Conflicted Interests, Contested Terrain: Journalism Ethics Codes Then and Now

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Conflicted Interests, Contested Terrain:
Journalism Ethics Codes Then and Now.

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Abstract
By analyzing ethics codes, a professional statement of what constitutes good work, this essay links codes to a theory of culture and history. It considers two early journalism ethics codes and assesses the latest New York Times code in the light of philosophical theory. The paper suggests that professional tensions outlined in Good Work are reified in the Times code—and that history and culture may be less supportive of a positive outcome of this struggle over values than the insights of psychology might suggest.

Keywords
Ethics, Journalism History, Ethics Codes, Cultural Materialism, New York Times, American Newspaper Guild, American Society of Newspaper Editors
Codes as Cultural Practices

The authors of the book *Good Work* (Gardner et al., [12]) see tensions within professions as an opportunity to align professional aspirations with the enduring values of a particular domain. Indeed, it is when enduring values appear out of joint with contemporary expectations that professions have the opportunity to grow—although not without struggle. Working almost exclusively from the domain of psychology, the authors pinpoint a professional struggle over core values that now defines and directs journalism.

This paper joins a theory of culture and history with the insights of *Good Work*. By analyzing ethics codes, a professional statement of what constitutes good work, from different eras, this essay links codes to a theory of culture and history. It considers two early US codes, the 1923 American Society of Newspaper Editors code and the American Newspaper Guild code of 1934. It briefly reviews scholarship surrounding codes of ethics and examines the latest *New York Times* ethics code in light of philosophical theory. The paper concludes by noting that the professional tensions outlined in *Good Work* are reified in the *Times* code—and that history and culture may be less supportive of a positive outcome of this struggle over values than the insights of psychology might suggest. While this study is limited to an examination of US codes, it remains relevant to an international audience because US ethics codes are models for journalistic standards and practices throughout the world.[1]

This study of ethics codes is framed from a cultural materialist perspective that considers culture a "constitutive social process" (Williams, [33] [1977], p. 19), the lived texture of an active and evolving social order. It is in experience, "the domain of the lived" (Hall, [15], p. 26), where consciousness and conditions intersect, that all practices are shaped and a cultural totality is created within a historical process. Culture encompasses common meanings, both known interpretations and new observations; it is the product of an entire society and is also created and continually remade by its individual members. Raymond Williams suggests that any understanding of culture must begin with a consideration of language. Rejecting the synchronic stress of a structuralist model that views language as the creation of arbitrary signs reproduced within groups, Williams sees language as a dynamic and continuous social process that is a necessary part of human self-creation.

Ongoing relations occur within a historical context, where language frequently takes on the "contradictory and conflict-ridden social history" (Williams, [32], p. 176) of a specific culture. Language is a socially shared, reciprocal activity, where meanings are embedded in active and ongoing relations within a specific historical context. Viewing language as an element of material social practice, Williams echoes both Mikhail Bakhtin and Antonio Gramsci in his fashioning of language as part of the dialectical process: "a persistent kind of creation and re-creation: a dynamic presence and a constant regenerative process" (Williams, [33] [1977], p. 31). From this perspective, underlying differences in word usage and understanding often illustrate historically specific class-based social, economic, and political experiences.

Differentiating spoken words from written notations, Williams sees written language as a socially based form of material production. It is the process of creation, the act of composition and communication, within specific material and historical conditions that is significant. All written notions are considered cultural practices, part of an ongoing social process that is produced by a specific society, in a particular historical time, under distinct political and economic conditions. Rejecting a naïve bourgeois conception of the writer as a neutral agent, "free of ideology," who chooses to acquire particular positions, values, and commitments, Williams maintains that no writer, in the absolute sense, is actually free. Before any possibility of choice exists, each person is shaped by his or her native language. Born into a language shared with others, each person writes from inherited forms, commissioned by dominant institutions, based on pressures to think, feel, and write a particular way. Williams suggests that this cultural heritage runs deep and constitutes "our normal ways of living in the world, our normal ways of seeing the world" (Williams, [34], p. 85). Ultimately, cultural materialists consider all writing socially
determined; it is an aligned process of composition, the interaction between the process of writing and the conditions of its production.

For cultural materialists, journalism codes of ethics may be seen as cultural practices existing within an ongoing social process. Ethics codes are explicit forms of practical communication, created in a historically specific society and produced under particular social, economic, and political conditions. From this perspective an analysis of ethics codes should consider the specific context surrounding the creation of the codes as well as the actual issues and concepts addressed in the codes and the language used to convey both strictures and aspirations. In addition, it is important to consider aspects of journalistic behavior that are exempt from these codes, because elements that are missing that a person might reasonably expect to see included in a code may also provide insights into the larger issues associated with the incorporation of specific journalistic ethics codes.

