

Ethics and Moral Reasoning

MORAL REASONING AND ETHICAL DECISION MAKING

Discussions about religion and politics are sure to liven up any party. Ethics deserves a place on that list. Everyone has opinions about unethical and immoral conduct, and arguments about morality usually produce more heat than light. When ethical issues are confronted in the classroom or in professional media seminars, the discussion often degenerates into passionate appeals for press rights or sympathy for the victims. Judgments are not well reasoned. In other words, they lack moral foundation.

Moral reasoning is a *systematic* approach to making ethical decisions. Like other forms of intellectual activity, it takes the form of logical argument and persuasion. Because ethical judgments, as we have seen in Chapters 1 and 2, involve the rights and interests of others, these decisions must be made with care and must be defensible through a reasoned analysis of the situation. An individual unschooled in the process of moral reasoning might assume that questions of ethical conduct, like those of personal taste, are nothing more than matters of opinion. Imagine trying to convince someone through rational argument that he should prefer colorful sports coats to more traditional blue business suits. Such an undertaking would

be an exercise in futility, because we cannot argue reasonably about matters of pure taste or opinion. We can, however, deliberate rationally and persuasively about moral judgments.¹

But moral reasoning consists of more than just offering reasons for our beliefs, opinions, and actions. After all, not all reasons are valid ones. Moral reasoning is a structured process, an intellectual means of defending our ethical judgments against the criticisms of others. This does not mean that reasonable people cannot disagree about the correct solution to an ethical dilemma. Two different moral agents may, through proper reasoning, arrive at opposing but equally compelling conclusions about the most virtuous course. The beauty of moral reasoning lies in the journey, not the destination.

Knowledge of ethical principles is important, but the application and defense of these rules of conduct in the drama of human interaction are at the core of moral reasoning. In other words, an attempt at moral justification is successful if it can be vindicated on rational grounds.

But if moral reasoning is such a deliberate process—after all, thinking and analyzing are time-consuming—how can media practitioners (or harried managers and employees in other lines of work, for that matter) who perform under deadline pressures expect to apply it? That, of course, is the purpose of teaching moral

reasoning techniques to aspiring practitioners within the relative tranquility of the classroom. The consciousness-raising and training that occur there should help the student confront moral dilemmas in the real world with more confidence. In addition, knowledge of moral reasoning principles provides a framework within which moral agents, once they have made ethical judgments, can review them with an eye to improving their performance in the future. Some consistency in decision-making will result, thus replacing the case-by-case approach that so often characterizes classroom discussions of ethical issues. However, one word of caution is in order: No approach to moral reasoning, no matter how structured or thorough, is a guarantee of success in ethical decision making under all circumstances.

Despite the rather untidy circumstances of some ethical dilemmas, the process of moral reasoning can be carried out if moral actors have knowledge and skills in three areas: (1) the moral context, (2) the philosophical foundations of moral theory, and (3) critical thinking. Each of these areas is important in its own way and plays an indispensable role in the moral reasoning model outlined later in this chapter.

THE CONTEXT OF MORAL REASONING

The making of ethical decisions does not take place in a vacuum. Moral agents must understand the *context* within which the dilemma has arisen. Before their powers of reason can operate at optimum efficiency, they must understand the issue itself, the facts of the situation, and the values, principles, and moral duties inherent in the case. In other words, the context consists of all of the factors that might influence an individual's resolution of a moral dilemma.

For example, White House press secretaries who knowingly disseminate "disinformation" to reporters to protect the security of delicate foreign policy negotiations not only must be

thoroughly familiar with the facts that might justify such deception, but also should keep in mind the societal proscriptions against lying and be prepared to justify their actions on some higher moral ground. But the general societal norms aside, they should also be aware of the standards of ethical conduct expected of government officials in these circumstances and the particularistic moral duties that govern their behavior. After all, these expectations do change over time, as evidenced by the recent heightened sense of moral indignation in Washington over conflicts of interest.

The context of an ethical dilemma might involve making decisions about either our personal behavior or our professional conduct. Lying to a friend, for example, involves different considerations than using deception in gathering a news story. Even an ethical purist might be forced to admit that lying is permissible in extreme circumstances, such as to prevent harm to another. But the justifications for this deviation from societal norms would be different for a media practitioner than for others operating within a dissimilar environment.

Contextual factors are often culturally determined, whether through association with a close circle of friends or through the "culture" of the newsroom. Company value systems and behavioral codes cannot be ignored in rendering moral judgments. Before promising confidentiality to a news source, for example, a reporter must be guided by company policy on the matter as well as the views and advice of professional colleagues. Likewise, decision makers must consider certain competitive and economic pressures that are common to media institutions. All of the considerations that are unique to a particular dilemma constitute the context of the ethical case.

Thus, before moral agents can argue rationally about media ethics, they must know something about the environment—that is, the social and cultural context—within which the media operate. They must bring to the decision-making process at least a minimum body of

knowledge about the media. Otherwise, it will be difficult to evaluate the strength and legitimacy of the arguments put forth in defense of moral judgments made by media practitioners.

THE PHILOSOPHICAL FOUNDATIONS OF MORAL THEORY

Many philosophers, both ancient and contemporary, as well as the ethical traditions they represent, have had a profound impact on the moral evolution of Western civilization. In the next few pages, we shall briefly encounter a few of the most significant. And while they may vary in substance, the reality is that each has contributed in some way to what might be referred to as the individual's *moral sense*.

The Greek Connection

Most would agree that the study of ethics had its genesis in the glory of ancient Greece. The Greeks, beginning with Socrates, believed that there are moral absolutes and moral knowledge and that they can be discovered by intellectually and persistently curious citizens. Or, to put it more delicately, virtue is not imprinted on our genetic code at the moment of conception. It requires individual initiative, emotional stamina, critical reflection, and a great deal of determination. The Greeks would have been uncomfortable in a society without moral anchors. Those who share this vision are Greek, at least philosophically, if not through ethnic lineage.

Socrates (ca. 470–399 B.C.) believed that virtue could be identified and practiced. He was dissatisfied with his contemporaries' opinions about moral conduct and wanted to discover those rules that could be reasonably supported. He believed that anyone, through careful reflection, could arrive at some insights into these rules.² Although he did not pass on a philosophical system of his own, his "Socratic dialogues" were a significant contribution to what

we now refer to as moral reasoning. Of course, he would have been unnerved by the contemporary media environment, in which diatribes are as common as dialogues and reason often falls prey to intemperance.

Socrates's disciple, Plato (ca. 428–348 B.C.), argued in *The Republic* that justice is achieved through the harmony of wisdom, temperance, and courage. Translating into practice this philosophical observation from the ancient sage, we might say that moral conduct should be based on *experience and knowledge of the world, moderate behavior* as the means of achieving sound ethical judgments, and the *courage* to live up to those judgments. Plato believed that "good" was a value independent of the standards of behavior prevalent at any moment in society. An individual would be justified in defying conventional wisdom in the name of some higher moral good, even if that meant social ostracism. Thus, we might note these ancient seeds for the justifications that media practitioners (and other moral agents) sometimes use for behavior that runs counter to societal norms.

Aristotle (384–322 B.C.) was for many years a student of Plato, but he was more pragmatic in dealing with the world as he found it. He believed that moral virtue was obtainable but that tough choices had to be made in the process. The exercise of virtue, according to him, is concerned with means. Thus, the ends do not necessarily justify the means.

Aristotle's moral philosophy, sometimes referred to as *virtue ethics*, is based on the theory of the golden mean. He believed that virtue lay between the extremes of excess and deficiency, or overdoing and "underdoing." For example, courage is the middle ground between cowardice and foolhardiness. Pride is the mean between vanity and humility.³ In contemporary journalism such concepts as balance and fairness represent the golden mean. Likewise, the banning of tobacco ads from radio and TV and the placement of warning labels on cigarette packages are a mean between the extreme of outlawing tobacco altogether and the other extreme of

doing nothing to counteract the harmful effects of the product.

But Aristotle admitted that not every action could be viewed in terms of the golden mean: "The very names of some things imply evil—for example, the emotions of spite, shamelessness, and envy and such actions as adultery, theft, and murder."⁴ In other words, some actions are always wrong, and there is no mean to be sought. Thus, Aristotle's theory of the golden mean is helpful in resolving many of life's difficult ethical dilemmas, but not the ones in which certain actions are clearly wrong.

