

How to Resolve Ethical Dilemmas in a Decision Memo

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This guide will walk you through an ethical reasoning process to resolve right-from-right dilemmas that culminates in a three-step process to craft a decision memo:

1. Identify the dilemma.
2. Weigh alternatives.
3. Cite an ethical rationale in justifying your decision.

But first, some background.

SECTION 1: BACKGROUND

CHAPTER 1: PERSPECTIVE

Think As a Professional

This class prepares you to handle ethical issues professional journalists face. Therefore, mentally transport yourself to the workplace and away from a campus ethos that worships individual autonomy. Professional journalists cannot make decisions based on what *they* think is right. They have to make choices based on what's best for *others*. Thus, you'll make fewer ethical reasoning mistakes if you stop thinking like a college student and start thinking like a professional.



Choose a Suitable News Organization

Write your memo for a professional (not student) journalism organization of any type (print, online, mobile, etc.) and preferably one for which you might like to work. Name the specific organization, the position you would hold and the name and title of your boss (look up the real name). You don't have to use the same organization for all of your memos. Two caveats:



1. Match your memo to your organization's traditions, sensibilities and ethos. Organizations differ in standards. What gets published at Deadspin may not fly at Sports Illustrated. What makes Vice may not make the Huffington Post.
2. Second, be sure the organization fits your dilemma. If your memo involves whether to embargo news of Prince Harry in Afghanistan, don't pick the Gainesville Sun – its staffers don't cover Afghanistan. If your memo is whether to publish the sexual orientation of a UF graduate who was the first gay soldier to die in Iraq and you pick People magazine, you have no dilemma because People magazine would not write about a dead soldier unless something was distinctive, such as sexual orientation.

Write Well

For a memo to the boss, writing quality matters. Write in formal English. Use complete sentences. Use correct grammar. Points will be deducted for more than one spelling error or basic grammar mistake. “Basic grammar” means issues such as:

- Form plurals with an “s” or “es,” not an apostrophe (the Joneses, not the Jones’)
- Use singular pronouns with singular nouns (a *family* needs all the help *it* can get)
- Avoid run-on sentences (Don’t write like this, use a period rather than a comma here.)



Avoid Fact Errors

Obvious fact errors will result in deductions of up to 50 points each. Fact errors usually arise from reading about the case too quickly or making assumptions. For example, say you’re writing about whether the New Yorker cover (left) that parodied a false assertion about the Obamas engaging in a “terrorist fist jab” created harm by reinforcing stereotypes. If you write that the magazine is a monthly (it’s a weekly) or that the cover is wrong because it has no teasers (the New Yorker never does), those are untrue assertions that could have been easily checked and thus trigger a 50-point deduction.

Be Brief

Each decision memo must be confined to a single page, according to these specifications:

- Use 12-point type with a standard font such as Times New Roman or Calibri
- Use margins of at least 1 inch each on each side
- Use a line spacing of 1.0 or 1.15
- Have a line space between each paragraph

Why one page? First, bosses don’t have time to read lengthy memos, and keeping yours to a single page increases the chances it will get read and heeded. Second, writing briefly is possible only if you have clearly conceptualized the issue, as the next section describes.

CHAPTER 2: CLARITY

One of the most common mistakes made in decision memos is semantic ambiguity. This may result from a failure to think clearly or write clearly, or both.



Think Clearly

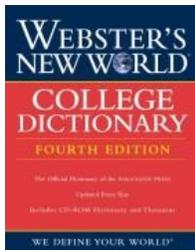
Often thinking mistakes arise from believing the answer is obvious and hardly worthy of debate. When that happens, pause and consider the issue from another person’s point of view. How would an everyday person think? How would a parent see the picture? What would a diplomat think about disclosing cables from Kabul?

Thinking errors also arise from logical fallacies such as:

- **Appeals to slogans or platitudes.** A “right to know” is a slogan, not a reason to do something. The fact that information is a public record doesn’t justify its airing because there are millions of public records that don’t get published or broadcast.
- **Begging the question.** The justification restates the premise, such as, “We should publish information that is a public record because the public has access to the information.”
- **Non sequitur.** The conclusion does not follow the premise. For example, stating that “we should republish the offensive satirical cartoons because otherwise we’ll lose credibility” is a non sequitur – the premise and the conclusion are unrelated.
- **Faulty generalization.** A generalization drawn too quickly from a small sample or from memory can be inaccurate. For instance, asserting that “journalists spend way too much time on celebrities” is inaccurate on two counts: few journalists outside gossip publications or “Entertainment Tonight” cover celebrities, and such news makes up only a fraction of the news coverage of mainstream publications, websites and news shows.
- **Ad hominem.** Arguing against the person rather than the argument. For example, just because the webmaster who censors comments is a jerk doesn’t mean the person’s viewpoint is invalid.

Write Clearly

Clear writing begins with using the correct words, and using words correctly. For example, “disinterested” is not the same as “uninterested.” The word “notorious” is not a synonym for “popular.” Use a dictionary to ensure you’re using the right word.



Eschew vague words and platitudes. For example, “controversy” is meaningless because news is controversial by definition. Or take the word “media.” Kim Kardashian, Jon Stewart and Gwen Ifill all work in “media,” but have little in common. What is “sensational” to one may be relevant news to another.

Likewise, avoid vague phrases. Writing that your organization should hold the story “until we’re sure of all the facts” could mean waiting until the last chapter of history is written, because new information is continually being discovered. Indicating that photographers should “minimize retouching” is vague: minimal to one person may be maximal to another.

Imprecise words also can impair writing. “Always” is not the same as “sometimes” or “rarely.” “Everyone” is different from “most” or “some.” Guard against overreaching by using the precise word.



In addition, prefer neutral words. “Stubborn” and “persistent” describe similar concepts, but one carries negative connotations. Remove adjectives and nonessential adverbs. Avoid stacking the deck on one side of the dilemma through pejoratives and loaded phrases.

In summary: Be specific. Be *very* specific.

