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Freedom of the Press in Democratic Countries

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**FREEDOM OF THE PRESS
IN
DEMOCRATIC COUNTRIES**

Chiao-Yen, Lin

An Abstract Presented to the Faculty of the Graduate School of
Lindenwood University in Partial Fulfillment of the Requirement
for the Degree of Master of Mass Communication

1999

ABSTRACT

Ever since freedom of the press was established along with the democratic system, how much limitation to impose on free press has been an arguable issue. This study discusses freedom of press from authoritarian to libertarian systems. Free press indeed is an inalienable right in democracy; however, the imperfections under liberalism and capitalism need to be attended and reviewed. The purpose in this study is to develop guidelines to retain respectable journalism and to elevate the ethics of the press.

Research cases relative to the most common problem—invasion of privacy-- establish one area of irresponsibility of the press in the contemporary democratic world. Other issues, such as sensationalism and distortion along with the motives behind them, are explored. Philosophical ideas of rights and duties are applied to help establish guidelines for addressing a societal wide press problem.

A free press and responsible journalism is based upon the press's own self-discipline, the enforcement of legal restrictions, and the monitoring of the public. In democratic countries, the so-called free marketplace or socially responsible society is discussed as the ideal theoretical model. In the real world, however, speed, competition and business profits too often drive the reporters or the press's managers to fail in their responsibility, looking for sensational and yellow news

stories to attract the public. The public loves buying tabloids, reinforcing the press's low tastes and values.

Because journalism fails in its duty, as society's 4th Estate, stricter laws need to be considered to protect people's right to privacy and insure responsible news coverage. Another effective power to limit the press's excesses, can be applied by professional organizations, including the university. Licensing the press is one option that is explored, along with legal alternatives.

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Chapter I

INTRODUCTION

A. Background

Every period of journalism encounters different struggles and predicaments. Under strict supervision from governments, journalists began seeking free speech and free press in the 17th century as new ideas about individual freedoms emerged in France and elsewhere. As newspapers evolved, some became megaphones for governments; others devoted themselves to striving for a free press. In the 18th and 19th century, political freedoms, literacy, and economic growth contributed to a great increase of newspapers. From the outset, no matter how free the press, political or economical factors undeniably influenced editorial policies. Journalistic competition from electronic media emerged in the early 20th century, making the print media become less in depth and more entertainment-oriented in order to compete. It is important to note that this shift away from journalistic integrity is justified not on journalistic but on economic grounds. Terrific media competition gave rise to bad taste, overemphasis on crime and sex, disreputable advertising and so on. Along with these issues, the big problem of the media in the 20th century in democratic countries is no longer the limits of a free press, but the abuse of freedom that occurs when a free press invades a person's right to privacy and human dignity. How to maintain the right of free speech without

invading the right of privacy is an important issue to deliberate in today and tomorrow's journalism.

My interests in these issues facing modern journalism began early in my career as a student. This included practical journalistic training in college, part time reporting jobs in teenagers' TV programs, and experience working as a print journalist after graduating from school. Although I was not a reporter for very long, I did feel the intense competition of the media that leads to a number of problems, such as invading personal privacy, communicating incorrect ideas, or demonstrating mistaken examples. Such reportage practiced on a wide scale, ultimately undermines the credibility of all journalists. In the light of these issues, the motivations of the journalistic media and the purposes of reporting need to be examined carefully to see if they are acting in ways that focus on discovering the truth, and are consistent with journalistic ethics; that is, journalism that is fair, objective and appropriate to the public's need to know.

In my four months as an entertainment reporter, I disliked my job and my behavior because of the mindset I found myself developing for hunting celebrities' scandals. When I found that I hoped something might happen to the celebrities in the public eye, such as divorce, extramarital relations, illegitimate children and so on, I felt ashamed of myself. Other reporters who have consciences no doubt have had similar feelings. If reporters at our magazine did not present shocking or sexual facts, they felt they were not following the company's policy or the public's desires. Probably, some of them did not like to

search for such materials, but pressures from their supervisors compelled them to pursue the sensational stories. As a result, they punished themselves and exaggerated the truth at the same time. This is the contradictory situation existing for many reporters.

Reporters are the first ones who uncover the information, search out the latest details, and then broadcast it to the people. The first touch of the reporters can be compared to a guide of an art tour. The attitude of the reporters should be neutral and objective.

The news coverage in a democratic society is more interesting than in authoritarian or communist countries, because more freedom is available in democratic societies. Citizens have a need to know, and media is a means of meeting that need, but this also causes disorder in the society. The more freedom we have, the more we seek to know, so the media tries to find more information to appeal to the public's appetite and cater to the public's tastes. Spectacular crimes, scandals, and disasters seem to dominate the public's attention, fed by a steady diet of intense media coverage in recent years. This is partly due to advanced technology and new equipment, which help the media to cover the most recent events efficiently and instantaneously. Also, the increase in the number of the media's news programs causes intense competition for the public's attention and pressures to offer more and more material to satisfy the public. The potential business benefits and ruthless competition lead the media to use more shocking and lurid promotions, titles, stories, photos or words to attract the public.

There are four factors to discuss in exploring the subject of sensationalistic journalism: the attitude of the media managers, the attitude of reporters, the governmental or legal restrictions, and the attitude of the public. The relationship among the reporters, media managers and the public is like that of the cook, restaurant owner and the customer.

The proprietor of the restaurant does not cook but he/she decides the menu. The owner thinks that he/she knows what the customers want. The cook cannot decide the menu but is the person who puts the flavor, be it sour, sweet, bitter or spicy, in your dishes. Similarly, the reporter puts the details in the article to show what he or she wants to tell you. The cook has the secret recipes as sometimes the reporter has the scoop. The restaurant's owner decides if the cook can show a favorite dish as the chief of the media department or editor decides what kinds of stories to chase. The cooks do their best to appeal to the customers' tastes, as reporters try every possible way to appeal to the public's minds and emotions.

Balancing these interests smoothly is the goal, but sometimes this is not as easy as it seems due to competing pressures. The media manager, for instance, is committed to bringing important events to the public's attention. But the media manager is also under pressure to sell his product, the news. Such pressure makes it tempting to run stories that are sensationalistic in order to attract public's attention or keep up with a competitor who is exploiting the story's sales potential. Saturation reporting of lurid stories often distorts their true importance

to the public, but economic pressure can lead media managers to pursue them at the expense of other more important news.

The media managers and reporters are both, for instance, in theory, committed to reporting the news truthfully. But the reporter also is pressured to “beat” the competition and please the media manager. He may be tempted to cross the lines of his subject’s personal privacy, journalistic ethics, or even truth in order to get an edge and sell more papers.

B. Purpose

The first ideas regarding freedom of the press occurred in England and inspired its colony, the United States. The journalism in America undoubtedly influenced the other democratic countries by its unique freedom. Taiwan is an example of a nation that has tried to copy free press of the western countries. The advantages of free press are worthy to follow; but on the other side, its current tendency toward abusing freedom needs to be addressed. Discussing the traditional values of a free press and examples of its current abuses is one objective of this project.

After discussing the selected cases from England, America and Taiwan, I intend to create guidelines for an effective press that gives consideration to the rights of people, balancing both the need to know and the right to personal privacy.

C. History and Nature of Journalism

No freedom of the media existed until the Enlightenment in Europe in the 17th century. English poet and polemicist, John Milton wrote that humans have innate rationality. If he or she has the opportunity to choose, he or she would search for the truth by him or herself. In John Milton's view, truth was more likely to rise from free discussion than from repression. His work marked the beginning of the marketplace of ideas theory—the notion that free and open discussion of ideas, even those we oppose or hate, encourages a society to meet the stresses of survival and growth (Hemmer 193).

John Locke promoted the idea further, writing that when the government is governed by people's will, it should give people freedom of speech to express their opinions. The government cannot interfere in or deprive the people of freedom. Later, such Enlightenment thinking became the foundation of American Declaration of Independence and the French Rights of Man and of the Citizen (Siebert 43). Locke and Jefferson insisted that the freedom of information is not only a human right of inherence, but also an important link in democratic politics. Jefferson said, he preferred less government but more newspapers.

Three periods of advancing free press in England is addressed by Pon Why-N's in *Journalism: Q&A* (1997). He defines them in the following ways, (1) Striving for the freedom of press (1538-1695): To strive for the right of publishing without license, William Walwyn gave a speech in the parliament to lessen restrictions on

freedom of the press. John Milton protested against the licensing system in writing *Areopagitica* in 1644, a pamphlet that defended freedom of the press. (2) Striving for freedom of expression (1695-1861): After abolishing the licensing system, the government used the "Tax on Knowledge" to threaten the publication, and "Subsidy System" to aid the newspaper that supported government's opinion. Newspapers that disagreed with the governor would be accused of "Seditious Libel." In response, the publishers of the magazine *North Briton*, John Wilkes, William Cobbet, and Richard Colile spearheaded a campaign on behalf of freedom of expression. In 1853 and 1861, the "Tax on Advertising" and the "Tax on Knowledge" were annulled. In keeping with the idea of journalism's role as the Fourth Estate, the newspaper had the rights to criticize the government. (3) Striving for the freedom of information: 1900 began the golden age in England: free competition, free commerce, and free religion had become a fact. Freedom of the press also got governmental permission and respect during this period (26).

The first American newspaper, *Publick Occurrence both Forreign and Domestic*, was born in 1690, but ended four days later by virtue of a critical story about the King of the France. The official reason for its suppression was the newspaper had no license to print and had been "without the least Privacy or Countenance of Authority." Not until nearly 14 years later in 1704, was the first continually published newspaper, *Boston News Letter*, licensed and endorsed as loyal to the British Crown. The first paper publishing letters, essays, and verse is

the *New England Courrant* (1721). It is also the first American newspaper to speak out openly and freely without fear of offending the government (Berry 2-5).

The colonial newspaper of America (1690-1765) required a license. It mixed both new and old news; its greatest source of news was England, not America. Some newspapers during the colonial period helped in the struggle for a free press, but some were little more than official publications. One significant publication was the *New York Weekly Journal*, a popular newspaper with the increasingly Anti-British colonists. It is highly important for two reasons. First, upholding the right of people for a free government. It began the discussion that culminated in the Declaration of Independence. Second, fighting the first battle for newspaper rights in America. While its publisher, John Peter Zenger was charged with printing libelous statements (1734), his lawyer, Andrew Hamilton, established two points having a far-reaching effect on journalism: (a) the truth or falsity of any libelous statement must be proved (true statements may be printed, libel must be false or it is not libel) and (b) a newspaper must be allowed to criticize the government (Berry 7). Winning the case marked the end of court trials for seditious libel in the American colonies.

The newspaper business became a permanent and important institution as the American Revolutionary period closed. During the post-Revolutionary period (1780-1800), the newspaper became the medium by which national leaders carried their arguments to people and in many cases the newspaper openly lined up with one side or another (Berry 12-13). As newspapers evolved, in the first

half of 19th century, the industry was marked by an increasing number of newspapers, heavy political influence on editorial policy, a new series of events affecting freedom of the press, and the appearance of the cheap newspaper. A combination of certain conditions that included: an increase of population, popularity of public education and the spread of literacy, the lower price of newspaper (penny paper), the desire of people to know the affairs of their country, and modern transportation, had all made newspaper more readily available and widely read in the latter half of the 19th century (Berry 13-25).

Yellow journalism began with the *Journal and World* in New York in 1896, spread rapidly among other papers throughout the nation by 1898, and reached its height during 1899-1900. A careful study in the twenty-one large metropolitan center in 1900 showed that about a third of the newspapers were distinctly yellow (Mott 539).

Yellow journalism was founded upon the appeal of sensationalism—crime news, scandal and gossip, disasters, divorce and sex. The year 1901 marked the beginning of the decline of yellow journalism. The novelty of the New York *World* had gradually died down, and the growth of the *New York Times* (a non-yellow newspaper) had a countering influence on the situation. Yellow journalism re-emerged, however, later in the New York of the tabloids, 1920-30 (Mott 540). In the decade of the thirties, tabloid dailies of general circulation gradually increased in number, though most of them were in the smaller cities.

Journalism in the 20th century was full of change, revolution, and contrary arguments. These were impacted by the first radio newscast, which took place in 1916, and started regular programming in 1920, and television newscasts which spread rapidly beginning in the 1950s, adding to verbal reporting vivid sounds, moving pictures and, eventually, instant information. Various theories developed in modern reporting, such as Interpretative Reporting (emphasizes in-depth reporting and background of the story), 1960's New journalism by Tom Wolfe and others (Tom Wolfe published *The New Journalism* in 1973), Investigative Reporting by Seymour Hersh, Woodward and Brebstein et.al., and 1980's Evaluative Reporting (New Journalism plus Interpretative Reporting), Precision Journalism (use content analysis and research mixed with traditional reporting skills) (Pon 244-254).

New journalism abandoned traditional reporting, granting that journalists must become a part of the story they were telling. Journalists could participate through offering personal insights, critiques, and analysis (Davis 101). The criticism of New Journalism is that it tends to make fake or questionable news, it is too subjective, and it overemphasizes sentiment. Moreover, its journalists often take on the leading role, participating in or directing the development of the event (Pon 245-46).

Contemporary Investigative Reporting is rooted in "Muckraking" (1904-1912). Muckraking appeared after yellow journalism (grew in the late nineteenth and early twentieth century), and competed with its sensationalized and fabricated

news with well-researched, often shocking stories that were grounded in a sense of the public interest. The muckrakers went after corruption, exposing abuses of large oil companies, patent medicine frauds and combating child labor abuses (Ferguson and Patten 18). The traditional idea of journalists is as the Fourth Estate, so American journalists have a longstanding sense of responsibility to influence and to monitor the government, and to champion social justice and truth. Furthermore, the time of turmoil in the 1960's led to a lack of trust in the government. That made the journalists take the responsibility to uncover the hidden truths about the corrupt government and the dark part of the society (Pon 246-47). Journalists demanded more details and truth in reporting ceasing to take government press releases at face value. Finding the exclusive story on political corruption, malfeasance, or lying became the objective of many journalists.

The best known work of Investigative Reporting is the uncovering of the "Watergate" story by Bob Woodward and Carl Bernstein. If they had not found so much corruption by President Nixon and his aids, Nixon would not have stepped down. Investigative reporting at its best is valueable, but if reporters lack enough ability knowledge and wisdom to tell the truth from the lie, it is easy for them to be duped and manipulated (Pon 247-48). Reporters can be tempted to pursue their own agenda, a potential pitfall which can leads them away from truth.

1. Respectable Journalism

a. Purpose:

Louis W. Hodges defines the role and the function of the press in liberal democracy in "Defining Press Responsibility: A Functional Approach" (1986). He points out the press is "responsible for" the accuracy of the information it delivers, for informing the reader about government, for not invading privacy or inflicting further hurt on victims of tragedy. However, the press is "accountable to" a government, an editor, a court, and a boss.

Hodges suggests responsibility involves the content of moral duties and obligations, that define how the press operates. Accountability means who can or should have power to demand, through persuasion or threat, that we discharge those duties well. Responsibility focuses on the nature and function of the press, on the criteria rational people might use to assess press performance. Accountability focuses on the freedom of the press, and on how someone might command the press to follow these criteria (13-14).

b. Practice:

According to the Code of Ethics of the Society of Professional Journalists, the rules that reporters should follow include five steps:

(1) Responsibility: The purpose of distributing news and enlightened opinion is to serve the general welfare. Journalists who use their professional status as representatives of the public for selfish or other unworthy motives violate a high trust.

(2) The Freedom of the Press: A free press is guarded as an inalienable right of people in a free society. It carries with freedom the responsibility to discuss, question, and challenge actions and utterances of our government and of our public

and private institutions. Journalists uphold the right to speak unpopular opinions as well as the privilege to agree with the majority.

