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Chapter 1
Introduction

1.1 Restoring Investigative Journalism

At the heart of the project to rehabilitate journalism is the need to restore investigative journalism, appropriately understood, through professionalization for the purposes of deterring journalism-centered corruption and better informing the public on matters of the public interest. Investigative journalism is the institution of journalism's *raison d'etre*. Moreover, investigative journalism is the primary, and perhaps most effective, method for informing society on matters of the public interest; furthermore, an informed society is necessary to maintain a healthy democracy, which is an intrinsic social good; therefore, because a healthy democracy is an intrinsic social good, and journalists are in the best position to provide one facet of this social good by performing investigative journalism, journalists are, normatively speaking, under a moral obligation to perform a sufficient amount of investigative journalism to inform the citizens within their society. Thus, as we can see, journalism is an inherently ethico-normative occupation. The task now is to determine how journalists can best perform their primary function—investigative journalism—given this normative obligation and given the obstacle presented by journalism-centered corruption.

Once considered the backbone of the industry, investigative journalism has fallen by the wayside as cheaper and more titillating infotainment news fills the pages of newspapers, and overruns the airtime on TV and radio news. The emergence of online news reporting that ranges from mainstream news sources to independent organizations, reporters and bloggers, has created a new intellectual space for news, but that too often suffers from poor practices. Perhaps even more disturbing is the growing prominence of "fake news" circulated through social media with algorithmic audience targeting, which is credited for, among many other things, undermining the integrity of the 2016 U.S. Presidential Election. The case I wish to make here is that it *is* an alarming problem—an alarming *moral* problem.

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We need only look into the relatively recent past to admire the practice of a hearty culture of investigative journalism. The Watergate scandal of the early 1970s in which two Washington Post journalists, Bob Woodward and Carl Bernstein, were able to uncover a presidential scandal from what was at first glance a slightly suspicious burglary, is certainly a prime example. Ultimately, several men who broke into the Democratic National Headquarters in Washington D.C. proved to have close ties to then-President Richard Nixon. Those ties, uncovered through months of careful and complete reporting, along with the public scrutiny that followed, proved to be substantial enough for Nixon to resign in shame.

About 20 years earlier, journalist Edward R. Murrow famously exposed U.S. Senator Joseph McCarthy's zealous witch-hunts of supposed communists. Murrow spent years collecting materials of McCarthy's public rants and scare campaigns. In 1954, Murrow, using McCarthy's own published words and pictures, reported and contextualized the corrupt nature of McCarthy's paranoid political ravings (Educational Broadcasting Corporation 2003). Ultimately, the public exposure of Murrow's *See it Now* TV program, along with McCarthy's self-embarrassing on-air rebuttal, forced McCarthy into ill-repute and congressional censure, and spelled the effective end of the Red Scare in the United States.

Since the 1980s, however, there has been a substantial decline in both the quantity and quality of investigative reporting, at least in its legacy form. Research by Greenwald and Bernt focusing on three large-market American newspapers shows that while in 1980 the average number of investigative pieces produced by these newspapers was 69, by 1995 the average dwindled to 20 (Overholser 2003). More recently, Stanford communications scholar James Hamilton noted in his 2017 book *Democracy's Detectives: The Economics of Investigative Reporting* that submissions to Investigative Reporters and Editors contests dropped 34% 2006–2007 to 2008–2009. The great recession is credited for decline because of the corresponding lack of advertising revenue.

Though meaningful data quantifying investigative journalism is slim, there have been some reasons for guarded optimism. Since early this millennium there has been some growth in nonprofit investigative journalism organizations. According to the International Consortium of Investigative Journalists, in 2008 there were 39 nonprofit investigative journalism organizations worldwide, but by 2013 there were 106 (Coronel 2013). Of course, there are massive asynchronies in funding among the nonprofits. Organizations such as the Center for Public Integrity have multimillion dollar newsrooms, where many of the nonprofits have operating budgets of under $50,000 and staff as few as 5 people (ibid). Even a few legacy companies such as the Washington Post—bought by billionaire Jeff Bezos—are better funded than in previous decades.

