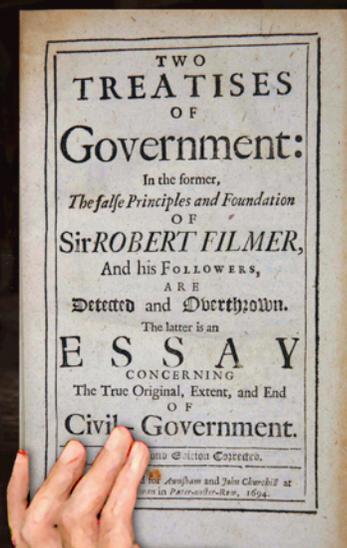


the story of **ETHICS**

How the media got moral, or not
THE ETHICS OF PRIVACY

In which we learn
the value of keeping
your secret identity
a secret... at least
from the media.



WHY DO WE VALUE PRIVACY?

1. THE ABILITY TO MAINTAIN THE CONFIDENTIALITY OF PERSONAL INFORMATION IS THE HALLMARK OF AN AUTONOMOUS INDIVIDUAL.

- Others are simply not entitled to know everything about us.

WE ARE.



2. PRIVACY CAN PROTECT US FROM SCORN AND RIDICULE BY OTHERS.

I GET THAT A LOT.



3. THE MORE OTHERS REALLY KNOW ABOUT US, THE LESS POWERFUL WE BECOME IN CONTROLLING OUR DESTINY.

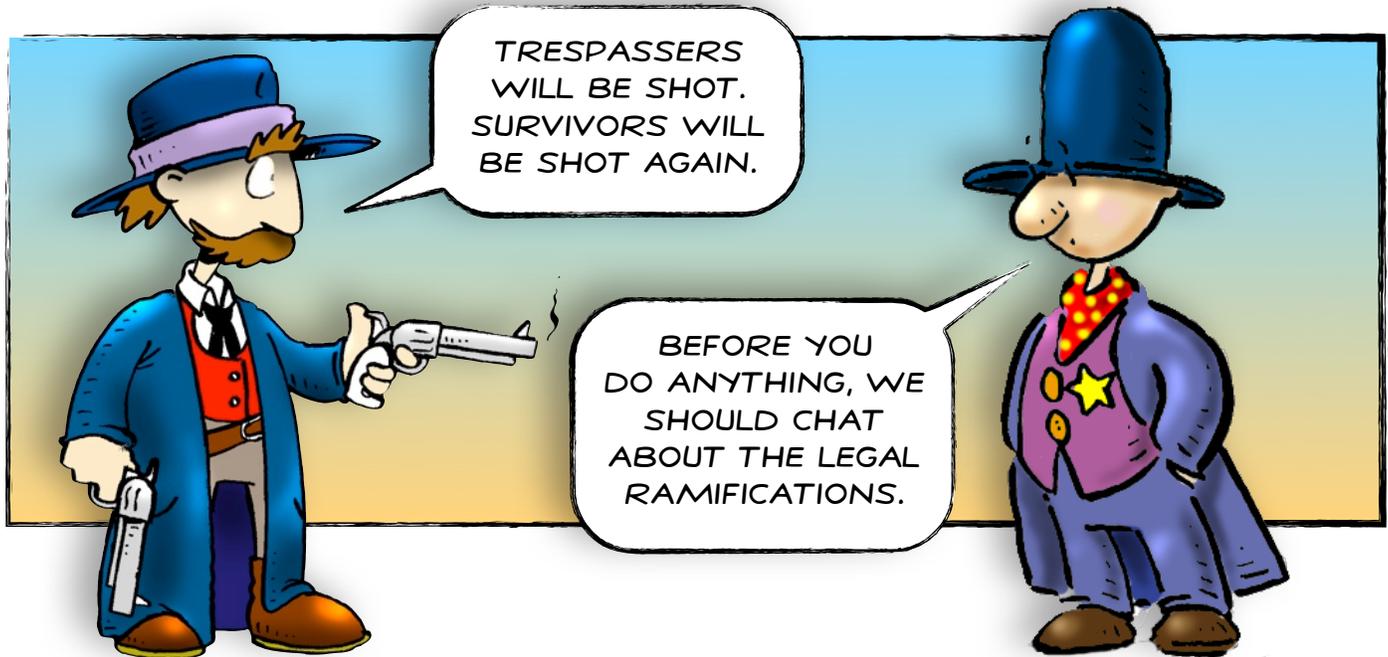
NOW I CONTROL YOUR DESTINY.