Aristotle's virtue ethics emphasizes character. The development of a virtuous individual is the goal, not moral conduct in a particular situation or according to a specific rule. Aristotle believed that virtue was achieved through habit, which is perhaps an ancient expression of "practice makes perfect." Through repetitive moral behavior, the notion of "good" is inculcated into the individual's value system. Thus, moral virtue becomes a way of thinking as well as a way of acting. Without perhaps being aware of it, Aristotle made a major contribution to moral reasoning, because the practice of moral reasoning, if it becomes habit-forming, can realign one's way of thinking about ethics. This, at least, is one of the goals of this book.

ETHICAL PERSPECTIVES AND TRADITIONS

In addition to the Aristotelian focus on character, other ethical perspectives and traditions have evolved under the tutelage of both ancient and contemporary philosophers. Some of these are fully formulated guidelines for ethical decision making; others have simply added specific ideas and perspectives on what it means to be an ethical person or how ethical standards are determined. Space does not allow for a complete listing of the full array of ethical traditions or a complete delineation of those described in the following text. Nevertheless, those discussed here

are representative of the most influential ethical traditions and perspectives.

Care-Based Ethics

Care-based ethics is the foundation of the world's major religions, including Judaism, Christianity, and Islam. Each has its own unique expression of this ideal, but the most familiar manifestation of care-based ethics is the Golden Rule: *Do unto others as you would have them do to you*. Care-based ethics is characterized by a feature philosophers refer to as *reversibility*. This is a classic case of role-reversal in which we are asked to put ourselves into the shoes of others and ask how we would like to be treated if we were the recipient rather than the perpetrator of our actions.⁵

Putting love for others first is the guiding principle of this form of ethical behavior. The fundamental creed of the Judeo-Christian tradition, for example, is the admonition to "love thy neighbor as thyself." The Judeo-Christian ethic is characterized by a love for God and all humankind. According to this notion, all moral decisions should be based on a respect for the dignity of persons as an end in itself rather than merely as a means to an end. All individuals—rich and poor, black and white, famous and ordinary—should be accorded respect as human beings regardless of their status in life.

Although the Judeo-Christian ethic sounds rather utopian, it offers some practical advice for moral behavior: Regardless of the approach we use to render ethical judgments, we should treat those affected by our decisions with dignity. In other words, the philosophy of respect for persons should underlie all ethical decision-making. This advice certainly has relevance for journalists who scrutinize others' affairs and subject them to the glare of public examination.

Kant and Moral Duty

The eighteenth-century German philosopher Immanuel Kant ushered in the modern era of ethical thought. Kant's theories were based on

the notion of duty and what he referred to as the *categorical imperative*. In *Foundations of the Metaphysics of Morals*, he wrote, "I should never act in such a way that I could not also will that my maxim should be a universal one."⁶ In other words, moral agents should check the principles underlying their actions and decide whether they want them applied universally. If so, these principles become a system of public morality to which all members of society are bound.

Kant believed that moral behavior was measured by living up to standards of conduct because they are good, not because of the consequences that might result. He argued that although individuals should be free to act (a fundamental requirement for a system of ethics, as noted in Chapter 2), they have a responsibility to live up to moral principles. Because Kant's theories emphasize duty, his ideas are sometimes referred to as duty-based moral philosophy. In other words, one has a duty to tell the truth, even if it might result in harm to others.

Kant argued that we should respect the autonomy of others and should never treat them as means to our ends. But how can one respect the dignity of another while at the same time obeying the rule to tell the truth if it might injure the other party? Kant knew quite well that obeying universal rules of conduct could result in harm to others. However, a reasonable interpretation of his writings is that he believed that we should never treat such persons exclusively as means and should accord them the respect and moral dignity to which everyone is entitled at all times.⁷

Kant believed that one's motives for acting must be based on acceptance of the duty to act rather than just on *performing* the correct act. The intent of the act is as important as the act itself. A public relations director who releases to the media truthful but damaging information just to injure a competitor would not, in Kant's view, be acting from sound motives. Likewise, an advertiser that avoids deceptive commercial messages just to escape detection by the Federal

Trade Commission cannot be said to be acting from any sense of moral duty.

Some wonder how Kant's absolutist view of the ethical landscape can be applied in today's complex society. A more liberal interpretation of Kant, one that still pays homage to his sense of moral duty, is that universal ethical principles—for example, truth telling, fairness, and honesty—should be obeyed unless there is a compelling reason for deviating from the norm. In addition, some contemporary duty-based philosophers have come to accept consequences as an important consideration in ethical decision-making, as long as such consequences are not the primary determinant of one's moral behavior.⁸

The Appeal of Utilitarianism

Another approach to morality, one that is popular in contemporary American society, is the idea of utilitarianism. Two nineteenth-century British philosophers, Jeremy Bentham and John Stuart Mill, are credited with introducing utilitarianism into the mainstream of modern Western ethical thought. Mill's version of this philosophy is often referred to as creating the greatest happiness for the greatest number of people. Later utilitarians have argued that happiness is not the only desirable value and that others should be considered as well.⁹

However, all versions of utilitarianism have one thing in common: They are concerned with the *consequences* of an ethical judgment. Rather than looking at the intention behind the act, as Kant suggested, one must explore the best outcome for the greatest number of people.

A case in point is a rather unusual situation that arose in Juneau, Alaska, in which two reporters searching a courthouse trash can discovered copies of a court clerk's notes on grand jury proceedings that were still under way. Of the four newspapers to which they offered the information, three refused to publish it, because they did not want to violate the integrity of the grand jury's secret proceedings. The editor of the fourth paper, however, had no such

qualms and published the story. His job was to learn what was happening, according to the editor, and tell his readers,¹⁰ thus suggesting that he had breached grand jury secrecy because of the utility of the information to the public.

Likewise, reporters who use deception to uncover social ills often appeal to the principle of utility on the ground that, in the long run, they are accomplishing some moral good for the public they serve. In other words, the positive consequences for society justify the devious means used in gathering the information.

Ethics as a Social Contract

While the notion of a social contract traces its lineage to the ancient Greeks, it is most famously related to the Enlightenment and the writings of such luminaries as Thomas Hobbes, John Locke, and Jean Jacques Rousseau. The social contract originated in political theory, but it has moral dimensions as well. It begins with a very simple premise: The purpose of morality is to enable us to live together. Unbridled individualism is antithetical to communal living. Thus, society's inhabitants must reach agreement on a set of principles that is conducive to peaceful coexistence or, even more idealistically, cultural harmony. We are free to do as we please as long as we do not harm others or cause serious social disruption. However, a perpetual problem is how to balance individual freedom against society's expectations. The issue of euthanasia is a case in point.¹¹

Unlike some ethical theories that are inspired by outside forces such as God or nature or theories that hold certain values (such as truth or honesty) to be inherently good and universal, the social contract is strictly conventional. The ethical norms are respected as long as society agrees on their value or utility. (Imagine, if you will, a society in which all members agreed that lying is preferable to telling the truth.) Thus, some ethicists argue that the social contract is morally deficient because it is

incapable of envisioning or producing timeless ethical principles.

Nevertheless, the appeal of the social contract lies in the fact that it is quite egalitarian because the voice of each member of the moral community, at least in theory, is represented (if not always influential) in the formation of this contract. Under the contract, all individuals should be treated equally in terms of rights and opportunities. One contemporary version of the egalitarian idea is outlined by the philosopher John Rawls in his book *A Theory of Justice*. Rawls recommends that self-interested individuals enter into a social contract that minimizes harm to the weakest parties. They should step into what he calls an "original position" behind a hypothetical "veil of ignorance." They are temporarily deprived of knowledge about themselves that is likely to influence judgments in their favor, such as sex, age, race, and social standing.¹² In general, the public realm is characterized by reason, impartiality, and justice, the private realm by emotion, particularity, and caring. Minority views are to be accorded the same standing as those of the majority. Behind this veil individuals who have some stake in the outcome of an ethical dilemma propose their own principles of justice for evaluating the basic social and political institutions of their society. When the veil is lifted, they are asked to visualize what it would be like to be in each of these sociopolitical positions.¹³ The goal is to protect the weaker party in the relationship and to minimize harm. This process forces self-interested moral agents to think impartially and to consider the views of others without regard to their own cultural biases. Thus, ethical decisions can be made independently of social, political, economic, and other distinctions.