(3) Ethics: Journalists must be free of obligation to any interest other than the public's need to know the truth.

(4) Accuracy and Objectivity: Good faith with the public is the foundation of all worthy journalism.

(5) Fair Play: Journalists at all times will show respect for the dignity, privacy, right, and well-being of people encountered in the course of gathering and presenting the news.

The first meeting in 1923 of the American Society of Newspaper Editors adopted a code of ethics that was known as the "Canons of Journalism." These are set forth as:

(1) Responsibility: The right of a newspaper to attract and hold readers is restricted by nothing but considerations of public welfare. A journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust.

(2) Freedom of Press: Freedom of the press is to be guarded as a vital right of mankind.

(3) Independence: Freedom from all obligations except that of fidelity to the public interest is vital.

(4) Sincerity, Truthfulness, Accuracy: Good faith with the reader is the foundation of all journalism worthy of the name.

(5) Impartiality: News reports should be free from opinion or bias of any kind.

(6) Fair Play: A newspaper should not publish unofficial charges affecting reputation or moral character.

(7) Decency: News should be presented in good taste, but lacking authority to enforce its canons, the society can but express the hope that deliberate pandering to vicious instincts will encounter effective public disapproval or yield to the influence of a preponderant professional condemnation.

2. Structure of Well Balanced Journalism

a. Organization

A well balanced practice of journalism includes consideration before a news story is released. In a well balanced structure of journalism, a reporter's story is assigned and checked by one or more people who include a chief reporter, the editors, and sometimes the managing editor or publisher. A publication may have a staff of writers and editors, use a group of reliable free-lancers, or obtain articles from free-lancers. An editor or editor in chief leads the editorial side of the publication. At the top of most periodical organizations is the publisher—the person who is responsible for all departments of the publication (Ferguson and Patten 67- 68).

The news coverage we receive in the newspapers, magazines or on TV or radio frequently is produced in this way: reporters and their chief-reporter or editor have a meeting to discuss the news sources. At the meeting, reporters also

can provide their opinions or news sources. Commonly, the editor or director assigns different groups to search individual events in fields, such as economics, politics, entertainment and so on. Reporters follow the editor's policy to complete the assignment. Reporters determine the content of what he/she reports, but the reporting is reviewed by the supervisor, who can require changes or "kill" the story altogether.

In most situations, the supervisor reviews wording and makes sure the reports follow the editor's main policy. Sometimes, the reports might be checked by many supervisors--chief reporter, editor, manager editor, publisher and the boss. Perhaps, the reporters are asked to correct or redo the work.

The formal chain of command is as follows in print journalism:

- *Reporters → (departmental reporter) → editor → (managing editor) → publisher → owner*

In smaller print media, the chief reporter may be the editor or the managing editor. If the owner, the publisher and the editor are the same person, the reporter only be responsible to one person.

The difference between print and electronic organizations is the TV or radio station has a newscaster reading the news stories. The editor and the publisher of the print press equal the news director and the producer in the electronic media. The news director organizes and plans every day's coverage. Reporters are assigned by the news director to cover events of the day and to prepare other special news reports.

Small radio stations may have only a few journalists to compile summaries of events from wire service reports, or focus on special topics. The news director often both writes and edits the news as well as delivers the newscast. Larger stations may have specialists who report news from their individual beats regularly (Ferguson and Patten 59).

The chain of command in the electronic journalism is:

- *Reporters* → *(managing editor)* → *news director* → *producer* → *owner*

The TV news director is responsible for managing the news operations:

reporters handle stories, editor assign, review, and often edit video stories, organize camera operation, and the newscast's script. Larger stations may have managing editors to assist the news director. A managing editor supervises the daily operations, executing the plans outlined by the news director. Producers and directors (sometimes they are the same person) put the news together. They bring the video from the scene of the news together with the newscaster and make sure that slides, charts, graphs, or other visual material are ready and in the proper order. They are responsible for the product we actually see and hear (60-62).

b. Hierarchy

Reporters who report the news directly to the public by orally speaking it, or by writing it, have the most power to inform. By virtue of journalism's structures, reporters are responsible to the chief reporter, chief reporter is responsible by the editor; the editor is responsible to the managing editor or news director; the managing editor (news director) is responsible to the publisher or the producer;

and the publisher (producer) is responsible to the owner. Any level that supervises the reporters, either chief reporter, editor (news director), managing editor, publisher (producer) or the owner can influence the standpoint of the reports.

Especially in a capitalistic countries, journalism cannot survive without making profits. Thus, reports that relate to advertising or advestisers can be affected by input from the advertising manager. In a authoritarian or communist system, journalsim is controlled by the governor. The governor is the boss, and the newspaper serves the interest of the state as he defines it.

c. Customer

The customer in journalsim is the public audience. Roland E. Wolseley and Laurence R. Campbell dsicuss how that the consumer of journalsim has played a definite part in determining what is available for the public to read in *Exploring Journalsim* (1949). The audience has expressed their position primarily through buying power. If they approve of a periodical, they subscribe to it , buy it, or respond more readily to the advertising appeals it contains'. If they disapprove, they neglect it.

The consumer has other ways of indicating his/her position and power. He/she writes to editors or visits the offices of publishers, to praise or to blame. Also, if he/she owns a periodical or is an employee of one, he/she influences it through that relationship, being both publisher and reader at the same time

(Campbell and Wolseley 69), just as advertisers can use their existing relationship with the newspaper to exert influence.

3. Evolution of Sensationalistic Journalism

a. Corruption of Purpose:

Despite the effects of respectable journalists to maintain high standards in serving noble purposes, yellow journalism persists.

The modern way of “keeping up” is in a fast-paced and busy world. Radio and movies are fast and pleasant, so are newsmagazines. Whether skirts, songs, or media forms, everything in the modern world has to be brief. “Tabloid” means a newspaper page half the standard size, designed for those willing to settle for a glance at big headlines and photos. By the 1980s, the term was even applied to news as entertainment broadcast programs (Stevens 118-119). Much of what is labeled “Sensational” is news of crime. No other type of news is of such universal interest.

b. Practice:

George Juergens isolated three dimensions of sensationalism: (1) emphasis on personalities; (2) preference for trivial over significant news, and (3) use of colloquial, personal language. He found that sensational newspapers expanded the human-interest story to report gossip and scandal about individuals that had formerly been regarded as private. In doing so, they struck a rich lode of news in crime and everyday happenings.

The distinguishing techniques of yellow journalism are (1) scare-heads, excessively large type, printing in either black or red, (2) the lavish use of pictures, inviting the abuse of picture-stealing and “faked” pictures, (3) impostures and frauds of various kinds, such as “faked” interviews and stories, misleading heads, pseudo-science, and parade of false learning, (4) the Sunday supplement, with colored comics and superficial “fluff” articles, (5) ostentatious sympathy with the “underdog” with campaigns against abuses suffered by the common people (Mott 539).

The challenge for journalism is to meet the information needs of the fast paced contemporary world while maintaining professional standards, even in the face of commercial pressure.

Chapter II

LITERATURE REVIEW

A. Political Structure and the Free Press

Since 1956, three journalistic scholars, Wilbur Schramm, Freds S. Siebert, and Theodore Peterson, have discussed the four theories of press-- the Authoritarian, Libertarian, Social Responsibility, and Soviet Communist— in what have come to be regarded as essential works in both journalism and political science for several decades. Siebert points out that the press in Authoritarian systems may not be a part of the government, but is expected to support the state. It is controlled by government patents, guilds, licensing, and sometimes censorship. Similarly to Authoritarian theory, Schramm notes that in the Soviet Communist system, surveillance and economic or political action of government command the media. Only the loyal and orthodox party members can make use of the media. In the communist countries, media has no independence; rather it serves as an arm of the governing party or the state.

In the Libertarian system, Siebert says, anyone who has economic means can apply the media. As to the Social Responsibility theory discussed by Theodore Peterson, people who have something to say can exercise the press. In sum, free press exists in democratic countries along with the lines of the Libertarian and Social Responsibility theories.

1. Free Press and Political Liberalism

In Libertarian theory, the government has no rights to interfere with the basic rights of lives, property, and freedom without people's permission. Most important of all, if the government violates or offends these three basic rights, the government cannot keep existing under people's reasonable consideration. This Lockean idea was adopted thoroughly by Jefferson in the Declaration of Independence and American Federal Constitution.

Siebert shows the chief purpose of press in Libertarian theory is to inform, entertain, sell, but mainly to help discover truth, and to check on government. In Libertarian theory, the state does not have the right to restrict that which it considers false or unsound. The press is free from government control, so there must be a "free marketplace" of ideas and information. The press is not an instrument of government, but rather a device for presenting evidence and arguments. The controls on the press are post-publication, punishment for areas such as obscenity, defamation, and wartime sedition (Davis 129). This is the theory of the press that was written into the Bill of Rights.

Today, except for the countries under communist domination, most nations at least theoretically have based social and political organizations on the theories of liberalism. Practically all-democratic countries in the world adopted the libertarian theory and embodied them in their constitution of fundamental law (Siebert 4-39).

The modification of the Libertarian model in the 20th century is the Social Responsibility model. The press has a responsibility to the society under the Social Responsibility theory that is more explicit than in the Libertarian model.

In general, the functions of the press under the Social Responsibility theory and Libertarian theory are basically the same. Social responsibility theory accepts the role of the press of Libertarian theory in servicing the political system, in enlightening the public, in safeguarding the liberties of the individual, but it also represents that the press has been deficient in performing these tasks. It consents to the role in servicing the economic system; nevertheless, it would not have this task take precedence over such other functions such as promoting the democratic processes or enlightening the public. From Theodor Peterson's point of view, Social Responsibility theory accepts the role of the press in furnishing entertainment but with condition that it is "good." It admits the need for the press as an institution to remain financially self-supporting, but it would exempt certain individual media from having to earn their way in the marketplace if necessary (Peterson 74).

a. Foundation and Analysis of Free Speech

In the United States, free speech and free press is guaranteed in the Bill of Rights and in the Constitution of the United States. Free press means the right to publish without obtaining a license or first submitting copy to a censor. Thus, the press in the United State is the fulfillment of John Milton's dream of an "open marketplace of ideas"—ideas that need not be submitted to any government

official for approval before in print. Since the Jefferson administration, editors have been able to criticize, fairly, and freely, both government and government officials (Wilson 28-29).

Under Libertarian theory, freedom of expression is a natural right, a right which man is born with, a right no one can take away (Peterson 96). However, under Social Responsibility theory, freedom of expression is grounded on the duty of the individual to one's thought and one's conscience. It is a moral right with an aspect of duty. Social Responsibility theory granted government must not only allow freedom but also actively promote it. On the other side, government may enact legislation to forbid flagrant abuses of the press (95).

(1) Reporting

Journalism had enjoyed freedom in democratic countries, but it should have ethics to follow. Conrad C. Fink, suggests accurate reporting for journalists in *Media Ethics* (1998).

(a) Respect for the basics: A reporter must show the deeper meaning behind the facts, and lead the readers and viewers to understand it with interpretation and analysis. If the inducement of a journalist is overwhelming to explain "true meaning" at the expense of reporting the facts, however, that results in crossing the line between reporting and opinion.

(b) Respect for detail: No detail is unimportant, and if a reporter fails to include sufficient details, he/she fails as an accurate, reliable reporter.

(c) Recognition of one's own weaknesses: It is a reporter's ethical duty to recognize his or her shortcomings.

(d) Healthy skepticism: Check and double-check, pose the same questions another way to see if the answer is the same.

(e) The adrenalin factor: The more a reporter prepares to cover a story, the more accurate it will be.

(f) The "No Cop-Out" attitude: To readers or viewers, there are no excuses for anything less than sound, complete, and ethical reporting.

Taiwanese journalists, Fang Yi-Wen and Chou Ching-Siang offer their principles on making key decisions regarding news stories in *News Interview Theory and Practice* (1997): Do not publish the names and the photos of teenager criminals. Do not release the kidnap events before the hostage is safe. Be cautious to release information that affects national defense. Do not report immature foreign policy. Do not report unless there is proof. Do not report a story without considering the public's welfare. For example, do not report the name of a rape victim. Do not report an epidemic without proving it.

(2) Editorial Policy

Editorial policy of most newspapers is affected by the 15 conditions that are defined in *Journalism Today* by Thomas Elliott Berry (1966).

- **Finances**

Finances, more than anything else, is influential, because the newspaper must make money or go out of business. As the newspaper must be financially profitable,

the publisher usually demands that editorial policy include recognition of the need for increasing profits. The coverage of news must be all-inclusive; a constant attempt to satisfy readers at all levels.

- Responsibilities of the Press

Editorial policy is deeply influenced by the media's conviction of its responsibilities to society, individuals, and government. According to its concept of these responsibilities, the medium varies in what is reported and how.

- Desired Tone of the Media

The tone of the newspaper is affected by the kind of stories used, the manner in which the stories are written, the approach or treatment of the subject, the make-up of the paper, and the art (pictures) that the paper uses.

- Demands of the Readers

In Berry's idea, any successful business handles the merchandise to meet its customer's desire.

- Political Outlook

The influence of political outlook on editorial policy is significant because many major questions in the reports are affected by the editor supporting or opposing a political group.

- Business Reasons

Berry says that a story is often run as a consequence of a big advertiser asking for it.

- Religious Reasons

The influence of religion gets many stories printed without being especially newsworthy, yet few newspapers report improper behaviors of religious organizations. The members of a church refrained from buying a newspaper that reported their clergyman was arrested for speeding. The sudden loss of thousands of readers can impact the profit sheet adversely.

- Racial and Social Reasons

Likewise, in reporting stories of race riots, persecution of minorities, and class versus class struggles, the newspaper may have a serious deterrent to circulation if it faces a large boycott from groups. In cases like this social responsibility and economic fears compete.

- Patriotic Reasons

The degree to which the newspaper shows its loyalty varies from mild to rabid. While some are restrained and dignified, some might flaunt their patriotism on every page.

- Personal and Group Reasons

A story or a picture might appear in the paper simply because an interested individual or group wants it to be there.

- Whims of the Editor

One editor may like stories about the seamy side of life, the other may like subtly humorous stories, and another may like tales of horror. Editor's personal likes

and dislikes have strong bearing on every phase of the newspaper. Reporters strive to please the editor, and look hard for the editor's favorite stories.

- Sectionalism

The editorial policy is always affected by the part of the nation in which the paper circulates. The media must keep aware of the over-all atmosphere, the values and attitudes of its region and show some pride in its region. As a result, regionalism affects editorial policy by influencing the thinking of the men who direct the policy of the paper.

- Taboo Subjects

For example, never mention a prostitute, the names of gambling games must not be given, an infant is not to be spoken of as "it" and so on. Berry regards some of these taboos as out of fashion, but instituted with a definitely altruistic intent.

- Crusades

When a newspaper is conducting a crusade, its whole editorial policy is frequently affected seriously. The best spots in the paper are reserved for the cause while otherwise good stories are discarded or buried.

- Publisher's Associations

Berry points out the publisher consequently may find himself influencing editorial policy by dictating a stand for his paper.

b. Foundation and Analysis of the So-Called Right to Know

The so-called right to know, has no direct constitutional origin; it is a concept not found in the Constitution; neither is the idea that on behalf of the people the media have the right of access to news. This concept is enunciated by Kent Cooper after WWII. He said,

While the First Amendment gives the press the right to freely print the news, the people's right to know gives the press the duty to print it. Thus developed the idea of press serving as surrogate of the people and demanding access to news, as well as freedom to print it, on behalf of the people. (Fink 11)

Cooper suggests that the right to know means the government may not, and the newspaper and broadcasters should not, by any method whatever curb delivery of any information essential to the public welfare and enlightenment (Wilson). The intention of the "Right to know" posed by Fink and others is to counter powerful interests' ability to interfere with media's reports in certain ways that negatively influence the public's need to know the facts.

