School of Journalism and Mass Communication
University of Iowa
Fall 2013

Instructor: Lyombe Eko, Ph.D.
E-Mail: leo-eko@uiowa.edu
Office: E322 Adler Journalism Building
Telephone: (319) 353 -1926
Departmental Executive Officer: Professor Julie Andsager
Office: E 305 Adler Journalism Building
Meeting Time & Location: 5:00P - 6:15 p.m., TTh 138 AJB
Office hours: Monday & Wednesdays 1:00-3:00 p.m. Other times by appointment.
Icon Course Management tool: icon.uiowa.edu

Course Description:

This course will cover the fundamental principles of mass media law and ethics, and explore the interplay of law (the rights and freedoms the media have under the Constitution) and ethics (the professional responsibilities they have to be conscious of as they exercise these rights). Emphasis will be placed on the legal privileges and regulatory limitations affecting the digital media, as well as the major ethical issues arising from the unique nature of each medium. The operative question in media law and ethics is whether it is right to exercise the rights granted journalists and other media practitioners under the First Amendment and the Universal Declaration of Human Rights.

Since we live in the age of globalization—the interconnection, interaction and fluid exchange of information and knowledge between peoples and cultures around the world—segments of the course will be comparative. Knowledge of the legal and ethical traditions and perspectives of the peoples we encounter, report on, do business with, or even go to war with, is essential in our globalized world. To this end, the course will explore how the Universal Declaration of Human Rights (1948) conceptualizes freedom of express as a human right. We will subsequently focus on how the First Amendment and its press and
speech clauses shape artistic endeavors and professional activities in the traditional mass media as well as on the Internet. Students will learn how law (whose stock-in-trade is rules and regulations) is different from ethics (which deals with moral philosophical issues, values, evaluations, and the like).

To that end, the first part of the course will cover comparative perspectives on philosophy of law and freedom of expression. We will survey the major ethical traditions of the world from a comparative perspective and apply them to the media. The aim of our comparative analysis is not to identify an ideal legal or ethical perspective or system; it is to enable students to know and respect other legal and ethical perspectives–other ways of looking at right and wrong–as long as they do not violate the Universal Declaration of Human Rights. Thereafter, these theories will be applied to the context of journalism in the traditional and online media, with an emphasis on applied communication ethics and professional codes of ethics. Students will learn how to apply ethical reasoning and ethical theories to national and international media ethics controversies.

In the third part of this course, we will cover specific U.S. Supreme Court cases that apply First Amendment principles to different realities of the digital media. We will study conflicts between law and ethics in the traditional media and on the Internet in areas as diverse as defamation, invasion of privacy, fraudulent access, conflict of interest, protection of sources, hate speech on the Internet, and so on. The fundamental question that will be addressed is whether it is always right to exercise the rights granted journalists and other media practitioners under the First Amendment and the Universal Declaration of Human Rights.

In short, this course will explore journalism as a paradigm, a model or pattern of professional behavior that can be damaged, impaired or brought to disrepute by unethical activities. As such, journalism deals with conflicts between truth-telling in the public interest, freedom of expression, and respect for individual sovereignty.

Scope and Purpose

A. The Universal Declaration of Human Rights

* Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.
* Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Articles 18 & 19, Universal Declaration of Human Rights (1948).**

**B. The First Amendment**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment I, Constitution of the United States (1791).

Journalists and other mass media professionals gather information, edit, and publish or disseminate it within the confines of law and professional ethical principles. Journalists mostly have an adversarial relationship with the political establishment because of their role as watchdogs of the public interest against governmental, corporate and individual excesses. This course will enable students to appreciate the tension between American constitutional guarantees of freedom of speech and the demands of professional and personal ethics. This objective will be met through analysis of some of the thorny ethical issues confronting traditional and online communication within the framework of the First Amendment and communication ethics.

Additionally, this course will have an international aspect that will enable students to know the fundamentals of media ethics and to look at journalism from the perspective of others. Knowledge of the ethical traditions and perspectives of the peoples we encounter, report on, do business with, or even go to war with, is essential in our globalized world.

**Required Textbook and Readings:**


C. Additional Readings Available on Icon.
Freedom of expression in class.

“University campuses are not enclaves immune from the sweep of the First Amendment” (Papish v. University of Missouri Curators, 410 U.S. 667 (1973)).

