

Media Ethics:

ISSUES AND CASES

EIGHTH EDITION

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New Media: Continuing Questions and New Roles

By the end of this chapter, you should be able to:

- separate the first informer from the information verification role in journalism.
- develop professional strategies for using the Internet as a reporting and advertising tool.
- delineate important policy issues the Internet raises for journalists and citizens.

The original journalists in America were citizens who stepped into the role of pamphleteers or publishers based on a desire to shape an emerging nation. Most of them, like Benjamin Franklin or Thomas Paine, had sources of income outside of their role as citizen journalists, and many lost money in their publishing pursuits. During the next 100 years, the role of professional journalist emerged in the new democracy and for the next century, the delivery of information was primarily considered the role of the full-time professional.

However, no formal education or license is required to be a journalist. Toward the end of the 20th century—propelled by the Internet—it became evident that the role of “journalist” no longer belonged exclusively to the trained writer working at a recognizable institutional media outlet.

And even institutionally employed journalists today often step out of their institutional roles through their tweets and blogs—some out of passion, others by contract with their employers. Citizen journalists who have never been in a newsroom now create Web sites, write blogs and gain twitter followings whose readers rival in numbers the readers of the mainstream press and whose stories often break important national and international news. Videos on YouTube often receive a number of “hits” that would rank them among the top-rated television programs if they had been measured by the Nielsen ratings. While the delivery methods are new, the concept is old: citizen journalists as the eyes and ears of the public. And as they point their cameras at increasingly serious topics, the results

The most dramatic of these events was the 2011 Arab Spring, a country-by-country revolution in the Middle East that owed its emergence to social media and the ability of cell phone users to congregate to protest dictatorships that, in the ensuing months, collapsed, sometimes peacefully but often through the use of military force. New York University Professor Clay Shirky predicted something like the Arab Spring in his 2009 book *Here Come's Everybody* when he noted that the Internet gave individuals the power to organize as never before. While Shirky was prescient in his analysis of one kind of organizational capacity the Internet makes more possible, he and many others failed to grapple with the specific kind of organizational tool the Internet itself constitutes.

The Web is very good for getting people together in a common cause, whether it's overthrowing a government or tracking down a stolen bicycle by asking "friends" to keep an eye out for it. Social media is particularly adept—it appears—in separating people into groups. In fact, as the film *The Social Network* makes clear, the original impetus for the site was all about what sociologists call in-groups and out-groups—a way of giving everyone access to the sort of social status as "cool kids" that too many geeks and brainiacs were denied in high school and college. Getting rich in the process didn't hurt, either.

But, social media does not appear to be an effective organizing tool in the sort of activities, like forming a government after a revolution, that require face-to-face interaction over a long period of time with people who are like and unlike "you" in significant ways. The Internet is great for that initial burst of energy; the sustained commitment to building a "new" social and political structure of almost any sort demands time and face-to-face interaction. While social media can promote some of that effort, the technology itself appears to make some sorts of human activity no more possible than has been the case in other eras.

In-groups and out-groups are also ethically problematic. Indeed, if philosophical theory is taken seriously, then one of the intellectual goals of ethical thinking is trying to lessen and where possible eliminate the in-group, out-group divide. In a democracy, listening only to "friends" can lead to the sort of political structures that the Arab Spring successfully overcame. Professionally, some of the best journalism and advertising emerges not when you are thinking "just like" everyone else, but when you succeed in making others take a look at things for a point of view that is unlike their individual experiences.

In the early 21st century, social media seems to be separating two roles that about 400 years of media history had previously blended. The role of information provider and collector—what some scholars and professionals now refer to as the "first informer" role—can be done by citizens as well as journalists. But citizen journalism lacks one important component that traditional media had: information verification. It is this second role—verifying information and placing it in a social, political and cultural context—that is becoming more and more the work of journalism.

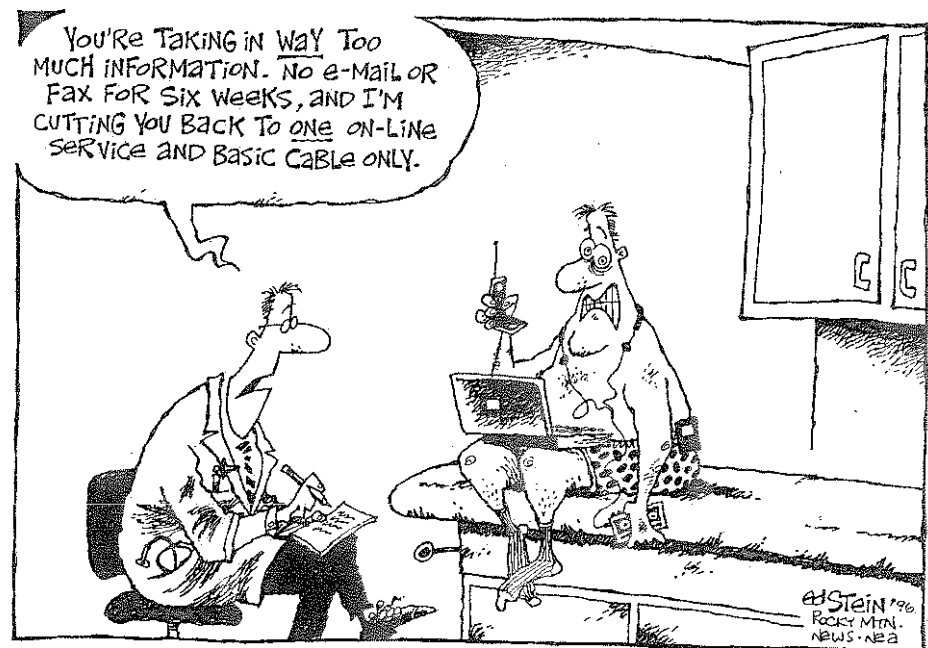
The first informer role values speed. The information verification role is what makes the initial fact into something reliable and accessible to all. The information verification role values truth, context and equality. It can and does employ social

media as a corrective—and sometimes an essential one. But, it is the ethical values of truth and inclusive access that will continue to fund professional performance in this Internet age. Indeed, if professionals lose their adherence to these values, there will be little to separate them from first informers and less to separate the institution of the mass media from its role as check and balance on the other powerful actors such as the modern nation-state and the multinational market.

THE VIRTUE OF ORIGINALITY

How would you ethically use the following information: first take a photograph of a camel and electronically cut it into pixels. Then change the individual pixels' colors and reorganize them into an elephant. Next, download the resulting image, which now looks a great deal like an elephant and lacks a negative to indicate that it was once a camel, onto a Web site that belongs to your news organization or strategic communications firm, and link it to an article about natural history or a public relations release for a local wild animal shelter. Have your actions constituted some form of copyright infringement? Is it like using "freelance" work in a publication? Could the links or the original image constitute unjust enrichment? Are you cheating in some fundamental way?

Is the execution of the idea that the photograph represents the property of the photographer who shot the original image, the property of the multimedia author who took the photograph of the camel and changed it to an elephant, or the property



of the news organization that ultimately distributed it on a Web site? How about the designer or the content creator of the page? Is there an express or implied contract in any of these actions? Does the creator of the elephant image owe royalties or acknowledgment to the creator of the camel?

The ability to digitize information also challenges our intuitive assumptions about a variety of things—everything from the “reality” that a picture represents to the external symbol systems that words and images together create. Digitization enables media designers to confound the external referent as never before. Students at the turn of the century will recognize that Audrey Hepburn’s image has been digitized and electronically inserted into a Gap ad. But students now or in the future may not recognize the original Audrey Hepburn, may not know that she was a film star and may not be aware that she has been dead more than half a century at that point. They will have lost the external referent to the image and much of the ad’s potency with it.

Ethical thinking combined with sound professional practice can provide some paths out of this virtual swamp. The first, and probably the most basic, maxim arises from the habits of sound professional performance. Cite the source of your information—or your electronic bytes. After all, journalists are required to note the originators of their information when reporting on documents or interviews. Multimedia designers should be subject to the same standard, just as music arrangers (as opposed to composers) or screenwriters currently are. Just as important, source needs to be credible—even accurate. Newspapers and broadcast outlets are loathe to publish rumors. Internet news—if it is to succeed as a genuine information medium—needs to consider the same standard. Just as in the days of the film *The Front Page*, scoops for the sake of scoops are ethically suspect.

If noting the originators of your information creates problems, then be willing to accept those problems as the price of using the information. Many publications require that journalists avoid sourcing their stories exclusively from the Internet; some demand confirmation of an independent source with additional verification from nonvirtual documents and in-person interviews. In an ethical sense, such professional standards allow news organizations and those who work for them to achieve two results. In the Judeo-Christian tradition, you have avoided information theft, an ethically culpable act, and fulfilled the ethical duty of beneficence, sharing credit with the originator of your information, whether that is a particular author or the source of a quote in a feature story.

In addition, you’ve also done your best to uphold the professional standards of accuracy and truth. In this world of bits and bytes, application of a maxim of “Cite the source of your bytes” will prejudice you to the development of original and creative work, including multiple sources. And, using your own stuff, and not someone else’s, improves performance.

The second maxim that emerges from a discussion of deception is this: information that has the capacity to deceive the rational audience member as to its origin, original referent or source must be regarded as suspect. While journalistic discussion of deception has generally focused on practices used to obtain stories, we believe the concept also applies to the relationship between the journalist and his audience.

The issue is whether using digitized information is intended to mislead the audience. Thus, an October 1996 cover of *Life* magazine that combined more than 400 previous covers into an image of Marilyn Monroe does not intend to deceive the audience because the editors clearly explained what they did. But lifting an image from one Web site, downloading sentences from another and combining them for your own news story without citing your original sources is a theft of other's work and an attempt to deceive both your editors and your audience.

While both plagiarism and forgery are clearly deceptive practices (Bok 1983, 218), the Web, with its nearly infinite possibilities as a source of information, has highlighted the need for journalists to take care. Even in a new era of pixels and bytes, journalists must maintain old-fashioned credibility with our audiences about the sources of our information and the means and methods of gathering that information.

MASS MEDIA AS AN INSTRUMENT OF FRAGMENTATION

If there was a single basic tenet of American mass media for most of our 200-plus years of existence, it would be the belief that the shared experience of consuming the daily news was crucial to informed participation in a democracy. But more than 30 years ago, Nicholas Negroponte, head of MIT's Media Lab and an early Internet guru, created a unique publication he called the *Daily Me*. Negroponte programmed his computer to develop a daily newspaper based on his information needs and desires as well as past information preferences, an experience he wrote about in the important early work *Being Digital* (1995). In a day when news was typically delivered for the masses on a prearranged schedule convenient to the sender, Negroponte's invention was a landmark one for its time.

Today, all of us now have the capacity to develop a *Daily Me* from the vast collection of information now on the World Wide Web. If every member of a society has access to personalized news, the implications for democracy are enormous. According to Cass Sunstein (2001), democracy demands two imperatives. First, people must be exposed to materials that they would not have chosen in advance and come across views that they would not have previously selected or even agree with. Second, many, or at least most, citizens should have a range of common experiences. In the absence of shared experiences, society will have a much harder time addressing social problems, Sunstein contends. Shared experience and the societal benefits of common knowledge were also at the core of the Cultural Literacy movement late in the last century.

Philosopher Jürgen Habermas is another advocate of this approach, arguing that one of the preconditions of a deliberative democracy is a large number of public forums where people meet by chance and begin a dialogue—none of which is possible in a society where everyone subscribes only to the *Daily Me*. Sunstein concludes that “The imagined world of the ‘Daily Me’ is the farthest thing from a uto-

SOURCES: NEW TECHNOLOGY BUT CONTINUING ISSUES

New technology often raises old ethical issues with additional permutations, and the subtleties of sourcing on the Internet don't all focus on accuracy and speed. Journalists accept that readers and viewers may better understand and evaluate news if those stories identify information sources. Identification often goes beyond a mere name and address: journalists may provide background information so audience members understand why a person or document is cited. The professional standard is that sources should be named and that journalists must have compelling reasons for withholding a source's identity. Implicit in this standard is that sources are aware that they are talking to a journalist, or that a specific document has been requested for a journalistic purpose. The Internet can confound these implicit assumptions.

First, granting anonymity requires a mutual agreement between reporter and source, not a unilateral understanding imposed on one party by the other. Anonymous sources are expected to be the exception rather than the journalistic rule. Professional mores dictate that, should a reporter decide to grant anonymity, she does not have to divulge the source's identity to editors, other supervisors or, in rare instances, the courts.

Even the traditional practice of interviewing, now considered commonplace, was controversial at its inception. The critics claimed that interviewing would destroy reporting and that only first-person observation was worthy of making the newspaper. The critics of interviewing argued that if journalists adapted this reporting technique, they would slip into a moral morass, fall prey to aggressive exploitation and manipulation and would no longer serve the public. Reporters' power grew with the use of the interview because they could select which persons to question and determine which comments to include. As the journalistic practice of the interview developed concurrently with the rise of the professional ideal of objectivity, identifying news sources became accepted professional practice (Schudson 1995, 1978).

The role sourcing plays with readers and viewers has also been questioned in mass-communication research. One of the most widely accepted findings in the field is that audience members tend to disassociate the source from the message, what is known as the "sleeper" effect (Lowery and DeFleur 1988). Studies confirm that most people tend to retain the fact of what is said while forgetting the context in which they heard it. Practitioners, from Nazi master propagandist Joseph Goebbels through contemporary political consultants, have intuitively understood this human tendency to disassociate the source from the message. But readers and viewers are morally autonomous actors. Identifying news sources allows audiences to evaluate reports in terms of both content and a source's motives for divulging information. And with a recent Supreme Court decision allowing political action committees (PACs in popular vernacular) to spend unlimited money to benefit a political candidate with only small type on the television screen and a two-second disclaimer that this message did not come from the candidate, the stakes are high indeed to know who is funding the messages they see during a political season. Some of the most

pointed negative advertising has come from these PACs, allowing the candidate to disavow any knowledge of a particular ad and even to lament its message if he or she wishes.

The motives for providing and withholding information are sometimes central to political coverage, and political reporters have added an element of elasticity to the practice of anonymous sourcing. The phrase “not for attribution” means journalists may quote what is said but agree to veil the source. Thus, the attribution “a high-level White House source” may mean anyone from the president himself to cabinet officers to other, well-connected administrative appointees. The phrase “on background” means journalists should consider the information given as an aid in placing facts in context. Background information also may be used as part of a sourcing trail: journalists in possession of background information may use their knowledge to try to get other sources to provide them with the same information on the record.

Journalists continue to debate allowing sources to go “off the record” or “on deep background.” A strict interpretation of these synonymous phrases means that the journalist who accepts such information may not quote the specific source and, in addition, may not use his knowledge to pry the same information from other sources. This stringent interpretation has meant that editors have instructed reporters to literally leave the room when a source asks for such anonymity. Journalists have spent time in jail rather than reveal a source’s identity. Less stringent interpretations suggest that journalists who accept information off the record may not name or in any way reveal the identity of the source but may use the information itself to leverage similar or related information from other sources.

Until quite recently such agreements were arrived at through face-to-face conversation and negotiation. However, the advent of the Internet and the ability of journalists to lurk at many places on the Web have changed these dynamics. Journalists surfing for story sources or leads must be careful to identify themselves professionally on the Internet when they begin “conversing” with another Internet user. Concepts such as citizen journalism have also changed the journalist–source relationship. Citizen journalists essentially function as reporters who are most often edited by professionals. But most citizen journalism projects do not attempt to either confirm or police how citizen journalists acquire their information. In some cases, citizen journalists appear to be subject to a different set of rules than are the professionals.

Some publications, for example the *Wall Street Journal*, maintain an informal policy that requires reporters to identify themselves as reporters when they begin their Internet conversations. The reasoning behind such requirements is that people, in this instance people who are “telepresent,” need to know that they are dealing with a journalist working in a professional capacity. Since journalists are well aware of the pitfalls of being deceived by a source, “wired” reporters should be more than sensitive to these problems when they become the party to the conversation with the power to deceive.

Such professional identification—the Internet version of identifying yourself at the beginning of a telephone conversation—also raises additional professional

Net, to learn about the direction of a story or even of its specific content during the reporting process. This increases the chance that other news organizations will learn about stories or angles they have missed sometime before actual publication. While this sort of competitive consideration has always influenced journalism, the Internet makes it easier and faster to learn what other news organizations are doing.

Whether in person or through fiber optics, journalists who cover police, the courts and other areas of public life often develop informal agreements with frequent sources about when and how information may be attributed. Such relationships are necessary but risky. Many journalists have had to decide whether they will "burn a source," that is, to reveal the identity of a source who has been allowed to remain veiled in earlier stories for a particularly important story.

