

Masters in Applied Ethics**Research Paper** (22,140 words)

[target = 15 000 to 20 000 words]

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Title: Principles to guide media practitioners in ethical decision-making in real time.**1. Aim**

This paper seeks to access a set of principles, posed as brief ethical questions, to help newspaper practitioners make decisions quickly under deadline pressure but with due consideration. It elucidates principles which can easily be brought to bear on ethical choices facing media practitioners on daily newspapers and to a lesser extent on weekend newspapers, helping resolve dilemmas quickly and ethically when required in a tight time-frame.

Decisions often have to be made very quickly indeed. Printing times are virtually set in stone: missing a print deadline could cost tens of thousands of newspapers. Big presses churn out 30,000 newspapers an hour once they are running. Prevaricating over a decision eats up precious time, and while an overriding principle might be 'when in doubt, leave out,' this is not a satisfactory ethical guideline for difficult decisions at deadline time.

This paper helps those who need to make swift decisions on deadline. It does not purport to replace ethical guidelines in codes, or in general theories of ethics. It provides guidelines for someone under time pressure who wants to do the right thing. It suggests intuition alone is not a satisfactory ethical stance.

Principles are derived from a wide reading of many books on newspaper ethics plus a detailed study of three sources in particular: Beauchamp and Childress's *Principles of Biomedical Ethics*, the Satchwell Report on Media Ethics and the South African Press Council Code of Ethics and Behaviour.

Five principles are suggested.

1. Truth – does this attempt to tell the truth?
2. Integrity – does this compromise the integrity of the reporter or newspaper?
3. Respect – does this respect everyone involved?
4. Fairness – is this fair to all?
5. Readers' interests – is this in the interests of the readers?

2. Why are ethics especially important to newspapers?

Every report in a newspaper has an effect on people, on both the subjects and objects of the report, and readers. Effects can be minor but can also be catastrophic or fabulous, can determine a future being uplifting or disappointing. It is crucially important that due ethical consideration is part of the decision mix.

As Professor Samantha Vice of Wits commented in the initial presentation of this proposal, newspapers have an Aristotelian injunction to decide what they are, and what their function is. Is it to enhance the public good? Is it the national interest? Is it simply to make money for owners or shareholders or stakeholders? Is it to further a political agenda? A combination of all those things? Newspapers need to think representatively, looking at ethical decisions from the standpoint of others.

This paper looks only at the ethics of the editorial functions of a daily metropolitan newspaper, broadly defined as being to educate, inform and entertain (the defining and enduring values of the British Broadcasting Corporation, the BBC). This is usually done while making profits for shareholders, creating writing opportunities for journalists and a place for advertisers to market their wares.

Do newspapers require special ethical consideration? What extraordinary temptations arise?

An easy answer is that newspapers are powerful, and ‘with great power comes great responsibility,’ an adage commonly attributed in modern writing to Marvel Comics’ *Spiderman*, but which Wikipedia says not only dates back to Cicero, but also to the King James version of the Bible, to the Prophet Mohammed, to British MP William Lamb in 1817 and to Winston Churchill, debating the South African situation in 1906: “... in South Africa, above all other colonies, we are provided with a most sure foothold for intervention in behalf of the natives. We have greater power and therefore greater responsibility.” Churchill later lambasted newspaper owners for “seeking power without responsibility.”

Getting something wrong can have dreadful consequences, from suicide to closing down of businesses, from detention and jailing of innocents to incorrectly besmirching reputations forever, from inculcating panic in a population, or awful economic decisions which affect the country’s fiscus, from helping destroy a good political party to building up a bad one. Instances of all these could be cited, but require too much space to give each one justice. In Rwanda an irresponsible radio station was largely responsible for inciting genocide, delivering daily rants against the ‘cockroaches’ it labelled an opposition tribe. Newspapers were not complicit, but the danger remains of powerful mass media inciting murder.

Power brings not only responsibility but temptation. Temptations are many, judging where a thin line of ethical behaviour is being crossed can be difficult. Is the truth in this report an honest contribution to understanding? Is it accurate? Is it balanced? Is it only a facet of a situation being portrayed as the whole? Are all protagonists in this report, even bad actors, given respect? Is this report an attempt to push a line, distort the truth, impugn a character, enhance or detract a business’s prospects, is it sensationally hyped up to improve a reporter’s reputation, is it fair to all, will it cause harm that is unwarranted? Not all unethical temptations facing newspaper practitioners can be enumerated.

Many unethical actors wish to advance an agenda, sometimes fiscal, other times political; sometimes to advance a career, other times to detract from one. Malicious actors up to no good are often unfortunately well-disguised.

Publication of unethical reports can have dire consequences on ordinary people, on businesses, on the social fabric of a society, on politics and on the economy. Importantly, publication can distort the useful knowledge which newspapers seek to convey, and which readers expect. Temptations abound for reporters and editors, small temptations to get at a rival or a business, big ones to twist truth for profit or fame, financial ones to favour friends, pressure temptations to

cut corners. At every stage of a report temptations rise, from plagiarism to egotism, laziness to arrogance, callow obedience to a superior to contempt for one.

To navigate this minefield, codes of ethics proliferate. Deadlines disrupt sincere attempts to consult and contemplate these codes. Where actors deliberately wish to distort news or use it for unethical ends, principles are of little use. Those perpetrators by definition deliberately eschew ethics. You cannot shame the shameless. Journalists who choose to be unethical or simply don't care about the ethics of what they do are not a concern in this paper. This is not a pedagogical attempt to change bad behaviour, or to convince bad actors to behave better, or to teach a newspaper how to be a good newspaper. It instead uncovers principles for ethical decision-making under time constraints for journalists who wish to be ethical, which I hope describes the overall majority of practitioners.

It is always easier to decide 'don't run it,' but there are ethical sins of omission as much as commission. To omit the result of a court case covered earlier is ethically wrong. A greater temptation is an uncomfortable report putting the newspaper or its owners, reporters, support staff or editor in a bad light. Or news reports supporting a political line the newspaper abhors. Ethical considerations dictate critical reports must be run at length, while respect must be shown to all. These tough decisions often must be made on deadline.

On the plus side, newspapers are useful for exposing injustice and highlighting justice. Yet even this task is fraught with potential ethical pitfalls. A newspaper has been described as the best stab at the truth in the time available; it is not a court of law with due consideration to all sides, all versions, argued by professionally trained legal minds. Ethically, justice must be a consideration, even under deadline pressure. Ethical principles for newspapers enable a checklist to try to prevent injustice unwittingly occurring.

All editors face occasions when decisions must be made quickly: publish or not publish; defy a demand to publish, or not publish, from a politician or business; obey or refuse a request to include or exclude details; accept or reject an offer to an event, or to a country, or to a vacation, or to a lunch or a dinner or even tea or a gift which might compromise or might enhance a report. Give in to, or resist, pressure from individuals, management, from business, from NGOs and from government.

3. Primary sources

There is a great deal of writing about newspaper ethics. Some are complex attempts to discuss all possible issues. Alexandra Prentiss published "Ethical Issues in Journalism and the Media" (2016: Arcler Education Inc) examining issues ranging from Western media hegemony to social media, corporate media manipulation, conflict, prisons, digital photography rights, ethnic hatred, sensationalism et al. Helpful as it is to paint a complex landscape of ethical considerations, this essay hopes to cut verbiage, instructions and imperatives to a minimum.

Five principles are developed on the basis of input gathered from many and varied sources. To distil principles, three sources proved most useful:

1. Beauchamp and Childress's "Principles of Biomedical Ethics."

2. The Satchwell Report on Media Ethics.
3. The South African Press Council Code of Ethics and Behaviour.

Why these three? What did each bring to the search for principles?

To begin the search Beauchamp and Childress provided a detailed examination of *ethical theories* to decide principles for an industry. Second, to see where the newspaper industry is in the country, Satchwell provided an *examination* of current South African newspaper ethics. Third, the Press Code provided the current *practical application* of ethics.

In looking for principles for a single trade or profession, Beauchamp and Childress work is an efficient guide through ethical considerations, seen through the prism of developing brief principles for actors in a single industry. They succeeded in distilling widely recognised bioethical principles in their highly regarded “Principles of Biomedical Ethics.” This work (8th edition) was a useful guide through ethical hoops, then helping jump the many hurdles set up by a plethora of theories of ethics. Their methodology, suitably applied, was useful in revealing principles for newspapers.

A second consideration was that they spawned the examination of the very idea of principlism. Principlism itself is critically examined later in this paper, with the conclusion that it can be helpful, despite being insufficient for a comprehensive ethical theory. Various philosophers’ views on this are consulted and addressed.

The choice of a second major source was prompted by the publication of The Satchwell Report. It promised a set of ethical norms, after three years of intensive work on ethics by seasoned journalists led by the highly respected Justice Kathleen Satchwell. The report remains widely quoted and used. It systematically covered ethical considerations the panel deemed important to newspapers in general and South African newspapers in particular. Its 329 pages and 69 recommendations do not however produce succinct principles. This paper seeks to remedy that.

The final of three main sources is The South African Press Council Code of Ethics and Behaviour, the major code of ethics to which many South African newspapers subscribe. Experience suggests its many injunctions are seldom consulted until after the fact, when problems arise and court cases result. Yet it is useful in distilling ethics. Its formulation has taken into account ethical temptations and transgressions most likely to occur and which do occur. It is an up-to-date document, continually subjected to revue. This essay does not attempt to refute any of its provisions, instead it enhances it, with easily accessed principles to be swiftly consulted under time constraint.

Steps to discover principles.

Step One

Source One is examining Beauchamp and Childress’ methodology in their widely read book on uncovering principles for ethical decision-making in bioethics, then using that examination to guide a methodology to find principles for ethical decision-making in journalism. Their search to distil principles for biomedical ethics is used in this paper as a template to uncover ethical principles for news practitioners.

Their book was first published in 1977. The updated 2019 eighth edition has many changes, including a useful discussion of criticisms of 'principlism.'

Consequences of decisions in the medical field and in journalism are concrete, yet very different. In medicine individuals place their welfare in the hands of people licenced to do drastic things, many of which could cause death or disability. People actively give up control over their bodies and minds to trust the superior training of other individuals, believing these individuals will behave ethically.

Implicit in giving up control is the faith that the medical qualifications of the nurses, doctors and other medical actors is enhanced by ethical education, although most patients seldom if ever think about or question this. It rises to the fore in the public arena when court cases ensue because medical practitioners are accused of unethical behaviour. Within the medical professions, ethics are debated and considered without much public scrutiny.

Similarly yet differently, newspaper readers seldom consider whether newspapers are behaving ethically or have any ethical training. While what is read and consumed impinges heavily on many lives both directly and indirectly, the ethics behind news-gathering and presentation is seldom questioned outside of the practitioners' circle. Within the profession it is a daily matter for debate as ethical questions arise in serried ranks to demand decisions. It is not only helpful, but crucial, to identify principles to guide decision-making for ethical practitioners in times of time-stress.

In medicine, issues are on occasion literally matters of life and death. Even more difficult can be public policy, deciding where funds must be allocated, how organ donations and transplants are scheduled, who will get limited resources, where clinics and hospitals should be sited, which specialities should be funded. Guidelines for those making these difficult decisions are desirable, hence Beauchamp and Childress's seminal work.

Newspapers have an inordinate role in influencing public policy in all tiers of government; local, provincial and national. They play a disproportionate role in directing the public's perception of individuals in sport, the arts, in professional roles, in business, in politics and in ordinary life. Newspapers and journalists can talk up the worth of a business or condemn it, either way fairly or unfairly. They decide, it is said, the first draft of history. This power demands ethical standards. Principles easily applied will be helpful and could prevent disastrous mistakes.

Despite these similarities, there is still an enormous difference between the ethical demands on newspapers and on bioethics. Newspapers deal mainly in reputations and in truth, not in bodily health or allocation of scarce resources. Space is a scarce resource on a newspaper. Deciding what to publish, how big to splash it, where to place it, how much credence to give a report are always considerations. Ethical considerations on newspapers are more likely to examine the veracity, reputational damage, societal impact, fairness and relevance for readers.

As in Bioethics, decisions on newspapers have to balance various rights; rights to privacy versus rights of public interest, right of each side to be heard versus

the right of one side to dominate the news with newsworthy comments, right of the State to claim 'national interest' in promoting or demoting a report versus the right of readers to be informed, specially of what the State wants hidden.

These differences and similarities make the methodology used by Beauchamp and Childress helpful in guiding a path to arrive at a set of normative, practical, ethical principles. They condensed ethical filters for the difficult medical discipline to only four principle precepts, which have enormous global acceptance. Their book awakened much philosophical interest and resultant critiques.

"The set of moral principles defended in this book," they write, "functions as an analytical framework of general norms derived from the common morality that form a starting point for reflection on moral problems in biomedical ethics" (Beauchamp and Childress 2019: 13).

Step Two

Source two is to examine the deeply researched Satchwell Report on Media Ethics with its varied recommendations. The "Independent Panel Report – an Inquiry into Media Ethics and Credibility" by retired Judge Kathleen Satchwell sitting with journalists Nikiwe Bikitsha and Rich Mkhondo – was commissioned in 2019 by the South African National Editors' Forum (SANEF) and updated in April 2021. (<https://sanef.org.za/wp-content/uploads/2021/04/Satchwell-Report.pdf>)

The Report explains: "This Inquiry was commissioned following the events and controversy surrounding the publication and subsequent retraction of a series of stories by the Sunday Times between 2011 and 2016, and the questions raised thereby about reporting, newsroom processes and the stances adopted by a single media house. Although the Panel's hearings and perusal of submissions revealed some issues specific to the Sunday Times, what also emerged was a shared set of systemic problems imperilling ethical conduct across the whole media landscape" (ES4, P7).

It adds: "Between July 2019 and March 2020 this three-person Panel engaged in one way or another with 167 individuals and entities, perused close to 200 documents and sought ad hoc research inputs including a comprehensive longitudinal study of the work of the South African Press Council. Consultations occurred with newsroom practitioners, owners, academics, consumers and concerned individuals and institutions" (ES6 p7.)

