Assoc. Prof. Dr. & Dr. Honoris Causa

Sabahudin Hadžialić

**Media ethics in professional journalism:**

**ETHICAL THEORIES WITHIN MORAL JUDGMENT**

*Deontological theories (based on duties); Teleological theories (based on consequences) and Virtue theories, that is represented by Aristotle’s golden mean.*

**Deontological Theory**

It is based on duty and accent is on practice based on principle or based on certain moral values, regardless on good or bad consequences of this practice. Most famous deontologist is Immanuel Kant.

By the reason that the accent has been put on the rules and because of devotions to the duties, deontological theories are sometimes called “absolutistic” ones, because they do not admit exceptions. According to this approach, journalists, for example, does not have justification to use the lies to get the information…but, when journalist refuse to notify about the names of their sources in front of the Court, even if those sources have information which can help to prove the innocence of the accused one, it can be defined special rule that requests revelation of the names on the basis of justice towards the accused one. This situation illustrated one of the deficiencies of the theory based on duties. In a case in which there is a conflict between two equally good rules, deontologists have a problem to solve moral plot. Example was [Hinc, about whom](https://www.eurasiareview.com/28052019-media-ethics-in-professional-journalism-ethics-and-moral-judgment-essay/) we wrote earlier, isn’t?

*Teleological theory
(based on consequences)*

Teleological theory – based on consequences – has a starting point within the stand that the most correct ethical decisions are those which produces the best consequences. Within this theory, in comparison to deontology, there is no question if some practice or politics good or bad, but they asks if it gives positive results.

For example - ”Right of the public to know” – to publish illegally recorded conversations

* Focusing on decrement of the damage – journalist has a moral obligation to inflict only damage which is necessary to put the news within the certain context.

This theory is more flexible from the theories based on duties and has bigger broadness within the proposing of the solutions in difficult situations. However, there are opponents of this theory who says that this theory is relying too much on unknown results and predictable powers of moral agents. How, for an example, we can know that government decision not to publish the key information that is related to the state security will be in the best interest of the people. Another admonition on this theory is that does not take into the consideration always special obligations towards individuals or small groups that might be in conflict with ours moral duties towards the society as the whole.

*Virtue Ethics
Goldean Mean*

Virtues Ethics – Aristotle’s golden mean – It gives moderate solutions in the cases in which are visible utterly positions, out of which none cannot give satisfying results. Illustration of *“golden mean” – virtue theory* is visible on embargo on broadcasting of indecent material on radio and television during the day when is a really huge possibility that children are watching and/or listening the program.

*INVESTIGATIVE JOURNALISM
AND ETHICS*

Is eliding ethical breach equal to lying?

Do I need to accept censorship within the crisis?

Can it be justified that your article is written by somebody else?

Is it allowed to cooperate with “hostile” media?

Investigative journalism within the long-term and thoroughly follows certain phenomenon and usually deals with misuse of power, disrespect of the laws, corruption, violation of human rights and other pathological phenomenon in the society. Highlighting from different angles of that kind of phenomenon is the foundation of investigative journalism. Holding a certain moral position in investigative journalism is the rule and not an exception.

Opposite to that is so call pseudo-investigative journalism as the product of Tabloidization of the media – inheritance of the fast publishing of unchecked information, unfounded speculation or disproportionate use of unnamed sources in relations to the named ones.

* *Truth in professional journalism*

There are a lot of proofs that as the society in general we are watching on the world from the perspective of the growing moral relativism. Even those among us who does not approve lying, very often consciously are not ready to publicly admit existence of the clear line between the truth and the lie. Aside of that, looks like less and less we are judging those who are lying. Usually, we are saying “That is not my problem”. Let us consider a student training about Bill Clinton, president of USA and sexual intercourse him with Monika Lewinsky: There were two groups – one as advisers of the president and another one – journalists from Washington. Although there were certain differences between the groups, all of them agreed that is not of importance that information they provide or writes true or lie. Clinton’s advisers said that is not important if their boss telling a truth. *It is not their problem!* Journalists said that it is not important if their “sources” are telling the truth neither if the reports in other media are correct. *It is not their problem!* None of the groups accepted responsibility for helping in spreading of disinformation, even when it appeared that their information were inaccurate ones. Looks like we are living in the world of limited truth.

Let us just mentioned few very important things in regards the truth in professional journalism:

* Telling the truth does not need moral justification and moral excuses, but for telling of the lie and doing deception there is a need for that:
* Truth is essential important for democratic processes and democracy depends on informed citizens and when media is not loyal to democratic mandate to service political and economic system that made possible their existence, than they are becoming to be culturally dysfunctional and withholding vitality to the system.
* Standards of the journalistic truth are
1. Reporting must be authentic, and all the facts has to be checked;
2. Besides authenticity, the journalistic story must promote understandings and appreciation;
3. Article must be honest and balanced.

Disturbing tendency that jeopardize all three mentioned standards is the bustle of the media to bring the judgment when they are elaborating some sensationalistic story. Sometimes it is called general frantic or mentality of the herd.

* *Confidentiality principle*

1. Journalist confidentiality is protected by freedom of expression. There is thus a presumption that journalists should not be forced to disclose information.

2. The guarantee of confidentiality applies to both professional journalists and material produced for regular publications or broadcasts, particularly where the subject matter is of general public interest.