COOL! TAKE ME TO DISNEYLAND.



4. PRIVACY, IN THE SENSE OF BEING LEFT ALONE, IS VALUABLE IN KEEPING OTHERS AT A DISTANCE AND REGULATING THE DEGREE OF SOCIAL INTERACTION WE HAVE.

- Our laws against trespassing reflect this concern.



PRIVACY AND THE LAW

UNTIL THE TURN OF THE 20TH CENTURY THERE WAS NO LEGAL RIGHT TO PRIVACY IN THE U.S.

- In the last 100 years, the right to privacy has gradually developed into four separate and distinct areas, or torts.

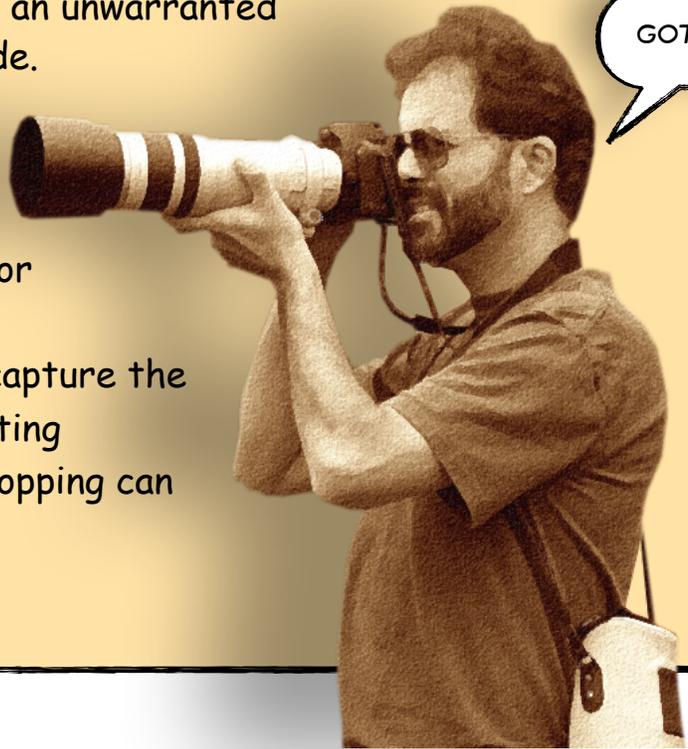


This is a *tart*: a small pie-like pastry. A *tort* is a legal term dealing with infringement of rights.



INTRUSION

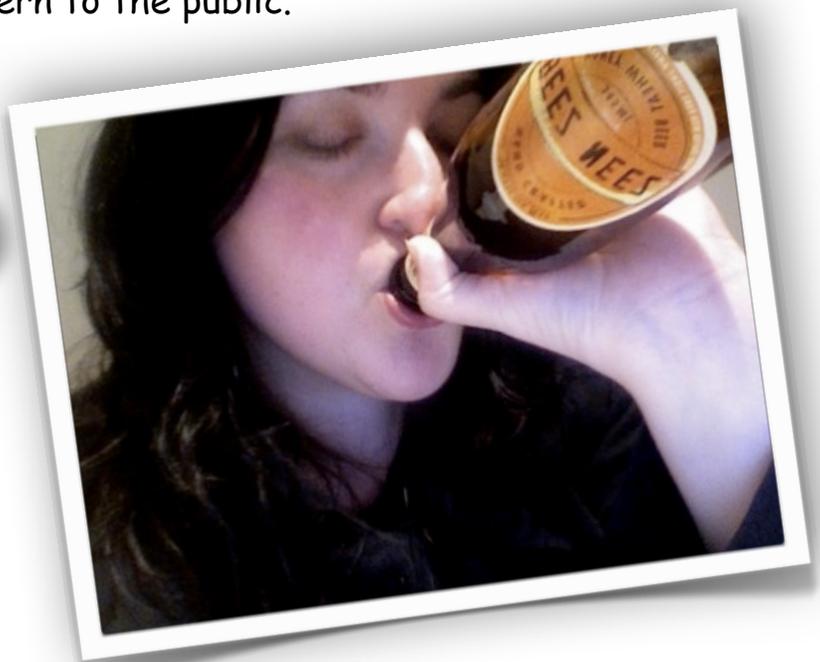
- what many people think of when the subject of invasion of privacy arises.
- The media can be held liable for an unwarranted violation of one's physical solitude.
- A journalist who enters a private home uninvited, even at the invitation of law enforcement authorities, may be sued for intrusion.
- The use of telephoto lenses to capture the private moments of unsuspecting subjects and electronic eavesdropping can also pose legal problems.