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The report was commissioned at a time when journalism and its practitioners did not enjoy a high regard in the eyes of the South Africa public and in the minds of many of the practitioners themselves. The country's biggest weekly newspaper measured by readership stood accused of publishing false information that had devastating political effects, a complex matter of fake news about a rogue revenue team that actually did not exist. It is not worth regurgitating here, but it was a catalyst in getting the commission under way.

The commission sought ways to enhance ethical journalism and the public's view of journalists and media. By highlighting unethical behaviour, the Satchwell

report seeks to promote ethical behaviour. It therefore has relevance in seeking principles to help ethical journalists make decisions under deadline pressure.

While Step Two proved useful, it is of limited help. The 329-page report has 69 conclusions and suggestions, many lengthy. Most are about credibility and public relations. The length and depth of the Judge and her assessors' research makes consulting it when under deadline pressure an unlikely event. The majority of the report is given to enhancing public relations for media, not of concern to this paper. Some recommendations in the section on ethics are worthwhile and relevant for the pursuit of swift guidelines, and these are examined.

Step Three

Source Three was to examine the current South African Press Council Code of Ethics to uncover which useful principles emerge from lengthy injunctions in the code. This code was rewritten from previous codes and updated after South Africa's first democratic election in 1994. It was aligned with the new Press Council formed at that time. Infractions of the code can be referred to the Press Council, which adjudges complaints and rules on amelioration. The code does give guidance on ethical behaviour, rather more on unethical behaviour, but is helpful in our discovery of principles for practitioners needing to make quick ethical decisions.

A proviso for step three is that many countries have codes of ethics for newspapers, often each newspaper in a country has its own code. South Africa's newspapers operate on various individual codes of ethics and codes of conduct, most more honoured by editors in the breach than the observance. Codes are useful, but cumbersome. Swift decision-making requires fewer hurdles. Within codes there are discoverable principles for ethical decision-making which are helpful. South Africa's newspapers are encouraged to subscribe to the Press Council code, but not forced to do so, nor are there any penalties for not being a member.

After the aim (1), the importance of ethics for newspapers (2) and primary sources (3), the paper proceeds in this way:

4. Beauchamp and Childress.

5. Moral Norms and Moral Character.

First principle: *truth*.

Second: *integrity*.

6. Autonomy and Kant.

Third principle: *respect*

7. Beneficence and Nonmaleficence.

8. Justice.

Fourth principle: *fairness*.

9. Moral Theories, emotions and ethical considerations

Fifth principle: *readers' interests*.

10. Principlism under attack.

11. Principlism defended: philosophers' critiques

12. **Satchwell, Uncovering normative principles.**

13. **Press Council Code of Ethics and Conduct.**

Actual complaints and resolution

14. Intuition as a substitute for principlism.

15. Previous studies.
16. What is not addressed in this paper.
17. Ethics in the world.
18. Bad actors.
19. Practical dilemmas.
20. Summary.

Central to principles is the very idea of principlism. Principlism itself occasions much debate. Beauchamp and Childress list major arguments against principlism, which they concede are valid in some respects. These arguments, by Bernard Gert and colleagues in their theory of “morality as a public system” (Bioethics: A Systematic Approach, 2006) are given and addressed in this paper (10), before examining five philosophers’ critiques and views of principlism (11), and considering whether these negate any value in seeking principles for newspapers. The five are Jonathan Dancy, Kevin Behrens, Søren Holm, Tom Walker and Daniel Callahan.

A possible easy solution to ethical real-time decision-making under pressure is intuition. This is dealt with succinctly using both Kant and Onora O’Neill (14).

Have previous studies reached enlightenment on principles for newspapers? This brings in both those who might argue against an ethical approach for newspapers (15), and our apparent inability to deal ethically with bad actors in a substantial way (18). In accessing opinions on principlism, it is possible to get lost in a labyrinth of theories and forget the confines of this paper, which seeks concrete action guides, so a brief reference is made to ethics in the real world, rather than as a complete normative theory derived from pure logic (17). This aims to ease decision-making for those seeking to be ethical. Finally, six case studies are examined (19) before summation (20).

4. Beauchamp and Childress.

We examine how these researchers went about their study, before applying it to our case. Beauchamp and Childress set out eight criteria for assessing moral theories. Clarity, coherence, comprehensiveness, simplicity, explanatory power, justificatory power, output power and practicability (p387). They evaluate four general theories, Utilitarian, Kantian, Rights and Virtue theories, against these criteria to uncover their convergence. The criteria are as applicable to newspapers’ ethics as they are to bioscience. Using the Beauchamp and Childress criteria and ethical theories explication uncovers ethical principles for newspapers to use in time-constraint situations.

Critiques of Beauchamp and Childress’ methodology are relegated to a concern of less importance, as the objective is not to defend those two writers but to use what can be useful from their research and methodology. This essay is not a defence of Beauchamp and Childress. It instead uses what it can from their research to help uncover principles for ethical decision-making in newspapers.

Beauchamp and Childress painstakingly take readers through many labyrinths in ethical consideration and arrive at a set of principles. Their principles are now accepted globally in developing ethics in biomedical study. They believe it would be “a mistake in bioethical ethics (in this essay’s case newspapers) to assign priority a

priori to any basic principle over other basic principles – as if morality is hierarchically structured or as if we must value one moral norm over another without consideration of particular circumstances” (2019: ix).

Although we are already selecting a hierarchy simply by choosing principles, so must logically accept there could be a hierarchy in that hierarchy that is valid, I have chosen not to defend a hierarchy, nor dismiss that there may be one.

Discovering principles must discard some apparently obvious ethical injunctions which do not fit the bill. ‘Do no harm’ is fine for bioethics, but inappropriate for newspapers whose reports make – and break – people and companies. Nor does ‘obey the law’ pass the test. In apartheid South Africa newspapers deliberately and provocatively broke the law daily: the laws themselves were unjust and unethical. Many such laws still exist in all societies, so while ‘obedience to the law’ is an ethical consideration, it should not be a principle. Indeed, philosopher Hannah Arendt wrote that nobody has a right to obey unjust laws.

Beauchamp and Childress reach their principles “by examining *considered moral judgements* and the *coherence of moral beliefs*” (p13). But, they caution, “The abstract rules and principles in moral theories are extensively indeterminate. That is, the context of these rules and principles is too abstract to determine the specific acts that we should and should not perform” (p427).

Two ways of making decisions are compared, the top-down approach which uses theories, principles and rules, and the bottom-up approach which uses cases, analogies and particular judgments, then both are discarded in favour of a third way.

“Instead of these models we support a version of a third model of method, justification, and theory construction that is sometimes characterised as a coherence theory or coherentism” (p440). Their method relies heavily on John Rawls theory of reflective equilibrium, which seeks some coherence, when defining a principle, on the rest of our beliefs on what a right action would be. Beauchamp and Childress start with a set of considered judgments which are initially acceptable, without argument. From this basic building block they use reflective equilibrium to defend the principles they propose. It can be labelled coherence theory or even foundationalism but that debate is not part of this essay.

What are their principles for bioethics? Summarised, these are

1. Respect for autonomy (a norm of respecting and supporting autonomous decisions)
2. Nonmaleficence (a norm of avoiding the causation of harm)
3. Beneficence (a group of norms pertaining to relieving, lessening, or preventing harm and providing benefits against risks and costs)
4. Justice (a cluster of norms for fairly distributing benefits, risks and costs).

Beauchamp and Childress 2019: 13.

Beauchamp and Childress’ methodology starts by examining various particular moralities, professional and popular. They divide ethical considerations

into standards of action, before measuring those actions against moral virtues like integrity, truthfulness, honesty and kindness.

We have examined how they start their research and some conclusions. Now we look at the relevance to newspapers.

Starting an examination for newspapers their way enables a discovery of guidelines for swift deadline-pressured decisions which are the most ethical. Beauchamp and Childress's methodology is not a step-by-step approach, rather an agglomeration of various factors to achieve some consensus on what is most important and can serve as a principle, incorporating other ethical concerns. This paper links biomedical ethics with journalism in the ten chapters of *Principles of Biomedical Ethics*, in its three parts: Moral Foundations, Moral Principles and Theory and Methods.

Beauchamp and Childress move from what they label 'the common morality' to particular moralities, then to professional and public moralities in a search for principles. Essentially, virtue ethics, looking for virtues in actors to determine ethical behaviour. Common morality is divided into standards of action – do not kill, do not cause pain or suffering, prevent evil from occurring, rescue persons in danger, tell the truth, obey just laws, do not steal – with moral character traits like honesty, integrity, conscientiousness, fidelity, gratitude, truthfulness and kindness (p3).

Many of these actions and character traits are wanted in newspapers – telling the truth, preventing evil, kindness, obeying just laws.

They look at Utilitarian, Kantian, Rights and Virtue theories, against eight specific criteria in assessing moral theories, to uncover a convergence which will generate principles. Criteria are clarity, coherence, comprehensiveness, simplicity, explanatory power, justificatory power, output power and practicability (p387).

It would be great to examine and comment on each of these, but this short paper cannot do as comprehensive a study as their lengthy book. I postulate a thesis of five principles, see if they meet criteria, and then if they do not fall foul of various ethical theories. Tested this way our five principles pass, moving from hypothesis to thesis to synthesis.

This set of principles enables editors, executives and journalists to filter ethical decisions more easily and quickly than current complex and lengthy codes do. Decisions at newspapers are time-sensitive, usually cannot be postponed and are often ethically contestable both within and outside the newsroom.

On the reasonably-sized daily newspaper I edited, about 40 stories a day were chosen from more than 200 on offer after an initial sorting from about 2,000. Each comes with decision-making, and often a time-short ethical choice must be made in that selection. As with bioethics, a set of first principles is helpful.

America's Society of Professional Journalists (ASPJ) lists four principles (Brown: 2020):

1. *Seek Truth and Report it*
2. *Minimize harm*
3. *Act Independently*
4. *Be Accountable and Transparent*

Of the four only one seems relevant, which is to minimise harm. Seeking truth and reporting it does not seem to involve ethics but is rather a description of the work a journalist does. It is like 'build and repair water and sewage reticulation' is a description of what a plumber does. When confronted with an ethical consideration, a reporter would not rationally ask 'Is this seeking truth and publishing it?' That simply describes some of the daily grind of what a newspaper does.

A better attempt at ethics for journalists is to ask whether in a particular case are we trying to tell the truth. An injunction to seek truth and report it sounds almost biblical, and it is not the sole job of a newspaper, nor is it an ethical test. "Tell the truth" is a different injunction from "try to tell the truth." The truth is a nebulous thing, difficult to pin down, often and usually impossible to define. Those who claim to know the truth are almost always wrong. Religions often claim to know the truth, but besides differing on what it is, each religion itself then fractures into different sects which in turn believe only *they* know the truth.

Then there are consequentialist ethical theories vs. deontological ones vis-à-vis truth telling, which could be thematised. Briefly and succinctly, consequentialists suggest telling an untruth is defensible in some circumstances, deontologists believe in the truth regardless of consequence. This ethical debate is not helpful in deciding principles, as both would agree trying to tell the truth is paramount. No editor would go ahead without considering consequences, but that does not detract from the principle.

Reviews of books, political opinions, concert descriptions, art gallery and indeed art reviews themselves are hardly seeking truth and publishing it. They seek opinions, often questionable opinions, and while one can technically argue the opinion itself is the truth of that person's thoughts, it is a bit of a stretch to say it is therefore seeking truth and publishing it. Let alone comics and crosswords. But even if we stick to hard news only, reporters' and editors' biases are usually visible. If not visible, they are there nonetheless, hidden in the actor's culture, parentage, privilege, race, gender, education, discrimination, suffering, real world experiences.

Reporting everything from a garden party to a political speech, a train crash to a tornado, a sports victory to a scientific triumph, restaurant review to new car launch, brings choices. Do you concentrate on the cause, the bigger picture, the victims? Is it the train driver's fault or was it the equipment, the driver negligence or company negligence in providing inadequate training or sleep? Whether an actor favours capitalism or communism, is liberal or conservative can define how the truth is described, even of a train crash.

Truth is a vexed issue. It must be front and centre of all our principles. Our first suggested principle:

"Try to tell the truth at all times."

It may seem obvious, but not always. Compare two reports of a rugby game by passionate supporters of different sides and you may wonder if they went to the same match. If they are mandated to try to tell the truth, some of their more biased comments may be excised. Similarly in politics, business and war, where choosing what to quote and who to quote can lean a report in a certain direction. If the first ethical principle is always to try to tell the truth, balance may be added.

If an agent were to ask “are we telling the truth here?” it could often result in a ‘no,’ because the people or organisations being quoted are not telling the truth, the truth being difficult to ascertain. But if the principle is “are we trying to tell the truth?” the ethical consideration is both simpler and more complex. It may be that an additional comment needs to be made: “facts do not support the claim of a stolen election” or “in this report of the war we are relying on eyewitness accounts which we are unable to verify.”

The fact that politicians lie (as do most humans) does not prevent a reporter telling the truth, although the agent may not always be able to point out the lie: reporting that Donald Trump said the Earth was flat (assuming he said it) is still an accurate report although containing a negative or ‘incorrect fact’ which itself is a contradiction in terms.

There is a difference between the injunction ‘try to tell the truth at all times’ and simply ‘always tell the truth.’ The latter seems impossible, few people could do it let alone a newspaper. Philosophically, ‘try to tell the truth at all times’ is analogous to rejecting deception.

Onora O’Neill says a commitment to reject deception has many implications. “It will be expressed in refraining from lying, from false promising, from promise breaking, from misrepresentation, from manipulation, from fraud, from corruption, from passing off, from impersonation, from perjury, from forgery, from plagiarism, and from many other ways of misleading” (2003: 98).

As a practical example of refraining from deception, even if simply by comment, Editor of The Times John Delane told a questioning war reporter: “Continue as you have done, to tell the truth and as much of it as you can, and leave such comment as may be dangerous to us, who are out of danger” (Belsey and Chadwick 1992: 114).