Avoid These Buzzwords



Avoid buzzwords. Webster's defines a buzzword as "a word or phrase used by members of some in-group, having little or imprecise meaning but sounding impressive to outsiders." For example, "newsworthy" is a buzzword. To say a story is "newsworthy" is just repeating words – it's a story because it's a story. By definition, whatever is published is deemed newsworthy and whatever is not published is not newsworthy. Rather than use a buzzword, specify *why* the story is newsworthy.

Here are some examples of buzzwords and buzz-phrases that impair clear-headed thinking and thus should generally be avoided in a decision memo:

- balanced
- biased
- big story
- compelling
- conflict of interest
- credibility
- ethical
- fair
- gripping
- hard news
- honest
- human interest
- hypocrisy
- journalistic
- meet our standards
- newsworthy
- professional
- public record
- public service
- right to know
- sensational
- sensitive
- true
- unbiased
- unethical

Be specific. Be *very* specific.

Focus on the Argument

Phrases such as "I think," "I believe" and "I feel" will result in point deductions because they weaken your arguments. The fact that the argument is being made by you is irrelevant. The argument is what matters. State your argument without "I think" statements.

CHAPTER 3: DEFINING THE ISSUE

Right-from-right ethical decisions require two or more good or viable options. In turn, describing the dilemma requires being able to identify the issue or issues involved.



Identifying the issues often requires some knowledge about journalism and the world at large. For example, writing that you may wish to notify the boss of a misbehaving elected official reveals a misunderstanding about civics. An elected official has no boss. Or, writing about whether advertisers should have some say in choosing news topics requires that you know why journalists avoid letting advertising skew news judgment as well as some grasp of how that church-state separation has been strained in recent years by significant advertising declines in print and broadcast operations.

Not all choices are ethical dilemmas. For example:

- Deciding whether you have enough information to profile an entertainer who won't consent to an interview is not a dilemma. Either you have enough information for an accurate story or you don't. Accuracy is never up for debate.
- What if you're doing an online video story about unruly juveniles who insist you buy them beer in exchange for their cooperation? You may have a choice, but it's not an ethical one – buying alcohol for a teenager is illegal.
- A dilemma is for you, not someone else. If you're writing as a mid-level editor, write about the choice *you* must make. Don't pontificate about someone else's choice.

For journalists, there are three types of issues:

1. **Journalism standards**, such as whether to clean up quotes at the request of the high school wrestling coach or plagiarize. Statements that are edited for any reason should be paraphrased and the quote marks removed. Plagiarism is unacceptable because journalists attribute their source of information. Although quote-doctoring and plagiarism may be unethical, they are right-from-wrong choices, not a right-from-right dilemma.



2. **Legal matters**. Recording audio without permission isn't an ethical issue in Florida. It is a legal matter. Determining who is a public figure for actual malice purposes or when "where are they now" stories pose an invasion of privacy are legal issues. Deciding whether to hack a computer to investigate a shady source isn't a right-from-right dilemma; it's a crime.



3. **Ethical dilemmas**. These are right-from-right choices involve two or more good or viable options. For example, should we name the plaintiff who files a sexual abuse lawsuit as well as the defendant to treat the two sides equally or should we withhold the plaintiff's name to protect that person from potential harm by being identified publicly as a sex assault victim?



In short, "unethical" describes a right-from-wrong choice involving journalism standards or legal matters. Ethics involves a dilemma: a right-from-right choice with two good sides.

Identifying issues in complex cases may require selecting a single issue from which to draw a dilemma. A case may involve deciding whether to use deception to investigate a story, evaluating whether the results merit a story and determining how much prominence the story should get. When the case is complex, pick one issue for the memo. Don't lump all the possibilities together.

Therefore, defining the issue is the starting place for ethical reasoning.

SECTION 2: WRITING THE MEMO

What follows is a process to craft your decision memo in five paragraphs. Five is not a magic number. You can have more or fewer, so long as the memo is a single page per the specifications (above). What is mandatory is that each decision memo (1) identifies the dilemma, (2) weighs alternatives and (3) cites an ethical rationale in justifying your decision. Samples are at the end.

A decision memo is a structured piece of writing. It is not an essay to get into college or graduate school. It's not a one-sided argument in which the evidence is piled up on one side the other viewpoint is dismissed, mischaracterized or ignored.

Ethical reasoning is a more nuanced approach to an issue than a traditional essay. *It demands that you identify and persuasively defend more than one side to an argument.*

Paragraph 1: Set Up the Problem



In the first paragraph, briefly summarize the issue. How you set up the problem is essential for crafting the dilemma in the next paragraph. For example, if you are crafting a decision memo regarding whether to remove online comments, how you set up the issue will determine whether your dilemma's focus is narrow or broad. Your setup might involve everyone in the newsroom or only writers.

The setup paragraph is also critical for which facts are cited. Often a case will involve more than one issue, or issues with more than one wrinkle. Which facts you choose to include in your setup will influence the dilemma that follows. The first paragraph must set the table for what follows. So choose the facts you summarize carefully, and array them so they lead logically to the next statement, which is the proposal, and then to the dilemma.

A common mistake in the setup graph is to be vague about “the story.” Sometimes authors will note that a story could include details about a person’s ethnicity but not names, or could include a name but no details about the circumstances – and then not be clear about what should be published as “the story.”



Again, be specific. Be *very* specific.

Paragraph 2: Offer Your Solution



This is a brief summary of what the recommendation so the boss knows where you're heading. Don't make the boss wait until the last line to know how the story ends. You can make this paragraph part of the preceding graph, but be sure to offer your solution before getting to the dilemma.

Make sure the solution flows logically from the setup paragraph. For example, presume that your case involves whether to buy groceries for a poor family you're profiling. Whatever side you

take – to buy groceries or refrain from doing so – the facts you select in the setup graph should enable you to transition to the proposal.



Also, be sure the solution is a specific action that’s reflected in the dilemma. If you decide that what you want to do instead of buying groceries for your family is to put the royalties from the book you’re writing into a college fund for the children, make sure that action is part of the dilemma that follows.

Finally, be sure the proposal is a specific and valid action. A statement such as “We should change our policy on paying sources” is not an action that resolves the situation you face. “We should think about alternatives” is invalid – thinking is not an action. “We can see if we can find someone else we can interview instead” is invalid – hope is not an action.