As material social practices, ethics codes provide formal expressions of historically specific relationships that may help to articulate a deeper understanding of contemporary conditions of journalism as well as the lived realities of the relationship between media and American society. Yet Williams suggests that ironically codes also imply that somewhere a completely understandable, or what he terms "in clear" message of the relationship exists (Williams, [33] [1977], p. 169). In other words, in formalizing the duties and responsibilities of journalists, ethics codes may actually obscure that very relationship.

**Early Ethics Codes**

Scholarship on media codes of ethics has been sporadic. Much of the empirical research on media performance has focused on discrete norms and attempted to measure media performance in various ways. Work that deals concretely with the totality of codes is more rare, and tends to be more abstract, focusing on whether codes have existed in particular times and places or analyzing codes collectively.[2] This compendium approach lends itself to broad description rather than in-depth analysis. This essay, however, locates codes within a specific culture (the United States) and analyzes their development through a multi-disciplinary prospective. Cultural materialism provides a theoretical base from which to understand those elements that have been included and excluded from ethics codes at certain historic junctures. Applied philosophy aids in the analysis of specific code content. These approaches combine to provide an analytic frame to evaluate specific codes, both in terms of overt content—what Williams refers to as "contested terrain"—and the philosophical adequacy of particular strictures.

Scholarship of codes tends to lag behind the development of codes, but it, too, notes the fault lines along which a profession develops. The first journalism ethics codes reflected concerns of the Progressive Era and muckraking journalism. Since codes of journalistic ethics serve as one marker for a profession, "the domain of the lived" at a particular historic time, scholarly study of codes can provide insight into the specific stresses and strains on the profession. Thus, scholarly publications about codes and ethics initially characterized the newspaper as having unequal "force" in the contemporary world (Tablada, [30], p. 1). Conflict of interest was framed as propaganda versus the public welfare, another hallmark of Progressive thinking.

In the 1930s and 1940s, as the profession reacted to World War I and the ethical lapses surrounding Teapot Dome, scholarship, too, focused on issues of balance and journalistic impartiality. Sensationalism and bias were the focus of several studies (Kingsbury and Hart, [16], [17], [18], [19]). Other studies explored stereotypical headlines of crime (Baskette, [1]), publication of what today would have been considered private facts about mental health as well as a confession (Kobre, [20]), general pre-trial publicity (Perry, [25]), the role of the media in war (Price, [26]), the impact of competition (Bird, [2]), and the "scoop" mentality (Ebon, [10]). Conflict of interest remained central, as is illustrated in the following commentary:
It is difficult to understand why newspapermen seem to regard themselves immune to the laws of public opinion which other professions acknowledge and respect. No judge on the bench, sitting on important cases involving nice questions of judgment on the meaning of the law, would ever imagine for a moment that his reputation could survive if he habitually accepted, from litigants, gratuities and favors and preferential treatment. Newspapers do not differ greatly from the bench. (Wiggins, [31], p. 153)

Journalism of the 1920s and 1930s reflected a period of social conflict and many newspapers emphasized entertainment, sex, and crime. Known as the time of "Jazz Journalism," during this era half-size newspapers called tabloids that focused on human sentiment, sports, and sensationalism became extremely popular.

In his 1937 history of daily newspapers in the United States, Alfred McClung Lee defines ethics codes as attempts by editors and other professionals to "rationalize" and "idealize" their journalistic practices (Lee, [21], p. 2).

This attempt to rationalize and idealize professional practice is apparent in the first journalistic codes, written in response to growing public disillusionment with the press, especially after its World War I coverage. Upton Sinclair's scathing indictment of journalism, The Brass Check, published in 1920, was a best seller, and liberal magazines like the Nation and the New Republic campaigned for accuracy and balance in news coverage. Responding to public dissatisfaction with daily newspapers, editors formed the American Society of Newspaper Editors (ASNE) in 1922 and set out to maintain the rights and dignity of the profession and try to establish ethical standards for journalistic conduct (Lee, [21], p. 653). In April 1923, the ASNE adopted seven "Canons of Journalism" which set forth ethical practices based on responsibility, freedom of the press, independence, sincerity, truthfulness, accuracy, impartiality, fair play, and decency.[3]

The "Canons of Journalism" are framed from a social responsibility perspective that maintains the public welfare is a fundamental concern of daily journalism. Freedom of the press is considered a "vital right" of public interest that must be guarded and protected. Newspapers should remain independent from private interests which are "contrary to the general welfare." Defining honest journalism as truthful, accurate, sincere, independent, and unpartisan, the code warns about the use of "private sources" that are unwilling to go on the record and offer information that cannot be verified. Suggesting that news stories should be bias-free, the ASNE code does, however, exempt "special articles," news stories and columns that are clearly advocacy or that are signed by the writer.