Similarly with acting independently and being accountable and transparent. ‘Are we acting independently?’ is never a question likely to be asked when confronting an ethical question or dilemma. Nor is ‘are we being accountable here?’ There is a case to be made for asking ‘are we being transparent’ as an ethical test, but I would argue when agents leak secrets and want their names withheld, that is not a case for transparency. There was little transparency in the ‘Deep Throat’ revelations that led to President Nixon’s resignation, yet most would consider that was great, and indeed ethical, journalism. Saying that you are withholding names is not sufficient to claim the report is now transparent. It is not.

Two of the ASPJ principles, 1 and 3, are action principles, rather than ethical

ones. Principles 1 and 3 tell an editor or reporter what their job is, they do not offer an ethical test. These particular principles may be the best for American journalists operating in a first world, developed country, under a First Amendment to the Constitution which guarantees free speech within a legal framework, but may not be adequate or relevant ethical guidelines in a South African context.

While South Africa is a major mining country, the trickiest minefield for writers can be the race question. Racial issues arise every day. Reporting them puts reporter and newspaper under intense scrutiny by all sides. There is a middle path, attempted objectivity, but even that is fraught with danger. Inside and outside the newsroom some believe it is an easy option and argue for a side forcefully taken. Here the overriding principle must be fairness, and that in itself is contestable.

5. Moral Norms and Moral Character

Both newspapers and bioethics share a daily focus on morality, so both professions have a history of trying to codify guidelines. Particular moralities “present concrete, nonuniversal and content-rich norms” which include “the many responsibilities, aspirations, ideals, sentiments, attitudes and sensitivities found in diverse cultural traditions, professional practice standards and institutional guides” (Beauchamp and Childress 2019: 5,6). Professional and public morality show “Some professions codify their standards in detailed statements aimed at reducing the vagueness” (p7.) So it is with newspapers, where codes of conduct and codes of ethics proliferate.

Principles are general guidelines for formulating rules. Principlism is a moral framework derived from common morality, not a mere list and analysis of four abstract principles but how they link and guide practice, consistent with professional traditions, codes and practices. (p25). Bearing this in mind helps find principles for newspaper ethics.

Moral Character

When we move from norms to specific people, the character of reporters and editors on a newspaper often determine the paper’s own perceived character. This chapter in Beauchamp and Childress enlists virtue ethics, with a primary focus on character. Virtue ethicists like Thomas Hill, Holmes Rolston III and Rosalind Hursthouse impel us to look for virtues in actors to determine ethical outcomes. This approach is certainly appealing in looking at newspaper ethics.

A major focus of newspapers’ concern is improvements or impairments to both the built environment and the natural. Looking at environmental ethics, Ronald Sandler says many environmental problems are “longitudinal collective action problems” which “arise from the cumulative unintended effects of a vast amount of seemingly insignificant decisions and actions by individuals who are unknown to each other and distant from each other” (Sandler 2009: 167). This is certainly true of newspapers, delivering hundreds of stories a day, seemingly unrelated, often by individuals unknown to each other, with major cumulative effects. Sandler argues these problems are likely to be “effectively addressed only by an enormous number of individuals who are unknown to each other and distant from each other.”

While not entirely applicable to newspapers, there is the germ of a normative

ethical injunction here, in that all newspaper journalists – accepted they are not an enormous number, nor always unknown and distant from each other – need to heed ethical standards to prevent or solve longitudinal collective action problems like climate change, racism, or sexism.

Our second principle: integrity.

Sandler argues for a virtue-oriented ethics, a two-tiered virtue-oriented normative theory. Tier one calls for consequential evaluation of character traits; tier two for an evaluation of actions, practices and policies in light of those traits (Sandler 2009: 176). Although he is looking at environmental ethics, his views are relevant to newspapers, and mesh well into chapter 2 of Beauchamp and Childress.

“What often matters most in health care interactions and in the moral life generally is not adherence to moral rules, but having a reliable character, a good moral sense, and an appropriate emotional responsiveness” (p31).

Virtue obviously coheres with virtue theory, and it could be argued that it lacks coherence with other ethical theories. The five principles are derived from mainly virtue theory, in line with guidance from Beauchamp and Childress. A broad discussion of how all other theories perceive virtues is not the purview of this essay.

Jeremy Bentham famously said virtues cannot be marshalled, “a disorderly body, whose members are frequently in hostility to one another” (p31). Yet for an ethical environment we want people at the top of their professions to have certain virtues, although it can be argued that to be successful they have a measure of vices too, like a degree of ruthlessness – business commentators suggest psychopathy is needed to hire or fire workers: too much sympathy can lead to bad choices.

So which virtues are to be sought and treasured? Beauchamp and Childress list five focal virtues for health professionals relevant for editors. Compassion, discernment, trustworthiness, integrity and conscientiousness (p33). Supererogation is not necessarily required in public health. In newspapers, when considered as entities for ethical judgement, some supererogation is needed, especially in South Africa. The huge disparity in wealth and awful poverty in the country require newspapers to act beyond normal ethical requirements. This ethical consideration should be reflected in the ethical principles we seek.

And who qualifies for moral status? Beauchamp and Childress examine which individuals qualify. Their criteria depend on cognition, sentience, moral agency and other matters of less concern to newspapers. This is a relationship theory of moral status, where a group – like the readers of the newspaper – deserves consideration. Similarly, autonomy, a major pillar of bioethics, has less relevance for newspapers as readers are free to choose which newspapers to read and within them, which articles. Yet there is some relevance: the autonomy of the subjects of those articles must be considered, their rights weighed up against the public interest.

Of major interest to newspaper ethics are sections on trustworthiness and integrity. These moral virtues are the heart of newspapers very *raison d'être*, it is integrity and trustworthiness readers seek and for which they are prepared to pay.

While these traits are not often mentioned, Aristotle said voluntary relationships among intimates hold people together more than legally based ‘bonds of justice’ (Aristotle Works 1984: 1242-3). In seeking ethical principles it could be reasonable to ask ‘is this story trustworthy?’ and ‘do we retain our integrity in publishing this?’

Integrity entails being faithful to moral values, and importantly, standing up for them even when that is uncomfortable. Integrity is more usually brought to the fore when its absence is recognised. Richard Nixon not owning up to the Watergate break-in, Boris Johnson not owning up to partying at Number 10 during Covid, John Vorster’s denial of the Information scandal in South Africa.

Transgressing professional standards is a more usual form of a loss of integrity, as when some South African newspapers insisted on continuing to support a story of a mother who allegedly gave birth to ten children, the decuplet story, despite overwhelming evidence to the contrary. The integrity of those newspapers was compromised. It can be argued that integrity is transient, and people will forgive those who transgress. Shakespeare’s Iago, himself unethical, suggests the opposite:

*Good name in man and woman ...
Is the immediate jewel of their souls:
Who steals my purse steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name
Robs me of that which not enriches him,
And makes me poor indeed.*

(Shakespeare (1961) [1406] Othello Act 3 Scene 3 p1133.)

We have looked at the moral norms and moral character, using Beauchamp and Childress. That relates to the actors: now let us examine the artefact, the report itself. It is a reasonable ethical question to ask of a story or when in an ethical dilemma, ‘*will this put our integrity at risk?*’ This is the second of our principles:

‘Are we respecting the integrity of all concerned?’

People with integrity are of good moral character, have moral virtues and ideals. Aristotle said achieving moral excellence requires practice and training. We should continually strive to achieve higher levels, to morally develop. Some contemporary ethical theories stress the minimum that is required. Aristotle, John Rawls and others insist we have an obligation to continue learning, striving for moral excellence. So do newspapers. The closure of the highly successful News of the World in England because they lacked integrity in letting reporters illegally tap private conversations was an advance in moral development for newspapers generally.

In examining a report, even if written by people of good character, we need to ensure it respects everyone’s integrity. Rosalind Hursthouse lists some vices, which don’t form a unity but may aggravate each other. “The old, familiar, vices of pride and vanity make us unwilling to acknowledge our greed, self-indulgence, short-sightedness, and lack of compassion; dishonesty, exercised in the form of self-deception, enables us to blind ourselves to relevant facts and arguments and find

excuses for continuing as we are ... cowardice makes us unwilling to go out on a limb and risk the contempt of our peers by propounding unpopular views" (Hursthouse 2007: 157).

These are the very vices newspapers need to avoid. They should try to achieve 'proper humility' instead of the vice of arrogance, of which reporters, editors and newspapers are often guilty.

6. Autonomy and Kant

Our second principle seeks to ensure integrity is considered. Now we must also ensure everyone is respected, too. Respect for autonomy is one of Beauchamp and Childress' founding principles. "To respect autonomous agents is to acknowledge their right to hold views, to make choices, and to take actions based on their values and beliefs" (p104). The writers focus mainly on patients' rights to determine procedures and doctors' obligations to divulge relevant information to patients; defining capacity for autonomous choice; defining who are competent gatekeepers for information, standards of competence, informed consent, surrogate decision-making and the like, all considerations not of major relevance to newspapers.

Immanuel Kant's views on autonomy are much deeper and all-encompassing. He asserts behaviour determined by our sense or conditioned by society is not really autonomous, we are slaves to those desires. Only when we act freely are we acting autonomously. His view could argue against even a search for principles to guide ethical choices. To some extent uncovering principles is to seek to condition society.

But Kant himself offers guidelines to ethical behaviour in his categorical imperatives. I would argue these imperatives, the first one, to universalize your maxim so you would want everyone to behave that way, and the second, to see all persons as ends in themselves and never as merely a means to an end, should guide all decision-making, not just for newspapers.

Do they give us the principles editors need to unlock ethical dilemmas? It may be that asking "Are we here, in this story, treating somebody merely as a means to an end rather than as an end him- or herself?" could be relevant. To some extent all characters in newspaper reports are being treated as means to ends, whether that end is as entertainment, information or education for readers. Kant was careful to say people should not be used *merely* as a means. Using this Kantian imperative categorically without the careful constraint of *merely*, might silence newspapers altogether, or induce editors to debate themselves into impotence. We are allowed to use people as a means, according to Kant, but not *merely* as a means.

We could scrap all attempts to find guiding principles and merely use Kant, but that would make decision-making even more difficult and time-consuming as Kant is not easily accessible to all reporters, news editors and editors. The categorical imperatives are notoriously difficult both to fully comprehend and then to translate into direct decision-making.

More accessible is Kant's view of respect, and indeed that is one of the

principles we seek. "... Kantian respect is respect for humanity as such, for a rational capacity that resides, undifferentiated, in all of us ... For Kant, justice requires us to uphold the human rights of all persons, regardless of where they live or how well we know them, simply because they are human beings, capable of reason, and therefore worthy of respect" (Sandel 2009: 123).

We must ask "Does this story/dilemma/choice consider respect to all concerned?" This is our third principle. It meets the criteria for an easily accessed principle. It is not easy to define 'all' when considering repercussions. This principle encourages practitioners to at least consider it, think about who might be affected, all of them, before taking an ethical decision. 'respect to all' is somewhat vaguely characterised, and then con-fused with the general consideration of possible detrimental effects on others

Too often reports create unforeseen consequences, simply because practitioners, from reporters through to news and copy editors and to editors themselves, failed to think about the potential effects on all affected people, on the public, businesses, or the city, state, province, country.

For instance a report that the new City Engineer of Durban could turn the beachfront into a lagoon by dumping sand, dredged from the harbour every day, two kilometres off-shore, meant to highlight his competence, resulted in riots. A town hall meeting was demanded by furious surfers, worried their beloved surf breaks were under threat. Had all people been considered before publishing or writing that story much mayhem could have been avoided.

The surfers' interest in surfing which is defeasible, should not be confused with their right to respect, which is not defeasible. Editors should still consider potential effects reports could have. Who will be affected? That simple question should have been considered. That is a simple example, weightier ones can be imagined and don't need elucidating.

More particularly, when specific people are subjects or objects of a report, the likely effect on them needs to be weighed against the public interest, often depending on their own public profile. Politicians private lives are more open to scrutiny than private people, yet all people deserve respect if they are not guilty of malfeasance or criminal behaviour. An added consideration is to decide when past criminality ceases to be worthy of reporting, and indeed reporting it can become unethical if a sentence has already been served.

It may be difficult to treat corrupt politicians as rational beings worthy of respect, but doing so in a report will give that report more credence and gravitas than one which disparages them.

Kant would say we should not treat them with respect in order to gain credence for our reporting, but do so because it is the right thing to do. That should be our motive. It is also difficult to treat as rational human beings people who subscribe to outlandish views like 'dinosaurs are an invention of science and never actually existed' (some evangelical churches maintain this strange claim), but Kant requires us to do so, regardless of people's odd beliefs.

In interviews the privacy obligation and the competence to divulge information have some relevance. Publishing an interview will always benefit from first asking the question: “*Will this harm our integrity?*” If the interviewee is divulging harmful personal information or is not competent to give informed consent to do the interview, these are alarm bells for any ethical interviewer. Any editor contemplating publishing an interview needs to consider issues of autonomy.

People under stress, for instance after an accident, may be prone to profanity and it would be an injustice to depict them as constantly using bad language by quoting them verbatim, even though it may be accurate. Judgment is called for. Nor should children be quoted in times of great stress as they might then have to endure immature teasing for saying things they regret. This leads directly to the next chapter, which obliges us not to cause harm to others.

7. Beneficence and Nonmaleficence

For medical people ‘*Primum non nocere*’ or ‘firstly do not harm’ is a major maxim for their profession, it is the essence of nonmaleficence. It works for medicine, but not for newspapers. Medicine is concerned mostly with ill people, mostly with individuals. Many decisions are binary: proceed with the aptly-named procedure, or don’t. Do something, or do nothing. Others are in prioritising: funds, or hearts and lungs, or locations.