It must be understood that people do not have a right to know *simpliciter*. The right to know is based on the idea that people should have the freedom of speech to tell others what they need to know regarding information. Essential information includes that which protects people's lives, liberty, property, the information to make intelligent decisions, to know others' character who are in position to be trusted, and the information relating to new knowledge, technology, the laws, the power we could have, the moral rights or duties we should act on

and so on. The “people’s right to know” has two meanings: (i) the public has the right to know the truth, (ii) to ensure people’s right to know, the media has the freedom of pursuing news of all types and reporting (Pon 40-41).

Pon takes into account several difficulties applying the principle of the people’s right to know: How to balance people’s right to know and national safety or secrets? How to balance the right to know and security and privacy? How to balance right to know and the right of a fair trial? Does “people’s right to know” mean the reporters can report all the details? What, in other words, are the limits of the “right to know?”

The Bill of Rights guarded the right of free speech but not the right to know. If the public asks to know something irrelevant to the public welfare that invades a person’s privacy or violates moral and legal ethics, the public need not know the details. “People’s right to know” has been abused by journalists in recent years. Pon holds that the right to know is not the right of the media to let the public know the facts, not a right to know everything, but still, to know remains an original right that belongs to the public. That means the public has a need to know, and has the power to make decision regarding it.

This idea of “right to know” needs to be corrected to people’s need to know. There is no right to know, only need to know. The right to know is not an actual right. People only have a right to know what they need to know. People have no intrinsic right to be entertained, so people’s need to know should not be confused or misunderstood to refer to relatively unimportant, but entertaining material.

c. Foundation and Analysis of the Right of Privacy

The framers of the Constitution did not provide for a “right to privacy.” The legal basis for a right to privacy in America had its foundation in 1890 *Harvard Law Review* article written by two law partners, Samuel D. Warren and Louis D. Brandeis. They collected information from various court decisions regarding defamation and trespassing information together in an article entitled, “The Right to Privacy.” Since that time, the right to privacy has become generally recognized and supported by legislatures and courts in several states (Hemmer 73). In American law, the “right to privacy” means the “right to be let alone.” The purpose is to protect the individual’s frame of mind, spirit, and sense of being illegally invaded (Pon 141).

According to the late Professor William L. Prosser, privacy laws include protections against (i) appropriation of some element of an individual’s personality for commercial use, (ii) intrusion of physical solitude, (iii) publication of private matters, and (iv) putting an individual in a false position in the public eye (Hemmer 73).

Pon combines pre-existing opinions on how journalists should act without invading privacy in the following recommendations:

- Report the material related to public welfare or public interests.
- If something involves an individual affair, reporting the information should be newsworthy.
- There is a privilege to publish public figure’s personal affair.

- It is illegal to publish something personal without its being newsworthy even though it is true.

Apart from these principles, Pon asserts that journalists should not cause pain for another unless it is necessary. The best way to avoid being vulnerable to a privacy suit is to report accurately.

2. Journalism and Political Nonliberalism

The Authoritarian Theory is the oldest press theory, established in the late Renaissance, soon after the invention of printing, and developed in the 16th and the 17th century England, widely adopted and still practiced in many places. In this theory, truth is the concern of a few wise men that are in a position to guide and direct their fellows. The rulers use the press to inform the people what they should know and the policies they should support (Siebert 2-7).

In an Authoritarian system, the press, as an institution, is controlled in its functions and operation in organized society through another institution, government. Under Authoritarianism, the units of communication should support and advance the policies of the government so this government can achieve its objective. Most authoritarian systems have established complete state monopolies of broadcasting or effective restraints and controls over the privately operated media (10-35). The first duty of the press is to avoid interference with the objective of the state.

Marxist's communist political theories were derived from the early authoritarian theory, and modified to consider the industrial revolution and the

problems it created. The media in the communist system owes a duty to support the state. The difference from authoritarian systems is in two respects. First, the Communists place a greater emphasis on the positive use of media; media is part of the agitation for accomplishing a world revolution. A second difference is that communism holds a monopoly over all avenues reaching the public, not only operating the internal media, but controlling distribution as well. Other dictatorships in the past have allowed the mass media or major parts of it to be in private hands, but under communism the state “on behalf of the public” owns and operates all units of the mass media (27-28).

B. Economic Structure and the Free Press

1. Journalism and Capitalism

English economists, such as Adam Smith and David Ricardo advocated the idea of “Liberalism” during the 18th and the 19th century. From their points of view, everyone’s economic activity developed best when free of regulation. If the individual earned benefits from the economy, the society would also receive an advantage. For this reason, they maintain that the government needs not control the economy. At the same time, they stand for the idea of “Laissez Faire,”—free contract, free competition, and free commerce.

The libertarians opposed government monopolies of communications. They argued that everyone, citizen or alien, who had the inclination and sufficient capital

had the opportunity to own and operate a unit of mass communication. Success or failure would depend upon one's ability to produce a profit. Profits depended upon customers' satisfaction (Siebert 52-53).

At the end of the 19th century, Capitalism became wider spread. Capitalism means a person or a group of people accept competition and profits seeking as a purpose in managing business.

Pon analyzes these ideas in *Journalism: Q&A* (1997). Competition among the press under Liberalism in democratic countries: due to pressure by Capitalism at the end of 19th century, he suggests, news businesses took earning money as the first goal, and servicing the society as the second. Freedom of press gradually changed its first priority through abuse and misunderstanding by the media's managers.

- The competition of mass media led to a flood of sensational news:

For economic reason relating to sales and competition, so many newspapers utilized freedom of the press to publish stories violating journalistic ethics and appealing to the tastelessness of humans' subconscious. Yellow news and sensational news grew increasingly, spurred by journalistic competition.

- Consolidation of power in the newspaper business (media monopoly):

The most serious fact of the developing free press was that absolute power centralized in a few newspapers and owners, as less successful ones fell by the wayside, and the free market of opinions gradually disappeared. Owners and editors of the newspaper wanted to take advantage of the newspaper's power; the politician wanted to seduce the newspaper to attack his enemy. The communication of idea and

message had become a required as power of the newspaper, and was exploited to manipulate rather than to inform the public. The mass media gradually became more of a personal tool than a social Fourth Estate with responsibilities. Freedom of press had lost its pure meanings.

- Revealing national secrets, damaging the national image, or to harm the national safety:

To guard people's need to know is indeed the mission of journalists; however, for personal or business profits, some of them in the name of "free press" took it upon themselves to reveal national secrets that threatened national safety.

Pon listed four imperfections in Taiwan's press influenced by Western Liberalism: (i) To overpaint the sensation: catering to audience, newspapers continue being tasteless in its topics. Furthermore, tasteless advertising was published that made the press become a corrupting social influence. (ii) To invade privacy: reporters invade celebrities' privacy using as a rationale the people's need to know. (iii) To try by newspaper: before the jury trial of a crime, the newspaper with its slanted reporting has sentenced the criminal. (iv) To defame people's reputation: damaging unconfirmed or unproven rumors have been published.

2. Journalism and Noncapitalism

The political system is relative to economic management. Democratic countries enjoy free commerce, free beliefs, free competition and free press. On the contrary, noncapitalistic systems have limits on freedoms including press freedoms, as

established by the governor. In the other word, the press in noncapitalism has no free speech, no free press and no free expression.

The Soviet Communist theory developed out of Marxism would not permit the function of the press as a Fourth Estate, neither independently criticizing government nor serving as a forum for free discussion. Rather, the communist press would be conceived as a spokesman for the party line and an instrument of the state to interpret the doctrine, to carry out policies of working class or the militant party. The media is used subjectively as an instrument of social change or social control, and controlled by the state (Schramm 110-21). Stalin said, "The press is the prime instrument through which the party speak daily, hourly with the working class in its indispensable language." Vyshinsky says, "In our state, naturally, there is and can be no place for freedom of speech, press and so on..." The newspaper should be a "collective propagandist, collective agitator... collective organizer," quoting Lenin.

A Soviet newspaper is not news at all, said Schramm; it is "service" material for the Party, for factory and farm workers who are expected to increase productivity, for "reading hours" in local communities or schools. In a very real sense, the Soviet editor must feel that he is in control of events, often plan his "content and lay out one month in advance." Fifty percent of each current issue is set in type and made up several days before the issue date (122-34).

C. Foundation and Analysis of the Free Press

Freedom of the press, in the words of the Continental Congress of 1774, is essential to “advancement of truth, science, morality and arts in general” and to the maintenance of “honorable and just modes” of conducting public affairs. The core of a free press is freedom of political opinion, and at the center of the concept of freedom lies the right to criticize the government.

1. Rights and Duties

Moral philosophers identify rights as power, liberties or claims; Wesley Hohfeld (1879-1918) notes that in legal language the expression “a right” is used indiscriminately to refer to legal liberties, claims, powers or immunities. Both William Ockham (c. 1285-c.1349) and Thomas Holland (1835-1926) grant that rights are defined in terms of power. Ockham holds that a right is a power of acting; Holland takes a right to be a power causing another to act, a power of influencing the acts of another by force of society.

On the other side, Thomas Hobbes (1588-1679) argues that a right is not a power, but a liberty. One has a liberty of doing something if one has no obligation but to do so. One has the right of self-defense but has no duty to refrain from using force to defend oneself from an attack, and in fact, one may also have a duty to defend oneself. John Salmond (1862-1924) postulates that a right is a protected interest. However, not every interest constitutes a right; only an interest protected by a legal or moral rule is a genuine right. Joel Feinberg conceives of a right as a valid

claim. He points out legal rights are validated by legal rules; moral rights are claims justified by the principles of an enlightened conscience.

Many philosophers define rights with duties. John Austin (1790-1859) regards that a right is a relative duty. John Stuart Mill (1806-1873) similarly suggests that a moral right is a relative duty. Hohfeld said, the right of A against B is equivalent the duty of B to A. Rights are justified claims to certain benefits, the support or protection of certain interests of the subject or right-holder, or the justifying reasons for duties. Duties are justified burdens on the part of the respondent or duty bearer.

Joseph Raz has a different view of rights and duties. He believes that a right should not be identified with some correlative duty for rights are logically prior to duties. A right may imply more than one duty or various duties under varying circumstances. A right is a reason for one or more persons to bear one or more duties. Raz thinks that a right is an interest-based reason for a duty or duties.

There are two theories that offer a solution of conscience. One is Kant's. He conceives of certain duties as perfect obligations, such as those of fulfilling promises, of paying debts, of telling the truth. There are some imperfect obligations, such as that of breaking a promise to relieve distress. The other, the views of Professor Moore and Dr. Rashdall, proposes the duty of only producing good. When duties conflict, we resolve the conflict by asking which action will produce most good (Ross 18-19).

T.H. Green divides the whole region of duties into three parts:

(i) moral duties which involve no rights on the other side, (ii) obligations involving such rights, both obligations and rights being included in the *jus naturae* and being such should be legally recognized, (Ross' brevity calls it moral rights) (iii) legal obligations involving legal rights on the other side. (Ross 50)

2. Prima Facie Duties and Rights

In W.D. Ross's idea, *prima facie* suggest that one is speaking only of an appearance that a moral situation presents at first sight, and which may turn out to be illusory. *Prima facie* is relative rather than absolute; each duty can be overridden if they conflict, the deciding factor being which is a more stringent duty. Ross emphasizes that it is our duty to do certain things, and not to do them from certain motives. He identifies a normative ethic that consists of a list of *prima facie* duties (conditional duties):

- Duties of fidelity: Fidelity means the disposition to fulfil promises and implicit promises, such as not to tell lies, write factual books as history not fiction.
- Duties of reparation: These rest on a previous wrongful act, and the infliction of injuries on others.
- Duties of gratitude: Rest on previous acts of other people that are done to me, as with the returning of services or acceptance of benefits from them.
- Duties of justice: Rest on the fact or possibility of a distribution of pleasure or happiness which is not in accordance with the merit of the persons concerned; in such cases there arises a duty to upset or prevent such a distribution.

- Duties of beneficence: Rest on the mere fact that there are other beings in the world whose condition we can make better in respects of virtue, intelligence or pleasure.
- Duties of self-improvement: We can improve our own condition in respect to virtue or intelligence.
- Duties of “non-maleficence:” Do not bring bad things nor harm upon others. The duty not to harm others is the first step on the way to the recognition of the duty of beneficence.

An act like fulfilling a promise, effecting a distribution of good, promoting the good of others, or promoting the virtue, Ross says, is prima facie right, self-evident (24-29). He states that if there are things that are intrinsically good, it is prima facie a duty to bring them into existence rather than not to do so; for example, virtue, knowledge, and with certain limitations, pleasure.

Prima facie right depends not on its consequences but on its being the fulfillment of a promise. In Ross’s point of view,

If we are under no special obligation such as that of fidelity to a promise or of gratitude to a benefactor, we ought to do what will produce the most good and that when we are under a special obligation the tendency of acts to promote general goods is one of the main factors in determining whether they are right. (39)

D. Applied media Ethics

1. Prima Facie Rights

a. Managers

The primary and constant right of the press managers could be viewed as “free publication.” It is the first right the press strove for when they sought freedom from being licensed by the state. Free press is a privilege of the media that is granted by the Bill of Rights. According to it, the positive rights of free press have free rights to inform and print the information related to the public welfare. The negative right of the press is not being subjected to censorship or oppression from the government.

b. Reporter

According to the International Press Institute, reporters have a free right of access to the information, free transmission of information, and free expression of views. Systematic from the codes of journalists, reporters have rights to free speech, free right to report the facts, to speak unpopular opinions and to be a watchdog on the government. These are positive rights. The corresponding, negative right is to accept no curb or constraint from the governor.

c. The Public

“Right to Privacy,” an expectation of accurate and ethical reports, and the need to know civilly essential information are positive rights of the public. The negative right of the public is the expectation that news is an expression of a free, uncensored press, and that news reports will not cause needless injury.

2. Prima Facie Duties

a. Managers

Applying Ross’s theory, prima facie fidelity duties of the press managers are the duties to supply correct reports to the society, serve its welfare, keep a record of

history, interpret the information accurately, and to guide the understanding of the public. The duty of justice is to serve as a check on government excesses, and to discover corruption in the society. The press's self-improvement prima facie duty is to elevate its content so that it can educate the public. Not to carelessly publish details invading people's privacy or harming people's feeling involves the duty of non-injuring others.

b. Reporters

To serve the truth, to be impartial, accurate, objective and decent in presenting the material are the prima facie fidelity duties of journalists. Reporters' justice duty means to act in the public's interest rather than in their own. The most important of all, the non-maleficence duty, is not to invade privacy, not harm on victims of tragedy, not to be libelous nor defame.

c. The Public

The prima facie justice duty of the public is to monitor the media.

Chapter III
RESEARCH METHOD

A. Case Study Method

This chapter applies a method of conceptual analysis of 15 actual case studies as object lessons exemplifying ethical violations and ambiguities. This method involves an empirical investigation of many situations in order to select the cases that are most instructive for the principles to be discussed. In addition, this method involves descriptions of the actions of the media personnel, the features of the case and conceptual analysis of the factors bearing on the ethical issue of each case. Finally, the method requires an evaluation of the ethical quality of each case.

1. Case One: Sensational Crime —

The Death of a Seventeen-Year-Old Girl, Pai Hsiao-Yen in Taiwan

• Background:

Taiwanese famous show business personality, Pai Ping-Ping's daughter, Pai Hsiao-Yen, was kidnapped by three men and held for a ransom of five hundred million U.S dollars on April 14, 1997.