PUBLICITY OF EMBARRASSING PRIVATE FACTS

- The media can be held liable for publicizing embarrassing revelations about someone if the information
 - would be highly offensive to a reasonable person and
 - is not of legitimate concern to the public.

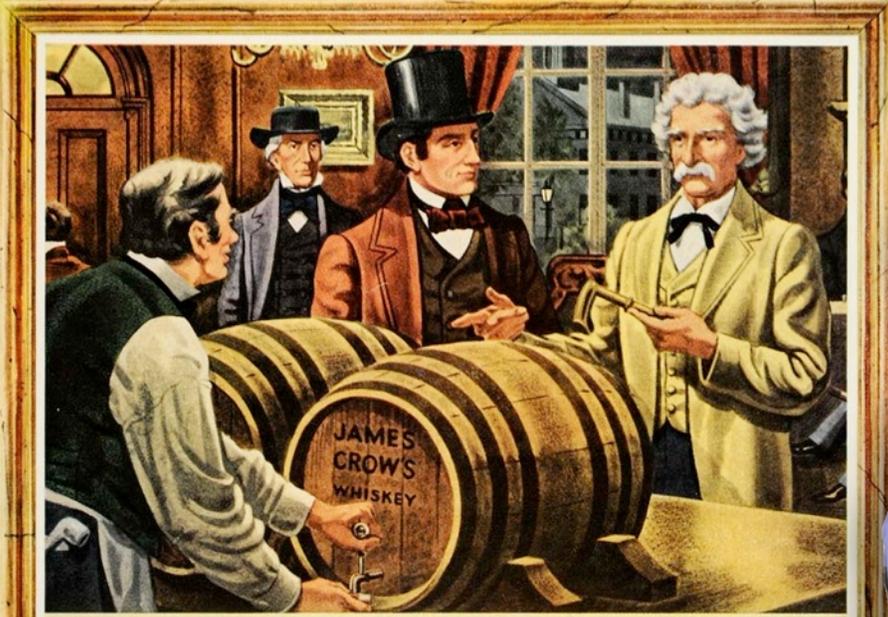
YOUR PHOTO ON FACEBOOK IS NOT AN INFRACTION OF THIS LAW... ESPECIALLY IF YOU POSTED IT.



APPROPRIATION

THE OLDEST OF THE FOUR TYPES OF INVASION OF PRIVACY

- consists of the use of a person's name, picture, or likeness without that person's permission, usually for commercial exploitation.



MARK TWAIN ASKS, "LOU, WHICH BARREL ARE WE USING NOW?"

The famous humorist queries the bartender at Klapproth's Tavern in Elmira, New York, about the current supply of his favorite bourbon, Old Crow.



LIGHT · MILD · 86 PROOF

OLD CROW

America's Favorite Bourbon

Since Old Crow was first produced in Kentucky's Blue Grass country over a century ago, it has become an American institution. Today, it is by far the nation's favorite straight bourbon. At a slight extra cost, 86 Proof Old Crow combines magnificent old-fashioned bourbon flavor with modern mildness and lightness.

"The Greatest Name in Bourbon"



THE OLD CROW DISTILLERY CO., FRANKFORT, KY., DISTRIBUTED BY NATIONAL DISTILLERS PRODUCTS CO.

I'M PRETTY SURE I NEVER SAID THAT.



HOWEVER, NEWS COVERAGE IS NOT CONSIDERED A TRADE PURPOSE, AND THOSE WHO ARE FEATURED IN NEWS STORIES CANNOT COLLECT DAMAGES FOR APPROPRIATION.

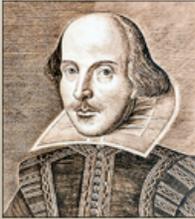
Truth is the most valuable thing we have. Let us economize it.—Mark Twain

SPRING 2006 REGIONAL 50¢

Principles of Communication Ethics

Dead author complains over misappropriation of his image to sell liquor

Oh, go look at the syllabus. This copy is just here to fill design space. This course is an exploration of ethical theories and issues related to the mass media and other relevant forms of mass communication. The objective is to become familiar with various



Distinguished, and also dead, writer to give his opinion on Twain controversy

forms of communication: politics, mass media, advertising, the internet. The course will focus on ethical theory, research, and application and how a knowledge of language and critical thinking can make us better communicators as well as consumers of communication.