Burning a source means terminating a relationship that worked well for both parties. It is considered a form of promise breaking. Historically, such promise keeping has been more of a one-way street. However, the capacity of sources to manipulate journalists—and hence news coverage—particularly on issues such as national security, raises important ethical questions, ones we ask you to consider in several cases in this book.

Keeping the trust between reporter and source intact is one reason that larger news organizations will often send an investigative reporter to cover a particularly sensitive story that arises on another reporter's beat. Sending an investigative reporter allows the beat reporter's sourcing agreements to remain undisturbed, ensuring a continuing flow of routine information while the investigation continues. There are significant ethical justifications for using anonymous sources. They are:

- Preventing either physical or emotional harm to a source.
- Protecting the privacy of a source, particularly children and crime victims.
- Encouraging coverage of institutions, such as the U.S. Supreme Court or the military, which might otherwise remain closed to journalistic and hence public scrutiny.

It is this final justification that is used most frequently by journalists. Reporters maintain that only when sources are allowed to remain anonymous will they provide newsworthy information that would otherwise place their careers or their physical safety at risk. While using the Internet as a reporting tool does not alter these justifications, it emphasizes the need for disclosure when working with sources in ways that nonvirtual journalists seldom encounter. The thinking may be the same, but the situation that prompts such reflection may look very different at first glance.

The Internet also had added new layers to sourcing—allowing readers/viewers to comment on published pieces and embedding links to allow readers and viewers to follow up for additional information. The impetus for reader commentary was at least twofold: first, it would promote reader/listener/viewer engagement, perhaps making stories more accurate and adding interest. Second, managers theorized that engagement would build an audience base that would be willing to pay for the project. The rationale for links was even more straightforward: the Web had unlimited space and providing links allowed for expansive coverage, providing the reader was willing to follow up.

But, like many such efforts, when readers or viewers were allowed to publish their comments on a story, there were some unexpected consequences. Reader comments were sometimes inaccurate—they spread unfounded rumors and promoted wild conspiracies. Sometimes they were vitriolic; readers indulged in personal attacks that, had they been done by a journalist, would have resulted in libel suits. News organizations had to develop policies that promoted civil and on-topic commentary—something that is not as easy as it sounds. For instance, in coverage of the drought and subsequent wildfires in the summer of 2012, a story by an urban newspaper about the loss of more than 40 nearby homes in the county attracted comments to a newspaper Website that called the county-dwellers “hicks” while others questioned their parentage in no uncertain ways. Others said that city resources such as firefighters should not be used to help people living outside the city limits. A comments section that should have been deluged with sympathy for the families, instead created a chance for some readers to anonymously ridicule nonurban residents whose mobile homes had been destroyed. Because of instances like this, many news organizations moved away from anonymous commentary, although some allowed readers to assume a “*nom de plume*,” these “handles” still had to be registered by a real person providing real identification information.

Other organizations have developed and promoted an online commentary rating system which, over time, lets the readers of the comments relegate the sillier and more antagonistic comments to a much less prominent place on the Web site, often buried several “pages” down. And, some publications decided that, on certain sorts of stories, there would be no public commentary allowed. This online winnowing in many ways resembled the less technologically enhanced activity that professionals call “source verification”—a professional skill that involves learning who to trust and in what context so that information can be verified and credible before it is passed on.

Links proved equally problematic, in part because the drive to provide additional information sometimes converged with a profit motive. In a *Columbia Journalism Review* (CJR) study, the Web site Gawker was found to be a particularly heavy user of borrowed material, often with little credit or links to the original source. One Gawker posting on the Church of Scientology allegedly borrowed heavily from work done by the staff of the *St. Petersburg Times* according to CJR’s Bill Grueskin. In an article entitled “Gawker’s Link Etiquette (or Lack Thereof),” Grueskin found that most of the links in the Gawker article were actually to other Gawker works and the ones that did lead to the original journalism of the *Times* were buried late in the article. Grueskin noted that his own earlier research while he was at WSJ.com indicated that if a link is buried in a story where the reader has scrolled two or more screens there is a 95 percent chance they would not leave the article for the link.

To counter the perceived lack of rules, some mainstream media news organizations, in late 2009, began efforts to make specific news items “ungoogleable”—that is, unreachable by a search engine other than the proprietary one offered for a fee by the medium. It was an effort that addressed revenue streams without full consideration of the ethical questions involved. Will locking up information behind a pay site allow news providers to roll back the clock and stop the free flow of information

In an exchange that provokes both laughter and tears, a reporter at the now-defunct *Rocky Mountain News* was told by a neighbor, "Well, I'm sorry the paper is going away, but I'll still read you on the Internet." The delusional Denver resident was not the only reader to fail to understand—and appreciate—the connection between the expensive process of newsgathering, including information verification and contextualization, and the apparently free access to its result through blogs and search engines.

Finally, there was the whole Kevin Bacon thing: how many links of separation were enough? If clicking through multiple links that began with a story about a local mosque landed readers and viewers on a hate Web site, who was responsible? What constituted due diligence when news organizations placed links in their stories?

POLICY OPTIONS: THE ROLE OF THE PROFESSION

Unlike some media technologies such as the printing press, the Information Superhighway was initially developed by the government for political reasons. The original Internet was a computer network designed first to support the military and then, in the 1960s, reorganized to allow scientists working primarily at universities and government laboratories worldwide to communicate quickly and easily among each other. This system remained confined to the intellectual and military elite until the early 1980s, when the Internet, as we now know it, began to take shape.

This unusual history—a mass medium that was “invented” to support government policy—has made the Internet a difficult fit for both academic study and journalistic necessity. Unlike the printing press, which began as a private invention and remained private property, the Internet has historically owed a great deal to the government in both conceptual and financial terms. Because journalists never were part of the early history of Internet development, the notion of using the Internet as a profit-oriented mass medium is a very recent invention. Grafting a concept of mass communication onto a system designed for government-supported communication is fraught with the potential to raise some difficult questions.

The political aspects of the Internet are fairly straightforward: by linking schools, hospitals and libraries, the government is supporting an infrastructure that will promote education and learning and thus strengthen the economy by providing a better-educated workforce. A better-educated workforce is also generally considered a more efficient one, thus making U.S. workers more competitive worldwide as well as driving down production costs domestically.

A better-educated populace, of course, also has military implications: it enables the military to draw from a more qualified pool of recruits who are being asked to operate increasingly more complicated weapons. Thus, the reasoning goes, the federal government fulfills its constitutional responsibility to protect Americans from international as well as domestic threats by supporting a system that will promote the country's growth and development in many obvious and subtle ways.

This conceptualization of the Internet is also founded in ethical theory. As you may remember from the discussion of utilitarianism in Chapter 1, the notion of the greatest good for the greatest number has profound democratic implications. Wiring schools and libraries should, in theory, provide access to the Internet for

every American. Indeed, some libraries have experimented with e-mail addresses and Internet access for the homeless. Universal access to the Internet would follow Rawls's theory—it would allow the maximization of freedom (access) while protecting weaker parties (people of color, the poor) who might not have access to many other goods in U.S. society but can use the Internet as a way to better their individual and potentially collective lots in life.

Of course, journalists and journalism have not been included in this conceptualization. Yet many journalists have argued that access is only part of the picture—it does people little good to access information if they can't make sense of it. Some scholars have suggested that, as the Internet develops, journalism itself will change from a profession that primarily gathers facts—something anyone can now do, to a profession that places those facts within a context and makes them meaningful.

There is precedent for such a switch. News magazines went to contextual reporting and analysis rather than strict factual reporting in order to survive the death of the general interest magazines, as television penetrated America and delivered advertisers more cheaply than magazines. If the development of the Internet does indeed encourage newspaper development along these lines, then ethical thinking would demand that access to news coverage be distributed as widely as possible among the population and that it remain economically affordable.

That stance, of course, puts journalists at odds with all those segments of U.S. society that view the Internet as another potential profit center, including the multinational corporations for which increasing numbers of journalists now work. Insisting that affordable news become part of the policymaking that is currently swirling around the Information Superhighway would challenge the long-standing U.S. tradition of regarding journalism and government as irreconcilable adversaries.

Yet ethical (and in some ways political) thinking would seem to suggest that making news coverage accessible to every American via the Internet has significant potential benefits for the individual and society at large. It also would make journalists and the government partners—a true philosophical shift in the conceptualization of a “free” press.

Finally, such a partnership would demand that journalists themselves take an active part in developing and implementing legislation that will affect their working lives. Such a change in attitude also would require a philosophical shift, one that places journalistic responsibility to political society on a plane with worker responsibility to profitable media industries.

THE MEANING OF PROFESSIONALISM

At the turn of this century, “citizen journalism” was embraced by the traditional news media. It was viewed as a way to “catch up” and “latch on” to the generation of digital natives who were leaving newspaper readership. Citizen journalism was also cost-effective. Citizen journalists essentially function as reporters who may or may not be edited by professionals. But while citizen journalists often have a passionate interest in a particular public policy initiative or problem and are

seemingly have an interest in some of the most basic civic functions in American democracy—education, roads and highways, city councils and county commissions. Citizen journalists, in general, don't do investigative reporting. If the news agenda is to be left strictly to citizen journalists, by almost any measure, it will be not only lopsided, but also full of gaps and lacking in objectivity.

Proponents call this approach the "fifth estate," claiming that it parallels the Fourth Estate title that traditional news and opinion has carried as it served as a balance to government power. But an Internet-based fifth estate sometimes functions as an unchecked mob. The blogosphere raises questions of exactly who is a professional that extends far beyond who gets a pay check and speaks to whom and to what ideals one is loyal.

As the case studies through this book indicate, journalism and strategic communication have become so convergent in terms of message purpose and channel that it is no longer possible to segregate ethical questions by channel—newspaper or television—or by purpose—information or persuasion. But, the ethical questions this converged reality raises are seldom entirely novel. What we believe the Internet does is to promote some much better thinking about the boundaries between and among roles—both of individual professionals and of individual citizens.

In this century, it is irrational to think that every individual can perform every role with equal results. Some things really are better left to the experts, whether that is your physician, your accountant or your local or online editor. At its most basic, what defines a profession is not specialized knowledge—look at all the medical information you can find on the Web—or licensure—you don't need an attorney to craft a simple will or many other sorts of documents. You can download them and fill in the blanks. What separates the professionals from the amateurs at core is values and the ability to think ethically within a professional domain. The Web has not changed that; it has merely demanded that we get better at it.

Suggested Readings

- ANDERSON, CHRIS. 2006. *The long tail: How the future of business is selling less of more*. New York: Hyperion.
- BUGEJA, MICHAEL. 2005. *Interpersonal divide: The search for community in a technological age*. Oxford: Oxford University Press.
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- HALBERT, DEBORA J. 1999. *Intellectual property in the information age*. Westport, CT: Quorum Books.
- NEGROPONTE, NICHOLAS. 1995. *Being digital*. New York: Alfred A. Knopf.
- SHIRKY, CLAY. 2009. *Here comes everybody: The power of organizing without organizations*. New York: Penguin.

Cases on the Web

www.mhhe.com/mediaethics8e

- "The witch and the woods mystery: Fact or fiction?" by Karon Reinboth Speckman
- "The Napster debate: When does sharing become thievery?" by Laura Riethmiller
- "Digital sound sampling: Sampling the options" by Don Tomlinson

"Cry Wolf: *Time* magazine and the cyberporn story" by Karon Reinboth Speckman

"Filmmaking: Looking through the lens for truth" by Kathy Brittain McKee

"The Madonna and the Web site: Good taste in newspaper online forums" by Philip Patterson

"The case of Banjo Jones and his blog" by Chris Heisel

CHAPTER 9 CASES

CASE 9-A

News Now, Facts Later

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Supreme Court decisions are always eagerly awaited, but none more so than the Court's summer 2012 ruling on the constitutionality of the Patient Protection and Affordable Care Act. The facts of this case are taken from Tom Goldstein, publisher, of SCOTUSblog, a Web site that covers the U.S. Supreme Court and is sponsored by Bloomberg Law. The blog post is used with permission of the author.

News organizations prepared for the release of the Court's decision in a variety of ways. CNN worked for weeks on ways to make certain that the decision, as reported by CNN, reached as many Americans as possible through as many portals at the network has access to. It had spent a great deal of time thinking through its Internet strategy with an emphasis on getting the story first. Fox News has made a similar effort, although its Internet strategy is not as well honed. Megyn Kelly, a former lawyer turned television personality is assigned to the story for Fox. CNN is using an established team including a producer and on-air reporter.

The Supreme Court also has been active on the Internet front. The Court's technical staff is prepared to load the eagerly anticipated opinion on to the Court's Web site where it will be accessible to everyone from average Americans to the White House. Before 2012, the Court routinely e-mailed copies of opinions to parties involved in litigation, but in 2012 it began to rely only on the Web site. One week before the opinion was handed down, the Court denied a request from SCOTUSblog to e-mail the decision to that organization. In practical terms, what this meant was that the only people with access to the decision itself would be those in the courtroom when the decision was announced and those accessing the Web site. The Court made every effort to ensure that the site itself would remain in working order on this important day.

But, in the face of unprecedented demand for information, the Court's site crashed. That meant that the entire country relied on the news media for the story with no way to independently confirm news accounts.

The first reports of the decision, as carried by CNN and Fox, were that the Supreme Court had ruled the act unconstitutional. Those accounts were broadcast about seven minutes after the decision was handed down. In the case of CNN, the initial account of the ruling was broadcast even while its onsite producer was on a conference call with the network executives. The CNN social media team published tweets and RSS feeds

Fox, just a few seconds later, published a banner on the network saying "Supreme Court finds health care individual mandate unconstitutional." Bill Hammer, one of the network's most experienced journalists, was assigned to lead the coverage. A few seconds before 10:08, he stated on air that the individual health care insurance mandate has been overturned. Fox commentators began to discuss the impact of the ruling on the 2012 presidential election.

President Barack Obama saw both reports. He also had access to the SCOTUSblog conference call on speaker phone and SCOTUSblog on his computer. NPR picked up the CNN and Fox reports, saying the law had been struck down, as did the Huffington Post. The Huffington Post's social media team also ran with the story, neglecting to note the source of its information.

Tom Goldstein, SCOTUSblog publisher, is in charge of the coverage for the Web site, which is highly respected within the D.C. Beltway, including the journalistic community, for its Court coverage but little known to the average American. Goldstein, who was in the Supreme Court chambers when the decision was handed down, filed an initial post that merely said the Court had produced the decision.

About 90 seconds later, Goldstein skimmed the decision by reading the first sentence of every paragraph in the opinion and then conferred with colleague Lyle Denniston, who wrote the majority of the blog's coverage. Denniston and Goldstein agreed: the Court had upheld the act based on the tax clause of the U.S. Constitution. SCOTUSblog then reported that the law had been upheld. That information was picked up by the NPR News Blog, which attributed it to the Web site. At about 10:20 a.m.—less than 20 minutes after journalists received the decision—CBS also accurately reported that the law had been upheld.

At the White House, the president's advisers, after conferring with Goldstein about the focus of the ruling, concluded they needed to tell the president that his signature legislative act had been ruled constitutional.

Soon after SCOTUSblog published its version of events, CNN and Fox had the unenviable job of walking back their initial reports. Because it had put such effort into social media as part of the reporting process, the false reports broadcast by CNN reached many more people than had the Fox news coverage. CNN's seamless news network had, in this instance, become a serious disadvantage.

Goldstein, in his own blog about the events, said that CNN and Fox made three mistakes: first, they treated a complex decision as a breaking news story, even though the law itself would not have taken effect until 2014; second, the networks did not put "sufficiently sound procedures in place" to deal with what many believed was going to be a complicated decision; and third, the networks appear to have failed to look at the consensus view of the wire reports which, in this instance, were accurate.

Micro Issues

1. Should this have been considered a breaking news story?
2. What should the journalists with access to the opinion have told their editor?
3. What should the editors have asked the journalists who were reporting the story?

Midrange Issues

1. What sort of stories should CNN and Fox have broadcast once they discovered that their initial reports were incorrect?
2. Is this the sort of story that general assignment reporters should not be assigned to? In other words, should only journalists with serious expertise be assigned to report stories such as this?
3. Evaluate Goldstein's statement that all journalists should have put more faith in the accuracy of the wires on this story. How would you—or would you—distinguish this from pack journalism?
4. If you were a manager, how would you—or would you—discipline the on-scene reporters whose initial reports were inaccurate?