Invasions of privacy should be avoided unless the public right warrants such intrusion and editors are counseled to refrain from publishing unofficial charges "affecting reputation or moral character" without giving the person the opportunity to defend him/herself. The code suggests that a deliberate focus on "base conduct" will only worsen the sensational reputation of the press and suggests that newspapers limit their reportage of crime and vice.

The tone of this code is optimistic and seems to suggest that if newspapers follow the seven "Canons of Journalism" that the field will become more professional and public support will grow. The language used is temperate and encourages the adherence of its members rather than on insisting on their devotion to the code. Realizing that the organization does not have the authority to enforce the "Canons of Journalism," the code notes that newspapers which pander to "vicious interests" will encounter public disapproval and be considered less professional than newspapers that focus on accurate and bias-free news coverage.

Amid hearings and protests against the inequities of the daily newspaper section of the National Industrial Recovery Act of 1933, that was strongly influenced by members of the American Society of Newspaper Editors, editorial workers gathered at the home of New York World Telegram columnist Heywood Broun and began planning a national organization of journalists. Officially founded in Washington DC on December 15, 1933, early
goals of the American Newspaper Guild (ANG) were to elevate the ethical and professional standards of print journalism and to improve the working conditions of its members through collective bargaining. At the first annual American Newspaper Guild convention, held June 5–8, 1934 in St. Paul, guild members approved a code of ethics and passed a freedom of conscience resolution that may be seen to help provide necessary context for this ethics code.

The freedom of conscience resolution considers freedom of the press the public's right and journalists' responsibility rather than a privilege of owners and publishers to "exploit." It suggests that the "high calling" of journalism has been tarnished because newsworkers have been pressured by their employers to serve special interests rather than the public good. Ultimately the resolution challenges guild members to frame their work based on a mission of social responsibility and to strive for "integrity" in their reportage of news and to refuse to distort or suppress the news.[4]

Like the earlier seven "Canons of Journalism," the ANG code of ethics is also framed from a social responsibility perspective and reflects the idealism of many of the Guild's founding members. The code insists that editorial workers respect the rights of individuals and groups by crafting factual and fair news reports that accurately represent an "unbiased" account of the news. Warning newsworkers to resist being influenced by "political, economic, social, racial or religious prejudices," the code reminds journalists that all citizens are judged equal before the law and insists that all individuals be presumed innocent until they are convicted of a crime.

Conflict of interest is construed narrowly in the ANG code. Reporters are told that confidential sources are never to be compromised, even if an editorial worker changes jobs. Journalists are counseled that the sanctity of a source relationship is a fundamental aspect of journalism and that they should refuse to reveal confidential sources of information to any court or to legal or investigative organizations. The code also condemns the practice of editorial workers accepting money for publicity work that may prejudice their craft as "fair" reporters and finds the "acceptance by sports editors and writers of money from promoters of alleged sporting events" particularly egregious.

Responding to early 20th-century journalistic practices that encouraged reporters not to cover "Sacred Cows," that is influential people and issues contrary to newspaper policy, the code suggests Guild members should work with editors and publishers "to curb the suppression of legitimate news concerning "privileged" persons or groups, including advertisers, commercial powers and friends of newspapermen." The code also suggests that the news be edited "exclusively" in the newsrooms rather than in the business offices of daily newspapers, a response to concerns that business considerations were the reason for the suppression of sensitive news.

The balance of power definitely resides with the public interest in this code. Editorial workers are seen as employees who have a moral responsibility to craft accurate and unbiased news accounts and are accountable to the public. Reporters are expected to conduct themselves honorably and independently, in the newsroom and in public, and should not attempt to "curry favor." Again, this part of the code reflects an early 20th-century practice in which some newspaper editors and publishers encouraged editorial workers to "use influence with officials in matters other than the gathering of news."

The tone and the language used in crafting the 1934 American Newspaper Guild code is straightforward and dogmatic with few modifiers to soften the intended meaning. Reporters are given little room for exceptions or extenuating conditions or compromise actions. Managers and owners are not mentioned. Such an unbending position is nicely illustrated in the code's designation of publicity as antithetical to news. The code specifically condemns the practice of running "publicity in the news columns in the guise of news matter" and finds the idea of political writers getting paid to write publicity particularly wrong.
Codes as a Site of Study

It was not until the early 1980s that codes themselves became the concern of researchers. The first issue of the *Journal of Mass Media Ethics* was devoted to codes. The descriptive work found that about six in 10 news organizations surveyed had written codes—most initially written within the previous 20 years and reviewed within the past five (Davenport and Izard, [8]/1986). Most codes were imposed by management—an element that continues to characterize code development and which is meaningful in a consideration of the "domain of the lived." Certainly ethical standards imposed by management differ from those created by journalists themselves as is illustrated in the development of the ANG code. The majority of the codes dealt with an expanded notion of conflict of interest—particularly whether journalists could participate in political activities of various sorts (exclusive of voting), and whether and how journalists could earn additional income. Emerging issues included financial conflicts of interest, conflicts of interest involving a spouse, family members or friends, and that management often was viewed as having different obligations from newsworkers.