The police wanted to block out news coverage of the event before rescuing Pai Hsiao-Yen, but the next day after she was kidnapped, two newspapers and one magazine still reported it. Although the media had made a deal not to stay at Pai's house, increasingly media began gathering together around her house at

midnight on April 15. Satellite News Gathering vehicles even stayed round Pai's house. More ridiculous, spectators showed off as TV background, and some food vendors stayed nearby Pai's house making profits. Journalists thought they would not be noticed if they hid in a car, but the license plate showed AA or BB, which already meant rental cars, and aroused suspicion.

Although the police asked the media to behave themselves, it was no use. Moreover, the reporters even wiretapped the conversation between Pai Ping-Ping and the kidnappers. The media followed Pai and the police to the first appointment. When the kidnappers required Pai to go to a betel-nut stall, there was already a camera waiting for her. The kidnapper was furious and yelled at her on the telephone, "Do you think you are in a show?" Of course, the kidnappers did not show up.

They made another call on April 18. This time, the police asked the media not to follow them but the reporters did not listen. Furthermore, one cable TV station rented a helicopter to follow the police's through the sky. After eight hours of exertion, the kidnappers failed to arrive because they found out that they were being trailed.

The police promised that they would announce the latest information update on the case two times a day, so the media need not chase the event in such a furious way. After that, the media began leaving the vicinity of Pai's house. The kidnappers did not call until April 23. The media immediately swung back into action as they had obtained the information. Observers could see reporters' rental

cars around Pai as she went to the meeting place. Just as before, the kidnappers did not appear.

The fourth appointment was on April 25; the kidnapper mistook the media's car for that of the police's so they fled again. Pai Hsiao-Yen's body was found on April 28. It is believed that the kidnappers could not get the ransom because of the intrusive media, so they killed Pai Hsiao-Yen on April 25. *The China Times* released the close-up picture of Pai Hsiao-Yen's cut off finger which scared many readers, resulting in over one hundred complaining phone calls to *The China Times* in one day.

The three kidnappers continued their crime spree by raping women, killing people, grabbing money, and threatening innocent men or women. After more than four months, two of the kidnappers, Lin Chun-Sheng and Kao Tian-Ming had the first gunfight with the police at Wu-Chang street in Taipei on August 19. Lin Chun-Sheng killed himself but Kao Tian-Min escaped. About 150 reporters came to videotape the gunfight, a new record in Taiwan. The reporters put their own lives and possibly others in danger by photographing the dangerous gunfight without bulletproof vests. There were also groups of people who came by taxis from everywhere to see the live gunfight. The presence of a crowd of spectators and reporters required the police to keep them in order and arrest the kidnappers at the same time.

On November 17, Kao Tian-Min committed suicide under the police's pursuit. The last kidnapper, Chen Jin-Sing fled to the South African

ambassador's house and held the family as hostages. During the 24 hours, a total of 13 media outlets cut into regular programming to broadcast live from the scene, and six of them interviewed Chen Jin-Sing in a live telecast.

Taiwan Television Enterprise (TTV) was the first electronic media that called Chen at the ambassador's house successfully. Most people thought Chen would eventually commit suicide. In order to find out Chen's criminal motives and the facts before he died, the public including Pai Ping-Ping, the police, the government employees, and general audience all faxed their questions to TTV. TTV conducted a two-hour interview; TTV finally hung up the phone to let the police contact Chen directly. However, the police could not reach Chen because other media continued the phone interviewing of Chen.

In the interview, two reporters impressed the audience most. One asked Chen to sing children's songs for his kids, making a joke of the tense situation. The other one asked Chen when he would commit suicide. "Is today your last declaration?" The question upset Chen, causing him to nearly lose his temper, and scaring the public.

These interviews continued all night until Chen finally decided to surrender. The tragic and horrible case lasted seven months. The TV shows gave the kidnapper a chance to talk spontaneously without editing; despite his projecting unfortunate or incorrect messages, his defiant manner caused minors to admire Chen as a hero. As the spectacle unfolded, outside some spectators and food

venders fooled around Pai's and the Ambassador's house, showing no sympathy, and giving the event a carnival like atmosphere.

- Major factors
 - a. \$ 500 million U.S. is the highest ransom in Taiwan's history.
 - b. The police asked news organization to withhold coverage in order to protect Pai Hsiao-Yen's safety; however, two newspapers and one magazine still reported the event.
 - c. All the media, including TV stations, cable TV, radio station, and magazines sent Satellite News Gathering vehicles or cars camped at Pai's house; even rental cars and helicopter followed Pai to her appointment with the kidnappers.
 - d. Some food venders exploited the situation by selling food to the people who fooled around there. In addition, some spectators could be seen saying, "Hi!" and showing off in the reporter's background, contributing to the carnival atmosphere.
 - e. Media broadcast a gunfight with criminals live on TV.
 - f. Live broadcasts with the criminal continued for nineteen hours.
 - g. Media made a celebrity out of the criminal Chen.

✎ Important issues:

- a. The attitude and the behavior of the media manager:
 - (1) Did the press have the proper attitude and behavior when facing this situation, and will they next time?

- (2) The press has responsibility to tell the readers the truth, but in such cases, should the media release news reports of the event despite their potential impact on the hostage's safety? Scoops get a big sell, but how about the image and reputation of the institution of the press?
- (3) Should media use exaggeration or sexually explicit words or pictures? As *The China Times* did, is it suitable to print the picture of the dead body?
- (4) Did the TV program send a Satellite News Gathering vehicle to follow the police in a suitable way? Is there an appropriate way to do this?
- (5) Is it appropriate for reporters to wiretap the conversation between the kidnappers and Pai?
- (6) Sometimes, especially in the midst of intensely covered, fast breaking events, the media releases incorrect news. Should the media apologize for or correct these reports? If so, how should this be done?

b. The attitude and behavior of the journalists:

- (1) What are appropriate limits on the freedom of the reporter? A group of reporters got together around the victim's house and tried to get the late breaking news. Did they have concern for the feelings of the victim's family?
- (2) Were reporters adhering to established journalistic ethical codes?

c. The attitude of the public:

- (1) What is the attitude of the audience? Media said they scooped because readers loved it and they respond to the needs of the market.

(2) What are the connections between reporters, interviewee, and the reader or the viewer?

(3) Is it appropriate for the public to watch the gunfight or make money by exploiting, and at the same time encouraging, the presence of crowds?

d. The attitude of the newscaster:

(1) Is it suitable to interview the kidnappers live at the scene before the police, actually preventing the police from acting?

(2) A total of six newscasters covered the kidnapper. Were the tone and content of their questions appropriate? Are such things as asking a kidnapper to sing songs, when he would commit suicide, or praising him as a “Good Guy” to win his confidence consistent with their objectives as journalists?

e. The attitude of the government:

(1) Should the government have stopped the live telecast of interviews with Chen Jin-Sing?

(2) Should the government pass a law to control the media to protect active police investigations and public safety?

2. Case Two: Journalist and Political Sex Scandals—

Daniel Huang and CoCo Chou

- Background

In 1998, President Bill Clinton’s scandal became the hot topic in the world. In Taiwan, a very exciting and somewhat similar political scandal occurred. The man

involved, Daniel Huang, was a spokesman for Taiwan's Governor. *The China Times* was the first newspaper that released the news story of scandal involving Huang and two women, CoCo and Amy. CoCo is a famous master of ceremonies on radio and TV programs. She was a professional journalist and earned her fame by writing a book about Taiwan's President, Lee Deng-Hui.

After five days of celebrating the Chinese New Year in 1998, CoCo spoke out about the relationship between her and Huang. CoCo found herself pregnant in August 1997. Huang asked her to abort the child in October, and around the same time, she received a phone call from Amy, who is also Huang's girlfriend. Amy had previously aborted her and Huang's baby. According to Amy's information, Huang had divorced his wife, but still cheated on CoCo. As a result, CoCo convened a press conference to tell the truth.

At first, CoCo wanted Huang to apologize in public. Huang did not apologize, and instead insisted that he had only kissed CoCo, without sex. Huang's account irritated CoCo, so she decided to publicly ask Taiwan's Governor to judge the case. Taiwan's Governor had no idea what to do, so he demoted Huang.

Some people supported CoCo because of Huang's apparent dishonesty (having many lovers at the same time and denying it); some wondered if CoCo's professional ambitions had something to do with her romance. The media suspected that she used her relationship with Huang to produce TV programs, and advance her career. Some wonder if CoCo changed her attitude to President Lee from praise to criticism

because she fell in love with one of the subordinates of Taiwan's Governor, a potential rival to the president's handpicked choice to succeed him.

While people gradually forgot the story, an anonymous woman published a book about Huang's romance. The book told the readers that he liked to make love with different women, especially those who had a husband. It is also suggested that he liked to date female journalists.

Although everyone knew about Huang's scandal, he still could be seen in public sweetly with Amy. He decided to leave the Chinese National Party, and run for legislator (Lawmaker) in Tai-Chung, the biggest city in the middle of Taiwan.

Huang's decision made CoCo angry. She could not stand to think that a man as dishonest as Huang could be a lawmaker. CoCo eventually published her own book, (someone called it "Taiwan's Ken Starr Report") describing Dan's penis and discussing his various imperfections. This included what kind of condom Dan liked to use, and described his stingy behavior, how he stole other's ideas to earn the governor's trust and how she coached Dan on TV talk shows.

At first, CoCo said that she would not publish the book if Huang did not continue his election campaign. However, the readers could still see the most sensational parts of the story over the Internet before the book was published. CoCo ~~did~~ not want such a corrupt person to be a politician. Nevertheless, Huang won the election.

- Major Factors

- a. First political scandal that is widely discussed publicly in Taiwan.

- b. A professional journalist offered the information and exercised her position to criticize a public figure's sexual private behavior, both embarrassing him and injecting herself into the news.
 - c. Books relating private acts of a political man were published, including coverage of his personal sex habits and relationships.
 - d. Internet helps to spread news of the scandal quickly and sensationally.
- Issues
 - a. Was it appropriate for CoCo to attack her former lover, Dan, on her own TV show and radio programs, or by writing a book?
 - b. How should one look at the story of the scandal? By and large, the anonymous writer and CoCo wrote mainly about politics. Readers and the media, however, still focused on the sex parts.
 - c. Did the articles over the Internet or the books about Huang's personal habits invade his privacy?
 - d. Should CoCo's professional detachment be questioned because she fell in love with a politician whom she covered?

3. Case Three: Icon Coverage--The Death of Princess Diana

- Background:

Beautiful Diana had been focused on by the media for 17 years before she died. Every photographer was eager to capture a photo of her precious image which meant increased tabloid sales.

In 1980, media sensationalism started by reporting that Prince Charles stayed with Diana all night on the train (They were not married yet at that time). Charles and Diana got a restraining order from the court to forbid the reporter Simon Regan from revealing their conversation by wiretapping in 1981. In 1982, the second year after their marriage, a photo of pregnant Diana in a bikini was published. A picture of Diana exercising in the gym was released in 1993. Diana accused the newspaper of invading her privacy. In 1996, she accused photographer, Martin Stenning of harassing her; the court forbade Stenning from getting closer than 300 meters to Diana. In 1997, she was dead with her boyfriend in a car accident, the result of a high-speed pursuit by paparazzi in Paris.

- Major Factors

- a. Since she began dating Prince Charles, Diana's every movement and every action was pursued by the tabloids, even the photo of her dressed in a swimming suit or exercising in a gym was shown all over the world. This gave rise to a kind of Diana's fashion, influencing the clothing and hairstyling worlds and further feeding the public hunger for her image.
- b. A photographer was forbid to access Diana because he was judged to be harassing her.

✓ c. The pursuit by paparazzi caused Diana's death.

- Issues

- a. Why does the media invade celebrities' privacy? Because of reader's interest, making money or the people's need to know?

- b. Does the media change or improve its behavior after the tragedy?
- c. Compare the similarities of Diana's death and Pai Hsiao-Yen's death as each relates to the media coverage.

4. Case Four: Political Sex Scandal--Bill Clinton and Monica Lewinsky

- Background:

The most powerful man in the world, Bill Clinton, continued having sexual scandals, secret lovers and illicit relationships during his presidential political career. The rumors did not become serious until Monica Lewinsky's stained blue dress showed up, providing physical evidence of their affair. Special Prosecutor Ken Starr spent four years, and about forty million dollars to prove that Clinton had a sexual relationship with Lewinsky. Starr also accused Clinton of obstructing justice and asking Lewinsky to lie, and recommended his impeachment.

In 1998, Starr's report was released on TV, in newspapers, magazines, and even on the Internet, making the tawdry details available to children and adults all over the world. The report's description of the sexual relationship between Clinton and Lewinsky reads like a pornographic book. The public, following the emphasis in much of the news coverage, seemed to be more interested in the sexual parts than whether or not America's President lied or obstructed justice.

Clinton manipulated language to deny that he had sex with Lewinsky. In his explanation, oral sex was not included in the definition of a sexual relationship. His long history of parsing language to deceive and obscure made it difficult for people to believe Clinton. However, public support of Clinton remained a high throughout the

ordeal. According to research in *Time* magazine, 63% of Americans think Clinton should not have resigned from office. Many resented Starr's strong-arm investigative tactics, believing he was a man with a vendetta. Others felt the issue did not merit the serious consideration of an impeachment or criminal investigation. In the end, Clinton was impeached but not convicted and removed from office.

After Clinton's fight with Starr, Monica Lewinsky sought to reestablish her image by accepting an offer to be interviewed on TV, and by publishing her biography shortly thereafter. Clearly, she intended to exploit the event for economic gain.

- Major Factors
 - a. American's first President impeached by virtue of a sex scandal.
 - b. Clinton's sexual behavior was described and discussed publicly throughout the world.
 - c. Monica appeared on TV programs and published her story to defend and promote herself.
- Issues
 - a. Clinton obviously lied before the Grand Jury, as even many of his supporters acknowledge, so how could he still receive a such high support in the United States?
 - b. Starr's report to congress was released on the Internet and in the media in full, including the sexual parts, before it was received by congress. Was that appropriate? Did the report influence children?

- c. Compare the diversity of people's responses and the media's reactions in the Clinton's and Huang's scandals.
- d. Can politicians' scandals influence their political careers? Are there connections between a politician's professional career and his scandals?
- e. Was media coverage in this case even appropriate?
- f. Today, the media reports more details than ever before about politicians' sexual scandals. Does that mean modern politicians need higher standards of virtue than politicians in earlier times or that the press has violated its ethics?

5. Case Five: Hero's Sexual Preference Publicized--

Sipple Sued the Press Invading His Privacy

- Background

Oliver Bill Sipple became a national celebrity overnight by preventing the shooting of President Gerald R. Ford. Sipple claimed damages against Herb Caen, a popular columnist, who strongly implied in *San Francisco Chronicle* that Sipple was gay. After Caen's column appeared, reports throughout the United States referred to Sipple as gay.

Sipple sued the *Chronicle* for revealing a private, embarrassing fact. The California courts, however, ruled that Sipple's sexual orientation was not a private fact since he had done nothing to hide it, and publicizing it was legitimate news coverage.

Sipple's sexual preference had not been "private information," the court said, but was "already in the public domain." Sipple testified that he frequented San

Francisco's gay Tenderloin and Castro neighborhood, and his friendship with Harvey Milk had been publicized in gay magazines, such as *Data Boy*, *Pacific Coast Times*, and *Male Express*. Also he had marched in gay parades before hundreds of people in New York, Dallas, Houston, San Diego, Los Angeles, and San Francisco long before he made news by foiling President Ford's would be assassin.

- Major Factors
 - a. A hero who saved President's life, who had publicly admitted himself gay and accepted interviews by gay magazines sued the mainstream newspaper that implied he was gay, invading his privacy.
- Issues
 - a. Does the newspaper invade Sipple's privacy?
 - b. Does Sipple's sexual orientation relate to the public welfare?
 - c. Would it have been appropriate for the press to release Sipple's gay orientation if Sipple had not previously gone public with it?