If freedom of speech is the life-blood of democracy, freedom of thought, expression and opinion are the “oxygen” of the educational enterprise. The aim of higher education is to train students to be free, independent, critical thinkers. It is wise not to become the intellectual clone of a specific professor or a group of professors. Think for yourself. Independent thinking is very rewarding. Danish existentialist, Søren Kierkegaard put it this way: "People demand freedom of speech as a compensation for the freedom of thought which they seldom use." This course puts a premium on free, original thinking. Therefore, no student will be penalized or otherwise disadvantaged because of the opinions he or she expressed in class or in a written assignment.

Administrative Home

The College of Liberal Arts and Sciences is the administrative home of this course and governs matters such as the add/drop deadlines, the second-grade-only option, and other related issues. Different colleges may have different policies. Questions may be addressed to 120 Schaeffer Hall or see the CLAS Student Academic Handbook [](http://www.clas.uiowa.edu/students/academic_handbook/index.shtml)

Electronic Communication

University policy specifies that students are responsible for all official correspondences sent to their University of Iowa e-mail address (@uiowa.edu). Faculty and students should use this account for correspondences. (*Operations Manual, III.15.2*). Scroll down to k.11.)
Class Etiquette and Student Complaints.

The statement of student rights and responsibilities is set forth in the Student Academic Handbook (found at the College of Liberal Arts Web site: http://www.clas.uiowa.edu/students/academic_handbook/ix.shtml). It includes procedures for student complaints concerning faculty actions. If you have any complaints about this course, please discuss the matter with me first. If you are not satisfied with our discussion, you can contact Julie Andsager Interim Director of the School of Journalism.

Attendance & Professionalism:

Class and discussion section attendance is a professional expectation. Students will be expected to read the equivalent of one reading or chapter per class period. Therefore, expect to spend at least three hours of study time for every hour of class time. If you are going to be absent, please send me an e-mail to that effect.

Academic Honesty

The College of Liberal Arts and Sciences’ policy on academic fraud, dishonesty, and cheating is spelled out in the Student Academic Handbook. Please consult it at http://www.clas.uiowa.edu/students/academic_handbook/ix.shtml. Please acquaint yourself with the document. In brief, all assignments must be the result of the independent endeavors of each student. Students who attempt to pass off other peoples’ work, as well as material downloaded from the Internet as their own, will receive a zero for that particular assignment, and expose themselves to further academic sanctions as prescribed in University of Iowa rules and regulations pertaining to plagiarism and academic dishonesty.

Some students have been known to turn in the same or very similar assignment or paper to two different courses. This is an unethical practice that is unacceptable under university rules and regulations.

Academic Collaboration

The aim of this course is for students to master the body of knowledge of media law and ethics. Turning in an assignment or paper for this course constitutes certification on your part that the paper is the result of your individual endeavors. The only exception to this rule is your media law/ethics presentation. You are required to jointly prepare the
presentation with your partner. Each student on the presentation team is expected to complete a similar amount of work and to contribute equally to the final presentation. You may discuss the readings and final paper with your colleagues but the final project must be the result of your independent research efforts. Turning in a paper or project for this course certifies that you have not turned in the same paper to another course for credit.

**College of Liberal Arts & Sciences Policy on Cross-Enrolment.**

The College of Liberal Arts and Sciences has set forth a new policy on cross enrolment. If you are a student in one college and take courses offered by another college, please bear in mind that in matters related to the application or non-application of a specific course to your degree requirements, the policies of the college in which you are enrolled will be applicable.

**ADA Accommodation:**

Reasonable accommodation will be made for students with functional limitations and medically certified learning disabilities, in accordance with the relevant provisions of the Americans with Disabilities Act (ADA), and University of Iowa policies. If you have a learning or functional disability that requires accommodation, please consult the University Disabilities Office and have that office send me official documentation explaining the type of reasonable accommodation needed.

**Understanding and preventing Sexual Harassment**

As defined by the Supreme Court of the United States, sexual harassment is an unwanted sexual advance made towards a person of the same or opposite gender. It takes two forms:

1) Creation of a hostile work environment through sexual jokes of the same or opposite sex, display of pictures of a sexual nature, sexting (sending people unwanted indecent images through text message functions), off-color humor involving people of the same or opposite sex, groping and the like.
2) *Quid pro quo* (Latin expression meaning “this for that”) sexual harassment where a person in a position of power or authority demands sexual favors from subordinates in exchange for a good grade, promotion, salary increase, or other advantage (*Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998)). Sexual harassment is a violation of the Civil Rights Act of 1964. It subverts the mission of the University of Iowa and threatens the wellbeing of students, faculty, and staff. All members of the UI community have a responsibility to uphold this mission and to contribute to a safe environment that enhances learning. Incidents of sexual harassment should be reported immediately.

