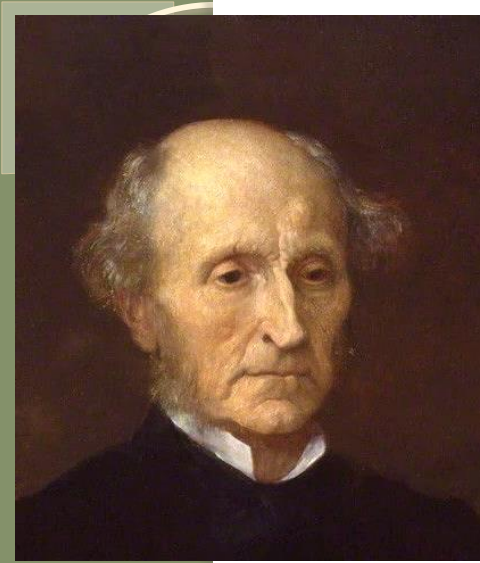
2. Duty ethics (Deontological); Immanuel Kant

Categorical imperative: Act as if your rule would become a universal law.

- 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.

2 Duty ethics

- **Base ethical decisions on rules**
- Enlightenment philosopher Immanuel Kant (1724-1804)
- We should do what would be right if everyone did it.
 - categorical imperative.
- Its not the consequences that make and action right or wrong, but whether they conform to a greater good.



3 Consequence ethics

Utilitarianism

John Stuart Mill

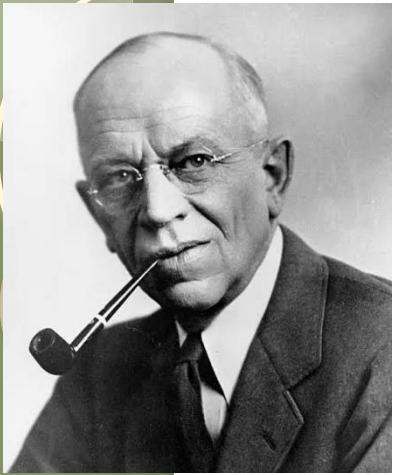
- Greatest good for the greatest number of people.
- The value of an action is determined by its outcome.
- Problems – doesn't involve personal virtue, justice or duty. Also, the greatest good for the majority might be very bad for a minority.



4 Justice Ethics / John Rawls

**Alternative to utilitarian,
duty ethics.**

- Social choices should be made in non-self 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)



5 Bioethics

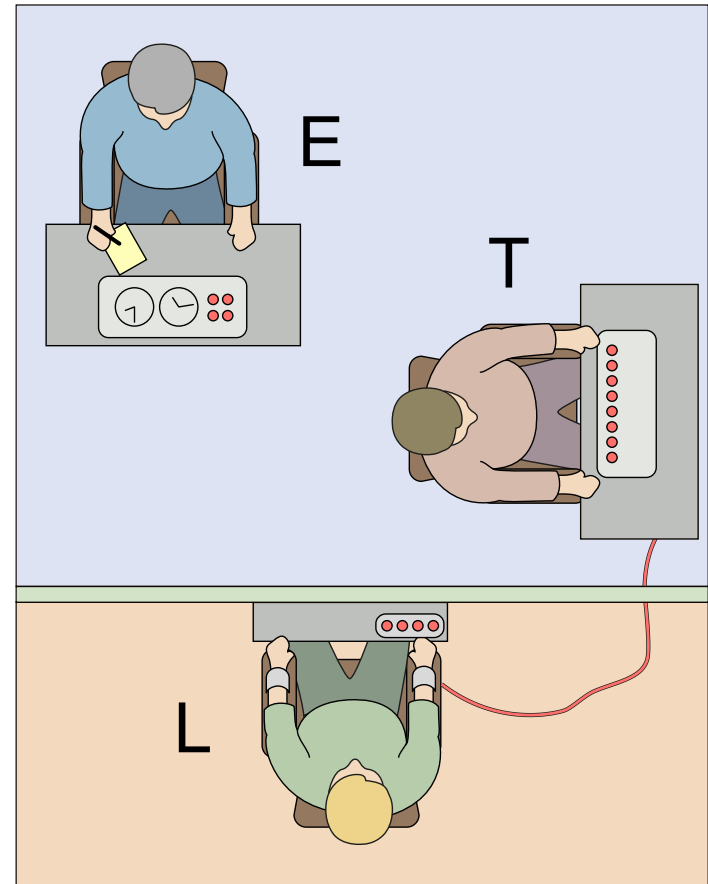
- Aldo Leopold - Scope of ethics widens to include all humans (not just family or nation) and the natural environment
- All beings have moral value
- Kant said human cruelty to animals was wrong because it degraded humans; bioethics says its wrong because animals have their own (intrinsic) moral value.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