6. Case Six: A Student Body President Was Transsexual--

Diaz's Embarrassment Suit

- Background

Toni Ann Diaz, an elected student body president in California was revealed by *Oakland Tribune* article six months into her presidency to be a transsexual, a man who had undergone a surgical sex change.

Diaz had gone to great lengths to keep her secret. Only her family had known about her sex change. When she read about it in the *Tribune's* education column, she

was devastated. In her privacy suit, she told the court that the publicity had caused her to withdraw from people, lose sleep, suffer memory lapses, nightmares, and eventually to need psychotherapy.

The court condemned the column's treatment of Diaz as "highly offensive" and said it gave unwarranted publicity to true but intimate facts. The court recognized that news judgment involves a "sliding scale of competing interests"—a person's right to privacy against the people's need to know. But, it said, embarrassing details had been revealed, resulting in psychological damage without any compensating social value.

- Major Factors
 - a. A man who underwent a sex-change operation to become a woman was a student body president and had her secret exposed by the press.
- Issues
 - b. Why should the press not reveal Diaz's real sexual history?
 - c. How should the press have proceeded?

7. Case Seven: News Story Published Without Consent--

Barber's Pancreatic Disorder

- Background

Time magazine did a story with pictures about Mrs. Dorothy Barber's pancreatic disorder. It referred to her as "Insatiable... she eats for ten." *Time* magazine did not get Barber's consent for either the interview or the photograph. Barber testified that she had tried to get the journalists to leave her alone. But after barging into her

hospital room, one of them had taken her picture while the other tried to persuade her to answer questions.

- Major Factors
 - a. The journalists published information regarding a nonpublic figure's personal disease without consent.
 - b. Without permission, the press took photos of the patient in the hospital.
- Issues
 - a. How should the media have dealt with the case?
 - b. Did the press invade Barber's privacy?

8. Case Eight: An Embarrassment Due to

A Photo of a Woman's Exposed Panties

- Background

The front page photograph on Friday, October 13, 1961, edition of *Cullman (Alabama) Times Democrat* shows a woman passing an air jet as she leaves the funhouse at the county fair with her dress blowing up, exposing her panties.

The woman brought a privacy suit and the newspaper lost. Years later, Robert Bryan, the editor and the publisher of the paper, still argues that her face was turned away from the camera at such an angle that she was unidentifiable. However, the judge and the jury found she was identified through her children's clearly visible faces.

- Major Factors
 - a. A casual private event became an entertainment photo of the press.

- Issues
 - a. Is this material newsworthy?
 - b. Why or why not publish this kind of picture?

9. Case Nine: Media Repeated Old Stories—the Roshto Brothers’ Past Crime

- Background

“Page From Our Past,” a popular feature of the *Iberville South* in Louisiana reported on stories repeatedly. One of them was about the Roshto brothers who rustled a heifer. The Roshto brothers were convicted and served a year in jail and a year on probation before being pardoned. But that was long past. Now they lived respectably, and did not want people to be reminded of a “Page from Our past.”

The Roshto brothers made complaints, so the editor apologized and promised it was the last time. However, it happened again four years later. In the lawsuit, the Roshtos contended that their old criminal conviction was not newsworthy, and the renewed publicity was an invasion of their privacy.

The trial court first threw the case out because it regarded truth as an absolute defense. Then the tables turned and the brothers won on appeal. The appeals court pointed out that in privacy, as opposed to a libel case, publication of true but embarrassing information might be punishable if it is not newsworthy.

Major Factors

- a. The newspaper repeated the reports of a past crime.
 - b. The editor did not keep a promise to the Roshto brothers.
- Issues

- a. Was the press wrong?

10. Case Ten: Suit and Reporter--

Media Manager Blames False Story on the Reporter

- Background

A manager of a weekly magazine in Taiwan asked a reporter to exaggerate a rumor about two famous entertainers with a big shock headline revealing that one is the other's illegal daughter. The entertainers were so angry that they sued the magazine. The supervisor asked the author to plead guilty to all the charges in the court without relating the crime to the magazine. Actually, the reporter did not want to initially write the story in such a sensational way. She did so because the manager believed that exaggerating the story could be a big sell. It did sell big, but with fake information, accused the suit.

- Major Factors

- a. The owner encouraged the reporter to exaggerate and publish untrue information.
- b. When that action caused a suit, the magazine owner asked the reporter to protect her superiors by saying the article has nothing to do with the editor or manager.

- Issues

- a. How should a reporter act in this kind of situation?

11. Case Eleven: Supernatural Report—

A Girl's Death with Tarot Card Found Among Her Effects

- Background

In my personal experience, I was assigned to cover a high school girl who died by falling from a high building. The police concluded it was an accident, but the public suspected that it might be suicide or related to occult, because Tarot cards were found with her body. The photographer and I decided not to bother her parents, so instead interviewed neighbors. However something was unusual, the fact that the girl dressed at midnight on top of the building, carrying her favorite Tarot card. The card, and its occult associations, led the press to report the news sensationally. To relate her death to the occult, a sure-fire big seller, the press reported every bit of information and speculation possible relating to the Tarot card. My interviews with neighbors also emphasized the occult angle following the editor's policy. Neighbors said they heard uncommon barks of the dogs that night (In Chinese legend, the dogs could see ghosts that humans could not see). To appeal to the readers' favor and to conform to the policy of my magazine, I wrote the article in a shocking way, as a ghost story. But I selectively quoted people's words to increase the liveliness of the truth.

- Major Factors

- a. An accident that caused the girl's death trended by the press to imply a mystery, because a Tarot card was found with the body.

- Issues

- a. How should the press deal with the event without sensationalizing it?

12. Case Twelve: Journalist Abandon Story-- A Retarded Girl

- Background

Another experience involved an assignment to report on a retarded girl. Her family refused to talk to us. We respected them and did not publish a story or take photos in spite of the editor's assignment. We could have tried to get their photos secretly or interview the neighbors to get the assigned story and the editor's praise, but we respected their wishes.

- Major Factors

- a. The retarded girl's family refused the interview.

- Issues

- a. Should the journalists have given up the story? Why?

13. Case Thirteen: How Should Journalists Keep Promise--Astrologist's Murder

- Background

Once we interviewed an astrologist. Although she asked us not to, our photographer took some photos of her secretly without publishing at that time. Years later, when her ex-boyfriend killed her, the photos were used. It became ironic news that she told others' futures, but she could not tell her own.

- Major Factors

- a. The interviewee asked reporters not to take a photo of her.

- Issues

- a. How should journalists react if the interviewee asks to take no pictures?

14. Case Fourteen: Bomber's Threats--Media Released the Threat Letter

- Background

A bomber threatened the press that he would continue bombing people if the press did not publish his lengthy letter in its entirety. He had killed three people with bombs and hurt many others. He asked the *Washington Post* and *New York Times* to publish his thirty-five thousand words. These two newspapers published his letter to avoid him bombing more people, but only after consulting legal authorities.

- Major Factors

- a. The bomber threatened the American press to release his letter or he would continue hurting.

- Principles

- a. How should the press deal with the bomber's threat?

15. Case Fifteen: Media Was Fooled by Untrue Material—JoJo Lin's Big Lie

- Background

JoJo Lin claimed that she was Wang Wen-Yung (the first Taiwanese millionaire's son's) lover and mother of his child. Because Wang had committed adultery years earlier, the press easily believed the information. In the following days, the media was full of JoJo's love story—how Wang cheated her. At the end, the press found out JoJo had lied to the public in claiming that she was rich; actually she could not even pay her rent. She had not been pregnant either. The press was fooled by a faker, making a big joke, publishing a story before they had confirmed the facts adequately.

- Major Factor
 - a. The media was directed by a woman's lie.
- Issues
 - a. How to correct wrong reporting?

B. Analysis

Virtue is choosing the right thing for the right reason. Choice is the result of a process of deliberation. Aristotle says, men's ethics are a source of action, and deliberation is concerned with one's own actions, aimed at ends beyond the actions themselves. In most situation people find themselves with conflicts to resolve. W.D. Ross developed a theory of prima facie rights and duties to help resolve such conflicts. By a prima facie right or duty, Ross means in making a moral judgement, one must determine which of the prima facie rights or duties is the actual one in an existing situation. Ross tells us that deliberation is the method to use,

When I am in a situation, as perhaps I always am, in which more than one of these prima facie duties is incumbent on me, what I have to do is to study the situation as fully as I can until I form the considered opinion (it is never more) that in the circumstances one of them is more incumbent than any other; then I am bound to think that to do this prima facie duty is my duty... (19)

I follow Ross's direction in analyzing the media cases above and morally assessing each. From prima facie to actual right, requires judgements based on extensive deliberation. On the ground of Ross's theory, when the prima facie

rights or duties conflict, chose the more pressing one, the one with the strongest and best reasons. The following are an analysis of the above fifteen cases that involved invading privacy. I apply Ross's principle to determine what is media's actual duty in each case.

1. Media's Intense Pursuits vs. Tragedy

Taiwanese vice-professor, Jin Pu-Tsung examined the behavior of the press in Pai Hsiao-Yen's case in No. 276 *News Comments*. First, he disagreed with the press's rationale for publishing Chen's letter. The press justified publishing Chen's letter because it revealed Chen's crime, prevented him from hurting others and helped the public know Chen's motivation. Jin wondered whether TVBS (a famous cable TV station in Taiwan) and the newspaper, *United Daily's* publishing of Chen's letter was for the public's safety or to benefit economically from the scoop? The media offered Chen a platform to publicly defend himself and his family, as well as to tease the police. Jin said, that undoubtedly hurt Pai's family the second time. The media in Taiwan had lost its sense of responsibility.

Second, Jin talked about the SNG (Satellite News Gathering) show. The biggest function of SNG is to offer an instant picture to the audience, especially during the fires or wars. Nevertheless, in Taiwan, the media sends SNG crews often without adequate preparation. This leads to mistakes and lowers the report's quality.

During the interviewing of Chen, Jin's analysis continues; some tried to help the police search for more details of crime; some wanted to be psychologists, analyzing Chen; some chastised him; some stimulated Chen to become upset. Jin said,

journalists should interview Chen in neither an overbearing nor a humble way. In his view, the press should not praise Chen to extend the time he would spend in the interview. Ultimately, Jin said no media's report had news value, and the whole episode was beneath the media's dignity. Ku Erh-Te's article in *The Journalist* did not question the reporters interviewing Chen live on TV, but he questioned the reporters' professional ability. According to his analysis, the newscasters did not report truly and completely.

Professor Huang Yue-Sua did not agree with the newscasters' discussing of Chen's private sex live on TV. She thought the reporters were too polite calling Chen a "Good Guy" and the press was wrong for giving Chen the chance to justify his raping eight women because he needed sex.

The chief of Taipei's Teenager Consulting Center, Lin Len Chuan said, teenagers do not have enough judgement. In this movie-like news scenario, they tended to regard Chen as a hero. After the event, a student wrote his admiration of Chen as a hero in his school diary. Lin pointed out that the coverage of Pai's case was like a tense and exciting movie with Chen the hero-like central character. Chen was arrested at last, but the nature of the coverage had obscured the case's criminal issues. Such sensationalistic coverage makes it difficult to educate the society; it even makes immature teenagers mistake Chen for an adorable icon. Lin worried that young students' desirous of success but struggling, might think if they could not have positive fame, being a famous bad guy like Chen might be another good choice. Teenagers copy the type of behavior promoted by the media, and they will not

understand criminal reports, like those about Chen, as a warning to the public. Lin hopes the press can report more clearly the moral priorities to make the story ethically meaningful to the public.

As in Pai's case, most people blamed Diana's death on the media's pursuit. In front of Diana's coffin, an anonymous letter shows, "It's me who killed her, because I always buy tabloids." Tabloids easily pushed the responsibility away from themselves and on to the reader, because they spied on the celebrity's privacy to pander to the market.

There is an audience for celebrity information, and when the mainstream press does not pander to it directly, it does so indirectly by tabloid laundering. Margaret and Carlson said, the mainstream press writes how crazy the tabloids are spending so much time covering a royal romance, and then runs renditions of the tab's pictures to show how invasive they are. They in effect retell the lurid story while piously wringing their hands about the terrible tabloids. Part of the blame for Diana's death has to be placed squarely on the lunacy of publications paying exorbitant amounts for whatever information Paparazzi tried to get by their extreme methods. The photographers that were in hot pursuit of the couple were quickly arrested, but so far, none of the publications that bought their pictures have had legal charges brought against them.

The National Enquirer's Loz declared he would not purchase any such photos, in an effort "to send a message." Inevitably, pictures were published widely of the crash scene, including bodies. It is true that if the tabloids do not buy, the

photographers will not invade celebrities' privacy. However, it is also true that the only way for the public to keep blood off its hands was to avert its eyes. We cannot blame the press entirely, until we stop watching.

Taiwanese scholar, Nan Fang-Shuo has another completely different opinion. He thought that Britain's monarchs tend to corrupt themselves, so how could they avoid the media's coverage? The leader of the English News Council, Lord McGrigor did not agree with the way media talked about Britain's monarchy; however, he did not suspect the truth of the reports. According to England's law, the behavior of Britain's monarchy belongs to the public interest. English royalty cannot challenge news coverage. McGrigor believes the great function of the ruler is to provide an ethical model for people, especially in their marriages. If the report is about their public role, and they failed in that role, it is correct to publish the failure as newsworthy.

Nan Fang-Suo said the English public questioned if it was worthy to support the Britain's monarchy by people's taxes. If the ruler makes himself scandalous as a public figure, he loses the right to punish or make claims against journalists. Journalists only investigate those who made the news on their own. If the royal family does not criticize themselves, how could they avoid reporters' reporting of ~~their~~ shortcomings?

Mary Dejevsky, Washington bureau chief of British newspaper, thought that the Internet grass roots campaign was hypocritical to boycott *People* magazine because of its excessive use of Diana on the cover. Dejevsky points that it is wrong for those

pictures to command prices of more than \$1M. However, that is a rate created by the market. If the market were not there, if those pictures do not sell, magazines like *People*, or British tabs, would not have paid journalists to be there.

Will media change its way because of Diana's death? After Diana's tragedy, some people are even suggesting controls on the media. Mary Dejevsky does not agree, "There will be a pause because of what happened to Diana, but there is fascination with celebrities, which will not go away, just because of one tragic death." There have been discussions in Britain in the last five years about a strict law to protect the privacy of individuals like the law in France, but Great Britain does not favor such a law. The British press strongly opposes such a law, and they point out that Diana lost her life in France, pursued by French paparazzi, not in Britain.

In Pai's case, from the beginning to the end, the journalists and the media wanted to do their prima facie "fidelity" duty to report the truth, but ignored their prima facie "not injuring others" duty. Journalists pursue updated information by publishing scoops and scary photos, by camping, wiretapping, following, reporting a live gunfight, or interviewing a criminal live to find the truth or get a scoop. Their frantic pursuit sometimes made mistakes. To be justified by prima facie fidelity, the reporter must be correct regardless of the speed. The media justified their behavior on the basis of prima facie right of fidelity. However, if they deliberated further, these behaviors violated the duties, as Ross defines them of, "not injuring others" and "self-improvement." Their reports had no virtue or intelligence but hurt the feeling of the victim's family, interfered with the police's

job or titillated and scared rather than educate the public. Pai Ping-Ping cried at the press conference, "I don't know whether what you (the reporters) do helps me or harms me?"

The press's decision to interview Chen live on TV before he was captured could be motivated by the scoop or the desire to know the truth. An interest in choosing not to report Chen would be based on not harming teenagers or others by projecting incorrect values. People's need to know is secondary to people not being hurt because people's need to know is based on their need to know in order to be good citizens and to avoid being harmed. Moreover, most of what media justify by this principle is not needed to be known because it does not help society to know it. After balancing the interests, we are sure that not to harm teenager's value is more important than the scoop or the dubious form its truth took. Therefore, the press did not act ethically.