The issues of enforcement and impact also were explored. Bukrow ([6]/1986) found limited support among members of the Society of Professional Journalists for code enforcement within the organization itself. Bukrow concluded that journalistic faith in ethics codes was breaking down at the very time the public was seriously questioning the profession's ethics. Christians ([7]/1986) noted that codes fulfill the function of moral sanction among peers, and that "enforced codes characterized by such specific guidelines can serve journalism professionals on the minimum level of what Henry Aiken labels rule obedience" (p. 19). Christians also linked code enforcement with media accountability and the preservation of the public trust in the profession (as noted in the 1973 Society of Professional Journalists (SPIJ Code of Ethics). He also was among the first scholars to decouple legal reasoning, particularly regarding the First Amendment, from codes as moral documents. Finally, and significantly, scholars debated whether codes are effective exemplars of professional behavior. Elliott ([11]/1986) suggested that codes most frequently codified "usual practice" but that they also could provide journalists with an understanding of minimally appropriate professional behavior and an articulation of professional ideals. This philosophical work tends to not imbed codes in a larger historical and cultural process.

More recently, philosophical examinations have been followed by empirical work. Black and Barney ([3]/1986) linked codes to stages of moral development, arguing that they work well for individuals whose behavior could be influenced by threat of punishment, reward, interpersonal accord, or rules of law and duty. The move in the newest SPJ code toward accountability has been analyzed as unprecedented, a shift away from a set of practices toward professional conduct which is validated through open and public debate (Glasser and Ettema, [13]).

In some ways, scholarship about codes has been disjointed and sporadic. However, there are some important and consistent findings. (1) Over time, codes have been perceived as within the domain of ethics and moral philosophy as opposed to law and precedent. This is important, because ethical thinking is generally stable, while professional practice itself changes. (2) Codes themselves can articulate both a set of rules for "normal journalistic practice" as well as an inspiration to the highest ideals in the profession. (3) The role and nature of management's response to developing codes and their application to owners as well as workers has been the focus of both passionate discussion and professional silence. (4) Whether and how journalists and their news organizations should be accountable for code violations is sometimes discussed, but with no resolution. In this sense, scholarship about codes has outlined the shape of the professional debate, including the areas most likely in contention. Certainly one of those has been conflicts of interest, and a brief review of philosophical thinking on the issue is in order before turning to analysis of a contemporary code.
Conflict of Interest

Moral philosophy asserts that professionals generally acquire more obligations by virtue of their professional role and standing within various cultures. It is those roles that bind them to higher standards than those expected of "non-professionals". For example, human beings in general have a duty "not to harm," but the physicians' duty to avoid pain and suffering is heightened. Philosophy grants professionals heightened standing by grounding professional obligation in the common social good, a professional duty that is commonly mentioned in many media codes of ethics.

In general, then, conflict of interest can be defined as those conflicts that arise from performance within a professional role. Often, such conflicts manifest themselves as a conflict between what is morally expected of the average person and what is expected of that same person functioning in a professional role. For example, a parent might ask a child to tell the truth about a minor infraction; if that parent is a defense attorney working for a client, urging the client to tell the truth may not be the best professional advice. At other times, conflicts of interest can arise exclusively within the professional role. For example, attorneys in large firms have specific guidelines to follow in case one attorney in the firm is hired by one party to litigate while another attorney in the same firm may already represent the "opposing side." While the foregoing is a broad definition, professional conflicts of interest tend to cluster around the following:

- Exploitation of a professional position for private advantage.
- Allowing financial, collegial, social, or familial loyalties, both past and present, to interfere with professional loyalties.
- Placing self-interest above one's duties to others.

At this level, conflict of interest seems straightforward. However, unlike many areas of professional ethics, discussion of conflict of interest includes the notion of perception—a tricky construct because perception may not match reality but may still dominate how others understand actions. It is entirely possible for a professional not to have a conflict of interest as defined above but to, nevertheless, appear to have a conflict of interest that must be accounted for in professional performance. Take, for example, civil servants. They are legally required never to accept a variety of tangible or intangible rewards "under circumstances which might be construed by reasonable persons as influencing the performance of his government duties" (Gorlin, [14], p. 197). While buying the local director of social services a $10 lunch may not create an actual conflict of interest, it is the appearance that matters. Conflict of interest is one of few areas of professional ethics where perception of "reality" has equal standing in a moral sense with the actual reality. The goal here is twofold: first, to circumscribe the sorts of influences that can erode professional judgment, and second, to maintain the bond of trust and authority between professionals and the larger society.

