

Word Count: 2000

Assignment: Media practitioners should consider the ethical implications of their stories and images they use, but does the commercial pressure to break stories and increase audience reach lead to internal conflicts? Your answer should include a critical analysis of the philosophical theories discussed in-class as well as real-world examples.

“Seek truth and report it, minimize harm and act independently, be accountable and transparent.”

Code of Ethics - [Society of Professional Journalists](#), Texas, 192

When Alexis de Tocqueville visited the United States in 1831 on behalf of the French Government to conduct a study on the justice system and punishment, life in America also caught his attention. In particular, he noted Americans seemed disinterested in regulating an “unruly” press, something he didn’t disagree with.

He observed how reporters could trample on the good name of people in the public eye, “track them into private life, and disclose all their weaknesses and errors” yet without reprisal. Tocqueville believed press censorship was “absurd and dangerous” and that wrong doing by the press should not become a matter for the court (Tocqueville, 1838).

Tocqueville (1805-1859) and co-author Gustave de Beaumont were trying to understand Enlightenment-era criminal justice systems. The pair were already familiar with English philosopher [Jeremy Bentham](#) and his architectural concept, [Panopticon](#), a centralized, observable prison facility, radical for his day. Bentham (1748-1832), an advocate of the separation of church and state, and of individual rights, believed retribution for crime served limited purpose to benefit the overall welfare of society if not based on a system developed to deter future crimes.

Tocqueville became celebrated for *Democracy in America*, the two-volume work that resulted from his visit.

History of Ideas

The contemporary ideas of freedom of speech and society tolerant of individualism and personal expression found in the work of Tocqueville and Bentham are legacies of a movement of change that began with the scientific revolutions of the sixteenth and seventeenth centuries. This movement, notable in England with the signing of The Bill of Rights 1689 by King William and Queen Mary, became known as The Age of Enlightenment. The Bill of Rights made illegal the Crown’s attempt to intervene in matters of law or have access to State coffers without parliament approval.

The Enlightenment in Europe became a loosely cast philosophical movement from the seventeenth until the nineteenth century that radically altered prevailing systems of thought and governance. It was found in the writing of John Locke, Thomas Hobbes, Denis Diderot and Jean-Jacques Rousseau, thinkers in favour of making a clean break with the political tyranny of the social systems of Europe, in exchange for scientific thinking, individual freedoms and personal happiness, radical ideas of their day. Thomas Paine published *The Rights of Man* in

1791 as a defence of the French Revolution and an adroit attack on monarchy. The German philosopher Immanuel Kant (1724–1804) wrote of reason as a means of achieving genuine freedom and equality. In the “public sphere” of European society by the 1800s, revered philosophical models for the period were found in Greek and Roman from Cicero, Virgil, Horace, and Aristotle.

The attention Tocqueville paid in 1830s America to the [liberty of the press](#) and how he believed it helped foster democracy, was by then no coincidence. “The role of free expression in preserving liberty and civilization” he maintained, outweighed any gains to be made by restricting it: “where popular sovereignty presumes people could make their own judgements about facts and opinions” (Tocqueville, 1838).

Ethical Thought

Today, media ethics is a set of principles used by media professionals to guide reporting and news standards and address ethical questions. These guidelines, supported by laws and regulations, are professional codes of conduct and feedback from public watchdog organisations and members of the public.

The reason for so much ethical oversight?

Noam Chomsky, the literary critic and Marxist philosopher, speaks openly of journalism as an institution of power preoccupied with authority and privilege. According to media writer Clifford Christians, journalists are also not above competition and careerism (Christians, 2007).

To help guide the complexity of allowing a public sphere to flourish while protecting the freedoms of Tocqueville’s liberty, philosophical ideas rein in human err.

Aristotle’s “common interest” is an influential idea that distinguishes constitutional government in the “people’s interest” from illegitimate interests made in the ruler’s interest. This common good is an “axis around which communities and politics become a democratic organism” and a foundational concept of social morality (Christians, 2007).