As to those who make profits from the crowd at Pai's or ambassador's house and those who gathered to watch the gunfight, they also hurt Pai's family. They might want to know the information or make money from the situation but they failed their duties of beneficence and "not injuring others." In this case, people's need to know conflicts with Pai's privacy. In theory, government should give the press freedom to access information, to interview and report the event. However, they must also weigh the requirement to protect the privacy and the feelings of the victim, and the safety of the public and police. In this case, it is better to have

legal restraints or control the media's exorbitant behavior for the prima facie duty of "not injuring others."

In Diana's case, paparazzi ignored the responsibility of "not injuring others." Their pursuit hurt Diana's feeling and finally cost her life, and also endangered others. The press chase of Diana might be justified as a critique of the British monarchy's failing to make a good model of marriage, and the public needing to know the truth. But Diana's romance reports (after she was already long divorced) had nothing to do with public welfare and the crazy pursuit caused the tragedy. Tabloids' behavior violated Diana's privacy and their own reputations, dragging the journalistic profession down with them. Both in Pai's and Diana's case, the death indisputably proved that the media failed the prima facie duties of "not injuring others," no matter if the press tried ever hard to perform other competing duties.

2. Scandals vs. Politicians

When Huang's scandal occurred, someone questioned female journalists' professional ability generally, and wondered if they used sexual relationships to earn scoops. Dr. Han Chan-Meow said, most people have a theory of "earn and lose" about the relationship. This logic believes that if man and woman have sex, then man earns, the woman loses. However, she said, if we see the logic from another side, there might be another possibility. Maybe, it is not female to utilize their bodies in love. In Huang's case, the public believed that CoCo used her relationship with

Huang to advance her career. But, the contrary is also possible. Huang might get something in this relationship, such as favorable reporting from his lover.

Taiwanese Professor Hur Chun-Miao thought the society still has different standards for men and women. Nowadays, if the story changed to a scandal between a female official and a male journalist, how would the public react? Our press, our public would soon respond that the female official used her body to make a favorable exchange with the media. In addition, probably the public may not emphasize how the male journalist gets the scoop from this kind of relationship. This points out the hypocrisy and double standards of modern society--men still have every kind of advantage compared with women.

If we wonder whether CoCo abused the power of the press, it is also important to research how many reporters abused their power with familiar relationships with certain politicians.

In discussing to CoCo's book, "Taiwan's Starr Report," and her behavior, the leader of Women New Knowledge Foundation in Taiwan, Chen Mei-Hua said, CoCo provided a negative example by using her position to gain revenge in a personal matter. The society, it proposed, should encourage the culture of a couple's having no revenge after they break up. The violation of a politician's privacy is justified only if they have done something illegal.

Shu Chia-Ching, a feminist leader in Taiwan, thought that public figures should accept strict observation and supervision. But she suggests that CoCo should focus on Dan's relationship and attitude toward sex, not the habits of sex or personal sexual

relationships. Politicians' relationships or sexual attitudes can help the public know them deeply, but to know details about their sex habit goes over the line of decency.

Psychologist Su Ming-Ming emphasized that the influence scandal is, from a broad societal prospective, more an advantage than a disadvantage. Scandals helped people adjust the values of the society again. In another example of a scandal's advantage, she reported how she helped a nine-year-old girl in America who did not have a high IQ. She asked the girl to read the newspaper fifteen minutes to her parents every day, improving her reading and oral speaking. The girl improved after six months but what made her improve the most was the interest she developed in Clinton's scandal. Various discussions and reporting by the media of Clinton's scandal were presented, and the girl was busy enthusiastically researching every article. Now she has better skills and social awareness than the same age children do. In Dr. Su's opinion, scandals help people deliberate about relationships and cause less social harm than criminal news stories.

Dr. Su also said, CoCo wrote the book eight months after the affair. She felt that CoCo did not write for revenge. Perhaps, Dr. Su said, CoCo sacrificed her own reputation to encourage women to be more open about their own negative treatment by men.

Does the public need to know about politicians' private behaviors in order to evaluate "character" or are stories on this subject reported primarily to sell papers and advertisements on TV? Should the President's sex life be the subject of public discussion and debate? A surprising number of Americans seem to be taking what is

regarded as the French view: that a politician should be judged by his public record, not his private affairs. Is it just that Americans who supported Clinton do not care? There are a range of reasons why they do not care. They might think he is doing good job as president, and sex is private life. Some disapproved of fanatical persecution by Kenn Starr, thinking republican opponents were hypocritical, or other presidents had done the same thing or worse--why pick on Clinton?

Michael Kinsley said, in recent years, for various reasons and to the dismay of many journalists, the press's self-censorship has weakened. Politicians' sex lives have become fair game, though the mainstream press remains queasy. Now it turns out that the public may be up to the challenge of ignoring these matters after all.

Michael Kinsley thinks the correct test is not whether the journalist cares but whether the citizenry cares. He suggested the test should be, "Do I think a significant small part of my readers or viewers might vote against the guy because he may be messing around with a 21-year old in the West Wing?" Thus a final twist: because the public will not "misuse" this information, the press no longer needs to feel tempted to suppress it. But for the same reason—political irrelevance—the press may no longer be justified in reporting it. If people's need to know is truly decided by the public rather than the press, the public seems to be saying we do not need to know this type of information in detail.

Traditionally, Kinsley said, the American press has not dealt in such matters. J.F.K's affairs are leading examples. The ostensive reason for ignoring his womanizing was that private conduct is irrelevant. The real reason was nearly the

opposite: fear the voters would find it all too relevant and might actually vote against a man because he was cheating on his wife. In Kinsley's points of view, that is wrong and unfair.

New York Times and *Washington Post* published all the material of Starr's Report. In Taiwan, the newspaper *The China Times* and *United Daily* released all the content, but other press selected parts of it.

The editor of *The China Times* thought that Starr's Report was an important document in history. The content decided if Clinton should be impeached and convicted. The consequence influenced not only America, but also the entire world, so there was no reason to hide the truth. But the editor of *The China Times* did some editing of the words to tone down the sensationalistic aspects.

White House Press Secretary Mike McCurry said, "The office of Independent Counsel found room for hundreds and hundreds of salacious details that embarrassed this country...but it did not find room for one sentence from the testimony of Monica Lewinsky." Virginia Democrat James Moran said, "I feel dirty when I read this stuff. I feel as though when someone walks into the room, it's something I should throw under the desk." South Carolina's Ernest Hollings told fellow Senator Joseph Biden: "I can't even talk about this with another man."

The editor of *The Liberty Times* in Taiwan did not want the news to be too detailed or too sensational, because children might read the newspaper. He said, "It is important for the press to report the complete facts. Moreover, how to translate and report properly is the media's responsibility."

In Taiwan, CoCo put her book on the Internet to release to the public knowledge of Dan's sex habits. The editors of the Internet did not support her. They took the position that CoCo has her right to say what she wants to say, but she needs to assume the responsibility in the end. They decided not to connect other web sites to CoCo's. As to Starr's Report in Taiwan, some web sites published it without translation in the English original, and some did not release it at all.

CoCo and Huang's was a complicated relationship. Huang had the reparation duty to CoCo, but he denied it. For the duty of justice, CoCo published Huang's privacy (on the other side, to do so also released her privacy). In this case, it is right to examine Huang's behavior related to public welfare, but one should be careful about the sensational part not to injure teenagers. CoCo publishing Huang's scandal and his personal imperfections may be motivated by revenge, justice, earning profits or fame. Starr claimed his prima facie justice and fidelity duties to reveal Clinton's scandal. Media generally justify publishing sensational stories, as fulfilling their fidelity duty.

In these two cases, other media motives or prima facie rights to be considered are the media expectation the information could get a big sell, that it could be serving justice, or that it could serve the public's need to know. If the press refused to report politicians' scandals, it might consider the material irrelevant to public welfare or influencing the politician's career, or the sensational material might create harmful images for teenagers or others.

Although politicians' private behavior is irrelevant to the public welfare, the public still needs to know what kind of person is leading the country. If the details are needed to prove the corruption of the politicians, the media might carefully select the materials and try not to be too sensational. Like CoCo's case, people need to choose if they want Huang to win the election, and in Clinton's cases as well the public has to choose if they want this leader. After balancing all the interests, in deciding whether to report or not, politician's scandals rise above their privacy rights because politicians need to be criticized strictly and the public need to know the facts and decide what they want, although the public might not care.

3. Privacy vs. Publicity

The Diaz and Sipple stories both concerned the sensitive subject of sex. Yet, only the Diaz publicity was judged an invasion of privacy. Unlike Diaz, Sipple was a national news figure who had already been open about his sexual preference, said Dill. Sipple had already "consented" to being publicly identified as gay. His embarrassment suit may have surprised friends who had freely given interviews about him, since he had not indicated such shyness before and had even sought recognition as a gay activist.

Even if Sipple had been secretive, the magnitude of the event he was involved in would seem to ensure that the press would be protected in straightforward reporting of personal details, including his sexual preference. Dill points out because

of his sudden prominence, the law would support an editorial decision to report virtually any detail about him.

In Sipple's case, the press motives can be attributed to the prima facie fidelity duty or for profits to publish that Sipple was gay. It does not matter if Sipple was gay or not; he had already gone public with his sex orientation before the assassination attempt. As his homosexuality was established public knowledge and therefore, no longer private, he has no reason to criticize the press. Even if the newspaper did not release his sex gender, some would still know it from the earlier magazine interviews or parades.

By contrast, it is painfully difficult to argue the newsworthiness of the Diaz story as published. Diaz was only a student leader without national prominence. In Dill's idea, Diaz had managed to hide her sex change before being unmasked by a cruel columnist, and this made the infringement greater than with Sipple, who had not treated his sexual preference as a private matter. The newsworthiness justification seems weaker than with Sipple, and the tone of the Diaz column belied a belief in its social importance, displaying a naked intention of belittling Diaz.

Dill points out the pictures in Barber's case invade privacy because in a hospital room, as in one's own room at home, a patient is entitled to expect privacy. A photograph cannot be published without permission. The story was justified by the press citing that information about the pancreatic disorder is arguably of interest to the public. But Barber's identity was not news. It should not have been disclosed

without her permission. The court ruled that intrusive means had been used to obtain a story that had no news value, and that her privacy had been invaded.

Dill addresses photographs that reveal more flesh than people ordinarily display in public, recommending that before publishing, journalists should decide what makes them newsworthy. When a photograph that seems likely to be embarrassing is in every sense optional for a newspaper, like that of the woman with her skirt flying over her head, Dill suggests choosing another photograph or eliminating the identifying features.

In the cases of Barber, Diaz and the woman exposed in her panties, the media might publish the story for entertainment, for information the fact, for doing its fidelity duty. But the press did not have consent to publish the embarrassing private imagery and had failed the duty not to injure others. Obviously, the duty not to harm others is above the justification of entertainment or the desire to know the fact.

In another case, the editor did not keep his promise to the Roshto brothers; by still rerunning the story it had failed the duty of fidelity. The editor probably released the story for the function of entertainment or education, but he hurt the Roshto brothers. They were not convicts anymore. Reporting the story would not only hurt to the Roshto brothers' feeling and status, but would violate an earlier agreement. If the editor wanted the story, it is better to get permission from the Roshto brothers and report it in a positive way or not to do it at all. Likewise in the astrologist's case, we promised not to take a photo of her but did it secretly, without publishing it immediately. To criticize our behavior strictly, we still

broke the promise. Our thinking was if we took photos, we would have her pictures in case we needed to use them later. If we took no pictures, we would not have her pictures in the future, and be at a disadvantage in reporting a later possible story. Although business profit is important, human trust is much more important. We should not have broken our promise; there might be another way to get her photos legitimately.

Reporting on the retarded girl might be motivated by sympathy reasons, or profit margin but it also invades the family's privacy. Again, the retarded girl is not a public figure; we should not bother her and her family if they did not want us to. Not to hurt others is above the public's desire to know. As to the high school girl's death with Tarot cards, if the media do report, they do with fidelity to the manager and the public, though if they distort or exaggerate a fact's importance, they violate the fidelity duty. If they do not report, they do the duty of "not injuring others." It is social news, and the media needs to report it. The better way to report the event is to remain within good taste, not belittling the victim, without twisting or manipulating known facts.

Some criticized that the press was threatened by the criminal in the bomber case. The media published the letter, either for a scoop or for the public's safety. ^{and} If they did not publish the letter, they probably considered that the press would not be threatened by the convict. The media release of the letter publicizing the criminals critique of technology which he claimed motivated his acts, while cooperating with the police, demonstrates that the press deliberated about the

duties of fidelity, “not injuring others” (because if they did not publish the letter, people might get hurt), and also weighed justice and beneficence.

Both in the entertainers’ suit and JoJo Lin’s case in Taiwan, the manager and the reporter failed the prima facie fidelity duty. According to Fink, there should not be a cop-out attitude of journalists. Journalists should check all headlines and story information to make sure the material is true. The manager blamed the reporter, saying it was her responsibility—the managers made a mistake but did not want to admit it. Needless to say, the media manager also had failed the duties of “not injuring others” (damaging the entertainers’ fame and the reporter’s reputation) and self-improvement. Later, the magazine lost its reputation and many entertainers feared to be interviewed by it.

To release the story without proof might get scoops, and make short-term business profits. But not to report the rumors might protect the media’s reputation. Whether to report or not must be considered carefully. The press should not report blindly. They should not report every news story before making sure it is true. In these situations, the media must consider the potential damage to reputation and its responsibility not to injure people’s privacy. These concerns are more important than getting a scoop or making business profits, so the press should not report sensationally without adequate evidence.

Chapter IV

RESULTS

Journalists have enjoyed much freedom in democratic countries. Yet the exercise of freedom has caused various problems and sometimes promoted false values in the society. In chapter two, the general ethical principles involved are explored and chapter three examines several troubling cases. Now let us apply the standards to the specific cases and draw conclusions about the appropriate behavior of media. After reviewing the study cases, we can conclude that the press does at times act unethically in modern society. Although the press often tries to use rationalization to conceal unethical motivations or actions, their results have had negative impacts on society. The media tried to justify their news coverage by virtue of people's need to know, people's desire to know the truth, the duty of justice, the function of education, information, or entertainment and so on. Underlying the reasons, however, is a misunderstanding of the people's need to know and a list of inappropriate motivations, such as developing a hot topic, getting a big sell, or getting scoops. All relate to the motivation for maximizing profits or career opportunities; when the press acts to promote its own advantage more than the public welfare; invades privacy, and threatens others' safety or hurts people's feelings becomes common place. In the fourth chapter, I would like to analyze the attitudes of the media managers, journalists, the public and the governmental or legal restrictions in journalism to search for ways to resolve these problems.

The Attitude of Journalists in Reporting

News sources can be classed as certain types. One comes from reporters actively pursuing the events, like the cases of Pai and Diana; another kind offers sensational information, such as CoCo, Starr or what Linda Tripp offered. The worst one is when the press pursues untrue information widely, as in JoJo Lin's case. Whether the press passively or actively pursues the stories, media ethics have suffered in these study cases. In cases such as Princess Diana's and Pai Hsiao-Yen's death, the journalists expressed their attitudes intensely and they fanatically searched for the information. In other cases, for example, Clinton's and Huang's scandals, news sources themselves offered sensational details to the media. One challenge of the media, in either type of case, is to decide how much detail to give the reader and the viewer. If journalists had acted more responsibly and ethically, there would not have been so much chaos.

The attitude of journalists is the most important factor in dealing with a news story. Actually, journalists have the first right to decide to report or not to report the event. If one gets a scoop, one could decide to tell or not to tell the editor. If another tells the editor, and the editor asks the reporter to report it, he/she still could decide to report or not to report. If one feels to cover the story might violate professional ethics, one could give it up or, if one reports it, one could still report in a neutral, objective way without a sensational tone.