A case in point is the TV executive (the powerful party) who decides to air commercial-free programming for children (the weaker party) out of respect for the psychologically vulnerable youthful segment of the audience. In such cases, the moral agent accomplishes a noble objective while justifying his decision economically

by having the commercial lucrative fare subsidize the sustaining programs directed at children.

This veil of ignorance, though perhaps a romanticized parable, encourages the development of a system of ethics based on equality according to what individuals deserve rather than special privilege. This is an egalitarian idea, an admonition that king and knave alike must submit to the throne of moral judgment and that justice should not be meted out arbitrarily. In other words, there should be no double standard of ethical treatment *unless there is an important and morally defensible reason to discriminate*. This principle is particularly relevant to journalists, who must make decisions about news coverage of individuals of diverse backgrounds, from the famous to the ordinary.

Feminist Ethics

Historically speaking, feminist ethics is a relatively new field of inquiry and at first glance may evoke images of moral behavior based primarily upon our biological predispositions as males or females. Or as one ethicist who has explored this issue thoroughly inquired: *Is there something distinctively male about ethics, or about the way in which we currently understand ethics? Is ethics really something that can properly take forms that differ according to gender?*¹⁴ While some feminist ethicists have explored these enticing questions,¹⁵ feminist ethics is primarily a critique of traditional theories of ethics and morality.¹⁶ It is an attempt "to revise, reformulate, or rethink those aspects of traditional western ethics that deprecate or devalue women's moral experience."¹⁷

Feminists complain that traditional accounts of ethics are deficient because they focus primarily on the public realm, our political and social interactions in the marketplace, rather than the private domain of interpersonal relationships. This occurs, in the feminist view, because conventional theories of ethics (formulated, incidentally, by males) omit some important concerns.

Take, for example, the following dichotomies: *reason versus emotion, impartiality versus attachment, the public realm versus caring*. In general, the public realm is characterized by reason, impartiality, and justice, the private realm by emotion, particularity, and caring. Feminist ethicists assert that traditional theories are concerned only with the first in each pair of these dichotomies but that both are essential to a fully developed moral life.¹⁸

The feminist critique has made a valuable contribution to the study of ethics because it reminds us of the complexities of our moral development and the connectedness of our public and private lives. In this respect, feminist ethics has expanded our ethical horizons and can provide some valuable insights for media professionals. The moral environment of practicing journalists, for example, is usually typified by reason and impartiality, but there are times when emotion and attachment must surface as moderating influences. In fact, the readers of this book are admonished that, despite the preoccupation with moral reasoning in resolving the ethics cases at the end of Chapters 4–13, in the real world emotion and intuition are vital sources of the moral sense that animates our ethical behavior.

The Rise of Relativism

Partially in response to the absolutist ideas of Kant, a school of philosophers has arisen espousing the virtues of relative values. These thinkers have rejected the approach of basing moral choice on immutable values.

Bertrand Russell (1872–1970) and John Dewey (1859–1952) are the most notable proponents of this philosophy, sometimes referred to as "progressivism." Dewey, in particular, is credited with (or blamed for, depending on your point of view) convincing the public schools in the United States that they should not be preoccupied with inculcating moral values in their students. Of course, there are those who believe that this progressivist movement has worked to

the detriment of the moral stability of youth. This movement may also explain why, until recently, the teaching of ethics in public schools was looked on with suspicion.

Relativists believe that what is right or good for one is not necessarily right or good for another, even under similar circumstances. In other words, moral agents determine what is right and wrong from their own point of view but will not judge the adequacy of others' ethical judgments.¹⁹ Relativists have the attitude that "[I] determine what's right for me, and you can decide what's right for you."

Carried to its outer limits, relativism can lead to moral anarchy by which individuals lay claim to no ethical standards at all. A less extreme view, however, is held by those who believe in certain moral principles, such as telling the truth, but are willing to deviate from them if certain circumstances warrant. Thus, the term *situation ethics* has entered our moral lexicon.²⁰ Situationists decide on a case-by-case basis whether it is expedient to deviate from the rule. This is ad hoc decision making at its worst and can hardly be used as a model of ethical decorum. Professor Bert Bradley offers this negative assessment of situation ethics: "It appears that situation ethics has an unsettling ability to justify a number of diverse situations. It is not difficult to see how situation ethics can be used to rationalize, either consciously or unconsciously, decisions and actions that stem from selfish and evasive origins."²¹

John Merrill, one of the nation's leading scholars on the philosophy of journalism, agrees with Bradley. Writing in *The Imperative of Freedom*, he refers to this approach as "nonethics".

When the matter of ethics is watered down to subjectivism, to situations or contexts, it loses all meaning as ethics. If every case is different, if every situation demands a different standard, if there are no absolutes in ethics, then we should scrap the whole subject of moral philosophy and simply be satisfied that each person runs his life by his whims or "considerations" which may change from situation to situation.²²

ETHICAL THEORIES IN MORAL REASONING

From the foregoing discussion one could construct many different approaches to evaluating ethical behavior. But the perspective to which I am committed in this text is derived from three kinds of ethical theories, based primarily on the teachings of Aristotle, Mill, and Kant. Thus, the guidelines that will be used in the moral reasoning model presented later in this chapter fall into three categories: *deontological* (duty-based) theories,²³ *teleological* (consequence-based) theories,²⁴ and *virtue theories*, represented by Aristotle's golden mean.

Deontological (Duty-Based) Theories

Deontologists (derived from the Greek word *deon*, or "duty") are sometimes referred to as "nonconsequentialists" because of their emphasis on acting on principle or according to certain universal moral duties without regard to the good or bad consequences of their actions. The most famous deontologist is Kant. As noted earlier, his fundamental moral principle is his categorical imperative, which is based on moral rules that should be universally applied and that respect the dignity of people.

According to this duty-based theory, prohibitions against certain kinds of behavior apply, even if beneficial consequences would result. Rather than focusing on the consequences (after all, foul deeds might produce good results), deontologists emphasize the commitment to principles that the moral agent would like to see applied universally, as well as the motive of the agent. Thus, in this view Robin Hood would have been a villain and not a hero for his rather permissive approach to the redistribution of the wealth. Duty-based theories do not approve of using foul means to achieve positive ends. The moral agent's motives are important. According to Kant, people should always be treated with respect and as ends unto themselves, never as means to an end. Simply stated, *the ends do not justify the means!*

Because of their emphasis on rules and commitment to duty, deontological theories are sometimes referred to as "absolutist," admitting of no exceptions. Under a duty-based approach to ethical decision making, for example, reporters would not be justified in using deception in ferreting out a story, and Hollywood producers could not defend their use of gratuitous sex or violence just to achieve higher ratings or audience appeal. It is little wonder that many media practitioners dismiss this absolutist approach as unrealistic and even as a threat to their First Amendment rights.

Nevertheless, duty-based theories do have some advantages. First, concrete rules that provide for few exceptions take some of the pressure off moral agents to predict the consequences of their actions. There is a duty to act according to the rules, regardless of the outcome. Second, there is more predictability in the deontological theories, and one who follows these ideas consistently is likely to be regarded as a truthful person.

In addition, rules can be devised for special circumstances to take some of the ambiguity out of ethical decision-making.²⁴ For example, in cases in which reporters refuse to divulge the names of their sources to a court, even when these sources may have information relating to the innocence of a criminal defendant, a special rule might be devised to compel disclosure on the ground of justice to the defendant. Such rules would then have to be applied in all such circumstances, without regard to consequences in particular situations. The problem is that such rules often collide with other fundamental principles, such as the obligation to keep one's promises.

This situation illustrates one of the shortcomings of duty-based theories. In cases in which a conflict exists between two equally plausible rules, deontologists have a difficult time resolving the moral standoff. The "Heintz dilemma" described in Chapter 1, in which Heintz was trying to decide whether to steal an expensive life-saving drug for his terminally ill wife, is an

example of such a rule conflict. Deontologists do not provide very satisfactory solutions to this problem.