For deontology, duty is the basis of moral behaviour. For Kant, what makes human humans is their ability to act and think of their own free will. This, *en sui*, confers freedom and moral compass. For deontology, to reason if one’s actions are universally allowed is to determine if they are correct. Means never justify ends, thus all humans, with the capacity for reason and agency, can be respected and have dignity. Deontology can also be used to address acts that are always wrong, like rape, slavery and murder. However, is human agency always autonomous and what of the influence of social factors? Is society really made up of individuals in control of their lives?

Bentham’s utilitarianism proposes morally correct behaviour is that which generates the most happiness or reduces the greatest suffering. “It is the greatest happiness of the greatest number that is the measure of right and wrong” Bentham wrote in 1776.

John Stuart Mill's utilitarian [treatise](#) assessed right or wrong in terms of total value and in 1861 wrote: "that happiness is the sole end of human action and the test by which all conduct ought to be judged" (Mill, 1838).

In short, the purposeful utility of Bentham and Mill helped rationalize public policy thinking and deontology in Kant focused the ethics of individual decision making. Both the concepts of utility and deontology make cases for rationality and consistency in decision making. For Aristotle, outcomes matter less in determining human virtue than the way in which they are arrived at.

According to Christians, of the three main philosophical theories that try to address matters of ethical obligations, utilitarian (consequentialist), deontological and Aristotle's, each compete to address matters of right and wrong human behaviour, but perhaps Kant's ethics of duty is a "more compelling means of moral decision-making" for media professionals (Christians, 2007). Alan Goldman in *Moral Foundations of Professional Ethics* (1980) writes that "general morality is the ultimate framework for understanding professional norms" (Christians, 2007).

Contemporary Issues in Ireland

"Journalists should build their understanding on the issue of violence against women." - Women's Aid, 2020

In 2021 (until September), there were a total of 24,686 incidents of domestic abuse reported to An Garda Síochána in Ireland ([Oireachtas](#), 2021). Newspaper reports on Saturday 14 January 2023 report the death of a woman in her 40s, in Ashtown, Dublin. A vigil is being prepared for Monday evening, the report said. On Monday 15 January, The Irish Times had three murder reports, two with photographs of young women, one of a Garda logo:

1. <https://www.irishtimes.com/crime-law/2023/01/01/man-29-arrested-over-death-of-woman-in-cork/>
2. <https://www.irishtimes.com/ireland/2022/12/30/natalie-mcnally-murder-police-renew-appeal-over-stabbing-of-pregnant-woman-32/>
3. <https://www.irishtimes.com/crime-law/2023/01/13/body-of-woman-40s-believed-to-have-died-in-violent-circumstances-found-in-dublin-apartment/>

Put together these reports provide an limited account of the death of these women.

The Irish Mirror [report](#) on Saturday 14 January 2023 describes in more detail the circumstances of the death of the woman in Ashtown and makes reference to the fact the woman was well liked but vulnerable. No picture of the woman accompanied the story. The story focused on the behaviour of the accused and eye-witness accounts of his behaviour towards the dead woman in public.

In 2021, Women's Aid, the national advocacy organisation to stop domestic violence against women, reported 213,206 visits to womensaid.ie. Femicide, a term used to describe the killing of women and girls by men, differs from male homicide as most cases of femicide are committed by partners or ex-partners, according to the Women's Aid website. "It is a term used to describe

killings of women and girls precisely because they are women and girls”, Women’s Aid said (2021).

The [second report](#) of the young woman murdered in Lurgan Co Down provides details of an accused but unidentified assailant. The article shows a photograph of the woman on a beachfront. The three articles make requests for further information to local Garda stations.

Reading three separate reports of women’s deaths what conclusions on reporting femicide can be drawn? Are the subjects’ identities being guarded or the facts themselves being reported in such a way as to protect the victim’s family? Is the reader to be at all conscious of ideas of privacy in this context?

