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Morality and Journalists: Objectivity versus Duty of Care

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A research report submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg, in partial fulfilment of the requirements for the degree of Master of Arts, Applied Ethics for Professionals.

13 July 2018, Johannesburg

ABSTRACT

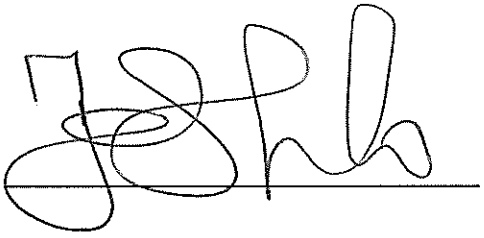
In this research report I address the question: Do journalists have a moral duty towards those they report on beyond the objectivity requirement of their job?

I use the famous example of freelance photojournalist Kevin Carter and his iconic photograph of a starving Sudanese child, seemingly on death's door and being stalked by a vulture. He was roundly condemned for shooting the image but doing nothing to save the child's life.

I examine this classic example of the observance of the journalistic standard of objectivity and non-intervention, against the Kantian imperative to respect human life. I contrast this with two examples in which, in my view, journalists acted correctly in terms of Kantian ethics by putting human life above their own, narrow professional roles and interests.

DECLARATION

I declare that this research report is my own unaided work. It is submitted for the degree of Master of Arts, Applied Ethics for Professionals, to the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination to any other university.



Thabo Leshilo

13 day of July, 2018

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SECTION 1: INTRODUCTION

Journalism plays a vital informational role in society. We rely on the work of its practitioners – specifically reporters and photographers, its 'foot soldiers' – to know what is going on in our neighbourhoods, the country, the continent and the world. And, access to information is a cornerstone of representative democracy. According to Herbert Gans (2003:1):

> The country [United States] is formally considered a representative democracy, but the representatives are supposed to be guided by the citizenry, through voting and participating in other ways. Elected officials from the president on down may ultimately make the decisions, but they are still seen as doing the citizens' bidding: acting as surrogates for them between elections. Although elected representatives stand in for the citizenry, they too are supposed to "belong" to the citizens. Journalists also follow the [American] Dream, but they add an informational provision. The country's democracy may belong directly or indirectly to its citizens, but the democratic process can only be truly meaningful if these citizens are informed. Journalism's job is to inform them.

What Gans says about the US applies by and large to other democracies too. In South Africa, for example, the Press Freedom Commission (PFC) says in the foreword to its report detailing its recommendations for regulation of the country's press:

> The Constitution of the Republic of South Africa values the right of everyone to freedom of expression, which includes the freedom of the press and other media. The print media fulfils an extremely critical role in the realisation of this right. The media, however, does not

> operate in a vacuum; the manner in which it goes about its work will always be of interest to the greater public. This is so because the media concerns people, is about people. It is about how their lives are touched by whatever is written and published in it. (PFC: 2012,5)

To carry out this vital informational role well, journalists have to ensure that the information they pass on – be it words and images in print, on radio, television, online or through any other medium – is truthful and accurate (*ibid.*). They are also required to provide the information in a way that is unbiased, fair, and balanced. The latter set of requirements speaks to the important journalistic principle of objectivity. This (almost) universal principle is expressed in various press codes – such as the *South African Press Code,* and those of America's Society of Professional Journalists*,* and the country's National Press Photographers' Association.

I use 'objectivity' to mean that journalists are required to report news 'truthfully, accurately and fairly' as per the *South African Press Code*. This sense is also conveyed by Judith Lichtenberg (1990, 6), a professor of philosophy at Georgetown University, when she says that:

> [T]he contemporary journalist working for a major daily, a newsmagazine, or a television network is expected to be neutral, fair, balanced, objective, and altogether 'value-free.' These traits form part of the norm of objectivity, which is a cornerstone of the professional ideology of journalists in liberal democracies.

However, journalists are human beings, not robots. They are forever faced with the difficult moral question of what to do when reporting human tragedy: specifically, whether they have a moral duty of care towards their subjects, beyond simply reporting on their plight.

They hence can't always be 'value-free' and not intervene in situations that they cover, especially situations of human tragedy. And, it is - unreasonable to expect them to.

To support my point, l discuss in what follows the ethical issues and distinctions concerning (among other topics): acts and omissions; doing harm or allowing evil to happen; media ethics; professional ethics; the doctrine of double effect; killing and letting die; beneficence; special obligations and social institutions; and perfect and imperfect duties, as they pertain to journalists faced with human tragedy.

a. The Question and the Specific Case

The question that I want to address is this: Do journalists have a moral duty towards those that they report on, beyond the objectivity requirement of their job?

Journalism, as an institution, has sought to answer this challenge by either trying to eradicate or limit the human factor in reportage with prescriptions against bias in codes of good practice. These codes generally require journalists to report dispassionately on every event, and to view their only obligation as being to bring us the news, regardless of what happens to the people that they are reporting on. This, in my view, conflicts with the moral duty of care all humans have towards one another. This moral dilemma, between the requirement of objectivity and the requirement of care, is the subject of this paper.

This issue captured the imagination of journalists, photojournalists, editors and their audiences, philosophers, journalism teachers – just about everybody – in the wake of the

sensational photograph taken by photographer Kevin Carter of a starving Sudanese child on death's door being stalked by a vulture, over two decades ago (Carter 1993). Carter encountered the child, a victim of famine in the wake of a brutal civil war, in the village of Ayod. She was struggling to reach a United Nations feeding centre in the area. The photo, which was first published in *The New York Times* on March 23, 1993, raised questions in my mind, as a journalist, about the ethics of clinically reporting on and photographing other people's tragedy and simply walking away without extending a hand to help alleviate their suffering. The image and the issues that it raised have stayed with me throughout my career as both a reporter and, eventually, as a title editor.

I use Kevin Carter's iconic photograph as a springboard for my project given its familiarity and the huge controversy it sparked. My instinctive feeling is weighted towards the view that journalists have a moral duty to come to the aid of their subjects in dire situations. But, I am also conscious of the view that Carter may not have been in a position to help the child, as he and others had reportedly been warned not to touch the victims of famine as they could contract diseases (Roget 2018).

My concern is with the moral issues raised by his failure to intervene to save the child's life, something for which he was roundly condemned. My strategy is to hypothesise the issue, and thus to discuss the moral issues raised by the failure of a photojournalist to intervene, regardless of Kevin Carter's ability to do so. That way, the issue ceases to be about Kevin Carter and becomes about any journalist faced with a similar the situation.

I do so by referring to a hypothetical Kevin Carter who is detached from the feelings of his subject, as opposed to the real Kevin Carter who might have been constrained by the practical situation from intervening. I refer to the former as the 'Detached Kevin Carter'. Having done that, I move on to two examples which, in my view, are exemplars of good moral behaviour by journalists towards those they report on. The first example pertains to the conduct of Sophie Tema, a reporter from *The World* newspaper, towards Hector Pieterson –one of the early victims of apartheid police brutality in the wake of the epochal Soweto June 16, 1976 Uprisings. The second example is about the conduct of an editor in withholding the publication of an explosive story in order to prevent a potential bloodbath in Ghana.

I show that the media in post-apartheid South Africa needs to grapple with such questions given the fundamental societal changes that the country has undergone — and continues to undergo — on its journey to inclusive democracy and nation building. The country's news media – like all public institutions – needs to re-examine its role in the new democratic dispensation, and its mainly Western points of reference and values, not least because of its chequered role in apartheid and colonialism.

I take it as uncontroversial that good journalism is ethical journalism – at least for the mainstream journalism that is a public forum, and which provides a public good. That public good is mainly to play an informational role and be a platform for the exchange of divergent societal views. It is hard to see how anyone who either produces or consumes such vital information would countenance a disregard for ethics – be it in the final product or the methods employed to produce it.

Thus, it is my view that every professional journalist needs to undertake his or her job with due observance of the principle of objectivity – specifically its prescriptions against conflict

of interest, the wilful peddling of lies and disregard for the dignity of others. This principle is central to ethical journalism. But I will also argue that, although admirable, the principle of objectivity is not the be-all and end-all of ethical conduct by journalists, and that it has a flaw, found in its prescription of non-intervention or non-interference.

I know from my 27 years' of experience as a media practitioner – including as a reporter, editor, public editor, public relations officer and communications specialist – that traditional mainstream journalism is steeped in the view that journalists should only report the facts in a clinical manner, and not become involved with their subjects or intervene in situations that they cover (beyond what is required by simply doing their jobs). On that hardcore, traditional view of objectivity, if Kevin Carter had saved the Sudanese child, he would have been actively influencing the situation he was photographing, and thus become part of the story. This take on objectivity does not resolve the question that bothers — or should bother — every decent journalist who covers human tragedy. Put simply, the dilemma is the requirement that journalists should:

i) Always act ethically; and

ii) Always be objective.

If our decent journalist does i), (acting on her human concerns over her professional concerns) she may act in ways that are considered biased (from a professional point of view). If she does ii) she may have to act in ways that are unethical (from a humane point of view). I argue that the obligation of journalists, as professionals and human beings, is to always act ethically – both when acting as a journalist *qua* journalist and as a journalist *qua*

human being. Acting ethically thus trumps objectivity as traditionally understood in journalism circles.

It is my hope that this project will be a useful addition to the voices that seek to show that journalists need to act morally towards their subjects, even if that means not publishing some stories that may imperil lives. In addition, this will also hopefully sensitise some journalists to the problem of moral lapses that often accompany their pursuit of scoops; and make them pause and ponder whether their actions exploit their subjects and are thus immoral.

It is my view that the moral obligation to save lives is more important than the obligation to get the story or to publish it – that acting ethically as a journalist means incorporating common societal morality into the way you approach your work. Thus, acting ethically as a journalist, with due regard to your moral duty towards your subjects and audience, trumps the narrow interests of the journalist and his or her media outlet.

I open the discussion in the next section with an examination of professional duties and role morality. Thereafter I take an in-depth look at objectivity and spell out my views on the subject before setting out and defending my argument. After that I address possible objections to my standpoint and offer my response before concluding.

b. Professional Duties and Role Morality

The issue of the special duties people have as members of certain professions or institutions, separate from their normal roles as persons, has been addressed by many philosophers. One of these is David Luban. He examines the question:

> Can special social roles create their own unique moral obligations, different from, or even irreconcilable with, everyday moral requirements such as honesty, benevolence, fair dealing, harm avoidance or respect for others? (Luban 2003, 585)

Another is Albert Carr (2000, 143-153), who takes an extremely unconventional stance on this subject, holding that common societal ethics do not apply in business. I discuss his views first.

Carr claims that business is no different from the game of poker, in which bluffing is allowed. To him, "the ethics of business are game ethics, different from the ethics of religion" (144). A business's only goal is to maximise profit for its owner(s) by any means necessary, so long as doing so is not specifically prohibited by law. On this view, the law is a mere hindrance to be overcome in the pursuit of profit. A businessman should thus be willing to capitalise on legal loopholes and ambiguities, and to undertake activities that he knows he would not be allowed to if the laws were more tightly formulated. "If the law as is written gives a man a wide-open chance to make a killing, he'd be a fool not to take advantage of it. If he doesn't, somebody else will" (143).

I shudder to think of the result were all journalists to adopt such an attitude. An example would be an editor allowing the publication of a fabricated story that wilfully besmirches someone's reputation, justifying the publication by saying that she was given the right to comment as required by the *Press Code*.

According to Carr, a businessman should be able to divorce himself from his normal attitude to life as a husband, father, church deacon or member of a community. He cannot afford to play by the rules of morality required by these roles when he runs a company or makes business deals. Just as no one takes a dim view of a poker player who bluffs his way to victory, no one should think ill of a businessman who does the same, because standards of what is right or wrong in business "differ from the prevailing traditions of morality in our society" (144).

As for customers, a businessman should not worry about continuing to sell them inferior, older editions of a product even if he has started manufacturing a superior one. And, there would be nothing wrong with overcharging them for goods for which he is the only supplier. He should always remember that his purpose is to maximise profit – nothing else.