Newspapers are more likely to encounter ethical decisions where one party will consider itself harmed but other parties will benefit. Does the public benefit outweigh the personal cost? Can a politician be held accountable, although it may harm his or her future, and the future of innocent families and employees? Should a bad business practice be exposed although it might cost hundreds of jobs? Will the harm done by publishing be outweighed by the good? Will stopping an environmental breach cost thousands of jobs, for instance, and should that weigh anything at all in deciding whether to publish?

Beauchamp and Childress look at killing vs allowing to die, withholding and withdrawing life-sustaining treatment, doctors assisting suicide, quality of life decisions, research disclosure to the subjects of research. These are not daily newspaper dilemmas. Yet there is some worthy consideration for newspapers to consider in the principles of beneficence and nonmaleficence.

William Frankena divides beneficence into four obligations:

1. One ought not to inflict evil or harm.
2. One ought to prevent evil or harm.
3. One ought to remove evil or harm.
4. One ought to do or promote good.

(Beauchamp and Childress 2019: p156.)

Beauchamp and Childress do not agree with conflating ‘do no harm’ with ‘do good.’ Sometimes the obligation not to harm others is more stringent than to do good, yet sometimes the opposite is true – saving a life may be more important than simply not doing harm. “In our view, no rule in ethics favours avoiding harm over

providing benefit in every circumstance, and claims that an order of priority exists among elements 1 through 4 in Frankena's scheme is unsustainable" (Beauchamp and Childress 2019: p157).

Newspapers may argue that when they expose charlatans or bad business practice they are actually helping those at the centre of it by exposing their wicked ways, thereby allowing them to confess and reform. The people concerned rightfully and often wrathfully differ. It is sophistry to try to argue newspapers deliberately never cause harm to individuals, groups, communities, businesses, political parties, sports teams, thieves, murderers and politicians, for they do. The harm is usually justified by a greater good, as illustrated in the next section on beneficence.

While it is easily argued that nonmaleficence and beneficence are mirror images of each other, Beauchamp and Childress address this succinctly: "Principles of beneficence potentially demand more than the principle of nonmaleficence, because agents must take positive steps to help others, not merely refrain from harmful acts" (p217). They divide beneficence into positive beneficence – helping others – and utility, balancing benefits and costs to create the greatest good.

Helping others is the very aim of medicine. Not necessarily so for newspapers, whose ethical aim is essentially to inform, entertain, educate and thereby help society. This is a more general beneficence, not focused on the individual. There is a difference between obligatory beneficence and ideal beneficence, in newspapers it would be between the normal obligations of helping society by protecting human rights, disclosing harmful practices, revealing harmful behaviour on one hand and deep investigative reporting on the other.

Newspapers as agents are not subject to Peter Singer's widely quoted "obligation to assist" yet there is an inherent duty, an obligation, to assist society in general and not harm it. Any clarification of this would have to include a definition of 'society,' some newspapers see only a certain political party as their constituency, as they are entitled to do; others see a broader public; some see one city as their constituency, national papers generally see one nation as their primary readership.

Doing good for one segment may not be good for all segments. Which leads to examining ideal beneficence, doing what is best for the greater number. Newspapers cannot be held to this ethic, sometimes they must single out individuals or specific groups for coverage, ignoring the greatest good for the greatest number. A single swimmer, dancer or writer might be lauded, a politician profiled, not always for the greatest good.

A difficult question for newspapers is the obligation of rescue, dealt with for bioethics by Beauchamp and Childress (p223). Newspapers face many insistent calls for rescue from stressed individuals, from civic organisations, from businesses in decline, from local, provincial and national government. In taking decisions on who to help and who to decline, news editors have to juggle reporters' time, and available space in the paper. No rules are easily applicable, every day brings different competing claims on time and space, on newsworthy events, on consideration of previous rescue attempts, on the worthiness of each applicant.

Most newspapers support charities and NGOs. Allocating space is an ongoing wrangle between hard news and beneficence. Newspapers are inclined to give their own charities more space than outside ones, which does not seem unethical. Media practitioners need to consider how generous they can afford to be in promoting charities and NGOs, then always go a little further.

8. Justice

Our fourth principle: fairness.

We have looked at truth, integrity and respect. But is a report fair? Michael Sandel's seminal book "Justice" (2009) is subtitled "What's the right thing to do?" which summarises precisely the objective of this paper, and indeed of all ethics. Beauchamp and Childress address this in their longest chapter, examining six different theories, two of those in some depth, egalitarian and utilitarian. They determine "No single moral principle is capable of addressing all problems of justice" (p268). Are there lessons here for newspapers?

Newspapers are useful for exposing injustice and highlighting justice. It is not their job to maximise the greatest happiness for the greatest number, but it would be a poor newspaper that did not confront injustice in its columns. Justice can and does take many forms. Sandel suggests four forms, the first essentially preserving human and other rights, then two rival ones based on freedom: a laissez faire one upholding voluntary choices made by consenting adults, and a fairness one which sees unfettered markets as neither free for fair and wants policies to create more equal playing fields. Finally there is justice as bound up with virtue and the good life.

Beauchamp and Childress examine various traditional ethical theories of justice: utilitarian, libertarian, egalitarian, communitarian. Two more are looked at, capability theories and well-being theories. Amartya Sen pioneered the capability theory, largely as a way to redefine poverty. "In contrast with the utility-based or resource-based lines of thinking," Sen writes, "individual advantage is judged in the capability approach by a person's capability to do things he or she has reason to value" (p277). Simply put, he is saying not enough money is not enough to define poverty. Issues like health, education, access to water and electricity are also important indicators of well-being, and of its opposite.

Well-being theorists say access to these various things is not enough, well-being itself is what comprises justice. Health, security, respect, knowledge, attachments and self-determination.

Where does newspaper ethics come into this debate?

Newspapers are not arbiters or dispensers of justice, but they are the purveyors of theories of justice, put into concrete forms daily. Mostly this is done by uncovering injustice, whether it be seen from a utilitarian, egalitarian, libertarian, communitarian, capability or well-being theory. Injustice is sometimes in the eye of a beholder – a referee awarding a penalty for instance – but can equally be a unanimous verdict: parents mistreating a child, trafficking humans, employers exploiting workers, animal cruelty, corruption, theft, murder, vandalism – all are universally seen as unjust actions.

It can be argued that newspapers have a duty to disclose and uncover justice and injustice but I am loath to make 'duty' demands on newspapers, as the consequences of claiming it is a 'duty' means it cannot be ignored. Robert Nozick in "Anarchy, State and Utopia" (2006) says in his defence of libertarianism that nobody should be forced to help others. The same holds true for newspapers.

There are always various caveats attached to the proposed 'duty,' like enough space, legal confirmation, reporters available. Nevertheless, it does seem an imperative for newspapers to further the course of justice, whichever theory is chosen to define it, and when it is within their capability.

As this paper uses Beauchamp and Childress to enlighten a choice of principles for ethical resolution of dilemmas, what principle associated with justice will best guide an ethical decision? I suggest "*Is this fair?*" or more elaborately "are we being as fair as we can be to all concerned, given the various factors at play, from time and space to legal certainty, public interest, duty to readers and likely consequences of our decision?"

Fair is defined in the Oxford dictionary as "impartial and just, without favouritism or discrimination" which adequately describes what we seek with fairness.

This question would mostly satisfy believers in any of the theories examined above, although each might want to add a caveat. Jeremy Bentham and his Utilitarians may want to add "will this proposed outcome produce more happiness than the alternative?" Libertarians may want "does this ensure freedom of choice?" Egalitarians "is everyone being treated equally?" and so on. I contend they would be sufficiently happy with the question as it is, in short or long form.

9. Moral Theories, emotions and ethical considerations

In deciding principles for newspapers using the guidelines of Beauchamp and Childress, it is important to examine their examination of various theories to see if they can be applied or are relevant.

Beauchamp and Childress examine four theories: utilitarianism, Kantianism, rights theory and virtue ethics. Their methodology is to give an overview, look at how the theory could deal with a real biomedical issue, evaluate the theory's limitations and finally determine its contribution to moral reflection.

The issue examined is of a child with renal failure and a father unwilling to donate a compatible kidney, but wanting the family to be told his kidney is incompatible. For reporters, this is a fairly simple case of lying, biomedical issues do not come into play.

(i) Utilitarian

For utilitarians "The goal is to realise the greatest good by balancing the interests of all affected persons" (p390). For bioethics, the interests of the child, the siblings and the mother must be considered. For journalists, there would be three major considerations: is it the truth? Does revealing it impinge on medical privacy

rights? Is this revelation in the public interest?

Utilitarian considerations would fail because of overdemandingness – it is virtually impossible to weigh up the effect on all parties – and unjust distribution, as whose happiness should weigh greater, readers' interests or those of the family?

(ii) Kant

Much easier is an evaluation of Kantian theory. A Kantian view would be to tell the truth, regardless of consequences. Obscuring the father's unwillingness with a falsehood could never be ethical for a Kantian. Although, it could be argued that given Kant's own carefully worded promise to the King not to write about religion while a subject of his majesty, a case could be made for a carefully-worded description of the father's refusal without revealing the truth might sneak through. 'The donation is impossible for medical reasons' might make it, but I think Kant would object that this obscures the truth.

For reporters, Kant does not help in deciding whether to publish or not. It is the truth, yes, but is it in the public interest? It could be that the second categorical imperative comes into play, that nobody should be treated merely as a means to an end. If that is universally applied, newspapers would effectively cease publication, for when an individual's actions are described in a newspaper, individuals are often seen merely as a means to an end, with the end being the interest of the reader and therefrom the sale of the newspaper.

John Rawls (1971) postulated his 'Veil of Ignorance' behind which all stakeholders were equal, suggesting this led to better moral consideration. In taking ethical decisions behind this veil people would probably favour the weak and maximise individual liberty. Rawls theory allows for 'the difference principle' in which he says "social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all" (Rawls 2014 [1971]: p550).

For journalists, some stakeholders need to be considered more than others. While sources for a story may need protection, the audience for a story deserves the highest consideration. Journalists may deceive sources in various ways, both by omission and commission, in order to get a story, but deceiving the audience is never ethically acceptable.

It can be argued – and has been and should be – that any deception is wrong. This is more of a Kantian view. But charming sources, allowing a source to believe you know more than you do, suggesting a good outcome for a source when you are aware this is unlikely, lying to liars, flattering politicians, not revealing your identity to do a fair restaurant review, all of these are forms of deception. All are generally accepted as within journalism's confines of ethical consideration. All are ultimately aimed at getting the truth to the audience. Not giving an audience the truth is always seen as morally unacceptable.

We have accounted for truth, integrity, respect and fairness in our principles. Now we need to look at recipients of the newspapers' reports, the readers. This brings us to another principle, a question we can ask in an ethical dilemma, *"Is this in*

the readers' interests?" Where the apostrophe lies is important for we are looking at a majority of readers, not a single reader.

Our fifth principle: readers' interests.

Readers are the *raison d'être* of newspapers. How does Kant impact on respecting readers? Beauchamp and Childress critically evaluate Kantian theory in three ways. Firstly, it is inadequate in resolving problems of conflicting obligations. You promise to take your children on a trip but your mother gets desperately sick. You must break that promise although Kant would not allow it. Secondly, Kantians underemphasise relationships and overemphasise moral laws. Newspapers probably do the opposite, overemphasising relationships, to the detriment of moral law.

Newspapers are concerned with emotions, with joy and happiness, pain and suffering in their reporting. Emphasising strict Kantian principles may result in sterile or even objectionable reporting. In their criticism Beauchamp and Childress suggest virtue, emotion and moral worth have little value for Kantians, only duty has primacy.

Much is good and ethically useful in Kant. One injunction universally adopted is that everyone must be treated equally ethically, and this certainly has relevance to newspapers. "Kant argues that when good reasons support a moral judgement, those reasons are good for all relevantly similar circumstances" (p400). To some extent this establishes a precedent relevance for newspapers, so that it can be argued that 'if we did this then, we should also do it now' iff circumstances are the same. The real problem is that circumstances are seldom if ever the same. A politician is caught having extra-marital sex. Is that the same as a cleric caught doing the same? A businessman has an affair and his wife reports it to the newspaper with proof; should we publish? Clearly different from the cleric. And so in almost every case there are different considerations. One way to cut through the clutter is to ask "Is this in the readers' interests?"

Attempting to define what constitutes the *legitimate* interests of readers is a whole debate in itself. There are arguments for suggesting puritanical ideals, for instance that only education and not amusement is a legitimate reader interest, and some religious newspapers probably do advocate this. Or an editor can argue only reports which adhere to church dogma or specific political beliefs are legitimate, but this is not an argument this essay should address. As a principle, an editor who asks whether something is in the readers' interests will use judgement, experience, the specific newspaper's reader profile – nationalistic, religious, language, social and economic group, size of readership – to answer. The principle asks only that the question be considered.

(iii) Rights

After looking at Kant, Beauchamp and Childress examine Rights Theory. Is this relevant for newspapers? "A right gives its holder a justified claim to something (an entitlement) and a justified claim against another party" (Beauchamp and Childress 2013: 401). People about whom reports are written clearly have legal rights of redress against slander or defamation, the philosophical question is whether they have rights to demand *not* to be written about, or a right to *be* written about?

Newspapers could not countenance accepting that every person who demanded it, had to be written about. Yet those who demand not being written about can have a case, and can present it to the newspaper, because there are often unintended consequences of which the reporter, editor or newspaper is unaware. Explication by affected agents could delay publication or prevent it entirely.

Everyone has rights, as do non-juristic persons like companies and non-governmental organisations (NGOs). Having a right is very different from exercising it. As powerful influencers in society, newspapers need to be aware of rights not being exercised and there is an obligation to inform people of this when it protects them or benefits them. Being alert to people's rights could qualify as a principle. However the principle suggested already, *'Does this story/dilemma/choice consider respect to all concerned?'* encompasses examining all actors' rights.

There is the question of protecting sources, whether this can lead to ethical dilemmas. Information is provided on an 'off-the-record' basis, sometimes on a 'no attribution' basis, sometimes on a 'don't reveal this even to your dead grandmother' basis. Sometimes sources don't know they need protection. Journalists will provide it if they feel a report might cause harm to a source. These matters appear clear-cut, and if not, the five principles applied to any case about revealing sources should enable a quick decision to be made. No new principle is needed.