See the UI **Comprehensive Guide on Sexual Harassment** at:


<http://www.uiowa.edu/~eod/policies/sexual-harassment-guide/index.html> for assistance, definitions, and the full University policy

**Reacting Safely to Severe Weather**

In severe weather, class members should seek appropriate shelter immediately, leaving the classroom if necessary. The class will continue if possible when the event is over. (*Operations Manual, Part IV* <http://www.uiowa.edu/~our/opmanual/v/16.htm#1614>, 16. See items e, h, and i.)

**Deadlines and Make-ups.**

The media are ruled by deadlines. Students must bear in mind that in the professional world, they will live by deadlines and die by deadlines. Students are expected to do their readings before class and demonstrate familiarity with the material. They are also expected to turn in their assignments when it is due. Late assignments will be accepted only in circumstances where students have a valid medical, family or other emergency, in accordance with University of Iowa rules and regulations. Students are required to turn in a clean, hard copy of the assignment printed in black ink.
The Iowa Dozen: Statement of Values and Principles of the SJMC

Additionally, this course will adhere to the general principles of journalism education set forth in the Iowa Dozen:

*We learn…*
– to write correctly and clearly
– to conduct research and gather information responsibly
– to edit and evaluate carefully
– to use media technologies thoughtfully
– to apply statistical concepts appropriately

*We value…*
– First Amendment principles for all individuals and groups
– a diverse global community
– creativity and independence
– truth, accuracy, fairness, and diversity

*We explore…*
– mass communication theories and concepts
– media institutions and practices
– the role of media in shaping cultures.

Course Method, Assignments, and Grading.

The course will follow the legal case brief and ethics case study methods. That means we will approach our study of law and ethics from theoretical, normative, comparative, and international perspectives. After studying the basics of media law from an institutional perspective, we will survey the major global ethical traditions. We will subsequently apply these principles to a number of ethical controversies involving the mass media, taking into consideration relevant professional codes of ethics. The aim is to enable students to become critical and analytical thinkers who, when faced with moral dilemma, will make the right legal and ethical choices. The second part of our course will focus on conflicts between the law and ethics. To this end, we will carry out a systematic study of some landmark decisions of the Supreme Court of the United States, as well as cases from lower federal courts that highlight the clash between law and ethics.
Course Assignments

1. Reading Assignments: 10% of course grade

Each student will turn in 1-2 page summary of specific topical readings listed in the syllabus. Some of these readings will be from the textbooks while others will be posted on Icon.

2. Case Briefs 8% of course grade. Students will be required to write brief of five landmark cases that define the contours of freedom of speech and expression in the United States and Europe. The cases are:


All case briefs must follow the format distributed in class. Please read “How to Read a Case” (on Icon) if you have questions.

Sample briefs will be handed in class. Cases can be found online by typing the case name. Be sure to read the whole case not just a summary from a Web site. What you must bear in mind is that from a journalistic perspective, court cases are human interest stories from which legal and ethical principles and rules are distilled.

3. Law or Ethics Case Study Presentation (8% of course grade).

The mass media are awash in ethical controversies. Each student will be assigned a partner and together, the team will choose one of the legal or ethical controversies listed below, research it, and prepare a Power Point presentation for the class. The presentation is supposed to follow the Potter-Box Method of Ethical Reasoning (available on ICON), the Systematic Moral Analysis model (SMA) or your favorite ethical theory. You can use other ethical controversies of interest to you. However, you must first discuss them with me. If using the Potter Box method, the presentation must have the following elements:
1. An introduction that gives a brief overview of the controversy, the facts or definition of the case or controversy (including its legal aspects, if any).

2. Highlight the values or ethical challenges (rightness or wrongness) of actions or motives involved in your case study.

3. Define the conflict of loyalties or interest inherent in your controversy (were any codes of ethics violated?)

4. Use an appropriate ethical theory or perspective to analyze the case (e.g. Kantianism, utilitarianism, existentialism, Judeo-Christian ethics, etc).