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

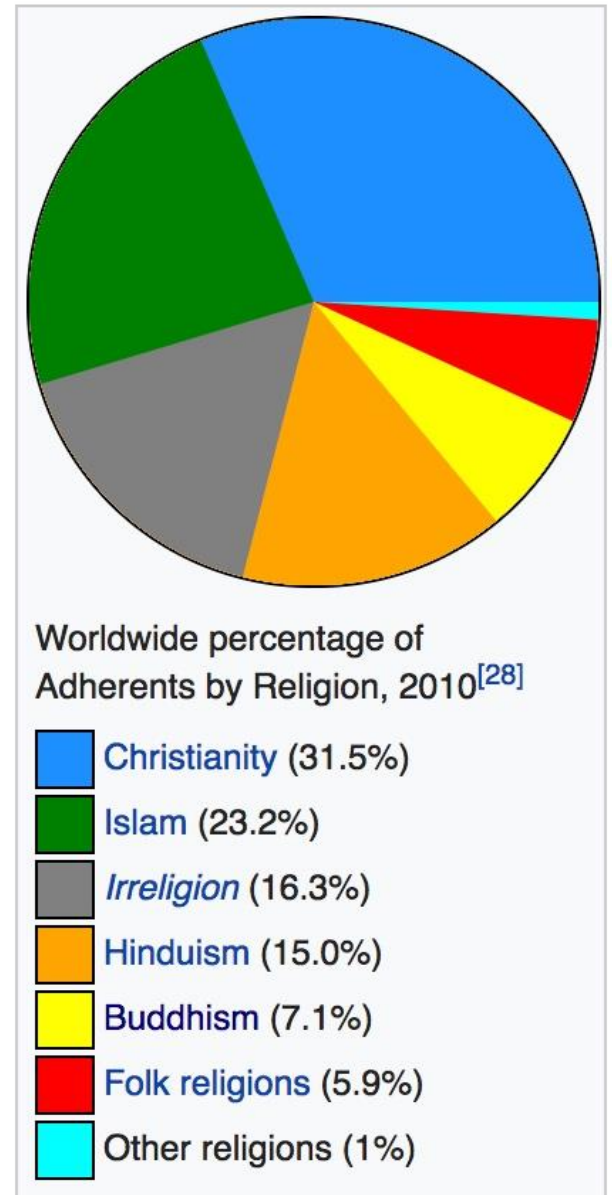
- Conference location outside DC
- *Ethical Principles and Guidelines for the Protection of Human Subjects of Research*
- Three core principles – Autonomy (respect for persons), Beneficence, and Justice.
- Primary areas of application via IRBs -- informed consent, assessment of risks and benefits, and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

6 ICT / international ethics

- More about this in a minute
- Info & Comm Technology
- Ethics organizations: IEEE, Assn for Computing Machinery, UNESCO
- Social responsibility
 - Privacy, system admin
 - Intellectual property
 - Artificial intelligence / deepfake videos
 - Automated driving, decision-making

Religious traditions

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



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 (Ahimsa);
 - 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
- **Beneficence** / help people
- **Justice** / fairness
- **Fidelity** / honor
- **Veracity** / truthfulness

3 Principles (cont)

Communitarian or Libertarian ?

- | | |
|-----------------|-----------------|
| • Egalitarian | Elitist |
| • Altruistic | Individualistic |
| • Social Cons. | Social Liberal |
| • Economic Lib. | 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
 - 1. 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

- **Like bioethics**, springs from a perception of unethical conduct by big institutions, in this case communications companies.

Major Issues:

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

ICT ethics 2

- **Hate speech** against individuals, cultures, ethnic groups, nations boosted by algorithms
- **Invasion of privacy**, surveillance (eg China's "social credit" system, America's surveillance advertising);
- **Hacking**, plagiarism, data theft
- **Unfairness** in the global media structure
- **"Truth decay"** (vaccines, elections ,insurrection)
- **Election interference** / foreign propaganda



Global media & 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: self-defense, reparation of injury, and punishment;
- Rules governing conduct of war



Geneva Conventions

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



Nuremberg Trials 1946





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:

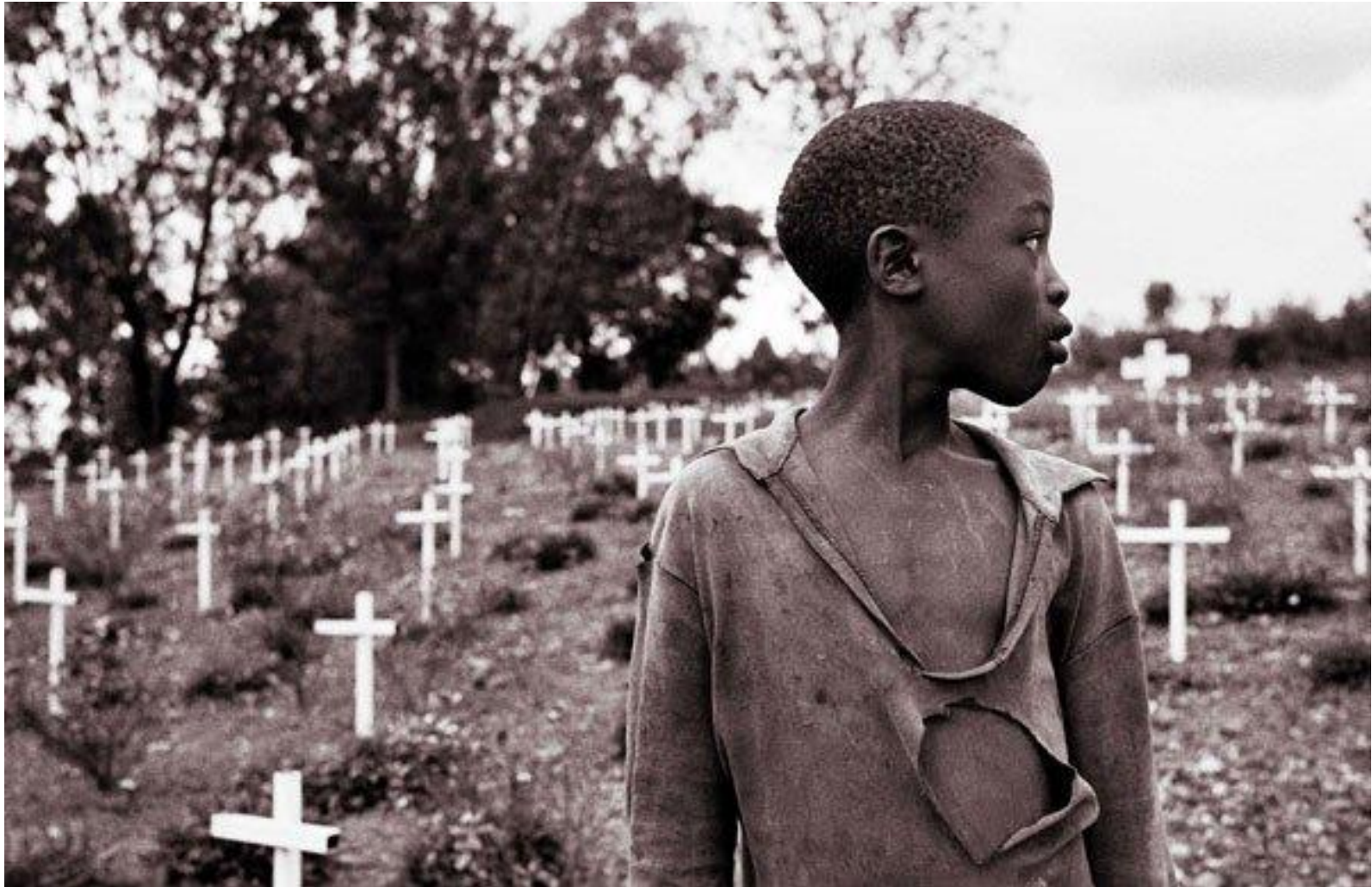
- Give a truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning;
- Provide a forum for the exchange of comment and criticism;
- Project a representative picture of the constituent groups in the society;
- Promote the presentation and clarification of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

Rwanda, Bosnia, 1994 – 98





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
Croats and
Bosnians in
1990s



БОЛНО ПОДСЕЋАЊЕ

НАДБИТЕ жртве ратова су деца. Тако је и у овом, нај
новијем, у којем српски народ поново брани свој гали
онствама. Слика која је пре годину и не дана обилази
све, са гробља код Скендла, на којој онај дечак — скрото
очајана над гробом оца, мајке и остале родбине коју су у
офанзивном походу муслиманки, и даље потреса све који
знају шта је дечја патња. Дечка са слике у међувремену
усвојила је једна породица из Дооринка, и сада је он уч
ник прве године средње школе.



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!**



PRESS 'LIKE' TO HELP JESUS WIN!

97 Reactions · 15 Comments · 29 Shares

Like Comment Share

Russian Propaganda

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



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

"You cannot put it down without being convinced"
Philip Knightley, author, *The First Casualty*

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

PEACE/CONFLICT JOURNALISM	WAR/VIOLENCE JOURNALISM
<p><i>Peace/Conflict-Oriented</i></p> <ul style="list-style-type: none"> · multiple parties / goals / issues · giving voice to all parties · humanization of all sides · proactive 	<p><i>War/Violence-Oriented</i></p> <ul style="list-style-type: none"> · 2 parties, 1 goal (to win) · 'us vs them' journalism · dehumanization of 'them' · reactive
<p><i>Truth-Oriented</i></p> <ul style="list-style-type: none"> · expose untruths on all sides/uncover all cover-ups 	<p><i>Propaganda-Oriented</i></p> <ul style="list-style-type: none"> · expose 'their' untruths / help 'our' cover-ups
<p><i>People-Oriented</i></p> <ul style="list-style-type: none"> · focus on all victims (women, aged, children) 	<p><i>Elite-Oriented</i></p> <ul style="list-style-type: none"> · focus on 'our' victims (soldiers, 'heros')
<p><i>Solutions-Oriented</i></p> <ul style="list-style-type: none"> · peace = non-violence + creativity 	<p><i>Victory-Oriented</i></p> <ul style="list-style-type: none"> · peace = victory + ceasefire

