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## Nigerian Journalists and Ethical Dilemmas: The 'SAD' Imperative

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### Abstract

Ever since Philosophers developed and devoted themselves to the study of why human beings behave the way they do, as well as the results of such behaviours, the concept of ethics has continued to grow not only in prominence, but in complexity and controversy. Being a public-spherical profession in which truth, fairness, sense of duty and consideration of possible consequences combine to determine the course of a given action; journalism will continue to remain at the centre of such complex and controvertible discourses for a long time. Basically, the objective of this paper is to research into the ethical dilemmas that hamstring the practice of journalism in Nigeria. Relying on secondary data, this paper radically explores the subject matter vis-à-vis the major reasons that orchestrate journalists' vulnerability to such dilemmas. In conclusion, the paper submits that the application of the 'SAD' formula is a panacea to resolving the various ethical dilemmas encountered by Nigerian journalists in the day-to-day discharge of their responsibilities.

**Key Words:** Ethical Dilemmas, Journalism Practice, Media Laws, Nigerian Society, SAD Imperative

### Introduction

Journalism is a social institution within the social system, and as a social institution, it cannot exist in solation of the society which is the super-structure. The journalist is

therefore duty-bound to interact with other social beings in the society. In the course of such interactions, he is faced with problems of right and wrong, virtue and vice, good and bad; of which he is expected as a rational being to choose between alternatives. To make a sound choice/judgment as he goes about his statutory responsibilities of informing educating, entertaining and persuading members of the public objectively and accurately, he ought to maintain some level of ethical standard.

It was in a bid to maintain such standards that Nigerian Journalists came up with the first 8 item code of ethics that was launched in January 25, 1979. But owing to perceived inadequacies in the 1979 code of ethics, Nigeria Journalists reviewed it and came up with a new code of ethics as was formally ratified and adopted in 1998 at Illorin, Kwara State. Ndolo (2006, pp. 155-160). What then is ethics? Etymologically, ethics derives from a Greek word known as '*ethos*' which means "conventional or customary behaviour" Merill et al. (1994, p.375). It is concerned with a self-imposed duty or a field of moral philosophy that is primarily individual or personal even when it relates to obligations and duties to others.

With reference to the definition of ethics, there are a plethora of them, but for the purposes of this exercise, we shall review a couple of such definitions here. According to the New Webster's Dictionary of the English Language, International Edition, Ethics is simply moral philosophy or moral science. In other words, it is that branch of philosophy which studies the principles of right or wrong in human conduct. For Okunna (1995, p. 1) ethics is that branch of knowledge which is concerned with the standards of good and bad conduct or behaviour. It refers to a code or set of principles by which men live as opined by Ezeukwu and Nwanze (1998, p. 48). According to Markkula Center for Applied for Applied Ethics- Santa Clara University (2015), ethics also means the continuous effort of studying our own moral beliefs and our moral conduct, and striving to ensure that we, and the institutions we help to shape, live up to standards that are reasonable and solidly-based <https://www.scu.edu/ethics-resources>.

From the above definitions of ethics and a lot of others not included in this work, it is understandable that the bottom-line of ethics is that it is a moral principle geared towards the best way to act in a given situation. As a normative science of conduct, ethics lays down principles, norms, rules, codes etc. which should guide moral behaviour. It deals with self-legislated or self-enforced conduct. To that end, Daniel (1992, p. 55) submitted that "ethics is primarily concerned with the personal duties of an individual to himself and to others". Impliedly therefore, every ethical discourse should critically evaluate basic principles, values and obligations to self and others.

To the journalism profession, it aims at regulating the conduct/behaviour of journalists in their dealings with news sources and the society at large, so as to guard against abuse of their powers as watchdogs of the society and as members of the fourth estate of the realm. As public communicators whose activities range from solitude to sociability (taking decisions about both private and public matters) the issues of individual and social ethics become imperative at this juncture. This is so because we do right or wrong in that part of our lives lived inwardly (private) an also

in that part of our lives in which we respond to other people (public). In as much as we agree that journalism ethics has to do with standards and practices of the media, it is imperative to also note that the Journalism profession is made up of individual journalists and as such, ethical practices of journalism depend on the ethical practices of the individual journalists.

The history of the emergence of special groups of which journalism belongs is replete with a number of criteria for identification and classification which all boils down to the fact that for any group to lay claim to being a profession, such a group must among other things have a code of ethics to guide members in the practice of their profession and in resolving dilemmas. In Nigeria for instance, sheer demonstration of their social consciousness, Nigerian journalists have built institutional structures and processes to uphold professional standards.