Macro Issues

1. Fox News leans to the political right. Many said they believed the initial reports because they coincided with Fox's political ideology. Critique this statement.
2. Less than two months after the event, the head of CNN resigned. Is a mistake of this sort a resigning offense?
3. How do you think the Web site crash of the Supreme Court itself influenced these events, if at all? Do you think the Court itself bears some responsibility for the inaccurate reporting?
4. Contrast the conflicting values of speed, profit and accuracy in this case. Using ethical theory, construct a policy for your local television station on the reporting of breaking news that accounts for all three—speed, profit and accuracy.

CASE 9-B

What's Yours Is Mine: The Ethics of News Aggregation

CHAD PAINTER

Eastern New Mexico University

In June of 2008, The *Hartford Courant* cut 95 jobs from its news department, roughly half of its news staff, in two rounds of layoffs. But within a few months, with an online news hole to fill and a reduced staff, the paper started aggregating local news from surrounding dailies.

In a search of the publication's Web site for Aug. 29–30, 2009, *Journal Inquirer* reporter Christine McCluskey counted 112 stories that were written by the *Courant*'s Connecticut competitors *Bristol Press*, *New Britain Herald*, *Torrington Register-Citizen*, *Waterbury Republican American* and her own paper (McCluskey 2009). The stories were often—but not always—attributed to the original source, a practice Michael E. Schroeder, publisher of the *Bristol Press* and *New Britain Herald* called, “at best plagiarism, at worst outright theft” (McCluskey 2009).

Jeffrey S. Levine, the *Hartford Courant*'s director of content, explained his paper's position. “Aggregation is the process of synthesizing information from other news sources, most commonly by placing a portion of the information on your web

his paper's editing process that "inappropriately dropped the attribution or proper credit and in some cases credited ourselves with a byline to a *Courant* reporter" as the basis for the plagiarism claims.

The Society of Professional Journalists' code of conduct states "Never plagiarize" and the Associated Press code warns its writers: "don't plagiarize." Similarly, an ethics primer in online journalism from the University of Southern California's Annenberg School of Journalism states "Don't steal others' work. Such theft is plagiarism" (Niles 2009). Kovach and Rosenstiel call it a "deceptively simple but powerful idea in the discipline for pursuing truth: do your own work" (2007, 99).

However, aggregation is not a black-and-white issue. Is it acceptable to disseminate another news organization's work as long as that work is properly credited? Should the rules be the same for newspapers, broadcast outlets and online journalism? What about content-sharing organizations such as the Associated Press?

One of the core principles of journalism is the discipline of verification (Kovach and Rosenstiel 2007, 79). Aggregation violates that principle because it might not discriminate between rumor, fact and speculation (Kovach and Rosenstiel 2007) and because it doesn't allow for independent confirmation of facts. Falsehoods and rumor go unchecked even if the original source issues a retraction if the aggregators fail to correct or pull the offending story.

However, aggregation isn't a new concept in the news business.

Time magazine was a notorious aggregator. First published March 3, 1923, Henry Luce's flagship magazine aimed to summarize the news quickly, but few of its busy readers would have guessed that *Time* was digested entirely from the dozens of newspapers it subscribed to, "gaining its greatest free lunch from the opulent tables of the *New York Times* and *New York World*" (Swanberg 1972, 58).

Radio, at least in its infancy, relied heavily on newspapers for a steady supply of news reports. For their part, newspapers at first either cooperated with radio for increased exposure or completely ignored the new medium (Chester 1949). That changed with the rise of the CBS and NBC chain radio broadcasting networks, and increased advertising competition from radio. On April 24, 1933, the members of the Associated Press "passed a resolution directing the AP Board of Directors to refuse to give AP news to any radio chain" (Chester 1949, 255). State and national press associations "busied themselves with resolutions attempting to restrict news broadcasting, mostly because it was incongruous for newspapers to furnish free news" to their competitors in radio (Hammargren 1936, 93). Eventually the courts weighed in, punishing the most egregious uses of newspaper content on the radio airwaves as an unfair practice.

Currently, the Associated Press is battling aggregating Web sites such as Google News over use of unauthorized content. The Associated Press announced plans in July 2009 to create "a news registry that will tag and track all AP content online to assure compliance with terms of use." The proposed tracking system "will register key identifying information about each piece of content that AP distributes as well as the terms of use of that content, and employ a built-in beacon to notify AP about how the content is used" (AP.org 2009).

The Associated Press itself is a cooperative that supplies around-the-clock news content to its 1,500 U.S. daily newspaper members, as well as international

subscribers and commercial customers (AP.org 2009). There is also a recent trend among formerly rival papers to form localized content-sharing arrangements (Ricchiardi 2009). The newspapers cite budgetary constraints and the cost of Associated Press content as the major reasons for the arrangements.

But Alan Mutter, a former editor in Chicago and San Francisco who currently writes the blog *Reflections of a Newsosaur*, speaks for those who regret the loss of diversity when he says: "Where there are multiple reporters covering the same beat or same event, you're going to get multiple views and everybody is going to try harder to go to a higher level of reporting. It's a fact of human nature that competition inspires better work" (Ricchiardi 2009).

Micro Issues

1. Does proper attribution solve the ethical problem of aggregation? If not, do you have an alternative idea?
2. If news organizations voluntarily agree to offer their content to be aggregated under specific conditions, does that eliminate the ethical issues?

Midrange Issues

1. Evaluate the following statement: Credibility, one of the foundations of journalism, is predicated on "The notion that those who report the news are not obstructed from digging up and telling the truth" and that the journalists can tell "the news not only accurately but also persuasively" (Kovach and Rosenstiel 2007, 53). Can an aggregator be expected to be a watchdog over information that their media outlet did not create?
2. How are content aggregators such as the Huffington Post distinct, in an ethical sense, from long-standing cooperatives such as the Associated Press?

Macro Issues

1. Is aggregation an issue primarily of economics or ethics? If aggregators such as Google News paid for content, would that solve the problem?
2. Who "owns" the news? Does a media outlet have the right to require that a consumer pay for information that he or she needs to be a participant in a democratic society? Did the framers of the Bill of Rights give any clues in this area?

CASE 9-C

The Information Sleazeway: Robust Comment Meets the Data Robots

FRED VULTEE

Wayne State University

In detailing the *Washington Post's* reporting of a congressional lobbying scandal that exploded in 2006, the paper's ombudsman, Deborah Howell, touched off a cyber

she wrote, several stories "have mentioned that a number of Democrats . . . have gotten Abramoff campaign money." The *Post* hadn't found any Democrats in the "first tier of people being investigated," she added. "But stay tuned. This story is nowhere near over."

She was wrong. No Democrats had gotten campaign money from Jack Abramoff, the lobbyist at the center of the scandal, although he had told some of his clients to aim contributions to Democrats as well as Republicans. It was not until a week after her original column that Howell acknowledged her error and stated that the Abramoff matter, far from being bipartisan, was "a Republican scandal."

The *Washington Post* was caught flat-footed by a barrage of postings (which could only be charitably described as obscene). The postings overwhelmed one of the Web logs set up to foster public comment. In navigating the familiar journalistic terrain of correcting an error, the *Post* found itself in an unfamiliar situation where the Internet had taken the error far beyond the circulation barriers of the *Post*.

As critics on public discussion boards at washingtonpost.com took Howell to task for the error, she wrote a comment for the Web site that satisfied few and angered many: "I've heard from lots of angry readers about the remark . . . that lobbyist Jack Abramoff gave money to both parties. A better way to have said it would be that Abramoff 'directed' contributions to both parties."

Those who thought the matter was worth a more forthright admission of error were not satisfied. A torrent of comments poured in—enough of them obscenely and viciously personal that the *Post* closed the site to public comment on Thursday. When it reopened, with a much larger investment of staff time, public comments were much more carefully monitored.

The economic and social pressures on the *Post* are hardly unique. Like most metropolitan newspapers, it is losing circulation and advertisers at an alarming rate—more than three times the industry average for one accounting period a few years back (Smolkin 2005). Younger readers know its reputation but are intimidated by its bulk and more at ease with finding information they want elsewhere.

Like many other papers, the *Post* is aggressively exploring ways to put its journalistic expertise—whether in sports, business, government or international coverage—into play in interactive ways, involving almost half of *Post* staffers, with the number rising.

The ethical issue for the *Post* centers on the fact that one of the roles of a newspaper in a community is to foster public debate. Knowing that journalism is shielded by legal decisions that support the importance of uninhibited debate, how can a media outlet act as a forum for debate without exposing its own writers to scurrilous attacks?

The *Post*'s answer to the dilemma angered a number of vocal critics. The *Post*'s online editor, Jim Brady, summed up the criticism in a Feb. 12, 2006 article: "My career as a nitwitted, emasculated fascist began the afternoon of Jan. 19 when, as executive editor of the *Post*'s Web site, washingtonpost.com, I closed down the comments area of one of our many blogs" (Brady 2006). After Howell's first column, editors had removed about a hundred postings that violated the ban on profanity and personal attacks. Howell's midweek clarification only triggered a larger torrent, leading to Brady's decision to close the blog to comments—and to yet another flood of comments, this time directed at Brady.

Howell told a *Post* reporter that she had not asked for the site to be closed to commenting, saying, "I'm a First Amendment freak" (Farhi 2006). And Brady pointed to some irony in the conflict: "It was largely the reporting of the *Washington Post* that brought the Abramoff scandal to light in the first place—an inconvenient fact if one is attempting to assert that the *Post* takes its orders from the Republican White House."

Still, the string of comments on Howell's columns was closed. When comments on Post.blog resumed in February, it was with "minimal but firm rules." These rules included no personal attacks, no profanity and no posing as another writer. A profanity filter was installed, and staffers were assigned to read incoming messages, with the idea that "offensive or inappropriate" ones would be removed at once (Chandrasekaran 2006).

Micro Issues

1. Did the *Post* err in allowing readers to post uncensored messages prior to this problem?
2. Did the *Post* err in instituting profanity filters and staffers to read incoming messages after the problem?
3. How would you have handled the *Post*'s problem?

Midrange Issues

1. Should the original story of the ombudsman have been fact-checked to prevent the mistaken wording or is the copy of an ombudsman "out of bounds" for editorial control?
2. After the error was discovered and the deluge of messages began, was this a news story the *Post* should have covered?

Macro Issues

1. Is the Web site of a newspaper a forum that should be open to everyone without fear of censorship?
2. In the "marketplace of ideas" that is the modern Web log, do the normal rules of libel apply? Is a newspaper more culpable or less culpable for the content of its Web log if it fails to censor the posts?

CASE 9-D

Death Underneath the Media Radar: The Anuak Genocide in Ethiopia

DOUG MCGILL, EDITOR

The McGill Report

I first learned about the Anuak people while working as a volunteer teacher of English as a Second Language at a school in Rochester, Minn. I had a half dozen Sudanese immigrants in my ESL class—all of them refugees of the Sudan civil war and

One of my students, a man in his late 20s named Obang Cham, was originally identified to me by the ESL school as a Sudanese refugee. But when Obang's English began to improve, and we chatted over coffee, he told me a different story. He was a member of a small tribe called the Anuak who lived primarily in remote western Ethiopia. He said that more than 1,000 Anuak lived in Minnesota, and when I asked him why they had moved here, he gave me an answer I spent another nine months working to verify before committing it to print: "The Ethiopian government is trying to kill my people."

The first thing that I discovered was the Anuak were an invisible people not only in Minnesota but in the world. Although Anuak had been immigrating to Minnesota from the early 1990s, not a single major metropolitan or local paper in the United States had written anything about them. Was it possible that not a single reporter had ever met and chatted with an Anuak before? And if they had done so, and learned the story—of an unreported African genocide no less—why had they not published anything?

According to Obang, he had fled his Ethiopian village of Dimma on foot in 1992 after Ethiopian soldiers surrounded the village and began shooting Anuak. Two dozen died in that attack, he said. Many similar attacks during the early and middle 1990s are why so many Anuak now live in Minnesota. Yet the state had absorbed the cream of the crop of the young, strong male leadership of an entire Ethiopian tribe, and their wives, without notice or knowing. The Anuak were invisible in Minnesota and the world.

On December 13, 2003, my telephone started ringing in the afternoon. One after another, Anuak men whom I'd met in the previous months told me a chilling story—that one of the periodic massacres of Anuak men, women and children was underway at that very moment.

They were having cellular telephone conversations with friends and family in their home villages and were hearing, through their cell phone connections, the sounds of the massacre—shouting and screaming, gunshots, soldiers yelling and people sobbing and crying. Some of my sources described hearing soldiers bashing down doors, yelling "Put down that phone!" followed by gunshots and then silence. I spent hours on the phone that day, gathering every detail I could.

Through the cell phone connections, dozens of Anuak had heard essentially the same story over and over—that two troop trucks containing uniformed Ethiopian soldiers had arrived in town and disgorged soldiers who went from hut to hut and home to home in the village, calling out the Anuak men and boys and shooting them dead in the street. Occasionally, the soldiers were joined by non-Anuak citizens, or lighter-skinned Ethiopian "highlanders," who shouted "Today is the day of killing Anuak!" and killed their victims, usually with long spears, knives or machetes.

That evening and for several days following, I checked the wire services and the Web sites of the major daily newspapers in the United States, Europe and Africa. Not a word on the alleged massacre was published. On the Web sites of the Ethiopian embassy, the major Ethiopian newspapers and the U.S. Embassy in Addis Ababa: nothing. Finally, around Dec. 17, a small press release from the Ethiopian government came out reporting that "tribal violence" in western Ethiopia had caused up to a dozen deaths. This was nowhere near what the Anuak in Minnesota were claiming based on their knowledge from hundreds of eyewitness accounts, and the Ethiopian government was placing blame in its press releases not

on the Ethiopian Army but on tribes fighting each other. I placed a call to the press spokesman at the Ethiopian embassy in Washington, Mesfin Andreas. "The deaths occurred as troops tried to stop people from killing each other," Andreas said.

On the weekend after the first phone calls came in, Anuak refugees from all over the Midwest gathered at a church in St. Paul, Minn. to discuss the crisis. I attended the meeting where I met several hundred Anuak, and interviewed maybe three dozen, only talking to people who said they had spoken directly to people on cell phones who were eyewitnesses as the massacre was happening. The stories that I heard that day were identical to the ones that I'd gotten over the telephone a week earlier. Uniformed Ethiopian soldiers had done the killing with automatic rifles, targeting Anuak men and boys for killing and Anuak women for raping, and they'd gone house to house, sometimes with a list of names in their hands, calling out specific Anuak men by name.

Hundreds—not dozens—had died.

Back at home, I called an Anuak survivor in Ethiopia. He lived in Gambella, the town where the massacre occurred. He told of seeing uniformed Ethiopian soldiers killing Anuak men on the street from the window of his home. He'd hidden under his bed as soldiers marched by his home. His own son had died in the attack. While speaking to me, he said he could still see some bodies in the streets of Gambella, and that at a mass grave on one side of the town, several hundred corpses were strewn in piles. He and other Anuak survivors had counted the corpses and noted how they had died, he said. The total was some 425 killed either by gunshots to the head or back, or by spear thrusts and machete blows.

As a former reporter for the *New York Times* for a decade, I knew I would probably have been unable to publish the story in the *Times* even with all the material I'd gathered. The main problem was, I had not actually been in Ethiopia, nor talked face-to-face with any actual eyewitnesses to the killing. Instead, my sources were a strange new breed of witness—"earwitnesses" to the sounds of a massacre and to direct eyewitness accounts of the massacre, listened to over cell phones. I was not then aware, nor am I aware today, of any report of a massacre or other crime in the media based on witness accounts of this nature. They are the creation of our present strange new world of hyper-communication.

In the end, my decision finally to publish what I'd heard, pointing a finger directly at the Ethiopian army, boiled down to my gut feelings as a journalist and my conscience as a citizen. After a week of solid reporting, interviewing dozens of Anuak in Minnesota, as well as one eyewitness in Ethiopia and the Ethiopian embassy spokesman, I felt that I knew something close enough to the truth to publish. And my conscience told me it was my duty to publish, because even up to Dec. 22, the day I finally did publish an account of the massacre, not a single news publication had done so—anywhere in the world. If I didn't publish, who would?

Within days of my story appearing on the Internet, the leaders of Genocide Watch, a nongovernmental watchdog who investigate new cases of genocide wherever they happen in the world had made enough phone calls to justify hiring an investigator and sending him to Ethiopia to check out the claims made in my article. On Feb. 25, 2004, Genocide Watch published the investigator's report, "Today is the Day of Killing Anuak," based on interviews with dozens of eyewitnesses to the

claims of *The McGill Report* article, including the number of Anuak killed and the fact that uniformed Ethiopian soldiers had carried out most of the killings.

Micro Issues

1. Using a search engine, how much can you find about the genocide of the Anuak that has appeared since McGill's Web site first published the story?
2. Is it fair to say that the international attention being given to the genocide in Darfur distracted the media and the relief organizations from the situation in Ethiopia?