In addition, even when there is no rule conflict, it is sometimes difficult to apply general principles to specific unusual circumstances. For example, should a TV reporter knowingly broadcast false information at the request of the police to save the life of a hostage being held at gunpoint? Most of us would probably vote in favor of doing anything to save the life of the hostage, but strictly interpreted duty-based theories might suggest otherwise.

It can also be argued that moral duties cannot be separated from the consequences of fulfilling those obligations. For example, the reason that the duty to tell the truth is such a fundamental principle is that truth telling produces good consequences for society. And even Kant, despite his condemnations of consequential reasoning, sometimes acknowledges the link between universal moral duties and the positive consequences of carrying out those ethical responsibilities.²⁵

Nevertheless, from this description it would appear that the Kantian approach to ethical decision making is too uncompromising for the complex world in which we live and would thus not provide a sound theoretical foundation for moral reasoning. However, the contemporary interpretation of deontological morality reflects a more liberal attitude and suggests that we have a duty to obey specified rules unless there is a *compelling* reason not to do so. In any event the burden of proof is on the moral agent to prove that an exception is justified in extreme or rare circumstances, such as telling a lie to prevent a murder.

Teleological (Consequence-Based) Theories

Teleological, or consequentialist, theories are popular in modern society. They are predicated on the notion that the ethically correct decision

is the one that produces the best consequences. Consequentialists, unlike deontologists, do not ask whether a particular practice or policy is always right or wrong but whether it will lead to positive results.

There are, of course, variations on the teleological theme. At one extreme are the *egoists*, who argue that moral agents should seek to maximize good consequences for themselves. They should, in other words, *look out for number one*.²⁶ But as suggested in Chapter 1, egoism *should* be rejected as a viable avenue for moral behavior because it is based essentially on self-interest.

At the other extreme are the utilitarians, represented primarily by the writings of philosophers such as Mill. As noted previously, utilitarians believe that we should attempt to promote the greatest good (the most favorable consequences) for the greatest number of people. Utilitarianism is appealing because it provides a definite blueprint for making moral choices. When confronting an ethical dilemma, moral agents should analyze the benefits and harms to everyone (including themselves) affected by the decision and then choose the course of action that results in the most favorable outcome for the greatest number.

Appeals to the public interest to justify certain unpopular decisions by media practitioners is a contemporary manifestation of utilitarianism at work. Thus, a socially beneficial consequence is sometimes used to justify an immoral means. Reporters who accept illegally recorded conversations from news sources on the ground of the "public's right to know" are attempting to justify what they believe to be good consequences, even though the means of accomplishing the ends are rather questionable.

Another aspect of teleological theories, particularly utilitarianism—and one that is often overlooked—is the focus on minimizing harm. Consequentialists recognize that difficult moral choices sometimes cause injury to others. When news stories are published that reveal

embarrassing facts about private individuals, the potential for harm is great. On balance, the consequences for the public might be greater than the harm to the subject of the story, but the reporter has a moral obligation to inflict only the harm required to put the story into perspective. To do more would be merely an appeal to the morbid curiosity of the public. For example, a story concerning a malpractice suit should not include allegations concerning the doctor's personal life unless these facts relate directly to questions of the physician's negligence or professional competence.

The consequentialist approach to resolving ethical questions does have a certain appeal. It is more flexible than the duty-based theories and allows greater latitude in prescribing solutions in difficult situations. Teleological theories also provide a clear-cut procedure for confronting moral choices through listing the alternatives, evaluating their possible consequences, and then analyzing each option in light of its impact on others.

However, some people object to these theories on the ground that they rely too much on unknown results and the predictive powers of moral agents. How can we know, for example, that the government's withholding of vital information relating to national security will be in the best interest of the American people?

Another objection to consequentialism is that it does not always take into account the special obligations to individuals or small groups that may conflict with our moral duties to society at large. Media practitioners who are intent on producing the greatest good for the greatest number of people often overlook the needs of special audiences. This neglect results in a form of artistic majoritarianism, in which minority needs are slighted in the media marketplace.

Despite these objections, consequentialist ethics is a valuable tool in moral reasoning, because it does force us to weigh the impact of our behavior on others. It provides a rational

means for extricating ourselves from the confusion of rule conflict and thus helps to demystify the process of ethical decision making.

Virtue Theories: Aristotle's Golden Mean

Although duty-based and consequence-based theories differ in many respects, they have one thing in common: They are concerned with standards and principles for evaluating moral behavior. They focus on what we should do, not on the kind of person we ought to be. The ancient Greeks, on the other hand, were more concerned with character building than with what we think of as moral behavior. Plato and Aristotle viewed the acquisition of virtuous traits as central to morality. They believed that acts performed out of a sense of duty did not necessarily reflect a virtuous character. Theories that emphasize character are often referred to as virtue theories.

However, if virtue theories are directed at the building of moral character—a long-term proposition, at best—what relevance can they have for moral reasoning, which is a systematic means of arriving at ethical judgments in specific situations? How can virtue ethics assist us in confronting the moral dilemmas posed by the cases in this book?

Many writers in philosophy have rejected the idea that virtue ethics has an independent and primary status—that it can be useful in the process of moral reasoning.²⁷ However, one helpful theory can be extracted from virtue ethics: Aristotle's theory of the golden mean, discussed earlier. The golden mean provides a moderate solution in those cases in which there are identifiable extreme positions, neither of which is likely to produce satisfactory results. Aristotle's golden mean, however, is not analogous to the kind of weak compromise or middle-of-the-road "waffling" that one finds in political circles. The mean is not necessarily midway between the two extremes, because a moral agent must sometimes lean toward one

extreme or the other to correct an injustice. Thus, an employer might be justified in giving larger pay increases to some workers than others in order to remedy the effects of past salary inequities. As Clifford Christians and his colleagues have observed in their casebook, *Media Ethics*: "The mean is not only the right quantity, but it occurs at the right time, toward the right people, for the right reason, and in the right manner. The distance depends on the nature of the agent as determined by the weight of the moral case before them."²⁸

Aristotle's approach to achieving a virtuous resolution of a dilemma is exemplified by the Federal Communications Commission's approach to regulating broadcast indecency. Although federal law prohibits the transmission of indecent material over radio and TV,²⁹ the commission has decided to prohibit such content only during times of the day when children are likely to be in the audience—an approach endorsed by the Supreme Court in 1978.³⁰ This time period, which has actually shifted over the years, is referred to as the "safe harbor."

At one extreme is the "vice" of doing nothing and allowing the airwaves, which carry programs into the privacy of the home, to become a 24-hour repository of scatological language indiscriminately broadcast to children and adults alike. At the other extreme is a total ban on such program fare that could result in censorship of some speech with literary and artistic value, as well as speech lacking in any discernible social worth. Thus, the safe harbor is an attempt, in a libertarian society, to achieve a balance between the extremes of moral anarchy on the airwaves and moral prudery that manifests itself through overzealous government regulation. Although the remedies are legal ones, it is clear that the golden mean has widespread application in the unpredictable drama of human affairs. Aristotle, it seems, continues to speak to us through more than two thousand years of history, thus affecting our destiny and our views on moral virtue.

CRITICAL THINKING IN MORAL REASONING

Understanding the context of an ethical situation and the philosophical foundations of moral theory are necessary but insufficient for sound moral reasoning. There must also be critical thinking about the dilemma. Critical thinking is the engine that drives the moral reasoning machinery and thus leads us away from knee-jerk reactions and toward a more rational approach to decision making. There is nothing more frustrating than classroom discussions in which students express their opinions about ethical issues without having thought critically about them. This is not to suggest that such discussions should end with a consensus on the correct course of action. It does mean, however, that most of the time should be devoted to analyzing and evaluating the reasons for the ethical judgments rendered.

Critical thinking is not a mysterious phenomenon, available only to philosophers and others of superior intellect. We do not all possess the talent to become athletes, musicians, or great literary figures, but we do all possess critical-thinking abilities.³¹ And because critical thinking is a skill, it can be learned. The moral reasoning model outlined in the next section is designed to encourage the learning of this skill.