Paragraph 3: Identify the Dilemma



Begin this paragraph with the words, “The dilemma is ...” The dilemma must be expressed in a *single* sentence in this format: Should we do (a) and why or (b) and why? Some dilemmas may have more than two alternatives. In that case, the form would be: Should we do (a) and why or (b) and why or (c) and why? Generally, a two-sided dilemma is easier to conceptualize and explain.

The dilemma is the center point of the decision memo. Consider each element carefully, starting with the actions.

First, the dilemma isn’t a dilemma if it’s one-sided. The two sides must be roughly equal in weight, tone and persuasive power. This equality is a core distinction between a decision memo and an essay. A dilemma that poses a choice between, say, doing dumb homework or going out to a fun party with friends here for the weekend is one-sided. (Of course you’d choose the homework, right?)

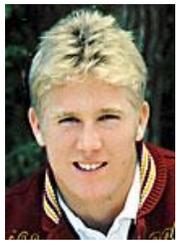


Second, the dilemma must involve at least two valid choices. Each must be a step you can defend as a valid choice journalists at the news organization you’ve chosen would actually make. For example, proposing to fire a Sports Illustrated reporter because her child was arrested isn’t a valid choice – your organization would never fire someone in such a situation. If you want to propose pumping a police officer source for background information, that alternative is realistic only if you’re a seasoned police beat reporter but not if you’re a mid-level editor.

Third, the actions cannot be to resolve a definitional issue such as accuracy. Because accuracy is a necessary condition for any journalist, the dilemma cannot debate whether, for example, “to (a) publish the e-mail because it reflects the candidate’s true beliefs or (b) withhold publication of the e-mail because we aren’t sure it’s accurate.” You must resolve the accuracy issue first, in the setup graph, before getting to the dilemma. Ditto for similar definitional issues, such as whether a source fully understands the ramifications of being quoted.

Next, consider the “why” for each action proposed. Choose the most persuasive argument on each side of the dilemma. Don’t list everything you can think of in the hope that one will work. Pick the one or (at most) two best “whys” for each side.

Please note that your task is to choose *the most persuasive* argument you can. Too often, authors settle for a weak reason. And weak reasons lead to one-sided arguments. To find the strongest argument, ask yourself *why* multiple times.



Consider this example. The parents of a former Cal football player and honor student who died want you to remove a five-year-old story from the online archives. The story involves an altercation at a strip club that resulted in the student being removed from the football team, even though no arrest was made. The story is the first thing people get when they do a Google search of their son’s name, and the parents would like their son to be remembered for something other than one evening. What’s your reason for declining the request?

- Because the story is newsworthy? No, because everything your news organization publishes is, by definition, newsworthy. So think: *Why* is it newsworthy?
- Because we should keep our archives intact? That’s just begging the question. *Why* do you want to keep the archives intact?
- Because the story is true? Everything your news organization publishes is supposed to be true or else it wouldn’t have been published in the first place. Thus, truth is an insufficient reason. So *why* do you want to keep the story in your archives?
- Because your credibility is at stake? That’s true of almost every choice you make. Be more specific. What element of credibility is at stake here? For whom?

A more persuasive reason for retaining the story in your digital archives is the expectation of readers that the digital archives serve as a reliable, complete repository of the published record and is free from airbrushing or sanitizing.

Thus, the search for the most persuasive reason entails two steps:

1. Keep digging for a better *why*. Don’t settle for the first or second thing that comes to mind. Why? Why does this matter?
2. Ignore your news organization for a moment and take the reader’s perspective. Why would the reader care about this?



Those who score low on decision memos sometimes think the search for the most persuasive reason is a cruel academic game designed to frustrate well-intentioned students who, after trying without luck to give a good answer, drop all pretense of decorum and scream at the heartless ethics professor to “just give me the right answer!”

Yet the search for the most persuasive reason is the foundation for good decision-making. A journalist without a strong, persuasive *why* for an action is going by instinct and not by reason. Many ethical miscues have been made because journalists failed to articulate a strong reason for taking an action. Thus, searching for the most persuasive reason can really save your bacon.



Each side of the dilemma must have a positive reason for the action being proposed. Sometimes we're faced with a "Sophie's Choice" dilemma in which we have to choose between the lesser of two evils. Journalists, however, must have a positive reason to do something. We choose whether to write a story, whom to interview and which quotations to use. We choose how to compose the picture and how to edit the video. We can choose to take a different picture or ignore the story. Thus, we need a positive reason for what we are proposing.

For example, you wouldn't choose to go to UF because "it's not the worst school" or befriend someone because he/she "is not a jerk." Those are negative reasons. Cite a positive reason.

Consider the obituary for a former University of Florida student, Army Maj. Alan Rogers, perhaps the first known gay soldier to die in Iraq. He died in 2008, when the military "don't ask, don't tell" policy prohibited gays from serving (President Obama ended the policy in 2011). Because he had to be secret about his sexual orientation or else be discharged from the military, Rogers' family did not know he was gay and objected to any mention of his sexual orientation in his obituary.



The dilemma is: Should we (a) identify Rogers' sexual orientation because his desire to serve his country by working for an organization that declared him unqualified illustrates his character or (b) withhold his sexual orientation from the obituary to respect the family's wishes?

Note that each side begins with a positive verb:

- Identify
- Withhold

Each side has a reason that is roughly equal in validity and persuasive power:

- Illustrate his character
- Respect the family's wishes

Consider an example involving journalists who get paid extra to appear on radio or television:

The dilemma is: Should our journalists (a) decline payments for appearing on other media on their own time to avoid any potential for competing loyalties or subconsciously skewing coverage to ensure they stay provocative or (b) accept outside income as long as they publicly disclose all such payments on our website and allow readers to judge for themselves whether the payments create potential conflicts?

Note that a purely economic reason (sell more magazines or increase web hits) is insufficient. Yes, most journalism in this country is done through for-profit media that is financed largely through paid advertising. So unless we draw readers or viewers, we won't exist as a business. But if the sole reason to do something is economic, we will spend our time chasing salacious rumors and celebrity sex tapes. We can't cite only a financial reason. We must have a journalistic purpose for everything we do.