Midrange Issues

1. Following a trip to Ethiopia, McGill still had problems getting the mainstream media to accept the story. What does that say about how mainstream news organizations operate?
2. Is acceptance of this story by a mainstream media outlet such as the Associated Press needed to somehow "validate" the reporting done by McGill?
3. McGill has had a long career in journalism, including the *New York Times* and *Bloomberg News*. However, many "bloggers" have not had any journalism experience or training at all. Are traditional media rightfully skeptical about stories that originate in blogs? Should citizens be skeptical?

Macro Issues

1. What does this case tell you about who is a journalist in the Internet era?
2. Why do you think that a massacre of 425 people in Ethiopia wasn't reported in the mainstream media for several months after it happened? Why was it a blogger in southern Minnesota who broke the story?
3. Members of the dispersed tribal communities of Anuak e-mailed the story by McGill all over the world within days of its publication. Is the Internet a more efficient outlet for international stories such as this one?

CASE 9-E

Born Just Right

LEE WILKINS

University of Missouri

Missouri School of Journalism broadcast news Professors Jennifer and Randy Reeves could not have been more excited about the birth of their second child. All the prenatal checks were great, brother "Cam" was excited and the birth process itself went as expected. Baby girl Jordan was born happy and healthy—almost without flaw. However, sometime during Jen's pregnancy, the baby's umbilical chord had become wrapped around her right arm, choking off the blood supply to the developing limb. When she was born, Jordan's right arm did not extend as far as her elbow. The problem was an unexpected one; ultrasound had not picked it up prior to her birth. Jordan's "defect" was an unusual one. Very few infants are born needing a prosthetic limb.

Jenn Reeves is a talented and caring teacher who embraced new technology and did her best to incorporate it into her classes. But with the new baby less than three months old, Jenn applied her journalistic and new media skills to the newest problem in her life. She started the blog *Born Just Right* (<http://www.bornjustright.com/>), an effort that required learning some programming and a bit of technology to try to provide parents of kids with similar challenges to share experiences, learn from each other and build a community.

As Jenn learned, blogging is a complicated and time-consuming process, something she had to work around her already demanding teaching job and her equally demanding life as a wife and parent. Among the most popular kinds of blogs are “mom blogs” where mothers share their insights about parenting, children and family life. Originating and maintaining such a blog required daily effort. Frequent updates are mandatory—multiple times a day is best—if a blog is to appear high on a search engine list. Some mom blogs have become profitable; those blogs usually contain endorsements for particular products aimed at kids or their parents. Finding a computer program that would allow for the sort of interaction Jenn required also was work; during the blog’s life, she’s changed its computer architecture at least twice, always with the goal of making it easier for her to post and for others to comment.

What Jenn had in mind was not the typical mom blog. She was seeking other parents who faced the sort of challenges she did—everything from getting some state help with the expenses of paying and continuing Jordan’s therapy, to finding people willing to construct prosthetic limbs for children who were going to outgrow them, an expensive proposition and, as the Reeves learned, one that was not well covered by insurance.

But, slowly, the blog and its audience grew. Jenn says her “blog” voice is distinct from her journalistic one—it’s more personal, more emotional and very much more focused on the single issue of helping Jordan. It also chronicles the daily events in Jordan’s life as well as the milestones, including photos. The first ballet lesson, the first dance recital, getting the first prosthesis, finding those who could and would help, all became blog entries. But, it’s also journalistic; there’s a wealth of information presented impartially from the point of view of someone who both needs and values the facts about government programs, private support and facing the problems that every child who is born just right encounters.

As of this writing, the blog itself has about 3,200 unique visitors. In the blog world, this is more than enough to interest sponsors—in other words, Jenn could monetize her blog should she choose. The blog has also resulted in some professional rewards for Jenn—she is invited to present at blogging conferences to talk about creating and sustaining a blog. She also uses the blog in her classes; in fact, in many of her classes, Professor Reeves requires her students to blog multiple times a week. She notes that blogging is really writing practice and that it can, in rare instances, move a student to the head of the applicant line for jobs after graduation.

In addition, the blog also has given the entire Reeves family some terrific opportunities. Disney, after it became aware of the blog, invited the entire family to visit Winter, the dolphin who was born without a fully developed tail and needed her own Dolphin prosthesis, when the film *The Dolphin Tale* was released. Jordan

Jenn herself says the blog has taught her a lot that she's been able to pass along in the classroom. But, it's also given her and her daughter a community. Jenn is not sure whether what she has created is point-of-view journalism, a non-money-seeking nonprofit, or a multiyear-long set of persuasive messages. But, as long as Jordan continues to approve, she will continue the effort.

Micro Issues

1. Take a look at the blog. Do you think it invades the privacy of the Reeves family?
2. How do you think Kant and Aristotle would evaluate this blog?
3. Do you think a blog such as this could have succeeded as well if its creator had not had some journalistic training and experience? Why or why not?

Midrange Issues

1. Do you think monetizing the blog would change its character? Evaluate your response in terms of loyalty and truth-telling.
2. Before this case study was written, Jenn Reeves reviewed it. Was this an appropriate approach? Evaluate your answer in light of the recent controversies about reporters clearing quotes with sources in the case in Chapter 2. If your answer in these instances is different, explain why, using ethical theory.
3. From the point of view of a strategic communication professional, how could or should Jenn ethically market her blog to, for example, help pay for Jordan's college expenses? Justify your response.
4. Should this blog become the subject of news stories?

Macro Issues

1. Is this blog journalism? Strategic communication? Link your answer to craft standards.
2. Evaluate the idea behind Born Just Right and its content according to ethical principles.

CASE 9-F

Sending the Wrong Message about Doing the Right Thing

NAOMI WEISBROOK

University of Missouri

On July 20, 2007, Black Entertainment Television (BET) introduced a short cartoon video entitled *Read a Book*. The cartoon encourages life skills including reading, maintaining good hygiene, responsible parenting and wise use of money in what appears to be a public service announcement. These messages are incorporated into the lyrics and sung by the cartoon rapper D'Mite. D'Mite bears a striking resemblance to Lil' Jon, at the time the reigning king of crunk, a subgenre of hip hop. Keeping with the style of crunk music, the video's lyrics are repetitive and filled with obscenities and the N-word. An uncensored version circulated on YouTube while a cleaner version was shown on BET.

The song was the brainchild of Bomani D'Mite Armah, an educator who works with young people in the Washington, D.C., area. He composed the song "Read a Book" because, "If crunk is what's in, I'll do crunk" (Harris 2007). After Armah circulated his song on MySpace for a while, it made it to BET's President of Entertainment Reginald Hudlin, who contacted Armah about making the song into a video (Martin 2007).

In addition to the obscenities, the video contains potentially offensive images, including women shaking their behinds with the word "BOOK" stamped across their pants. There is also an image of a book being loaded as a cartridge in an automatic weapon.

The video immediately created buzz on the Internet, generating more than one million hits and 4,000 comments on YouTube. Some comments praised the video: "[This video is] satirically presenting how the rap has degenerated into nothing but violent and sexual messages when it originally it [sic] was meant to convey important messages of black culture. So while the video shows both violent and sexual images it paradoxically is trying to send a positive message of how to lead a better life" (ROBOFISH).

Others were critical. When CNN anchor Tony Harris interviewed Tyree Dillihay, the video's director, Harris pointedly began the interview by asking, "You proud of this?" (Harris 2007). On his Rainbow PUSH coalition Web site, Jesse Jackson (2007) released a statement condemning "Read a Book," saying, "'Read a Book' heaps scorn on positive values and (un)intentionally celebrates ignorance. The narrator is obviously illiterate, unkempt and disrespectful. So who takes his advice seriously?"

Much of the controversy centers on exactly what the video is trying to say. According to Armah, "The message behind the song was secondary to the idea of parodying this style of music." In the same interview, Armah jokes that a friend told him that to write a crunk song the authors must be repetitive, aggressive and "curse as often as possible" (Martin 2007).

However, to someone unfamiliar with crunk music, the satire might be lost. Greg Forde, a African-American parent featured in CNN coverage of "Read a Book," points out that "the thing with satire, really clever satire, is that it speaks to a point, but you still realize it's satire. People who are not in our community are not going to see this as satire" (Harris 2007).

To those who don't recognize the satire, the video just appears to be methodically cataloging negative perceptions of African-Americans. In fact, according to the *Los Angeles Times*, "Most of the discussion centers on the negative stereotypes of African-Americans, rather than the language" (Braxton 2007). The negative stereotypes include gun use, men sitting on the porch drinking "40s" (40 oz. bottles of alcohol), drive-bys, irresponsible spending on decorative tire rims, negligent parenting and poor hygiene.

But, the video contains positive references to African-American history: There are images of historical figures such as Martin Luther King and the covers of several books such as *The Color Purple* and Maya Angelou's *I Know Why the Caged Bird Sings*.

Bomani Armah said he hopes people will get two messages from his song:

he gets e-mails from kids thanking him for validating that getting an education is cool. Parents have told him that their kid picked up a book after listening to his song.

Micro Issues

1. BET claims on its Web site to provide "contemporary entertainment that speaks to young Black adults from an authentic, unapologetic viewpoint of the Black experience." Is it fulfilling that promise with *Read a Book*? Why or why not?
2. Critique the specific words and images used in this video, finding it on the Web if possible. What ethical values are dominant in *Read a Book*? Does it succeed in promoting those values?

Midrange Issues

1. Promoting literacy is a "good" cause. In fact, it's a noncontentious good cause; there is no pro-ignorance lobby to counter the message. Given the universal approval of the idea of literacy, does a campaign promoting it have greater creative latitude or must it take greater caution?
2. For satire to work it must have a reference point, which often means dealing in stereotypes to make a point. Should satire be used in a pro-social way such as a public service announcement? How would your answer change if the cause were Planned Parenthood? A ballot issue that has deeply divided the community?

Macro Issues

1. The *Read a Book* campaign is an example of strategic communication for a cause. When Yoplait puts pink tops on its product to support breast cancer research, this is another example of "cause-related marketing." Critique the concept of cause-related marketing.
2. How does the fact that this message was intended for children change the rules about what is allowable and what is ethically questionable? Do the responsibilities and duties of the message creators change for this particular audience?

CASE 9-G

Looking for Truth Behind the Walmart Blogs

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When you think of blogging, the image of a lone person passionately pounding out a late-night journal hoping to gain a few loyal readers comes to mind. But if you're Walmart, the largest retailing chain in the world, you can afford a little professional help, and that's precisely what the corporation did on at least two blogs until Walmart's public relations firm was forced to reveal the ruse.

Before the admission, rumors had been circulating about the authenticity of the blogs. In an article on cnmmoney.com entitled "Corporate Blogging: Walmart's

Fumbles," *Fortune* senior writer Marc Gunther (2006) broke the story in the mainstream press with this posting:

A blog praising Walmart called "Walmarting Across America," ostensibly created by a man and a woman traveling the country in an RV and staying in Walmart parking lots, turned out to be underwritten by Working Families for Walmart, a company-sponsored group organized by the Edelman public relations firm. Not cool.

The couple, it turns out, were Laura St. Claire, a freelance writer and an employee at the U.S. Treasury Department, and Jim Thresher, a staff photographer at the *Washington Post*. And Walmart, far from being the lucky beneficiary of a blog that found happy Walmart employees at every stop, was shown to be behind the trip and was paying for the couple's support, including money for renting the RV, gas and fees for writing the blog (Gogoi 2006). And behind Walmart was Edelman, a nationally recognized PR firm as a part of their "Working Families for Walmart" campaign.

As bloggers expressed their outrage at the ruse, Edelman CEO Richard Edelman issued an apology on his personal blog. "I want to acknowledge our error in failing to be transparent about the identity of the two bloggers from the outset. This is 100 percent our responsibility and our error, not the client's" he wrote (Gogoi 2006).

But the happy RVing couple was not the only phony Walmart blog. Two days after Gunther's article, *cnnmoney.com* exposed the practice on its Web site, in an unsigned article entitled "PR Firm Admits It's Behind PR Blogs." In that article, the following information was posted:

A public relations firm has revealed that it is behind two blogs that previously appeared to be created by independent supporters of Walmart. The blogs Working Families for Walmart and subsidiary site Paid Critics are written by three employees of PR firm Edelman, for whom Walmart is a paid client, according to information posted on the sites Thursday. Before Thursday, the authors of the blogs were not disclosed. But Web critics had been skeptical of claims that the blogs were grassroots efforts, and pushed for greater transparency.

Employees of the Edelman public relations firm were eventually revealed as the source of blogs on two more sites that produced favorable stories about Walmart and sought to debunk its critics. In mid-October of 2006, the following message appeared on www.forwalmart.com:

In response to comments and emails, we've added author bylines to blog posts here at forwalmart.com. The site has been updated, but readers may have to refresh the page for the new information.

By clicking on the single name byline of "Miranda," the reader would find the following information: "Miranda Grill works for Edelman. One of her clients is Working Families for Walmart." The same message appeared on the www.paidcritics.com site, whose tagline is ironically, "Exposing the Paid Critics" in a posting entitled "A CHANGE TO PAIDCRITICS.COM" written by "Brian." A click on Brian's byline yielded the following information: "Brian McNeill works for Working Families for Walmart."

fees in fiscal year 2006. It was named "Large PR Agency of the Year" by *PR Week US* in 2006. The "welcome" page on the Edelman Web site contains the following description over the signature of Daniel J. Edelman, founder and chairman, and Richard Edelman, president and CEO:

We were the first firm to apply public relations to building consumer brands. We invented the media tour, created litigation and environmental PR, were the first to use a toll-free consumer hotline and the first to employ the Web in crisis management. That's just the beginning. Today we're on a mission: to make public relations the lead discipline in the communications mix, because only public relations has the immediacy and transparency to build credibility and trust.

There was no mention of the Walmart incident under "Latest Headlines" on the Edelman Web site in the week after the story broke.

Micro Issues

1. Should Edelman have acknowledged the problem on its Web site before the *Fortune* magazine reporter broke the story? Should it have responded afterward?
2. How common do you think Walmart's actions are? Is it possible that "grassroots" fan sites are actually paid for by celebrities or their publicists, for instance?
3. If Walmart is right that its critics are "paid," does that justify paying a public relations firm to say good things about Walmart?

Midrange Issue

1. In the "marketplace of ideas" is there any place for this type of "stealth" public relations?
2. How does this differ from "viral marketing," where companies try to generate "buzz" about products to bypass traditional advertising media to reach the public with a message, often paying agents in the process?
3. How does this differ from "product placement" in television or movies, where the audience is not informed if a product manufacturer paid to be on the screen?

Macro Issues

1. Upon hearing of Thresher's involvement, the *Post's* executive editor demanded that he pay back any money he received for the trip and remove his photographs from the blog (Gogoi 2006). Should there be any other penalties for his actions? Does it make a difference if he is on his own time during the trip? Does it make any difference if every posting represents his true opinion?
2. Critics called for greater transparency in the blogs. Edelman claims to use "transparency to build credibility and trust." What does transparency mean in public relations? Is it different from transparency in journalism? Was Edelman transparent in its dealings on these two Web sites?
3. Barbara Ehrenreich in her book *Nickel and Dimed* writes a very different story about the plight of Walmart workers. To get the story, she took a job in a Walmart and attempted to live on the income it paid. Her best-selling book was highly critical of the way Walmart treats its employees. Is her work, for which she received royalties, any different than the paid Walmart bloggers? If so, in what way? Is Ehrenreich a journalist? Is it the role of journalists to put pressure on corporations such as Walmart?

The Ethical Dimensions of Art and Entertainment

By the end of this chapter, you should be able to:

- understand the link between aesthetics and excellent professional performance.
- explain Tolstoy's rationale for art and apply it to issues such as stereotyping.
- understand the debate over the role of truth in popular art.

In the last century, the primary use of media shifted from distributing information to providing entertainment and popularizing culture. In this chapter, we examine the ethical issues from the field of aesthetics. We will apply these principles, plus some findings from social science, to the art and entertainment industries, focusing on the responsibilities of both creators and consumers of entertainment.

AN ANCIENT MISUNDERSTANDING

Plato didn't like poets. His reasoning was straightforward: poets, the people who dream, were the potential undoing of the philosopher king. They were rebels of the first order, insurrectionists on the hoof, and he banned them from the Republic.