(iv) Virtue

The final moral theory examined by Beauchamp and Childress is that of Virtue Theory, independent of utilitarian, Kantian and rights theories. Aristotle differentiated between right actions and proper motives, claiming actions were only virtuous when done for the right motive. Hume defined virtue as an objective mental quality approved by all. Rosalind Hursthouse says: "Virtue ethics provides a specification of 'right actions' – as "what a virtuous agent would, characteristically, do in the circumstances" – and such a specification can be regarded as generating a number of moral rules or principles ... Each virtue generates an instruction – "do what is honest," "Do what is charitable," and each vice a prohibition – "Do not do what is dishonest, uncharitable"" (Hursthouse 2007: 413).

For most of us, virtues are easy to define, we know them when we see them: honesty, reliability, generosity, integrity, humility, friendliness, gratitude. Some are less definite, like optimism. In an address to journalists gathered for Environmental awards I suggested optimism was a quality owners should seek in an editor, but this was not 'approved by all' so Hume would disqualify it.

When looking at newspaper ethics or an ethical dilemma it may well be useful to think of what a virtuous person would do, an honest, humble, generous person, but that smacks of circularity, because we are actually seeking the very principles that would guide an honest, humble, generous agent.

This chapter on virtue is instructive but does not yield an additional principle. It reminds us to think like a virtuous person in choosing an ethical newspaper decision, and to make the decision with Aristotle's right motive, so that not only the action is right but the motive which occasions it.

10. Principlism itself under attack

There are many criticisms of principlism itself, the first and most obvious being that it is not all-encompassing in seeking ethical behaviour. Ethical behaviour at its best subjects an agent to values which guide all and every action. Principles seek only to guide a specific set of circumstances. Clearly, having values which guide all actions would be a greater good, highly desirable, and there is merit in saying only a bit of ethics for a small set of problems or dilemmas is simply not good enough. A valid criticism, but this paper does not propose anything all-encompassing: instead it distils principles which make time-pressured decision-making on ethical grounds easier for newspapers. Whether it is actually possible to have an all-encompassing moral theory determining every action by any actor is not considered in this paper.

If we consider principles themselves as being rules, one can argue oneself into impotency by demanding there should be rules about when to implement the rules, and then rules about those, ad infinitum. But we seek principles to give guidance, not fixed rules or laws. Guidance is flexible, not absolute.

There are critiques of each of Beauchamp and Childress' four principles, from disputing whether nonmaleficence and beneficence are actually two principles or one, to challenging 'respect for autonomy' because it "fails to acknowledge the fundamental importance of understanding persons within the nexus of their communal relationship" (Behrens 2018: 127).

Despite much writing about principlism, few philosophers bother to substantively define it. Beauchamp and Childress say briefly "we have presented what is sometimes called the *four-principles approach* to bio-medical ethics, now commonly called principlism" (p25). Søren Holm simply says: "The ethical system put forward in PBE4 (Principles of Bioethics 4th edition) is usually known as principlism" (Holm 1995: 332). Daniel Callahan's definition is quick and historical: "Principlism – as the "four principles" approach is typically called in the US – emerged as a way of dealing with ethical decisions in the 1970s, was dominant in the 1980s, and then saw a decline in the 1990s (at least so it seems to me)" (Callahan 2003: 287).

There are many criticisms of the methodology and outcomes of Beauchamp and Childress' book. Refreshingly, Beauchamp and Childress agree with the criticisms, mostly, but add that their intention was not to satisfy all of the outcomes or methodology demanded by critics. Criticisms by Gert, Clauser and Culver relevant to this paper, summarised by me from page 429 of Beauchamp and Childress, are:

- (i) Principles are only checklists or headings for values worth considering.
- (ii) They lack deep moral substance and capacity to guide action.
- (iii) They are insubstantial and permissive, lacking a controlling, tight, comprehensive theory.
- (iv) The principles often conflict and are too indeterminate to guide action.
- (v) Vagueness and generality underdetermine solutions to problems of justice.
- (vi) There is no moral obligation for beneficence, only a desire to be encouraged.

Firstly, the proposed principles are indeed only a checklist for values worth considering. That's what they are intended to be. Secondly, it is possible they lack deep moral substance, they are not punted as having that, but they do have capacity

to guide action. Third, they may well be insubstantial, permissive, lacking a tight controlling ethical or moral theory, but their function is to enable quick decisions without getting lost in a labyrinth of a detailed ethical theory. Fourth, the vagueness in the problem of justice pervades all ethical theories, none have final and definitive views on justice. Finally, beneficence may not be a moral obligation for other spheres of influence but for journalists, editors and newspapers it is an essential part of their ethics.

Newspapers are a megaphone for people's views. Views turned up in volume suggests responsibility for the views must also be turned up. If you have a megaphone, ethical responsibilities include making sure it is used for good. All the members of a crowd might notice somebody in peril and try to do something to alert people, but the person with a megaphone has a greater duty to alert everyone. Newspaper reports enable communities to fix problems in a way that individuals cannot, so there is a greater demand on them to use that power for good.

While newspapers can be tools for the rich and powerful, they are also about the poorest of the poor, able to shine a spotlight on poverty, and on both good and evil deeds. If you are the person carrying a spotlight in the darkness, it is not a difficult step to suggest you have an ethical and moral duty to use that spotlight carefully and with due consideration of consequence.

Newspaper articles have caused suicides, family murders, stock crashes. They have also boosted stocks, repaired families and restored health, exposed corruption and helped to jail rapists and murderers. The responsibility can be overwhelming, yet it is there to be harnessed every day, in so many ways. Newspapers can make or break politicians, businessmen, artists, fashion practitioners, performers and sports people. Often not deliberate, but a consequence of writing or publishing, but that does not diminish responsibility. It is frightening to think this can all be done without an ethical guide.

While Beauchamp and Childress have guided us to some principles for newspapers, their focus on America does not examine the pertinent realities of the South African situation to which they naturally do not refer. Our young democracy faces racial discrimination, reparation, affirmative action dilemmas, enormous income and education gaps, high violent and non-violent crime rates, dysfunctional incompetent government in municipalities, provinces and nationally.

This paper does not deal with these issues, but does take note of them. Having tried to find a principle which would help to advance reparation, alleviate the income and education chasm, or address high crime rates, I have been unsuccessful in finding one either in Beauchamp and Childress, or presenting one of my own. The only advice is to enjoin all reporters, editors and newspapers to bear these factors in mind at all times and in all reporting. This is a form of beneficence, but is also a moral and ethical imperative, deserving of a paper on its own. In line with Aristotle, it needs to be done for the right reason, not simply a right outcome.

To apply our principles ethically and easily, I suggest subjecting any dilemma to the five questions prompted by our suggested principles. Virtue ethics seems to prevail after all considerations.

11. Principlism defended: philosophers' critique

Not all philosophers agree on any innate value of principles in ethics. Jonathan Dancy in "Ethics Without Principles" defends a particularist conception of morality. "Particularists think that moral judgement can get along perfectly well without any appeal to principles, indeed that there is no essential link between being a full moral agent and having principles" (2004: 1).

He says a particularist can take two approaches to disprove an essential link between principles and morality. "The first is to try to show that no suggested principles are anything like flexible enough to cover the ground and do the job we require of them. Moral life, it can be said, is just too messy, and the situations we encounter differ from each other in subtle ways that no panoply of principles could ever manage to capture. Principles deal in samenesses, and there just aren't enough samenesses to go around."

But this is not the argument he uses in his book. Instead, Dancy says "I argue that there is no reason whatever to suppose that morality stands or falls with a supply of principles capable of doing the job required of them" (2004: 2).

While Dancy's book is infinitely more complex in dismissing principles, the gist of his contention is that principles are neither necessary nor sufficient for a moral life. I have sympathy for this view, and for his argument that each particular case requires a particular examination of ethics. But the problem with being dogmatic about this is that it may require time to resolve a dilemma, and newspapers are by definition short on time. News is not history – yet. Readers would soon switch off a newspaper which says 'we are still mulling the question of whether to publish this particularly salacious story which we have, kindly be patient.' Decision-time is often measured in minutes, not hours. To then treat each case on its particulars alone is not always helpful or practical in real time.

Many newspaper people in South Africa are not trained in any kind of ethics at all, so to make an ethical judgement they must rely either on a lengthy code of ethics, or their own intuition, or subject themselves to the judgement of an editor who also may lack any philosophical training. It is fine to say this ought not to be the case, but that would make the mistake of going from is to ought. It would be silly to argue that all reporters and editors must or should be classically trained in ethics, as that would ring-fence reporting and editing to a sociological stratum of those who could afford the academic cost in time and money.

In the workplace there is inevitably some ethical training, as ethical considerations arise daily and need addressing one way or t'other, each of these ripples forming a wave of learned behaviour. To an extent this is where intuition resides in editors who have taken decisions daily for many years, each time setting examples for others to follow. On good newspapers these decisions are questioned, debated, disagreed about and even the eventual outcome disputed, all of which has a learning outcome for the journalists involved.

This is not to decry any and all attempts to formally teach ethics to everyone involved in the newspaper industry, to teach inside and outside the newsroom, from reporters to editors, from street-sellers to advertisement-takers, from production

people to chief executives. Few reporters have no ethical training, even fewer will have sufficient ethical training if indeed such a thing is ever attainable. But this paper seeks to deal with what is, not what ought to be, a different focus indeed.

Kevin Behrens, in his critique of autonomy, writes: "Principlism is here, and it is here to stay. However, its dominance ought not to dissuade its critics from challenging it. To the contrary, its ubiquity and influence place an even stronger obligation on its critics to point out and correct some of its most fundamental flaws." And later: "The most obvious concern is with the principle of 'respect for autonomy' which seems to fly in the face of sub-Saharan African notions of persons as essentially relational beings, embedded in communities" (Behrens 2017: 126).

His criticism hones in on one of Beauchamp and Childress's principles, autonomy. This is not a principle I wish to defend or use in newspaper ethics, so I will not debate the point. It could be argued that if one principle is suspect, the whole theory collapses but I think this not to be true. What is true is that if principles are espoused, each one could and should be scrutinised, and if flawed either be discarded or amended.

One of Behrens' objections is to the American-centred view. A valid criticism, but this paper seeks an equally nationalistic set of principles, those specifically for South African newspapers. They can be criticised for that, but if they are defined as being specifically for a single country, the criticism becomes moot. It is not claimed that these ethical principles apply universally to all newspaper practitioners, which would be a foolish claim, given different circumstances under which newspapering is done in China, Japan, Russia or Saudi Arabia. Nowhere do I suggest only these principles, and no others, are adequate for all ethical decision-making on newspapers. That claim would be a bridge too far.

Bioethicist Søren Holm, in an early critique of Beauchamp and Childress' fourth edition of *Principles of Biomedical Ethics* (PBE4), challenges their principles for being American-centred. That is dealt with above.

In a completely different criticism he goes on to say: "Another serious problem with the moral framework put forward in PBE4 is its lack of explicit decision rules" (1995: 336). A balancing model "must be able to give a 'clear-cut, specific guidance about what one ought to do in particular cases' in a reasonably large number of cases, otherwise it is at greater risk of becoming a rhetorical justification of intuitions or prejudices" (1995: 336).

Holm concludes: "The problem with the principlism of PBE4 is thus not only the explicitly American nature of the model, with its subsequent underdevelopment of the positive obligations incorporated in beneficence and justice, but also that we are presented with a structure for moral reasoning which cannot give any definite answers to moral problems, or perhaps more accurately can produce almost any answer we want" (1995: 337).

His criticism is valid, but not terminally damaging. Yes, the principles will be specific to a single country, and a single profession or trade. They are not universal, acknowledged upfront. I hope they give "clear-cut, specific guidance about what one

ought to do” but do not claim they solve all dilemmas or provide comprehensive ethical guidance for all possible problems, a foolish claim to pursue. Mine is humbler, provide guidance as a first step in quick, ethical decision making on deadline. There may indeed be criticism of this aim of applied ethics as being too low, rather than setting up a grand philosophically unreachable target.

Tom Walker in “What principlism misses” suggests that for principlism to identify moral problems and to make decisions about what to do, it must meet two criteria “it must express values that all morally serious people share (or ought to share), and there must be no other values that all morally serious people share (or ought to share)” (2008: 229). He then argues that Beauchamp and Childress’ four principles are not enough, therefore inadequate. “We need more than four principles to adequately capture the common morality” (2008: 231).

It is a given that more principles enhance better ethical decision-making rather than fewer. But where the objective is to provide guidance, not an all-encompassing ethical theory, fewer principles provide quicker answers. Plus the principles offered are for one specific discipline, news, not all of common morality.

As our objective in this paper includes speed for practitioners, I would argue that Walker’s point is both valid in a broad ethical argument but invalid in our specified search for principles enabling ethical real-time newspaper decisions.

Daniel Callahan in “Principlism and communitarianism” finds the four principles approach “too narrow to do all the necessary work of ethics, too individualistic to help us answer questions about the appropriate needs of communities, and too mechanical to encourage some necessary analytical and personal skills” (2003: 291). He describes himself as a communitarian in that “the first set of questions raised about an ethical problem should focus on its social meaning, implications, and context, even in those cases which seem to affect individuals only.” He prefers rationality, imagination and insight to a set of decision procedures.

Fair enough, but his preference should not, on the face of it, exclude a set of decision procedures. A set of decision procedures could complement rationality, imagination and insight, without necessarily replacing them altogether. Whether one gets better training in rationality from not having, or having, decision procedures is arguable.

All in all, Beauchamp and Childress’s seminal work has helped to uncover principles for newspapers, with parts of it extremely useful and other parts less relevant. Their contribution to bioethics is undisputed and they deserve recognition for lighting the way to principles for real-time newspaper ethical decision-making.