Common Mistakes

Consider some examples of mistakes made in crafting dilemmas.



Example 1: “The dilemma is: Should I (a) follow my heart or (b) suck up to the boss?”

Problem: This is a vague, one-sided dilemma with no “why” statements.

Better: “Should I (a) write about my girlfriend’s new band because my inside expertise can produce a good story or (b) withdraw from the story to avoid personal conflicts that could cloud my judgment or raise questions about credibility?”

Example 2: “The dilemma is: Should we (a) publish the 911 call or (b) not?”

Problem: One side negative. No “why” statements.

Better: “Should we (a) publish the 911 call on our website to show how the dispatcher diffused the situation or (b) withhold the 911 call to protect the privacy of the crime victims named and spare the audience from hearing the sounds of people dying?”



Example 3: “The dilemma is: Should a letter threatening to harm school children (a) be covered like any other story, leading to hype, or (b) get only the bare minimum of coverage, consisting of a brief article buried on page 10?”

Problem: Negative and unequal why statements. One side of the argument presumes that coverage equals hype. The other argues for a brief story buried in the paper. Neither side offers a good argument for why something should be done. In addition, the tone of the arguments clearly tilts toward one side.

Solution: First, decide what the dilemma is about. Is it about whether to write a story at all? Or is it how to play the story? Or both? One solution is a three-sided dilemma:

Better: “Should we (a) withhold a story now and wait until police have determined whether the threat is credible to avoid adding to community panic or (b) publish a story to let residents know about a threat affecting their neighborhood but play it inside the local section to reduce potential anxiety or (c) publish the story on the front page because greater public awareness of the threat could increase the chances the perpetrator can be caught?”



Example 4: “The dilemma is whether to (a) pay the homeless source to obtain nearly unlimited access or (b) drop the story and stand on the ethical principles of journalism?”

Problem: The stated dilemma is one-sided. Who wouldn’t “stand on the ethical principles”? (Also, it’s a meaningless buzz-phrase.) In addition, two dilemmas are embedded in this statement. Better to pick one.

Better 1: “Should we (a) pay the homeless source to compensate him for his time in allowing us to document the details of his life and for letting us profit from his story or (b) decline to pay to ensure that money cannot skew the authenticity of the information we get?”

Better 2: “Should we (a) pay the homeless source and reveal that payment in the story so readers are fully informed about any potential conflicts or (b) avoid disclosing the payments to readers and instead institute internal checks to ensure that money doesn’t skew the information we obtain?”



Paragraph 4: Weigh Alternatives



Begin this paragraph with this sentence: “Here are our alternatives.” Start with the two (or three) options identified in the dilemma and weigh them. Then identify and weigh two other valid and specific alternative actions.

Weighing alternatives involves “but” or “however” statements, as in: “We could give the homeless source grocery vouchers. That way, we’re meeting a human need instead of providing money that could be used to buy booze. But the vouchers have monetary value, which means our source still may feel obligated to tell us what he thinks we want to hear.”

Let’s presume you have two sides in your dilemma. Those two sides are your first two alternatives. So side (a) in the dilemma should match (a) in the alternatives, just as (b) in the dilemma should match (b) in the alternatives. Then brainstorm and weigh two other valid alternative actions not in your dilemma, for a (c) and a (d).



Are alternatives (a) and (b) just a repeat of the dilemma? No. They are a restatement of the action proposed along with the other side. For example: “(a) We could present the whistleblower on video as an anonymous source, in shadow and with a garbled voice, which would add authenticity to the story. But we could also unwittingly target the source for retaliation because the boss could deduce his identity.”

The point of the alternatives section is twofold:

- First, to weigh the options to see the issue from all sides. Many ethical mistakes are made by failing to consider the potential ramifications of our choices beforehand. Not until an angry reader or viewer calls (“Why did you let the child’s name be heard in the video? Now she’s going to get bullied at school!”) do we realize we should have thought about the potential consequences. Better to think that through ahead of time.

- Second, to consider options other than the obvious ones. Many poor decisions arise from thinking we should pick from the two obvious options, only to realize later that an alternative would have been better. Brainstorming potential alternatives and weighing them ahead of time improves decision-making.



For example, consider the case of Army Maj. Alan Rogers. The dilemma offers two options: publish or withhold publication of his sexual orientation in his obituary. Are those the only two options? In brainstorming alternatives, we could conceive of another possibility: withhold the information from his obituary to respect his family’s wishes and then write a separate story after his funeral about the larger issue of sexual orientation in the military. We might not consider such an option if we didn’t think through the alternatives first. That’s why this step is so crucial in our ethical reasoning process.

That brings up an important point. As you explore alternatives, you may find one that makes more sense than one side of your dilemma. If so, revise your dilemma. In other words, if you begin your memo by deciding that your choice is between a hamburger or a chicken sandwich – and then in your alternatives decide a pizza makes more sense than a hamburger – revise the dilemma to make it between a chicken sandwich or a pizza, and make a hamburger one of the alternatives.



Finally, as with the dilemma, an alternative must be a *specific* and *valid* action. Failure to offer specific and valid actions leads to these common errors in crafting alternatives:

- “We could find a better way to do the story.” (Too vague; what way, specifically?)
- “We could move him to another beat.” (Too vague; what beat, specifically?)
- “We could fake that we have two whistleblowers by changing the voice patterns.” (Fabrication is not a viable alternative.)
- “We could print the photos on our website rather than in the magazine.” (Not a viable option; if nudity is unacceptable for Time magazine, it’s not for the website, either.)

Paragraph 5: Cite an Ethical Rationale in Justifying Your Decision



The ethical rationale is the section that most often trips up students, so read carefully. And as you read, please note that a *rationale* is not the same as *rational*. A *rationale* (noun; rah-shun-AL) is a reason. A person who is *rational* (adjective; RAH-shun-ul) can think logically or sensibly.