Plato's skepticism is alive today. Few weeks elapse without a news story about an artist or entertainment program that has offended. You are probably familiar with at least some of the following:

- The successful demand by British censors that the film *The Hunger Games* be shortened by seven seconds due to violent content. The deletion meant that children 12 and over could see the film in the UK.
- Jon Stewart's decision to criticize his own network, Comedy Central, for bleeping

- Attempts to ban books, even classics such as *Catcher in the Rye* or *Lady Chatterley's Lover*, from public or school libraries for being too sexually explicit. Recently, *Harry Potter* books were the focus of the most successful and the most unsuccessful attempts to ban a book, a move led largely by conservative Christians.
- The controversy over government funding of art that some claim is obscene.
- Calls by conservatives and liberals to boycott television networks and their advertisers over allegedly objectionable content.
- The furor over rappers, television producers and filmmakers whose homophobic, misogynistic and sometimes clever content offend many while earning nominations for the industry's top awards.
- While these examples come from the West, other cultures and political systems show the same tendencies. In 2012, the Russian punk band Pussy Riot received a two-year jail term for its criticism of Russian President Vladimir Putin's policies.
- In China, architect and sculptor Ai Weiwei, a member of the team that designed the 2008 Olympic stadium nicknamed The Bird's Nest, was arrested and held without charge for more than two months in 2011 in response to his protests about the Chinese government's lack of action after devastating earthquakes and his allegations of government corruption.

Like Plato long ago, those who would restrict the arts do so because they mistrust the power of the artist or even the audience to link emotion and logic in a way that stimulates a new vision of society, culture or individuals.

OF TOLSTOY AND TELEVISION

Tolstoy was the sort of artist Plato would have feared. In his famous essay "What Is Art?" Tolstoy (1960) argued that good art had one dominant characteristic: it communicated the feelings of the artist to the masses in the way in which the artist intended.

To evoke in oneself a feeling one has once experienced and having evoked it in oneself then by means of movements, lines, colors, sounds or forms expressed in words, so to transmit that feeling that others experience the same feeling—that is the activity of art. . . . Art is a human activity consisting in this, that one may consciously by means of certain external signs, hand on to others feelings he has lived through, and that others are infected by these feelings and also experience them.

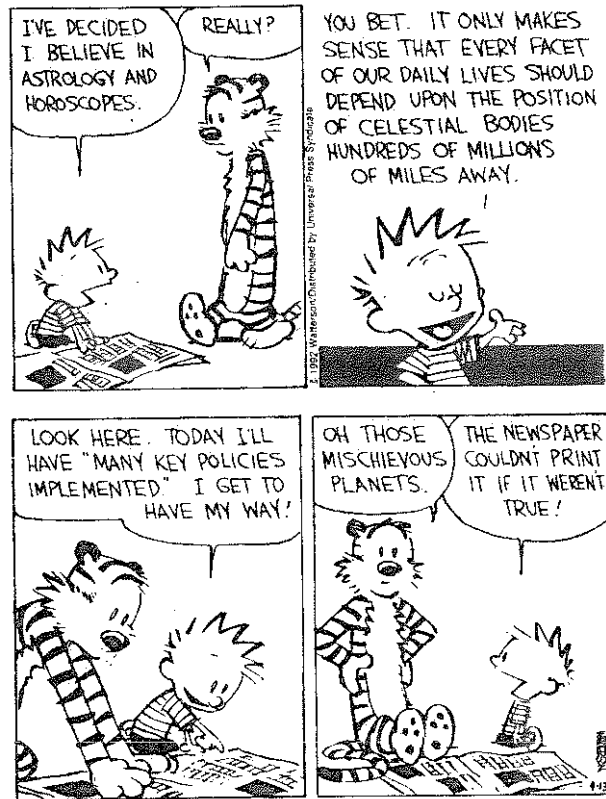
Tolstoy's standard was so demanding that he rejected the works of both Shakespeare and Beethoven as being incapable of being understood by the masses. Tolstoy's rationale is particularly pertinent to photographers and videographers who, through their visual images, seek to arouse emotion as well as inform. Haunting pictures of starvation from the Third World have launched international relief efforts. Televised images of Katrina's victims spurred the resignation of some of FEMA's top officials—and affected the 2006 election. Award-winning dramas such as the play *Angels in America*, the AIDS quilt, movies such as *Philadelphia* (in which Tom Hanks won an Academy Award for his portrayal of an AIDS victim) and obituaries of famous artists who have succumbed to AIDS have all aroused both our intellects

and our emotions about the disease. They invite action. Television and film documentaries have made viewers more aware of the plight of persons who are mentally disabled or homeless, raised important public policy questions and occasionally made us laugh, through a unity of purpose and craft.

Such work reminds readers and viewers of the moral power of art by putting us in touch with characters and situations sometimes more complex than our own lives. By thinking about these fictional characters, we enlarge our moral imaginations.

Unfortunately, Tolstoy's assertion that great art is defined by how it is understood by an audience also includes a genuine dilemma. Even if given Tolstoy's life experiences, many readers could not articulate the deep truths about human nature Tolstoy wrote about in *War and Peace*. Worse yet, it is nearly impossible to sell those insights to a sometimes lukewarm public, or to produce them on demand for

Calvin and Hobbes



by Bill Watterson

CALVIN AND HOBBS © 1992 Watterson. Dist. By UNIVER-

an hour a week, 36 weeks a year. The result is popular art that loses its critical edge and takes shortcuts to commonplace insight. In fact, some mass-communication scholars have argued that the unstated goal of popular art is to reinforce the status quo; popular culture, they say, blunts our critical-thinking abilities.

Today, mass media have become the primary cultural storytellers of the era. Nearly half a century ago, Ellul (1965) argued that in a modern society storytelling is an inevitable and desirable tool to stabilize the culture. This "propaganda of integration" is not the deliberate lie commonly associated with propaganda but the dissemination of widely held beliefs to the culture at large. Aesop's fables and the early *McGuffey Readers* influenced generations of Americans with subtle (or not) messages that reinforced the social structure. This is precisely where the entertainment media get their power—not in the overt messages but in the underlying assumptions that

What Is Art?

Philosophers, sociologists and artists have debated the meaning of art for hundreds of years. Prior to the Industrial Revolution, art was something only the well educated paid for, produced and understood. Mozart had to capture the ear of the Emperor to get a subsidy to write opera. Such "high" or "elite art" provided society with a new way to look at itself. Picasso's drawings of people with three eyes or rearranged body parts literally provided Western culture with a new way of seeing. Michelangelo's paintings and sculpture did the same thing in the Renaissance. But patronage had disadvantages. The patron could restrict both subject matter and form, a reality depicted in the film *Amadeus* where the Emperor informed Mozart that his work, *The Marriage of Figaro*, had "too many notes." Gradually artists discovered that if they could find a way to get more than one person to "pay" for the creation of art, artistic control returned to the artist. The concept of "popular art" was born. Scholars disagree about many of the qualities of elite and popular art; some even assert that popular art cannot truly be considered art. While both kinds of art are difficult to define, the following list outlines the major differences between popular and elite art and culture:

1. Popular art is consciously adjusted to the median taste by the artist; elite art reflects the individual artist's vision.
2. Popular art is neither abstruse, complicated nor profound; elite art has these characteristics.
3. Popular art conforms to majority experience; elite art explores the new.
4. Popular art conforms to less clearly defined standards of excellence, most often linked to commercial success; elite art is much less commercially oriented, and its standards of excellence are consistent and integrated.
5. Popular artists know that the audience expects entertainment and instruction; elite artists seek an aesthetic experience.
6. The popular artist cannot afford to offend its target audience; the elite artist functions as a critic of society, and his or her work challenges and sometimes offends the status quo.
7. Popular art often arises from folk art; elite art more often emerges from a culture's dominant intellectual tradition.

(if unchallenged) will become widely held societal values. For instance, entertainment content can reinforce the status quo by constantly depicting certain social groups in an unflattering and unrepresentative way, presenting a distorted picture of reality. Groups as disparate as Muslims and evangelicals have chafed under depictions (or omissions) that reinforce cultural stereotypes despite evidence to the contrary.

At least some such distortion is the natural outcome of compression. Just as substances such as rubber change form when compressed, so do media messages. Given only 15 seconds to register a message in a commercial, an advertising copywriter will resort to showing us the presumed stereotype of a librarian, a mechanic or a pharmacist. Using stereotypes as a form of mental shorthand is a natural way media work and was noted as early as 1922 by Walter Lippmann in *Public Opinion*. Lippmann said that we are all guilty of “defining first and seeing second.”

Soon, we expect reality to imitate art. Mass communicators know the power of stereotypes and deeply held notions and use them. According to Tony Schwartz (1973), advertising messages are often constructed backward. The communicator actually starts with what the receiver knows—or believes he knows—and then constructs a message that fits within that reality. Schwartz calls it hitting a “responsive chord.” Time is saved in plucking the chords already deeply held by the public rather than challenging stereotypes. So pimps are African-American, terrorists are Middle Eastern and no one challenges the unstated assumptions. The audience gets the idea of a pimp or a terrorist, but notions of racism and worse have been planted as well. While these images suit the artist’s purposes, they are problematic.

TRUTH IN ART AND ENTERTAINMENT

No question in the field of aesthetics is more thoroughly debated with less resolution than the role of truth in art. Most philosophers seem to agree that artists are not restricted to telling the literal truth. Often artists can reveal a previously hidden or veiled truth, providing a new way of looking at the world or understanding human nature that rings deeply true.

But just how much truth should the audience expect from entertainment? And how entertaining should the audience expect truth to be? There are several opinions. At one point on the continuum is the argument that there is no truth requirement at all in art. At another point on the continuum is the belief that there must be one accepted truth for all.

Compounding the problem is that often the audience doesn’t care when the lines of truth and entertainment are blurred. Jon Stewart and Stephen Colbert each host nightly satirical newscasts aired on the Comedy Central network. Surveys show that these fake news shows are actually a main source of news content for young people in the 18 to 30 age bracket. The fact that the shows feature interviews with real political figures, include “real” news footage of actual events and have the license to be satirical rather than fair and balanced seems to be of no consequence to the demographic attracted to the shows. An exchange between Stewart and Tucker Carlson, host of CNN’s “Crossfire” during the 2004 campaign shows the tension

When "Fake News" Calls out "Journalism"

Jon Stewart, host of Comedy Central's "The Daily Show," has always insisted that he is a comedian and that he reports "fake news." Stewart follows a long tradition of news being incorporated into entertainment programming, beginning with Orson Wells's 1939 radio play *War of the Worlds* and continuing through today's "Saturday Night Live" newscast.

What makes Stewart unique is that his "fake news" programs often incorporate actual news video and direct quotes from authors, newsmakers and political officials. Multiple polls have documented that young people between the ages of 18 to 30 get "some" or "most" of their public affairs information from Stewart. He has won both an Emmy and a Peabody Award, given for programming that raises important public issues.

At the same time, Stewart continues to work as a comedian and has hosted the Academy Awards, a night that perennially yields television's highest ratings. So, when Stewart appeared on "Crossfire," Carlson, his bosses and his audience believed they were booking a comedian. But Stewart was far from funny. Instead, Stewart lambasted Carlson, "Crossfire" and the television news media in general for doing bad political theater rather than their jobs. In a curious way, the media's reduction of the complexities of a presidential campaign to a "horserace" complete with each party and hundreds of journalists for both old and new media alike playing a daily game of "gotcha" with the candidates, had made a show like Stewart's which ridiculed the process not only popular but quite possibly necessary. Among the comments on the night in question were the following (transcript

found at: transcripts.cnn.com accessed on October 27, 2006):

STEWART: "But the thing is that this—you're doing theater, when you should be doing debate, which would be great."

CARLSON: "You had John Kerry on your show and you sniff his throne and you're accusing us of partisan hackery?"

STEWART: "Absolutely. . . . What is wrong with you? . . . You know, the interesting thing I have is, you have a responsibility to the public discourse, and you fail miserably."

CARLSON: "You need to get a job at a journalism school, I think."

STEWART: "You need to go to one. The thing that I want to say is, when you have people on for just knee-jerk, reactionary talk . . ."

CARLSON: "Wait. I thought you were going to be funny. Come on. Be funny."

STEWART: "No. No. I'm not going to be your monkey. . . . I watch your show every day. And it kills me."

CARLSON: "I can tell you love it."

STEWART: "It's so—oh, it's so painful to watch. You know, because we need what you do. This is such a great opportunity you have here to actually get politicians off of their marketing and strategy."

CARLSON: "Is this really Jon Stewart? What is this, anyway?"

STEWART: "Yes, it's someone who watches your show and cannot take it anymore. I just can't. And come work for us, because we, as the people . . ."

CARLSON: "How do you pay?"

STEWART: "The people—not well. . . . But you can sleep at night."

Should there be a truth standard in art? The tendency of the status quo to impose a specific moral "truth" on the masses has been common to many cultures and political systems across the ages. In *The Republic* Plato had Socrates argue against allowing children to hear "casual tales . . . devised by casual persons." The Third Reich burned books deemed unsuitable for reading. In the United States, the battle historically has raged over library books. Classics such as *Huckleberry Finn*, *Of Mice and Men*, *The Grapes of Wrath* and *The Merchant of Venice* are but some of the long-revered and award-winning works that now face censorship by various school systems. The American Library Association reports that incidents of book banning now reach more than 1,000 instances annually, with little legal intervention. The U.S. Supreme Court has not heard another book-banning case since allowing a lower court ruling to stand in 1982.

Protests began early in the history of television. The 1951 show "Amos 'n' Andy" was condemned by the National Association for the Advancement of Colored People for depicting "Negroes in a stereotyped and derogatory manner." In the 1960s the United Church of Christ successfully challenged the license renewal of WLBT in Jackson, Miss., on the grounds that the owners had blatantly discriminated against African-Americans.

In the latter half of the 20th century, a variety of special-interest groups used more subtle methods to influence entertainment programming. Some, such as the Hispanic advocacy group *Nosotros*, worked closely with network bureaucracies, previewing potentially problematic episodes of entertainment programs, often altering program content before it reached the airwaves. Not all protests involve censoring a program. Some want to make sure that programming airs, such as advocacy groups who lobby advertisers and affiliates to ensure the airing of certain shows or inclusion of certain controversial characters in prime time.

New York Times television critic Jack Gould framed the problem of artistic accountability in the early days of these advocacy groups arguing that such agreements held

latent dangers for the well-being of television as a whole. An outside group not professionally engaged in theatre production has succeeded in imposing its will with respect to naming of fictional characters, altering the importance of a leading characterization and in other particulars changing the story line (Montgomery 1989, 21).

And for the artist trying to create in the medium, network attempts to "balance" competing advocacy-group interests had come close to recreating the patronage system, albeit a far more sophisticated one with government as the patron.

The struggle over content becomes even more acute when governmental sponsorship is at stake. Some argue that because tax dollars are extracted from all, the programs they fund should be acceptable to all. Federal support for programs such as the National Endowment for the Arts (NEA) has been repeatedly questioned in Congress. Conservatives objected to funding artists such as photographer Robert Mapplethorpe, whose blend of homoerotic photos and traditional Judeo-Christian symbols offended many. Eventually, the criticism was a factor in the resignation of one of the NEA's directors, John E. Frohnmayer.

on-air profanity and offensive racial slurs. Stern protested that the FCC's action amounted to an enforcement of political correctness. But others noted that Stern most often castigated disadvantaged people and groups. By 2006, Stern had left terrestrial radio and its rules for satellite radio, where he found a fat payday, artistic freedom and a much smaller audience.

In 2006 with the Broadcast Decency Enforcement Act, Congress raised the fine for a single count of indecency from \$27,500 to \$325,000. Because of the potential liability for crippling fines, producers of live programming such as the Grammy Awards and the Oscars were forced to put a delay on the broadcast to bleep out what the courts called "fleeting expletives" or nudity.

COP TV: ENTERTAINMENT, INFOTAINMENT OR NEWS?

In his ingenious Academy Award-winning script, *Network*, the late writer-director Paddy Chayefsky envisioned a time when the lines would be blurred between entertainment and news, rendering them indistinguishable. However, Chayefsky was wrong in one detail. News did begin to take on the look of entertainment (as he predicted it would, to great satirical effect) but he did not predict that entertainment would also begin to look like news with the two meeting somewhere in the middle.

Consider these television shows: "America's Most Wanted," in which the audience is encouraged to help by calling in tips for police; "Unsolved Mysteries," with its focus on the criminal and the paranormal; "Inside Edition," a voyeuristic look at stories dubbed "too hot to handle" for traditional network news; and others of the same breed, including "A Current Affair," "Hard Copy," "COPS," "Rescue 911" and any number of other spin-offs. Or consider "Dateline," which blurred the lines of entertainment programming and the apprehension of would-be child molesters duped on to the show's set—all for our entertainment including seeing them led off in cuffs.