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 before relatives notified?
- “Police say they have a confession...?”
- “The accused has a rap sheet ...”
- Rufused breathalyzer (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:



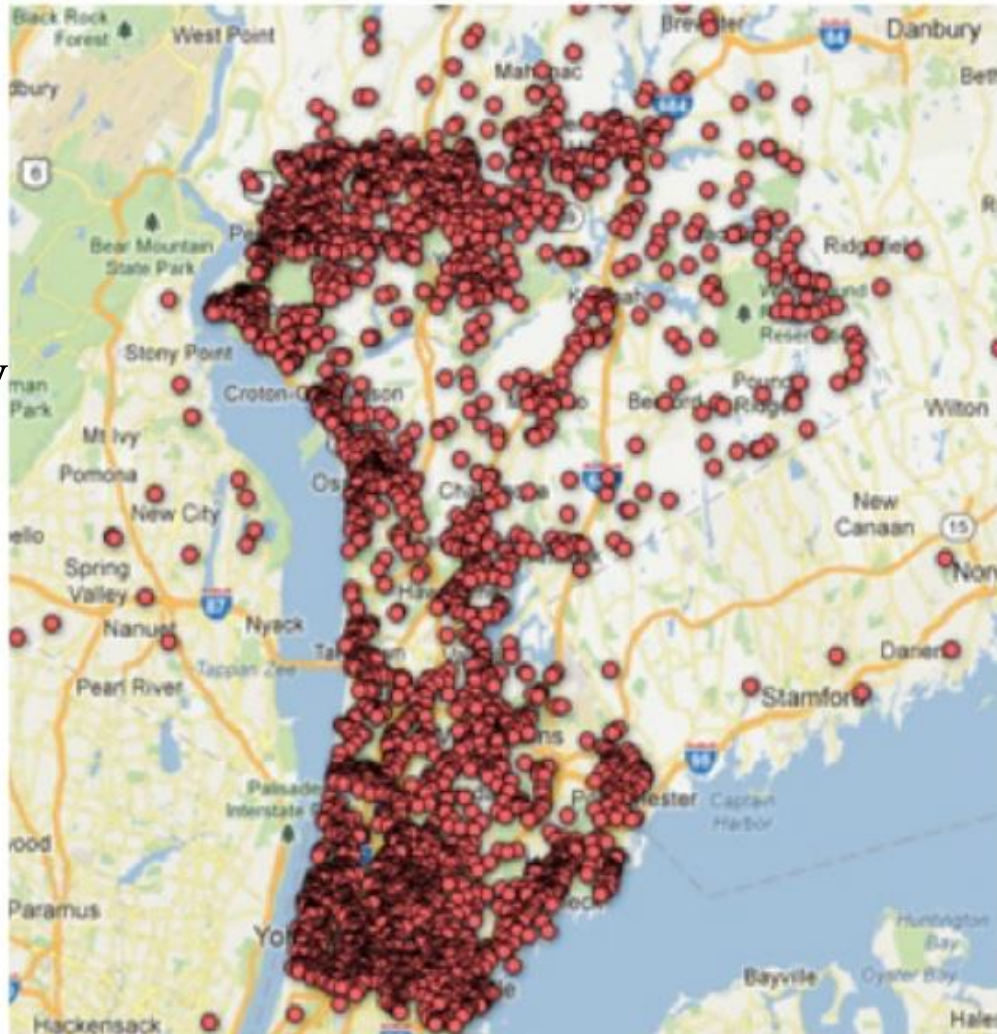
**“The more you
(journalists) do your
job, the less I have to
do mine.”**

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

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 waded 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





Iowa mugshots



SEARCH

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First Name Last Name State

Advertise Here

US Counties » Virginia » Pulaski County, VA



William Eugene Whitlc



David Lundy Flanagan



Ronnie Allen Wimmer



Shaquille Bryon Calfee



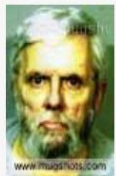
Shawn Hugh Sales



Terrance Rayshawn Ba



William Douglas Lewis



Edward Franklin Lawre



Eric Lee Diamond



Grey Winfield Hood



Troy Lee Buckner



Fidel Alvardo Sanchez

Arrest Records Search

First Name

Last Name

State

2 DAYS LEFT



Smartphones as low as

Does this give the wrong impression?