**Note:** Both members of the group must participate in the oral presentation in class.

**Ethical controversies that can be the subject of your presentation are.**

1. Mirthala Salinas of *Telemundo* and her affair with Mayor Antonio Villaraigosa of Los Angeles.
3. The Valérie Trierweiler and François Hollande affair (France).
5. Judith Miller & Matt Cooper v. United States (Valerie Plame case).
6. Lance Williams, Mark Fainaru-Wada and the BALCO steroids case.
7. YahooI Inc. and Chinese Journalist Shi Tao.
8. Picture manipulation at CBS (Katie Couric).
11. The ethics of the relationship between reporters and Wikileaks.
12. Snowden's leaks of information about NSA spying.
16. Mike Gallagher and the Chiquita Brands affair.
17. The journalist and child pornography: Larry Matthews.
18. Jack Kelley, *USA Today* and fabricated stories from abroad.
20. Juan Williams and NPR
21. NPR Fund-raising ethics.

If you wish to choose a controversy not found on this list, you are free to do so, however, you must clear it with the instructor before you prepare your presentation.

Be sure to post a copy of your presentation on ICON and turn in a printed to me for comments and grading.
B. Term Paper on National/International Legal or Ethical Issue (Due November 21, 2013).
You have two choices. Either:
A. Write a 12-15-page term paper on one of the following international ethical controversies, using a specific ethical theory as your analytical framework:

1. *The ethics of publishing or not publishing the Mohammad cartoons.*
3. Adnan Hajj photographs (*Reutersgate controversy*).
4. *Newsweek* and the Koran desecration story from Guantanamo Bay.
5. The BALCO affair.
6. Al-Jazeera and broadcast of Osama Ben Laden’s propaganda.
7. Google's self-censorship in China
8. The Ethics of Benetton Advertising.
10. The media and the NSA spying/Snowden affair.
12. Sexual Assault of Female Journalists in Egypt: Should they be sent there?

Or

Comparative Legal and Ethical Analysis

A. Write a 12-15 page comparative paper on the clash between law and ethics in at least two of the cases discussed in class. You will be required to analyze the legal and ethical aspects of both cases and explain how law and ethics conflict and how the conflict can be resolved using ethical theories and professional codes of ethics. Would use of ethical reasoning (e.g. the Potter-Box Method) have avoided the legal action and subsequent controversy? Be sure to give a rationale for the cases you choose.

Paper requirements:

Note that you are not being asked to write a news story, news feature, or an editorial. You are required to write a research paper with appropriate citation of sources and a reference or bibliographic page. If you choose the first option, you are required to address and approach the controversy within the framework of a specific, ethical/philosophical principle.

All papers must be typed, double-spaced. The paper must conform to either the 5th Edition of the APA Publications Manual. Example:
Existentialists (Camus, 2002; Kierkegaard, 2005) believed life is absurd. Einstein (1955) was different. He believed in ensoulment while Camus (2002) thought the idea was absurd.

Or

The Harvard Law Review (Blue book style). Example:

“Frederick Schauer calls the United States the “recalcitrant outlier” of international human rights, which, he suggests, has made values of health, privacy, safety, civility, respect and dignity subservient to “the paramount constitutional concerns with freedom of speech and freedom of the press.”¹ (Note this is a footnote citation style).

Organization

A. All ethics case studies should use the following outline:

1. Descriptive title (on a cover page).
2. Introduction: Present the topic you are going to write about. What is the aim of your paper? What is the ethical/legal issue you plan to discuss? What ethical theory or perspective are you going to use? A good approach is to start with a narration of the facts of the controversy.
3. Provide a review of the literature of the subject/topic at hand. What are the research questions.
4. Body of the paper: This is the application section. Use the Potter Box analysis here. Do what you said you were going to do in the introduction.
5. Conclusion: This should be a recap of what you just discussed and what you/we can learn from the case study. Do you have suggestions as to how the ethical problem can be solved? This is where you give your opinion.

B. Comparative legal/ethical papers need to:

1. Have an introduction that presents the facts of the cases to be analyzed and indicate the direction the paper will be taking. Give a rationale for choosing the particular cases you chose.
2. Present the aim of your paper.
3. Present the legal and ethical issues of each case and explain how law and ethics clash (the requirements of the law v. the requirements of ethics).
4. Explain how the clash in each case can be resolved from a legal perspective, using legal criteria and First Amendment principles.
5. Explain how the conflict in each case can be resolved using ethical reasoning, ethical theories and professional codes of ethics.

¹ See Frederick Schauer, The Exceptional First Amendment, in MICHAEL IGNATIEFF (ED.) AMERICAN EXCEPTIONALISM AND HUMAN RIGHTS 29, 30, 42 (2005).
6. Conclusion: Have a conclusion that wraps up the essence of your arguments, namely the legal and ethical approaches to resolving the conflicts you are discussing.