Critical thinking, like the moral theories described earlier, has a long and honorable tradition in Western history, tracing its origins to the ideas of Socrates, Plato, and Aristotle. Like his teacher Plato, Aristotle believed that moral principles separating right from wrong could be derived through the power of reason. To these ancient Greeks skepticism was a healthy occurrence, because it led to relentless questions about the meaning of moral virtue. Thus, critical thinking involves, to some extent, learning to know when to question something and what sorts of questions to ask. Some of the recent political scandals in Washington (the most egregious of which are often accompanied with the suffix "gate," a candid reference to President

Nixon's Watergate scandal) might have been avoided if the deviant public officials had critically questioned the propriety of their conduct.

Critical thinking begins with something to think critically about. In other words, there must be knowledge of the subject to be evaluated. For media practitioners engaged in moral reasoning, this knowledge would include an understanding of the facts and context surrounding a particular case, and some comprehension of the principles and practices of their own profession, as well as the moral theories that might be brought to bear on ethical decision making. For example, students of critical thinking about media ethics (and this includes you, as you attempt to resolve the hypothetical cases in this book) cannot critically examine the use of deception in news gathering unless they understand the role of the media within society and the ethical norms that the industry itself has established for sanctioning or condemning such behavior. It would be expedient to offer an opinion that reporters should be held to the same standards as the rest of us, but this statement neither answers the question of "why" nor allows for any reasonable defense of an exception to the general rule.

Second, critical thinkers must be able to identify problems (or in the case of this text, to recognize ethical issues) and to gather, analyze, and synthesize all relevant information relating to those problems. They must also be able to identify all stated or unstated assumptions concerning the problems.

Finally, critical thinking also requires that alternatives be evaluated and that decisions be made. In so doing, the critical thinker must examine the consequences and implications of the alternatives, each of which may have at least some validity. In some respects, this is the most intimidating aspect of critical thinking, because it requires that we make choices—choices that may be subjected to severe criticism from others. However, successful salespeople have learned that the best techniques in the world fail without the ability to close the sale. The same is true of

critical thinking. One can analyze (or study) an issue to death, but at some point a decision must be made. The hope is that it will be a well-reasoned decision, based on the most rational analysis of the situation.

In summary, the critical thinking component of moral reasoning involves a three-step process: (1) acquisition of knowledge and an understanding of the context of the ethical dilemma, (2) critical analysis of that knowledge and a consideration of ethical alternatives, and (3) a decision based on the available alternatives.

The moral reasoning model outlined in the next section reflects the notions about critical thinking described earlier and should be used in exploring Part 2. Thus, the integration of this model for ethical decision making with the case study method is a functional vehicle for retreating from an ivory-tower approach to teaching media ethics and for developing critical-thinking abilities that should awaken the powers of reason within even the most reluctant individual.

A MODEL OF MORAL REASONING

As noted earlier, moral reasoning is a systematic process. It involves numerous considerations, all of which can be grouped into three categories: (1) the situation definition; (2) the analysis of the situation, including the application of moral theories; and (3) the decision, or ethical judgment. For the sake of simplicity I will refer to this as the *SAD formula*.³² There are, of course, other models available, but the SAD formula seems particularly adaptable to the needs of the moral reasoning neophyte.

However, this model can also be a valuable tool in creating a discourse among media professionals. Some news organizations, for example, regularly conduct sessions or hold discussions on ethical problems. The SAD formula could be used to respond to either hypothetical or real ethical issues, with individual reporters and editors working through these problems. A dialogue with professional colleagues and a critique

from management personnel or an ombudsman could follow.

The following explanation of this model is designed with written case studies in mind, although it can be used for oral discussions as well. But written analyses, at least until one becomes comfortable with the moral reasoning process, help attune the mind to logical thinking and sharpen intellectual faculties. Following the discussion of the SAD formula, a sample case study is presented (in abbreviated form) to illustrate this approach to moral reasoning.

The Situation Definition

The situation definition is designed to identify the ethical issue and to list or examine those facts, principles, and values that will be important to the decision-making process. The first step is to describe the facts and to identify the relevant conflicting values and principles implicated in this ethical dilemma. Sometimes the conflicting values and principles will be obvious; at other times their discovery may require some thought on your part. They will obviously vary from case to case, but such things as truth telling, the right to privacy, conflict of interest, the right of the public to receive information, fairness, justice, loyalty, media credibility, harm to others, confidentiality, and economic concerns are representative of the values and principles lurking in the hypothetical cases in this book.

Students of media ethics should also have an appreciation for the role that competition and economic factors play in decision-making in a deadline-oriented environment. These "values" are at the heart of the media enterprise and will be a consideration in most ethical judgments. In the real world such factors often dominate. But experience in moral reasoning, even within the more sanitized classroom situation, can create an appreciation for other values that should be considered in rendering moral judgments. In any event, the facts and competing values and principles should be described in the *situation definition* section so that they can be easily applied to the analysis portion of your written case study.

Second, there should be a clear statement of the ethical question or issue involved. It provides a logical lead-in to the analysis section and can be done only after some understanding of the facts. The question should be specific, not general. For example, an issue statement regarding whether a reporter should go undercover in a Veterans' Administration (VA) hospital to investigate rumors of unsanitary conditions might be written as follows: "Is it ethical for reporters to conceal (or lie about) their identity to gain employment at a VA hospital for the purpose of investigating rumors of unsanitary conditions at the facility?" When dealing with individual cases, this form is preferable to a more general question—for example, "Is it ever permissible for reporters to use deceptive news-gathering techniques?"—because it relates to the specific circumstances and thus provides a more solid foundation for debate. Of course, more general questions are acceptable when debating broader issues of ethical significance, such as "Is society justified in passing laws that limit the distribution of sexually explicit material?"

A statement of the ethical issue would appear to be a simple task. But if you do not fully understand the dilemma, clarity of moral vision will be replaced by confusion and uncertainty, and the reasoning process will become defective. It is imperative that you spend a great deal of time fleshing out all of the relevant considerations for inclusion in the situation definition. The time spent in brainstorming here will diminish the likelihood of faulty reasoning during the analysis phase.

Analysis of the Situation

Analysis is the real heart of the decision-making process under the SAD formula. In this step you will use all of the available information, as well as your imagination, to examine the situation and to evaluate the ethical alternatives.

There is surely no limit to the things that might be included here, but any analysis of a media ethical dilemma should include at least

four considerations. First, there should be a *discussion*, pro and con, of the relative weights to be accorded to the various conflicting values and principles. This is a fertile field for imagination, and you should not be afraid to engage in a certain amount of intellectual experimentation, as long as your arguments are reasonable and defensible.

Next comes an examination of *factors external to the case situation itself* that might influence the direction of moral judgment. Or, as another way of putting it, an external factor is one that was there prior to the particular case at hand and is likely to be there after the specifics of this case are resolved. Illustrative of such factors are company policy, legal constraints, and the demographic composition of the local community, which may determine how the citizens will react to decisions made by media practitioners. For example, reporters who electronically eavesdrop on unsuspecting public officials in violation of company policy (and possibly the law) may undermine their claim of moral virtue unless there is an equally persuasive countervailing reason for doing so. Demographic considerations, for example, might lead a TV station manager in a predominantly conservative Catholic community for fear of protests, to preempt a controversial network move that probes too deeply into sexual misconduct by members of the Catholic clergy.

One external factor that is sometimes valuable in rendering moral judgments is an appeal to precedent: "What do we normally do under similar circumstances?" For example, if a newspaper usually reports all misdemeanor violations, even those of public figures, on an inside page, it must justify deviating from that practice in a particular circumstance. Otherwise, it will be suspected of ulterior motives or perhaps even malicious intent.

Third, you should examine the various individuals and groups likely to be affected by your ethical judgments. In Chapter 2 we explored the moral duties and the loyalties owed to several parties: individual conscience, objects of moral judgment, financial supporters, the institution,

professional colleagues, and the various segments of society. These parties should be weighted, or evaluated, in terms of their relative importance and impact on the ethical issue under consideration. Of course, some may not figure in the moral equation at all in some situations. Financial supporters (advertisers, stockholders, subscribers), for example, are usually concerned with issues that affect their own well-being, the financial viability of the institution, or, in some cases, issues in which they have a vested interest.