12. The Satchwell Report

It would be amiss to examine ethics for South African newspapers without critically evaluating the good work done over three years in producing the Satchwell Report. (<https://sanef.org.za/wp-content/uploads/2021/04/Satchwell-Report.pdf>). Judge Kathleen Satchwell’s 329-page report on newspaper ethics has 69 conclusions and suggestions, many deal with enhancing the image of journalism, not

our concern. The cut and thrust of daily newspaper editing leaves little time to consult lengthy ethical directives. While the good judge's report has substantive advice, only a few suggestions are useful to filter ethical dilemmas in a timely and practical way.

The "Inquiry into Media Ethics and Credibility," commonly called the Satchwell Report, was launched on 18 January 2021 under the direction of the South African National Editors Forum (SANEF, of which I am a founder member). The former judge and her two assistants laboured long and hard.

Media is good at many things, spectacularly brilliant at navel-gazing, looking at itself, making erudite observations, recommendations and judgments. The Satchwell Report does this. For our purposes in this research we need to discard those about credibility, which have little to do with ethics. Many recommendations advise on a public relations agenda for the Press. The question arises of whether the Press is worthy of praise, a matter beyond the scope of this research report.

It can be argued that the Satchwell Report has no bearing on our search for principles, but the report carries significant weight in current editorial circles contemplating ethics. Because its title suggests it might, we need to show it does not specifically cover the ethical ground covered in this paper. Recommendations are under eight headings: A Media Freedom, B Media Diversity, C Ethics and Standards, D Financial Resources, E Safety and Security of Journalists, F Continuing Professional Development, G The Sunday Times, H Regulatory Bodies.

The section most relevant to this paper, Section C of the report, labelled "Ethics and Standards," is examined to discover principles for quick decision-making. Each recommendation is looked at to see whether it is appropriate, tenable and helpful in finding ethical principles to guide practitioners.

Section C: Ethics and Standards

Section C has 20 recommendations dealing with "Ethics and Standards."

Examining each of the 20 recommendations is essential to see if any are helpful in finding ethical principles, and further to see if we agree with them. But it is not central to our search, so it is appended as Appendix 1. Many deal with enhancing the reputation of the media, when it comes to ethics in particular and generally in the public consciousness. Others encourage debate or engagement with media bodies. These public relations aspects are not helpful in a search for fundamental ethical principles to enable quick decisions.

Recommendation 30 is the only one of significance; C31-34 are worth additional commentary, so are examined later as of peripheral relevance.

Although it smacks of ducking the question, C30 looks to find a solution for the troubled question of dissidents getting a fair hearing: C30 *"Participate in or initiate establishing guidelines to resolve the tension between the hallowed 'right of reply' principle and the demand for a hearing from outlier opinions contrary to verified facts, particularly in the areas of science and medicine."*

This is helpful, suggesting a resolution to this conflict is needed – but not providing one. When there are opposing views, how much space should be given to the less popular? As Professor Ashley Coates of Wits mentioned in the first hearing of this proposal, many people believe President ‘Donald Trump was elected because the media paid too much attention to him.’ Similarly in South Africa voters and readers believe too much space and attention was given to Economic Freedom Fighters (EFF) leader Julius Malema, considering his small support in the early days.

Then there is the question of anti-vaxxers, and those who decry climate change as a Chinese plot, or conspiracy theorists who think the world is run by the Illuminati (who also happen to be both Jewish and paedophiles, not sure why).

Clearly there must be room for opposing views, but when those views are destructive, as in anti-vaxxers or AIDS denialists or climate change sceptics, too much publicity may not be in the public good. In “The Open Society and Its Enemies” (1946) philosopher Karl Popper wrote the first duty of the government should be to ensure the Opposition is healthy. So opposing views must be given air. Not reporting outrageous statements by Donald Trump or Julius Malema is not doing the public any favour, as the public has a right to know what is being said by leaders who want their vote. Including outrageous statements. Newspapers need to convey that.

When the world was flat according to most, how much publicity should have been given to Copernicus and his outrageous theory that the Earth went around the sun? It appeared obvious this was untrue just from everyday observation, not only because the Catholic Church decreed it to be untrue (and indeed blasphemous). Yet Copernicus’s dissenting view proved true.

It is a tricky question. No general principle is adequate, except being aware of giving balance to views, balance not necessarily being equality. In the Brexit debate only one of 100 economists thought it a good idea. This could be interpreted to suggest 99 percent of coverage should have favoured remainers. Against that proposition would be that not only economists are arbiters of what is good and what bad for a country. The majority of British voters decided the economists were wrong or misguided. Democracy is untidy, but its injunction is to obey a majority.

What is in the best interest of the reader should be the guiding principle here. It is likely that the ethical decision must rest with an editor’s judgement, taking in advice of senior staff. Reporters will latch onto controversial statements; editors must judge how much space such statements or views deserve over time. It is an argument for intuition, rather than a normative moral imperative. Intuition is ethically an unsound way forward. Intuition has no boundaries, is dependent on an actor’s own interpretation of ethics, is inconsistent, often depending on mood and mind-set of the person practising it.

We later discuss ethical problems in using intuition as argued by O’Neill and Kant. Editors are often at a loss to decide; many times editors disagree with other executives. So intuition is not sufficient. A set of principles will allow better judgement by all and a better discussion about what should be done, as the discussion itself would be guided by the principles, instead of one agent’s intuition versus another’s.

An apparently obvious principle, would be to ‘give both sides,’ the familiar ‘*audi alterem partem*’ rule on which our justice system relies. This may be desirable in some instances, but is not a good principle for journalists.

The *audi alterem partem* rule suggests reporting dissidence each time, not always the best option, although there is much debate about it. A newspaper’s central task, and journalists working for it, is an attempt to discover, expose and address the truth as an honest contribution to knowledge and understanding. The newspaper is not generally a vehicle for philosophical debate; space is limited, news competes for that space and for readers’ interests. Any insistence on always giving both sides would promote boredom and frustration. People read newspapers to get a view. Unlike a court of law there is no expectation that all sides will always be heard.

I therefore conclude it is not a helpful principle for quick decision-making.

There are arguments for and against objectivity, neutrality and detachment. Generally these are worthwhile virtues. It can be easily and correctly argued that objectivity does not exist when writing a report, neutrality makes for bland writing and detachment is the very opposite of what an emotional report requires. Reporters are seldom detached, neutral or objective. It may be that we want their reports to show these virtues, but even that is not true for sports or arts reporting, although it may be for finance and hard news.

Other countries’ experiences are not helpful, as ‘minorities’ are usually the poor and marginalised, whereas in South Africa the minority is previously advantaged, wealthier and better educated. It is the majority of the majority that are disproportionately poor, marginalised, under-educated, unemployed, short on skills and self-confidence. These facts are taken for granted by South African readers, but any hint of racism in a report is like a red flag to a bull – rightly so.

 C31 wants to encourage media owners to develop ethical standards. Could this be helpful in our search for principles? Uncovering principles for quick decision-making might help owners seeking ethical standards. The recommendation is worthy, but owners usually have ethical codes. If not, they will not listen to somebody now encouraging them to get ethical standards. These various suggestions of telling others what to do, lobbying for a cause, or encouraging media houses to do stuff, detract from implementing ethics. Inflicting your beliefs on others, insisting your views are right, is not admirable ethical behaviour.

C32 is another encouragement one, this time to press media houses to get an ombud. This recommendation wants ‘*the establishment in all media houses of the position of an internal ombud/complaints officer, details and authority to be handed to this person by management.*’ As they say in business, a ‘nice to have’ but not ‘essential.’ This might deserve its role as an ethical injunction in the Satchwell Report but is not relevant to our issue of providing principles to be used when swift decisions must be made.

Likewise for C33, which suggests lobbying for ‘*every entity that publishes news to introduce an Editorial Advisory Board to ensure that decisions on editorial integrity are not determined by one individual alone and that journalists are not*

subject to the vagaries or personal predilections of a superior without the opportunity to seek recourse from a board comprising both editorial and newsroom journalists.'

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The final recommendation under Ethics and Standards, C34, is '*Work towards an industry-wide agreement on standard practice around editorial policies and standards, complaints procedures for members of the public and the resolution of editorial disputes for newsroom staff.*'

Sounds wonderful, but presupposes all editors, reporters and owners subscribe to the same ideals, which is not true in any democracy. The idea of everyone having similar beliefs about policies, standards and complaint procedures may work in communist China or in Vladimir Putin's Russia, but in liberal democracies various ideas and ideals and standards flourish. And so they should. To some extent there is already an '*industry-wide agreement on standard practice around editorial policies and standards, complaints procedures ...*' which is the Code examined below.

The Satchwell Report does much in offering support to media ethics and suggestions of how to fix the media's image. It is marginally helpful in seeking principles for making swift ethical decisions, but it is itself not the repository of those principles. There are broad commonalities, many of them in the Press Council Code of Ethics – from truth-telling to bribe-taking and much else besides. These are dealt with now as we seek guidance on principles from the Code itself.

13. The Press Council of South Africa Code of Ethics and Conduct

<https://www.presscouncil.org.za/ContentPage?code=PRESSCODEENGLISH>

This code is the most widely used of many codes of ethics currently consulted in South African newspapers. It contains two chapters:

Chapter 1: MEDIA-GENERATED CONTENT AND ACTIVITIES

Chapter 2: USER-GENERATED CONTENT AND ACTIVITIES.

Under those Chapters are 15 headings:

1. Gathering and reporting of news
2. Independence and Conflicts of Interest
3. Privacy, Dignity and Reputation
4. Data protection
5. Discrimination and Hate Speech
6. Advocacy
7. Protected Comment
8. Children
9. Violence, Graphic Content
10. Headlines, Captions, Posters, Pictures and Video / Audio Content
11. Confidential and Anonymous Sources
12. Payment for Information
13. Principles
14. Prohibited Content

15. Defence

These headings are further divided into 54 sub-sections and another seven sub-sub sections. Dealing with all 61 seriatim would be unhelpful. There are no provisions of this code with which I disagree. (I was instrumental in setting up the Press Council's constitution after apartheid.) It is a fairly lengthy document and for this reason could usefully be supplemented by principles for quick decision-making. Its provisions are examined seriatim below.

1. Gathering and Reporting of news

Gathering and Reporting of news (heading 1) is the base of a search for principles. Sub-heading 1.1 is crucial: "take care to report news truthfully, accurately and fairly." This can be summarised as 'try to tell the truth.' An injunction to "tell the truth" is not practical. Many people lie when talking to reporters and all too often reporters do not know the truth. The principle 'try to tell the truth' is a firm one, it covers this first heading, and it is a principle that needs to be upfront.

Truth itself can be problematical. Merely ticking the 'is it true?' box does not necessarily inform accurately, if that truth distorts things by being out of context, only being a small part of a larger truth, or does not reveal what is really going on or attempts even to obfuscate that. Ethical actors will want truth to be an honest contribution to readers' understanding, the implied promise of a newspaper.

It might be good to add 'is this truth in context? Is it contributing to an educated understanding? Is it obfuscating or enlightening? Is it distorting the real truth of this story or aspect of a story, or delineation of a character or a business?' Adding those provisions is good for the person seeking ethical guidance, but adding them to the simple principle of 'does this try to tell the truth' will not enhance, but detract, from the immediacy sought in setting out ethical principles under time constraints. When the question 'does this try to tell the truth?' is asked, those considerations are all contained in that principle.

This reinforces our first principle: *Does this try to tell the truth?*

Sub-heading 1.2 says news must be balanced and in context and not exaggerated. This is essentially 'be fair' and is related to the truth-telling as outlined above. 1.3, Present only what may be reasonably true without intentional departure from the facts, is covered ethically in 'try to tell the truth.'

Obtain news legally is 1.4, which is covered in the principle of not compromising integrity in any way. Similarly for 1.5, which says "use personal information for journalistic purposes only;" which is essentially covered in both the integrity and respect principles.

Sub-headings 1.6 to 1.13 deal with practical admonitions to reporters: do not plagiarise, identify yourself, make amends when wrong, give subjects opportunity to react. These are really the essentials of reporting and unlikely to lead to ethical dilemmas needing a quick resolution.

2. Independence and Conflicts of Interest

This deals with conflicts of interest, and not taking bribes for stories. There are no principles needed for obeying this ethical injunction as it is unlikely to lead to ethical dilemmas. It is within the policy of the newspaper whether it will accept sponsored trips for travel writers, for motor journalists to car launches, for political reporters to familiarise themselves with foreign politics as a guest of governments.

Once a sponsorship policy is decided, it is simple to see if a trip conforms or not to that policy. Deciding ethical *policy* is not time-constrained, so not our concern here. Some ethical newspapers accept sponsored trips, others eschew them. Both are acceptable. If sponsored trips are accepted – it may be in readers’ interests that reporters travel widely even if a newspaper cannot afford it – there should be an indication the trip was sponsored to alert readers to the possibility of bias.

3. Privacy, Dignity and Reputation

The third of our principles: respect

This is covered in some detail by the code, but can be contained within the ambit of a single principle: respect for everyone. If everyone is respected all ten of the provisions of this section will be adhered to.

Data protection (4), discrimination and hate speech (5), advocacy (6), protected comment (7) and the section on children (8) are essentially about legal rights and protections rather than about the ethics of reporting. Similarly with violence and graphic content (9), although if there is a quick decision needed on these, both the principle of ‘respect for everyone’ and ‘guard integrity’ would apply. Headlines, Captions, Posters, Pictures and Video / Audio Content (11) is mainly Technical; Confidential and Anonymous Sources (12) protects sources and does not require a principle.

Payment for information (12) is a policy decision. If a decision requires ethical input, all five principles so far suggested should be posed as questions: is this fair to all? Does this respect everyone involved? Can this compromise the integrity of the reporter or newspaper? Does this attempt to tell the truth? Is this in the interests of the readers?

Under the Press Code’s Chapter Two, dealing with user-generated content and activities, none of the three provisions, principles (13), prohibited content (14) and defence (15) provide or need principles for real-time decision-making.