**Grading: Your paper will be graded according to the following criteria:**
1. Accurate presentation of the facts of the case, ethical dilemma or controversy, and identification of the ethical issues at stake.
2. The aim of the paper is clearly stated.
3. Application of an ethical perspective or concept from among those discussed in class or in your readings.
4. Application of legal principles (for those who write comparative legal/ethical papers)
5. Application of professional or industry code of ethics where applicable.
6. Good writing, spelling, and grammar.

C. **Case briefs on law and ethics (8% of course grade):** All students will be required to read the following 8 cases, and write a two-page brief on each of them. Page one should be a legal brief and page two should highlight the conflict between law and ethics raised in the case. Use the sample brief handed out in class. The dates on which the briefs are to be turned in are indicated in the table below.

**Breakdown of grades:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Class Readings</td>
<td>10%</td>
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<tr>
<td>Case Briefs</td>
<td>10%</td>
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<tr>
<td>Class Presentation</td>
<td>10%</td>
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<tr>
<td>Term Paper</td>
<td>65%</td>
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<tr>
<td>Class Participation</td>
<td>5%</td>
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**Letter grades will be assigned as follows:**

<table>
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<tr>
<th>Percentage Range</th>
<th>Grade</th>
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<tbody>
<tr>
<td>93-100%</td>
<td>A</td>
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<tr>
<td>90-92%</td>
<td>A-</td>
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<tr>
<td>87-89%</td>
<td>B+</td>
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<tr>
<td>83-86%</td>
<td>B</td>
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**Grade Posting**
All grades for course assignments will be posted on the course management tool (Icon). You will need a Hawkid and password to have access to your grades on Icon. Please note
that under Federal law, the Family Educational Rights and Privacy Act (FERPA), grades are private. Therefore, the instructor will not release your grade to a third party.

**COURSE MODULES:**

<table>
<thead>
<tr>
<th>Week</th>
<th>Module Number &amp; Topic</th>
<th>Readings</th>
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<tbody>
<tr>
<td>6</td>
<td>Justification for Media Ethics</td>
<td>Meyers: Journalism Ethics: Chapters 3 &amp; 4</td>
</tr>
<tr>
<td>Chapter</td>
<td>Title</td>
<td>Reading Materials</td>
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<td>15</td>
<td>Global Media Ethics</td>
<td>Meyers: Journalism Ethics: chapter 5</td>
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<tr>
<td>7</td>
<td>Global Media Ethics: Asian Confucian Ethics and the Media</td>
<td>Tu Weiming et al. “The Confucian Problematique: An Overview Reading report (Tu) due October 8th</td>
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<td>CBS 60 Minutes Interview with Zhang Zemin</td>
<td>Zhang, “Democracy and Confucianism”</td>
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<td>8</td>
<td>Global Media Ethics: Russia</td>
<td>Roudakova: “Journalism as Prostitution.” Reading report due October 15th</td>
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<td>9</td>
<td>The Scope of Media Ethics</td>
<td>Meyers: Journalism Ethics: Chapters 6-8</td>
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<td>10</td>
<td>Journalistic Values: Objectivity</td>
<td>Meyers: Journalism Ethics: Chapters 9-10, 12. Snyder v. Phelps, brief due October 22</td>
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<td></td>
<td>The Confluence of Law and Ethics: Invasion of Privacy in Media Law and Ethics</td>
<td>Trager et al., Chapter 6: Protecting Privacy</td>
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<tr>
<td>12</td>
<td>Conflict of Interest</td>
<td>Meyers: Journalism Ethics: Chapters 16 &amp; 17</td>
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<td></td>
<td>Case Studies: Mirtala (US) and Trierweiler (France).</td>
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<tr>
<td>13</td>
<td>Respecting Source Confidentiality in Law and Ethics</td>
<td>Trager et al. chapter 9 Meyers: Journalism Ethics: Chapters 18</td>
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<tr>
<td>Page</td>
<td>Media Codes of Ethics</td>
<td>Image Ethics: Manipulation of Images in News and Public Relations.</td>
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<td>14</td>
<td>Rule Utilitarianism</td>
<td>Meyers: Journalism Ethics: Chapters 21</td>
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<td></td>
<td>Braun v. Soldier of Fortune</td>
<td>Meyers: Journalism Ethics: Chapters 22-23</td>
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