Good examples of investigative journalism could be drawn from somewhat recent journalistic work as the "Panama Papers." The Panama Papers refers to a leak of about 11.5 million documents from Panamanian law firm Mossack Fonseca detailing fraud and corruption among politicians and wealthy business people across the world. Originally leaked to German journalist Bastian Obermayer, the papers were turned over to the International Consortium of Investigative Journalists where

Obermeyer was aided by over 100 media organizations because of the shear amount of data to be analyzed. Journalism tied to the papers led to numerous investigations and indictments of public officials and businesspeople.

Still, the he critical issue is not that investigative journalism no longer exists, just that it no longer thrives as it did in the 1970s and 1980s when newspaper profit margins were near 30 percent. The modern business model for journalism typically means the most financially-costly journalistic methods and personnel are the first casualties in cost cutting. Investigative journalism is costly because of the time it takes to perform investigations and because it requires the services of the most skilled (and frequently the most expensive) journalists.

In many cases, cost-cutting is defended on grounds that it is necessary to save the economically flagging news industry—particularly in the newspaper industry where profit margins have continued to decline for years except for a modest rally by radio and TV in 2010 (State of the News Media 2011). Though economic caution is rational in a struggling industry, it is difficult to determine if downward trends in news audiences and profits justify slashing its most publicly valuable asset—investigative journalism. If 2016 was any indication, things only stand to get worse. The New York Times saw its ad revenue drop by 16%, and Gannet, McClatchy and Tronc all said their print ad revenue dropped significantly. Each of these organizations subsequently cut staff as revenue shifts to organizations like Facebook and Google (Mullin et al. 2016).

Common sense certainly suggests that the web altered the business landscape of news. When news organizations moved much if not all of their news content to their online news pages—and allowed access free of charge—there was a steady decline in subscriptions, street sales and advertisers. Though many news websites generated advertising dollars online, there was a corresponding loss of advertising in their traditional media, with newspapers taking the heaviest losses. Classified ads, which were a huge moneymaker for newspapers, were virtually replaced by free classified sites like craigslist and now by carefully targeted advertising by social media and web search giants who own troves of data to target consumers.

Still, journalism delivers a fundamental social good insofar as it provides the public with information in the public's interest. Because public interest information largely consists of investigative journalism that informs people on matters of collective social interest, including uncovering various forms of corruption—and day-to-day journalism that employs many of the techniques of investigative journalism that yields many of the results on a smaller scale—it provides a social benefit worth protecting; certainly a social benefit that could not plausibly be met or superseded by Reality TV, social media or consumerism. However, these are merely a few matters among many regarding this general trend of devaluing the role of journalism in a democratic society.

It is therefore the purpose of this book to analyze the following issue: the seminal (though not the only) activity that contributes to it being a key social good is investigative journalism (both small-scale and large scale); however, largely because of media concentration, the misuse and abuse of social media and media owners'

alignment with political and corporate powers, journalism itself is sometimes corrupt (and corrupted) in such a way that limits its ability to fulfill this role.

That leaves us with the primary question: What must be done for journalism to fulfill its legitimate institutional role of informing the public on matters of public interest? In this book, I examine whether part of the answer lies in rehabilitating journalism through professionalism, much of which involves the internal and external factors in individual journalists and news organizations that drive their ability to perform investigative journalism well. In the next section, I will premise these further arguments about professionalism by describing the process of investigative journalism in more detail.

1.2 Investigative Journalism Is Crucial to a Healthy Society

The watchdog role of journalism is well documented as the justification for journalism's status as a pre-eminent social institution, so that journalism without a significant degree of investigative reporting is no longer journalism at all (Commission on Freedom of the Press 1947; Ettema and Glasser 1998). The reason this is so rests on journalism's integral role in democratic processes. For example, the famous 1947 Hutchins Commission report on freedom of the press was one of the early independent reviews of journalism's monumental social importance. Among other things, it stated that an independent press is the only reliable channel through which the citizenry can be effectively informed about central matters of the state (Commission on Freedom of the Press 1947).