The final paragraph begins with the ethical rationale statement, which has three parts:

1. **Ethical philosophy.** The paragraph begins with “My ethical rationale is ...” and is an appeal to an ethical philosophy (either universalism or consequentialism; more on those in a moment) followed by a colon (not a period).
2. **Action.** Immediately following the colon is a brief statement of the action you recommend taking.

3. **Reason.** The reason for the recommended action is stated as a principle or a calculation that places the choice in a larger context.

Thus, the three parts are:

Ethical philosophy

Action

Reason

My ethical rationale is consequentialism: We should withhold the suspects' names because the potential for harm to innocent bystanders in the Arab-American community outweighs the public benefit in knowing the identities of the people involved in the suspected plot.

This single ethical rationale sentence and the dilemma sentence are the two most important parts of the decision memo. They encapsulate the right-from-right choice and articulate a defensible reason. In particular, the ethical rationale sentence is what distinguishes ethical reasoning from self-rationalization.

Here are more examples of the ethical rationale sentence, and then we'll explore how to get here:

- My ethical rationale is universalism: We should withhold the soldier's sexual orientation because we should always respect the wishes of a family in deciding what details to include in a feature obituary story.
- My ethical rationale is universalism: We should choose pictures without house numbers because we should always avoid adding to the vulnerability of neighbors after a serious crime.
- My ethical rationale is consequentialism: We should withhold our journalistic affiliation because in this case we have no other way to get a story about the pastor's struggle with his sexual orientation, and the pastor has thrust himself in the civic arena with his anti-gay pronouncements in the Legislature.
- My ethical rationale is consequentialism: We should attend the self-help group only if we can reveal our journalistic affiliation because in this case, the good of unmasking the inconsistency between a religious figure's public pronouncements and private life would be outweighed by the therapeutic harm to the other people in the group.



Every ethical dilemma can be resolved through either a universalism or a consequentialism approach. The difference is in how you determine the right thing to do. Let's examine each philosophy.

Universalism

A universalism rationale evaluates the action if consistently applied as a rule or principle: Is this a good action for all people in a similar situation?

Let's say that you're deciding whether reporter Jill can allow her sources to be Facebook "friends." Universalism would suggest that the answer lies in whether the action would be

universally permissible. Is this an action that would be acceptable if all reporters or all staff members were to do it? Would you want your education reporter to be “friends” with the school superintendent? Would you let your political reporter be “friends” with elected politicians? If the answer is yes for all, the action is right. If the answer is no, the action is improper.

Thus, universalism is concerned with consistency, rules and principles. It likes words such as “always” and “never” and “duty.” It dislikes “it all depends” or “the end justifies the means.”



This view is drawn from Immanuel Kant (left), a German philosopher who extolled the virtue of universal moral laws and principles. He was bothered by people who suggested that any action could be justified according to the whims of each person. He wrote the categorical (or unconditional) imperative, which says: “Act only in accordance with that maxim through which you can at the same time will that it become a universal law.”

In other words, Kant said, one should act in such a way that it would be acceptable if everyone did the same thing. Some see Kant’s prescription as a secular version of the Christian Golden Rule (“do unto others as you would have them do unto you”) or the Jewish rabbi Hillel’s dictum that the Torah could be summarized as “that which is hateful to you, do not do to your fellow.”

Kant, then, is embraced by individuals who believe in universals (all people are created equal, universal human rights) and by journalists who believe in a duty to inform the populace about issues that affect them. People who prefer consistency and adhering to core principles like Kant.

For example, journalists who get calls from people who want special treatment (“please don’t publish my son’s arrest online”) often implicitly evoke Kant’s ideals (“sorry ma’am, if we did that we would have to stop reporting on arrests to be fair to everyone”).

In fact, we all rely on universalism more than we might realize. Case-by-case decision making seems appealing until realizing that this case isn’t really all that different and that, in fact, we have a principle at stake. Further, we often expect universalism from others. We want our police officers to treat people equally regardless of race and we want our professors to be consistent in grading. So be leery of the temptation to prefer consequentialism for ourselves but expect universalism from others. You may embrace universalism than you thought at first blush.



Consequentialism

A consequentialism rationale evaluates the outcome: what will produce the greater good in a particular situation for the greatest number. Such an evaluation weighs two good outcomes to determine which produces the most good for the most people. Or it may weigh the potential harm of an action against the greater good that may ensue.

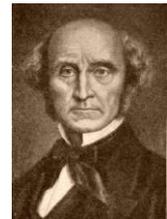
Consider Jill again. Let’s say she’s a feature writer whose sources are entertainment newsmakers, and “friending” those sources could help her develop hard-to-get sources. Thus, you might determine that although you don’t normally allow reporters to “friend” sources, you

allow it in this case because the greater good of developing sources who can help you get exclusives outweighs the harm of appearing to be too cozy with the people you cover.

Another example: Is it right to lie to a patient in critical condition in the hospital when she asks if she was the only person to survive the accident? A lie is wrong. But the truth might create more harm by causing the patient to lose hope if she knew her children didn't make it – and she's in such fragile condition that the despair could result in her death, too. So until she's physically able to handle the bad news, you resolve that it's better to lie and protect her life.

Thus, consequentialism is concerned with finding the greater good in the long run even if it sometimes means bending the rules in the short run.

This view is drawn from John Stuart Mill (right), a British philosopher who held that the result mattered most. And the result that matters most to most people is happiness. He was not a hedonist, however. He believed that we must seek the greatest good for everyone, and not just ourselves. And he said that we must seek higher pleasures – that it was better to be Socrates dissatisfied than to be a pig satisfied.



Mill was concerned that consistent adherence to rules prompted people to overlook the greater good. One day when he was 17, he found an abandoned, strangled newborn in a London park. This was not uncommon in 1823 when poor families couldn't afford another child. But when he distributed pamphlets promoting contraceptives, he was arrested for violating Victorian-era laws opposing birth control. From such episodes arose his belief that the ends justify the means. (Source: "John Stuart Mill" by Richard Reeves.)