Great good and great evil come from the use people make of the media of social communication. Although it typically is said—and we often shall say here—that “media” do this or that, these are not blind forces of nature beyond human control. For even though acts of communicating offend/bareness unintended consequences, nevertheless people choose whether to use the media for good or evil ends, in a good or evil way. These choices, central to the ethical question, are made not only by those who receive communication — viewers, listeners, readers—but especially by those who control the instruments of social communication

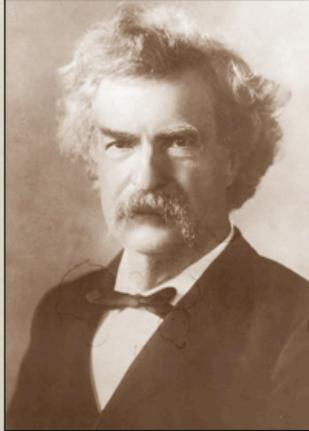
F—Reveals you really have no clue what is going on, or are so carelessly inattentive to matters of style as to write an incomprehensible response.

D—Reveals less than adequate understanding of theory, concept, or other relevant information. Answer may also misapply concept, use an inappropriate or weak example in attempting to clarify an explanation, or may ramble on in the hope that something will eventually hit the intended target. Answer also may be more or less on target, but carelessly or sloppily written/proved.

C—Provides an on-target recitation of the correct material from the text or other sources being consulted. Answer meets the basic expectations with respect to number of outside sources, or other conditions of a specific assignment. The writing, if comprehensible, is

Great good and great evil come from the use people make of the media of social communication. Although it typically is said—and we often shall say here—that “media” do this or that, these are not blind forces of nature beyond human control. For even though acts of communicating often do have unintended consequences, nevertheless people choose whether to use the media for good or evil ends, in a good or evil way. These choices, central to the ethical question, are made not only by those who receive communication — viewers, listeners, readers—but especially by those who control the instruments of social communication and determine their structures, policies, and content. They include public officials and corporate executives, members of governing boards, owners, publishers and station managers, editors, news directors, producers, writers, correspondents, and others. For them, the ethical question is particularly acute: Are the media being used for good or evil?

The impact of social communication can hardly be exaggerated. Here people come into contact with other people and with events, from their opinions and values. Not only do they transmit and receive information and ideas through these instruments but often they experience



I don't care much for whiskey, actually, especially now that I'm dead—Mark Twain

Dead people seen walking on Eugene mall

ALBA, Iowa, Nov. 8— Former President Bill Clinton said Thursday that he should receive more blame than his wife for the failed attempt to revamp the nation's health care system more than a decade ago.

Ozier Muhammad/The New York Times Barack Obama said in Iowa that Hillary Rodham Clinton must take some blame on health care—Multimedia Audio From the Trail: Barack Obama Answers Questions in Iowa (mp3) | EThe QuaxusThe latest political news from around the nation. Join the discussion. “You know how much she cares about this,” Mr. Clinton told an audience in Glenwood, Iowa, according to an account on MSNBC. “She has taken the rap for some of the problems we had with health care the last time that were far more my fault than hers.”

In her Democratic presidential bid, Senator Hillary Rodham Clinton of New York has placed health



THIS IS WHAT HAPPENS WHEN WE THINK ABOUT PRIVACY AS ONLY A **LEGAL** CONCERN.

WHAT WE NEED IS TO ALSO THINK ABOUT PRIVACY AS AN **ETHICAL** CONCERN.

THE NEED FOR AN ETHICS OF PRIVACY

- Legal principles are not a worthy foundation for making ethical judgments concerning the lives of others.
- The courts have gone out of their way to ensure a minimum of interference with reporting and news-gathering.

SO, WHAT'S THE PROBLEM?

1. The law of privacy has virtually stripped away protection from public officials and public figures.

The fact that they have chosen to inject themselves into the public arena suggests a willingness to undergo rigorous scrutiny and to suffer the consequences of embarrassing revelations.



- From a legal standpoint, the argument has some merit:
- From an ethical perspective, it is suspect.

