What are ethics?

This chapter discusses:

- Morality and the need for professional ethics
- Some of the theories identified by classical thinkers on morals
- How the key moral theories can be applied to journalism ethics
Ethics is defined by The Concise Oxford English Dictionary as ‘the science of morals, treatise on this, moral principles or rules of conduct’ (1964: 415). The word comes from the Greek ἔθικος meaning ‘of or for morals’. Morals are described by the same dictionary as being concerned with ‘the distinction between right and wrong’. This comes from the Latin mos (pl. mores) which means ‘a measure or guiding rule of life; as determined not by the law but by men’s will and pleasure’ (Lewis and Short 1900). Clifford G. Christians et al. define ethics as: ‘The liberal arts discipline that appraises voluntary human conduct insofar as it can be judged right or wrong in reference to determinative principles’ (1998: 7).

In practice, ethics is a way of studying morality which allows decisions to be made when individuals face specific cases of moral dilemma. At their most praiseworthy, the journalist’s tussles are going to be between the right of the public to know and some other moral tenet – perhaps the invasion of an individual’s privacy – which would militate against publication. This right of the public to know springs from the theory of representative, democratic government. Mill (1991: 245) tells us:

There is no difficulty in showing that the ideally best form of government is that in which the sovereignty, or supreme controlling power in the last resort, is vested in the entire aggregate of the community; every citizen not only having a voice in the exercise of that ultimate sovereignty, but being, at least occasionally, called on to take an actual part in the government, by the personal discharge of some public function, local or general.

In his excellent essay supporting this view, Mill makes it clear that correct and detailed information about how the country is run is an important prerequisite for any person involved in taking political decisions and this must surely apply, even if the decision taken is only how to vote every few years.

However, all too often the right to know is used as an excuse to publish circulation-boosting journalism. Whether this is designed to appeal to readers’ prurient natures or pander to their prejudices does not seem to matter as long as there is a profit to be made from increasing sales.

Why do we need morality?

If we lived in a world that contained no other people, would we need to be moral? If no other entity existed and we were totally alone would our day-to-day existence contain any need to modify our behaviour in order to do what was morally right? How could we steal? There would be no one to murder or insult. The only person offended by our violence, bad language and behaviour would be ourselves. Those who believe in a deity would of course still say that morality was important, that God had laid down moral rules which must still be followed. But even those who do not believe in God would find it morally repugnant to do some things. Chopping down all the trees in the world; even if no one else was there, would be an act that many would consider to be immoral. Morality would still be an important consideration in your life in such circumstances; it would just have very different rules. Without anyone else, entirely marooned, there would be far fewer moral dilemmas to solve. Moral dilemmas are the penalty of our involvement with society, the price we pay for the benefits of living in close proximity with others. At one end of the spectrum this involves adhering to the law; at the other, being courteous and respectful to others.

Many philosophers have wondered why we have morals and where they come from. There seem to be three main theories. The first of these (and perhaps the oldest) is religion. Most religions have a code of morality connected to them, usually passed to the people from God through a prophet. These morals are usually enforced by some notion of reward in the afterlife for adherence, or damnation for continually breaking the code.
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The second theory is that morals are a pact with society that allows us to gain the benefits of living with others. These are taught to us by our parents and others and are initially enforced by our parents and, later, more subtly but just as strongly, by society at large. Very few of us continue to do something that society generally thinks is wrong and opposes, certainly not that strand of society with which we bond. The final theory is that we are moral because we are naturally attuned to doing the right thing – that somehow we instinctively know what is right and wrong and that even if we were not taught how to behave, we would still instinctively behave well. This seems unlikely. One only has to watch young children for a short time to realise that their behaviour is entirely self-centred and only becomes more moral over time as they are trained by their parents and society.