Mill appeals to journalists who believe some deception is necessary to get to a greater truth. For example, Pulitzer-Prize winner Les Payne of Newsday was frustrated by news coverage of disputes over working conditions for migrant workers that were based solely on advocates. He decided to act like a migrant to see for himself. He hid his reporter identity, called himself "Bubba" and got a job working on a farm. He witnessed mistreatment and alcohol abuse firsthand, and later wrote a story revealing what he learned while undercover.

Immanuel Kant would be concerned about a reporter telling a lie to spy on others. He would ask how the journalists would feel if the shoe were on the other foot and a police officer posed as a reporter to spy on their newsrooms. On the other hand, John Stuart Mill would say Payne's behavior was justified if he could expect to produce a greater good of truth-telling.



Which philosophy is better? Neither. Each rationale can be used in almost any setting. You may find, for example, that you prefer universalism to decide whether journalists can date sources and choose consequentialism for whether to accept free tickets to a play. And each rationale always can be used to pick either side of a right-from-right dilemma.

Consider an example: Should sources be allowed to review stories before publication? Some journalists operate on a universal rule: never. Some operate on another rule: yes when the topic is technical and the risk of getting the facts wrong is high. Other journalists operate on a consequentialism basis: yes, if the source won't talk any other way and the source is critical to this particular story; no, if greater harm could ensue, such as creating false expectations that the source can change the story, and this particular source is one we're likely to encounter again.

As you choose a philosophy for your decision, be aware of the consequentialism condition.

To evoke a consequentialism rationale, the decision memo must specify what's different about this particular situation. The ethical rationale paragraph must identify the circumstances under which you would reach a different conclusion. If you can't do that, you probably have a universalism perspective lurking inside.

Let's compare the two philosophies.

	Universalism	Consequentialism
Who is the philosopher behind this idea?	 Immanuel Kant	John Stuart Mill 
How to determine the right thing to do?	The action is right if we can allow everyone in a similar situation to do it	The action is right if the outcome is likely to produce a greater good for a greater number
Can the ends justify the means?	No: Duty to universal principles is superior to situational ethics	Yes: The ends can justify the means if in the long run, a greater good is produced
Which matter more: rules or circumstances?	Rules: We treat people fairly when we consistently treat them as equals and equally	Circumstances: We treat people fairly when we make judgments on a case-by-case basis
Which matters more: an actual conflict of interest or a perceived conflict?	Perceptions matter as well as reality; the mere appearance of a conflict of interest is harmful for a journalist	A journalist should be judged on the quality of his or her work and not on whether a conflict of interest is perceived
What other questions should I be asking if I invoke this philosophy?	<ul style="list-style-type: none"> • By sticking to this rule, are we missing out on a greater good? • Could harm result that should be avoided? 	<ul style="list-style-type: none"> • What if everyone were to act this way? What if someone did this to us? • Do we have an obligation to a higher principle or standard?

All two-sided dilemmas can be resolved through either a universalism or a consequentialism rationale. Either rationale can produce a “publish” or “withhold” response. In other words, there are at least four answers to a typical dilemma. And because each of those four decisions can sometimes be reached with differing ideals or goals, often more than four answers are possible.

To illustrate, let’s place the issue of whether journalists should let sources review stories before publication in a grid:

	Universalism	Consequentialism
Let source review story	My ethical rationale is universalism: I should show the story to the engineer because accuracy is always of primary importance in technical stories that offer risk of inadvertent error.	My ethical rationale is consequentialism: I should show the story to the engineer because she was burned by the last reporter who interviewed her and she is the only reliable source we can get by deadline.
Keep story private	My ethical rationale is universalism: I should refrain from showing the story to the engineer because journalists always must be independent from sources.	My ethical rationale is consequentialism: I should refrain from showing the story to the engineer because last week’s episode has raised concern with some readers that we have forsaken some of our independence.



Or consider another example, involving food served to sports writers in the press box.

Most journalists refuse free food, swag bags or gifts to preserve independence from sources. Some sources offer gifts to create a subconscious obligation on the part of the journalist to provide favorable coverage. Therefore, journalists are wary of any gifts.

However, some sports journalists argue that free press-box food enables them to work long hours covering events. Someone covering a football game might arrive two hours early to assess the teams during warm-ups and learn which players are being withheld due to injuries. Games may take up to four hours, followed by another hour for interviews. During halftime, the journalist may be editing and uploading photos. Thus, someone can easily be working at the stadium for seven hours straight. Grabbing some press-box grub may be a practical necessity.

Here’s how universalism and consequentialism rationales might be used to evaluate whether to eat free press-box food.

	Universalism	Consequentialism
Take free food	My ethical rationale is universalism: I should accept the free food because it is inexpensive fare always offered to a large group as a common courtesy and bringing my own sandwich would be perceived as an insult.	My ethical rationale is consequentialism: I should accept the free food today because my co-worker is ill and I have to immediately file two stories after the game today and won't have time to grab food otherwise.
Abstain from press box food	My ethical rationale is universalism: I should insist that we pay for any food because we should always refuse freebies from people we cover to avoid any perception that sources can influence our coverage.	My ethical rationale is consequentialism: I should stay away from the free food because coaches lately have been implying that we should help them attract recruits, and thus the convenience of eating press box food would be outweighed by perceived erosion in our independence from the athletic department.

In summary, the first sentence of an ethical rationale must:

1. Be rooted in either a universalism or a consequentialism philosophy.
2. Describe the action to be taken.
3. Justify the action by providing a persuasive reason.

Common Mistakes

Consider some examples of mistakes made in writing the first sentence of the ethical rationale paragraph.

Example 1: “My ethical rationale is consequentialism: In this case, we do not follow our code of ethics.”

Problem: (1) Why would you disobey your ethics code? (2) The rationale is negative: it says what you *won't* do rather than describe the action you *will* take. (3) It doesn't identify an action and justify it.

Better: “My ethical rationale is consequentialism: Although we normally abide by an embargo, in this case, we should break it because Prince Harry's cover is already blown and if we fail to keep current with competitors our status as a breaking-news source will suffer.”



Example 2: “My ethical rationale is universalism: Although social networking sites are often used for personal reasons, the Internet is a public forum.”

Problem: This is a slogan, not an ethical rationale.