Philosophy also suggests some remedies for conflict of interest. Disclosure is the most frequent, the rationale being that concealment of the conflict is part of what can make it so corrosive. However, it is considered only a partial remedy because disclosure does not assure lack of influence. Disclosure also carries its own risks, including a potential abandonment of privacy which most people, in most circumstances, would strive to maintain. A second partial remedy is a change in specific professional duties. Legislation adopted in the wake of the Enron/Arthur Anderson scandal employed this approach; accounting firms are no longer allowed to act as consultants—a change of professional duties—to clients for whom they also serve as auditors. Changing professional duties can help to discharge a conflict of interest when the field of potential professionals is expansive. However, when there are a limited number of professionals, or when the "new" professional works in the same firm as the professional with the conflict, changing duties can be more about appearance than actual
outcome. Finally, and from a philosophical point of view least problematic, is the option of withdrawing from the problem and literally finding someone else. Real-life application is not so neat. Withdrawing from an important assignment can mean stalling a career. It is not easy to withdraw from love, marriage, or parenting, despite professional obligations. In many instances, the person with the conflict may be the most qualified professional—and hence a partial remedy becomes the only solution.

Finally, all these remedies speak to individual actions. None speaks to the institutional role of professional organizations (Davis and Craft, [9]). Despite this omission, it is important to note that philosophical thinking about conflict of interest has been relatively stable over both time and various professions. Furthermore, many professional ethics codes link professional work with the social obligation of professionals to the larger culture that gives them special status. It is this link between the professional and the political—as opposed to the economic—culture that has become the contested ground of journalism.

From a cultural materialist perspective, perception is integral to the notion of conflict of interest, and since perception is often influenced by historic events, it is necessary to consider some of the contemporary influences on journalism as important context for an assessment of a recent code of ethics.

The decade of the 1990s certainly marked a time of historic professional stress for journalists. Among the best documented stressors were:

- The drive to maximize quarterly profit in an industry that had moved from privately owned to publicly traded.
- The conglomeration of ownership, with regulatory support, and the need to retire corporate debt that made mergers possible.
- New technologies, particularly those connected with the computer, which established media outlets viewed as potential profit centers but that also exploded the potential for competition from new organizations and individuals.
- The erosion of audiences for traditional newspapers and broadcast networks.
- The movement of women into the newsroom in significant numbers, and the impact of two-career families on news organizations.
- The escalating costs of libel insurance and the size of libel verdicts.
- Some notorious breaches of professional ethics that made news of their own accord.
- The focus on celebrity in American culture and the impetus such a focus provided for both news coverage, often of the trivial, and for how the culture viewed highly paid and promoted journalists themselves.
- The blurring of news and entertainment—particularly on prime-time network television.
- The sophistication with which political actors "used" the news media for their own purposes, resulting in what some critics characterized as a denigration of the political discourse necessary in a democratic society.
- The dynamic impact of the 9/11 terrorists attacks on New York and Washington DC, These events pushed news organizations toward more in-depth and politically-oriented news—that kind that is most expensive to produce. They also led to increasing federal regulation as epitomized by the US Patriot Act that legally constrained news organizations in ways that had not been seen since World War II.
- A continuing erosion—with some upticks—of the audiences' assessment of media credibility.
New York Times Code

With all of these societal pressures, it is not surprising that many news organizations rewrote their codes of ethics during the 1990s. It is to the new ethics code for the New York Times, arguably a flagship of journalistic professionalism that remains a model for journalists throughout the world, in the 1990s and as such certainly subject to the historic and cultural changes of the decade, that the analysis now turns.

The New York Times published its new code of ethics in January 2003. The focus of the document is conflict of interest, and in the first paragraph, the Times acknowledges that perception of is part of the issue. "The reputation of the Times rests upon such perceptions, and so do the professional reputations of its staff members."

The new code itself has much to recommend it. It includes both general cautions and specific examples to help with interpretation. It covers a broad variety of actual and potential relationships, some of which—for example appearance on television or leaves of absence for book authorship—a reasonable person would suggest apply to the Times more than they might to any other newspaper. The code is particularly detailed in its analysis of conflicts of interests involving family members, specifically spouses. The paper's willingness to consider spousal relationships, which will predominantly affect women considering the newspaper's current staffing, is certainly an acknowledgment of the changing role of women in the workforce and the ethical issues that this particular social change raises. The code is also forthright about the changing mores that American journalists may face when covering news in societies without a First Amendment or where bribery or other forms of corruption are far more acceptable than in the United States. In this, the Times code places it at the forefront of journalistic thinking about the relationship between supposedly universal ethical principles and the societal norms that govern the many cultures in which American journalists must do their jobs.