Actual complaints and resolution

In looking at the Code, it seemed useful to examine precisely where newspapers seemed to get it wrong, so a summary of year 2021 is provided below.

There were 26 complaints to the Press Council. In the order received:

1. Unsatisfactory satirical picture (4 complaints).
2. Not contacted for comment.
3. Inaccuracy in story.
4. Old irrelevant picture used.
5. Plagiarism and unbalanced.

6. Picture of ex-pupil on sex abuse story about his school.
7. Factual misstatement defamatory.
8. Misleading headline.
9. False statement.
10. Disgusting headline.
11. Old picture making report defamatory.
12. Factually incorrect.
13. False and defamatory.
14. Headline false and defamatory.
15. Misleading information.
16. Biased and one-sided.
17. Minor identified in sexual case.
18. No investigation of allegation.
19. New information not used.
20. Factually incorrect.
21. Wrong information.
22. Unbalanced and comment inadequately used.
23. Misleading headline.
24. Not contacted for comment.
25. Disturbing accident photograph.
26. Incorrect information.

Of rulings given that year, nine were dismissed and 17 upheld. The Press Council has various levels of appeal, it sticks strictly to provisions of the code. The principles we seek are not to replace the Council's code but may prevent some cases from occurring. Preventing transgressions of the code is not the objective of a search for principles. Complaints are seldom about an ethical mis-step. Most are a simple breach of standards and operating procedure.

It could be instructive to examine each of these cases, those upheld and those dismissed. When doing so the legalities of appeals and judgments make it tedious and unhelpful. As a general rule, newspapers who ignored the code's provisions were punished. In most cases stupidity and negligence were the culprits, not a lack of ethical judgement. None of the cases was helpful in determining normative principles.

14. Intuition

There are those who answer the question of how to take time-short ethical decisions by suggesting editing a newspaper is all intuition. If we take a leaf from Immanuel Kant, intuition is not enough, structure must be sought.

While O'Neill does not directly address Kant's view on intuition, she does have this to say about autonomy in thinking: "[So] reasoning, on Kant's account, is simply a matter of striving for principled autonomy in the spheres of thinking and of action. Autonomy in thinking is no more – but also no less – than the attempt to conduct thinking (speaking, writing) on principles on which all others whom we address could also conduct their thinking (speaking, writing). Autonomy in action is no more – but also no less – than the attempt to act on principles on which all others could act" (2003: 24).

Pure intuition has no structure and according to Kant's view, is unhelpful. How then do we uncover normative principles for editors and newspapers?

Newspapers and journalists enjoy exceptional power. Often less powerful than they think, equally often their power is underestimated both by themselves and the people, companies, other players, business owners and politicians about whom they write. Special ethical responsibilities arise. These influence the principles which will result in best ethical practise under time pressures.

Now let us look at previous studies searching for principles.

15. Previous studies

Many books have been written about newspaper ethics, and many people have questioned whether newspapers need more ethics than any other business. Earlier we dealt with America's Society of Professional Journalists' four principles; 1 seek truth and report it, 2 minimize harm, 3 act independently, and 4 be accountable and transparent ("Media Ethics" Fifth Edition, 2020.)

These considerations may apply to South African newspapers, yet the countries and their newspapers are substantially different. For Americans, the free speech First Amendment to the constitution guides much ethical consideration. As a young country, South African journalism is less organised, has different constraints in size and reach so principles of newspaper ethics need to consider different ideas. South Africans need to redress racial, ethnic and gender disparities.

Although it was my own idea to link bioethics to newspapers, in researching this paper I discovered others did so 30 years earlier, in 1992. "Applied ethics is now acknowledged as a field of study in its own right" says the editors' foreword to "Ethical Issues in Journalism and the Media (1992)." Authors Andrew Belsey and Ruth Chadwick go on: "Much of its recent development has resulted from rethinking traditional medical ethics in the light of new moral problems arising out of advances in medical science and technology" (1992: viii).

Much the same can be said of journalism, and advances will continue. But we need to work in the moment, not in a possible future world of multiple dimensions or more advanced artificial intelligence possibly doing reporting or ethical checks.

There is a tempting premise suggesting journalism has nothing to do with ethics. "Efficks – wot's that?" said an English national editor invited to a London journalism school to talk on ethics (Keeble 200: 124). While research may show journalists score high on ethical consideration, there are views questioning whether journalists are ethical, and whether they should be or indeed can be.

Richard Keeble quotes Colin Sparks: "Newspapers in Britain are first and foremost businesses. They do not exist to report news, to act as watchdogs for the public, to be a check on the doings of government, defend the ordinary citizens against abuses of power, to unearth scandals or to do any of the other fine and noble things that are sometimes claimed for the press. They exist to make money, just as any other business does" (Keeble 2001: 2).

Counter to this is the argument that all businesses need ethics. Andrew Marr, once editor of *The Independent* and later a television host, made a telling comment about the media's 'culture of abuse,' or tendency to employ a kind of attack journalism that targets politicians: "It is acid. It is eating away at the thoughtful culture of public discourse, burning out nuance, gobbling up detail, dissolving mere facts. And that, in turn, cannot help a struggling democracy" (Keeble 2001: 4).

Other critics say any public good newspapers do, is done merely to enhance sales or profits. Then there is the merger and acquisition of newspaper titles with concomitant monopolisation leading to proprietors becoming more dominant. Michael Foley argues "It is difficult for journalists to refuse to write particular stories or take certain decisions when a proprietor sees increased circulation or readership potential" (Keeble 2001: 136).

Criticism of journalists and journalism is prolific. This paper does not try to defend the craft. It only suggests ways editors, journalists and newspapers can more easily check ethical considerations.

Bob Norris, a former associate editor of a media ethics body (PressWise) says of codes: "Every story is different and every reporter is driven by the compulsion to get the story and get it first. To imagine that he or she is going to consult the union's code of ethics while struggling to meet a deadline is to live in cloud-cuckoo land" (Keeble 2001: 125).

Do we need ethics for newspapers? Belsey and Chadwick think at least a discussion is needed. "Ethical discussion is essential because there are many ways in which the media can offend without straying beyond the law: inaccuracy, lies, distortion, bias, propaganda, favouritism, sensationalism, trivialisation, lapses of taste, vulgarity, sleaze, sexism, racism, homophobia, personal attacks, smears, character assassination, cheque-book journalism, deception, betrayal of confidences and invasion of privacy" (Keeble 2001: 6).

There are hundreds of books on media ethics, it is a field that attracts those who have been editors as taking ethical decisions is a daily, hourly matter, and those who have had to do it often wish to pass on the knowledge they learnt or develop a set of rules or guidelines because they felt the lack.

Belsey and Chadwick's fine 1992 book "Ethical Issues in Journalism and the Media" asserts in its introduction that ethics is inseparable from journalism. Richard Keeble's "Ethics for Journalists" is a comprehensive overview of ethical dilemmas. Howard Good's self-styled guide for media content "Desperately Seeking Ethics" has eleven chapters with different authors of each chapter, all contributing insights into ethics for newspapers and journalists. "The Moral Media" by Lee Wilkins and Renita Coleman shows scientifically how journalists are generally ethical, scoring a high 48.68 on the Defining Issues Test (DIT), below seminarians and philosophers (65.1) but quite a way above adults in general (40), accounting auditors (32.5), orthopaedic surgeons (41) and lawyers (46).

"Media Ethics" edited by Matthew Kieran has 13 chapters by various authors looking deeply into specific, single questions of ethics, as in *The Problem on*

Humbug by Mary Midgley. Our examination of principles for time-short decision-making could be one of those chapters, we do not have the space of a big book to elucidate all contributory arguments.

16. What is, and is not, addressed

Having presented principles, this paper examines some questions likely to arise, even if only to dismiss them. What about owners' fiduciary responsibilities? Is independence real? What of autonomy? Can classical pragmatism trump overall logic-based ethical theories of everything? What can be done about bad actors?

This essay does not examine imperatives of the market place, or shareholders' fiduciary obligations, or stakeholders' demands, or constant managerial injunctions on the need to make a profit. Commercial interests of newspapers are often in direct competition with the ethics of editorial decision-making. Newspapers which allow editorial decisions to be dictated mainly by commercial interests can tend towards becoming unethical. Yet many decisions, indeed some would argue all, are directly influenced by a commercial interest. Newspapers need to be sold, sensational stories and headlines sell. The belief of this essay is that ethical decisions when selecting reports rather than commercial interests result in long-lasting reader loyalty and a greater contribution to a society's knowledge.

These matters can be debated endlessly with arguers citing examples from all over the world to produce the commercial dictates desired. On many of the best newspapers they are discussed, debated, guidance changed, management imposed, editorial independence asserted. These debates are endless for a good reason: newcomers come and go in management and in editorial and ideas need new thinking to keep newspapers viable.

Only the primary role of journalists is considered in this paper; reporting. Associated concerns for designers, sub-editors, videographers, producers, freelancers, social media bloggers and other jobs thrown up by technology is only considered *en passant*. Nor are ethical concerns of social media addressed. If reporters on social media benefit from ethical insights, that will be a bonus.

Nor does this essay examine newspapers' demands to be 'independent.' Some newspaper groups trumpet this independence, indeed one group names itself this way. As Onora O'Neill writes in "Autonomy and Trust in Bioethics": "Some independent action is spontaneous, disciplined, altruistic and even heroic; some is self-centred, pig-headed, impulsive, random, ignorant, out-of-control and regrettable or unacceptable ..." (2003: 28). Globally many newspapers claim to be independent, most often they do not state from what they are supposedly independent. Independence for newspapers is a chimera, they are beholden to owners, communities, their editor, staff, financial directives, readers and vested interests.

Nor is readers' autonomy debated. The autonomy of readers is simply to read or not read, purchase or not purchase curated news, as presented by an agent. I sympathise with the argument that 'respect for autonomy' is too individualistic, Western and self-deterministic. I think 'respect for persons' a better alternative. A selection of principles should take the African notion of 'ubuntu' into account.

In South Africa, more than in most countries, there is a need to redress racial, ethnic and gender disparities in selecting editors, more especially if we look at the overall bias towards white male editors before 1994's democratic election, and the opposite bias favouring black males, since 1994. Selecting editors is a function of owners or shareholders, and does not concern us in this paper except to note our concern when one group, race or gender is preferred to another.

17. Ethics 'in the world' rather than a universal truth

Philosophy hopes to find universal truths through pure reason, or even through logic. But not all of philosophy is that strict, for applied ethics tries instead to uncover how to behave ethically in a given situation. In an article in *The New Yorker* about the renowned philosopher Richard Bernstein, Jordi Graupera highlights the distinction classical pragmatists brought to the idea of truth being derived from pure logic, versus the lived truth:

"The great insight of classical pragmatists was to recognize that we conduct intellectual inquiries in the same way that we go about living and acting in the world. We clash with the world when we test our theories in the field and when we argue with our political enemies. Truth may be elusive, but our experience is real, and it forces us to think, to argue — possibly, to change. This conception of truth, and the social process by which we attempt to reach it, is more democratic, Bernstein believed, than trying to transcend our point of view by reasoning our way toward some supposedly universal perspective" (Graupera, 2023).

There is a similar distinction between ethical theories and the lived truth of newspapering, when decisions must be made quickly, not after lengthy consultation or deliberation of complex ideas. To run with a story, or not, seldom allows for debate about whether Kant would say yes or no, yet it does demand questioning the ethics of publication before reaching a decision.

18. Bad actors

Newspapers have long served 'bad actor' owners to further the actors' own political ends, or to hamper opponents' ambitions. In the 1890s in the Cape, Cecil John Rhodes, who secretly owned the *Argus*, then Cape Town's biggest newspaper, used it to discredit Prime Minister Sir Gordon Sprigg and advance Rhodes' prime ministerial ambitions. (Blackman and Dall, 2022: 80).

It is neither feasible to develop constraints on bad actors nor is it in the realm of devising normative principles. Those who disdain ethics will continue to do so, regardless of constraints imposed or principles suggested. Bad actors are always subject to the law; to threaten them with collegial sanction is unrealistic and futile.

19. Practical dilemmas as case studies

Six practical dilemmas, not all of them thought experiments, are now discussed. Three actual instances are chosen because the editor disagreed with almost all his staff. The first was the selection of a picture for page one during a State of Emergency; the second was when a cleric was caught *in flagrante delicto* — but the proof was provided by the Security Police. Third was publishing an interview with a banned person. These are similar to issues constructed for journalists doing

the Defining Issue Test (DIT) which measures respondents ethical reasoning (Wilkins and Coleman 2005: 20-27). Its first example takes into consideration that in calculating the effect of a photograph in order to make an ethical decision, there is a belief that visual images are processed on the right side of the brain and verbal on the left. The other two practical dilemmas are thought experiments, not real cases.

Case studies

Case 1

Beauchamp and Childress postulate a thought experiment in which a father with three daughters declines to donate his compatible kidney to save the eldest, but asks the doctor to tell the family it is because his kidney is incompatible. For bioethicists, the doctor has a dilemma.

Let us assume a newspaper reporter gets hold of the story. Let us further assume the father is a well-known public figure like a cleric, long considered to be virtuous. Should the paper print it?

This fails the first test. Publishing it would penetrate the privacy of medical records. Secondly, the paper's integrity would suffer if it disregarded medical privacy. Third, it is not fair to the father to disclose private conversations. Finally, it may be in the readers' interests to learn the father wished to be dishonest, but failing the first three means publication should not go ahead.

Case 2

A real case. A well-known cleric and politician, elected leader of a church group with over 80 million followers, is caught having an extra-marital affair. But the evidence is supplied to the newspaper by an odious source, the Security Police. Should it be published?

Publishing or not publishing must consider respect for all concerned. Having the affair is the choice of the cleric, he is the author of his own deception, a deception inflicted not only on his family but on the adherents or victims of his moralising. In considering respect for him, that respect appears outweighed by respect for his family and 80-million people to whom he preaches.