PUBLIC FIGURES MUST EXPECT SOME FALLOUT FROM THE GLARE OF PUBLICITY, AND THEIR "ZONE OF PRIVACY" IS NARROWER THAN THAT OF THE AVERAGE CITIZEN.

- But this is not to say that they must sacrifice all privacy and relinquish all autonomy over their personal affairs.

Unless, of course, they actually do relinquish all their privacy on purpose...



FROM THE STANDPOINT OF ETHICS A KEY QUESTION SHOULD BE TO WHAT EXTENT THE PUBLIC INFORMATION RELATES TO THE INDIVIDUAL'S PUBLIC PERFORMANCE OR IMAGE.

YES YOU DID.

Of course, incessant media coverage of a public official can end up interfering with his or her job. Then, whose fault is it?

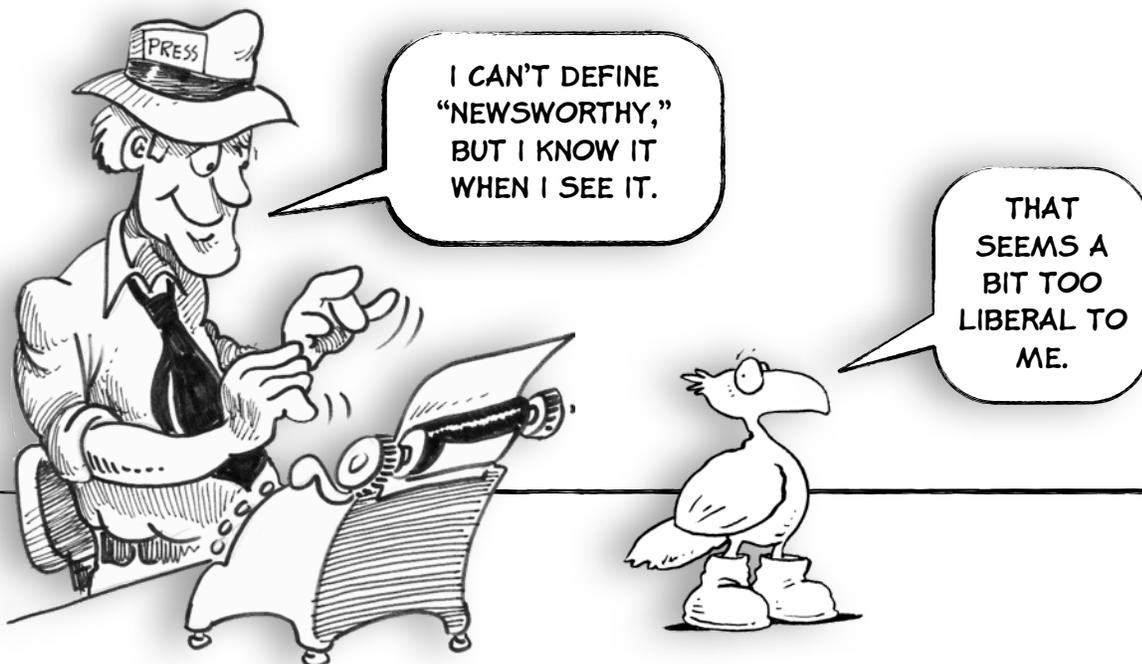
"I DID NOT HAVE SEXUAL RELATIONS WITH THAT WOMAN."



I don't know about you, but his cover looks Photoshopped to me.

2. The second reason why an ethics of privacy is needed revolves around one of the primary legal defenses for the publishing of embarrassing private information: **newsworthiness**.

The courts have taken a very liberal approach in allowing the media to define what they consider to be news or matters of public interest.



BUT FROM AN ETHICAL STANDPOINT MORE PRECISE CRITERIA ARE NEEDED TO DEFINE "NEWSWORTHINESS."

More attention should be paid to what the public needs to know rather than merely to what it has a curiosity about.

An ethics of privacy should be concerned with the real public interest value of information rather than how much appeal to mere curiosity can be tolerated under the law.



NOW,
THAT MAKES
MORE SENSE.

3. The law of privacy has accorded substantial latitude for news-gathering in public places.

THE GENERAL RULE IS THAT ANYTHING THAT TAKES PLACE IN PUBLIC VIEW CAN BE REPORTED ON.



IT AIN'T
PRIVATE IF I
CAN SEE IT.