Thus, on Carr's view, Detached Kevin Carter could claim in his defence that his role as a journalist (and his professional journalistic duties) outweighed his duty as a human moral agent**.** I reject this view. I reject it because (modern) business is not about its owners' interests only but merges the interests of many more people – those of its employees, customers, suppliers and the communities in which it operates. All these stakeholders are affected by the operations of the business and their interests matter in so far as the operations of the business are concerned – and, they matter equally.

This view, which is more in tune with modern day mainstream journalism, has been eloquently presented by Edward Freeman (2009, 56-68), who dismisses the idea that a business exists only to maximise profit for its owner(s).

Freeman contends that ethical concerns are integral to business decisions. To him "almost any business decision has some ethical content" (59). That is because: (a) business decisions involve creating value for some while possibly destroying value for others; (b) a decision that benefits someone might potentially harm another; (c) business decisions might enable or advance some people's rights and not others'; and, lastly, (d) business decisions have a bearing on the kind of person that makes them: they speak to one's character.

We can see a parallel relevance to journalism, in that: (a) news stories that expose the bad practices of some companies can benefit their competitors; (b) exposing tax dodgers can benefit the fiscus while depicting the culprits in a bad light; (c) exposing human rights abuses can promote the enjoyment of such rights while destroying the careers of the abusers; and (d) the ethical decisions a journalist and her employers make speak to their personal characters.

Freeman says thinking honestly about these factors invariably leads to the integration of business and ethics in a seamless manner. His 'integration thesis' (60) is the antithesis of what he calls the "separation fallacy" (*ibid.*) that separates business decisions and ethics (as advocated by Carr) and provides that:

> Most business decisions, or sentences about business have some ethical content, or implicit ethical view. Most ethical decisions, or sentences about ethics have some business content or implicit view about business. *(ibid.)*

In today's world, for example, mining companies have to consider the ethics of sending miners down mines without the necessary safety gear to protect them against the deadly silicosis disease. Businesses also have to consider the potential harm their products might cause customers and take steps to prevent such harm. Much of the world has long embraced the enlightened view that businesses do not exist in isolation to their employees, suppliers, government, customers, and the communities within which they operate.

Besides, ethical concerns often have the force of law. Just as ethics preclude wilfully harming others, journalists are constrained by legislation and their professional codes from causing unnecessary harm through their operations. Concerns with ethics, just like laws, require that media firms also consider the interests of their readers and the people they report on. Hence, the correctness of Freeman's view that business decisions cannot be divorced from ethical decisions is evident. For these reasons, ethical decisions should be embedded in journalism decisions at all times.

Luban's question – whether special social roles create their own unique moral obligations that do not accord with common moral requirements – applies directly to the Kevin Carter example. I will attempt to show this by examining more closely the (in)famous words by journalist Janet Malcom (1990, 4) that are in the Carr mould. Luban (2003, 586) quotes Malcolm:

> Every journalist who is not too stupid or too full of himself to notice what is going on knows that what he does is morally indefensible. He is a kind of confidence man, preying on people's vanity, ignorance or loneliness, gaining their trust and betraying them without remorse.

This illustrates the problem that a journalist usually encounters when dealing with a story that is potentially detrimental to his source. Common morality would prohibit the betrayal of trust, yet suppressing the news owing to personal loyalty to the source would "violate journalistic integrity". Thus, role morality *requires* what common morality deems 'indefensible'" (*ibid.*).

What, then, ought to take precedence – role morality or common morality? Should professionals simply do their jobs in line with their demands regardless of the consequences to others? My view is that common morality should predominate and that we cannot justify harming others and hiding behind our professions.

Should a lawyer representing accused terrorists win their acquittal by threatening to reveal evidence that would blow the cover of secret agents in hostile countries, costing them their lives? Role morality says 'yes'; common morality, at least as many people view it, says 'no' (Luban 2003, 586). (I discuss a similarly profound question in my example from Ghana in section 5)

Luban seeks to solve the problem of reconciling 'universalist common morality' with 'particularist role morality'[1] by first applying a two-level rule utilitarian structure (which says that the principles of utility should be used to choose rules, which are then to be followed because following them creates more utility than breaking them). Thus, we can expect people to follow the rules, rather than evaluate cases individually for their utility (589).

[1] 'Universalist common morality' refers to everyday morality that determines acceptable behaviour. 'Particularist role morality' refers to acceptable conduct as required in a particular role, such as behaviour expected of a journalist qua journalist.

But, considering the approach still inadequate to properly address the problem, Luban proposes using a four-level analysis of role morality, according to which "professional roles are embedded in social institutions that can be morally evaluated" (592).

Thus, to extrapolate from Luban's example of lawyer-client confidentiality, an individual reporter's *act* of keeping a source's or subjects' identity confidential is justified by the *rule* of confidentiality. The rule is itself justified by the importance of the social *role* of a journalist. In turn, the role of journalist is justified by its centrality to the *institution* of journalism. And, finally, the institution is justified by its importance in society (591).

Role morality wins if the institution is sufficiently valuable, the role is sufficiently central to the institution, and the rules are sufficiently necessary for the role. Weakness in any of the links of this chain of justification weakens the demands of role morality (592). Thus, for example, to do their jobs well, reporters are sometimes required to protect the identities of their sources to protect them from harm. But, what is so important about the role of the journalist and the institution of journalism that makes it vital that journalists hold confidentiality to be sacrosanct? The obvious answer is that journalism plays a vital informational role in society, and journalists need to enjoy a special privilege by virtue of their role as collectors and disseminators of such information. This becomes particularly significant given the role that journalism plays in speaking truth to power and promoting accountability in society. It is thus necessary that journalists' sources know that they can trust them in their professional roles not to betray them or somehow wilfully compromise them.

Journalists also take on adversarial roles in their jobs, which sometimes involve harming the innocent. For example, exposing a politician's dirty laundry in public can have a harmful

effect on his family. Hence stories have to be approached with the utmost care to ensure that they are true, that they carry only relevant information, and that their publication is in the public interest. But, according to Applebaum (1994, 4), as cited by Luban (2003, 592), adversarial role morality cannot prevail over common morality. And, as Lon Fuller states (1955, cited by Luban 2003, 592), professional duties cannot be judged by "ethical standards … independent of time, place and circumstances". Making such judgments "always involves a reciprocal adjustment between ends and means" (*ibid.*). Some professional ends may seem morally acceptable until we discover that achieving them requires too much evil. On the other hand, some professional ends may appear too evil to countenance, and yet abandoning them completely would make impossible the attainment of 'indispensable' social goals, such providing legal defence and medical services. (593). In judging institutions, due regard has to be given to what is needed to make them function.

This, however, does not eliminate the problem of role morality and its tensions with common morality. That is because

> the moral relationships between professionals and others are, pre-eminently, relationships of *reliance*. Clients, patients, newspaper readers, and parishioners rely on lawyers, physicians, reporters and priests to discharge their professional duties faithfully. (595)

Thus, Detached Kevin Carter's conduct in simply doing his job as a photojournalist and leaving the Sudanese child to an unknown fate typifies the clash between common morality – whose precepts are widely recognised and apply to all of us, irrespective of our social status – and role morality, which derives from our social roles (583).

People in professions perform unique duties which come with unique responsibilities and privileges that set them apart from other people. For example, doctors have access to our bodies and medical histories so that they can do a good job of keeping us healthy, restoring us to health or even of saving our lives. But they, like all of us, do not enjoy free reign to do as they please; they are also bound by the common morality that applies to all people. They cannot, for example, simply remove the kidney of a woman undergoing a caesarean birth, unbeknown to her, in order to save another patient who needs it. In other words, they have to incorporate common morality in the way that they practice their roles, in addition to the morality specific to their roles.

Likewise, a journalist cannot, in the exercise of his profession, act as if that profession and his role in it exist outside of, and independently of, the society within which he performs his unique professional duty of bringing us the news. He, like all of us, is subject to the dictates of common morality required to make social living possible. So, a journalist cannot neglect to save a life when it is within his ability to do so. Neither can he wilfully cause harm in the pursuit of his profession in the name of objectivity.

c. Objectivity in Perspective

Objectivity is a fundamentally important quality in journalism. That is because it determines whether we should believe journalists or not. I know from my experience as a reporter that we were always required to present a true picture of the reality we reported on. We were

required not to insert ourselves and our views, so to speak, into what we reported on in any way. As Charlotte Wien says:

> No one would have use for journalism if the journalists themselves asserted that the dissemination of news consisted of false pictures of unreality. Concepts such as 'truth' and 'reality' cannot be separated from the concept of objectivity. Hence, if one can speak of a paradigm within journalism, we might see such a paradigm in the requirement for objectivity in disseminating news. (Wien 2005, 3)

Yet, objectivity is a complex, complicated and even controversial concept.

Wien correctly points out that having objectivity as a beacon, and practising it are two different things (*ibid.*). Hence there are different schools of thought in journalism which have tried to put objectivity into effect, such as 'Mainstream Journalism', 'Scientific Journalism', 'New Journalism' and 'Precision Journalism' (including 'Computer-Assisted Reporting'). A journalist needs to figure out how to practice objectivity somehow. Given that journalists normally learn how to report objectively simply from watching the practice of other journalists – they, like practitioners of other professions or crafts, need to supplement their observation with theory, according to Wien (*ibid.*).

To me objectivity speaks to the need for journalists to make sure that they report in a way – be it through words written on paper or online, or broadcast on radio or television, or through background sound in the latter mediums – that makes the information they convey through their stories true and accurately reflects what happens. Such information should be fair, balanced and free from self-serving conflicts of interest. The essence of objectivity is guarding against the wilful manipulation and misrepresentation of facts aimed at providing

a self-serving distorted view of reality. It is precisely this wilful abuse that press codes seek to eliminate.

My view is that putting objectivity into effect gives rise to situations in which it needs to be balanced against the reality that confronts journalists, resulting in degrees of objectivity. I accept the centrality of objectivity in journalism, but not the rigidity afforded it in some quarters. To appreciate why objectivity is considered so fundamental to good, ethical journalism, it is worthwhile to understand what the major media outlets, journalism associations and press bodies say on this subject, in their various codes of ethics. The *South African Press Code*, for example, deals with the question of journalists' duty of care towards their subjects, requiring mainly that news be reported "truthfully, accurately and fairly" (PCSA 2016).

Importantly, the Society of Professional Journalists Code of Ethics in the US has declared four basic principles as the foundation for ethical journalism, one of which directly relates to journalists' moral duty towards their subject. These are to: "[s]eek the truth and report"; "[m]inimise harm"; "[a]ct independently"; and "[b]e accountable and transparent" (SPJ 2014).

The code calls for professional distance when journalists interact with their subjects. Significantly though, the requirement to minimise harm in this regard falls far short of addressing the question of journalists' moral duty towards their subjects. What it does is to counsel journalists not to, for dramatic effect, make the plight of their subjects any worse than it is.

The National Press Photographers Association (NPPA) in the United States supported Kevin Carter, saying that he was justified in not helping the child to safety, and that he was fulfilling his job as a photojournalist and acting in line with the principle of objectivity.

According to it:

> Visual journalists operate as trustees of the public. Our primary role is to report visually on the significant events and varied viewpoints in our common world. Our primary goal is the faithful and comprehensive depiction of the subject at hand. As visual journalists, we have the responsibility to document society and to preserve its history through images. (NPPA undated)

Its code of ethics includes the provision: "while photographing subjects do not intentionally contribute to, alter, or seek to alter or influence events" (*ibid.*).