It is important to consider who specifically is meant to follow the code. The New York Times code itself is directed to "all the members of the news and editorial department whose work directly affects the content of the paper." Freelancers are included while other staff members, for example secretaries, are not. Also not included is management and ownership, which is crucial in the case of the Times since it remains, in part, a family-owned newspaper. This singular omission stands in contrast, for example, to the first American Association of Newspaper Editors code, which focused on editors and publishers and set standards for them. From a cultural materialist perspective this omission also serves the process of alignment, influencing journalists' individual identity and further differentiating workers from management. Williams suggests that alignments enter into individuals' consciousness and create "our normal ways of seeing the world" (Williams, [34], p. 85).

The document as a whole should also be assessed. The Times refers to this document as a code of ethics; in fact the 52-page code is titled "Ethical Journalism, Code of Conduct for the News and Editorial Departments," yet the focus of the document is conflict of interest. The Times' code interprets conflicts of interest broadly, linking conflict of interest to perception of the newspaper's impartiality, neutrality, and the integrity of its news reports. However, there are other elements that influence the integrity of the news reports—for example, accuracy and tough-minded evaluation of both sources and the information that they provide—that are not mentioned in the code. This lack of attention to these elements of news reports is particularly striking considering the Times' recent experience with the Won Ho Lee case, where the newspaper publicly apologized for jumping to conclusions based on reporting that failed to adequately question the motives of Congressional sources who initially leaked the erroneously damaging information. Deception is treated in very specific instances in the document, for example travel writing or restaurant and play reviewing. However, any discussion of deception as a larger method for newsgathering is omitted. Again, this omission is note-worthy.

In contrast, the ethics code for the Society of Professional Journalists (Black et al., [4]) makes accuracy and fairness the first ethical issues to receive attention and only then explores conflict of interest. Next comes a
chapter on deception, and deception is defined as a newsgathering technique—not merely the concern of writers in particular sections of the paper. Similarly, the SPJ code devotes attention to diversity and photojournalism, which are not mentioned in the *Times* code. The SPJ code also devotes a chapter to privacy; the *Times* devotes a single sentence: "We do not inquire pointlessly into someone's personal life." The *New York Times* code also does not address the organization's responsibility to its employees—an omission that is common in ethics codes but which leaves half of the reciprocity equation essentially blank.

Thus, the new *Times* code is not as broad or as specific as that of some other news media outlets or professional news organizations. Or phrased another way, the focus on conflict of interest leads a reader to ask why so much of the *Times* lived ethical life centers on one issue.

At one level, the need for such a focus is perfectly clear: the *Times* seeks to protect its reputation as the nation's, and perhaps the world's, preeminent news organization. The code notes that the *Times* "gathers information for the benefit of its readers." The code cautions its staff to maintain an air of "professional detachment" and requires disclosure of relationships with newsmakers who become close: "staff members who develop close relationships with people who might figure in coverage they provide ... must disclose those relationships to the associate managing editor." Such disclosure, the code notes, may result in a change of assignments. All these strictures are aimed at protecting reputation and the perception of reputation—one of the enduring elements of philosophical thinking about the issue.

Also in the vein of protecting journalistic reputation, staff members are required to disclose yearly speaking fees of more than $5000 and are forbidden from offering endorsements or testimonials except in reviews or other published columns. Doing any public relations work, paid or unpaid, generally is forbidden. Staff members may not accept gifts, tickets, discounts or other "inducements" from organizations covered by the *Times*, and payment for favorable or altered coverage is specifically forbidden. *Times* staff members are required not to invest in companies which individual staff members regularly cover or edit, and they are enjoined from speculating in the market in anticipation of news stories to be published in the *Times*. The restrictions on the staff of the financial section are more severe—they simply may not play the market and must disclose any holdings. Similarly, members of the arts staff must disclose their art acquisitions once a year. All these guidelines speak to using professional rules for personal financial gain, one of the three common elements of conflict of interest. This idea does not appear in earlier codes of ethics.

However, the code also recommends common sense. It notes that the *Times* expects to pay the expenses of its employees but that there are some times, for example military or scientific expeditions, where alternative financial arrangements may not be possible. The code provides the example of a flight aboard a corporate jet in order to obtain an interview. Staff members may do unpaid public relations work for organizations such as a child's school. Gifts and discounts available to the general public are also available to the *Times*' staff. These elements of the code, which appear in different areas of the document, thus seem to suggest that *Times* staff members can live in a community, and to some extent function as part of that community—particularly where family and children are concerned—and still remain in compliance with the code. Here, professional neutrality and fairness is balanced with intimate connection.