1 Original photo



2 Cropped



3 Photoshopped



4 Darkened



5 Final cover



@NayTheMua

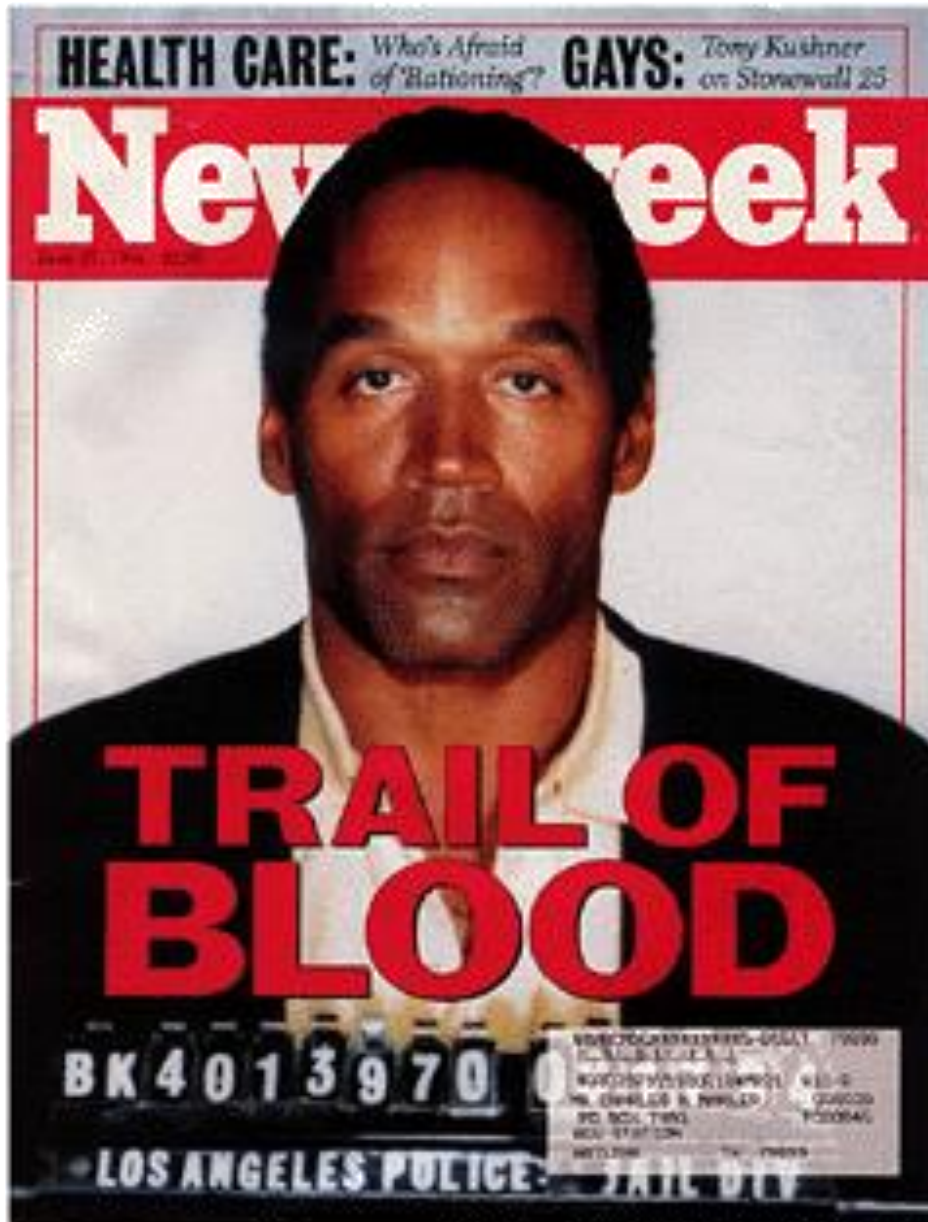


How do you handle unethical fake ads like this one?