Better: “My ethical rationale is universalism: We should publish whatever information we can obtain from the public portion of the Facebook page whenever that information fairly reflects the person’s character and is germane to the story.”

Example 3: “My ethical rationale is consequentialism: Although our job as journalists is to report the news about sweatshops, we should consider the outcome if we report it.”

Problem: (1) That your job is to report news is a cliché, not an ethical rationale. (2) It doesn’t describe what action you plan to take (“consider” is not an action). (3) No reason.

Better: “My ethical rationale is consequentialism: We should withhold the woman’s identity from this story and not use her picture because the harm that would come to her for detailing oppressive working conditions could outweigh the credibility that using a name and photograph would bring.”

Example 4: “My ethical rationale is universalism: Readers should always come first in ethical decisions.”

Problem: (1) Another cliché. (2) No action is described. (3) No justification is given.

Better: “My ethical rationale is universalism: We should always abide by our agreements and continue to embargo news about Prince Harry’s service in Afghanistan because keeping our promise will build our credibility with readers and sources in the long run.”

The rest of the paragraph

After the first sentence, the rest of the final paragraph elaborates on the choice and considers what’s missing or lost by taking this choice. This is not a classical closing paragraph in an essay in which you are trying to “seal the deal.” Instead, it’s a thoughtful weighing of your choice, including the down side.

Consider a writer for Lavender magazine (a GLBT publication) in 2010 who infiltrated a self-help support group for gay men trying to be celibate and learned that its members included a Lutheran pastor outspoken on his radio and television programs in his opposition to homosexuality and who has testified against gay marriage before the Minnesota Legislature. Presume that you embrace a consequentialism philosophy to justify deception. The rest of the graph would elaborate and weigh what makes this case different:



“My ethical rationale is consequentialism: I should attend the self-help group without revealing my journalistic affiliation because we have found no other way to document the personal conflict of a pastor whose anti-gay marriage rhetoric has been influential in the civic arena. We would have to tell readers that I used deception to gain admittance to this self-help group and that infiltrating the group was a significant violation of confidentiality norms. But we have a greater obligation to reveal the inconsistency of a pastor whose actions hurt the community we serve. Were he not so influential in setting public policy, we would not have taken this step.”

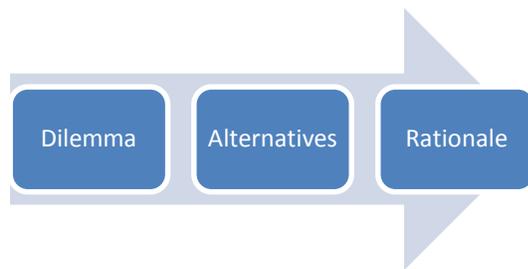
Just as weighing alternatives to the press box food problem (can we bring a sack lunch?) may prompt you to revise the dilemma, articulating an ethical rationale (do we want to decide this on a consequentialism, case-by-case basis or be consistent and have a rule?) may prod a similar re-examination. As you think through your arguments and ethical rationale for a course of action, you may discover that you have changed your view of the dilemma and wish to revise it.



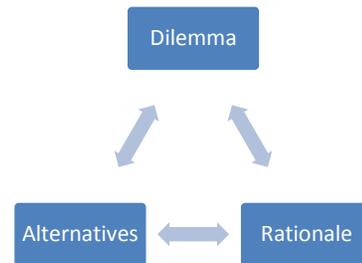
In other words, struggling to compose for your final paragraph a strong reason or principle for the action you wish to take may be an indication that you've got more thinking to do. Perhaps the "whys" in the dilemma aren't strong enough. Maybe when you think about whether you could endorse your chosen action as a universal principle or rule, you fear setting a dangerous precedent. Or perhaps you realize that simply declaring that the good outweighs the harm isn't enough, and that when you probe for more, the good just isn't as strong as you originally thought.

The Three-Step Process

Thus, the three-step process is less linear than it is circular. The process is not a formula in which you merely follow the steps in sequence, like assembling a bike. Each step in the process may affect the others. In other words, the process is less like the diagram to the left and more like the one to the right.



Not so much



Yes!

Decision Memo Examples

On the following page are two examples of completed decision memos in the format described in this manual. *Adapt* (don't *adopt*) this memo to the ones you'll write. In other words, these are examples, not templates. Use these as guides. Don't copy and paste the wording.

Following that is a checklist you can use for each memo. Also included is the grading rubric for the decision memos so you know how points are assessed.

Facebook decision memo

By (your name)

To: Vanity Fair Editor Graydon Carter
Fm: (your name), assignments editor
Re: Social media policy

For some of our employees, social media such as Facebook and Twitter are an integral part of their private lives. They allow individuals to maintain personal connections and help some of our employees do their jobs better. However, social media also change the definitions of terms such as “friend,” and their informality poses risks for our policy of strict neutrality. We can no more allow our journalists free rein over their private social media than we can allow them to wear campaign buttons or to march in parades. On the other hand, we would not want to prohibit staffers from using social media any more than we would want to ban e-mail. Social media are just another way to communicate, albeit with distinctive rituals and norms.

I propose that we update our ethics policy to more clearly define how our journalists can use social media in their private lives – in particular, “friends” on Facebook.

The dilemma is whether to (a) apply a dictionary definition of “friend” to maintain independence from sources and avoid perceptions of entanglements that could harm our impartiality or (b) allow a more expansive definition of online “friends” to include casual or fleeting acquaintances to allow our journalists to form virtual links with readers and perhaps build sources.

Here are our alternatives. (a) We could apply a traditional definition of friend to Facebook and thus keep journalistic distance from potential conflicts, although that also limits personal connections for our journalists. (b) We could accept that a Facebook “friend” is a meaningless designation and allow them, but our readers won’t be so accepting if they believe those “friends” are skewing our coverage. (c) We could require our journalists to use the maximum privacy settings on Facebook to limit what others see, but all it takes is for one person to copy-and-paste “friend” information for a journalist’s connections to become public knowledge. (d) We could wait for actual conflicts to arise and take action accordingly, but that doesn’t help staffers know ahead of time what’s permissible.