The *Times* is less willing to let its employees become full participants in community life when the issue becomes political. *Times* staffers may not give money to candidates or causes, march in support of public movements, or appear on radio and television voicing views that go beyond those of the newspaper. When a spouse or family member is involved in such activity, the staff member must disclose the conflict and possibly recuse him- or herself from certain coverage. "The *Times* understands that friends and relatives of its staff have every right to pursue full and active lives, personally and professionally. If restrictions are necessary, they fall on the *Times* employee." And, while *Times* staffers are forbidden from serving on government boards and
commissions, they are allowed to help church, libraries, fine arts groups, hobby groups, etc., with "modest fund raising." All of these restrictions suggest that the *Times* envisions "journalists as a priestly class that must remain unsullied by the squalid affairs of ordinary men and women" (Paumgarten, [24], p. 29). *Times* employees—but not management—must act in such a way as to maintain reader trust about the originality, neutrality, and to a lesser extent, thoroughness, of the news product. Certainly, the maintenance of readers' trust constitutes an important element of socially responsible journalistic behavior; historically it is a core professional value and remains so in the most recent *Times* code.

However, at a deeper level, conflict of interest as expressed in the *Times* code is clearly pointed at financial survival and even prosperity. *Times* staff members are not allowed to disclose confidential information about the operations, plans or policies of the newspaper. When approached by other journalists, staff members are obliged to funnel the question to a top editor or the paper’s corporate communication department. The only exception is readers; here the code says staff members should respond "openly and honestly." Outside inquiry and criticism is thus deflected, a tactic that, were it to be adopted by the US government, would be the subject of an exposé rather than listed as a "best professional practice."

More pointed still is a section of the code that deals with "journalistic work outside the *Times.*" Here, the code may promote a sort of ethics creep—with *Times* staff members prohibited from doing freelance work that competes with the *Times'* content while noting that the *Times'* sphere of influence is larger than ever and enlarging in ways that are difficult to accurately forecast. The Web is certainly included, as are books. But the code also notes that the *Times* has begun a foray into broadcasting. Here, the code is quite specific: "Staff members may not appear on broadcasts that compete directly with the *Times'* own offerings on television or the Internet ... As the paper moves further into these new fields, its direct competitors and clients or potential clients will undoubtedly grow in number." Such an inclusion requires not only that *Times* staff members have a good grasp of what others (in this case their editors and their employer) will perceive as a financial conflict of interest, but they must have a good grasp on what might become a conflict of interest in the future. This is a tall order.

These sections about the economic health and financial success of the organization also point to one of the fault lines in the profession: the tension between economic goals and the traditional view of journalism as a public service. The *Times* code itself does not address this issue, even though savvy employees will certainly spot it in the document. More importantly, by including financial competition as an element of conflict of interest in its ethics code, the *Times* has placed its economic health on an equal footing with the public trust. This change in emphasis is certainly new in light of the early codes of the American Newspaper Guild and the American Society of Newspaper Editors as well as the Society for Professional Journalists' much more contemporary effort. It is also new to philosophy, which considers private gain—not corporate enrichment—one element of conflict of interest. In a theoretical sense, it is clear that the lived life of journalists must now be concerned as never before with the economic health of the parent corporation and that such concern has moral weight.

**Ongoing Challenges**

When the *Times* promulgated its new ethics code in January of 2003, it was impossible to foresee that only five months later the paper would face one of the most significant internal scandals in its history. Yet, the scandal at the *Times*, and its result, suggest that the inclusions and omissions in the new code—that contested terrain of journalistic behavior—foreshadowed some current problems. Preoccupied with the conflicts of interests that accrue to newsworkers who themselves become part of the power elite, the *Times* new code overlooked some other journalistic essentials.
In May of 2003, novice reporter Jayson Blair resigned from the *Times* after he was found to have committed journalistic fraud—deceiving everyone from readers to his editors on a variety of issues (see the Debate about the Jayson Blair affair in this issue). In May the *Times* published four full pages of corrections to more than three-dozen of Blair's articles that were published from October 2002 until late April of 2003. Some of Blair's deceptions were small, such as fabricating some details included in the visual scene setting of his stories. Others were more brazen—quotes from sources he never interviewed, datelines from places he never traveled to. Blair's deceptions were ingenious; he obtained copies of photographs that were to run with his stories and based his visual imagery on what he saw in the pictures. He had editors and other newsworkers call him on his cell phone—ostensibly when he was out of New York on assignment. In reality Blair never left the city, and sometimes never left his apartment. He fabricated expense accounts; the paper's internal accountants never noted the discrepancies between what appeared in the paper and the relatively modest travel expenses Blair submitted for reimbursement. The paper's management also never checked into whether Blair had received a college degree. Like the auditors, management made what turned out to be unfounded assumptions about Blair's credentials and his honesty—an irony that was not lost on the many who have been the subject of the paper's scrutiny in its daily reporting. The deception itself was more complicated by the fact that Blair is African-American.

