

UDC 331.108.6

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Ethical and legal issues in journalism of the USA

In the present publication separate ethical and legal aspects of journalism of the United States of America are considered. The conclusions representing theoretical and practical interest for the Kazakhstan journalism as a whole, legal journalism in particular are drawn.

Key words: ethics, right, person, state, journalism, information, freedom.

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АҚШ журналистикасындағы құқықтық және этикалық мәселелер

Мақалада Америка Құрама Штаттары журналистикасының кейбір этикалық және құқықтық мәселелері туралы ой қозғалған. Қазақстан журналистикасына тәжірибелік және теориялық пайдасы бар қорытындылар жасалынған.

Түйін сөздер: этика, құқық, адам, мемлекет, журналистика, ақпарат, бостандық.

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Этические и юридические проблемы журналистики США

В данной публикации рассматриваются отдельные этические и правовые аспекты журналистики Соединенных Штатов Америки. Делаются выводы, представляющие теоретический и практический интерес как для казахстанской журналистики, в целом, так и правовой журналистики, в частности.

Ключевые слова: этика, право, человек, государство, журналистика, информация, свобода.

Ethics is a system of guidelines based on morals and values that we all follow in everyday life. Ethics can be personal and professional; each business and career path is governed by its own set of specific ethical principles. Though these guidelines can overlap at many times, it's important to know that for certain professions (such as journalism), the ethical principles defining the execution of your job are unique. In addition, the legal issues that arise can differ greatly from other professions. Allow me to give you an overview of the ethical principles and legal issues related to the field of journalism. In our field, we must always be aware of the ethics and law surrounding what we do in pursuit of the truth.

If our credibility is ever lost because we fail to act in accordance with the ethical principles and laws governing our profession, the very foundation

of our jobs and our lives as reporters is broken. According to the U.S. Society of Professional Journalists, a volunteer organization, there are four basic principles of journalism ethics: seek the truth and report it, minimize harm, act independently and be accountable. With each principle comes more specific guidelines. When seeking and reporting the truth, journalists must be fair, honest and accurate when gathering and reporting information. To minimize harm, journalists must treat each source with respect and as a human being. Journalists need to have no other obligation during the course of their work other than the public's right to know, and at the same time, they need to be accountable to this public. In journalism, many times situations will arise in which these principles are in direct conflict with each other, and this is where journalists must

weigh the information carefully to make the right decision. Consider the following scenario and try to decide what you would do.

Scenario 1: You are doing a routine feature on a charitable organization in the region. This charity has provided millions of dollars to low-income families to help lift them out of poverty. You interview several individuals who have benefited from the charity, and they all share with you stories of homelessness, unemployment and sickness. Money from the charity helped them secure housing, employment, and health care for their children. As a human being, you are moved by the stories of these people whose lives have been changed from the charitable organization. However, when researching the financial records to obtain accurate numbers of the money that has been donated since the charity's creation, you discover that the CEO of the organization has submitted false income reports to the IRS and that they are making much more money than the public knows. This leads you to uncover a trail of embezzlement of money from the charity at the hands of its creator, a person who has been publicly applauded for their efforts. What do you do? You know you must be honest and accurate when reporting this information, but you also know that the charity would likely be dismantled (at least temporarily), and that would undoubtedly cause harm to the families who have benefited and who stand to benefit from the charity's funds.

This scenario presents a direct conflict between the four principles guiding our profession. Which is more important, the need to be honest and accurate, or the need to minimize harm?

Scenario 2: You discover that an editor at your newspaper has accepted money from a source for the publication of certain stories. The stories uncovered wrongful actions on the part of a prominent politician, exposing them to the public and effectively removing them from office. The stories probably prevented further harm to the public at the hands of the politician. However, your editor accepted payment from another politician who had lost in the last election and who was probably trying to remove the person from office for personal reasons.

Your editor was clearly not acting independently, and while the public clearly had a right to know in this scenario, it presents another ethical dilemma for journalists. Should you report the accepted payment

to another editor, or even the publisher? Which is worse, the editor accepting payment for the stories or the public not being informed of the politician's wrongdoing?

These are just two scenarios that journalists across the world face on a regular basis. When acting in accordance with one ethical principle in journalism, it's easy to also be contradicting another value that governs our work. You have to decide which path to follow. It might be helpful to follow a process for determining ethical decision making in journalism: define the issue, collect as much information as you need to make an informed decision, and consider the impact on different individuals and institutions as a result of your possible decisions. While doing no harm is probably impossible, doing as little harm as possible is always the goal. These situations are not always black and white. There is a lot to consider, from the predicted impact of the story as related to its placement in the publication to the appearance of a conflict of interest.

When it comes to legal issues faced by journalists, the most common are libel and defamation. Defamation is a statement of fact about a person that is actually false, and that probably injures the person's reputation. When defamation is printed, it's called libel; when broadcast, it's called slander. This is why it's important for all journalists to independently verify information from their sources that could potentially damage another person's reputation. Though the legal issues concerning online journalism are constantly being debated, I think that online writers, including the content producers at Associated Content, should be subject to the same laws and ethical principles that govern print and broadcast journalists.

Being a journalist is more than a career. For most, it's the sense of duty to the public to expose not only wrongdoing, but celebrate the good news that is too often left off of page one. It's the potential to change the world through words. The ethical principles and legal issues that govern what we do are unique and can present conflict at every turn.

Nobody ever said being a journalist is easy. We have to decide what the best course of action is, given the circumstances that surround our dilemma. Remember that no matter which course of action you follow, be 100 percent sure that you're able to face the consequences no matter what. Journalism is not for the thin-skinned.

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Karl Polanyi, *The Great Transformation* (Boston: Beacon Press, 1957), chs. 14-15.

See, for instance, Michael Taylor, *Community, Anarchy and Liberty*, (Cambridge: Cambridge University Press, 1982), pp. 28-33

Noam Chomsky, 'On freedom of press and culture :an interview' (in this issue)

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