

Ethics Case Study (Private Lives and Public Figures)

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Abstract

This paper addresses the legal and ethical dilemmas found within *Private Lives and Public Figures* by Jessica Silliman. Understanding the importance of the legal and ethical ramifications of publishing something in the news is one of the major decisions that a journalist must weigh in their career. Just because something might be “newsworthy” does not always mean that it may be ethical or legal to publish.

Ethics Case Study (Private Lives and Public Figures)

Ethics are defined as the act of evaluating a situation and determining how to respond to that situation based on morals and the principle of values. In the professional realm of journalism, the SPJ Code of Ethics states that a journalist should seek truth and report it, minimize harm, act independently, and be accountable and transparent (Society of Professional Journalists, 2014). In today's society and its belief in the "right to know" information pertaining to public concern or freedom of speech often overpowers any public figures' right to privacy. This, in turn, leads to public figures having absolutely no privacy, even when information that is published is completely false. The Age of Technology has made this issue even worse.

Summary of Legal and Ethical Dilemmas of the Case Study

Private Lives and Public Figures focuses on the ethical dilemma that Peter Jacobs, a green journalist on his first assignment out of college, was assigned to cover the reelection campaign of his town's mayor (Silliman, 2007). Although Jacobs did not have a particularly great liking for the mayor, he took his assignment anyway and began doing his research on the campaign. During this time, Jacobs was presented with an ethical dilemma: at what point does the mayor lose his right to privacy and his private life deserve to become public knowledge or news? At the time that Jacobs was given this assignment, he began hearing rumors about the mayor's impending divorce and needed to decide if he was going to make this information public or leave it in the mayor's private life (Silliman, 2007).

The *empirical definition* of this situation is the private life and divorce of the mayor who is running for reelection. We know that the rumors that were being stated was that the divorce, although no papers had yet been filed, was nasty.

The *values* in this situation ask the following questions: Does a divorce in the private life of an elected official have an effect on how they perform their job in their official public position? Does the general public have the right to know about the divorce, because the individual is an elected official, or does the individual still have a right to privacy?

The *ethical principles* that need to be applied in this analysis are Aristotle's Golden Mean, Rawls's Veil of Ignorance, and Agape Love-Ethics of Care (Dougherty 2018). Using Aristotle's Golden Mean, we know that moderation is key. The mayor is already in the light for his reelection campaign and will likely already be facing a "smear" campaign of his opponents running for the position. If using moderation, there is no reason to add even more to a campaign, unless it is something that is of significance. In Rawls's Veil of Ignorance, we know that this principle works best in a situation in which a big power differential is involved or when someone's rights are at stake; but there are also ideologies involved that may be difficult for certain people to see past. Again, it needs to be analyzed if covering a divorce is going to 1. Impose on the mayor's right to privacy, 2. Impose on the town's "right to know" and 3. If this information is going to cause an unbiased vote from voters that may allow the mayor's personal life to affect who they vote for, instead of the candidates' political campaigns and abilities to perform the job. Finally, Agape Love-Ethics of Care should be considered. Sometimes, as a journalist, we need to sit back and think about how it would affect our personal life if something was published. Public figures and/or political figures are still human too.

The fourth and final box of the Potter Box Model is *choosing loyalties*. As a journalist, loyalties ultimately lie with the readers, but that doesn't mean that a journalist should toss out all ethics and values. On a legal note, it needs to be considered if appeasing the readers will result in a libel suit. In this situation, the information about the divorce is just a rumor but if Jacobs chose

to publish the information, depending on how it is worded in the papers could potentially lead the mayor to sue Jacobs and the paper for malice (Messenger, 2019).

Reporting stories and staying within the ethical guidelines of a journalist is crucial for your personal reputation, the reputation of the company you work for, and your career as a whole. When Jacobs was presented with this ethical dilemma, he needed to take in all ethics, loyalties, and legalities of the story at hand. Releasing the story has the potential for legal action and ethical discredit to both Jacobs and his employer. Not releasing the story about the divorce could impose on the public's right to know, therefore Jacobs needed to weigh both the ethical and legal ramifications of releasing information on a rumor about a divorce.

Peter Jacobs ultimately determined that although the divorce might be considered newsworthy to other reporters, he felt that the divorce and what was happening in the mayor's personal life did not affect his political career and should not be considered newsworthy (Silliman, 2007). In an interview after the mayor's reelection, Jacobs stated "It wasn't the public's business. I could have dragged him and his divorce through the mud, but I just didn't think it was necessary" (Silliman, 2007).

Legal and Ethical Dilemmas Posed by these Courses of Action

Throughout the years, the United States Supreme Court has held various descriptions and definitions of public figures and holds that cases involving public figures are best handled in a case-by-case fashion. Unfortunately, privacy as a legal concept has been recognized by a handful of scholars as "elusive and ill-defined" (Yanisky-Ravid & Lahav, 2017). It is largely claimed that privacy is a right that was first recognized in the courts after a case involving the publication of private details on public figures and how it weighed against the public interest in exposing the

information (Yanisky-Ravid & Lahav, 2017). Although the general rights to privacy are found in the Fourth Amendment, when public or political figures are involved, a clash with the First Amendment right of Freedom of Expression. Freedom of Expression includes free publication and arguably free access to any and all knowledge (Yanisky-Ravid & Lahav, 2017). This conflict is the basis of almost all Supreme Court decisions based on public figures. In this case, since Jacobs decided to not release the information, it would appear that the only legal issue he could have faced was the public's right to know. Ethically, not releasing anything about the mayor's pending divorce he could have also received backlash for not giving the public the information and making good on their rights to know. Private lives and public figures really do create a grey area inside the law, as well as ethics.

Conclusion

In conclusion, Peter Jacobs made the right decision by choosing to omit the mayor's divorce from the papers. While the story had all of the elements for a "juicy" story, it ultimately isn't right to bank a win on a personal tragedy of someone. A divorce can be difficult enough for a family that has no public figures, but you add a public figure into the mix, it can only get worse. In addition to a divorce being difficult, any elected official also has a lot on their plate while campaigning. Releasing information about a "nasty divorce" could have had detrimental results for the reelection as well. So many people base their opinions on a political official off of that person's personal life and not how well they can perform their elected position. Using the Potter Box Model to look at the situation, not talking about the mayor's divorce was a great way to go, and Jacobs proved he had the right ethical decision-making skills needed to be a great journalist.

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