Most reporters follow the editor's guidelines in order to keep their positions, but I encourage journalists to stick with their own ideas if the editor's idea involves dubious ethical practices. One reason for following the guidelines of professional ethics is to elevate and affirm journalistic ethics and perform responsibly; the other reason is that reporters need to protect themselves. In the entertainers' suit in Taiwan, for instance, if the reporter insisted on not exaggerating the rumored story, she would not have gotten into such trouble.

When a reporter reports a sensational story in response to pressure from the editor, the reporters can protect him or herself by insisting on not putting his or her name on the piece and assigning the story's byline to the company or the specific editorial department. This seems appropriate, as the company should be responsible if legal or other repercussions result.

Words printed in the paper or broadcast on the electronic media influence the public tremendously. The public can be divided into three groups. The first involves those who have unique ideas that help advance others' intelligence, like philosophers, scientists or scholars. The second does not have particularly original ideas but knows how to observe and analyze in order to pass judgment. The third has no thought, no discernment, and only follows others' opinions blindly, like many young people, common readers and viewers. The structure of people in the world is like a pyramid. The wise are the least numerous at the top of the pyramid; the second group which at least has judgement are more numerous and in the mid-section of the pyramid; most

numerous are the people who change their minds easily based on others' opinions, the broad base of the pyramid.

Notwithstanding, people who submit their own ideas or theories are not necessary right. If the journalists project their own or their company's biases and lack objectivity, people who have no judgement ability will tend to believe the article's bias or slant and give a weak story undue influence.

Responsibility in ethics must start with the reporter. My suggestion in reporting is honesty, objectivity, balance, responsibility and to report the facts, based on the canons of journalism—*independence, sincerity, truthfulness, accuracy, impartiality, decency and not invading privacy or otherwise bringing gratuitous harm to people.* To be a good journalist is not as easy as to write a good article. A skilled journalist can inspire the public to think deeply about the issues that arise from the affairs they report on. A reporter can write a kidnap story in a sensational or sympathetic way. Different tones inform the public in ways that provide totally different impressions about events. Journalists need principles when facing a potentially sensational subject, though it is a hard mission.

The pen is mightier than the sword. And the electronic media with lively pictures and voice projects an even more persuasive message than print. Journalists must remember their role is to discover the facts rather than to produce the news. If they see the benefits to themselves or their employers or earning fame as their priority, journalists have lost their professional ethics.

People's need to know is important, but it does not give reporters *carte blanche* to report all the details of a news story. People's need to know refers to information relates to the public's lives, public's safety, economic affairs, or provide valuable information. According to the theory of Social Responsibility, freedom carries obligation, and the press that enjoys freedom from the government is obliged to be responsible to the society. Maybe some want the news stories to provide gossip, but too many personal details are meaningless. People will not lose any advantage without tabloids. How quickly the public knew that Pai Hsiao-Yen was kidnapped was not very important, but it was important to save her life and catch the kidnappers.

In Pai's and Diana's cases, journalists' attitude was uncontrolled and undisciplined. When journalists go for an interview, they should ask themselves first, "Why do I report the news?" For relating to public welfare? Or producing hot topics? Discovering scandals? Or to find a truth? Or for personal fame or profits? Reporters should consider what is the result after the reporting. They should consider the public welfare interest above personal interest, and cover the story in a manner that minimizes personal harm.

The truth of information acquired from sources should be determined in advance carefully. First, the press should report the factual truth, obedient to its basic fidelity duty. If the information will publicly embarrass or injure the victim, the reporter must deliberate on his duty of justice, and consider if publishing the story is consistent with justice rather than hurting another to be sensational or selling papers.

Reporters and management should always remember the prima facie self-improvement duty. To produce good and intelligence is an important duty of the press.

The Attitude of Media Manager

The attitude of the media managers is also important. The leaders of the media have the responsibility to manage the news coverage. When pursuing stories like Pai Hsiao-Yen's or Diana's, the press must think about their own reputations along with simple human responsibility and decency. Tracking or wiretapping without the police's permission, releasing sensational words or pictures of dead bodies will in the long run belittle people's value of the press in ways that can harm both the media itself and society as a whole.

If the managers of each media had not asked the journalists to chase the information so irresponsibly and fanatically, journalists would not have put themselves in danger of Pai's and Diana's cases. In general, reporters' tastes are following the editor's policy, and that is why a moral managing concept is of such great significance.

The press must establish correct, concerned public interest, tempered by full ethical judgements. Managers must realize that their power is dangerous if not applied carefully and responsibly. The media should apologize and correct right

away if they communicate the wrong information. Leaders of the press must educate their reporters to be responsible for what they report.

A journalist will not be successful working for a media of ill repute. For example, after the big suit, the reporters of the magazine found it difficult to get an interview from other entertainers. The celebrities suspected the magazine might invade their personal privacy. It was hard to convince them to believe that subsequent reports would be objective, neutral or positive. Most entertainers will not ever change their impression of the magazine—as one that is sensational and invasive of privacy. Conversely, a journalist who works for a reputable company will find it is easy to get the interview and the trust of a news source.

The Attitude of the Public

How about the attitude of the public? The public has the right to know what they need to know, but should not conclude all the details. Too detailed crime reportage may educate criminals based on what they see and hear through the media. Aside from usefully informing the public, criminal news stories can serve as a deterrent to crime, but it should not provide a model for someone who wants to commit a crime.

The public should place themselves in the shoes of someone victimized by the media's sensationalism. In murder or kidnapping cases, the victim's family would not like it shown on TV. A spectator could be got shot in a gunfight or a kidnapper

could escape, because of the media intruding on the police's ability to do their work. When people think it through to see these kind of issues, they would not be indifferent to the media's excesses.

Along with thinking through the implications of press excess, the public should change their attitudes toward the tabloids. People may like to read them; nevertheless they should not buy them. If people refuse to purchase the tabloids, tabloids would die soon. What we need is fact, truth, objective news coverage, not a suspicion rumor or unsure reports.

If the public raises its taste and ethical awareness regarding news covering, it will result in uplifting journalism's standards. Media would have no excuse to report sensationally for market's needs anymore. The public can register this point. Not buying tabloids is the most effective way.

Governmental or Legal Restrictions

In democratic countries, government should give the press freedom to access the information and express opinions, except when the behaviors threaten national security or libel, or needlessly defame individuals. However, when the press cannot self-control itself ethically, the government should help the press through pressure or laws on the ground of social responsibility theory. To make laws to prevent tragedy does not mean to oppress a free press, but to help the press act safely and responsibly.

Laws should be a last resort, applied only after the press has demonstrated a failure to regulate itself.

Unlike the codes that guide doctors or lawyers, journalists' codes have no powerful control. An unethical lawyer can be disbarred; an unethical doctor can lose his or her license. Unethical journalists can (and will) be fired, but they cannot be penalized by the state for ethical misconduct. Nor can they lose their license. For a journalist to have a license would contradict the freedom of the press provision of the constitution.

To improve journalists' professional responsibility, the government could make laws to advance press ethics. In years past, the court considered a case often after the press had hurt the accused or victims. The government should have strict laws to prevent the inappropriate manner of the press which, in effect, tramples on the "presumption of innocence" principle established in the Constitution. Even more drastically, the government could license professional journalists. The government already has licensed media outlets, and should also license the journalists who work for the company. If the court had the right to take away a journalist's license when they acted unethically, that would help the press not to be so easily corrupt. It would, however, be hotly contested as a violation of the 2nd Amendment, freedom of the press. Such a requirement would only succeed if it had the full support of all professional journalistic organizations. The license review might involve a process regarding a professional journalistic body's input in determining the court's decision. In this way the self-regulation of the media would not be abandoned totally.

The Recommendations

Whether in ancient times or in modern society, a democratic or an autocratic country, three kinds of powers always restrain human behavior. One is the power of the state/ruler, one is the power of religion (like church), and the other is the power of the individual conscience. In autocratic systems, the state's power controls more than the others. However, in democratic systems, each power is equally important, though some might insist the state should not control the press. While people have free speech and free press, the public and the society also need the state or the law to protect them from injury, even injury from words. In effect, religion's power or the individual conscience has not worked well in today's journalism.

By and large, since free press instituted the libertarian theory, journalists follow moral duties more than legal duties. The law did not ask or tell exactly how journalists should act. Today, the ethical codes made by the journalists themselves do not work effectively. We still see sensational news coverage everywhere. To have a free and responsible press, government oversight or enforcement of governmental laws are necessary.

Under libel law, the press cannot publish knowing or reckless falsehoods that damage an individual's reputation. Libel consists of defamatory words that are either written or broadcast. The libelous statement must be intentional and malicious, obviously harmful, and untrue. Harassment in law is the act of systematic and/ or

continued unwanted and annoying actions of one party or group, including threats and demands.

In general, public personage are not protected in most situations, since they have placed themselves already within the public eye, and their activities (even personal and sometimes intimate) are considered newsworthy because they are of legitimate public interest. Otherwise, a non-public individual has a right to privacy. Once a person is a “public figure” or involved in newsworthy events, the right to privacy may evaporate.

My suggestion is that government should consider developing special laws for press behavior. Through the past experience, we certainly know what kind of report is in bad taste, so the government may deliberate to make laws for the press like these:

- Cannot interview criminals live (except for special programs that have educational value; all interviews should be subject to review and editing before reported)
- Cannot publish images of corpses, dirty words or pictures (except to report historical event such as a massacre; limits on sensational details need to be maintained)
- Cannot interfere with police acts (unless the police violates the law or is corrupt)
- Cannot spy on or follow individuals without public interest
- Cannot report material on a public figure unless it is newsworthy or relates to public welfare

- Cannot communicate untrue information that does harm

Government might also consider expanding libel, harassment and privacy laws to protect public figure's privacy as well as non-public figure's. Now, journalists can report any event in the public if it relates to one in the public eye. A new law should enforce privacy for everyone except when the information relates to public interest or its reporting has the consent of the subject.

The punishment that can be considered could involve fines, jail terms, or suspending or revoking a media license. Punishment could include suspending broadcasting or publishing for violations of ethics for a certain time.

How to keep freedom of press from invading privacy in democratic countries?

(A) The most important step is to promote the quality of journalists. It could be done by three steps. (1) First, it must start with education. Education influences deeply its students. If the professors could establish correct ideas in their students' approach to reporting, students would become objective journalists in the future. Especially if the dangers that sensationalistic practice pose to reputation, career, and the honor of the profession itself are emphasized.

(2) Second, journalism will be well served if media managers take other factors into account besides quick profits. They have a responsibility to society to use their power wisely. If the editor's policy demands media ethics, the reporters will not report in a sensational or unethical way or invade the right to privacy.

(3) Third, journalists must monitor themselves. Additionally, professional journalists, editors or scholars can organize a discussion group or a periodical to

examine the behavior of the press. The organization or publication must be authoritative and have the respect from the society. The publication can praise (even offer a prize) or condemn (publish the name of the press or the reporter) the reports of journalists and the decisions of media managers. Some professional organizations (News Council) in the United States, England or Taiwan do not work efficiently. The goal is to remain focussed on journalistic ethics and find ways to publicly and professionally embarrass the press when they make mistakes. If the organization has power to embarrass and undercut the reporters' professional status when they violate journalist ethics, that would be a much better way to censor the media than government coercion.

(B) Ethics of the People: (1) Public education could place more emphasis on the issue surrounding a free press and distinguish between ethical and unethical journalistic practices. Public awareness of this type over time can lessen the appeal of shoddy yellow and tabloid journalism. (2) The public could establish organizations to monitor the press. As with professional monitoring, these would encourage the good behavior and criticize the incorrect behavior of the press.

One issue worthy of discussion is the media's catering to the lowest common denominator in its audience. People who are highly educated tend to spend less time watching TV or touching other mass media. One reason they avoid the media may be that the lowbrow report has no attraction for them. What the media attracts is the people who have lower standards. Because these people like sensational stories, the media works hard to appeal to them but ignores the other group of people. The press

needs to elevate its tastes to appeal to high value groups, and educate low value groups.

(C) Licensing: What the licensing I suggest here is different from the licensing in authoritarian systems. The purpose of the licensing will help journalists be more profession, more dignified, and earn more respect. On the other side, it can also prevent journalists corrupting their profession and its societal responsibilities for personal or business profits.

Although we have journalism departments in schools, a professional education is not required before one can be a journalist. To elevate the quality in journalism, I suggest one who wants to be a journalist needs to pass examination to get the professional license. Journalists should receive professional training no matter if he/she graduates from a journalism school. The new idea is try to make the journalists as professional as the lawyers or doctors. That means not everyone can be a reporter, only one who has a grasp of professional ethics and responsibilities as well as a grasp of the skills and techniques of the profession.

The licensing and the professional journalistic training can involve cooperative efforts by professional media and news organizations (like News Council), and the academic community (on behalf of the public, as University Accreditation Model). A body composed of members of these groups could provide licenses, review performance of the press regularly, review complaints, recommend changes and suspend or revoke licenses. Another possible punishment for the press can be forced suspension of license, preventing publishing or broadcasting for one day or more. As

we know, if a TV station or a newspaper quit one day, it will lose profits, and it will also suffer embarrassment a damaged reputation. The court could also play a roll, helping to judge if the press does not accept the judgement from these professional groups.

The relationship between the media manager, the journalists, the public and the law or ethical guidelines is like a circle. They affect and influence each other. Power should be in control on each side. Each part of them is independent but influences each other. The reader or the viewer has a desire to know the fact, but often accepts the journalists' stories passively. The public also has right to expect accurate, responsible reports from the press, and monitor the press ethically. The reporters have the right to pursue the information but receive instructions and policy from the media manager. Journalists have a duty to the manager, to the public and to themselves and their subjects. Both the media managers and the journalists should strive for balance at all times between journalistic ethics and responsibilities and the public's desire to know the truth. Media managers have the responsibility to guide the journalists, the duty to the public and individual conscience to do it ethically within the parameters of the law or media ethics.

Having each link strengthened in its own right without breaking its role in the interdependent chain is the best way. Every link should insist on at least a reasonable standard of media ethics. The public asks for healthy news coverage; the journalists write accurate, factual, publicly significant news stories; the media manager sets the right policy; and the court exercises good judgements in cases where the media

endangers or harms the public or an individual. Enacting this model will enable the society to advance intellectually by raising standards of discourse, and less prone to “feeding frenzies” by the press and other hysterical approaches to the news.

Strict laws prevent the press acts from acting unethically. New licensing procedures, and citizen panels reviewing the behavior of journalists can advance a free and responsible press. The courts protecting individual privacy and freedom of the press is a final element in this formula for addressing the problem.

Chapter V

DISCUSSION

A. Causes

1. Too much freedom:

Since the establishment of freedom of the press as a tenet in democracy, press freedoms have exploded. The press seemed to have assumed the privilege to search for news even if it causes injuries like those discussed in the previous chapters. If there were enough professional or governmental regulation, paparazzi would not have invaded Diana's private moments, ultimately at the cost of her life. If there were adequate professional and governmental regulation, the press would not have given Chen, the criminal, the microphone to defend himself. Finally, with adequate self-regulation, the press would not consider injuring others above business profits. There would not be \$1M offers for Diana's photos, and neither Diana nor Pai would have died.

To provide an example: each library forbids students to bring in food or drink. In Library A, a guard checks students' bags to see if they violate the rule before they walk into the library. Also the library rules require that students should leave their bags in the locker set in front of the entrance in order to prevent stealing. Because of the strict rules of the library, the library can keep a clean and complete books collection. The other library, Library B, only has the warning sign on the wall instead of a guard and a checking system. The rule rests

on students' ethics. However, the students might carry food inside the library or take the books home without checking out. Both libraries have the same rules, but the former one actively enforces the rules effectively. In the same vein, the press needs active enforcement of its own ethical standards. Merely resting on the moral ethics' existence above is too weak, and passive an approach.