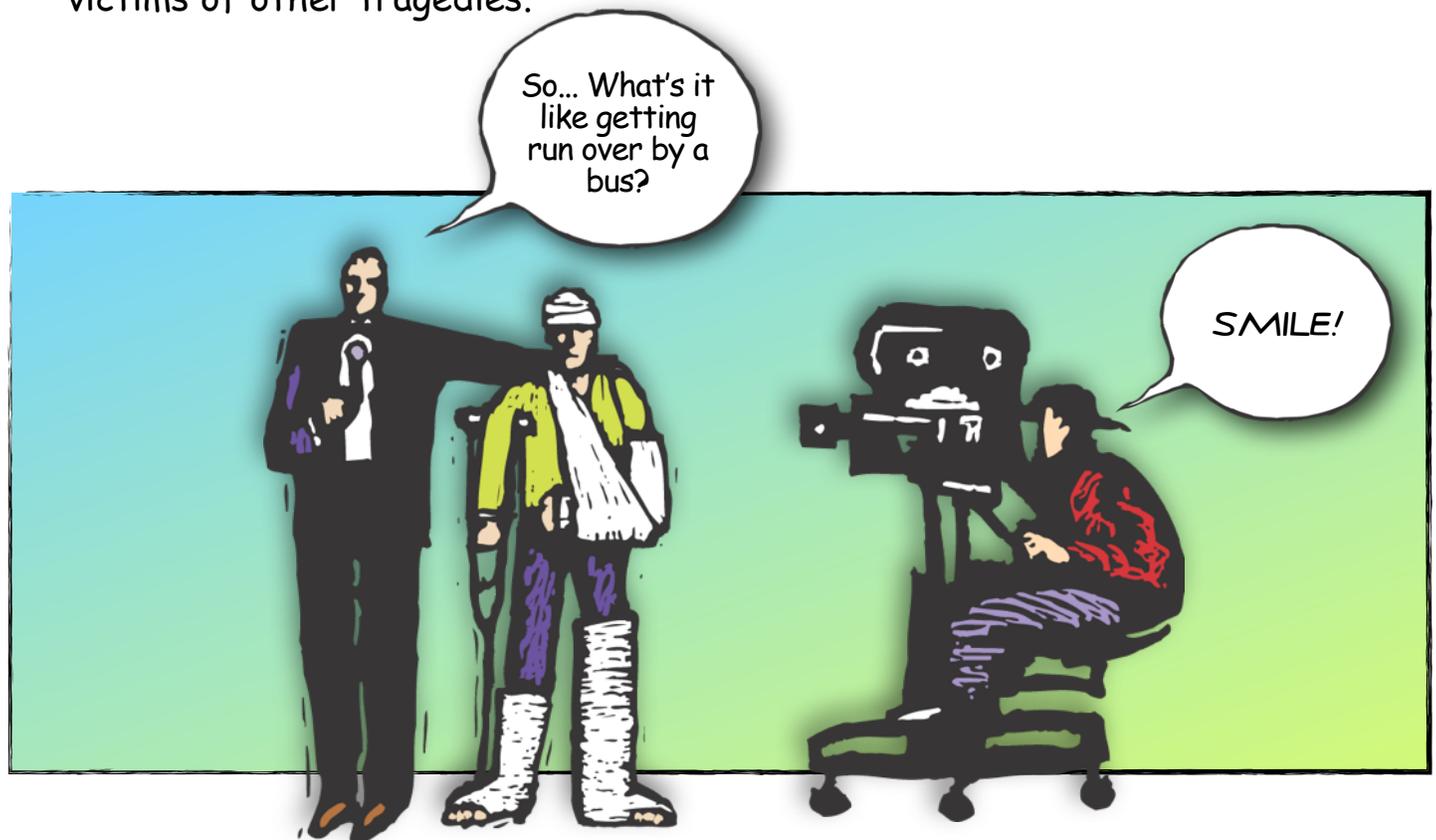
THAT
DOESN'T
SOUND
RIGHT.

- The idea is that activities that transpire in public are, by definition, not private.
 - But even in public we sometimes covet some degree of solitude.
 - A sense of ethics would suggest that media people obtain permission from people they photograph in public, for two reasons:
 - common decency requires permission before intruding into a private moment, and
 - minor inconvenience to some may be acute embarrassment for others



There are also times when good taste and simple compassion for the victims of unfortunate circumstances require a heightened degree of moral sensitivity on the part of media practitioners.