Some elements of unacceptable social behaviour are identified as damaging enough to a society for the whole of that society to insist on their suppression. If, for example, we were to allow murder or serious violence to be used as methods of solving disputes, the benefits of society would soon cease for many people and day-to-day living would become largely unbearable. ‘Might is right’ is fine when you are one of the mighty, but none of us are mighty all of the time. It is in all our interests to ensure that we all adhere to the rules and that those who don’t are punished. Because of the potential for breakdown, many societies formalise the rules under which that society exists. These become the laws of that particular society and allow it to lay down penalties for transgressors. The death penalty is the most extreme penalty society can impose for serious crimes whereas prison is generally seen as a milder form of punishment. The law is good at providing support for those moral dilemmas with which we are all in agreement, but is far less good at dealing with moral dilemmas about which there is considerable debate. The law is for saying what we must do or must not do; it is not good as saying what we ought to do or not do. The law can tell me that I mustn’t kill or be violent to a member of my family if they annoy me, but it can’t tell that I ought to be kind and generous to them whenever possible. This doesn’t stop the law trying to regulate what we ought to do, of course, just that these tend to be the kind of laws that are more difficult to enforce. Laws about alcohol use, smoking and recreational drugs, for instance, throw up considerable differences of opinion within society. These are areas where someone’s personal morality can conflict quite strongly with the law. One person might want to limit the hours when drink can be sold, but be quite happy about legalising cannabis; another might feel that it’s not the state’s business to decide when one can have an alcoholic drink but feel that all other recreational drugs should be illegal.

Laws normally apply to the whole of society but there are some actions that can only be perpetrated by certain people in certain positions. Some of these actions are so important to society that they require legislation. For instance, corruption of officials or politicians only involves a few people in powerful positions but the corruption may affect many other people. Consequently we enshrine such matters in our legal system. Other issues, a doctor’s impropriety with a patient, for instance, may affect individuals but do not directly damage society and consequently are not enshrined directly in law. This is where professional ethics become important. A doctor who has an affair with a patient may be deemed to have breached professional ethics; he or she has not broken the law. A journalist is in the same position. For example, if he or she takes advantage of a situation and does not deal fairly with those to whom he or she owes loyalty (e.g. revealing a source who wishes to remain anonymous), then it is unlikely that society will suffer directly but the individual might well suffer. There are a wide range of issues in which journalists are involved that are not subject to the law but must be considered from an ethical viewpoint.
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Why do journalists need professional ethics?

The concept of an ethical journalist may seem to be a contradiction in terms. The phrase 'you shouldn't believe all you read in the papers' sums up the attitude of many people. A reasonable definition of a good journalist is 'someone who gathers, in a morally justifiable way, topical, truthful, factually-based information of interest to the reader or viewer and then publishes it in a timely, entertaining and accurate manner to a mass audience'. However, all too often journalism falls far short of this ideal. Nor is this necessarily a description that would be used by all journalists to describe excellence in the profession. Many colleagues would describe a good journalist as having the professional virtues of 'getting the story' – the ability to find an interesting story, research it and return it to the news centre by the deadline. How the news was gathered and sourced, together with the degree of accuracy, would seem to be secondary considerations in this definition of a 'good journalist'. 'Don’t let the facts get in the way of a good story' is an instruction that has been heard in more than one newsroom.

The suggestion that journalists are more concerned about the story than how they get it, or whether it is truthful, highlights the pressures under which those in the profession work. Commercial pressures to provide the most interesting stories combine with tight deadlines to make journalists more single-minded than perhaps they should be. Essentially this is an argument of functionality. Is a good journalist one with high principles or one who brings his employer, within the deadline, stories that will boost circulation? The reader may say the former even though they add support to the latter every time they buy a newspaper or tune in to a news bulletin. All too often a journalist can forget his or her loyalties to the reader in the rush to show loyalty to his or her employer.

But a good journalist surely needs to be both. In order to win the reader's trust, a journalist must show time after time that stories are accurate and truthful and this will involve ensuring they are gathered fairly. Gathering stories without due regard to professional morals and printing them without regard to truth might work well for a short period, but since the purpose of journalism is to report the truth, the trust a reader has for the journalist would soon evaporate and this means that the journalistic vehicle would become useless.

Many journalists believe that they should be trusted by their readers and that this is the mark of good journalism. But that trust must be earned and the only way to ensure trust from anyone is to never let them down. If you are always providing readers with stories that have been gathered fairly and are presented to them accurately and honestly to reveal as much truth as is possible, then readers will come to trust the journalist. No other method will work as well or stand the test of time.