And then came YouTube, where virtually no event was outside the range of cameras and videos shot by amateurs often found their way on to the mainstream media.

In what genre do these shows belong? When "America's Most Wanted" follows a bounty hunter on an illegal trip into Mexico to bring home a nationally known fugitive is it news or entertainment?

Currently, dozens of such pseudo-news, pseudo-cop, pseudo-court shows are in production simultaneously. Very little escapes our fascination. Dubbed "infotainment" by critics, these shows are hot with television programming executives and audiences alike. Producers love it because such shows are quite cheap to produce and deliver better ratings than reruns, news or other syndicated programming. Audiences love it because such programming provides relief from reruns of situation comedies and the sameness of game shows. When produced by syndicators, the shows are prepackaged with ads embedded in them, making them attractive to station owners. In fact, local station owners who have found their station consistently at the bottom of the local news ratings can turn to a game show such as "Wheel of Fortune" and reclaim ratings that their news side never could.

But there are problems. A man who agreed to appear on the "Jenny Jones Show" on the premise of meeting someone who had a crush on him later murdered the would-be lover who was male—a fact that was not revealed until the moment the showed taped. After a highly publicized trial, the television show was exonerated of any blame in the murder, but public opinion was clearly divided on the show's culpability. CNN's Nancy Grace faced an avalanche of criticism when a guest on her show committed suicide the day after an extremely confrontational interview.

The blending of facts and entertainment is not restricted to the small screen. Films such as *Ray*, *Walk the Line*, *The Alamo*, *Nixon*, *Hoffa* and *Thirteen Days* reflect a particular artistic vision based on fact. *Hoffa* director Danny DeVito sought to make an entertaining film of the major facts of the controversial missing labor leader's life, but took symbolic liberties with many events and people. DeVito justified his changes on the "Today" show by saying what he sought was entertainment—"not sitting down and reading a book."

Based-on-reality films and reality-based television shows differ in format and content but they are alike in invoking the license allowed entertainment programming while retaining the authority of fact—a risky combination. By blending information and entertainment, the possibility for abuse of an unsuspecting audience exists. To understand how this happens, we look to the theory of "uses and gratifications." Phrased simply, the theory says audience members will use the media to gratify certain wants and needs. People bring something to the message, and what they bring affects what they take away.

For example, seeking news and information is a common use of the media, with an expected gratification of getting information necessary for living one's life from traffic to weather to news about government. Entertainment is another common media use, with its own gratification of laughter, crying or any other emotion evoked by entertainment media—something Tolstoy said was the basic aim of the audience.

Infotainment keeps the look of news, yet airs the content of lowbrow entertainment juxtaposing traditional uses and gratifications. With a look of authority (an anchor's desk, a courtroom, a police precinct) and the hype of their importance (e.g., "200 lives saved so far!"), these shows appear to be useful for acquiring information. However, by invoking their license as entertainment, such shows are free to bypass accuracy, fairness, balance and other standards normally associated with news and to focus on more sensational elements to gather larger ratings.

Consequently, infotainment, while fundamentally flawed, gets widely accepted as fact. *New York Times* columnist A. M. Rosenthal (1989) compared airing these tabloid television shows to buying news programming "off the shelf." Stations should add the disclaimer, "We did not put this stuff in the bottle, whatever it is," Rosenthal added.

REALITY TELEVISION: OXYMORON, PROFIT CENTER AND USING THE AUDIENCE

They eat cow's lips, let their families pick their mates and routinely lie about their financial and physical assets. They are Americans with talent. They are "Jon and

television craze that has made strong inroads into prime-time entertainment programming. The craze began with the wildly successful "Survivor" series, which ran first as a summer replacement show and garnered ratings that impressed network executives. "Survivor" quickly spawned other reality shows, among them "Amazing Race," "Danger Island," "Wife Swap," "The Osbournes," "Fear Factor" and "American Idol," to name a few.

Why the rush to reality programming? Ratings and money. For three decades, traditional network television programming lost audience share to cable television, TiVo and the Internet. At their height, the original three American networks, ABC, CBS and NBC, could count on attracting approximately 90 percent of American homes with televisions on any given evening; the rest tuned in a few fledgling independents playing reruns. Today, the audience for five broadcast networks (including Fox and CW) has plunged to less than half of all households, with the number slipping every season.

Then traditional cable outlets such as HBO, TNT and USA got into original scripted programming, cutting further into the audience for scripted entertainment, often sweeping the industry's awards along the way. The reason for the immediate artistic success was a matter of sheer economics: it was easier to program a few hours of quality television a week than to try to program three hours every night as the traditional networks have done for years.

Compounding the problem, those who continued to watch the traditional networks were an older demographic not popular with advertisers. For the networks, reality television was a chance to pull viewers away from cable and computers and back to their programming at a cost lower than scripted television series. Not only did reality shows draw viewers, but the audience they drew centered on 18- to 49-year-olds, a ratings bonanza in the preferred demographic and a potent inducement to produce more reality programming.

Reality programming was not only popular, but cheap to produce. There was little need to pay writers, and the actors who populated them worked for scale or prizes.

But using cheaply produced reality programming to garner ratings has had consequences. Shows such as "NCIS" and "White Collar" were expensive and it often took time to find an audience sufficient to sustain these shows. What the producers hoped for was a chance to air enough episodes—typically 60 or more—to make it to the lucrative syndication market and DVD, where they live on for years and produce a sizable return on the initial investment. What networks ordered were 12 episodes with options for more at a later date—a clause that kept writers, etc. tied to the show and kept lives in limbo until the network exercised or failed to exercise the option.

By eating up entire chunks of the network schedule, reality television pushed many quality shows into an early retirement and kept many more out of production. The result now is fewer quality programs in syndication and fewer producers of quality shows able to get their product into the schedules of the major networks now infatuated with reality. Quality writers fled to the movies or the cable channels willing to try scripted television. The light-viewing months of the summer were once a time when networks took some chances on genre-defining shows to see if

they could find an audience. Now that season is given over to “star-making” shows that turn immediate profits with no regard for the future.

If they didn’t add to the nation’s intellect, reality shows have added to American slang. Getting “voted off the island” became a catch phrase for everyone from politicians to news journalists. “You’re fired” entered the American vernacular from “The Apprentice” starring Donald Trump.

The “new” reality television was really a second pass at the genre. The first attempt took place in the 1950s with quiz shows such as “21” and “The \$64,000 Question.” These shows were enormously popular and, as it turned out, could be rigged. Popular contestants were given the answers to general-knowledge questions beforehand. What the audience saw was a scripted contest with the winner predetermined. Winners came back from week to week and some gained a national following. Not surprisingly, the predetermined winner was the one the producers believed would sustain the ratings or increase them. The quiz show scandals, as they are referred to in media history, were followed by congressional hearings, ruined careers and even legislation.

The new reality shows suffered from some of the same problems. When it was discovered that those who advanced on one or more popular reality shows had actually been determined in advance, it became national news. Soon after, audiences learned that participants in the various reality shows were not always novices to the medium but were often recruited from ranks of fledgling actors. Furthermore, the notion of spontaneity, crucial to getting the audience to believe the premise of the reality show, was false. The producers of shows such as “Survivor,” “Joe Millionaire” and the like most often shot hundreds of hours of video with a predetermined “story line” to edit into an allegedly spontaneous program.

Some reality shows were based on legally questionable premises, such as the series that proposed to capture men hiring prostitutes—the reality of “johns”—or cop shows that allowed media to capture arrests inside homes only to be successfully sued for invasion of privacy later. Some shows seemed notable for their complete lack of a moral compass or made us more like voyeurs than traditional viewers. “Temptation Island” put couples and relationships in physical and emotional jeopardy for the entertainment of the audience. But, still, America watched even as lives were altered irreparably.

In June of 2009, a record 10.6 million people tuned into the TLC show “Jon and Kate Plus 8” to learn that Jon and Kate Gosselin were calling it quits after 10 years of marriage, including several years that were documented on television. The concept was a reality series of two parents and their eight children on a \$1.1 million Berks County, Penn., home built in part with television funds. At the time of their divorce, papers filed by the couple indicated that they had long lived separate lives, including the possibility that they had been misleading the public about their marriage for up to two years before the filing—a claim disputed by the lawyers as mere “legalese.” In an interview with *People* magazine, Kate didn’t blame the ubiquitous cameras for the failure of the marriage, saying that the divorce would have happened with or without the television show, which was consistently one of the top shows for the TLC network.

Reality television raises an important ethical question: what constitutes reality? As you'll remember from Chapter 1, definitions of truth and the relationship between truth and reality have changed throughout the millennia. Reality television is a lot like the computer-generated matrix in the film *The Matrix*. Reality shows used participants for its purposes, and along the way, a lot of people in the matrix world of reality TV were entertained.

Kris Bunton and Wendy Wyatt (2012) raise other important questions in their philosophical approach to the ethics of reality television. For example, do reality programs stereotype participants or activities? Even though participants sign legal waivers that are 20 and 30 pages long, do reality programs invade privacy? Can contestants ethically give away the sort of access the shows require? Does reality television inspire us—particularly if we have talent or can create a team that functions well under original circumstances and stress? Suzanne Collins, whose successful book trilogy begins with *The Hunger Games*, takes on many of these same questions in fictional form, often with disturbing answers. Collins has said that she wrote the series, in part, as a response to reality television and that her early literary influences included George Orwell's *1984*.

The early part of this century has been a scary time, and watching Joe Millionaire bungle his relationships is a lot easier than taking the chance of going out on a first date. However, that scary first date has the chance of turning into something wonderful or awful—neither outcome one that Joe Millionaire had to face. Truth in relationships matters because it's how people form connections. Reality television was people, inside a box, having a planned and edited experience. That planning wasn't about truth. It wasn't even particularly personal. Just like in the matrix world, it was a code.

THE DOCUMENTARIAN: ARTIST OR JOURNALIST

Perhaps no media genre blends art and journalism together as does documentary film. In fact, if you ask a documentarian—particularly a fledgling one—to define a professional role, directors, producers and editors are quite likely to say that they are producing art that sometimes looks like journalism. Yet, as recent scholarship and professional conferences suggest (Aufderheide 2005), documentarians share many of the same ethical questions as their journalistic first cousins. But, since many of them are either self-taught or the product of film programs, they stumble into the same ethical questions with relatively little guidance.

Documentarians generally agree that they are truth-tellers, but that the truth they seek is not necessarily objective in the way that journalists traditionally have defined it. Rather, documentarians seek to tell truth from a point of view influenced by context. It is not unreasonable to suggest that multiple documentaries can be made about what is essentially the same subject—for example, Oregon's controversial assisted suicide law—each one taking a point of view. However, documentarians assert that the best documentary film is one that acknowledges, and sometimes deeply examines, views in opposition to the director's point of

view. The *New York Times*, in 2011, began a new feature on its opinion pages—Op-Docs—where citizens and professionals were invited to provide editorial commentary in the form of short documentaries on subjects of public importance.

Documentary links facts to beliefs and opinions in important ways. Documentarians also wrestle with how deeply involved they should become with the subjects of their films. For example, the director and producer of *Born into Brothels*, Zana Briski, as part of her film recounts her personal efforts to get the children of Indian sex workers into school so they could escape the poverty and work choices the Calcutta slums seem to provide. Documentarians often invest their own funds and months of their unpaid time to capture images, scenes and dialogue that make a narrative work. This commitment to a single source and point of view is rare for journalists and can blur the line between essential source and friend. On the one hand, documentarians are concerned about exploiting those whom they become close to; on the other hand they worry about becoming the prisoner of a single point of view or a source who likes to be on camera to the point where the director loses control over the content of the film itself.

Editing also raises a host of issues for documentarians, everything from the often in-your-face shots of people in joy or pain to the construction of a narrative that requires significant omissions and emphases for aesthetic purposes, edging the resulting film away from the initial truth or even-handed examination that both the filmmaker and the sources sought. Adding music and archival footage and building a narrative structure all require hours in the editing room. As documentaries have become more profitable, they have demanded significant investment in production values and postproduction efforts. Raising the money to make these sorts of films is not easy, and documentarians also worry about becoming the intellectual and artistic prisoners of those who fund their work.

And, there is the role of emotion in documentary film. These are films that are designed to provoke audience response. Strategic communication professionals would recognize the call to action embedded in many documentaries. Documentarians seek to overtly link emotion, fact, logic and action in a way that journalism, perhaps with the exception of investigative reporting, seldom does. Along the way, there are real ethical questions that are not readily answered by the too common response, “but, I am an artist.” In the documentary *Inside Job*, which won an Academy Award in 2011, the filmmakers accepted the Oscar by noting that no one had yet been jailed in the financial scandal that precipitated the recession of 2008. The film was an artistic success; however, its political impact was less so. If Plato were alive today, there is little doubt that documentary film, through its artistry as well as investigations, would be on the list of highly suspect professions in the modern-day democratic republic.

AESTHETICS IS AN ATTITUDE

Artists see the world differently. While most people perceive only what is needful, the artist works with what some have called an “enriched perceptual experience.” This aesthetic attitude is one that values close and complete concentration of all the

senses. An aesthetic attitude is a frankly sensual one, and one that summons both emotion and logic to its particular ends.

For example, the theater audience knows that Eugene O'Neill's plays are "merely" drama. But they also provide us with an intense examination of the role of family in human society—an experience that is both real and personal to every audience member. Such intense examination is what gives the plays their power to move.

The makers of mediated messages, whether they are the executive producers of a television sitcom or the designers of a newspaper page, share this aesthetic impetus. These mass communicators are much like architects. An architect can design a perfectly serviceable cube-like building, one that withstands the elements and may be used for good ends. But great buildings—St. Paul's Cathedral in London or Jefferson's home at Monticello—do more. They are tributes to the human intellect's capacity to harmoniously harness form and function.

In fact, philosophers have argued that what separates the commonplace from the excellent is the addition of an aesthetic quality to what would otherwise be a routine, serviceable work. These qualities of excellence have been described as:

- An appreciation of the function realized in the product.
- An appreciation of the resulting quality or form.
- An appreciation of the technique or skill in the performance.

These three characteristics of aesthetic excellence characterize excellence in mass communication as well.

Take the newspaper weather page. *USA Today* literally recalibrated the standard from tiny black and white agate type to a colorful full page. They understood what the late political columnist Molly Ivins knew: when people aren't talking about football, they talk about the weather. They devoted more space to it and printed it in color. They added more information in a more legible style and form. In short, they gave newspaper weather information an aesthetic quality. While much about *USA Today* has been criticized, its excellent weather page has been copied.

Although mass-communication professionals are infrequently accused of being artists, we believe they intuitively accept an aesthetic standard as a component of professional excellence. As philosopher G. E. Moore (1903, 83) noted in *Principia Ethica*:

Let us imagine one world exceedingly beautiful. Image it as beautiful as you can; put into it whatever on this earth you most admire: mountains, rivers, the sea, suns and sunsets, stars and moon. Imagine these all combined in the most exquisite proportion so that no one thing jars against another, but each contributes to increase the beauty of the whole. And then imagine the ugliest world you can possibly conceive. Imagine it just one heap of filth, containing everything that is most disgusting to you for whatever reason, and the whole, as far as may be, without one redeeming factor. . . . Supposing (all) that quite apart from the contemplation of human beings; still it is irrational to hold that it is better that the ugly world exist than the one which is beautiful.

Substitute “film,” “compact disc,” “poem,” “news story,” “photograph” or “advertising copy” for Moore’s word “world” and we believe that you will continue to intuitively agree with the statement. While we may disagree on what specifically constitutes beauty in form and content, the aesthetic standard of excellence still applies.

Philosopher John Dewey (2005) noted, “Aesthetic experience is a manifestation, a record and celebration of the life of a civilization, a means of promoting its development, and is also the ultimate judgment upon the quality of a civilization.” In an interview on the PBS series “The Promise of Television,” commentator Bill Moyers (1988) said:

The root word of television is vision from afar, and that’s its chief value. It has brought me in my stationary moments visions of ideas and dreams and imaginations and geography that I would never personally experience. So, it has put me in touch with the larger world. Television can be a force for dignifying life, not debasing it.

Though Moyers’s comments were made specifically about television, the same argument can be made for a good book, a favorite magazine, music or a film. And whether the media are a force for dignifying humanity or debasing it is largely in the hands of those who own and work in them.

Suggested Readings

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- POSTMAN, NEIL. 1986. *Amusing ourselves to death: Public discourse in the age of television*. New York: Penguin Books.