In its ideal forms, investigative journalism regularly uncovers various types of wrongdoing, including corruption, from small town police corruption to large-scale presidential corruption. Nevertheless, investigative journalism is difficult to define. The aim I have in subsequent paragraphs is to give conceptual parameters to investigative journalism so that one has a sense of limitations or borders insofar as the extent of the practice is concerned. For example, no matter how well investigated a restaurant review might be, it is not investigative journalism. So although investigative journalism's two main components—investigation and research—can exist in either a police brief or a review, neither of those forms of reporting can be considered investigative journalism. So the question that remains is this: If I have thoroughly investigated and thoroughly researched a newsworthy story, what is it that makes that story investigative journalism?

In Tanner's (2000) edited book on investigative journalism, *Journalism: Investigation and Research*, the author shows several descriptions of investigative journalism that have been given by practitioners and academics over the years. Williams gives a broad analytical description of investigative journalism that thoroughly distinguishes it from other forms of reporting. He says investigative journalism is an intellectual process that involves gathering and sorting information, ideas and identifying patterns within. After patterns have been developed, the journalist

must make logical decisions about what is publishable and he must be capable of eliminating the project at any time if in fact it seems implausible (2000, p. XX).

McDougal, also included in Tanner's edited book, gives investigative journalism a narrower description than Williams, likening it to an extra-assiduous rendition of common reporting. The investigative reporter "is like any other kind of reporter, only more so. More inquisitive, more skeptical, more resourceful and imaginative in knowing where to look for facts, more ingenious in circumventing obstacles, more indefatigable in the pursuit of facts and able to endure drudgery and discomfort (2000, p. XX)." By this account, investigative journalism is not necessarily long-term project oriented, but rather very careful and conscientious.

Tapsall and Phillips make reference to strong everyday reporting as a form of investigative journalism. Specifically, they draw from Tony Barass, who described investigative journalism as nothing more than good journalism: "There is no such thing as good investigative journalism – only good journalism" (2000, p. 298). An innovative description of investigative journalism also comes from Anders Johansen, an award-winning Norwegian investigative journalist who supports bolstering investigative and research-based reporting in day-to-day journalism.

According to Johansen, through use of simple research skills developed in other professions such as policing, law, private investigation, as well as new techniques in computer-assisted reporting, reporters can *quickly* add depth and breadth to everyday journalism. "…investigative journalism is not all the stuff of Watergate – myths and 'deep throats' – it's very often a question of systematic work and simple methods that all journalists can put into practice once they know the ground rules … every journalist, in spite of a lack of resources and tight deadlines, can do investigative journalism" (Johansen 2001).

So far, we have reviewed scholars who have agreed on several common aspects of investigative journalism; namely, that the practice must be relatively comprehensive (depending on how deep one is planning on taking the investigation), the data organization must culminate in logical, recognizable patterns, and the research and compiling of copy or footage must be systematic. However, there are still two key components of investigative journalism that might have been taken for granted, but need mentioning: investigative journalists must be self-motivated and must be engaged in the process of uncovering wrongdoing (Weinberg 2003a, b; Shapiro 2003).

Ideally, investigative journalism does not just react to problems (although it often does), but, as Tanner mentions, it ought to be a proactive exercise. Tanner likens investigative journalists not to the classic moniker "watchdog" but to another canine. "It may … be more appropriate to liken our investigative journalists to bloodhounds. Once they pick up the scent of a story they know is important, they will stick to it, following it down each and every byway until they find the source of the problem and the people who were responsible for it" (Tanner 2000, p. XIX–XX).

Using the various components of investigative journalism we have reviewed, it should be fair to set the following parameters. First, investigative journalism can be broken into two categories—"everyday" investigative journalism, which is short-term but proportionately thorough, and "long-term" investigative journalism, which

is a depth piece that requires more time, information, and pattern processing than daily investigative reporting.

The following journalistic activities are necessary conditions for *everyday investigative journalism,* given that all things are equal in terms of a journalist's experience and capabilities: (1) complete rigorous, yet concise background research on sources and issues (which has been made easier using vast troves of publicly available data and data mining programing) (2) cross-referencing of all sources as many times over as possible and (3) giving a thorough analysis of the context in which the information is delivered to ensure, as much as one can on deadline, the systematic, accurate portrayal of meaning from the information that was gathered. In fact, Watergate emerged from an instance of everyday investigative journalism.