Classical theory

Our moral obligations can be explained by a number of different theories, some of them overlapping and some completely at odds with one another. Some of these theories can help journalists try to determine the morality of their professional actions. I will consider a few of the more important theories and their implications for journalism. There are many other leading philosophers whose work I have ignored as being either derivative or less easy to apply directly to professional morality.
Aristotle (d. 322 BC) was a Greek philosopher who believed that the function of human beings was to pursue happiness or Eudaimonia. ‘Eudaimonia is often translated as happiness, but that can be misleading. It is sometimes translated as flourishing. Which although slightly awkward, has more appropriate connotations’ (Warburton 1998: 18). To achieve happiness, Aristotle said, one should live moderately. His theory is known as the ‘golden mean’. He argued that one should live neither to excess nor to frugality but in moderation somewhere between the two. Aristotle’s theory is extremely useful provided you can decide what is excess and what is frugality and where the mean lies. Bravery, he tells us, is a virtue that lies somewhere between the extremes of cowardice and rashness. When Aristotle talks about a mean, however, he is not talking about an average. To take the example of drinking: it is not to say that at one extreme is drinking far too much alcohol or at the other drinking none at all and that taking an average of say four units of alcohol a night is the mean. Aristotle contended that the right mean may well vary from person to person or even occasion to occasion. So there are people who say it is wrong to drink alcohol but they are often accused of being too self-satisfied and sanctimonious to be considered morally good. Nor are they necessarily acting in their own best interests as certainly some health research shows that a drink every now and again is good for you. Refusing to drink a toast to peace or friendship in Western Europe at a gathering of European delegates because you do not believe in drinking alcohol could be perceived as being mean-spirited. On the other hand, few people would see drinking fifteen units of alcohol every night of the week as acceptable for a whole variety of reasons. It is also bad for your health. Most would regard having a drink now and again as the ‘golden mean’.

Aristotle also believed that one had to learn to be virtuous. Virtue was not something that was given to all automatically. It explained why children and animals had not achieved Eudaimonia. Virtue, then, being of two kinds, intellectual and moral, intellectual virtue in the main owes both its birth and its growth to teaching (for which reason it requires experience and time), while moral virtue comes about as the result of habit ... From this it is also plain that none of the moral virtues arise in us by nature; for nothing that exists in nature can form a habit that is contrary to its nature. For instance, the stone which by nature moves downwards cannot be habituated to move upwards, not even if one tries to train it by throwing it up ten thousand times ...

(Aristotle 1980: 28)

A problem with Aristotle’s theory about the mean, however, is that there are some virtues that seem to be absolutes. Truth, for instance, does not seem to be a virtue to be delivered in moderation. Either one is truthful or one is not. It is in its failure to address the issue of moral absolutes that Aristotle’s theory is seen to be deficient.

Religion

Jesus answered, ‘The first is, ‘Hear, O Israel: the Lord our God, the Lord is one; you shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength.’ The second is this, ‘You shall love your neighbour as yourself.’ There is no other commandment greater than these.’

[Mark 12:29–31]

Religion is the basis of much moral teaching in the world. The West has been mainly influenced by Judaeo-Christian ethics whereas much of the Arab and North African world has seen Islam as a strong and uncompromising influence. In India, Hinduism is a powerful religious and social system, which includes the use of the caste system as the basis of society.
Although theoretically religious moral teaching requires a belief in God to underpin it, this seems in practice to be unimportant. In Britain, and indeed most Western countries, Christianity has become so entrenched within the culture that much moral teaching and thought comes from it without being based on active belief. Our fundamental structures of right and wrong, good and evil tend to be based on the Bible's teachings.

While its use by Christians is understandable, many people in the West who claim not to believe in God also use this ethical system to underpin their moral values, if only because they have absorbed the established cultural moral underpinning without much thought as to its origins. Christians accept the entire teaching. However, those who do not believe in God seem to be able to accept the guidance on living a good life without the religious belief and to use it as an ethical system.

The main criticism of religion as an ethical system is the need for faith. What if God is not a loving and moral God? Using religion, we judge our moral code by our own interpretation of God (be that personal or cultural) and what he expects of us and not vice versa.

**Ethical egoism**

Aristotle's view that people should behave so as to achieve happiness is challenged by some philosophers as being fundamentally flawed. To do what is right because it makes us happy is just self-interest, they claim. Talking about the duty to be truthful, German philosopher Immanuel Kant (1993: 15) says 'To be truthful from duty is, however, quite different from being truthful from fear of disadvantageous consequences; in the first case the concept of the action itself contains a law for me, while in the second I must first look around elsewhere to see what the results for me might be connected with the action.' Kant believed that morality is measured by the human will; if our will to do something is good, then the action is moral. But to do something because the consequences of not doing it might be damaging to ourselves is merely self-interest.