Even then, the question was asked:

> Considering this, one can say Carter was objective and documented what he saw, capturing the severity of the situation in Sudan. But does this excuse him from the responsibilities of being a good human being? (Photography News 2017)

Carter's own explanation of his approach suggests that he battled with the cold detachment required by the objectivity of his craft. Maureen Ryan, in a blog in the *Chicago Tribune* of September 15, 2006, quotes him, as saying: "My first instinct was to make the picture. After the child moved on, I felt completely devastated". (Ryan 2006)

The Agence France-Presse news agency has a different view on this, as shown by its new ethical guidelines for journalists. The relevant part of the code, written by former Editor-in-Chief Eric Wishart, provides that:

> Journalists often face the moral dilemma of either continuing their coverage, or assisting those who are injured or in danger. There are many documented cases of journalists helping people in danger. Although we are deployed on the ground to provide news coverage we do not surrender our humanity. Whether to assist a person in need is a decision for the individual journalist to take based on the given circumstances and according to his or her conscience. (EJN 2016)

As stated earlier, I know from my experience in newsrooms that the dominant- view is that it is vital to keep a professional distance in taking such photographs or reporting stories; that our job as journalists is not to get involved. For example, we should inform our readers of problems at public hospitals, but not to go the extra mile of ensuring that the problems are fixed. It would be good if the stories prompted the authorities to fix the problems, something which does often happen. But the significant difference between what confronts journalists going about their daily duties and the Kevin Carter case is that the latter involves a helpless child in immediate danger. The Sudanese child's life would not be saved by the normal journalistic practice of simply publishing the photograph and leaving it to the conscience of the public to intervene and alleviate its suffering. Hence, Detached Kevin Carter ought to have saved the child.

His conduct is a classic and dramatic example of the clash between role morality and common morality. Proponents of the traditional approach to objectivity and its prescription

of non-intervention would see nothing wrong with him having simply done his job and not saving the child. Carr would agree with them, given his view that business – in this case the business of journalism – has its own morality separate from common morality. Extrapolating from Carr's view, the business of journalism would have been well served by the iconic photograph driving sales of the *New York Times*, to the benefit of the owners of the newspaper – and to Carter.

But, as I have shown, thanks to Freeman and Luban, this view in unconscionable. Journalism does not exist in isolation to society and thus has to subscribe to the morality of the society it serves. And, to fail to save a life when it is possible to do so with little effort is to disrespect the humanity of the person in need of saving. So, in my view, Detached Kevin Carter ought to have saved the Sudanese child. In the next section I attempt to defend this view.

SECTION 2: DEFENCE OF THE THESIS

a. Reflections on the South African Media During and Post-Apartheid

The media in South Africa was shaped by the country's history of colonialism and apartheid. This had implications for the apartheid-era media's values and ethical considerations. The country's press could be categorised, among other factors, by where it stood on the

country's discriminatory racial policies, which advocated white minority domination of the oppressed black majority.

Significantly, apartheid – in force from 1948 to 1990 - was declared a crime against humanity by the United Nations in 1966 (Dugard 1973). What could be described as the Black Press in South Africa at the time was made up mostly of English-language titles such as *The World*, and *Weekend World*, which were aligned with the liberation movement. As the South African Press Association noted on September 16, 1997 (SAPA 1997), black journalists had no choice but to be political. This, naturally, conflicted with the Western idea of non-involvement and strict objectivity.

What then, given its colonial and apartheid history, should the role of the news media in a post-apartheid, democratic South Africa be? What values and ethical considerations should guide or concern the media given its new context of having to serve all South Africans in a free society?

Johan Retief, who is currently the Press Ombudsman of South Africa, wrote in 1992 that the country had a "curious blend of media theories" underlined by a "number of political and cultural paradigms" (Retief 2002, 18). He describes these as the libertarianism and authoritarianism dichotomy, egalitarian and developmental model (*ibid.*).

The authoritarian orientation found explicit expression in the alignment of Afrikaans newspapers with the successive apartheid governments, most notably *Die Burger*. But, Afrikaans media support for apartheid also found expression in *Beeld* and *Volksblad*, among others.

On egalitarianism, Retief notes that before the advent of democracy in 1994, the media in South Africa "were almost exclusively owned by (a few) white people". Four conglomerates owned the media: The Argus Company [now Independent Media], De Nasionale Pers [now Naspers], Times Media Ltd. [now Tiso Black Star] and Perskor [now Caxton]. This concentration meant that the paradigms entertained by whites determined the process of news selection, and that the black majority was to a large extent bypassed. It was of vital importance with the advent of democracy that the media's role did not stay in the hands of a small group of editors and owners but that it became a public matter in which all of society could participate, given the interest that all citizens had in the issues reported on (Retief 2002, 20). He says that there is a growing (egalitarian) consensus in the South African media around the need for transformation in ownership so as to better reflect and cater for the (majority) black public.

Retief notes that the Hutchins Commission , which investigated growing problems facing the press in America during World War II (Blevins 1997), has had an important influence on South Africa's media: there is a growing emphasis on the social responsibility of the media; the media is expected to present all voices and views in a particular community; there is the view that government should play a role in the media; a view that group rights are more important than individual liberties (this is essentially an African communalism ethos); and a view that the media should implement Affirmative Action. The latter two points are particularly relevant to my project, as will be soon be evident.

Herman Wasserman, Professor of Media Studies at the University of Cape Town, considers the period immediately following the official end of apartheid in 1994 as one in which South African society was trying to redefine itself – including its journalism. "This was really a

period of redefinition for journalism in South Africa as we tried to grapple with what our role should be in this new democracy", he recently said in an interview published on the University of Cape Town website (Simon 2017). He holds the view that one of the dominant frames that South African media has adopted is the 'watchdog approach' (characterised by a focus on unearthing corruption and holding those in power to account). But, he argues that although this is important, it can result in antagonistic journalism that "defines its primary role in relation government" (*ibid.*). Instead, questions should also be asked about whose interests the media are watching out for. His view is that South African journalism serves mostly the interests of the country's elite. The challenge, then, is for the media to grapple with how it can also foster ethical values of compassion, care and social justice in a way that strengthens the media's ability to hold all forms of power – state, corporate and social– to account (*ibid.*).

Wasserman argues that the country's media could also play a role in broadening South Africans' understanding of one other, going beyond the narrow interests of the elite. Hence, the importance of 'listening' as a framework – actively seeking out and listening to voices that have historically been, and continue to be, suppressed, stereotyped and marginalised. Wasserman stresses the importance of comparative media studies, arguing that in today's globalised media environment, questions of media ethics cannot be tackled in isolation (*ibid.*).

His words remind us that cultural or social contexts or peculiarities are an important part of morality. They shape attitudes to professional roles and should thus be taken into account when evaluating professional roles in different contexts. Thus, it becomes imperative that journalism's professional codes should take divergent cultural dynamics into account. They

could do so by expressly allowing journalists leeway to follow their own consciences (as informed by their cultural imperatives) regarding what constitutes acceptable behaviour when dealing with their subjects. As the Agence France-Presse example I mentioned earlier shows, this is not at all outlandish. The news agency's ethical guidelines for journalists provides in part that:

> Although we are deployed on the ground to provide news coverage we do not surrender our humanity. Whether to assist a person in need is a decision for the individual journalist to take based on the given circumstances and according to his or her conscience. (EJN 2016)

More of this needs to happen as, ethical norms for the media – which according to Wasserman (Simon 2017) have historically been determined in the North and applied in the Global South without due attention to the role of the media in these contexts – change to accommodate the diversity of global cultural norms.

These views resonate with me, as do the efforts of other journalismethics theorists who advocate moving away from thinking about media ethics within a purely Western European and North American theoretical framework and are actively contributing to the development of universal ethical principles for journalism worldwide.

Among the theorists whose work recognises the cultural diversity of the people of the world, and who advocate differing approaches to journalism practices, are Christians and Nordenstreng (2004, cited by Rao and Wasserman 2007, 32), with their worldwide social responsibility theory of the media. This is the view that journalism has to be conducted in a manner that is socially responsible, guided by "universal ethical principles rather than parochial moral guidelines represented by codes" (*ibid.*). Importantly though, social

responsibility would be owed to the world, rather than to individual journalism entities' places of domicile, given that journalism has also become globalised. Christians and Nordenstreng's guidelines for a global media ethic suggest that universal media ethics principles should be grounded on the three universal principles of respect for human dignity (given that human life is sacred), truth, and non-violence (*ibid.*).

Another media ethics theorist in the same mould is Ward (2005). Ward considers global media ethics to be the third step in the evolution of media ethics, following the 'journalism of partiality and faction' from about the period 400 to the 17th century, and the ideal of impartial, unbiased public journalism from the early 1900s, which became entrenched in journalism codes by the 1920s.

He sees global ethics as enlarging the size of the public that journalism serves. Because journalism has become globalised, it now owes the responsibilities that apply to it to a global audience. "With global reach come global responsibilities. Reports with global impact should be accurate, balanced, and diverse in viewpoint, as judged from a more international perspective" (Ward 2005, 5).

What Christians, Nordenstreng and Ward advocate with their universal social responsibility ethical theory has implications for the traditional view of objectivity that hitherto burdened it with unbending rigidity. When journalism ceases to serve the few but serves the many, that brings with it differences in ethical considerations, thanks to differences in religion, traditions, cultures, values, and agendas (*ibid.*). For example, journalism that is informed by the ethical views of the few would find nothing wrong with cutting off the hand of a hungry person for stealing a loaf of bread. But, other practitioners of the craft elsewhere would

frown at and rail against such injustice, and against the societal conditions that make it possible.

In this regard, Christians' and Nordenstreng's proposition cited above – that journalism should respect the sanctity of human life – is especially profound. It dispenses with the disregard for human welfare in the slavish deference to objectivity. The resonance with Kant's prescription of respect for human life, which informs my argument that journalists should place human life above their narrow professional interests of getting stories out, is stark.

b. Postcolonial Theory of the Media

Rao and Wasserman (2007) reject the universalisation of Western ethical ideologies as facile, arguing that journalism ethics needs to draw on postcolonial theory. "[C]ultures are enmeshed in power relations, and therefore an exploration of ethical values in non-Western cultures would have to account for these power relations on a theoretical level". (2007, 30-31). They view the use of the term 'global', as "displaying a lack of adequate attention to cultural differences around the world that may problematize the very notion of 'global ethics'" (31). They further argue that indigenous knowledge in different parts of the world necessitates a rethinking of Western theoretical frameworks (*ibid.*).

Rao and Wasserman note that the idea of imposing Western values on the entire world – with its myriad nations and widely divergent cultures – has notably been criticised in the wake of the collapse of the Soviet Union in the 1990s, which was accompanied by attempts to impose Western-style democracy. They cite Brislin (2004, 132) as suggesting that the search for universal global media ethics should focus on 'empowerment': "the degree to which a society's journalism is designed to empower the citizenry for its own betterment rather than the degree to which it creates a passive audience of consumerism" (Rao and Wasserman 2007, 32).

In their guidelines for a global media ethics, Christians and Nordenstreng go beyond editorial codes in favour of the social responsibility theory as worthier of adoption by the press globally. They suggest that such universal media ethics principles be grounded in respect for human dignity, truth, and non-violence. Ward's cosmopolitanism, on the other

hand, proposes credibility, justifiable consequence, and humanity as principles guiding the press (Ward 2005, 3). His idea is that today's journalists see themselves as serving not the parochial spaces they inhabit but, rather, people everywhere in the world. A journalist should thus "act as a global agent, to serve world citizens, and to enhance – non-parochial understandings" (*ibid.*).

Rao and Wasserman, while commending the efforts of Christians, Nordenstreng, and Ward, point out that they still largely ignore the importance of recognising local peculiarities, and are still driven by the view that sees European and North African frameworks as the norm to which the whole world should conform (Rao and Wasserman 2007, 33). They argue that satellite news channels such as Al Jazeera, Al-Arabiya, and Zee News have proven that the traditionally cherished Western values of journalism are no longer viable in global journalism. The media, like democracy, is no longer just Euro-American (*ibid.*).