Cases on the Web

www.mhhe.com/mediaethics8e

- “How to remember Malcolm X” by Dennis Lancaster
- “Beavis and Butthead: The case for standards in entertainment” by Philip Patterson
- “Joe Klein and the authorship of ‘Primary Colors’” by Lee Wilkins
- “‘Bamboozled’: Truth (or prophesy) in satire” by Lee Wilkins
- “Truth in filmmaking: Removing the ugliness from ‘A Beautiful Mind’” by Philip Patterson
- “Playing hardball: The Pete Rose–Jim Gray controversy” by Ben Scott
- “How much coverage is appropriate? The case of the highly paid athlete” by Matt Keeney
- “Up for debate: NBC news logo decorates ‘The West Wing’” by Reuben Stern

CHAPTER 10 CASES

CASE 10-A

Searching for Sugar Man: Rediscovered Art

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What makes a hit record has never been reduced to a formula. During the decades of the 1960s and early 1970s, hundreds of talented artists were never heard beyond a small group of fans because their records didn't sell. That was the case with a young Detroit musician, Sixto Rodriguez, who produced one album—"Cold Fact" in 1970—and a second in 1971. With a voice reminiscent of James Taylor and lyrics with the edge and poetry of Bob Dylan, Rodriguez's career never made it out of Detroit. Years later, his Motown-based producer, then living in California, told Danish documentary filmmaker Malik Bendjelloul, that Rodriguez had sold exactly six records in the states.

Which was true—sort of. What his producer may have known—but Rodriguez unquestionably did not—was that the "Cold Fact" album and its title song had become the anthem of young people half a world away. In South Africa, in the early 1970s, Rodriguez was better known than Elvis, sold more records than the Rolling Stones, and had become the voice of a generation that wanted to challenge the apartheid political system in that country. His two records were considered so inflammatory that government censors deliberately scratched vinyl copies housed at radio stations so they could not be broadcast over the air. In the days before the Internet, Rodriguez was an underground pied piper—everyone knew his songs just as everyone in a certain generation in the United States knew that "the answer was blowin' in the wind."

His South African fans also knew something else: Rodriguez was dead. No one was quite sure how he died, but there were conflicting newspaper reports that he had committed suicide—everything from setting himself alight on stage to protest apartheid to shooting himself. In an era of untimely rock musician deaths—Janis Joplin, Jimi Hendrix, Jim Morrison—it seemed only too reasonable. The mystery and the assumption of Rodriguez's demise persisted in South Africa for more than two decades. But, as the country changed, his largely Africanse fans did not forget, including two now-middle-aged fans turned music journalists who set out on an unlikely quest to find out how Rodriguez actually had died.

Solving that mystery became the focus of the documentary film *Searching for Sugar Man* that Bendjelloul reported, shot and produced in the early 21st century. The film chronicles the efforts of the South Africans, one of whom is nicknamed Sugarman, to track down Rodriguez, with the most profoundly startling result.

In response to an Internet posting about the circumstances of the musician's death, Rodriguez's adult daughter e-mailed back that her father is alive, he's living as he has for decades in Detroit supporting himself through heavy construction work, and he has literally no idea about his impact on the nation and the people of South Africa. When the South Africans find and then telephone Rodriguez, he

hangs up the phone, thinking that the call is a prank. But, thanks to this initial connection, in the late 1990s, Rodriguez ultimately travels to South Africa where his concert performances are sold out and he plays to audiences in the thousands who can sing every word of every song. Bendjelloul reports it all, including lengthy interviews with Rodriguez, his daughter, his South African fans, and a soundtrack shot through with music that still seems timely even in the next century.

But, to report this different sort of magical mystery (Rodriguez had stopped playing professionally many years before) Bendjelloul makes what he admits are some uneasy compromises (personal communication 2012). In order to track down information about Rodriguez himself, Bendjelloul needs to interview his former producer—who had received some royalty checks for South African sales. The film can't go forward without his cooperation, so Bendjelloul makes the decision not to confront the producer about potential financial chicanery in order to learn more about Rodriguez's early recording and artistic career. Bendjelloul himself is working on a shoestring—while he's shooting the film, he spends some nights on Rodriguez's couch to defray expenses. And, Rodriguez himself is vague about some things. The finished documentary, for example, never mentions a marriage or a lover—although he has three children who appear in the film—nor does it delve deeply into why a person with such enormous talent—having learned he is a phenomenon—fails literally and artistically to capitalize on it during the late 1990s and early 2000s.

The documentary debuted formally in the United States in July 2012. Rodriguez and Bendjelloul were both interviewed in the *New York Times* and on NPR, where audiences learn that Rodriguez had been politically active in Detroit, running unsuccessfully for mayor more than once. Rodriguez's U.S. artistic career also begins to take off; he plays gigs such as South by Southwest and his music is covered at the Newport Jazz Festival. As of this writing, the film has failed to find a national distributor, although clips of it—as well as Rodriguez's music—are available on the Internet and through music distributors such as iTunes.

Micro Issues

1. In crafting the narrative, Bendjelloul behaves more like a feature writer than he does an investigative journalist, even though it is clear that there are things worthy of investigation about Rodriguez's royalty payments. Analyze this choice, from the point of role? Is this a case of leaving out important facts to tell a better story?
2. Should the filmmaker have literally lived with his subject to produce this film? Justify your answer using ethical theory. How would you respond if a journalist had done the same thing with an important source?
3. Is the filmmaker using Rodriguez as a means to his ends?

Midrange Issues

1. How hard should the filmmaker have “pushed” to get information about the potentially less seemly parts of Rodriguez's life?
2. Rodriguez says on camera that he is a shy person. Indeed, in his early Detroit career, he often played at a bar called the Sewer with his back to the audience. Does a film like

Macro Issues

1. Based on the above facts and what you can find on the Internet, analyze how Rodriguez's lack of success in the United States might be explained by the concept of popular culture.
2. In today's environment, where musicians often make it on the Web before making it on the road, do you think Rodriguez and his music would find a U.S. audience? Does it matter?
3. Is the documentary film responsible for changing Rodriguez's life? Should the director have been concerned about this potential as he made the film?

CASE 10-B

Bob Costas and Jerry Sandusky: Is Sports Entertainment or Journalism

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Sports journalism functions, in some ways, by its own set of rules. First, it is enormously important to audience members and profitable for all involved. Some studies suggest that about 30 percent of newspaper readers read the sports pages and literally nothing else. Cable television offers packages allowing sports fan to follow their favorite sports (NFL, NBA, and MLB all have multiple channels) and teams—all for a monthly fee. ESPN is among the most watched broadcast offerings and recently both NBC and CBS have launched all-sports networks.

Sports journalists are boosters—of their local high school teams to professional franchises. Objectivity, or even fairness, sometimes takes a back seat to rooting for the locals. And, the money is enormous. The creation of a college football championship series in 2012 was predicted to be so lucrative—projected in excess of half a billion dollars—that it would certainly provide the broadcast networks with a continuing source of revenue in difficult times.

And, that revenue wouldn't hurt the universities with big-time sports programs, either.

Among the schools that were expected to profit was Pennsylvania State University, a 44,000-student university located in College Station, Penn. There, legendary coach Joe Paterno had led the program for more than four decades. He was the winningest coach in college football history. His student-athletes graduated and many went on to play professional football, and his loyalty to Penn State had raised untold dollars not just for the athletic department but for school's academic mission. As he coached well into his seventies and eighties, Paterno's success also was attributable to his staff, including longtime defensive coordinator Jerry Sandusky. Paterno and the Penn State program had been considered models of how college athletics should be run and managed. There had been little to no critical coverage of the program or Paterno and his staff. Local and national sports journalists were onboard with the narrative of Penn State as an example of "best practices" in college athletics.

It all fell apart in the fall of 2011 when Sandusky was accused of and arrested on charges of child molestation. He subsequently was tried and convicted and is now in prison, was accused of child molestation. Sandusky recruited several of his juvenile victims through a charity he established. One of his inducements was access to the Penn State football program and facilities, where, according to both grand jury and court testimony, Sandusky was seen molesting boys.

According to that same testimony and an independent investigation by former FBI director Louis Freeh, Paterno had known of the problem and, instead of confronting it, had urged the university and its officials not to act. The scandal itself was so profound that the university president of 16 years was fired. Congress and many state legislatures considered legislation that would make it a crime to fail to report suspicions of child sexual abuse. The nation began a conversation about the ethical responsibilities of adults who discover that a crime of this sort is being committed yet do nothing to prevent a recurrence.

If there was a single media event that captured the nature of the problem and the depth of the scandal, it was Bob Costas's interview with Sandusky, conducted before his trial. Costas, widely regarded as among the best sports journalists and legendary for his knowledge and preparation, interviewed Sandusky for a total of 36 minutes, about 8 of which were broadcast on the NBC evening magazine news program, "Rock Center with Brian Williams." (You can access part of the interview at deadspin.com/bobcostas by selecting the Nov. 14, 2011 clip. You can also find links to the full interview and transcript there.) During the interview, Sandusky admitted that he "horsed around" with young boys and made other statements that many viewers and critics characterized as creepy. Costas's questions were characterized as tough. He asked Sandusky directly whether he was innocent of the charges. Costas's work was nominated for an Emmy in 2012.

However, the interview—and the network's editing of it—was not without some controversy. NBC and Costas were criticized for omitting the following exchange from the broadcast, an omission that came to light only after prosecutors subpoenaed the outtakes from the interview. Media critics questioned whether Sandusky, in this passage, admits his guilt, even though he had denied it minutes before.

19:00:28:00 But isn't what you're just describing the classic MO of many pedophiles? And that is that they gain the trust of young people, they don't necessarily abuse every young person. There were hundreds, if not thousands of young boys you came into contact with, but there are allegations that at least eight of them were victimized. Many people believe there are more to come. So it's entirely possible that you could've helped young boy A in some way that was not objectionable while horribly taking advantage of young boys B, C, D, and E. Isn't that possible?

JERRY SANDUSKY:

19:01:01:00 Well—you might think that. I don't know. (LAUGHS) In terms of—my relationship with so many, many young people, I would—I would guess that there are many young people who would come forward. Many more young people who would come forward and say that my methods and—and what I had done for them made a very positive impact on their life. And I didn't go around seeking out

every young person for sexual needs that I've helped. There are many that I didn't have—I hardly had any contact with who I have helped in many, many ways.

Micro Issues

1. Should a sports reporter have done this interview or would this have been better left to an investigative journalist?
2. Should local sports reporters be looking for this sort of story in their local markets?
3. Based on what you can access on the Web, did Costas invade Sandusky's privacy? Was such an invasion appropriate?
4. Who else should Costas and other journalists have interviewed?
5. Would you characterize this interview as fair? Link your response to ethical theory.

Midrange Issues

1. Should NBC have aired this interview in prime time when children might well have been watching?
2. Does this interview harm Sandusky's constitutional right to a fair trial? Depending on your answer, does this mean the network should not have attempted it?
3. Evaluate the portion of the interview the network omitted in light of your answer to the previous question.

Macro Issues

1. Is this the sort of reporting that deserves an award? Would a local journalist having done the same interview have received the same nomination?
2. How would you define the role of the sports journalists in your community? Provide an ethical justification for their approach.
3. The foregoing questions have assumed that sports journalism shares much in common with news. If sports journalism is considered entertainment, do the ethical standards change? Should they?

CASE 10-C

Hardly Art

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Hardly Art is an independent record label, a sister label started in 2007 by Sub Pop Records in Seattle. Sub Pop started in 1987 and was among the pioneers of the grunge rock scene, including releasing the first album by Nirvana before the group moved to the major label Geffen/DGC.

Despite its fan popularity, Sub Pop floundered economically. The growing commercial success of alternative music in the 1990s meant that major labels competed with Sub Pop to sign talent. According to a biography of the label on its Web site, the financial woes of Sub Pop were due in part to "unwise spending on

meals and travel" among other line items as they sought to grow the business in an increasingly crowded market. Eventually, financial troubles led Sup Pop to sell 49 percent of its ownership to Warner Bros. Records in exchange for a cash infusion (Sub Pop 2008).

The typical business model used by record labels, both independent and major, is one where the label signs a contract with the artist for a set number of albums, fronts the money and resources for recording, producing, manufacturing, distribution, touring and promotion, and the artist earns royalties from recording sales—all of which pay back the music company for its initial investment (Albini 1993). In Sub Pop's case, sales weren't enough to recoup the initial investment—particularly after the smaller label began competing against larger, better funded labels.

Major labels, on the other hand, are able to recover their investment by keeping artists' royalties small. Often, artists remain indebted, even after modest success. David Hesmondhalgh (1999) describes the logic of the music industry as "towards internationalization, because of the economies which accrue to very big, as opposed to moderate, sales: the costs of development, marketing and recording are high; marginal costs for reproducing each copy are very small." Support from major labels—when it comes at all—has turned into survival of the fittest where the commercialization of music mandates that only those artists who make music that attracts the widest possible audience will be supported by the music industry once signed. This is especially true when artists who have signed into multi-album deals and remain in debt to the label must find a way to fulfill their contractual obligations and make enough money to get out of debt.

The emergence of independent record labels has been a response to a lack of support for smaller, less commercially digestible music. These labels value artistic autonomy for musicians, yet must try to balance this with the need to be financially viable. Whereas profit is not the independent record label's sole motivation, it must still be conscious of not losing money in order to survive as a business.

Sub Pop launched Hardly Art as a sister label with a new business model based on a net profit split of 40–60 between the label and the band as opposed to the system of royalties typically used in the industry. All the costs must first be recouped, but once they are, the band sees a much higher percentage of the profit. Because both parties involved have a vested interest in keeping the costs down, they work together to decide what extra activities such as touring and promotions are worth the extra spending. Instead of multi-album deals that bind the band and the label, they work using a one-off project model, which allows for spontaneous releases by small bands. Sarah Moody, the general manager of Hardly Art, says, "as for why we went with this particular model, a large part of it had to do with being artist-friendly, especially to bands just starting out, and a smaller part had to do with seeing whether or not it would be a financially viable venture."

As of now, with six releases under its belt, Hardly Art is not yet a fully profitable operation, but Moody believes that once the last few months are accounted for, two of their projects will be fully recouped or nearly so. She notes that the first couple of projects carried the additional burden to not being able to share advertising expenses with others increasing their total budget. She sees this expense as

same marketing infrastructure. "There are plenty of other opportunities offered to our bands along the way to help out," Moody says, "whether it's touring, licensing opportunities, and the like . . . so while getting our artists into the black is at the forefront, everyone understands that there has to be a modicum of patience involved."

Micro Issues

1. What are the values that the Sub Pop approach brings to artistic expression? Are any of these values ethical in nature?
2. How important, in an ethical sense, should the freedom to create be to artists? To those who make their work available to others? To music lovers?

Midrange Issues

1. Using the concepts of stakeholder and stockholder theory from the media economics chapter, analyze the ethical implications of the Sub Pop approach.
2. Evaluate whether and to what extent independent music, films, etc., have to consider the dictates of popular culture in their efforts.
3. What is independent music? Is it simply entertainment? Long-lasting art? Business? A blend of the three? How are your answers—in an ethical sense—changed by the way you define "indy" efforts?

Macro Issues

1. Might ownership and profit-sharing structures like this be workable in other areas of the mass media, for example in the creation of advertising or public relations agencies or news organizations? Would you be willing to work for an organization with this sort of business model?
2. Evaluate the ethical claims in the following statement by Moody: "I'd like to think that another goal of the label is to create an environment in which the artists feel comfortable and informed, and feel as though they could make a career of it—as opposed to slinging out random records left and right in an attempt to turn a profit. We view it as much more of a partnership with our bands."

CASE 10-D

Schindler's List: The Role of Memory

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In 1982 director Steven Spielberg purchased the rights to Australian novelist Thomas Keneally's retelling of the story of the "Schindler Jews," a group of about 1,100 Krakow, Poland, residents who survived the Holocaust because Czech businessman Oskar Schindler was willing to cajole, bribe and bully the Nazis for their lives. Today, Schindler, a Roman Catholic by birth, is known in Israel as a "righteous person"; he is the only Nazi buried in Jerusalem's Mount Zion cemetery.

By 1992 when Spielberg began work on the film, both he and the world had changed. Bosnia was in the midst of "ethnic cleansing," as were nations in Africa and in the Far East, such as Nepal. Some polls indicated that more than half of the U.S. teenagers living in that decade had never heard of the Holocaust; about 23 percent of the U.S. public at the time maintained the gassing of 6 million Jews plus 5 million other "undesirables" in Germany and its occupied territories never happened.

"I think the main reason I wanted to make this film was as an act of remembrance," Spielberg told the film editor of the *Atlanta Journal-Constitution*. "An act of remembrance for the public record. Maybe it won't be seen by millions of people who see my other movies, but it might be the kind of movie shown one day in high schools. I also wanted to leave this story for my children. I wanted to leave them a legacy of their Jewish culture."