3. Restrictions on the protection of journalist confidentiality may only be justified on the following grounds: national security, public order, prevention of crime or the rights of others.

4. Any restriction must, in addition to being based on a legitimate ground, satisfy the following three part test: i) the information sought cannot be obtained elsewhere; ii) the information must be highly relevant for the purpose for which it is sought; iii) public interest in the information significantly outweighs the harm to freedom of expression of the disclosure.

A number of general principles regarding journalist confidentiality may be drawn from international human rights treaties and the *Goodwin* case. First, protection of sources and other confidential information clearly engages freedom of expression. This means that any requirement to divulge information must be based on the limited and specific exceptions to freedom of expression recognised under international human rights law. Second, an important rationale for this protection is the right of the public to receive information and ideas. Thus, anyone who is disseminating material of significant public interest is protected. Third, any requirement to divulge information must be necessary in a democratic society. Given the importance of media freedom, this requires an overriding public interest in the information. Only information which is highly relevant and cannot be obtained elsewhere could satisfy this test. In addition, the benefit of disclosure must outweigh any harm to freedom of expression from disclosure.

The G*oodwin case* involved a civil trial where the balance was between the general interest in freedom of expression and the ability of an individual company to protect its commercial interests. Although it is a matter of some public concern that individuals be able to use the law to protect their interests, it will be rare that this is of sufficient weight to override the freedom of expression interest in protecting sources. It is noteworthy that the House of Lords, deciding Goodwin's case at the national level, focused on the risk to the livelihood of the Tetra's employees, suggesting only a broad social interest could justify forced disclosure of sources.

In a criminal case the analysis would be slightly different, requiring a balance between the interest in convicting a wrongdoer and the general public interest in freedom of the media. The information would need to be of seminal importance and the case serious for disclosure to prevail. Where a public order or national security interest was in the balance the calculation would again be different.

Let us just mention one example: „Property taxes will be doubted next year, a city official said today.“ This is not like a burned building out there for everyone to see; it is a report of what somebody said. How do we as audience members check it out? We can't, really, so we recognize that the source of the statement is very important to the story itself. Also, as the argument goes, is a reporter promises a source not to reveal his or her name, then it is incumbent on the reporter not to so. In addition to ethical problem with breaking the promise, there is a practical problem of possibly losing that source for future stories. In any case, the revelation of sources is a real problem in journalism. Who said something is, indeed, important – sometimes very important? But, on the other hand, what was said was indeed said, regardless of who said it. But I agree with an opinion that the importance of naming sources outweighs the importance of hiding sources. For in the last analyses the source’s name is an integral part of the story and, therefore, ideally should be included.

* Conflict of interest

When it comes to conflicts of interest in journalism – whether real, potential or perceived – the rules are usually simple. They’re framed around the principle that audiences (and management) need to know if a reporter, presenter or editor might be influenced by any commercial or personal relationship with another individual or organization.

Simply saying – conflict of interest is the conflict between loyalty to the profession and external interests, which distort credibility of moral agent.

Problem with ethical behavior in professional journalism is that potential conflict usually starts from the top – from the owners of the media. Namely, mass media is big business and are depending on advertisers. Opposite to Editorial board equation is the commercial one. Many advertisers, and especially big corporations might become one day the subject of the news. It is very difficult to serve two masters.

Conflict of interest is accepting a gifts and services from interested parties and their sources.

Conflict of interest is when professional journalist accepts free travels with candidates about whom they are writing.

Conflict of interest is “journalism of checkbook” – and it is called like that by the side of ethical journalists – and raise the questions like “should truth be paid?” or “should that jeopardize journalistic independence, an put paid information on unjustified high level position comparing with those information received from other sources?”

Conflict of interest also might be personal relations between journalist and those about whom they are writing. It is difficult to keep professional distance in that case.

There is another issue that might be considered as well. Journalists as citizens, because journalists are citizens as well. They cannot ban themselves from the culture which raised them and in the same time canons of journalistic professions insists on a healthy measure of having distance and neutrality. It is for sure that is no clear line between those confronted loyalty of citizens obligations against professional obligations. In these circumstances, journalists must rely on moral reconsideration and common sense.

Of course, there is not anywhere simple and précised solution for avoiding of any kind of conflict of interest, but the following approach of three phases might be of help as guide through the moral maze and insert some common sense into the process of moral judgment:

1. The goal must be to avoid personal conflicts which might violate professional obligations of professional journalist. For example, those who are supporting duty theories (deontologists) would avoid predictable conflicts out of principle. But, adherent ones of teleological theory would solve dilemma through the analyzing of the potential damage from various sides that comes out because of the conflict.
2. If the conflict cannot be predicted, efforts might be invested to solve the dilemma, even afterwards. For example, publishers cannot predict that the company which shares they own might become a subject of the official investigation. But, if their newspaper reports about that, they should get rid of shares to avoid making impression about conflict of interest.
3. If conflict of interest cannon be avoided, public and clients should know about that. For example, professional journalists who are travel writers who are relying on services and financial support of touristic industry should say who their sponsors are. Aristotle’s golden mean is sometimes useful in application of this third principle because it gives reasonable solution between unrealistic moral purism and open ignoring of the public right to know about the conflict of interest.

Question to think about:

**Is the investigative journalism the seek for the truth no matter what or seek for the confirmation of someone’s need to present the truth in ethical way, or...?**

Next: Media ethics and professional journalism: *Media literacy and professional journalism*