Deferring to Chabrabarty (1996, 224), Rao and Wasserman say that postcolonial theorists, on the other hand, recognise the dangers inherent in Western theories that cover all human beings without due regard to their historical, cultural and political differences (Rao and Wasserman 2007, 35). Instead, postcolonial theory calls for understanding the nature of truth "within the framework in which the truth is constructed and from which the truth emerges" (*ibid*). In terms of postcolonial theory, truth is loaded with ideology and affected by power. Rao and Wasserman point out that if journalism in both India and South Africa were to shed its imposed Western ethical framework, it would incorporate respect for the philosophies of Ubuntu and Ahimsa, which influence the conduct of life in South Africa and India, respectively. As such, media ethics in these countries "no longer fit neatly into the

classic Western liberal frameworks of ethics" (39) and need to be informed by local peculiarities.

What these authors say speaks to the need for journalism to transform in line with the necessary transformation of both South Africa and India after centuries of colonialism. In South Africa, journalism needs to fall in line with the country's post-apartheid transformation project – that of building an inclusive, free and democratic society as envisioned in the country's 1996 Constitution.

c. Ubuntu in South Africa

The African ethical frame work of Ubuntu (humanness) provides that "each individual's humanity is ideally expressed in relationship with others" (Rao and Wasserman 2007, 40). This communitarian ethic contrasts with the individualism of the West and provides that a person is a person through others (*ibid.*). Re-appreciating this value system is part of the renegotiation of cultural identities and rediscovery of African values in post-colonial South Africa (*ibid.*). This process is bound to influence the types of journalism that are acceptable in South Africa, given its past history of dispossession and oppression of the black majority, and marginalisation of its cultures.

If Ubuntu is to be used as a normative theory for the media, the media as an institution should be seen as inextricably linked with the community and should be required to actively participate in community matters through consultation (Blankenberg 1994, 46-50). This would mean that its ethical principles would be conceived from within the community and

not outside of it. The community would not be conceived of as a collection of individuals, but as an organism in which members have reciprocal relationships. Universal principles such as respect for human dignity might be given a different slant in the process, since dignity would be understood not only as an individual attribute, but also as an attribute of the community (Rao and Wasserman, 40-41).

One example of journalism being practised with a strong Ubuntu influence can be found in the way in which *Sowetan* reporter Dan Fuphe's story of an indigent family living in an informal settlement in Soweto was undertaken. On learning from the old woman – who was the family's sole breadwinner on her meagre old-age pension – that they had not had a proper meal for days, he gave them the only money he had on him (just under R30) to buy some food. He later told me (as his editor) that not helping would have been contrary to Ubuntu (humanness), the value system that he lived by and which compelled him to help someone in despair.

In South Africa, where black people were denied dignity under colonialism and apartheid, Ubuntu might require the media to seek communal redress for the previously oppressed black majority. It would also require the media to actively seek ways to bridge the racial, economic, and ethnic divides that continue to persist. But doing so would violate the Western views of social responsibility found in the ethical codes of the mainstream media (Rao and Wasserman, 41). This speaks to my proposition that journalists owe their subjects a moral duty of care and that this duty overrides the prescription of non-intervention required by the traditional approach to objectivity.

d. Ahimsa in Indian Media

Rao and Wasserman say that Mahatma Gandhi developed his theory of Ahimsa (or non-violence) – which has a long history among the Buddhist, Jain and Hindu philosophies of India – to mean "absence of malice or hostility to all living beings in every way and at all times" (Gandhi 1942, 18 quoted in Rao and Wasserman, 43).

A former journalist himself, Gandhi's philosophy of Ahimsa had a profound influence on journalism in India and was 'fully integrated' into the journalism that developed in India during and after independence (Rao and Wasserman, 45). According to the authors, representation of religious minorities in the Indian media is one of the most contentious issues confronting the country's media, not least because of the explosion of inter-faith religious violence after independence and the subsequent breakaway of today's mostly Muslim Pakistan in 1947 – a breakaway that claimed a million lives of mostly religious minorities (*ibid.*). This led the regional and vernacular press to embrace "the positive and proactive notion of Gandhian *ahimsa"* (*ibid*.). The newspapers' approach to the news has seen them promote communal harmony between the Hindu majority and the Muslim, Christian, and Sikh religious minorities.

This is a radically different from the traditional Western approaches to journalism which are grounded on principles of objectivity, independence, and impartiality. The Indian editors take a moral position to advocate peace between communities, fostering cross-border brotherly relationships between Pakistanis and Indians (whose nuclear-armed countries have been in a state of war since partition in 1947). "Their style of journalism, influenced by

Gandhian *ahimsa*, allows them to go beyond simply reporting the happenings of the day, to write about cooperation and harmony" (46).

In this section, I have argued that media ethics should not be informed by Western theoretical frameworks only but need to also be informed by different dynamics that obtain everywhere journalism is practised. The literature shows that globalisation has impacted journalism in ways which mean that its Western practitioners can no longer hold on to their parochial ethical prescriptions and ignore the views of the rest of the world.

Thus, in my view, the social responsibility theory can be enriched by consideration of the importance of local cultural norms and values, such as Ubuntu and Ahimsa, as Rao and Wasserman have shown.

As the example of the Indian editors who practise journalism influenced by the values of Ahimsa to promotes religious harmony demonstrates, one does not have to slavishly adhere to Western prescriptions of non-intervention to practise journalism. Likewise, in South Africa, one can be a journalist and still show compassion for those one reports on, and one can intervene to ease their burden.

Both Ahimsa and Ubuntu are good examples of a form of journalism that respects human life. Detached Kevin Carter would have acted differently and saved the struggling Sudanese child had he been imbued with such, or similar, moral values.

SECTION 3: THE CASE AGAINST INTERVENTION

a. Objectivity and Non-Intervention

According to Judith Lichtenberg (1990), the Society of Professional Journalists – Sigma Delta Chi – says the public's right to know "is the overriding mission of the mass media" and that journalists are under no obligation to serve any other interests (600). Yet, it must be borne in mind that there is no general right to "know anything and everything" (*ibid.*). Indeed, there is a sharp distinction between what is in the public interest, and what is merely interesting to the public. The public is entitled to know the former as it affects its interests, but not the latter, which does not affect its interests in any fundamental or detrimental way. Hence the requirement to minimise harm in journalism ethical codes behoves journalists to exercise good judgment in deciding which damaging information they publish about their sources and subjects.

b. Media Bias and Neutrality

Journalists in mainstream news media are required to be "neutral, fair, balanced, objective, and altogether 'value-free'". These traits, according to Judith Lichtenberg (1990, 66), are "part of the norm of objectivity, which is a cornerstone of the professional ideology of journalists in liberal democracies."

Such neutrality and objectivity are especially important because journalism has become much more than "simply voices in the public forum but [has become] the forum itself" (*ibid.*). She says that given that mass media organisations have since become public institutions, and wield enormous power, they need to at least appear neutral or impartial (*ibid.*).

First, evidence of non-neutrality – evidence of a point of view – would be seen as an abuse of public responsibility and trust, and so would subject the journalist or media organisation to censure. Second, the organisation's economic drive to appeal to a vast audience compels it to upset the settled convictions of as few viewers or readers as possible (*ibid.*).

According to the Press Ombudsman of South Africa, Johan Retief:

> The media's huge influence makes it vital that it practice journalism in an accountable and responsible manner. Violations of these norms result in them causing unnecessary harm and loss of credibility by the media. This weakens the media's ability to play its vital watchdog, with dire consequences for democracy. (2002, 5)

The case for keeping a professional distance and for non-intervention is supported on many fronts, sometimes compellingly. Arguments from the point of view of strict objectivity hold that journalists should just do the job of collecting facts and not interfere in any way with the environment or situations from which they report. The arguments in support of this view include some that urge that by intervening, journalists become part of the story, thus altering the reality of what they report on.

Other arguments are based on practical concerns. Journalists are required to bring us the news and images from the frontline timeously, something which has become even more important in the highly-competitive, fast-paced internet age. Journalists do not have the luxury of time in bringing their stories and images to the world. They simply cannot see to the welfare of the victims of the violence they cover – by taking them to hospital for example.

Yet another argument against involvement is that involvement can be dangerous. For example, helping someone injured in a battle might be construed by the rival side as taking sides, thus opening the press to being attacked.

But, the standard view that journalists should be neutral, take no position regarding what they cover, and be detached observers is problematic. That is because it happens "in a context where there are conflicting, controversial positions about what the truth is [regarding right or wrong"], according to Lichtenberg (2005, 605).

What is the truth regarding whether gays and blacks are entitled to human rights like anybody else and, therefore, also deserve to have their issues covered by the media? Lichtenberg suggests that a pro-coverage answer to such a question would reflect a journalist's liberal bias – and that would be a good thing (600). I fully agree.

What she says is just as true of South Africa, where journalists are also much more progressive, in my opinion. In fact, mainstream journalists in this country are actually required to uphold the values espoused in the country's liberal constitution. The Constitution guarantees gay rights. This much is evident in the case of former columnist Jon

Qwelane, who was found guilty of hate speech for his homophobic statements, as reported by Iavan Pijoos, of *News24*, on August 8, 2017 (Pijoos 2017).

My view is that neutrality does not mean not having a view, but that one's own view should not colour one's coverage in such a way that it compromises the fairness, balance, and truthfulness of - news coverage. The traditional view of objectivity, that journalists be value-free, is as ill-advised as it is impractical. A journalist cannot be expected to be neutral on whether, for example, there must be equality between blacks and whites, or on the wrongness of the 'corrective rape' of lesbians. Journalism needs to take a stance. As the British Broadcasting Corporation used to say: "Between good and evil, we are not neutral" (Lichtenberg 2005, 603).

I have shown in this section that objectivity is a necessary, important beacon in mainstream journalism which must reflect diverse views and opinions. But, as I have also shown, important as it is, objectivity does not deserve the status of a deity given it by traditionalists. Besides, journalism is itself value-laden. As such, what journalists cover or do not cover, is itself informed by the values that they and their organisations have. The choices that media companies make – whether to spend money on covering a famine in Sudan or to send a team to cover Miss World – are value judgments. So, Detached Kevin Carter could not use the need to be objective as a valid excuse not to intervene to save the hapless Sudanese child.

Yet another argument for objectivity may be advanced on utilitarian and consequential grounds. The argument would suggest that such non-intervention, as displayed by Detached Kevin Carter, is required to avoid the obstacles to journalists doing their job, and that in the

end this approach brings more benefits. I address this persuasive argument in the next section.

c. Utility Argument

The utility principle (or the 'Greatest Happiness Principle') says that actions are right in proportion to the happiness that they produce, and wrong in proportion to the unhappiness that they produce. "By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure", according to John Stuart Mill ([1863] 2017, 5).

He says that the utilitarian theory of morality is based on the idea that pleasure, and freedom from pain, "are the only things desirable as ends; and that all desirable things… are desirable either for the pleasure inherent in themselves, or as a means to the promotion of pleasure and the prevention of pain" (*ibid.*).

Elsewhere, Mill asserts that:

> The utilitarian morality does recognise in human beings the power of sacrificing their own greatest good for the good of others. It only refuses to admit that the sacrifice itself is a good. A sacrifice which does not increase, or tend to increase, the sum total of happiness, it considers as wasted. The self-renunciation which it applauds, is devotion to the happiness, or some of the means of happiness, of others; either of mankind collectively, or of individuals within the limits imposed by the collective interests of mankind. (11)

Regarding one's own happiness and that of other people, one is required to be "strictly impartial as a disinterested and benevolent spectator" (*ibid.*). Thus, utility requires that

society's laws and social arrangements should put a premium on the happiness, or interests, of every person (*ibid.*).

According to utilitarianism, one's motive for doing good does not count, only the positive outcome of acts matters.

> He who saves a fellow creature from drowning does what is morally right, whether his motive be duty, or the hope of being paid for his trouble; he who betrays the friend that trusts him, is guilty of a crime, even if his object be to serve another friend to whom he is under greater obligations. (*ibid.*)

Mill believed that all civilised persons are capable of cultivating the mental attitude of seeking to align their own happiness with that of others. He also believed that most evils in the world – for example poverty and disease – could either be eliminated or reduced to tolerable levels if more people thought this way.