Writing about the ideas of Plato, H.A. Prichard (1949: 110–11) goes further and proposes that what Socrates must have meant in 'introducing the subject of the Idea of good' was 'that in all action what we are striving to bring into existence is – not what is good but – what is really good for us, or for our own good.' He goes on to say: 'If we accept the idea we shall be involved in very awkward consequences. For we shall then be forced to allow (1) that there is really no such thing as a conscientious action or a benevolent or a malevolent action, and also (2) that there is really no difference in the motive between the acts of a so-called good man and those of a so-called bad man' (ibid.: 112).

Ethical egoism suggests that all morality is in reality merely self-interest. If doing my duty either brings good consequences or simply makes me feel happier because I have done my duty, then surely my action is indistinguishable from self-interest?

**Utilitarianism**

Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.

[John Stuart Mill 1991: 137]

Utilitarianism or teleology is also widely accepted in the West as an ethical system. Jeremy Bentham (1748–1832) and John Stuart Mill (1806–73) are usually credited as being its most significant proponents. Utilitarianists believe that an action that produces an excess of beneficial effects over harmful ones must be the right one. Certainly this a system that has considerable appeal for journalists. It justifies, for example, ruining the life of a children's home superintendent.
by exposing him as a child abuser on the basis that it has saved children of the future from a good deal of misery and brought some small measure of justice to children (perhaps now adults) who have suffered at his hand in the past.

One problem with utilitarianism is that it depends on who makes the decision. For instance, one could justify the killing of a homeless down-and-out who has no family in order that his organs could be donated to several desperately ill patients on the basis that several people could live with consequent benefits to their families for the loss of only one life. But this depends on each unit of happiness being the same, something Friedrich Nietzsche (1844–1900) condemned ruthlessly. He believed that some people were more important than others. Writing about the English utilitarians in less than complimentary terms, he said:

Not one of all these ponderous herd animals ... wants to know or scent that the 'general welfare' is not an ideal, or a goal, or a concept that can be grasped at all, but only an emetic – that what is right for one cannot by any means therefore be right for another, that the demand for one morality for all is detrimental to precisely the higher men, in short there exists an order of rank between man and man, consequently also between morality and morality.

(Nietzsche 1973: 139)

One can argue not only that one person is more important than another but also that actions have different perceived values. For instance, money given to a beggar has more significance, in moral terms, when that money comes from a poor student than from a millionaire. Utilitarianism also does not require any measurement of the motive of the action. Provided the consequence is an increase in the sum of happiness, an evil act can be justified.

Kant: the categorical imperative

The German Immanuel Kant (1724–1804) is a highly significant figure in modern philosophy. He helped to develop the concept of deontology or duty ethics. Kant believed that a moral act was one that denied self and followed only obligation. If I have promised to meet someone tonight then I am morally obliged to do that regardless of my inclinations. If, however, I have made no such promise, then I am free to follow my inclinations. But whatever I do would be merely a matter of taste and not a moral act.

Kant went on to develop the theory of universalisability. This determines that: ‘[I] ought never to act in such a way that I could not also will that my maxim should be a universal law’ (Kant 1990: 18). Kant identified three different sorts of actions, or imperatives, that are useful in identifying how moral actions work.

The first is technical imperatives. A good journalist must be able to take a quick, accurate note and many learn shorthand in order to accomplish this. This is a technical imperative: they have a good shorthand note. Next Kant identified hypothetical imperatives. These are concerned only with prudential action, or those actions that it would be sensible (but not necessarily moral) to take. If you were about to be run over by a car, then a hypothetical imperative would be: ‘To avoid being run over, run fast to your left.’ This would be a prudent action and has no moral component. On the other hand, it is a duty to maintain one’s life and so there may well be an element of the final imperative contained here. Categorical imperatives enjoin action completely without qualification; they deal solely in absolute duties; duties carried out solely because the will has determined that these types of actions are moral actions. This deontological approach to morals means that if one has determined a categorical imperative that one must not lie, then that is what one should do regardless of the circumstances. Kant’s theory allows the development of a set of universal
laws that are a form of moral code. This system can be used by journalists to develop a linked set of categorical imperatives around professional practice. This is the basis for codes of conduct or practice.