Given the foregoing as background, this paper aimed at broadening our understanding of the ethical dilemmas confronting Nigerian journalists in the day-to-day discharge of their responsibilities. In other words, it seeks to:

- examine the ethical framework for the practice of journalism.
- spotlight ethical dilemmas of Nigeria journalists
- suggest ways of resolving the ethical dilemmas of Nigerian Journalists

### **Ethical Nexus**

Whenever and wherever ethical issues are raised, whether in lecture or conference halls, they have always generated arguments that eventually degenerate into passionate appeals for legality and morality. Often times, lawyers and judges put it to us that legality is the cornerstone of every democratic state. That is fallacious; it is rather morality (moral respect) for legality (the law) that provides the foundation for every culture. But the truth of the matter is that there is a close connection between legality and morality. After all, some legal issues are based on moral obligations. For example the proscriptions against defamation, murder, rape etc. are based on moral principles. Hence, Merrill et al (1994, p. 375) submit that “law is not ethics”, but further asserted that in as much as law and ethics are not the same, they may be first cousins. He contended that someone can follow the law but be considered unethical and can as well, break the law but be considered ethical.

The big question here is “what is the scope of the relationship between law and ethics and why should journalists preoccupy themselves with such relationships? Of a truth, one of the major criteria for assessing journalistic performance is the degree to which its activities and contents synchronize with ethical standards. Research findings also show that the most contentious issue in the history of journalism in Nigeria centres around violations of either law or ethics. Consequently, since the inception of the Nigeria Union of Journalists (NUJ), its main headache has been to ensure that in the exercise of its freedom to report events to the society, its members operate within legal and ethical boundaries. This invariably gave rise to the development/adoption of generally accepted code of ethics and the establishment of structures to ensure

compliance with such codes. Legally, Government on its side has demonstrated serious interest in shaping the attitude and conduct of journalists through the establishment of the Nigerian Press Council and other similar institutions.

It is worrisome that in the face of these codes and institutions, Nigerian journalists have been found wanting in their ethical conduct. Such misconducts range from inaccurate reporting, acceptance of brown envelopes, invasion of privacy, to outright fabrication etc. When considered against the background that ethical concern should prompt journalists as the “conscience of the masses” to strive at all times toward upholding the tenets of their profession and having healthy regard for public interest; it becomes more worrisome that Nigerian journalists indulge in these unethical practices on such flimsy excuses as poor conditions of service, deadline pressures, matter of right, poor retirement benefits etc. For instance, Karikari cited in Gambo (2016, p. 93) records the following research findings as advanced by journalists:

- Lack of adequate professional training
- Publishers/media owners’ drive for financial gain or political influence.
- Journalists own partisanship (personal interests)
- Government or opposition political pressures
- Precarious financial condition of journalists
- Self censorship as a survival strategy
- Ignorance of the code of ethics
- Sheer contempt and disregard for rules and standards
- Neglect of or laziness about basic professional demands of accuracy, thorough investigation and sensitivity to subject and readers
- Bankrupt social values and norms, including widespread corruption
- Pressure and demand of time on small staff of most of the press which undermines thoroughness in performance

The above excuses notwithstanding, this paper posits that journalists cannot absolve themselves of any blames arising from their ethical misconduct. Reason being that there exists the Nigeria Union of Journalists (NUJ) which is an umbrella body for all journalists in the country. This body is expected to be a reliable custodian of the best principles and practices and as such must not be used for the advancement of any other interests than those of good journalistic practices and promotion of the media as a credible institution worthy of the name “Fourth Estate of the Realm”.

### **Ethical Theories**

The process of arriving at ethical decisions is much more than ordinary personal opinion as erroneously held by laymen. It rather assumes the form of logical argument and persuasion involving the rights and interests of others. It is a structured

intellectual process of defending one's ethical judgments against the criticisms of other. When taking ethical decisions, the journalist is confronted with two pertinent questions. How will my decisions reflect on my professional peers? Are my decisions in keeping with the expectations of my colleagues? Central to the above questions are the concepts of freedom and rationality to which Merrill cited in Okoro (2017) states as follows: "any philosophy that does not admit rationality to the field of ethics would undoubtedly be cooperating with anarchic or autocratic forces which would tend to regulate man's affairs or inject chaos into them".

The implication of this quote is that without valued reason in ethical considerations, there would be little or no consistency in the predictability of ethical decisions. That brings us to the pontifications of various philosophers on ethical theories. In this exercise, we shall be primarily concerned with the teachings of Immanuel Kant and John Stuart Mill-the Deontological and teleological ethicists.