The goal of utilitarianism is the multiplication of happiness. However, the ethic also says that it is only in exceptional circumstances that a person is able to be a public benefactor. Only on such occasions need she consider public utility. Otherwise she only has to promote the happiness of a few people (13).

To summarise, Mill implores us all to think about promoting the happiness of others and to make such an attitude a way of life. We must align our happiness with that of others. That means that a person of means would be acting immorally if he were to live in luxury, while all around him suffer. Thus, we must act directly in each instance to alleviate the pain of others and promote their happiness. The more happiness that our actions can bring about,

the better. It would be good if we could maximise happiness by helping as many people as we could. But, in cases where that is impossible, we should direct our benevolence to the few. But, we need not do so if that entails sacrificing our lives – unless, of course, that's what it would take to maximise happiness.

So, Detached Kevin Carter ought to have saved the child and ended its suffering, thus promoting its happiness and freedom from pain, if that would not have entailed sacrificing his own safety.

We could argue that if it were true that helping would have entailed endangering his own life (given the claim that he and other journalists were warned against touching the victims of famine to avoid contracting diseases) that would be disproportional to the good of saving the child. But, this argument is hard to sustain, given that aid workers and doctors doing humanitarian work touch victims all the time, using gloves. Just how hard would it have been to acquire a set of gloves from the aid workers and attend to only this child? In my view Detached Kevin Carter fails even the utilitarian test that says that one should help only when one can.

However, it could be argued that some good came of his detached manner, that it ensured that the photograph made it out of Sudan, helping to expose the human tragedy wrought by famine, to the whole world. It could be claimed that the photograph led the global community to increase aid efforts. Thus, by sacrificing one child on death's door, Detached Kevin Carter could be said to have acted morally, on utilitarian grounds, by having maximised the happiness of potentially thousands more starving Sudanese people.

So, Detached Kevin Carter could say in his defence that his clinical approach to his work, helped ease the pain of more Sudanese, and thus he acted morally. I reject this cop-out view.

d. Why the Utilitarianism Argument Fails

Those seeking to justify Detached Kevin Carter's conduct on utilitarian grounds – claiming that his failure to save the one child is nothing compared to the possibility that his photograph, might have increased awareness of the famine, thus resulting in increased aid for thousands more people – have to face various problems with their argument.

Their claim faces similar problems to the problems utilitarianism faces in general. As Bernard Williams (1973, 210-214) has argued, the implications of utilitarianism tend to be at odds with our intuitions about what constitutes right and wrong action. Let us consider one of Williams' examples of an instance wherein this clash becomes stark. In this example, Jim finds 20 Indians lined up against the wall in the central square of a town in South America. They have been rounded up from the local village after a protest against the government and are set to be shot in order to deter further protests. The man in charge of this dastardly spectacle implores Jim to shoot any one of the condemned men in exchange for the freedom of the other 19. Now, utilitarianism would have it that the obviously morally right thing to do is for Jim to shoot one of the men.

But, is it, really? Digging deeper shows that the answer is not that obvious. How are we to know that to be the only right answer without knowing more about Jim? What if he is a

billionaire who came there in search of investment opportunities? What if, for argument's sake, he mentions this fact and offers to buy all of the men's freedom in exchange for his investment of some of his billions in the country? What if he throws in an offer to pay for whatever was causing the villagers to protest against the government? Say, for example, the cause of their protest is poor housing and he offers to build the villagers the houses they need. What, then, is the morally right thing for him to do – shoot an innocent man or buy all of the men's freedom and develop their area, which will definitely bring more happiness than the pain caused by the loss of an innocent man's life? As Williams has argued, the poverty of utilitarianism is that it does not allow for the consideration of such 'remote effects' (211) in avoiding the counter-intuitive feelings about what is right and wrong action.

A similar problem obtains in the utilitarian argument in support of Detached Kevin Carter. I find it hard to accept that Kevin Carter would have acted morally, based on the possibility that his failure to help the Sudanese child could have brought more happiness to the area. How do we know, for example, if that supposed additional aid had long term detrimental effects by promoting dependence on aid, thus condemning the place to under-development?

The two cases of Jim and Detached Kevin Carter show the poverty of the utilitarianism, which reduces moral action to a game of chance.

In the next section, I discuss another possible defence in favour of Detached Kevin Carter: the Doctrine of Double Effect (DDE).

e. The Doctrine of Double Effect

The advocates of journalistic clinical detachment may also find support among proponents of the Doctrine of Double Effect (DDE). In this section I discuss DDE and the related principle of 'killing and letting die as well as the 'making/allowing' distinction and how they may apply to Kevin Carter's case.

In defence of Detached Kevin Carter, a Catholic moralist might invoke DDE to argue that he did nothing wrong by simply taking the picture (doing his job) and not helping the child. According to Anscombe "the distinction between the intended, and the merely foreseen, effects of a voluntary action is indeed absolutely essential to Christian ethics" (1961, section 4).

On this view, it would be absolutely prohibited for Detached Kevin Carter to kill the child – or to wait for the vulture to feed on the child or snatch it away, so that he could get a more dramatic photo – because Christianity absolutely prohibits the killing of innocents. But, he would not have been blameworthy for the child failing to reach the feeding centre because she was too weak and in the process of dying. He would have merely foreseen that this could happen, but not intended it.

Frey (2003, 465) explains the Doctrine of Double Effect (DDE) as a doctrine in terms of which an act with two effects – one good and another evil – may be performed. But, to perform such an act, four conditions must be present. First, the act intended must be right (not wrong). Second, the good act must be intended, even though the evil act may be foreseen. Third, the good effect must not come about through the evil effect. Fourth, the good

outcome achieved by the good effect must be sufficiently significant to allow for the evil of the bad effect.

Applying these conditions to the Kevin Carter example, he could claim that he simply photographed the child because she deserved to have her story told. He could say that this is right, not wrong. Regarding the second condition, he could say that he did not intend for the child to continue to suffer, even though he would have foreseen that not helping would prolong her suffering. Detached Kevin Carter's defence on the third condition might be on the utilitarian grounds that his photo helped sensitise more people to the plight of the Sudanese famine victims, and that that good did not result from any evil on his part. Fourth, he might claim that his multiplication of the happiness of the Sudanese victims more than makes up for any evil that might have resulted from his failure to help the child to safety. Besides – he might add – the child survived, and whatever extra pain she suffered owing to his failure to help is minuscule in comparison to the extra happiness his photograph brought.

But, he would be disappointed to find that DDE does not absolve him of his guilt. Doing nothing to save the child was wrong because it prolonged the child's suffering unnecessarily. Lest it be forgotten: instead of simply shooting the photograph, he waited a full 20 minutes for more dramatic effect – while the little victim suffered.

Second, Detached Kevin Carter's conduct also failed the DDE test because shooting an iconic photograph for financial gain can hardly be said to have any moral value – his intention was not aimed at a moral good. Furthermore, he has not claimed that he set out to shoot the photograph for altruistic reasons. That his photograph might nevertheless have subsequently attracted more sympathy and aid for the starving Sudanese people is a moot

point. It exposes the poverty of the utilitarian ethic, which imbues haphazard, unintentionally beneficial actions with moral value.

Third, the utilitarian argument fails the DDE test because such putative good came from an evil conduct – that of him not helping to spare the life of an imperilled child.

Kevin Carter's conduct would satisfy the fourth condition if he consciously sacrificed the one child for the good of many. But, alas, there is no evidence that this was his intention; whatever good his action might have promoted was purely accidental. As Frey points out, the fourth condition is essentially about proportionality: "the evil permitted to occur must be offset by the good achieved" (2003, 465). Detached Kevin Carter fails on this count as well, as helping the child would have required little effort on his part.

The proportionality condition also speaks to the utilitarian argument that may be proffered to the effect that his photograph resulted in increased aid for thousands more victims. I will not address this issue here as I have already dealt with it earlier, but I will draw attention to another way in which Detached Kevin Carter's actions failed the proportionality test – taking the child to the nearest feeding centre would not have entailed any sacrifice on his behalf, as has been proposed in his defence by others (although he himself did not mention this). If helping the child entailed no personal risk to himself, his conduct was callous and he did not afford the child the decency she deserved as a human being. Instead he saw the child as a mere tool to be used in his quest to shoot an iconic image.

The issues raised by the Doctrine of Double Effect are starkly similar to those - raised by the 'killing and letting die' principle, to which I now turn.

i. Killing and Letting Die

Norcross quotes Rachels' famous example about the supposed difference between killing and letting die:

> In the first, Smith stands to gain a large inheritance if anything should happen to his six-year-old cousin. One evening while the child is taking his bath, Smith sneaks into the bathroom and drowns the child, and then arranges things so that it will look like an accident.
>
> In the second, Jones also stands to gain if anything should happen to his six-year-old cousin. Like Smith, Jones sneaks in planning to drown the child in his bath. However, just as he enters the bathroom Jones sees the child slip and hit his head, and fall face down in the water. Jones is delighted; he stands by, ready to push the child's head back under if it is necessary, but it is not necessary. With only a little thrashing about, the child drowns all by himself, "accidentally", as Jones watches and does nothing. (Rachels 1975, 115 quoted in Norcross 2003, 452)

I join Norcross in agreeing with Rachels when he says that Jones, by 'merely' letting the child die, is not morally better than Smith, who actually killed his cousin. They both had the same repugnant motive of benefitting from their cousins dying. "If the difference between killing and letting die were in itself a morally important matter, one should say that Jones's behaviour was less reprehensible than Smith's. But does one really want to say that? I think not" (Rachels 1975, 79.

Rachels notes that if letting die were morally better than killing, some weight could be given to Jones's argument – that he did not kill the child, but simply stood there and watched him drown. He argues that letting die is in itself just as bad as killing, and that Jones' argument would carry no weight but "only be regarded as a grotesque perversion of moral reasoning. Morally speaking, it is no defence at all" (Rachels, 1975, 4).

Of the two cases, Jones's better resembles Detached Kevin Carter's. His failure to help the Sudanese child prolonged the child's suffering, something no adult should allow to happen to a helpless child when he is in a position to help. If Detached Kevin Carter was indeed in a position to help, but chose not to, then his actions were morally reprehensible. He felt no obligation to help – after all, he was there to take pictures, not to save lives. The child had served its usefulness to him. He moved on.

In fairness to Detached Kevin Carter, his failure to help the Sudanese child differs significantly from the malevolent actions of Jones in that he did not stand to benefit from it – except that the photo benefitted his career. In my opinion he, like Jones, could not defend his action by saying that he did not cause the child's plight but just let her suffer as result of the malevolent actions of others.

Now, a supporter of Detached Kevin Carter grounding their view on DDE might be tempted to invoke the supposed difference between killing and letting die. Specifically, he might point out that not only did Detached Kevin Carter not harm the child, even though he might have foreseen that she might be harmed, but that he should also be exonerated because he did not kill her, but merely let her die. But, I am persuaded by Rachels that such a defence would fall flat because letting die is just as bad as killing, and to argue otherwise is to pervert moral reasoning (1975, 4).

I now discuss a less emotively charged example, one that does not involve death, to explain the blameworthiness of Detached Kevin Carter's behaviour. It is provided by Jonathan Bennett (1993), cited by Norcross (2003, 454). Bennet calls his approach the 'making/allowing distinction'.

ii. Making/Allowing

Bennett's example involves an empty car rolling down a cliff. In the first instance, a person gives the car a push, thus 'making' it roll off the cliff to its demise. In the second instance, the car is already moving off the edge of the cliff on its own. A person could prevent it rolling over by placing a rock under the wheel but does not, thus 'allowing' it to also roll to its demise.

Bennett concludes that the difference in the actions of the two agents has no moral relevance (*ibid.*). Thus – just as Detached Kevin Carter's actions cannot be justified using either DDE or the supposed difference between killing and letting die – the claim that he did not make the child suffer, but simply allowed it to suffer would also fail. Such a claim would be equally morally perverse.