2. Profit Driven Industry:

A capitalistic market gives the customer what it wants. The market reflects the values of the people. If the people have low values, the market will reflect it. If people have high values, the market will reflect that. In contrast, in a Marxist system, the market shapes the value of the people, and the people are pawns of the media.

In a capitalist system, profits support the media's survival. The press is supposed to satisfy the needs of the market. Undoubtedly, some might like the tabloids, where the press has functioned more to entertain the public. Pursuing bad taste or sensational reporting might earn money and big sell temporarily, but has no value for society and diminishes the press's stature in public opinion, perhaps forever. The special status of press as the 4th Estate with special responsibility to serve the public interests must be re-established. The press is different from other profit driven enterprises. To deserve freedom, they must recognize the role they play. Reporting JoJo Lin's story without proof or inaccurately reporting the two entertainers are mother and daughter are the examples of media pursuing and tailoring news stories for industry profits.

3. Individual Selfish Behavior:

A pervasive lack of moral standards exists in both media and the public. Individuals tend to act selfishly rather than for the greater good. The societal problem is a macro effect of individual irresponsible behavior. A slanted or corrupt journalist might not influence much, but if most journalists wallow in selfish behavior, that corrupts reporting, news, and reinforces the societal wide crisis in ethics.

For instance, if only one media reported the details of Clinton's scandal, it might be criticized by other media. However, when all the mass media reports the sensational story, no one reviews it was appropriateness.

Applying the above three reasons to stories we have discussed, we find that journalists slanted their news reporting. Fang Yi-Wen and Chou Ching-Siang demonstrate how the press violates ethics by exercising too much freedom in such ways as, making up news stories, stretching the truth, pretending to be someone else to get interviews, invading privacy, trying the cases in the press, overpainting the news with sensationalism, over saturating the medium with criminal coverage, publishing sexual or fake pictures and so on.

B. Solutions

1. Ideal World Situation

a. Plato's Republic

Authoritarian theory out of Plato holds that truth is entrusted to a few wise men that guide the other people. In Plato's idea, the governors are wise men, as philosophers, they are at least the advisors of leaders, so they are positioned to direct the country in a positive intelligent direction. He was convinced the state was safe only in hands of wise men, the magistrates, who are governed by moral authority and use this authority to keep the base elements of society in line. The wise men or the magistrate disciplines himself by his intellect and keeps other classes of members in the society from degenerating into a confused chaos.

Plato conceived the ideal society as one in which the state established and enforced the unity of political and cultural goals. His theory meant rigorous control of opinion and discussion. He admired law and the order, and insisted on the state's interest above anything else. All words or actions that promoted the interest of the state are considered virtuous and good. Following Platonic theory, today's press would be devoted to what is stable and harmonious for the society. If the press violated its responsibility, it would be penalized. Penalties would include loss or suspension of a license. The problem in applying Platonic theory is, however, in a real world, impossible to insure that every governor is ethical, responsible or wise. If the leader of an authoritarian system makes a wrong decision, the whole state declines.

b. Marx's Idea

Marxist practices are comparable to Platonic views, with party leaders taking the role of Plato's magistrate/ philosopher. Press in communist system is

characterized by a strictly enforced responsibility. The state controls the press, informing it as to what is good to the state. The state, in theory, exists on behalf of the public, so the state decides what should be known by the public. Both in theory and in practice, the mass media belongs to the Party; it serves the government as well as the public. Mass communication in communist nations is part of political activity, but the press cannot scrutinize the government as it does in non-communist governments. The media only needs to educate and communicate according to Marxist lines to serve the Party's interest.

In the real world, under communism, no one can express their opinion, including both the public and the media. The state decides what is necessary for people to know. The state in practice, conceals the facts, conceals its mistakes, and even tries to change history. For instance, most people in China did not know of the Tianamen Square Massacre on June 4, 1989, because the Chinese government controlled the mass media and chose not to report the truth. People in China only knew students fighting against the government in Tianamen Square, but they did not see the presence of Tanks and guns killing innocent students. When outsiders tried to tell people in China the fact, they did not believe it, claiming that the truth, as published and broadcast around the world, was a fabrication.

c. Free Marketplace

On the ground of libertarian theory, government has no right to restrict what it thinks incorrect. The press acts on behalf of the public in criticizing the

government. Libertarians believe the media in an uncontrolled environment can offer the information and opinion that democracy needs. Free press is consistent with the idea of a "free marketplace." It is a major element in the "marketplace of ideas." First articulated by Milton, the contemporary concepts of the "open marketplace of idea" and the "self-righting" mean let all with something to say be free to express themselves. The true and sound will survive; the fake and unsound will be vanquished. The right to search for truth is one of the inalienable natural rights of man. The press is conceived of as a partner in the search for truth.

In the real world, however, not everyone can judge right or wrong correctly; not everyone has right virtue as their guide. The right to search for truth has been abused by journalists who invade privacy, or chase and exaggerate the importance of stories to benefit financially. This exercise of freedom without responsibility to the society at large led to the rise of tabloids and sensational journalism.

d. Free and Responsible Society

To build a free and responsible press is the social responsibility theorists' goal. Following this theory, American business and industry must assume a certain obligation to the community, not only industry interest. The theory has gradually been emphasized and established in ethics codes for journalism. News councils have been set up in more and more countries, suggesting this theory is spreading its influence. Recently study cases show that we still need to work harder to accomplish a free and responsible press. It is not easy to fulfill this

theory because strict governmental control or laws are not favored in democracy; government does not want the public repercussion. In effect, moral duties based on notions of freedom of the press established the norm of less control on the press.

2. Real World Solutions

Ideal world solutions assume every one will follow the ideal. But in the real world, individuals need incentives to follow the ideal. These incentives could come from without or within.

a. Government Control

Government can provide external incentives for following the ideas.

(1) Pros

Government control is often more efficient because the government has the power to make governmental rules and the force to impose them. Individuals can be controlled by threat of fines or arrest. That gives the press reasons not to violate ethical principles. By forcing the media to balance its societal responsibilities with its need to make a profit, there will be less yellow journalism. Also, fewer cases of irresponsible press behavior would occur.

Government control can eliminate the ambiguity about what to report, for governments can assert the power to censor the information and to determine who can report what, to whom, how, and when. In this way, press has clear rules to follow and will not provide stories based on their own profit motives. All the communications supply good and virtuous information. The government can

make laws for the press to report decently and ethically, and serving the public as the first goal. For example, government control can prevent the publishing of information in the press that is useful to criminals--telling them how to commit crimes, etc.

The enforcement of government controls stops the press from doing certain things and can protect people's right of privacy. The public would not be subjected to the sensational reporting that invades people's lives because the government control has already prohibited it. The public gets more safety and privacy under the protections of strict laws.

(2) Cons of Government Control

Censorship in an authoritarian system does not allow opinions, and government control takes away freedom from individuals. When government decides what is good for the people, it adopts a somewhat --patronizing stance. The danger is that the government will not accept any criticism, and may tell lies. When the government has power to close down ideas it does not favor, making the complaints disappear; it endangers the freedom of press.

According to libertarian theory, it is imperative that the press is free from government control and influence in order for truth to emerge. All ideas must get a fair hearing; there must be a "free marketplace" of ideas and information. People must and should hold different ideas and values.

The American media feels blessed with the tradition of a free press, and inclined to pity other people, whose press is under state ownership and

ensorship, and publishes state propaganda. The Americans speak proudly of the ability of their press and independent wire services that bring the late breaking news from all over the world. The idea of freedom of the press is elaborated in the Libertarian and Social Responsibility theories.

Libertarian theorists assume that if the state restricts what it believes incorrect, no matter how egregious or harmful, the state inevitably would try to suppress news which is critical or contrary opinions of the state or the government officials. The alternative is to let the public receive all information and opinions, whether true, false or both; the public decides what is in its interests, and what it needs, and what the truth is, ultimately. This is the well-known "self-righting" process.

Social responsibility theory retains the democratic tradition that the people eventually make decisions, and charge the press with the duty of informing and guiding the public in an intelligent discussion. This means, among others, that the press has the duty to keep the public alert and not to divert its attention to the irrelevant or the meaningless (Siebert 29).

The libertarians opposed government monopolies of the avenues of communication. They argued that mass communication was open to all. It was also assumed that the mass media would operate in a capitalistic society where free enterprise was a guiding principle. This meant that the instruments of communication would be privately owned and would compete in an open market. Libertarians think the public can evaluate the various media presentations and

permitted to decide what to believe. Under libertarian theories, anyone with economic means can enter the communication field, and his survival depends on his ability to satisfy the needs and wants of the enterprise as determined by the public whose interests business's are thought to serve. No matter what, libertarian theory says, let the public ultimately decide.

While referring to potential powers of government, in democratic countries, because one of the roles of the press as a major factor in the marketplace of ideals and in protecting democracy, the government's role, in practical terms, must remain limited.

b. Individual Control

To have more responsible media, we need a more responsible reporter and a more responsible consumer. In short, the societal ethical standards must be improved. Individual control allows more freedom, more self-respect, and allows the individual to exercise virtue. In order to rely on individual control, people must both know what it is to be ethical, and how to be ethical. In terms of individual control, education is important, and this is a long-term process.

(1) Pros

American society began to shift from a belief in shared values, citizenship, personal and social responsibility to the mantra of personal freedom and the supremacy of the individual after World War II. Today, educators and others find more children at school have neither basic social skills nor the most rudimentary sense of right and wrong (Nora Carr).

According to the American Psychological Association, decades of psychological research have shown that violence on TV may make children less sensitive to the pain and suffering of others, more fearful of the world around them, and more likely to behave in aggressive and harmful ways toward others. In studies on related topics, children themselves have reported that TV makes them think that people are dishonest, selfish, and care more about money than other people. They also confess that TV encourages them to talk back to parents.

President of NationsBank Trust, David Fisher sees a crisis in America that children receive negative messages from the media, shaping their behavior. He suggests that television entertainment and news need to emphasize what a true hero really is: someone who stands for the values Americans traditionally identify with, the ones that made America great. The crisis in character that Fisher and others call attention to has led to a re-evaluation of curriculum in the nation's schools, and a new emphasis on the moral development of young people. The new buzzword in American education is "character education."

Character education teaches youth to be responsible. Barbara Bush, among others, reminds us how the America's founders more than 220 years ago wisely recognized that liberty and learning are inseparably linked. Rights and responsibilities go hand-in-hand. High academic standards simply are not enough, she says, "we have to focus on the heart and the soul as well as the mind." Young people need to know high ethical standards, and also good business practice—integrity, honesty, caring, and respect. In a character

education program, ethics is above knowledge or skills. Moral development has always been a central part of the mission of schooling.

“Only a virtuous people are capable of freedom,” wrote Benjamin Franklin. America’s public school system was founded on this very notion. Nothing is more important for the public than to form and train youth in wisdom and virtue. More than 500 schools and communities across the country have successfully adopted the “six pillars” of character—responsibility, citizenship, respect, caring, fairness, and trustworthiness—promoted by the Character Counts. Coalition, a project of the Josephson Institute of Ethics in Marina del Rey, California. Its central idea is that children need to understand that moral excellence is really a major goal of life. Ryan says, “Charity, perseverance, justice, courage, and responsibility—the hard virtues of soul-crafting—should be part of the stories, literature, and life of a school.”

Senior vice president of Procter and Gamble, Robert Wehling, thinks character education alone will not get the job done, but combining with other systemic reforms can be very helpful. Character education can also be promoted by the community, especially by churches and the businesses.

Youth are the leaders of the future world. Schools educate young students in the values they will apply when they grow up. Society’s community and private organizations also exercise character education. Sanford N. McDonnell, chairman emeritus of the former McDonnell Douglas Corporation, which recently merged with Boeing, does not want his business world damaged by employees

who are brilliant but dishonest, intellectual but caring nothing about others, creative but irresponsible. To retain ethics in the business world, the company itself plays an important role in training its employee in ethical decision making. But the entire adult community needs to help build young people of high character.

Applying the character education to the press, Wilbur Schramm suggests that the public can act in three ways to improve the press. First, nonprofit institutions should help the press carry out its required tasks. For example, colleges might operate radio stations or produce movies for audiences which the commercial media find inexpedient to serve. Second, more educational institutions should create centers for advanced study, research and critical publication in the field of mass communication. The present schools of journalism should give students the broadest of education with a strong character education and responsibility of the press dimension. Third, an independent agency should be established to appraise press performance and to report on it each year.

The STAR Program of Jefferson Center for Character Education is one whose basic principles can apply to mass media ethics. S means Stop, T means Think, A means Act, and R means Review. STAR itself stands for Success Through Accepting Responsibility and is used as an acronym for a decision-making, conflict resolution model. Applying it to the press, journalists should Stop; to Think what is right before reporting; Act, cover the news after

considering which is the best manner. Last, journalists need to continue reviewing the work that has been done. They need to challenge themselves to improve skills and ethics through experience.

Character education does not merely teach individuals to know what is ethical; more important, it teaches them how to make sound ethical judgements. Judgements may be decided based on knowledge and incentives. Character education guides people incentives to do the right thing. Moral principles, social and economic motivation all influence individuals' decisions. The important step for individuals is to begin applying self-control themselves. If individuals act on a sound moral basis, make correct judgements; it is easier for the whole society to raise press and other standards.

(2) Cons

Nobody knows whether character education program impacts society. The effects of education takes a long time. It is not easy to prove the education really works. Many feel that character education is the duty of the family, and not the school. Each family, they assert, has freedom to educate their children; the government should not interfere in moral education because the rights belong to parents. They argue that the state has no right to disturb their education of their own children.

When people know what is right, and distinguish between right or wrong in their actions, they confront the difference between knowledge and incentive. It is too early to tell whether character education gives adequate incentive. Whether

character education is enough to give incentive is still not clear, because people's incentives may come from social acceptance and rewards as well. In terms of incentive or motivation to be ethical, many reinforcements are important. The industry (journalistic professional organizations) can give awards and praise to good ethical practices and punish bad ones. People, as consumers, can refuse to purchase bad media.

3. Conclusion

Moral education is a long-term process, with no positive proof of its effectiveness, but it is the only hope if we want free press and individual freedom. Otherwise, solution depends on autocratic government control and censorship. Without voluntary control, external forces will take over. This study explores guidelines for both mixed governmental control and individual control. Let the press retain its freedom but be responsible to the public, the government and itself. Punishment would be possible only when the press violates its legal or moral duties, but public rejection should occur when the press violates its moral duties.

Education exists on the premise it improves the future world materially and ethically. Character education is a continuing process. But in journalism, the immediate plan should focus on the legal power and professional monitoring, perhaps including sanctions. As we have mentioned, courts can judge more strictly (larger fine or longer jail sentence) when the press violates ethics or invades the right to privacy. Also, despite the fact it will be controversial,

licensing the press should be considered. In addition, a more sensitive interpretation of privacy rights needs to be enforced. Celebrityhood, by itself should not deprive one of basic human privacy. To own the proposed journalistic license means one must act ethically, otherwise the license could be revoked under the judgement of a professional council or court. Criticism from news council or the public also helps the press act ethical.

Democracy does not license the press in advance because that might cost its freedom of the press, throwing the baby out with the bathwater. Today, the government has few limits on the press. What we propose is not to oppress free press but to help the press act well. Behavior of the press needs to be corrected and controlled. Resting only on the individual's application of moral actions without enforcing them is not enough. Moral ethics working together with legal and professional mechanisms to improve the press is more effective. The government and professional associations must work together to establish some ethical guidelines or even laws to help the press.

An ethical media will be the combined creation of journalists, the public, government, and professional associations. The time is now to forge this partnership.

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