Media Law and Ethics

JMSC0019
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Media Law and Ethics

What is media law?
What are media ethics?
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Â Manila, 2010
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Hong Kong, 2011
Increasingly complex issues:
- Should an interview of a terrorist or would-be suicide bomber be published or televised?
- Should a trial of a terrorist be televised?
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Should reporters be forced to testify if they have evidence? (At right, former NYT reporter Judy Miller, jailed not revealing source of leak.)

Should the government be allowed to raid newsrooms for evidence?

ICAC
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Should the media cover suicides?
In any manner?
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What if it shows this?
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Should the media cover accidents?
In any manner?
Is this ok?
What if it shows this?
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Should reporters break the law to get a story?
Should celebrities have a right to privacy?
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® What images can be shown?
® Images of the dead from natural disasters?
® Images of war dead?
® Images of torture?
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Picture released by AP. Shows soldier dying, after being hit by a Taliban rocket-fired grenade in Afghanistan.
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- Image published despite objections from the dead soldier’s father
- AP said it showed “the real consequences of war.”
- Defense secretary Robert Gates said the AP’s lack of compassion as “appalling”

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“Holding the body for ransom”
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Should HK media be sensitive to PRC issues?
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Privacy issues:

- Michael Douglas and Catherine Zeta-Jones sued to protect wedding images.
- Anita Mui, who had cancer, didn’t want paparazzi.
- Gillian Chung, covertly snapped after a concert.
- British “super-injunctions” keep media from reporting embarrassing info.
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- Sex pictures of pop stars taken in private
- Put on Internet after computer taken in for repair
- Huge scandal, many pictures published in newspapers
- Prosecution of computer technician
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What are the roles and responsibilities of ethical media? What is “newsworthy”?

- Is it news if the wife of Chief Executive Donald Tsang drinks? If he drinks?
- What about other details of someone’s personal life? Does it matter who the person is?
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Å Former US Congressman Anthony Weiner
What about the Cultural Divide?
Should media care about offending other cultures?
- Muslims?
- Catholics?
- Buddhists?
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Media ownership

- PCCW’s Richard Li buys 50% of HKEJ. Should there be restrictions?
- Who can access public resources?
- E.g., radio station
- Who should decide?
- Should we care?
- What about role of public broadcasters?
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• If you are a journalist, can you act on your political beliefs?
• Can you protest in the streets?
• Can you be both a journalist and an advocate?
Questions to consider

• What is the role of the press?
• Should there be responsibility?
• What does this have to do with press freedom?
• What does the law say?
• What does society say?
• And how do law, society and ethics interact?
What standards to consider?

- Laws?
- Self-regulation?
- Ethics codes? If so, whose?
- Western values? (unrestricted, self-righting. Milton: people are rational and wise enough to know right from wrong and thus should be free of government control. Truth will defeat error.)

- Asian values? (Highest value to society, not individual? Confucius: “Be filial to your parents; loyal to your master.” A person in community first, a journalist second? Or do you serve your community by being a journalist first?)
What do journalists do?
(“The Universal Journalist”)

- Discover and publish information that replaces rumor and speculation
- Resist or evade government controls
- Inform voters, which empowers them
- Subvert those whose authority relies on a lack of public information
- Scrutinize the action/inaction of government
- Scrutinize businesses (treatment of workers, customers, products)
- Comfort the afflicted, afflict the comfortable, provide voice
- Hold mirror to society (virtues, vices)
- Ensure justice is done, is seen to be done
- Promote free exchange of ideas for everyone
Qualities of a good journalist
(“The Universal Journalist”)

Â Keen news sense
Â Passion for precision
Â Determination to find out
Â Never make assumptions
Â Never be afraid to look stupid
Â Be suspicious of ALL sources
Â Be resourceful
Â Leave prejudices at home
Â Realize you are part of a process
Â Empathize with readers
Â The will to win
Â Be professional
Â Individuality
Â Good character!
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1. Overview of media law and ethics
2. Legal systems and freedom of expression
3. Examining ethical standards
4. New Media and the business of journalism
5. The press versus the judicial system
6. Privacy and Obscenity
7-8. Defamation.
9. Confidentiality: access to information, official secrets and protecting sources
10. Media law in mainland China
11. Copyright and intellectual property for journalists
12. Wikileaks case study and wrap-up
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Å Expectations:
    • Attendance and participation
    • Academic integrity
    • Timeliness

Å Assessment:
    • Tutorial discussions
    • Midterm
    • Presentation
    • Final Exam
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• Tutorial discussions: Sept. 20 & 27, Oct. 4 & 11, Nov. 1 & 29
• Midterm: Oct. 25, multiple choice and short answers, covering weeks 1-5 on syllabus
• Presentations: Nov. 8, 15 & 22
• Final Exam: Take-home, due Dec. 7