Norcross goes on to refute a possibly strong objection to Bennett's position (from Alan Donagan (1977)): that allowing harm is no different to making it. In evaluating the agent's actions, Donagan asks what would have happened 'in the course of nature'. This includes considering the agent's physical presence but also changes in her 'bodily and mental states'

(Norcross 2003, 455). The exercise of her agency gives the agent the option to either intervene or to let nature take its course.

> All the agent's actions are either interventions or abstentions. Those that make a difference to the course of nature, or what would have happened anyway, are interventions; those that leave the course of nature unchanged are abstentions. (*ibid.*)

Norcross dismisses talk of the 'course of nature' as 'unreflective thinking about morality', as well as being devoid of philosophical grounding or moral weight (456).

How, indeed, are we to know what either God or nature will? Could Detached Kevin Carter be playing God by saving the child, thus intervening in the course of nature, which may be that the child should die? Or, to rephrase a question Norcross asks in his paper: Could Detached Kevin Carter have taken the view that God wanted the child to be saved, hence that God would be acting through him to do that, hence -he sent him all the way from South Africa to do just that? "Even if the notion of the course of nature were to be given a satisfactory philosophical grounding, it is not clear how it can carry moral weight" (Norcross 2003, 456).

Norcross concludes that the wrong belief that killing is worse than letting die stems from the nature of the many common examples used. In them, killing is often perpetrated by malevolent and self-interested agents against unwilling victims, whereas not letting die requires great effort from agents and involves them taking great risks to save the victims' lives (2003, 461). It does, indeed, take a lot of effort and is risky to enter a burning building to save someone.

But, as Norcross points out, in real life, most victims of letting die could be saved with little effort, with famine victims being one obvious example. Yet, most of us do little to nothing to help them. “If we reject the belief that killing is worse than letting die, it is hard to see how we can judge our behaviour as anything less than abominable” (*ibid.*).

I am persuaded by the arguments of Norcross and the other philosophers he cites – such as Rachels, McMahan and Bennett – that there is no significant moral difference between killing and letting die, making or allowing evil, or intending and merely foreseeing evil when extreme harm is the result. Thus, I am persuaded that Detached Kevin Carter deserves to be rebuked for his conduct, along with those responsible for the Sudanese civil war that imperilled the starving child’s life – even if he is to be rebuked to a lesser degree.

Even if it were to be argued, using the Doctrine of Double Effect, that Detached Kevin Carter had nothing to answer for because – even if he could have foreseen that his failure to help the child would prolong its suffering – he did not cause it, I have shown (using Norcross and Rachels) that Detached Kevin Carter’s actions fail the morality test on this doctrine.

Of all possible defences that could be proffered for Detached Kevin Carter’s failure to save the child, the one that claims that he would be interfering in the course of nature or playing God is the most absurd. Detached Kevin Carter could not possibly know these things. If he could, he might as well show us that God did not put him in Sudan, at that precise moment, so that he could save the child.

As McMahan says (1993, 413) – and with whom Norcross agrees (2003, 460) – the intuition that there is a significant moral difference between killing and letting die is ‘ungrounded’.

And, if there is no morally significant difference between killing and letting die, we cannot justify the suffering of the underprivileged anywhere in the world. (2003, 461).

SECTION 4: ARGUMENTS FOR INTERVENTION

My instinctive inclination is that journalists – like all human beings – have a moral obligation towards other human beings and cannot, therefore, claim exception from this obligation to those they report on. It seems to me that those who intervene as I believe they should ought not to be seen as doing anything untoward.

I'm persuaded by Immanuel Kant's 'Categorical Imperative' and its prescription of not using people as mere means but instead treating them as ends in themselves; and by its direction that we should all act in a way that we could will others to behave. I intend to argue that Kant's Categorical Imperative trumps the requirements of objectivity as traditionally espoused by the media.

Kant implores us to: "Act in such a way that you always treat humanity, whether in your own person or in that of anyone else, always as an end and never merely as a means." (Kant [1785] 2005, 29).

According to Fried (2007, 207), to treat someone as a mere means is to involve him or her in something "to which they could not in principle consent". That means that we should not just use other people as a means to satisfy our wishes, without due regard to the fact that they, too, are worthy of respect as persons, beyond their instrumental value to us.

My view is that Detached Kevin Carter used the Sudanese child as a mere means to fame and (some mini-) fortune by simply photographing her and selling her photo; he did not treat her as a human being worthy of respect when he failed to come to her aid.

In another formulation of the Categorical Imperative, Kant expresses the universal imperative of duty thus: "Act as though the maxim of your action were to become, through your will, a universal law of nature" ([1785] 2005, 24). The word 'maxim' refers to the basis on which one acts: what informs one's action. What, indeed, would become of the world if all of us were to refuse to help people facing great hardship the way (some) journalists claim to be entitled to do? Kant also implores us to act beneficently, and might as well have had the Detached Kevin Carter in mind when he admonishes someone in a position to help, who does not:

> What concern of mine is it? Let each one be as happy as heaven wills, or as he can make himself; I won't take anything from him or even envy him; but I have no desire to contribute to his welfare or help him in time of need. (25)

According to Kant, although it is possible that a maxim such as the one quoted above should be a universal law of nature "it is impossible to will that it [be] so . . . [f]or a will that brought *that* about would conflict with itself, since instances can often arise in which the person in question would need the love and sympathy of others, and he would have no hope of getting the help he desires, being robbed of it by this law of nature springing from his own will" (*ibid*.).

Expanding on this, Charles Fried (2007,206) says that we are all required to recognise that human beings have certain basic rights to which they are all entitled as human beings:

> These rights are subject to qualification only in order to ensure equal protection of the same rights in others. In this sense the view is Kantian; it requires recognition of persons as ends, and forbids the overriding of their most fundamental interests for the purpose of maximizing the happiness or welfare of others. (*ibib*.)

Fried goes on to say that this recognition that all humans have moral entitlements, correlates with the concept of respect –

> the attitude which is manifested when a person observes the constraints of the principle of morality in his dealings with another person, and thus respects the basic rights of the other. Respect is also an attitude which may be taken in part as defining the concept of a person: persons are those who are obliged to observe the constraints of the principle of morality in their dealings with each other, and thus show respect towards each other. (207)

On Kant's account, a person commands respect by virtue of being a rational being. "I maintain that man – and in general every rational being – exists as an end in himself and *not merely as a means* to be used by this or that at its discretion" ([1785] 2005, 28).

I argue that Kant's 'Formula of the End in Itself' (or 'Principle of Humanity') compels journalists to go the extra mile to help alleviate the suffering of those that they report on, and even take action to save their lives. When they fail to do that and instead simply report on such plight with the clinical detachment displayed by Detached Kevin Carter towards the Sudanese child, they simply use their subjects as mere means to make money and build their careers. By acting this way, journalists act unjustly and wrongfully. That is because a victim of such tragedy would ordinarily expect another human being to help to alleviate his or her suffering.

It is worth pointing out that I have in mind only situations in which a journalist is directly confronted with a person he or she could help. My view is not that journalists must, like crusaders, go out of their way to find people to help. I mean a personal and direct action, directed at a particular hapless person that a journalist is in a position to help but chooses not to.

Below I discuss some of the philosophical literature that weighs in favour of getting involved to save lives. My discussion pertains to the distinction between acts and omission, and to positive and negative duties.

a. Act-Omission Distinction (AOD)

Omission is much more than non-action, according to Patricia Smith (2003, 476). "An omission is not *simply* an act not done. It is not even simply an act not done that could have been done. To think so is to conflate it with simple non-action". Instead, intentional omission is a negative act because it is an instance of an agent intentionally bringing about a state of affairs. On this view intentional omission is doing something. It is itself an act (Brand 1971; Vermazen 1985; in Smith 2003, 477).

Detached Kevin Carter is a good example of a candidate for prosecution under so-called 'Bad Samaritan' laws which, according to Smith (475),censure those who fail to rescue an imperilled stranger, when that could have been done without any serious inconvenience. Instead of carrying the child to the safety of the UN feeding centre nearby, Detached Kevin Carter chose to smoke a cigarette and enjoy the shade of a tree, as if it was the most natural

thing to do. The issue of whether he had an obligation or duty towards the subject of his award-winning photograph – a famished child on the verge of death, struggling to hold on to life – raises moral questions about the 'nature and scope of duty' as well as metaphysical questions about human action and its effects on the world (*ibid.*).

The former set of questions concerns whether providing aid should be compulsory under certain circumstances (or instead left to charity) and why it should be if so. I lean towards the view that helping someone in a dire situation should be made compulsory and not left to charity.

The metaphysical questions relate to whether there are fundamental differences between acts and omissions and whether one's failure to prevent harm is morally the same as having caused it. I am persuaded that there is no fundamental moral difference between acts and omissions, and that failing to prevent harm, when one can prevent it, is tantamount to causing it.

According to the AOD, which is informed by ordinary moral intuition, one is more blameworthy for acts than omissions even if the outcome is the same (Smith 2003, 476). For example, one may not be blameworthy for not giving a hungry beggar food but will always be blameworthy for giving him poisoned food. Thus, in the example discussed by Smith, David Cash could be said to have been less blameworthy for doing nothing to prevent the rape and murder of an eight- year old girl by his friend Jeremy Strohmeyer (*ibid.*). But things are not always that straightforward and such a moral intuition is baseless. As some philosophers have shown, there is no difference between acts, such as those of Strohmeyer and omission, such as those of Cash, if they both lead to the same evil result.

According to Smith, an omission is "a gap in a pattern of activity on the part of an agent that violates a standard of normal behaviour that can be evaluated in terms of what it would be reasonable to expect in those circumstances" (476). In simpler terms, omission is not doing what is expected of you, which is not the same as doing nothing.

All omission is an aspect of agency. There is no omission without a specifiable human conduct that defines each instance. Each instance is contextually embedded in an overall course of human activity (Kleinig 1996; Smith 1998; in Smith 2003). This makes omissions negative elements of behaviour that are necessary for an accurate description of the conduct in question (Smith 2003, 477). Thus, omissions and acts are both forms of conduct (*ibid.*). This means that both Cash and Strohmeyer engaged in harmful conduct – even if only Strohmeyer actually raped and murdered the girl while Cash merely watched and did nothing to stop him. I agree with Smith and extrapolate her view to mean that by failing to help the Sudanese child, Detached Kevin Carter would have been just as blameworthy for the child's death, were it to die – as Cash was equally morally blameworthy as Strohmeyer for the girl's death in their case.

As Smith has shown, there is no significant moral difference between acts and omissions – which are both conduct and aspects of agency – if both lead to the same bad outcome. That is because active (or positive) conduct is not always more harmful than passive (or negative) conduct. And, intention and motive work the same way for both acts and omissions in this context as they both refer to a state of affairs brought about by the agent.

Both Stohmeyer's actual raping and killing of the girl, and Cash's letting him do so, affected her well-being horrifically (Smith 2003, 477). Viewed from a causation perspective, Smith argues that it is no more causally important that Strohmeyer murdered his victim than that

Cash let him do so – just as it is no more significant that a spark from a malfunctioning electrical wire causes a waste paper basket to catch alight, than that the water sprinkler fails to work and thus lets the fire rage. That is because omissions, just like acts, are "always embedded in broader courses of conduct" (478). And, "the omission is a necessary condition of the causal explanation and, hence, a causal condition" (*ibid.*). There are two reasons for this. The first is that omission is not just a mere absence of some act, but the absence of an act that is reasonably expected, whose non-performance thus violates a norm. The second reason is that even a mere absence has an effect: people fall in holes that exist and hurt themselves. Behaviour, whether positive or negative, does not take place in a vacuum (479).

Smith dispenses of the general view that we have no liability for failing to aid those we have no special duty towards (a view that would, for example, say that we have a parental duty towards our children) by questioning why the metaphysics of causation should turn on the presence of duty – 'however definite or pre-existing' (480). Why, indeed, should a stranger who fails to save a drowning child when he can, be considered to have not caused it harm, simply because he has no relationship with the child, while its mother is held liable? As Smith (*ibid.*) says, moral relations between parties do not change the metaphysics of causation between them.