**Deontological Ethics:** This ethical orientation takes its roots from the Greek word 'deon' which means 'duty'. It is the formalistic, absolute, legalistic and duty-bound ethics posited and popularized by a popular German philosopher – Immanuel Kant (1724-1804). He believed that "only an action taken out of self-imposed duty could be ethical" Merrill et al. (1994, p, 379). The fundamental moral principles of deontological ethics are captured in Kant's categorical imperative which is based on (i) moral rules that should be universally applied which have respect for the dignity of people (ii) the belief that people should always be treated with respect and as ends unto themselves but not as means to an end. Deontologists hold firm to the principle of acting according to certain universally approved moral duties without regard to the good or bad consequences of their actions, hence they are sometimes referred to as 'non consequentialists'.

Advocates of this school of thought do not approve the use of foul means to achieve positive ends. For example reporters would not be justified if they employ deceptive means to ferret out a story. In a similar vein, deontologists would not see any justification in the use of sophisticated arms and promotion of banditry by Nollywood producers to achieve mass appeal. This may be responsible for the reason some journalists consider this absolutist approach as unrealistic and by extension a threat to the practice of journalism. Be that as it may, the duty – based theories enjoy some advantages as pointed out by Day (2000, p. 60). First, there is a duty to act according to the rules, regardless of the outcome. Second, there is more predictability in the deontological theories, and one who follows these ideas consistently is likely to be regarded as a truthful person.

Nonetheless, duty-based theories also have some disadvantages which include over adherence to rules. For example, adherents of this ethical theory will insist on not divulging the sources of their information, even when that will land them in prison. Another inherent shortcoming of the deontological ethics is that of non-application of general principles to specific unusual circumstances. For example, reporters in this school of thought cannot in any circumstance knowingly publish false information, even if that will amount to saving the life of someone held hostage at gunpoint. This

is because they know and strongly believe that the basis for sound journalism is respect for the truth.

**Teleological Ethics:** *Teleos* is a Greek word for ‘end’ or ‘result’ from where teleological ethics originated. John Stuart Mill (1806-1873), a British philosopher is the foremost teleologist. He believed that consequences were essential, and as such, any person who failed to consider them could not lay claim to being ethical. The fundamental moral principle of teleological ethics as put forward by Mill is utilitarianism, which believes in the promotion of the greatest good /happiness for the greatest number of people. Teleological ethicists hold firm to the notion that the only ethically-correct decision is the one that produces the best consequences. They are not bothered about the rightness or wrongness of a given policy or practice, but in the end or result (whether it will lead to positive results that will be beneficial to the greatest number of people). That is why a socially-beneficial consequence of the ‘public’s right to know’ could be used to justify an immoral means of accepting and publishing government’s classified information.

Teleological ethicists approach to resolving ethical problems have the advantages of (i.) flexibility over deontological ethics and greater latitude in the prescription of solutions to difficult situations and (ii) provision of clear-cut procedure for confronting moral choices through listing the alternatives, evaluating their possible consequences, and analyzing each option in the light of its impact on others. On the other hand, its disadvantages include (i) over-reliance on unknown results and the predictive power of moral agents (ethicists). For example, how can anybody be sure that government’s withholding of certain information (state security matters) is for the best interest of the citizenry (ii) the second disadvantage of teleological ethics is that it does not take into account the special obligations to individuals and small groups that may conflict with our moral duties to society at large. For example, in its bid to produce the greatest good for the greatest number of people, journalists neglect the needs of special audiences (minority groups). Such neglect has always resulted in a form of artistic ‘majoritarianism’ in which minority needs are slighted in the media marketplace. Day (2000, p.62)

The points of note in these two ethical theories are:

- (i) that moral duties cannot be totally separated from the consequences of fulfilling those obligations. For example, the duty to tell the truth is because it produces good consequences for society.
- (ii) that Kantian (deontological) approach to ethical decision-making is too uncompromising for today’s complex world and as such does not provide a sound theoretical foundation for moral reasoning.
- (iii) that teleological ethics is a valuable tool in moral reasoning because it forces us to weight the impact of our behaviour on others.
- (iv) that it provides a rational means for extricating ourselves from the confusion arising from two equally-plausible rules and thus helps to demystify the process of ethical decision- making.

### Ethical Dilemmas of Nigerian Journalists

This segment of our discussion shall be better predicated on the postulation of Ekpu (1988, p. 52) which says:

I believe that it is the duty of the press along with other watchdog institutions... to make their governments accountable to the people and ensure that they maintain a minimum level of civility in the conduct of public affairs, to ensure that they exhibit a high level of honesty and integrity in public office, and uphold the people's right to freedom from want. Freedom is man's inalienable right. Any lover of freedom must defend not only his freedom but the freedom of others too. And in defending the freedom of others, we are defending our own... Journalists must therefore be active participants in the drama of their environment.