In Chapter 1 we noted the role that emotions play in attitudes about ethical behavior. With all of this talk about reason in moral decision making, does that mean that our emotional side has no role to play? Not at all. In fact, emotions often do, and should, influence the evaluation of our duties or loyalties to others. A reporter's sympathy (or perhaps empathy) for a victim of tragedy, even when the reporter feels obliged to intrude into the victim's privacy, is an emotional response but is also certainly a rational one. It should be factored into the decision-making equation, because actions taken with the interests of others in mind (rather than self-interests) are a product of both our intellectual and our emotional components.

Finally, the ethical theories discussed earlier should be applied to the moral dilemma. Examine the issue from the perspective of consequences (teleology), duty-based ethics (deontology), and Aristotle's golden mean. In those cases in which a particular approach might not be applicable—for example, where there does not appear to be a middle ground—you should also note this in the analysis. Each of these theories should be evaluated with the idea of rendering what, in your opinion, is the most satisfactory ethical judgment.

Decision

In the final section you must make your decision and *defend* your recommendation. Your discussion should include an appeal to one or more of the moral theories outlined earlier. Keep in mind that a deontologist and teleologist might arrive

at the same decision, but they do so for different reasons. For example, if you apply deontological ethics to a case involving the use of undercover reporting, you would categorically oppose deception as an acceptable news-gathering device. Applying teleological ethics, you would weigh the harms and benefits and might still conclude that the use of deception in the case under consideration is more harmful than beneficial. But in this case you are focusing on the consequences rather than on the universal rule that says lying (that is, deception) is always wrong. In your decision-making section of some cases, you might also wish to point out that a particular course of action could never be justified under any of the ethical theories described in this text.

Although your defense may be somewhat redundant of some of the points outlined previously, it will serve to reinforce your arguments and allow you to justify them with greater moral certainty. In summary, the SAD formula for moral reasoning can be diagrammed as shown in Figure 3.1.

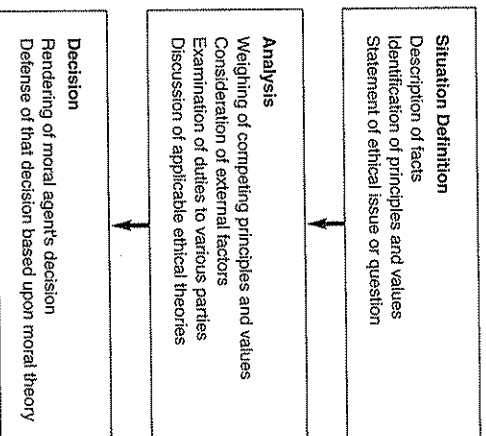


Figure 3.1 The Moral Reasoning Process

A SAMPLE CASE STUDY

The following sample case is based on actual circumstances.³³ It concerns a decision by editors at two newspapers to break promises of confidentiality made to a news source by their reporters. The discussion that follows is not intended to exhaust all possibilities for resolving the issue; you are encouraged to add your own perspectives. For example, one issue that could be considered in this case is whether the reporters should have made the promises in the first place. However, because our discussion focuses on the conduct of the editors as the moral agents, any consideration of whether the promises should have been made is omitted. Of course, in this case we are playing the role of neutral observer (and critic), whereas in the hypothetical cases in Part 2 you are asked to assume the role of the moral agent.

Situation Definition

Six days before the Minnesota gubernatorial election Dan Cohen, an employee of an advertising agency working for Republican candidate Wheelock Whitney, approached reporters from four news organizations, including the *Minneapolis Star Tribune* and the *St. Paul Pioneer Press*, and offered to provide documents relating to an opposition candidate for lieutenant governor in the upcoming election. Cohen had been encouraged by a group of Republican supporters to release this information. In exchange for a promise that he not be identified as the source of the documents, Cohen revealed to the reporters that Martine Johnson, the Democratic-Farmer-Labor candidate for lieutenant governor, had been convicted of shoplifting twelve years earlier, a conviction that was later vacated. After discussion and debate, the editorial staffs of the two papers independently decided to publish Cohen's name as part of their stories concerning Johnson. The Minneapolis paper made this decision after its reporter had contacted Cohen to ask whether he would release the paper from its promise of confidentiality.

Cohen refused. In their stories, both papers identified Cohen as the source of the court records, reported his connection to the Whitney campaign, and included denials by Whitney campaign officials of any role in the matter. The same day the stories were published Cohen was fired. The editors justified their decision on the grounds that (1) Cohen's actions amounted to nothing more than a political dirty trick, and thus his motives were suspect; (2) Cohen's name was essential to the credibility of the story; and (3) reporters should not make promises of confidentiality without authorization from their superiors.³⁴

Cohen sued the papers for breach of contract and won a jury award of damages. The U.S. Supreme Court eventually ruled 5–4 that such promises of confidentiality are legally enforceable. Although Cohen won his lawsuit, the ethical issues surrounding the newspapers' decision to break the promise of confidentiality and publish his name remain.

The moral agents in this case are the editors of the two papers, because they are the ones who breached the promise of confidentiality. (There is also an ethical question on whether the reporters should have promised confidentiality in the first place, but that isn't an issue here because this case focuses on the editors' conduct.) In this case the conflicting values and principles are not too difficult to identify. On the one hand, there is the right of a source to expect a news organization to honor a promise of confidentiality. And closely connected to this expectation is the value of reporter autonomy—that is, a news organization's obligation to honor promises made by its reporters. The value of loyalty is also implicated, because a newspaper's refusal to honor commitments made by its reporters could create morale problems and discord within the newsroom. Because arguably the public has a "need to know" anything about political candidates that might affect their fitness for office, the use of anonymous sources can sometimes be justified to obtain such information. On the other hand, the use of anonymous

sources can erode the credibility of a news organization. Thus, the "need to know" principle might also be used to justify publication of Cohen's name so that readers can consider the source's motivation in releasing this information.

Moreover, the editors felt that Cohen's motivation was newsworthy; they thus believed that it provided journalistic *balance* (or symmetry) to the potentially damaging information concerning the Democratic candidate.

The harm principle is also implicated in this case. At a minimum the parties who might be harmed through a breach of confidentiality are Cohen, Cohen's employers, and the credibility of the reporters themselves and perhaps their paper. On the other hand, if the promise is kept, Johnson could be injured in her electoral bid, although it isn't clear what effect such a specious charge might have on her campaign.

Thus, the ethical issues are as follows: (1) Were the editors ethically justified in breaching the promises of confidentiality made by their reporters? (2) Are such promises made by reporters, without authorization from management, morally binding on their news organizations?

Analysis

Evaluation of Values and Principles. One could argue that the reporters should never have made the promise in the first place, but the fact is that they have done so and now the editors (the moral agents) must decide whether to honor that promise. Because breaking promises should never be taken lightly, any breach of a promise must be based on some other overriding principle. Can the editors absolve themselves of responsibility simply by refusing to honor the promises made by other staff members? Probably not, because the average news source is unlikely to distinguish reporters from the organizations for whom they work. If they enter into an agreement with a reporter from the *New York Times*, for example, they assume that the newspaper will honor that agreement.

Even if a paper's policy requires an editor's approval before any such agreement is made—the reporter violates that policy—that is a management problem for the paper and should not have to be a concern for the source.

Thus, if the editors in this case are justified in breaching confidentiality, their decision must be based on some more compelling principle. Was the information provided by the source of such overriding public interest that a promise of confidentiality was warranted? In this case, the public's "need to know" that Johnson was convicted of shoplifting twelve years ago, a charge that was later vacated, is questionable. In fact, the editors could have refused to publish the story, thus avoiding the ethically controversial decision to breach the promise of confidentiality. But in so doing they might also be accused of suppressing information.