She adds that if this analysis is correct, the distinction between acts and omissions has no moral significance as such. Or, at least, it is not true that acts involve agency and omissions do not. Neither is it true that acts cause harm and omissions do not. "Intrinsically, then, it [AOD] is not a legitimate ground for judgments of responsibility" (481).

Thus, in my view, AOD offers no cover for Detached Kevin Carter, but only compounds his problems. Supposing he were Catholic and invoked AOD together with the Doctrine of

Double Effect, claiming that he merely omitted to save the Sudanese child, and that even if he foresaw that such omission would prolong the child's suffering, he did not cause it, his defence would still fall flat. He would not be able to shake off blameworthiness because he would be a 'Bad Samaritan', and on those grounds condemned for failing or refusing to raise a finger to save an imperilled person, when doing so required little effort. To revisit Smith's example: it is just as important that Cash allowed Strohmeyer to rape and murder his young victim, as it is that a malfunctioning water sprinkler enabled an electrical spark to cause a raging fire. Thus, Detached Kevin Carter would be just as blameworthy for causing the child's continued suffering as for omitting to save it.

b. Positive and Negative Duties Doctrine

The Positive and Negative Duties (PND) doctrine holds that there is a morally relevant distinction between positive and negative duties. Negative duties prohibit certain acts, they dictate what we ought not do – murder, rob, steal, or harm others, or violate their rights.

That is because justice dictates that we respect other people's integrity, individuality, freedom, and rights. "Thus, negative duties are based on the value of justice and respect for humanity, autonomy, freedom, and rights". They are "universal, fundamental, and presumptively overriding" (Smith 2003, 481).

Positive duties, on the other hand, are based on the value of charity and benevolence. They require positive action to help others and apply generally, instead of universally. One has a choice as to who one can choose to benefit, and when, but universal duties are owed by all

to all people. Negative duties are binding on us all, whereas positive duties are discretionary, leaving us to decide when and who to help.

Negative duties correspond with others' negative rights – i.e. not to be killed, defrauded, raped etc. Positive duties, on the other hand, have no such corresponding rights that others can claim from us, unless we have a special relationship with them – i.e. children and parents, patients and their doctors.

On this view, the Detached Kevin Carter did nothing wrong in the way that he acted towards the Sudanese child. He did not violate its rights as he did not create its miserable conditions. Neither was he obliged to act charitably towards the child. He was not the child's father and thus had no special duty towards it. Neither was he being paid to rescue the child.

It could be further argued on this view that Detached Kevin Carter cannot be compared to Stromeyer, who violated his victim's rights not to be treated as a tool for his sexual pleasure and not to be robbed of her life. His actions are also unlike those of a mother who fails to pull her child from a pond and save her from drowning because she has a parental obligation to ensure her child's safety.

But, as Smith correctly argues, it is wrong to think this way and Bad Samaritan cases provide a good example for the need for exceptions to this general rule. She proffers a strong argument for this view.

First, negative duties require neither effort, time, nor resources from us to satisfy, whereas charitable acts require us to go out of our way to perform them. They thus cannot be universal but are distributed in accordance with some principle. "The traditional principle is

that special duties are owed only on the basis of some special relationship (for example, family or contract) that provides both justification and limits" (2003, 482).

By contrast, general positive duties are not limited in scope, hence the need for discretion as it is not possible to help everybody who needs help in the world. "Thus, there is a significant difference between positive and negative duties that follows necessarily from the difference between acting and not acting" (*ibid.*).

However, Smith holds that although generally right, this view is by no means absolute and seems wrong in Bad Samaritan cases. The need for exceptions from the doctrine in this regard flows from the fact that justice and benevolence, or respect and concern, "overlap at their lower edges" (*ibid.*).

Significantly, what is strongly persuasive here is that if I am so unconcerned about what happens to another human being that I will not even lift a finger to help or call out to warn her of danger, then I have crossed a moral line to a place where I lack respect for the other person's humanity. I cannot really claim to respect another human being as an end in herself – someone who has intrinsic moral worth – if I can let her die with impunity, when saving her would cause me little inconvenience (*ibid.*).

Given the extremity and rarity of Bad Samaritan cases – they involve serious emergencies that can be attended to by the onlooker with little inconvenience – refusal to help in such cases amounts to a denial of the worth of the victim's life. That is not only uncharitable, but a violation of the requirements of justice (Feinberg 1984; Smith 1998; in Smith 2003). When I do that:

> I have passed the point of discretionary duty to the extreme case where apathy becomes injustice; an omission condemned in every case, just like an act of harm. In this case the duty involved in the bad Samaritan case is much like a universal negative duty based on justice and respect for human life itself. This is the first factor that explains why the bad Samaritan case should be considered the exception to the doctrine… (483)

Just as Detached Kevin Carter cannot hide behind DDE – even if he was to also claim that he did not actually hurt the child but merely omitted to help her, as shown earlier – he also cannot use the excuse that he was not obliged to act benevolently towards her by saving her life. As Smith has persuasively argued, he would stand condemned as a Bad Samaritan because, even though there is generally no obligation on people to perform positive duties, there are exceptions to the doctrine in cases where the duty of justice towards another human being overlaps with the demands of treating an imperilled person with respect and benevolence. On both accounts, Detached Kevin Carter behaved badly. He failed the test of acting morally towards the suffering child he photographed.

I now turn to answering the question that he failed to answer positively with his actions, and to showing what right action would look like.

SECTION 5: MY ANSWER TO THE QUESTION

All human beings have a moral duty towards one another. I argue for the view that, despite the special nature of their craft, journalists cannot rightfully claim special exemption from

the moral obligation not to treat other human beings as mere means to their ends – the ends of earning salaries and advancing their careers.

To support my view, I use two example I believe exemplify correct action, with journalists going beyond the call of duty to save lives. These examples stand in stark contrast to what happened between Kevin Carter and the struggling Sudanese child (Macleod 2001).

a. Example 1

The first example involves the iconic photograph of a wounded Hector Pieterson, one of the first victims of the Soweto June 16 Uprisings, which was published by *The World* newspaper. Unlike in the case of Carter, the reporter, Sophie Tema, demonstrated concern for the welfare of the 13-year old boy after he was shot. When she saw Mbuyisa Makhubo (one of the protesters) carrying the wounded boy, whose hysterical sister, Antoinette, was walking beside him, she drove the bleeding, seemingly lifeless boy in her car to the nearest medical clinic in a bid to save his life. Unfortunately, the boy was declared dead on their arrival, as noted by Botho Mosolankwe, of *IOL* on June 12, 2013 (Mosolankwe 2013).

A conflict would have confronted her: whether to intervene to save the boy's life, or to simply continue reporting the events of the day in a detached, clinical manner. She chose to abandon her duty as a reporter in favour of going the extra mile and saving a child's life.

b. Example 2

The second example pertains to the conduct of the editorial executive of the *Daily Nation* in Ghana when faced with probably their most difficult editorial decision in 1960. It provides a classic example of the clash between the traditional approach to journalism, with its publish-and-be-dammed attitude, and the Kantian concern for life.

According to Graham Rees (1998)[2] the then editorial and legal adviser to Graphic Newspapers (a subsidiary of *London Daily Times*, and owners of the *Daily Nation*) some youths from southern Ghana, an area inhabited by the Ga people, had raided the palace of the Ashanti king, in the north, stealing artefacts including the king's stool.

According to Rees: "If news of the dastardly deed became public, nothing but bloody revenge would placate the Ashanti people, who'd have taken it as a declaration of war. It would just be the spark to arouse the ire of the Ashanti and war would be inevitable." (*ibid.*)

Kwane Nkrumah, who was the president of the newly independent state of Ghana at the time, pledged to have the stool returned and the offenders punished as demanded by the Ashanti royal house. He begged the editor of the *Daily Nation*, Isaac Eshun to withhold the story, thus preventing news of the act from becoming public knowledge, in order to prevent potential bloodshed. "As employees of the 'publish and be damned' London Mirror group, our first reaction was to use the story in the next day's edition. It was then that I received my finest journalism lesson" (*ibid.*).

[2] A physical copy of the article is provided in the appendix.

Rees phoned Mirror group chairman Cecil King, an old-style publisher who put a premium on editorial independence and integrity, for his counsel. King told him the decision whether to publish or not was Eshun's to make. He quotes King as having said:

> The vital thing about editorial choice is that an editor must never, never, publish anything he knows to be untrue. but he need not always publish everything he knows to be true. There is a duty on an editor… a very heavy duty. The consequences of his actions must always be carefully weighed. If the *Graphic* goes ahead and publishes there will be war. Failure to publish hurts no one… except, fleetingly, the circulation manager. (*ibid.*)

After much soul-searching, including consultations with his senior editors, Rees, and his bosses in London, Eshun decided not to publish. "Without question, he saved his country from the horrors of war", according to Rees. He says further that the idea of publishing whatever the consequences may have been fine for Britain, with its sophisticated political society, but not always so for Africa, with its volatility.

> Here [in volatile Africa] discretion is often the better part of valour. To confuse limitations on what is and is not appropriate to publish with censorship is immature. In journalism, as in diplomacy, the good of the majority often means that silence or a guarded cloaking of total honesty is the best policy. (*ibid.*)

Thankfully, many journalists have long resolved this issue for themselves and acted in ways that show they value human life and are willing to go beyond the call of duty to save lives, and that it has become acceptable journalism practice to do so. This way of thinking about ethics in journalism – one which places a premium on human life – can only enrich media

ethics and needs to gain currency. It might not accord with the traditional ways of thinking about objectivity but, neither does it necessarily follow that those journalists who think this way cannot at the same time produce news items that are truthful, fair, and accurate. That is the essence of objectivity.

SECTION 6: OBJECTION AND REBUTTAL

I trust that I have made a reasonable case for my view that journalists owe their subjects a moral duty beyond the traditional precept of their craft – which is to report the news in a detached, clinical and non-involved manner in keeping with the requirements of a hard-line approach to objectivity.

Yet, the view that by intervening to save the imperilled lives of their subjects, journalists are crossing the line between reportage and involvement persists. This school of thought which maintains that journalists who intervene as I suggest are self-interested, partisan and can thus not be relied on as factual and reliable sources of information, continues to hold sway. It suggests that journalists, such as those imbued with the spirit of Ubuntu and Ahimsa in South Africa and India, respectively, (as proposed by Rao and Wasserman's examples) have turned their backs on journalism and should rather follow their true calling – which is humanitarian work.

I contend that such a view would be wrong and informed by a narrow understanding of what journalism is. Journalists can follow their consciences and intervene to improve the welfare of their subjects, thus alleviating human suffering, while at the same time remaining

true to their craft – which is essentially to inform people of what is going on in the world and to promote public accountability.

Importantly though, such journalists need to be open and transparent about their biases and motivations for doing what they do. They can remain true to journalism so long as they are transparent about the kind of journalism they practice. For this I defer to Patrick Lee Plaisance, who shows that transparency does much more work in Kantian ethics than it has been credited with by media ethics theorists.

a. Transparency

Plaisance defines transparency in communication as

> conduct that presumes openness in communication and serves a reasonable expectation of forthright exchange when parties have a legitimate stake in the possible outcomes or effects of the communicative act. It is an attitude of proactive moral engagement that manifests an express concern for the persons-as-ends principles when a degree of deception or omission can reasonably be said to risk thwarting the receiver's due dignity or the ability to exercise reason. (2007, 23)

Being transparent in our communications with others entails much more than simply arguing for the righteousness of our decision. It also concerns how we demonstrate that we are ethical beings from the start (189). Plaisance shows his understanding of transparency

to be philosophically rooted in the work of Immanuel Kant, and linked to the idea of integrity and human dignity.

Truth is important not because lying and deception result in bad things: it is important because by honouring truth we fulfil our obligation to honour the rational agency and free will of everyone with whom we communicate (189).

Kant's 'principle of humanity' is found in the *Groundwork of the Metaphysics of Morals*: "Act so that you use humanity, as much in your own person as in the person of every other, always at the same time as an end and never merely as means" (in Plaisance 2007, 189).