Bob Woodward and Carl Bernstein, who were then junior reporters at the *Washington Post*, reported on something that might have been a simple burglary at the Democratic National Headquarters. However, because of their sensibilities, diligence, disposition and investigation skills, Woodward and Bernstein broke what became the paradigmatic instance of investigative journalism. Though Watergate, as a project, was long and arduous, it had the humble beginnings of a standard police article, proving the point about the value of everyday investigative journalism.

To the contrary, the classic rendition of investigative journalism is the long-term, project-oriented approach. *Long-term investigative journalism* involves extensive research, investigation, and issues analysis, leading to a climactic news story, news package, or series of stories. It involves extensive interviewing and sourcing, perhaps an element of collaboration from other reporters for both magnitude and perspective, and a serious planning effort to package the reporting with photojournalism, design, and perhaps complementary stories.

However, despite the high standards that investigative journalism demands, staff size and time availability under today's corporate journalism structure is having a noticeable effect on its practice (Haxton (1995), in Tanner 2000; Fallows 2003; Meyer 2003; State of the News Media 2006). Remarkably, the emergence of skilled bloggers, small web-based companies and non-profit journalism organizations are to some degree sustaining investigative journalism when traditional means are declining.

A paradigm of this new age of investigative journalism is the non-profit online news organization *Pro Publica*, which, after just five years of existence, managed to win two Pulitzer Prizes among numerous other awards for quality journalism (Filoux 2012). Nonetheless, corporate media mergers and subsequent closures of many news organizations have reduced the number of overall reporters, and often the first reporters to go are investigative reporters. However, one thing to consider is the alternative to this cost: corruption; both corruption within journalism—e.g., increasing profits at the cost of journalism's professional role—and, of course, the corruption investigative journalism is meant to uncover and deter.

1.3 Corruption and Its Effect on Journalism

One form of journalistic corruption comes as a result of its business affairs. That is, as mentioned above, investigative journalism is lost in a quagmire of financial insolvency, cost cutting and in some cases replacement by more profitable news-entertainment programs. Numerous books and articles have been devoted to the issue—i.e. *The (New) Media Monopoly* (Bagdikian 1983, 2004), *Manufacturing Consent* (Herman & Chomsky, 1988), *Rich Media, Poor Democracy* (McChesney 1999)—but few practical solutions have surfaced to tackle the several broad problems of corporate organizational corruption: First, news conglomerates often prioritize profiteering and political ambitions over journalistic goals of informing audiences on matters of public interest (State of the News Media 2005); second, editorial (news) functions are influenced if not dictated by business managers who are interested in profit instead of journalists who are (or should be) interested in news (Greenwald 2004). A third form is the alignment of news organizations and practitioners with politicians—effectively disabling their ability to gather balanced news. This problem has been enhanced in recent years because of the proliferation of "fake news" targeted at social media users. And a fourth form, related to the first three forms, is a lack of rightly-motivated, well-trained, autonomous reporters who are both willing and capable of doing good journalism—that is, some form of investigative journalism as described above.

There are numerous examples of high-profile, shoddy journalism. For example, one needn't look further than News Corp.'s *News of the World* scandal in which numerous members of the U.K. tabloid's journalists, including high-ranking editors, were accused of hacking (or at least acquiring hacked) voice messages of the royal family among many others. Worse yet, the Daily Beast published an article describing the author's active effort to bait 2016 Olympians through a gay hook-up app so he could out them in the article. The article, written by Nico Hines—a straight, married man—reported names of closeted athletes some of whom live in repressive countries (Stern 2016). The article was eventually removed, but not without putting several people at serious risk for no apparent value (in Chap. 2, I give a full account of corruption and several additional examples of it.)