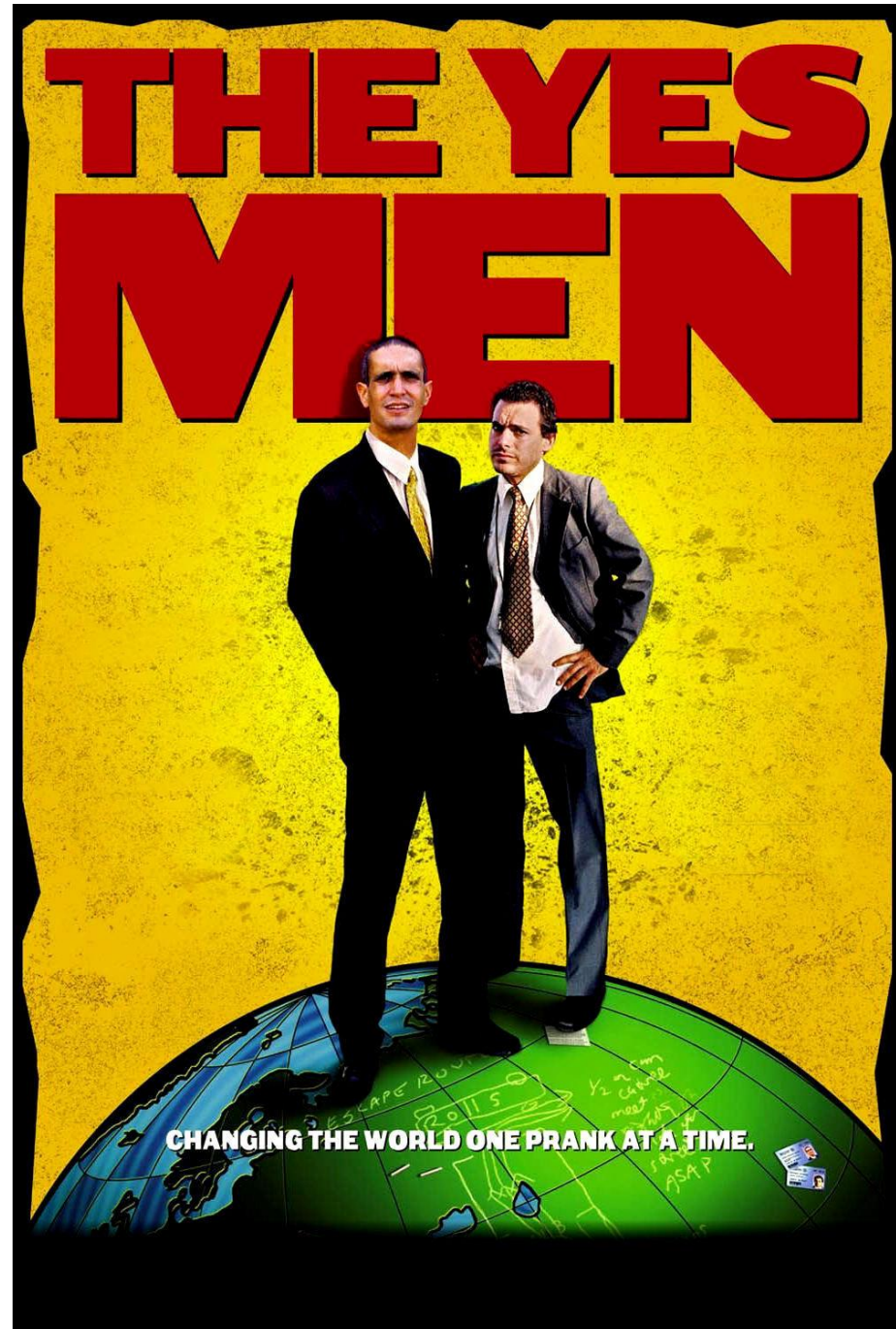
Manka Dhingra

OJ Simpson – 1994 magazine covers



Anti- consumerist pranksters

Lamponing
government and
business with fake
press conferences
and videos



Parody of Joe Camel



Was it legal? Ethical?

Did RJ Reynolds
approve?

Does it matter?

THE SURGEON GENERAL WARNS THAT
CIGARETTES ARE SOLD BY CORPORATIONS
WHO DON'T CARE IF YOU LIVE OR DIE.