- This is particularly true in situations involving accident victims or victims of other tragedies.



JOURNALISTIC GUIDELINES

AT LEAST THREE MORAL VALUES SHOULD PROVIDE THE FOUNDATION FOR AN ETHICS OF PRIVACY FOR MEDIA PRACTITIONERS.

Self-respect for persons as an end in itself.

- As autonomous individuals we are all entitled to a certain amount of dignity, which should not be arbitrarily compromised for the sake of some slogan such as "the people's right to know."
- When invasions of privacy are inevitable, as when someone involuntarily becomes a subject of public interest, the goal should be to minimize the harm.

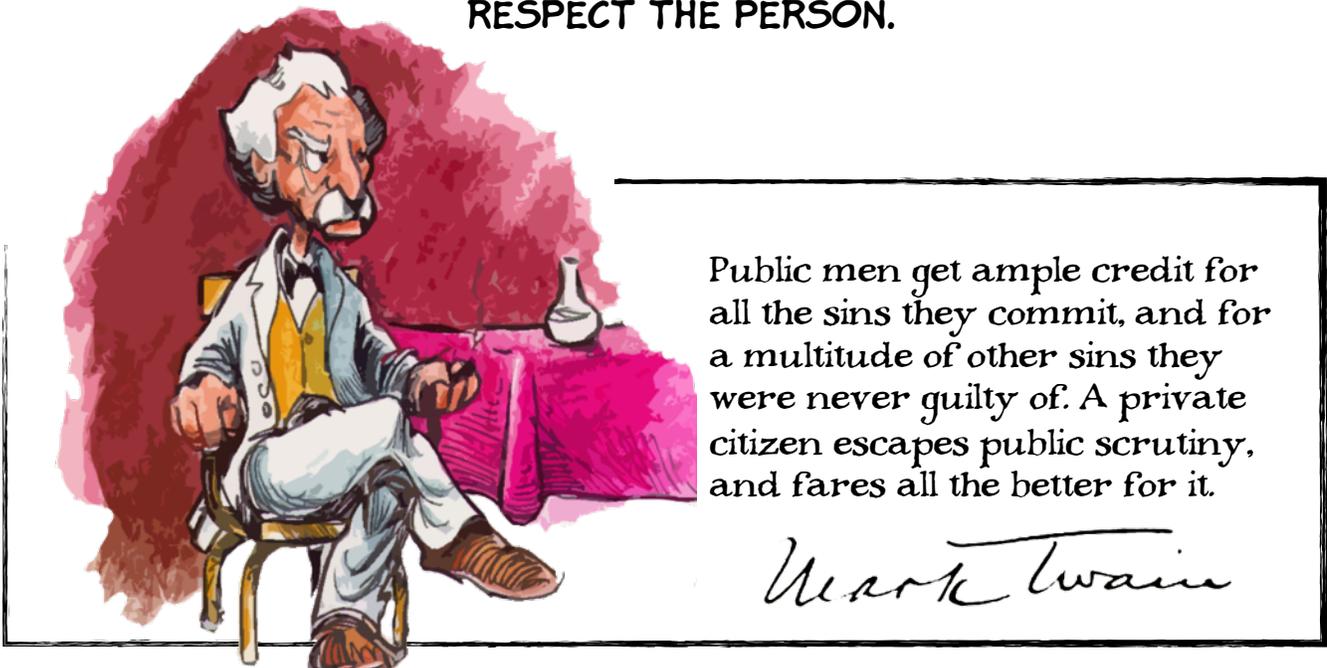
Social utility.

- The moral agent must decide what information is essential or at least useful to the audience in understanding the message being communicated.
- This principle eliminates appeals to sensationalism, morbid curiosity, ridicule, and voyeurism as a justification for invasion of privacy.

Justice

- Moral agents are obliged to render judgments based on how much privacy their subjects really deserve under the circumstances.
- Public officials who are accused of violating their oath of office would, under most circumstances, deserve less privacy than victims of human tragedy.
- Certainly, the degree of "voluntariness," or purposeful behavior, is a consideration in deciding what kind of treatment an actor really deserves.

IN SHORT: IF YOU RESPECT A PERSON'S PRIVACY, YOU ALSO RESPECT THE PERSON.



Public men get ample credit for all the sins they commit, and for a multitude of other sins they were never guilty of. A private citizen escapes public scrutiny, and fares all the better for it.

Mark Twain