Kant also believed that one would have to examine the motives of a person to see whether their behaviour was good or bad. Their intentions are more important than the act itself, certainly more important than the consequences in terms of morality. If they acted solely from a sense of duty and not out of self-interest, then their action could well be morally justifiable no matter what the consequences. If a journalist were to report something that was not true, despite thorough checking (perhaps he or she had been lied to), then the journalist could not be blamed for the consequences, even if these were damaging. He or she would have been behaving morally in printing the truth as he or she had determined it to be.

However, Kant’s formulation does not handle conflicts of interest well. For example, if a journalist were asked by police to suppress the story of a kidnap in order to protect the victim’s life, how could the journalist not publish when it should be a categorical imperative to publish known information; yet to protect someone’s life when such protection is required must surely also be a categorical imperative? Since much of the ethical debate within the media is balancing the right to publish against some other right, such as a person’s right to privacy, Kant is not always that helpful, although his theories do allow the building of codes of practice.

Kant believed that every person had equal value and the same right to have their view taken into consideration. He thought that the end did not justify the means. Only by acting from duty could one be said to be acting morally, and the consequence was not something that could always be foreseen. Prichard does not think Kant’s use of the categorical imperative gets us out of the difficulty of moral decision making, however. We can’t use the excuse of a ‘moral command’ to force us to act morally: ‘it should be noted that the summary attempt to elucidate the nature of moral obligation by the analogy of law . . . is only mischievous, because it represents our being morally bound to do some action as if it were our being commanded to do it’ (Prichard 1949: 95).

Others find Kant difficult because of this inflexible and absolute nature of categorical imperatives. The NUJ’s code of conduct, for instance, says that a journalist must never reveal the identity of a confidential source of information. While many journalists stick by this absolutely, there are some who feel that it is not possible to be so inflexible. Nick Martin-Clarke, for instance, gave evidence against a former confidential source who he claimed had confessed a murder to him (http://www.bjr.org.uk/data/2003/no2_martinclark, accessed 11 January 2010). What conditions might tempt you to go back on a promise to a source?

Ross

The philosopher Sir William David Ross (1877–1971) was a deontologist and took the view that we all have duties of fidelity. In other words, we are bound by our own words or acts. If we sign a contract, we are duty-bound not to break it. If we make a promise, we are bound to keep it. He also believed in the concept of reparation. If you do ‘wrong’ you are duty-bound to undo the wrong and make good the damage as far as possible. This duty extends to gratitude. If someone performs a good act for you, you are under an obligation to return the favour at some point. Ross believes that this duty of gratitude can extend to friends, relatives, employers and employees.

Ross’s ideas have a direct application to journalism as it can be said that journalists have a duty of gratitude to readers, advertisers, employers and so on. We will use this view of duty a lot throughout this book, although I will refer to it more often as a duty of loyalty as I think this better describes the relationship. I might be grateful that you are reading this book, but I do not see that
that entails me in any duty. But my loyalty, induced by that duty of gratitude, will mean that I will produce the most accurate, informative book that I can.

Ross also talks about other duties:

- **Beneficence** – our duty to improve the lot of others.
- **Justice** – we all have a duty to see that people get what they deserve, whether this is pleasure or punishment.
- **Self-improvement** – we have a duty to try to improve our own condition of virtue, intelligence or happiness.
- **Non-injury** – our duty not to hurt others or allow them to be hurt if we can prevent it.

Ross chaired the first Royal Commission into the press in 1947.

### The language of morals

The former [objectivists] lay stress on the fixed principles that are handed down by the father, the latter [subjectivists] on the new decisions which have to be made by the son.

(R.M. Hare 1995: 77)

Much of the ethical debate over the last century has revolved around the analysis of the language of morals and what the words ‘good’, ‘bad’, ‘ought’, ‘right’, ‘wrong’ and so on mean. A number of theories have been developed by philosophers such as G.E. Moore, A.J. Ayers and R.M. Hare which attempt to shed some light in the area of value words and our use of them. Most of these theories are essentially theories about theories and as such require much supportive argument. However, Table 1.1 summarises the main ideas. To put some of the theories in Table 1.1 into context, let us look at a dilemma and how the various theories would address it. I promise a friend that I will meet her in town at six o’clock. Is it acceptable to break my promise in order to rescue someone from a burning building, thus making me late for my appointment? A motivist might say ‘yes’ as my motive for breaking my promise would be to save a life or ‘no’ if my duty was to keep my promise. Consequentialists believe that only the consequence of the act is significant. Therefore, a consequentialist might say ‘no’ as the consequence of braving the flames would be to break my promise or ‘yes’ as the consequence is to save a life. A deontologist believes that the act of promising to do something performs an act which by its very nature obliges one to carry it out regardless of the consequences. I have promised to meet my friend at six o’clock; if I do not do so I am breaking my promise (no matter what the excuse) and that is not acceptable. From this viewpoint a journalist would automatically be acting immorally if he or she did not gather truthful information and disseminate it to the public because, by the nature of the act, that is what journalists should be obliged to do. Clearly deontologists need to be careful with their promises!