My ethical rationale is universalism: We should prohibit our journalists from “friending” sources on social media because we should always choose the more conservative approach in guarding our neutrality. Although Facebook adherents contend that “friend” is nebulous, we serve readers by always maintaining bright lines to ensure our journalistic independence. True, we will miss out on chances to form virtual links with readers. But we would probably write a story if, say, a politician was a Facebook “friend” with a powerful lobbyist because the personal connection could be seen as a conflict of interest. Thus, we should consistently apply the same standard in our personal lives and avoid “friending” sources or people we cover.

Terrorism decision memo

By (your name)

To: Buffalo News Suburban Editor Maki Becker
Fm: (your name), suburban reporter
Re: Naming suspects

Police have seized barrels of chemicals from three Arab-American young men in Buffalo they believe were trying to poison a drinking-water reservoir. The men were held overnight in jail but no charges have been filed yet. I was just finishing a story for our website when the men's lawyer called. He asserted the case is based on a false tip from a jealous ex-girlfriend and said his clients will be cleared. He urged us not to publish anything. The men's mosque has been the target of vandalism recently, and merely publicizing allegations of terrorism, even without names, could incite a backlash against his clients and the Islamic community, the lawyer said.

I propose we publish a story but withhold the men's names until charges are filed.

The dilemma is whether to (a) refrain from publishing anything until an arrest is made to avoid igniting anti-foreign passions in our community or (b) publish a story to inform the community about a threat involving the drinking-water supply and specify the men's ethnicity but withhold the suspects' names unless charges are filed in order to lessen the chances of retaliation or (c) publish a story with all the details we know, including the men's names, because police believe the threat was genuine and the water supply is a serious public concern.

Here are our alternatives. (a) We could refrain from publishing anything and thus reduce the chances the men or their friends could be subject to retaliation but we also deny readers valuable information about the water supply. (b) We could publish a story about the threat and identify the suspects' ethnicity but withhold the names, which would offer the public information about the case without explicitly exposing the men to harm. However, tensions are high and we must acknowledge the potential for retaliation against our substantial Arab-American community. (c) We could publish the men's names to give readers a more complete picture of the situation so they can fully evaluate the threat. Doing so, however, would risk branding the men as potential terrorists before the investigation is complete. (d) We could publish a story about the threat and withhold any information about the ethnicity of the suspects, a move that would offer the greatest protection to the accused. However, we run the risk of viewers interpreting the event as a teenage prank and downplaying the potential threat.

My ethical rationale is consequentialism: We should withhold the names and ethnicities because the potential for harm to innocent bystanders in the Arab-American community outweighs the public benefit in knowing the identities of those involved in the suspected plot. Normally, we would publish names of people accused in a case involving such a serious public health risk. Not doing so could risk public backlash that we were protecting potential terrorists. However, the recent spate of violence against the mosque offers evidence that we could create a greater harm by naming people who have not yet been charged with a crime.

Checklist

Category	Have I ...
Mechanics	<ul style="list-style-type: none"> ✓ Kept the memo to one page using regular-sized type and margins? ✓ Identified an appropriate news organization and the person to whom I'm directing the memo? ✓ Chosen a news organization suitable for the situation and not one that would make this a one-sided dilemma? ✓ Proofed my copy so there is no more than one error in spelling or basic grammar? ✓ Removed all "I think"-type statements?
Setup	<ul style="list-style-type: none"> ✓ Clearly identified the most important issue(s)? ✓ Specified what "the story" is? ✓ Identified the issues that will be in the proposal statement and dilemma? ✓ Written the setup so it transitions cleanly to the proposal statement. ✓ Concluded with a valid proposal that includes one of the two sides of the dilemma to follow?
Dilemma	<ul style="list-style-type: none"> ✓ Stated the dilemma according to the formula: should we do (a) and why or should we do (b) and why? ✓ Identified for each side of the dilemma a specific and valid action that is stated positively? ✓ Supported each side of the dilemma with a positive and persuasive why? ✓ Avoided a one-sided dilemma by ensuring the two sides are equal in weight, tone and persuasive power?
Alternatives	<ul style="list-style-type: none"> ✓ Ensured that alternative (a) matches the action in the (a) side of the dilemma? ✓ Ensured that alternative (b) matches the action in the (b) side of the dilemma? ✓ Identified two more valid and specific actions for (c) and (d)? ✓ Weighed ("but" or "however") each of the four options?
Ethical Rationale	<ul style="list-style-type: none"> ✓ Invoked an ethical philosophy that matches the reason? ✓ In the first sentence, identified the action to be taken and offered a positive and persuasive reason? ✓ In the rest of the graph, if choosing a consequentialism philosophy, weighed the outcome and identified when the opposite action would be chosen? ✓ If choosing a universalism philosophy, stated a clear rule or principle that's neither unhelpfully vague nor unrealistically absolutist? ✓ Identified the down side to the reason, or what's missing or lost by taking this approach, to demonstrate ethical reasoning and not just a sales pitch?

Grading Rubric

Category	Standard	Pts	
Mechanics (20 points)	One page, 12 point font, 1-inch margins	5	
	Suitable news organization; boss named	5	
	Lucid writing; 1 error max spelling, grammar	10	
Setup (15 points)	Clearly identify the salient issue(s)	5	
	Setup graph leads logically to proposal	5	
	Proposal is valid, matches dilemma	5	
Dilemma (22 points)	Dilemma stated according to form	2	
	Two specific, valid actions stated positively	10	
	Two persuasive and positive reasons	10	
Alternatives (20 points)	Alternative (a) matches dilemma (a)	2	
	Alternative (b) matches dilemma (b)	2	
	Two valid, specific actions for (c) and (d)	8	
	All four options weighed	8	
Ethical Rationale (23 points)	Ethical philosophy matches reason	4	
	First sentence offers a positive action	5	
	First sentence persuasive, positive reason	5	
	Choice situated in a larger context	4	
	Down side acknowledged; not a sales pitch	5	
<i>Deductions (each)</i>	<i>Fact errors</i>	<i>50</i>	
	<i>"I think" statements</i>	<i>5</i>	