This principle is closely related to Kant's 'supreme principle of the doctrine of virtue', which implores us to act according to maxims that can be a universal law for all people. In accordance with this principle man is an end for himself as well as for others, and it is not enough that he is not authorised to use either himself or others merely as means (since he could then still be indifferent to them); it is in itself his duty to make man in general his end (*ibid.*).

Plaisance says that Kant's principle of transparency is often marginalised in journalism-ethics literature, which often dwells on his prohibition against lying and his emphasis on truth telling, without explaining why he makes the claims he does. The result, Plaisance says, is a rigid, largely inaccessible Kant who is easily dismissed in discussions of ethical norms in a pluralistic culture. "Yet a fuller exploration of Kant's theoretical system reveals an extremely relevant Kant who, with his claims about human dignity, demonstrates why the call for transparency in communication may be his greatest gift to media ethics theory" (191).

Transparency ensures that all stakeholders speak the same language in doing ethics – if that is to be taken to mean finding rational ways to balance competing interests and values – which, in turn, is imperative to facilitating the communication that is so vital to the existence of a community, and also for fostering trust. "If it served people's whim or interest to lie or give deliberately false or misleading information, they would do so at every opportunity. If that were the norm, our very society would collapse," declares Plaisance (*ibid.*).

Transparency – being 'honest' and 'forthright' – requires of journalists and their employers that they be open about how they get their stories, the limitations their encounter, their ideological orientation, values and everything that informs what they do. That way, others can be able to assess the reliability of their work (194).

The rule of transparency, is roughly "an attempt to apply scientific method standards to daily journalism" (*ibid.*). Transparency ought to limit deception and misinformation (193). Plaisance sees the concept of transparency as tightly bound to the Kantian duty to respect the rational capacity of others and the free will to exercise that capacity. "Even if transparency is not always a sufficient condition for more ethical behaviour, its absence is a prerequisite for deception" (*ibid.*).

Furthermore, as Atwell (1996; cited by Plaisance 2007, 196) has noted, the notion of people as rational 'ends' is to be found in ethics codes across professions. Examples include counsel against treating workers as mere tools, and norms around patients being respected by their doctors (Plaisance 2007, 196.). Such favourable reference to Kant's principle of humanity and the notion of respect for persons *(ibid.)* can also be found in journalism codes.

Media codes prescribe accountability. The Society for Professional Journalists' code (1996) says that "journalists are accountable to their readers, listeners, viewers and each other". Hence the need for them to "clarify and explain their conduct and invite dialogue with the public" and abide by the same high standards to which they hold others" (Plaisance 2007, 197).

Plaisance says that our duty to respect the freedom of all rational beings, when combined with our duty to avoid treating others as mere ends, creates an additional obligation to accept the happiness of others as our own objective end. Advancing the interests of others and working for their happiness is an 'imperfect obligation' to be virtuous in Kant's *Groundwork*.

According to Nell, cited by Plaisance,

> if we are serious about respecting the freedom of others based on respect for them as rational beings, their happiness (or objective ends) becomes our concern too, because our awareness of them is required for us to respect the will of all rational beings. (2007, 199)

This supports my argument that journalists have a moral duty to promote the welfare of their imperilled subjects, if they can, and that Detached Kevin Carter failed as a moral agent by not considering the promotion of the Sudanese child's welfare to be his concern.

Kant's categorical imperative denounces deception because deception involves using dishonest means to get someone to do as you wish - which she might not ordinarily consent to – while you have no desire for the maxim on which you are acting to become a universal law (which would apply even to yourself). In terms of Kant's humanity principle, deception

entails denying the 'absolute value' of the person's capacity to act according to reason. Deception entails treating another person as an instrument, a mere tool, to achieve something else "in a way that undermines the person's existence as an end itself" (199-200).

According to Kant, we have an obligation to honour others as rational beings because we have a duty to honour the value of humanity's capacity to reason. Linking freedom to the duty to respect another's will shows why it is imperative that we be transparent in our communications with others. "The dishonour that accompanies a lie also accompanies a liar like his shadow" (202).

Transparency is tightly bound to the Kantian duty to respect the rational capacity of others, and their free will to exercise that capacity. "The lack of transparency is a prerequisite for all deceptive acts (203). Transparency is necessary for the development of trust.

SECTION 7: CONCLUSION

I set out to show that journalists have a moral duty of care to those they report on – both in the written and spoken word, as well as in images – beyond simply carrying out their professional role of bringing us the news. That is because, like all human beings, journalists are subject to the categorical imperative to value others' lives.

According to Kant, we all have an obligation to value others' lives simply because they are rational beings and are thus worthy of respect. Therefore, we are prohibited from using others as mere means to our objectives but are required instead to treat them as ends in

themselves. And, treating other persons as ends in themselves requires that we also act benevolently towards them, by helping foster some of their ends when it is in our ability to do so. These requirements apply to us all as rational beings, irrespective of the roles we play.

Unlike Carr, who says that businessmen are not bound by common morality, I have claimed that the peculiarity of our professional roles does not absolve us from societal morals that are necessary for the conduct of social lives and necessary for harmonious co-existence. So, it is morally impermissible for a baker, in his role as a baker, to collude with other bakers to artificially keep the price of bread high so that he and other bakers can earn super profits, get rich and live lavish lives. Likewise, a journalist cannot claim that his role *qua* journalist, frees him of the responsibility to save a child from drowning in a pond when he is in a position to do so, and claim that his job is simply to observe and record the drowning.

In the same vein, the actions of Detached Kevin Carter in simply photographing the Sudanese child and not saving her life would be a deplorable, morally reprehensive act. That is because he would simply be treating the child as a means to his end of shooting a rare, iconic picture that would go on to earn him international fame – and a small fortune – while disregarding the child's humanity.

Admittedly, for him to intervene to save the child's life would be to influence or alter the situation he was covering. He would thereby become part of the story, contrary to the strict application of the journalistic dictate of objectivity. But, as I have shown, although necessary and important to good journalism – precisely because it goes to the heart of whether journalists are to be believed or not – objectivity is not the be-all and end-all of journalism.

Objectivity comes in degrees and is dictated by the form of journalism practised. Besides, good journalism codes counsel minimising harm.

Hence, I remain steadfast in my conviction that objectivity does not take precedence over human life. As I have shown, citing Smith and Plaisance, one can still practice good journalism and be partial to human life – so long as one is transparent about such partiality and does not communicate falsehoods or deceive one's audience. And, as Plaisance has shown, such transparency in communication is vital so that people know that they are not being deceived, and that their humanity is being respected.

Applied to the Kevin Carter case, this means that upon encountering the child, whose life was imperilled by famine and in imminent danger of being preyed on by the vulture, the best thing for him to do would have been to intervene to get the helpless child out of harm's way and to the UN feeding station.

Alternatively, he should have quickly shot his picture – time allowing – before saving the child. Instead, he waited 20 minutes for the vulture to open its wings so that he could get a more dramatic photo, without due regard for the safety of the child. Of course, the possible downside for him is that another photographer could have shot the photograph ahead of him, and he would probably have missed it because of his compassion for the child. So what?

If questioned about his failure to get the iconic photograph, he could be open about it, as Plaisance has counselled, and say that his morality forbade him from watching a child suffer in order to have an iconic photograph. He could say that the child's life mattered more to him than an award-winning photograph. As the Ghanaian example shows, human life

trumps scoops. And it is sometimes necessary to forgo a good story – or photograph – if getting it or publishing it would lead to the loss of life, or somehow imperil others.

One can practice journalism infused with the ethos of Ubuntu and Ahimsa. What is important, though, is to be transparent about it. In practice that would require, for example, that this be clearly spelt out in editorial policies. That way people would know that, for example, you will not report the inflammatory statements of warlords who intend to stir up religious or tribal tensions. On the other hand, they would know that your approach would most likely be to emphasise initiatives that promote cooperation and tolerance. The Ghanaian example, which is from the 1960s, demonstrates that the idea that human lives trump newspaper circulations (or audience numbers and ratings in broadcasting) is nothing new.

The implications of my findings amplify the fact that there is no single, one-size-fits-all approach to journalism. We need to bear in mind that journalism is already heavily value-laden as it is. What needs to be done is to take this a step further and appreciate that human lives are more important than stories – or higher newspaper sales, or audience numbers.

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APPENDIX



ing sports banquet

To publish or not is no easy choice

An editor must weigh up consequences before deciding to publish, writes Graham Rees

Published and be damned, a phrase coined as the title of a book by London Daily Mirror editorial director Hugh Cudlipp in the 50s, may have been fine for Britain's sophisticated political society, but it certainly does not always hold good for volatile Africa.

Here, discretion is often the better part of valour. To confuse limitations on what is and is not wise to print or broadcast with censorship is immature. In journalism, as in diplomacy, the good of the majority often means that silence or a guarded cloaking of total honesty is the best policy.

I know, because I was once involved in a journalistic decision that probably averted a bloody civil war in the West African state of Ghana.

My memory was jogged by current events in another West African nation, Nigeria. The untimely death from an apparent heart attack of political leader Mosood Abiola immediately sparked rioting and the potential for massive conflict.

As word spread, rightly or wrongly, that Abiola was, in fact, poisoned by the ruling military junta of General Abdulsalam Abubakar violence erupted.

Aware of the hugely explosive situation, the junta immediately sought to have an international team of independent pathologists to carry out post-mortem examinations to determine the cause of death.

But did anyone doubt for a moment that their findings would affirm that the death was from natural causes? Any other verdict would have plunged the vast trouble-torn nation into bloodshed.

The truth may never be known. But even if Abiola was murdered, medical experts agree that heart attacks can be induced without the possibility detected.

There are still forensic tests to be carried out in America and Europe, but it is a fair bet that nothing will be reported. Clearly, it is better now to let sleeping dogs lie so that emotions may be allowed to cool down.

Ghana, like Nigeria, is yet another nation that fell victim to the arbitrary drawing of borderlines by Africa's greedy colonial invaders.

Ghana was never one nation. It is comprised of Ga peoples in the south and the Ashanti in the north. Accra, the national capital is in the south and the stronghold of the king of the Ashanti people is Kumasi to the north.

It was in 1960, when President Kwame Nkrumah was at the height of his power, that a civil war could so easily have erupted. I was at the time editorial and legal adviser to Graphic Newspapers (a subsidiary of the London Daily Mirror group for whom I worked).

It was learnt that some southern Ghanaian youths had raided the palace of the Ashanti king, stolen the ornate wooden stool regarded as the king's throne and secretly returned with the stool to Accra.

It was an act of war ... and swift action was demanded of Nkrumah to return the stool and punish the offenders.

This was immediately pledged, but another problem remained. If news of the dastardly deed became public, nothing but bloody revenge would placate the Ashanti people. It would be just the spark to arouse the ire of the Ashantis and war would be inevitable.

Graphic newspapers face a dilemma. For once, Nkrumah, dictator though he was, knew he was at the political crossroads.

Threats to the newspapers were of no avail now.

He literally begged Daily Nation editor Isaac Eshun, a fiercely independent London-trained Ghanaian journalist, not to publish a report of the incident. Eshun immediately summoned a meeting of senior staff including myself to explain the position.

As employees of the "publish and be damned" London Mirror group, our first reaction was to use the story in the next day's edition.

It was then that I received my finest journalistic lesson. I spoke by phone to Mirror group chairman Cecil King in London. His advice was clear: "The decision is Isaac Eshun's alone," he said.

King was a publisher in the old mould. Editorial independence and integrity was everything, but he said there was always a choice.

"The vital thing about editorial choice is that an editor must never, never publish anything he knows to be untrue ... but he need not always publish everything he knows to be true," he told me.

"There is a duty on an editor ... a very heavy duty. The consequences of his actions must always be carefully weighed. If the Graphic goes ahead and publishes there will be war. Failure to publish hurts no one ... except, fleetingly, the circulation manager."

Eshun thought long and hard before deciding not to publish. Without question, he had saved his country from the horrors of war.

■ *Graham Rees is a former marketing editor at The Star*