Nevertheless, the editors apparently felt the story was newsworthy because of Cohen's motivation in damaging the Democratic ticket just prior to the election. Cohen is obviously a key figure in this campaign, and his involvement in "dirty tricks" (in the editors' view) is newsworthy, which in turn justifies publishing the information concerning Johnson's past. And because of Cohen's tactics and out of fairness to Johnson, the editors have concluded that the source's name must be included. They are appealing, in other words, to the fundamental journalistic principle of balanced coverage of newsworthy events. Although the paper might risk some loss of credibility in not standing behind their reporters and perhaps even an erosion of loyalty among their staff, the editors might argue that the story itself lacks credibility without the source's name. In addition, the editors might include some explanation to the readers concerning the promise of confidentiality and the reasons that they decided not to honor this pledge.

Regardless of the editors' decision, harm will accrue to some of the parties involved. If Cohen's name is included in the story, he will probably be fired. In addition, the credibility of the reporters and the paper might suffer. Johnson

could be harmed, perhaps needlessly, by the release of this information, although it isn't clear whether the electorate will hold her past against her, especially because her record for shoplifting was expunged. But the editors might argue that including Cohen's name and letting the readers evaluate his motivation for themselves might work to Johnson's advantage, thus negating any potential harm to her from the story.

External Factors. One important factor external to the facts of this case might be the absence of any clear-cut policy on source confidentiality. (This is considered an external factor because it is a situation that apparently existed prior to this case and that will remain after this issue is resolved, unless the newspaper moves to implement a written policy on the matter.) The reporters apparently did not feel that they needed to seek management approval, and this factor could be cited in favor of reporter autonomy. One might also point to society's attitude toward political dirty tricks as an external factor in favor of including Cohen's name in the story.

Moral Duties (Loyalties) Owed. As noted in Chapter 2, media practitioners must take into account the interests of six *stakeholders*—parties to whom they owe an ethical duty—before rendering an ethical judgment: the individual conscience, the objects of moral judgment, financial supporters, their institution, their professional colleagues, and society at large. Thus, the editors in this case owed a duty, first, to their *consciences* to do what is morally right. Unfortunately, professional obligations and pressures sometimes lead us away from what we would consider to be the ethically virtuous course of action under other circumstances. In this case the editors' consciences should have spoken to them clearly on the matter of breaking promises. However, they might also have rationalized their decision on the grounds that Cohen was acting from impure motives. But again, if this were a concern, they could have chosen to suppress the story. At this point, however, competitive pressures could become a factor. If the story

is suppressed, other news organizations might run the story, thus causing some journalistic embarrassment to the Minneapolis and St. Paul papers.

The moral agents in this case (the editors) also owe a duty to those who are most likely to be directly affected by this decision. These parties are identified in the SAD formula as the *objects* of the ethical judgment. In this case Cohen, Johnson, and the reporters are the major objects. The reporters promised Cohen anonymity, and he acted on that promise in good faith. Regardless of Cohen's motives, which were known at the time the promises were made, the editors owed a duty to the source to keep this promise and to minimize harm. On the other hand, a duty is also owed to Democratic candidate Johnson, the target of the information provided by Cohen. Although this information had the potential for harming Johnson, the editors apparently believed that out of fairness Cohen's name should be included. In this way readers could decide for themselves, based on the source's questionable motives, what relevance to accord this information in terms of the campaign. In this way the harm to Johnson might be minimized. The reporters are also *objects* in this case because their editors' failure to support them could harm their professional credibility. It has certainly eroded their relationship with the management staffs of their respective newspapers. One could argue that, in the absence of any policy requiring management approval of promises of confidentiality, the editors were duty-bound to support their reporters.

Media practitioners must also be loyal to their *financial supporters*—those who pay the bills. In the case of a newspaper the supporters are primarily advertisers, although some revenues are also derived from subscribers. Advertisers rely on the media to help sell their products. Newspapers have only their credibility to sell, and a loss of credibility could result in an erosion of circulation and reader support. It is unlikely that, regardless of the editors' decision in this case, merchants would withdraw their advertising, unless perhaps they were staunch

supporters of one candidate or the other. But over time an erosion of credibility could hurt the newspaper's bottom line.

The editors also owed a duty to their *institution*. Whatever their decision, they must take into account how it will reflect on their respective newspapers. Because promises of confidentiality have become a mainstay of investigative reporting, any breach of such a promise will reflect unfavorably on the institution, unless this decision is based on some overriding and more important principle.

In most ethical dilemmas involving professionals, there is always the nagging question of whether moral agents have complied with the standards of their profession. Thus, they must be loyal to their *colleagues*. In this case the editors clearly violated acceptable practice, although the breaking of promises to sources is not unheard of. Each such ethical lapse tends to erode the credibility of the profession. Of course, editors must have the flexibility to render judgments contrary to acceptable practice for compelling reasons. How would most editors have responded in this situation? The question is whether the reasons given for breaking the promise were compelling enough to satisfy most journalists who have always considered anonymous news sources to be an essential ingredient in the news-gathering process.

Finally, a duty is owed to *society*. Some journalists apparently believe that their unique roles in society entitle them to special moral exemptions. But all media practitioners are bound by the same fundamental principles as the rest of us, and any deviation must be justified (as in the case of any other societal member) by some overriding principle. In this case, the reporters made a promise, and any breach of that promise, without some compelling reason, is a violation of cultural norms. On the other hand, the editors could argue that the reporters had no right to make such a promise and that their obligation lies in the direction of journalistic fairness and balance, which necessitated the inclusion of Cohen's name.

Moral Theories. A person rendering a moral judgment has no benefit of hindsight. A Kantian (deontologist) evaluating this case would follow a rule that can be universally applied. The very fabric of society is predicated, in part, on faith in the promises of others. Thus, "never break a promise" becomes a maxim that should be applied universally and that includes promises of confidentiality made by reporters to news sources. And in this case, the editors could not absolve themselves of responsibility simply by refusing to honor promises made by their reporters. The fact is that Cohen believed that he was dealing in good faith with reporters who came to the bargaining table with their employers' full authority. A deontologist would argue strenuously that the editors had a moral obligation to honor the promise and that perhaps they should use this case as a catalyst for devising a company policy requiring reporters to obtain management approval before entering into a moral contract (and perhaps a legal one as well) with a news source.

This case can also be viewed from the perspective of anticipated consequences (*teleology*)—that is, the relative benefits and harms for the individuals or groups affected by this decision. If the source's name is included in the story, the greatest harm, of course, will accrue to Dan Cohen. He will probably lose his job. On the other hand, his motives are suspect. His willingness to release such questionably relevant information so close to the election is nothing more than a dirty campaign trick. Therefore, perhaps he deserves the consequences of his ethically dubious behavior.

The Democratic candidate, Marlene Johnson, could be hurt by the revelations, although the electorate may attach little importance to a twelve-year-old conviction on a minor charge that was overturned anyway. And whether Cohen's name is included in the story probably won't alter this equation substantially.

Morale in the newsroom—and hence employee loyalty to the paper—could suffer as a result of the failure of the editors to support

their reporters. Perhaps the reporters used poor judgment in making the promises in the first place. But considering the questionable newsworthiness of the information, perhaps the story should have been killed. One could argue that the breaking of a promise—which is a serious matter—could not, in this case, be justified just for the sake of journalistic balance when the story itself is of questionable validity in the overall scheme of the campaign.

Is any real benefit to be derived from this breach of confidentiality that would outweigh the harms described here? One could argue that the inclusion of Cohen's name might serve to inform the public about the character of those who are running the Republican campaign. And it still isn't clear whether this character flaw is confined to Cohen or reflects on the ethical stature of his employer. Therefore, the various harms that will occur from this breach of confidentiality appear to outweigh any modest benefit that might result.

Decision

The foregoing analysis strongly opposes the editors' breach of confidentiality. Breaching a promise is a serious matter. Credibility is a mainstay of the journalistic enterprise, and the failure of the editors to support their reporters, even if the promises were ill advised, erodes the credibility of both the reporters and the newspapers. Promise keeping is a fundamental societal value. And in this case a great deal of harm can occur without any comparable benefit. In addition, an evaluation of the duties owed to the various parties in this ethical dilemma points, on balance, in the direction of keeping the promise. The sanctity of promises and credibility seem to permeate the discussion of the loyalties to the six parties identified here; and these were more important, in this case, than the editors' concern for journalistic balance. Thus, the editors' decision to break their reporters' promises cannot be supported under either a deontological or teleological perspective.