Two weeks after the Blair revelations, Rick Bragg, who had won the Pulitzer Prize while working at the paper, resigned when it became public that he had never traveled further than the airports of some of the places from which his stories emanated and that much of the reporting for which Bragg took credit was actually done by un-bylined stringers. The two incidents, which became public knowledge within a month of each other, toppled the *Times* management.

In response, the *Times* appointed multiple internal and external review committees, charged with investigating the incident and making recommendations to forestall others. The recommendations included naming the paper's first ombudsman and giving that person the freedom to write about and publish uncensored commentaries about the *Times* in its pages. The paper also appointed a standards editor to monitor internal compliance and ethics. And, it split the job of managing editor in two—appointing a managing editor for newsgathering and a managing editor for news operations. All the changes came in response to a public report that noted, "No single person, no single mistake, no single policy is responsible for the embarrassment of the plagiarism and fiction that stained the journalism of the *New York Times* in the spring of [23]." Behind the Blair story lay a misguided pattern of tough supervision and lenient forgiveness that led to retaining him, and in fact promoting him, when at several points he was demonstrating that he was not yet ready.[5]

Interviewed immediately after the internal review was made public, Joann Byrd, one of three outside journalists called in to investigate the incident and the former ombudsman at the *Washington Post*, said that the internal investigative committees had not reviewed the new ethics code or examined it for emphasis and omission. Honesty "was assumed" at the paper, Byrd said. "It was assumed."

While the irony of the paper's very public troubles escaped few, the incidents themselves also indicate some of what was most important in the *Times* culture. Appearance seemed to dominate the contest between accuracy and the appearance of impartiality both in the code itself as well as in the newsroom actions. The *Times* assumed a certain standard of behavior from its news staff; management was at least as concerned with the financial consequences of conflict of interest, certainly an important area of ethics, as with honesty within the newsroom and accuracy of news accounts, arguably the bedrock principle of journalistic ethics. If the Blair/Bragg incidents are any indication, management's financial concerns—as articulated in the ethics code—had their parallels in real life. The emphasis reveals something central about the profession: concerns about financial profitability do remain on an equal footing with journalistic duty and service. While this essay does not
argue that one is the cause of the other, taken together they provide a cautionary tale about the workings out of subtle shifts of emphasis in complex news organizations, not always for the best.

**Does Good Work Now Include Profit?**

The previous analyses of the contemporary *New York Times* code as well as early 20th-century American Society of Newspaper Editors and the American Newspaper Guild codes seek to place the codes in their historic context, to note how they articulate both meaning and significance around particular issues, and to point out how such thinking can become problematic both as historic circumstances change and as the profession itself continues to mature.

The language of codes is not transparent, innocent, or neutral; codes are framed by specific ideological, political, and social influences that exert preferences, pressures, and constraints. These journalism ethics codes should be seen as elements of practical communication of US society that have been produced at historically specific times and under particular social, political, and economic conditions.

Reflecting an era of classical realism, in which texts are thought to represent the truth nonproblematically, the early American Newspaper Guild and the American Society for Newspaper Editors codes were written in a straightforward manner that clearly delineated the public interest and the journalists' duty. So too, the contemporary *New York Times* code reflects the ongoing tension between economic realities and a social responsibility philosophical framework of traditional American journalistic practices. Interestingly, the authors of *Good Work* (Gardner et al., [12]) suggest that it is the tension between public expectations of socially conscious journalism, the core beliefs of the profession, and the economics of corporate conglomerates that constitutes the central challenge of contemporary journalism. While journalists as individuals may focus on public trust, history and culture caution that economic competition—when given moral weight—may have the capacity to overwhelm individual ideals.

Going beyond a definition of ethics codes as professional documentation of what constitutes good work, it is possible to see codes as efforts to "idealize" and "rationalize" specific journalistic practices. From this perspective, the normative function of codes comes into focus. Finally, it may be helpful to consider Williams' notion that ironically codes suggest a more complete understanding of the relationship between journalism practices and society exists apart from the actual codes. By attempting to codify particular relationships, Williams suggests that codes may in fact actually obscure them. This study of ethics codes from different eras offers insights into the culturally and historically based contexts for these codes. But it is in the omissions, in those areas that are contested or left unsaid, that the practice of journalism may be seen to more fully emerge.

**Footnotes**

1 See, for example, International Codes of ethics on Independent Press Council's website, available at [www.presscouncils.org](http://www.presscouncils.org).

2 See Starck ([27]) for a historical approach that is international in breadth.

3 The authors draw on the ASNE code reprinted in MacDougall ([22]) for the specific language of the code.

4 Brandenburg ([5]) includes the Guild's code of ethics in his reportage of the American Newspaper Guild's St. Paul convention. The authors draw on this source for specific wording of the code.

5 For news coverage of these changes see Steinberg ([28], [29]).

**References**

Steinberg, Jacques. (2003b) "Times Names First Editor for Standards" *New York Times*, 10 September, p. 20A