One method for relieving business influences on journalism would be from the top down—to decentralize media ownership in order to increase the overall number of editorial decision makers and by doing so increase their editorial autonomy. However, government regulators in the United States have instead tended to support further media ownership concentration (Kerr 2005), so there is little reason to believe at this time an appeal to government for decentralization is practical. However, in addition to this approach, there is another option available; namely, implementing a conception of professional journalism that may affect journalistic practice from the ground up. For example, by demanding journalists learn certain fundamental skills (i.e. investigative skills), by disposing them toward a moral approach to practice from early in their education, and by securing certain liberties

for journalists—in effect, instilling a form of intellectual professionalism—individual journalists and their organizations may well improve the practice.

1.4 Professionalism as a Method for Rehabilitation

The subsequent chapters of the book set out in detail the fundamental issues and research questions to be raised in regard to *Virtue Ethics in Journalism.* In this chapter and Chap. 2, the book details the various moral challenges journalism faces regarding institutional corruption. Chapter 3 gives an overview of classical accounts of professionalism, and offers in reply, a revised, morally richer account. Chapter 4 continues with an examination of Professional Autonomy and Moral Responsibility, followed by Chap. 5, which covers the Moral Psychology of the Professional Journalist, and Chap. 6, covering Journalistic Detachment. Chapter 7 examines Journalistic Confidentiality, followed by Chap. 8 on Professional Education and Training. Chapter 9 covers Professional Regulation and is followed by Chap. 10, which presents the conclusion to *Virtue Ethics and Professional Journalism.*

1.4.1 Chapter Overviews

In Chap. 2, I give a detailed conceptual account of the primary moral problem in journalism—corruption. As part of this account, I describe the various conditions that are typically conducive to corruption—power, opportunity, and disposition (Miller et al. 2005). Thus, one may have the power to corrupt, but without the opportunity one's power would be insufficient to achieve action. Moreover, one could have the power *and* the opportunity, but without possessing an already corrupted disposition, one would usually lack the will to corrupt other persons or processes.

However, I also account for the primary characteristics constitutive of corruption: self-regarding gain, concealment, and the abuse of a fiduciary duty of trust. Thus, corruptors typically corrupt persons or processes for personal or private gain, such as in the paradigm cases of bribery or fraud. Second, because corruption is often illegal and always immoral, most corruptors go out of their way to conceal their acts of corruption. Finally, corruption generally—and institutional corruption specifically—succeeds in many instances because corruptors abuse pre-existing trust-based relationships; for example, police may succeed in various forms of corruption because, in principle, people trust that police are committed to protecting them from crime or serving them if a crime has been committed against them. Many journalists have a similar trust-based relationship with the public and some use it, I will argue, for their own forms of concealed, self-regarding corruption. Therefore, corruption is a serious form of wrongdoing that exists, among other places, within various social institutions. One of the primary purposes of journalism—particularly

investigative journalism—is to uncover concealed wrongdoing, including corruption, within these various social institutions. However, for journalism to optimally uncover institutional corruption, journalism itself must be relatively free from it. As I will argue, much of the corruption *in* journalism reduces journalism's effectiveness in uncovering corruption *outside* of journalism.

I do not mean to imply that all or even most journalists are corrupt, nor that corruption in journalism is necessarily rampant; however, there is ample evidence that I will present here that shows journalistic corruption is both present in democracies such as the United States, the U.K. and Australia, among other places, and that it has a significant, deleterious effect on journalism's practices and goals.

For example, consider some famous instances of journalistic wrongdoing in the last twenty years of Western, and particularly American, journalism:

Partisan "news" organizations such as *Breitbart* deliberately aim to sow outrage and arguably even hate by presenting falsehoods and other forms of propaganda to encourage white nationalism (Kassell 2017). Brian Williams lied about being in a helicopter hit by a rocket propelled grenade during his coverage of the invasion of Iraq in 2003. *News of The World* journalists hacked voicemails of members of the British royal family, which eventually led to the voluntary closure of the U.K. tabloid. Jayson Blair of the fabled *New York Times* fabricated dozens of quotes, interviews and stories before his resignation (Barry et al. 2003); Jack Kelley of *USA Today* fabricated stories and lifted quotes from other sources over 10 years as a senior reporter (Morrison 2004); John Laws, a Sydney, Australia, radio-host, took payments from a bank in exchange for positive public commentary (Johnson 2000); Janet Cooke fabricated a Pulitzer-Prize-Winning story about an 8-year-old heroin addict that cost her job and the prize, among many consequences to *The Washington Post,* including that it deceived and alienated its readers (Ettema and Glasser 1998). Rupert Murdoch's News Corp. was exposed for intentionally biasing news content with respect to coverage choices (Greenwald 2004). Also, an instance of corruption committed by non-journalists but quite relevant to journalism has come as the Federal Communications Commission in the United States and Australia's Prime Minister John Howard independently lobbied for reducing restrictions on cross-media ownership in their respective jurisdictions despite its degradation of journalistic quality and the effect on corresponding democratic processes.