Take notice then of the following reports of the murder of Ashling Murphy in January 2021 and consider how the reports differ from those above:

1. [Ashling Murphy: ‘She was a shining light as a teacher, the children in her class adored her’ – The Irish Times](#)
2. [Killing of Ashling Murphy - Wikipedia](#)
3. [Tullamore murder: ‘There is shock but a lot of anger too’ – The Irish Times](#)
4. [Timeline of events in Ashling Murphy's murder as Tullamore gardai unearth new evidence - Irish Mirror Online](#)

Has the reader been prepared for the information they will read in these accounts, especially in No.4? Is it a given details of murder must be in the public domain in this way? Does the information serve a purpose and for whom?

What can be said about the reporting of the murder of Ashling Murphy? Was it simply a matter of age and social profile that generated so much attention or was there something unethical also taking place? Was it well-intentioned but blatant click-bait? Why didn’t the press council speak up?

Is it a matter of public concern that one woman’s death can be made to appear to matter more? Were there other femicidal deaths in Irish cities that week that went unreported? The [statistics](#) would suggest there were.

Do Irish media organisations routinely downplay working class domestic abuse and femicide? Is it unconscious hostility towards poverty? Are particular kinds of femicide more desirable for public satiation and [Do reporting practices normalize gender-based violence?](#)

In a 2019 study on reporting domestic violence in the Irish media, Cullen, O'Brien and Corcoran argue newspaper editors "place greater scrutiny on journalists working on domestic violence stories because of potential legal repercussions regarding defamation and court reporting guidelines." The study also suggests relationship to domestic violence advocates help media organisations be more effective when police sources can be "overly conservative, reticent, and inefficient in their communications" and incident framing untimely and preset (Cullen et al, 2019). The UN provides [guidelines](#) on media reporting on violence against women.

Media ethics in Ireland and Britain are anecdotally observed by the National Union of Journalists (NUJ) Code of Conduct (Appendix A). Voluntary members of the NUJ are monitored by editors and colleagues and the general public to ensure that work to be published is both fair and ethical. But is it?

Press councils claim independence of government and press, yet editors and members of the public with vested interest in media sit on such bodies that publish and monitor their own ethical codes. Of the 13 board members of the Irish press council, 6 have active interests in powerful Irish media. Membership of the [Press Council of Ireland](#) includes:

- All daily and Sunday newspapers
- Local newspapers
- Some Irish magazines
- Some online-only news publications
- Some student publications
- Digital outlets of member publications

What do we learn from the brief survey of femicide news reports quoted here? That news organisations can make better choices when reporting woman's death by femicide? That national shame of historical poverty casts such a long shadow ethics seems too tame an instrument to tackle it?

That ethics regarding femicide reporting are almost never discussed in public media.

As Christians outlines, professional guidelines offer: "No harm to innocents, truth telling, reparations for wrong actions, beneficence, gratitude, and honoring contracts".

Media ethics and the topics related to their guidelines include reporting accuracy and journalistic objectivity, protecting and revealing credible information. Ethics help address often difficult and dichotomous decision-making and offer debate intellectual and philosophical grounding. Competition and careerism, not to mentioned pressure to increase ratings often colour application of professional codes or ethical guidelines. Practitioners preoccupied with privilege and authority can further damage already damaged scenarios and proceeding without caution and "allow self-defined exceptions for the journalist as expert" (Christians, 2007).