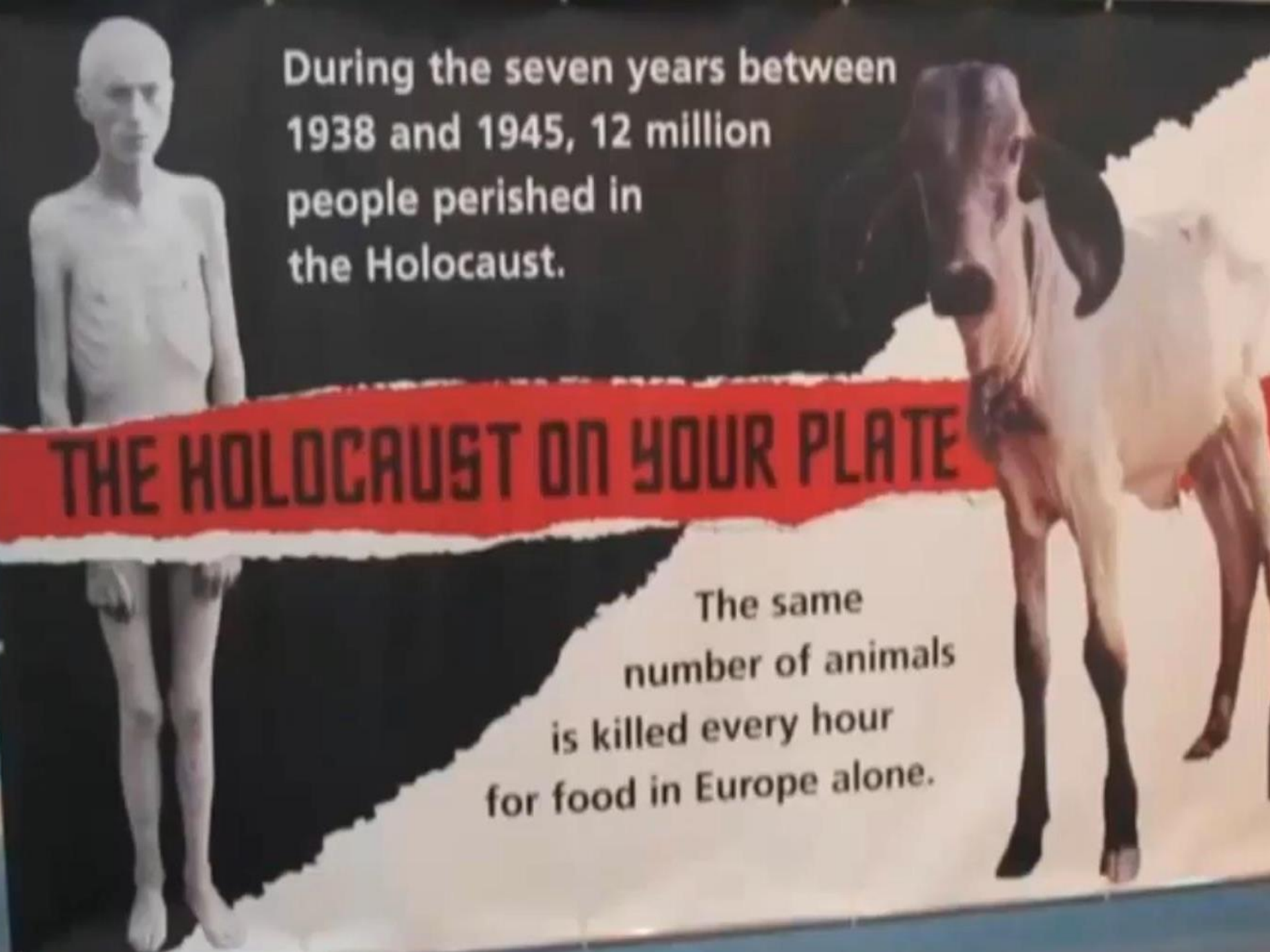
Ethical reasoning

- “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.



Thank you



Examples of ethical dilemmas

- Journalists -- Protecting sources, identification of private people, conflicts of interest
- Advertising & PR – Cultural differences, misleading or demeaning advertising
- Media production – Invasions of privacy, graphic images, copyright issues

Ethics hypotheticals 2

- A photographer for the newspaper has taken a very strong photo of the face of a middle aged woman at the scene of a fire. You learn that she was a co-owner of the house that was on fire, and that her husband and three children were lost in the fire. The look on her face is so very strong because she is experiencing a great tragedy.
- The editors believe that the photo is too invasive, but the photographer feels it tells a cautionary story and would be good for fire prevention efforts. The photographer also believe this may win him a Pulitzer, and thinks it should run. What do you think?
- Use the Ethics Evaluation (above) as well as the SPJ Code of Ethics, Virtue, Duty, Utilitarian and Justice ethics and (also if you think it's appropriate) your religious and ethical traditions.

- You have been asked to help with a GoFundMe campaign for an inventor who says he can turn radioactive waste into harmless water with a secret process. He wants to raise investment money for his company, which he says is a non-profit and therefore eligible for charity donations. He won't provide any proof for his claim, and says if he does, someone might steal his invention.
- Clearly, the guy is out to make a buck, but what's wrong with that? Maybe it's true that he has a process – You're no scientist. Besides, he's offering a commission of 25% on donations to his research.
- Evaluate the situation from the standpoint of the American Advertising Federation Code of Ethics; from the standpoint of Virtue, Duty, Utilitarian and Justice ethics; and (also if appropriate) your religious and ethical traditions.

Ethics hypotheticals 2

- Describe or restate the problem in its context
- Identify stakeholders and their goals
- Identify the relevant professional, traditional and moral ethical codes
- Consider a variety of possible decisions
- Apply balancing tests to determine which of the ethical codes can best guide the decision
- Explain / defend your decision

Pro Ethics - Journalism

- Society of Professional Journalists SPJ
- Prescriptive: Seek the truth and report it; Minimize harm; Act independently; Be accountable.
- Proscriptive: Do not plagiarize; Do not lie; Do not hurt people; Do not accept gifts or favors; Don't be afraid of criticism; Don't be afraid to discuss and defend your work



Review 2 – Mid Term

Libel hypothetical -- Explain the legal issues and recommend a legal strategy for this hypothetical. Use a systematic analysis: Are the 5 elements present? Can any of the 3 main defenses be applied? Is the plaintiff public or private? What cases are similar to this? Should you mitigate or move to dismiss?