These are just a small sample of instances of wrongdoing among the persons, organizations and the industry of journalism, which, I argue, are not only unethical but also corrupt. Among my key concerns are determining (1) what distinguishes corruption from other forms of wrongdoing, and (2) what conditions inherent to the current institutional structure of journalism are conducive to corruption. To resolve these concerns, we must further explore the institutional structure of journalism, and the conceptual essence of corruption. I take up these questions in Chap. 2.

This book argues for a form of journalistic professionalism designed to subvert corruption, so in Chap. 3 I will review historical conceptions of professionalism followed by an original normative argument for professionalism that will undergird the remainder of the manuscript. The central issue in this inquiry concerns the concept of professionalism generally: Does professionalism consist of a finite set of

traits among its individuals and organizations, or does it consist of a set of attitudes and functions, or some combination thereof; or perhaps different criteria from these altogether? On the one hand, the most numerous accounts of professionalism are sociological and suggest that professionalism falls into one of two broad categories. The first demands having particular traits such as skills, liberties and knowledge, while the second bases professionalism on what sort of power the occupation possesses and exerts to maintain control over its occupational domain. For example, many classic professions possess and exert power by enjoying a monopoly on important services, such as in medicine.

On the other hand, a rare few philosophers and journalism scholars argue for normative accounts of professionalism that prescribe what functions or goals professions should serve and any related ideals or principles crucial to those functions or goals. For example, Michael Davis (2002, 2004) argues that a profession is an occupation that serves a moral ideal, though beyond this moral ideal he makes no further traits-based distinctions from a standard occupation. Journalism Scholar John C. Merrill (2005) claims that a profession (of journalism) ought to consist of a set of necessary and sufficient conditions that will, in effect, both encourage (and in some instances force) morally-responsible behavior. Merrill's proposition includes a traits-based approach wrapped in an ethical prescription—professional traits matter only insofar as they stimulate professional responsibility. Thus, in this chapter, I will examine which of these concepts of professionalism are sufficient to provide an acceptable *moral* foundation for a profession of journalism.

In Chap. 4, I set out to analyze one of the key concepts that exists in nearly all professionalism literature, and one that is central to the account that will be offered here—autonomy. Autonomy can be conceived of in both a broad sense regarding the internal states of persons and organizations, and in a more narrow sense, regarding internal and external freedoms within specific roles; for example, professional roles of both persons and organizations. I will argue that though only one conception gets most attention in the professionalism literature—the external freedom conception—both conceptions are important for understanding the nature of professional roles. It is also imperative to examine the concept of moral responsibility alongside autonomy because of the intimate relationship between the two. I will follow by applying the concepts of autonomy and moral responsibility to individual agents and professional organizations, focusing on traditional moral issues in journalism.

Chapter 5 will set out to offer an ideal for the moral psychology of professional journalists based in Aristotelian Virtue Ethics. Modern debates in moral theory are typically centered on disputes and contrasts between consequentialists and deontologists. To describe them briefly and simply, consequentialists typically believe that an action is moral if its consequences maximize aggregate pleasure or happiness, while deontologists typically argue that an action is moral if it adheres to a commitment to moral duty, classically embodied by Immanuel Kant's Categorical Imperative. Instead, I appeal to a different approach based in the tradition of Aristotle's virtue ethics. Though I have several reasons for choosing this theoretical path, I will here describe two broad appeals in virtue ethics for journalism.