SUMMARY

Moral reasoning is a systematic approach to making ethical decisions, relying primarily on logical argument and persuasion. Moral judgments should be based on sound ethical theories and should be defensible through a reasoned analysis of the situation. The process of moral reasoning requires knowledge and skills in three areas: (1) the moral context, (2) the philosophical foundations of moral theory, and (3) critical thinking.

First, the moral agent must understand the context within which the dilemma has arisen. This understanding includes some comprehension of the issue, the facts of the situation, the values and principles inherent in the case, and the social and cultural environment within which the media operate.

Second, moral theory must be brought to bear on the problem. The writings of the ancient Greeks—Socrates, Plato, and Aristotle—and those of John Stuart Mill and Immanuel Kant provide the philosophical foundations for the moral theories described in this chapter. These theories are of three types: *teleological*, based on the consequences of the moral agent's actions; *deontological*, in which moral duties and the actors' motives are more important than the consequences of their actions; and *virtue*, focusing on character rather than moral behavior in specific situations. For the purpose of the moral reasoning model outlined in this book, Aristotle's golden mean, which seeks a solution between the extremes in a given situation, has been selected as a practical example of a virtue theory.

Third, critical thinking is essential to moral reasoning. Success in critical thinking requires some knowledge of the subject, practice in analyzing and reasoning, and the willingness to make decisions.

Although there are many approaches to moral reasoning, the model employed in this book is the *SAD formula*, consisting of the situation definition, the analysis, and the decision. The situation definition is a description of the

facts, identification of the principles and values inherent in the case, and a clear statement of the ethical issue under review. The analysis section is really the heart of the moral reasoning process. In this tier of the SAD model, the moral agent weighs the competing principles and values, considers the impact of factors external to the case facts themselves, examines the moral duties owed to various parties, and discusses the application of various ethical theories. The final step consists of rendering the moral decision. Here the moral agent makes a judgment and defends it.

Notes

1. For a discussion on the differences between morality and other forms of human activity, see Joan C. Callahan (ed.), *Ethical Issues in Professional Life* (New York: Oxford University Press, 1988), pp. 10–14.
2. Anders Wedberg, *A History of Philosophy*, vol. 1: *Antiquity and the Middle Ages* (Oxford: Clarendon, 1982), p. 139.
3. For other examples of virtuous behavior, see W. T. Jones, *The Classical Mind* (New York: Harcourt, Brace, 1969), p. 268.
4. "Moral Virtue" in Tom L. Beauchamp, *Philosophical Ethics: An Introduction to Moral Philosophy* (New York: McGraw-Hill, 1982), p. 161. This writing is an excerpt from Aristotle's *Nicomachean Ethics*, Book 2, Chapters 1, 2, 4, 6, 7, and 9.
5. See Rushworth M. Kidder, *How Good People Make Tough Choices* (New York: William Morrow, 1995), p. 25.
6. Immanuel Kant, "The Good Will and the Categorical Imperative" in Beauchamp, *Philosophical Ethics*, p. 120. This is an excerpt from Kant's *Foundations of the Metaphysics of Morals*, trans. Lewis White Beck (Indianapolis, IN: Bobbs-Merrill, 1959), pp. 9–10, 16–19, 24–25, 28.
7. Beauchamp, *Philosophical Ethics*, pp. 123–124.
8. Callahan, *Ethical Issues*, p. 20.
9. Clifford G. Christians, Kim B. Rotzoll, Mark Fackler, and Kathy Britten McKee, *Media Ethics: Cases and Moral Reasoning*, 6th ed. (New York: Longman, 2001), p. 16.
10. Conrad C. Fink, *Media Ethics: In the Newsroom and Beyond* (New York: McGraw-Hill, 1988), pp. 53–54.
11. See Robert C. Solomon and Clancy W. Martin, *Morality and the Good Life: An Introduction to Ethics Through Classical Studies*, 4th ed. (Boston: McGraw-Hill, 2004), pp. 20–21.
12. See John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: The Belknap Press of Harvard University Press, 1999), pp. 118–123.
13. For a discussion of Rawls's theory, see James A. Jaska and Michael S. Pritchard, *Communication Ethics: Methods of Analysis*, 2d ed. (Belmont, CA: Wadsworth, 1994), pp. 111–112; Norman E. Bowie, *Making Ethical Decisions* (New York: McGraw-Hill, 1985), pp. 268–269.
14. Peter Singer (ed.), *A Companion to Ethics* (Malden, MA: Blackwell, 1991), p. xvi.
15. E.g., see Jean Grushaw, "The Idea of a Female Ethic," in *ibid.*, pp. 491–499.
16. Solomon and Martin, *Morality and the Good Life*, p. 23.
17. "Feminist Ethics," *Stanford Encyclopedia of Ethics*, online at <http://plato.stanford.edu/entries/feminist-ethics>.
18. Solomon and Martin, *Morality and the Good Life*, pp. 23–25.
19. Denni Elliott, "All Is Not Relative: Essential Shared Values and the Press," *Journal of Mass Media Ethics* 3, no. 1 (1988): 28. See also William Frankena, *Ethics* (Upper Saddle River, NJ: Prentice-Hall, 1973), p. 109.
20. See Joseph Fletcher, *Situation Ethics: The New Morality* (Philadelphia: Westminster, 1966). For a discussion of various views of situation ethics, see Richard L. Johannesen, *Ethics in Human Communication*, 3d ed. (Prospect Heights, IL: Waveland, 1990), pp. 79–88.
21. Quoted in Johannesen, *Ethics in Human Communication*, p. 79. See Bert E. Bradley, *Fundamentals of Speech Communication: The Credibility of Ideas*, 3d ed. (Dubuque, IA: Brown, 1981), pp. 27–29.
22. John C. Merrill, *The Imperative of Freedom: A Philosophy of Journalistic Autonomy*, 2d ed. (New York: Freedom House, 1990), p. 169.
23. *Ibid.*, pp. 167–170; Branch Brody, *Ethics and Its Applications* (New York: Harcourt, Brace, 1983), pp. 9–35.
24. See Brody, *Ethics and Its Applications*, p. 31.
25. Although Kant often condemned consequential reasoning, most scholars seem to agree that even he did not believe that an action could be universalized without universalizing its consequences. Thus, the consequences of an action sometimes cannot be separated from the action itself. For example, the reason that the duty to tell the truth is a fundamental societal value is that truth telling has general positive consequences for society. See Beauchamp, *Philosophical Ethics*, p. 139.
26. Jaska and Pritchard, *Communication Ethics*.
27. For a discussion of this idea, see Beauchamp, *Philosophical Ethics*, pp. 163–166.
28. Christians, Rotzoll, Fackler, and McKee, *Media Ethics*, p. 13.
29. 18 U.S.C.A. § 1464.
30. *FCC v. Pacifica Foundation*, 438 U.S. 726 (1978).

31. For more discussion of critical thinking, see Robert E. Young (ed.), *New Directions for Teaching and Learning: Fostering Critical Thinking* (San Francisco: Jossey-Bass, 1980).
32. This model is based, in part, on ideas advanced by Ralph B. Potter in "The Logic of Moral Argument," in Paul Deas (ed.), *Toward a Discipline of Social Ethics* (Boston: Boston University Press, 1972), pp. 93–114. For example, see *Cohen v. Cowles Media*, 18 Med. L. Rpt. 2273, 2274 (1991). For different ethical perspectives on this case, see "Confidentiality and Promise Keeping," *Journal of Mass Media Ethics* 6, no. 4 (1991): 245–256; Theodore L. Glasser, "When Is a Promise Not a Promise?" in Philip Patterson and Lee Wilkins, *Media Ethics: Issues and Cases*, 2d ed. (Dubuque, IA: WCB Brown & Benchmark, 1994), pp. 104–106; Jay Black, Bob Steele, and Ralph Barry, *Doing Ethics in Journalism: A Handbook with Case Studies* (Greenacres, IN: Society of Professional Journalists, 1993), pp. 190–191.
34. On appeal, the Minnesota Supreme Court changed the legal basis for the lawsuit from breach of contract to promissory estoppel (breach of promise), which was more suited to the facts of the case.