-- Bibliography --

- Bentham, J. *The Panopticon Writings*. Ed. Bozovic, M. (1995) London: Verso. Available at: <http://cartome.org/panopticon2.htm> [Accessed January 2023]
- Christians, C. G., Fackler, M., Rotzoll, K. B., and McKee, K. B. (1998) *Media Ethics: Cases and Moral Reasoning*. 5th ed. New York: Longman.
- Christians, C. G. (2007) Media Ethics in Education. *Journalism & Communication Monographs*, 9(4), 179–221. Available at: <https://doi.org/10.1177/152263790800900402> [Accessed January 2023]
- Christians, C. G. and Traber, M. (1998) *Communication Ethics and Universal Values*. Thousand Oaks, CA: Sage.
- Chomsky, N. and Herman, E. S. (1988) *Manufacturing Consent*. New York: Pantheon.
- Cullen, P., O'Brien, A. and Corcoran, M. (2019) Reporting on domestic violence in the Irish media: an exploratory study of journalists' perceptions and practices. *Media, Culture & Society*, 41(6), 774–790. Available at <https://doi.org/10.1177/0163443718823141> [Accessed January 2023]
- Central Statistics Office (2021). Recorded Crime Report 2021. Available at: <https://www.cso.ie/en/releasesandpublications/ep/p-rc/recordedcrimeq12021/> [Accessed January 2023].
- Giddens, A. (1984) *The Constitution of Society: Outline of the Theory of Structuration*. Berkeley: University of California Press.
- Goldman, A. (1980) *The Moral Foundations of Professional Ethics*. Totowa, NJ: Rowman and Littlefield.
- Hart, H.L.A. (1976) Bentham and The United States of America in 1776: The Revolution in Social Thought. *The Journal of Law and Economics*. Volume 19, Number 3 Oct., 1976. pp. 547-567. Chicago: The University of Chicago Press. Available at: <https://doi.org/10.1086/466887>[Accessed January 2023]
- Lebacqz, K. (1985) *Professional Ethics: Power and Paradox*. Nashville, TN: Abingdon Press.
- Mill, J.S. (1833). *The Collected Works of John Stuart Mill*, Volume X - Essays on Ethics, Religion, and Society. University of Toronto Press. Available at: <https://oll.libertyfund.org/title/mill-the-collected-works-of-john-stuart-mill-volume-x-essays-on-ethics-religion-and-society>
- Tocqueville, A. de, 1805-1859. (1838) *Democracy in America*. New York: G.Dearborn & Co.
- Women's Aid (2021). *Women's Aid Femicide Watch 1996-2022* [online] Available at: https://www.womensaid.ie/assets/files/pdf/womens_aid_femicide_watch_1996_-_2022.pdf [Accessed January 2023]
- Women's Aid (2021). *Women's Aid Annual Impact Report 2021*. [online] Available at: https://www.womensaid.ie/assets/files/pdf/womens_aid_annual_impact_report_2021.pdf [Accessed January 2023]

----- APPENDIX A -----

General reference:

[Ethics Case Studies - Society of Professional Journalists \(spj.org\)](https://www.spj.org/ethicscasestudies.asp)

Available at: <https://www.spj.org/ethicscasestudies.asp> [Accessed January 2023]

Code of Conduct for Journalists:

1. At all times upholds and defends the principle of media freedom, the right of freedom of expression and the right of the public to be informed.
2. *Strives to ensure that information disseminated is honestly conveyed, accurate and fair.*
3. Does her/his utmost to correct harmful inaccuracies.
4. Differentiates between fact and opinion.
5. Obtains material by honest, straightforward and open means, with the exception of investigations that are both overwhelmingly in the public interest and which involve evidence that cannot be obtained by straightforward means.
6. *Does nothing to intrude into anybody's private life, grief or distress unless justified by overriding consideration of the public interest.*
7. Protects the identity of sources who supply information in confidence and material gathered in the course of her/his work.
8. Resists threats or any other inducements to influence, distort or suppress information and takes no unfair personal advantage of information gained in the course of her/his duties before the information is public knowledge.
9. *Produces no material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation.*
10. Does not by way of statement, voice or appearance endorse by advertisement any commercial product or service save for the promotion of her/his own work or of the medium by which she/he is employed.
11. A journalist shall normally seek the consent of an appropriate adult when interviewing or photographing a child for a story about her/his welfare.
12. Avoids plagiarism.