### What is a right? Why do people have them?

The importance of laws and ethical matters to society has already been discussed but another issue that is often talked about is that of rights. ‘I know my rights,’ we say. The United Nations Declaration of Human Rights was written following the horrors of the Second World War and was closely followed by the European Convention on Human Rights. The UK government included these rights into UK law with the Human Rights Act 1998.

*The Concise Oxford English Dictionary* describes rights as ‘being entitled to privilege or immunity, thing one is entitled to’ (1964: 1075). However, rights are not things we have automatically and in
many areas of the world breaches of human rights are commonplace. Human rights in this country are ours by agreement – a pact we have with the authorities of the country in which we live but it is important to understand that these are inalienable rights and cannot be removed. They exist purely by virtue of the political system in which we live. In many countries that right is underscored by a constitution or a ‘bill of rights’ which lays down the rights or special privileges citizens can claim while listing the responsibilities that follow from them. By living in a democracy, however...
structured, a complex structure of rights and obligations is built up. For instance, we have a right to be considered innocent until proven guilty, if we should happen to face accusations in a court of law, because the law grants us that right. In exchange, we are obliged to live in peaceful coexistence with our neighbours under the law. If our neighbour annoys us, we don’t punch him on the nose, we take him to court. We give up our right to punish wrongdoers ourselves, to those we elect or appoint for the purpose. We also give up our ability to escape punishment in return for protection under the law. There are a number of other rights that we have which all have consequent duties that we are obliged to fulfil to ensure that others have their rights.

The idea of human rights grew up with the theories of democratic government in the seventeenth century. Thomas Hobbes (1588–1679), a British philosopher, believed that the only form of rule must be authoritarian as he believed this was the only way to have firm control and peace. Life in ‘the state of nature’, according to Hobbes, ‘is solitary, poor, nasty, brutish and short’. The way to improve matters was for people to stick to the rules, to abide by ‘covenants of mutual trust’. But, said Hobbes, these covenants must be enforced by an absolute power as only ‘the terror of some punishment’ would keep men to the covenants. Hobbes argued that this power should be a single person, probably the king, as then his self-interest would be directly tied to the country, as a single person would not have internal conflicts, compromise secrecy or change decisions depending on who turned up to debate and vote.

Those who opposed these views pointed out that once one has an absolute power, then there is no turning back to having control over the covenants. Having given absolute power to someone, they then have absolute power to ensure one can’t change one’s mind. An absolute power almost always crushes any dissent. There are plenty of examples of such absolute powers around the world and changing them proves to be extremely difficult whether from without or within, as we found to our cost in Iraq.

John Locke (1632–1704) argued differently. For Locke, the state of nature is one in which a man who is wronged by another has the right to punish him. However, since Locke accepted that there are several reasons why this may not work, he believed men should come together and give up their right to escape punishment by authorising society to punish them, and therefore gain the right to have those who transgress against them punished by those elected so to do. By agreeing to give up our right to escape punishment, we allow the law to be enforced when we might be strong enough to enforce it ourselves, ensuring that others are punished at times when we might be too weak to arrange punishment ourselves. Locke pointed out that for this to work there must be law above all and that tyranny – absolute power – of any sort must therefore be wrong. Locke said that the only sensible way to live was to give up the right to escape punishment and determine the law in return for appointing people who determined the law and ensured that those who broke it were punished. As part of this compact, the people gain rights. These are not privileges, granted to them by the government, because this would imply that these rights could be taken away for misbehaviour or simply at the whim of the government. This would make a mockery of such rights as the right to a fair trial or to be presumed innocent until proven guilty. Our pact was solely to give up our ability to escape punishment in favour of the opportunity to appoint the lawmakers.

John Stuart Mill (1806–73) supported this view, saying that there was no difficulty showing that the best form of government is one that is ‘vested in the entire aggregate of the community; every citizen having not just a voice . . . but being called upon to take an actual part in the government, by the personal discharge of some public function local or general’ (Mill, On Liberty and Other Essays).