What Americans, as well as Spielberg's children, will see is a 3-hour-and-15-minute examination of the conscience of Oskar Schindler, who entered World War II on the side of the Nazis, intending to make a profit. He hires Jews to work in his enamelware factory because they work for less than slave wages. Initially, he befriends the Nazis and the SS to help expedite his purchase and takeover of the plant. Later, after the Nazis have first ghettoized and then attempted to exterminate the Jewish population of Krakow, Schindler uses his personal charm, his connections and most of his war-amassed wealth to have "his" Jewish workers first labeled as essential to the German war machine and later moved from Germany and into Czechoslovakia for safekeeping. None of the bombs manufactured at Schindler's plant ever exploded.

Spielberg shot the film in black and white on location in Poland. Much of the movie has a documentary feel; cinematography is at eye level. It was often Spielberg himself who focused the handheld camera. Hitler appears only once—in a photograph on someone's desk. And, by centering on Schindler, Spielberg captured the conscience of an uneasy hero.

As Keneally's book indicates, Oskar Schindler was a complex man. He managed to maintain outward friendships with many Nazis whom he despised. He was a sensualist who enjoyed good food, expensive possessions and carnal knowledge of women who were not his wife. Spielberg's film, which was rated "R," depicted all of this, including scenes of lovemaking that involved full, frontal nudity and more distant shots of concentration camp existence in which Jewish inmates were required to run naked in front of their guards to determine who remained well enough to work and who was sick enough to be murdered.

Perhaps the most disturbing element of the film was Spielberg's portrait of the violence embedded in Hitler's "final solution" and of the banality of evil (Hannah Arendt's phrase used to describe convicted war criminal Adolph Eichmann) that individual human beings can come to represent. That sundered humanity is symbolized by Amon Goeth (played by Ralph Fiennes), the amoral and, some have suggested, sociopathic commandant of the labor camp from which many of the people who worked for Schindler survived. Whether it is the Nazis hunting the Jews who remain in hiding in the Krakow ghetto or Goeth's

random murder of the men and women who lived in his camp as before-break sport, the violence in the film is devastating not just for its brutality but also for its casualness.

When Spielberg's mother told him making "*Schindler's List* would be good for the Jews," Spielberg responded that "it would be good for all of us."

Critics, who had a difficult time accepting that the same man who directed *Jurassic Park* could also produce *Schindler's List* in the same year, praised the film for its aesthetic qualities and for its retelling of the story of the Holocaust in such a powerful fashion. The film also brought Spielberg multiple Oscars, an award that had eluded him despite his enormous popular success. After the film's release, President Bill Clinton said that every American should see it.

Writing in the *Washington Post*, Rita Kempley saw more than a superficial resemblance between Schindler and Spielberg. "And Schindler, played with élan by [Liam] Neeson, is really a lot like Spielberg himself," she wrote, "a man who manages to use his commercial clout to achieve a moral end."

Micro Issues

1. Should a film like *Schindler's List* receive the same "R" rating as films such as *Road Trip*?
2. What is the appropriate role of a film critic for films such as *Schindler's List*? Should different standards be used to evaluate this film than some other Spielberg successes, such as *E.T.* or *Jaws*?
3. Would you allow a child under 17 to see this film?

Midrange Issues

1. Should news accounts focus on events such as the ethnic cleansing in Bosnia with the goal of changing public opinion?
2. Are docudramas that focus on social issues such as spouse abuse or child molestation the appropriate mechanism to engage the public in debate or discussion about such serious questions?
3. Some people have argued that certain historical events, such as the Holocaust or the recent genocide in Rwanda, should never be the subject of entertainment programming because entertainment can never capture the true horror of what has happened. How would you evaluate such an assertion?

Macro Issues

1. Compare the moral development of Oskar Schindler with that of the main characters in a film such as *Gandhi*.
2. John Dewey wrote about "funded memory," by which he meant how a culture remembers and reconstructs its own history. What is the role of entertainment programming in funded memory? What should be the role of news programming in such cultural constructions?
3. Tolstoy argues that good art communicates the feelings of the artist to the masses in such a way that others may experience the same feeling as the artist. How does this film accomplish that purpose?

CASE 10-E

Tom Cruise, Katie Holmes and Suri Cruise: Do Celebrities Have Privacy?

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One definition of celebrity reads as follows: People who are famous for being famous. Tom Cruise, one of the most popular actors of the late 20th and early 21st century, may well fit this definition. Although his body of work in film has won some critical acclaim as well as enormous box office success, his real life is followed just as keenly, if not more so, including his multiple marriages.

When Cruise was first dating his now ex-wife Katie Holmes, also an actress, he announced his affection by jumping up and down on the interview couch live on Oprah Winfrey's television show. Holmes and Cruise were often photographed in public; they were relentlessly pursued by photographers known as paparazzi. When their child, Suri, was born, there were no photographs, a consistent stand for Cruise who, with ex-wife Nicole Kidman, did not allow either of their adopted children to be photographed until the younger one was about 2 years old.

In early 2012, Cruise and Holmes divorced, a split that was reported publicly in multiple media outlets. Both Cruise and Holmes were interviewed and photographed, particularly in the summer of 2012 when both parents individually took their daughter on outings to tourist destinations in New York and to Disney World in Florida. You can find many photographs of Cruise, Holmes and Suri Cruise through a casual Internet search.

Micro Issues

1. Some theorists suggest that celebrity, because its oxygen is publicity, should not be subject to the same ethical standards regarding privacy and other sorts of individuals. Analyze this argument, using ethical theory to support various approaches.
2. Was it appropriate for media outlets to publish photos of Cruise and Holmes during this time? Of Suri?
3. Are the details of the Cruise–Holmes divorce ethically distinct from the fact that the marriage has ended? Justify your answers in terms of ethical theory.

Midrange Issues

1. How should Cruise's or Holmes's character influence media coverage of them as individuals, particularly their private lives?
2. Is there something more invasive about photographing Suri than photographing her parents? Is a photograph necessary for a journalistic purpose?
3. Should there be different standards for the tabloid press such as "TMZ" or Gawker than for more mainstream media? If there are different standards, what are they?
4. How do you account for the difference in the tabloid press in Tom Cruise and the equally or more accomplished Tom Hanks? Does the individual play a role in his or her privacy?

Macro Issues

1. How does your reasoning apply to the coverage of Michael Jackson's death, particularly his drug use and the charges—none of which were proved in court—of child molestation? Does the same reasoning apply to public officials, for example, diplomats, athletes or elected officials?
2. Photographs of celebrities increase magazine sales and Web hits. Do you think these financial incentives outweigh ethical concerns in the coverage of celebrities? Should they?
3. How does the concept of celebrity relate to the concept of popular and elite art? Critique your analysis from the point of role—of journalists, strategic communication professionals, of artists themselves.
4. How do you think Kant would analyze the concept of celebrity? Our response to celebrities?

CASE 10-F

Hate Radio: The Outer Limits of Tasteful Broadcasting

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Trevor Van Lansing has what some would call the greatest job in the world. He is employed by KRFP-AM, an all-talk-format radio station in a large city in the West. His program airs weekdays from 3:00 p.m. to 7:00 p.m., and he is currently rated number one in his afternoon drive-time slot. Van Lansing is, quite simply, the most popular radio personality in the market. He is also the most controversial.

Each afternoon Van Lansing introduces a general topic for discussion and then fields calls from listeners about the topic. However, Lansing's topics (and the calls from his listeners) revolve around a recurring theme: the world as viewed by a Caucasian, Anglo-Saxon Protestant who also happens to be vocal, uncompromising and close-minded.

A sampling of his recent programs typifies his show. On Monday, Van Lansing discusses a woman in a small Indiana town who quits her job in a convenience store to go on welfare because there is more money to be made on the federal dole than in the private sector. Says Van Lansing, "All these irresponsible whores are the same. They get knocked up by some construction worker, then expect the taxpayers to pay for them to sit around the house all day and watch Oprah Winfrey."

Callers flood the airwaves with equally combative remarks in support of and opposition to Van Lansing's comments. On Tuesday, the topic of racial discrimination (always a Van Lansing favorite) comes up. According to Van Lansing, "Those Africans expect us Americans to make up for two hundred years of past mistakes. Forget it. It can't be done. If they are so keen on America, let them compete against Caucasians on an equal basis without the 'civil rights crutch.'"

When one African-American caller challenges Van Lansing's thinking, the host responds, "Why don't you tell your buddies to work for what they get like us

Caucasians? All you do anyway is steal from the guys you don't like and then take their women."

Wednesday finds Van Lansing lashing out against education: "The problem with today's schools is that our kids are exposed to weird thinking. I mean, we tell our kids that homosexuality is okay, that we evolved from a chimp, and that the Ruskies are our friends. It all started when we elected women to school boards and started letting fags into the classroom. It's disgusting."

Thursday features an exchange between Van Lansing and an abortion-rights activist. At one point they are both shouting at the same time, and the airwaves are peppered with obscenities and personal attacks. By comparison, Friday is calm, as only a few irate Jews, women, and Mormons bother to call in.

Critics have called Van Lansing's program offensive, tasteless, rude, racist, obscene and insensitive. Supporters refer to the program as enlightening, refreshing, educational and provocative. The only thing everyone can agree on is that the show is a bona fide moneymaker. Van Lansing's general manager notes that the station's ratings jumped radically when he was hired, and that advertising revenues have tripled.

In fact, Van Lansing's popularity has spawned promotional appearances, T-shirts, bumper stickers and other paraphernalia, all designed to hawk the station. "Sure, Trevor is controversial, but in this business that's good," says KRFP's general manager.

"Van Lansing is so good that he will make more money this year than the president of the United States. Besides, it's just a gimmick."

Does Van Lansing see a problem with the content and style of his program? "Look," he says, "radio is a business. You have to give the audience what they want. All I do is give them what they want. If they wanted a kinder, gentler attitude, I would give it to them." He continues, "Don't get mad at me. Thank God we live in a country where guys like me can express an opinion. The people who listen to me like to hear it straight sometimes, and that's what the First Amendment is about, right?"

Finally, Van Lansing points out that if people are really offended by him, they can always turn the dial. "I don't force these people to listen," he pleads. "If they don't like it, let them go somewhere else."

Others disagree. The National Coalition for the Understanding of Alternative Lifestyles, a gay- and lesbian-rights group, calls Van Lansing's show "reprehensible." "Trevor Van Lansing is hiding behind the First Amendment. What he says on the air isn't speech; it's hate, pure and simple," says the group's director. "His program goes well beyond what our founders intended."

Adds a representative of the National Organization for Women: "Van Lansing is perpetuating several dangerous stereotypes that are destructive, sick and offensive. Entertainment must have some boundaries."

Micro Issues

1. Would you be offended by Van Lansing's program? If so, why?
2. Would Van Lansing's program be less offensive if the station aired another talk show immediately after his that featured a host holding opposite views?

Midrange Issues

1. Who should accept responsibility for monitoring this type of program? Van Lansing? The radio station, KRFP? The FCC? The courts? The audience?
2. What, if any, are the differences between Van Lansing's *legal* right to do what he does and the *ethical* implications of what he does?
3. Legal scholar Mari Matsuda (1989) has called for a narrow legal restriction of racist speech. She notes, "The places where the law does not go to redress harm have tended to be the places where women, children, people of color, and poor people live" (11). She argues that a content-based restriction of racist speech is more protective of civil liberties than other tests that have been traditionally applied. Could such an argument be applied to entertainment programming?
4. In the current American media landscape, talk radio is supposedly the stronghold of the right while the majority of major daily newspapers are supposedly controlled by the left. Does the evidence validate this widely held assumption? Is democracy well served by this arrangement of entire media systems leaning to one side of the political spectrum?

Macro Issues

1. Are entertainers relieved of ethical responsibilities if they are "just giving the audience what they want"? Do Van Lansing's high ratings validate his behavior, since many people are obviously in agreement with him?
2. How does Van Lansing's narrow view of the world differ from a television situation comedy that stereotypes blondes as dumb, blue-collar workers as bigoted, etc.?
3. Van Lansing says that it's great that a guy like him can have a radio show. Is tolerance one of the measures of a democracy? If so, are there limits to tolerance, and who draws those lines?
4. Supreme Court Justice William O. Douglas has said, "If we are to have freedom of mind in America, we must produce a generation of men and women who will make tolerance for all ideas a symbol of virtue." How should democratic societies cope with unpopular points of view, particularly as expressed through the mass media?

CASE 10-G

Crowdsourcing a Book: John Lehrer, Bob Dylan and Nonfiction Truth

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When Jonah Lehrer resigned from *The New Yorker* in July of 2012, he was the latest young journalist on a professional fast track who had admitted to or was accused of some of journalism's greatest sins: plagiarism, fabrication of quotes and recycling of old material as new. Lehrer's resignation came on the same day that an article in *The Tablet*, a magazine and online site that promises "a new read on Jewish life" written by Michael Moynihan, accused him of fabrication of quotes in his third book, *Imagine: How Creativity Works*.

The Tablet piece was the most consequential of a series of events began a month earlier in June of 2012, Lehrer's first day on the staff of *The New Yorker*. Previously, Lehrer worked as a blogger at *Wired* magazine (a position he still holds)

and as a contributor to NPR, primarily focusing on science journalism. His journalistic reputation was enhanced by the strong reviews of his two previous nonfiction books, *How We Decide* and *Proust Was a Neuroscientist*.

In a June 12, 2012, post, media blogger Jim Romenesko noted that Lehrer's blog for *The New Yorker*, titled "Why Smart People Are Stupid," actually included material recycled from a Lehrer post for the October 2012 *Wall Street Journal*. Within a few hours, *New York Magazine's* Daily Intel blog had found other instances of self-duplication from Lehrer's writing for *Wired*, the *New York Times Magazine*, and other publications. *The New Yorker* allowed Lehrer to remain on staff. The question of repurposing one's own material was a troubling one, but apparently not professionally fatal.

However, questions by Moynihan cut more deeply. Moynihan, a self-described Bob Dylan fanatic who was also reading Lehrer's *Imagine*, became more than curious about the Dylan quotes that introduced the book. Lehrer quoted Dylan as saying of the creative process: "It's a hard thing to describe. It's just this sense that you've got something to say."

But, Moynihan knew of no such Dylan quote; further investigation could find no corroboration. This was troubling, because everything Dylan has said for publication is available online, and the artist himself is notoriously reluctant to grant additional interviews or to provide explanations for his personal creative process. Moynihan then e-mailed Lehrer, asking him where to find the quotations. About three weeks of increasingly vague explanations followed, all of which Moynihan detailed in his story, which concluded that Lehrer had fabricated the quotes. When Moynihan posted his story, Lehrer knew he would have to provide an explanation not to just to his readers but also to his employers.

The lies are over now. I understand the gravity of my position. I want to apologize to everyone I have let down, especially my editors and readers. I also owe a sincere apology to Mr. Moynihan. I will do my best to correct the record and ensure that my misquotations and mistakes are fixed. I have resigned my position as staff writer at *The New Yorker*.

New Yorker editor David Remnick said: "This is a terrifically sad situation, but, in the end, what is most important is the integrity of what we publish and what we stand for."

Barnes & Noble, Inc. took *Imagine* out of its inventory and Lehrer's publisher, Houghton Mifflin Harcourt, halted shipments of the book and pulled the e-book off the market.

Micro Issues

1. The deceptions of Jonah Lehrer were unearthed by a minor publication and Web site. Why do you think that larger, more mainstream outlets did not discover and advance the story in June and July of 2012?
2. Is Lehrer's religious orientation a factor in www.tabletmag.com pursuing the story? Is his religion relevant to the story?
3. Lehrer was 31 at the time of the scandal. One of his defenders suggested that these were

Midrange Issues

1. Five of the blogs that were self-plagiarized are still on *The New Yorker* Web site along with an editorial note that the work had been published elsewhere and providing readers with information on how to find the passages. Should *The New Yorker* have simply deleted the posts?
2. One of the things the Internet has promoted is the development of a "personal brand." How does Lehrer's career reflect this "individual branding" strategy? What are the foreseeable ethical problems for journalists who attempt to create their own brands? For the media outlets that employ them?

Macro Issues

1. Is there a difference in Lehrer passing off his old work as new and passing off someone else's writing as his own?
2. By taking *Imagine* (called a "runaway best seller" by the *New York Times*) off the market, Barnes & Noble is denying the public a chance to read a book on creativity that got some solid reviews in major publications. Should B&N allow its patrons to make their own judgment?
3. Can all journalists now expect to be "crowdsourced" in the way that Lehrer was? What are the potential implications of crowdsourcing for these purposes? How much impact should crowdsourcing have on specific journalistic projects? Are there limits to crowdsourcing?