A Virginia Tech coach is arrested and charged with theft in connection with an incident involving a player on his team. On your New River Courier web page, you run a video of the arrest showing the coach being led away in handcuffs along with a photo of the formal charges. Two days later the police drop the charges and say it was all fake news and that the media should never have covered the story. Now the coach is filing a libel suit against your organization. Do you need to apologize? How likely is the coach to succeed in a libel suit?

Review – Libel hypotheticals

- The student government association president tells the student newspaper editor that she doesn't have permission to quote the SGA president in the student newspaper from an open session of the SGA. Even though the quotes are accurate, and do not hurt anyone's reputation, the SGA president hopes to control what the reporter writes with her threat of a libel suit. How worried should the editor be ?
- The Blessed Punks, billed as a Christian folk rock group, play on campus, and the review for your student publication says that the only religious part of the experience was the wailing of damned souls coming from the stage. The university decides not to invite them back, saying students didn't like them, and citing your review. They sue for libel. Are you in trouble?
- A retired high school teacher, Mary Sue Smith, is arrested and charged with shoplifting. She suffers ridicule from other teachers in the area. You publish the story and the facts are recorded accurately from the police blotter. She sues for invasion of privacy and libel.

Review – Libel hypotheticals 2

- Lets say the same high school teacher is inaccurately identified on your web site. Its not Mary Sue Smith, it's Mary Roberta Smith. You check the police blotter and sure enough, you made a mistake when you wrote down the name. You had a few days to check it, but you didn't. So now Mary S. Smith is suing for libel. What do you do?
- In court testimony, the president of your university says that Frank Mann, a scientist at your university, has been engaged in criminal fraud for using state funds to pursue research into climate change. You publish the story accurately, and meanwhile, the university president backs off and says it was all just a misunderstanding. Now the professor is suing your publication for libel. So are you in trouble in this libel case?
- An article accusing the mayor of dealing drugs has appeared on one of your news organization's blog sites. As the editor, you ask a part-time reporter about it, and it turns out that the allegations were made by a confidential source. The reporter didn't believe they were true, but he didn't like the mayor and he thought it was his duty to publish the source's opinions. What do you do?
- An advertisement for a local Tea Party group during an election accuses a democratic state legislator of "high treason." The reason for the accusation is the legislator's support for gay rights and opposition to gun rights. Is it libel? What should you do?
- A video of a security guard being arrested and handcuffed on charges of child molesting is shown on your news program. You report only the facts of the arrest, but it turns out that the arrest was the result of a parent's complaint about a shoplifting search. The charges against the guard are dismissed, but she is so embarrassed that she sues your organization anyway in an attempt to recover her reputation.

Privacy hypotheticals

- Someone in your university's public affairs department takes pictures of students and puts up a billboard to advertise the school. However, they did not get permission, much less a signed "model release," from the students. Can the students sue and recover damages?
- You're writing a story about a sexual assault, and you have the victim's name from a police report. Do you print the name? Why or why not?
- Let's say you do print a sexual assault victim's name accurately from a police report, and he feels like his rights to privacy were violated and he sues you for invasion of privacy. Does he have a case?

Privacy hypotheticals 2

- You're working on an ad campaign for a new gated community development, and learn that a famous rock star has already bought a lakefront lot. The star does not want to endorse the development, but you know that sales will skyrocket if you somehow work him into the ad. Should you do it?
- A student running for SGA president has AIDs. You know this for a fact, and you check with the student, and she confirms it but does NOT want that information out there. What do you do?
- You obtain a video of a married celebrity film star having a romantic moment with someone who is not her spouse. The video seems to show passion and even has some nudity. This is really going to get your show known. Should you use it?

Al-Islam

**Voluntary submission to God
Performing the five pillars of Islam**

Al-Iman

Belief in the six articles of faith of Islam

Al-Ihsan

**Attaining perfection or excellence
Deployment of righteousness on Earth
Doing good things to people and benefit them
Advocating for the oppressed and the vulnerable
And others...**

Reuben M. Greenberg



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

-- Chief of Police, Charleston SC
1982 – 2005

On a hot morning in Charleston SC, Chief Reuben Greenberg worried that a daily newspaper reporter would follow orders from his editors not to write about a civil rights demonstration taking place at city hall. He reminded the reporter that ethical journalism meant acting independently and following one’s conscience rather than blindly following orders. The reporter wrote the article. It infuriated editors at the Charleston Post-Courier, who did not publish it. The article appeared a day later in the New York Times.

Pro Ethics - Ad, PR

- PRSA, Advertising Federation
- Prescriptive: Tell the truth, substantiate all claims, follow the law and regulations (FTC, FDA, etc)
- Proscriptive: Don't lie, don't cheat people, don't offend good taste or public decency.



Pro Ethics – Digital Prod.

- Radio TV News Directors Assn.
- Other media societies and organizations



Why be ethical?

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