Will it harm the paper's integrity to publish? It might, but perhaps not, if it publishes and denounces the Security Police for its surveillance. Is it fair? It is fair to the flock, and as it is true, to the cleric. As a self-professed preacher of virtue including marital faithfulness, he must consider it fair to him. It would not be fair to the woman with whom he is having the affair so if possible her name should be kept out of it. Is this in the readers' interests? Overwhelmingly. His attraction relies on claims to be virtuous and he is clearly unfaithful, implying lying to his wife and family.

Case 3

A real case. In the heat of violent clashes between two political factions, a photographer snaps a striking image: a man with a panga, arm raised, is poised to chop a man who is already on fire, a mob in the background is lit by the flames, and apparently baying for the victim's blood. Should the picture be published?

Respect for all concerned must be considered. Interestingly, nobody in the picture can be identified as the panga man's face is obscured. So it is respect for the two political parties and potential viewers that must be considered. Publishing the picture in the midst of spreading daily violence is likely to inflame both sides. This consideration should block publication in the area where it will inflame and possibly

cost lives. Yet it may be fine to publish outside of the country, where few combatants will see it.

Will this harm the newspaper's integrity? No. Is this fair? Yes, it is a picture of a real event relevant to readers. Is it in the readers' interests? It is a great and graphic illustration of the conflict, but could inflame, which should be a warning light.

"Journalists spend time and effort making pictures, and reporting and writing stories; audiences might be upset at the breakfast table upon seeing such photographs. However the journalists' and audiences' stakes are not as great as are those of the people who are the focus of news" (Wilkins and Coleman 2005: 77). The authors add "The importance to ethical reasoning of thinking about stakeholders is intriguing because thinking about only one group of people is not a hallmark of higher ethical reasoning; the idea of universal principles demands that all of society be considered equally" (2005: 77).

In this case the picture was immediately published around the world, but not in South Africa for the very reason that it could have inflamed heated clashes. (The photographer was incensed, it was an award-winning conflict picture. An executive decision was taken to allow him to reap the financial rewards of all out-of-country publications of the picture, which went some way to mollify him.)

Case 4

Editors have information that police have traced suspects to their town. The suspects may have biological weapons. Police want the suspects to believe they are looking for them in another town and ask the crime reporter to ask the editor to publish a story to that effect. This, and the next one, are versions of scenarios presented in Wilkins and Coleman (2005: 102).

This would not pass any of the five principles. The answer to the police would be a resounding 'no!'

Case 5

The defence reporter discovers special forces are honing in on a terrorist group and is just tying up all ends before making a series of high-profile arrests. He confronts the military and they affirm it but request the editor to hold off the story for a few days as publication would alert the terrorists.

Putting the request through our wringer results in the editor's agreement. All persons' interests are considered; it does not harm the newspaper's integrity; it is fair, it is in the readers' interests. The report will be written, it is not being hidden, it is just a delay that is being requested. It might irk the defence reporter who could get scooped, but the community's interests should always outweigh any competitive advantage sought by early publication.

Case 6

In the 1980s, after many requests a reporter was invited by the (banned) ANC to go Lusaka to interview the (banned) ANC leader, Oliver Tambo. The first ethical decision that had to be taken was whether to allow the reporter to go, as it was clearly against the intention of the law. In the prevailing climate it was a journalistic 'scoop,' so a 'go' decision, after legal consultation. In Lusaka the reporter was kept waiting for three days – at some expense to the newspaper paying his accommodation – while the ANC thoroughly checked any security threat, as Tambo was a known target of the SA security forces. Eventually the reporter interviewed Tambo.

Now the tough ethical decision: as a banned person, publishing an interview with Tambo was clearly illegal. Oddly enough, on the day the reporter returned from Lusaka, the Deputy Minister of Foreign Affairs, Louis Nel, called a Press conference to disclose that the government had decided to allow Oliver Tambo to be quoted – but only selected quotes, all showing him to be a man of violence not peace. Unfortunately the reporter disclosed to the Deputy Minister that he had interviewed Tambo, who had proposed peaceful solutions, and asked permission to quote the interview. This was then immediately and expressly denied.

The editor, who was going to publish the interview, now vacillated. Legal opinion was strongly against publication as it had now been expressly denied by the Deputy Minister. Publication did not go ahead.

Would publishing the interview have been trying to tell the truth? Yes. Was it a threat to the newspaper's integrity? Possibly, as it would defy the law. Did it respect everyone involved? No, it would disrespect the government and the law. Was it fair to all? Not publishing would be unfair to the ANC and Tambo; publishing would be unfair to the law of the country – albeit an unjust law. Is it in the readers' interests to publish? Definitely, despite the law.

When the decision is measured against the five principles, not publishing, despite the high emotions involved, was right. (I was the reporter, urging publication.)

20. Summary

The central argument of this text is that news practitioners could do with guidance from a set of principles when taking decisions under stressful time constraints, and that uncovering those principles is possible using a wide universe of ethical theories and inputs. Five are proposed. Newspapers face practical ethical dilemmas and considerations as a substantive part of their daily labour, decisions made often under acute time pressure. This paper uses research from various publications, paying particular attention to three sources, Beauchamp and Childress's "Principles of Biomedical Ethics," the Satchwell "Inquiry into Media Ethics and Credibility" and the Press Council Code of Ethics as vehicles to uncover ethical principles for newspaper practitioners operating in real time, this paper's stated aim. Using these resources, the research uncovers five principles helpful to journalism practitioners in times when quick ethical decisions are needed. These principles do not replace codes of ethics or ethical theories or give guidance to situations where careful consideration over time might yield more thoughtful outcomes. The five principles are there to help ethical actors make quick decisions.

1. Truth – does this attempt to tell the truth?
2. Integrity – does this compromise the integrity of the reporter or newspaper?
3. Respect – does this respect everyone involved?
4. Fairness – is this fair to all?
5. Readers' interests – is this in the interests of the readers?

The paper's suggested five principles lead to these five questions, easily asked, not always easily answered, for reporters, editors and newspapers to decide an ethical approach to actions, circumstances and dilemmas which arise and require decision-making in limited time. Using the principles, posed as questions, six cases are subjected to scrutiny showing the efficacy of the suggested system of principles. The paper examines whether journalists need ethics; principlism itself as an ethical

consideration and whether intuition alone is a possible comprehensive filter. It applies precepts of major moral theories, including Utilitarianism, Kantian, Rights and Virtue theories, to examine principles for newspapers under time-pressure.

“Media ethics draws on the adventurous nature of journalism to establish its values and principles” Douglas Birkhead writes in the final chapter of “Desperately Seeking Ethics” by Howard Good (2003: 195). He goes on to say “Journalists don’t just apply ethics to their work. Their work reveals ethics to them. The process of discovery unfolds when journalists commit themselves fully to the pursuit of excellence.” The search for ethical perfection will never end, but principles suggested in this paper may help guide those journalists looking for a map.

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APPENDIX 1

A Critique of the Satchwell Report's Section C: 20 recommendations on Ethics and Standards, labelled C15-C34.

C15 seeks to *"Encourage and initiate, as an organisation and in collaboration with other concerned bodies ... prominent public affirmations ... of the importance and content of ethical principles."* Plain public relations, both for ethics itself, and for newspapers to show they are ethical. Nothing wrong in this good suggestion, but not helpful in how to be ethical.

C16, C17 and C18 are problematic.

C16: *"Work towards introducing a register of income or interests for media practitioners – such as those implemented for members of Parliament or the judiciary – or the implementation of regular lifestyle audits, to actively counter allegations of media bias or corruption, and as a more rigorous supplement to the declaration forms sometimes used in published declarations of interest or story sponsorship."*

C17 *"Reopen consideration of sanctions – fines or suspension from media organisations – for journalists who commit ethical breaches, since current Press Council requirements avail very limited restorative justice to aggrieved or harmed members of the public. The print and online media industry could discuss alignment with BCCSA practice in this area."* ^[17]_{SEP}

C18 *"Open debate to establish SANEF policy on the disclosure of income and interests and/or lifestyle audits for journalists to the extent that such may be seen to bear on their independence and integrity."* ^[18]_{SEP}

I fundamentally disagree with these Satchwell Report recommendations, which touch on ethics and privacy. I live a modest lifestyle. Had I invested well or had rich parents or won the Lotto and lived a more expensive life it still would be nobody's business other than mine. I do not take from the public purse. Rich and poor journalists' income and lifestyles are private, not to be compared to judges, people appointed to State-owned enterprises, to boards and commissions and the plethora of public representatives, paid from the taxpayers' purse.

There is clearly an ethical problem with journalists who take money to write up a business or a person and purport to be independent. Journalism should be uncontaminated by cash for stories. But suggestions by the commission will not solve abuse. Bad actors are not going to listen to guidelines, by definition the actors are unethical. Saying 'this behaviour is unethical' is enough to stop ethical journalists doing it, attempting to police it is fraught with both practical problems and ethical dilemmas. Journalists are paid to do their work, often directed by a news editor or an editor who is in turn guided by beliefs of what is good for the paper, the readers, the country. Attempting to decide whether decisions are venal is almost impossible.

C19 wants a digital media ethics code,

C20 suggests using experts for reporting,

C21 says ensure conversations are ongoing on current and proposed new codes of ethics and standards,

C22 suggests considering collaboration in many of these initiatives with the international Ethical Journalism Network (EJN),

C23 says ensure that SANEF members as editors enforce a clear and prominent distinction between advertising, advertorial and editorial content. ^[L]_[SEP]

No problem with any of those. They do not help in deciding whether something is ethical or not.

C24 is again an intrusion on the privacy of journalists, and is, I suggest, unwarranted: *“Initiate debate within SANEF on the impact on the credibility and status of journalists of their assuming a range of other roles, including ‘personalities’, talk show hosts, and presenters and writers of advertising inserts and on the implications of the ‘revolving door’ between public relations and journalism, with the objective of developing guidelines.”*

Initiating debates can hardly be harmful, but it is unnecessary and intrusive. Journalists should be free to sell their work and their personal ‘brand’ where they want. Discussion on this should be between them and their employer. ^[L]_[SEP]

‘C25: *“Combine a vigorous defence of the constitutional right of individual journalists and media houses to hold political and other opinions with an insistence that where such stances exist, the publication, station, platform or journalist openly identify them or risk committing an ethical breach.”*’ ^[L]_[SEP]

This appears to be an ethical directive, but there are unintended consequences. Should a liberal newspaper like the late and lamented Rand Daily Mail have continually identified itself as being liberal? And then have to define liberal, a Pandora’s Box in itself. What of newspapers who take a neutral stance in an election, but their editor is vociferously in favour of one party, as happened with South Africa’s Financial Mail in 1994? It seems an impossible ethical demand that where a newspaper supports a policy or economic path, this must be communicated by reporters or risk an ethical breach. Trying to do this would be unworkable and undesirable.

C26: *“Collaborate with like-minded organisations on a large-scale public campaign, involving all stakeholders including lawmakers and policymakers, all levels and spheres of government, industry, commerce and the education sector, to rebuild public trust in the media. This could include signing a new Ethical Charter on a significant date such as Press Freedom Day as well as other symbolic acts.”*

Public relations. I doubt trust can be “rebuilt” through collaboration and large-scale public campaigns, whatever they may be. ^[L]_[SEP]

C27 *“Engage with sponsors on the introduction of new awards, or the addition to existing awards, of recognition for ethical conduct and highest standards of media practice. Submissions could be based on case studies of how journalists have navigated through ethical conflicts.”* ^[L]_[SEP]

There are many awards for journalists. When last I looked there were over 80 in South Africa alone – including one for the best pet reporting of the year, given by the SPCA. Sport, finance, photo, portfolio, hard news, breaking news, business, courageous, environmental, medical, SADC, CNN – the list of awards appears to be never-ending. Possibly a new one has been announced since starting this essay.

C28 *“Draw up an ethical reporting checklist to be applied as part of the judging process to all stories nominated for awards, and negotiate with all journalism awards bodies for its implementation by judging panels.”* ^[L]_[SEP]

Impose regulations on awards? How will that play with sponsors of awards,

who surely are entitled to set their own criteria? The five principles suggested could be applied to all entries, but it would be difficult for an independent judge to rule an entry is invalid because it breaches one of them.

C29 wants support for research into *'transgressions against, judgements, opinions and advisories of the various media regulatory bodies to highlight breaches and feed conclusions into continuing professional development programmes.'*

The summary of complaints and judgements deliberated upon by the Press Council listed above contains little enlightenment. Nevertheless, it would be churlish to suggest this line of inquiry could not yield some normative results.

C30 *"Participate in or initiate establishing guidelines to resolve the tension between the hallowed 'right of reply' principle and the demand for a hearing from outlier opinions contrary to verified facts, particularly in the areas of science and medicine."*

This is helpful, suggesting a resolution to this conflict be sought but not providing one. It is dealt with fully in the dissertation.

^[L]_{SEP} C31 wants to encourage media owners to develop ethical standards. Could this be helpful in our search for principles? Uncovering principles for quick decision-making might help owners seeking ethical standards. Owners usually have ethical codes. If not, they are unlikely to listen to somebody now encouraging them to get ethical standards.

C32 is another encouragement one, this time to press media houses to get an ombud. Suggestions to 'press' anyone or 'encourage media houses' may initiate some feel-good action, but seldom gets results. This recommendation wants *'the establishment in all media houses of the position of an internal ombud/complaints officer,' details and authority to be handed to this person by management.'* This is an ethical injunction but not relevant to our issue.

Likewise for C33. It suggests lobbying for *'every entity that publishes news to introduce an Editorial Advisory Board to ensure that decisions on editorial integrity are not determined by one individual alone and that journalists are not subject to the vagaries or personal predilections of a superior without the opportunity to seek recourse from a board comprising both editorial and newsroom journalists.'* ^[L]_{SEP}

The final recommendation under Ethics and Standards, C34, is *'Work towards an industry-wide agreement on standard practice around editorial policies and standards, complaints procedures for members of the public and the resolution of editorial disputes for newsroom staff.'*

Sounds wonderful, but presupposes all editors, reporters and owners subscribe to the same ideals, not true in a democracy.