Perhaps the most important exponent of rights was Thomas Paine (1737–1809) who wrote Common Sense and the Rights of Man. Paine was an Englishman who fled first to France and then America because of his unpopular republican views and was influential in the growth of American civil rights and the development of both the French and American revolutions and subsequent building of their republics. He believed that rights grew out of nature, but that we had to surrender some of these natural rights of intellect, mind or religion on entering society, exchanging them for
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‘civil rights’: ‘He deposits this right in the common stock of society, and takes the arm of society, of which he is part, in preference and in addition to his own’ (Paine 1993: 90). For this to happen all men had to be equal, with equal rights from birth that should equally be supported by their civil rights. No man could be raised above another without the application of the law fairly applied to all.

Both Locke and Paine believed that people who are appointed to make and uphold the law should be responsible to those who appoint them. It is at this stage that the media becomes important as it has a significant role to play in ensuring that those appointed to draw up the law answer to those who appoint them. In a Hobbesian media there is no need to challenge and test government. It could not inform voters as there would be no voters. There would be little point in criticising or challenging a leadership that had absolute power, first, because that power would be certain to crush this act of dissent and, second, because there would simply be no purpose in it. Much better to pretend that things were fine and only talk about the good in life rather than point out that there were lots of things wrong about which you could do nothing. There would almost certainly be a media of entertainment and a news service providing information and limited education. But it would not be attempting to mediate between government and governed. It would be tightly controlled by the absolute power and so, while it would need to have some thought about professional practice, many of the ethical issues required of a media operating in a Western-style democracy would not be required. In a rights-based society, however, Paine said that the people of England had three fundamental rights:

1 to choose their own governors;
2 to cashier them for misconduct;
3 to frame a government for themselves. (Paine 1993: 64)

This right to choose our own leaders, to kick them out of office if needs be and to frame our own government, and to be involved in policy making even if only by being involved in the debate, does require a fully functioning, questioning media. It would clearly be impossible for us all to quiz politicians on their views and policies, but we can be informed through the media in all its forms. This view of the inalienability of human rights and its importance to democratic systems of government has permeated much of the radical political thinking of the past three hundred years. Much of the US constitution can be identified as coming directly from the theories of Locke and Paine (indeed Paine was directly involved with the likes of Jefferson in writing it), while much of Western political democracy is based on their theories. The human rights that are now codified in the European Convention on Human Rights are fairly extensive, but the ones that apply mainly to our consideration of journalism include the right to:

- freedom of speech;
- freedom of conscience and opinion;
- a fair trial;
- be presumed innocent until proven guilty;
- be free from discrimination;
- respect for private and family life; and
- the right to free elections.

Human rights are often enshrined in law. Human rights in the UK are ours by virtue of the Human Rights Act 1998 and the European Convention on Human Rights. In many countries human rights are upheld by a constitution or a ‘bill of rights’ which identifies the rights of its citizens as part of that constitutional contract between state and individual. The laws to which citizens must adhere because they have agreed to give up their opportunity to avoid punishment are drawn up by those
we elect to govern, whom we can remove if sufficient of us agree that they are not governing as we would wish. By living in a democracy, however organised, our rights should be protected by the law; for instance, we have a right to be considered innocent until proven guilty if we should happen to face accusations in a court of law. In exchange, we live in peaceful coexistence with our neighbours under the law and accept that if we don’t, we will be obliged to face that court and explain ourselves and accept the court’s judgment. It is to provide a forum to debate how this should work and to inform us about how our leaders have lived up to their promise that is one of the media’s most important jobs. We need freedom of speech, and from it freedom of the media to protect our rights and our democracy.

Further reading and support material

There are a number of books examining the different approaches that can be taken to ethics and moral reasoning. Harman Gilbert (1977) *The Nature of Morality: An Introduction to Ethics* (Oxford, Oxford University Press) is a useful introduction to some of the ideas outlined above and this can be augmented by P. Singer (1994) *Ethics* (Oxford, Oxford University Press). There are numerous books examining the arguments of Kant, Aristotle, Bentham and Mill, among others, and these can be found in any reasonable bookshop or library. For an excellent explanation of the rights of man, it’s still difficult to beat Thomas Paine (1993) *Common Sense and The Rights of Man* (London: Phoenix Press).