Unfortunately, these laudable social responsibility functions of Nigerian Journalists are persistently encumbered by ethical dilemmas that litter the length and breadth of their journalistic enterprise. They include:

1. Conflict of interest
2. Accepting gifts, rewards and gratifications
3. Deception
4. Media manipulation
5. Privacy
6. Obligation of journalists

**Conflict of Interest:** This is one of the commonest ethical dilemmas that stare the Nigerian journalist in the face as he struggles to keep the society abreast of developments. Conflict of interest could be real or perceived as pointed out by Akpan (n.d.) and could bring up sticky ethical issues for the moral agent (Journalists)- the person making the decisions. According to Media ethicist-Louis Day, there are six sets of individual or group interests that often conflict. They are:

- The interest of the moral agents individual conscience; media professionals must live with their decisions.
- The interest of the object of the act; a particular person or group is likely to be affected by media practitioners actions.
- The interests of financial supporters; someone pays the bills that allow the station to broadcast or the newspaper or magazine to publish.
- The interest of the institution; media professionals have company loyalty, pride in the organization for which work.
- The interest of the profession; media practitioners work to meet the expectations of their colleagues; they have respect for the profession that sustains them.

- The interests of the society; media professionals, like all of us have a social responsibility. Because of the influence their work can have, they may even have greater responsibilities than ... many other professionals. Baran (2002, p.451).

In Nigeria, these conflicting interests play themselves out in a variety of ways, making demands on such basic journalistic issues as truth and honesty, privacy, confidentiality, personal interest of the journalist, profit, social responsibility etc.

### **Accepting Gifts, Rewards and Gratifications:**

The Code of Ethics for Nigerian Journalists states:

A journalist should not give or accept bribe in order to publish or suppress information, neither should he accept patronage or gratification of any type because this will affect society's expectation on him of an unbiased, accurate and fair report of people and events Ewelukwa (2014, p.282).

Unfortunately for the Nigerian situation, acceptance of gifts culturally denotes respect for the giver, especially when such a giver is an elderly person. Acceptance of such gifts by Nigerian Journalists has often resulted in a compromise where such gratifications dictate the tone of news reports. The dilemma here is "should Nigerian journalists accept such gratifications and be branded unethical or should they reject the gratifications and strain the communication link between them and their sources?"

**Deception:** A journalists should strive to employ open and honest means in gathering of information. So says the code of Ethics for Nigerian Journalists, but contrary to this declaration some journalists employ unorthodox and deceptive means to gain access to certain information. Such journalists have been found to disguise themselves as unionists, demonstrators, security operatives etc. in their overzealousness at satisfying the public's right to know. The dilemma in this instance is, should Nigerian journalists stick to the ethical provision of not using dishonest means to obtain information and be termed insensitive to their statutory responsibility, or should they exhaust all available means in the discharge of their responsibility and be adjudged morally wrong?

**Media Manipulation:** This can be defined as the demand for media organizations to conform with powerful socio-economic and political structures from which the media draw support for survival and profitability. According to Akpan (2009, p. 311) it is:

the control of the media by external forces, such that the media are ingratiated or give favourable coverage where they would ordinarily not have given. It is the act of buying off a particular medium or entire mass media institution.

Nigerian journalists have in their manifest contents demonstrated conformism with the powerful structures either through what is published or what has been left unpublished. This is because journalists draw their support directly or indirectly from those structures and by that singular reason they (media men) feel obliged to support those structures. The dilemma here is, how would Nigerian journalists ethically report



the activities of these actors without losing patronage and how would they morally justify the non-inclusion of sensitive issues pertaining to these actors in their reports?

**Privacy:** Section 37 of the 1999 Constitution of the Federal Republic of Nigeria grants the right to privacy thus, “The privacy of citizens their homes, correspondence, telephone conversations and telegraphic communications is hereby granted and protected”. This right as granted by both law and ethics of journalism is the right to be let alone and include eavesdropping, windows-peeping, wire tapping, unlawful searches, unauthorized use of names and pictures for purpose of trade, the misuse of personal letters and certain types of trespass as pointed out by Daramola (2006, p. 186). The nagging questions here are to what extent should Nigeria journalists intrude into the life of a news source in a bid to satisfy public’s curiosity? Should journalists eavesdrop or window-peep into a man’s private interaction with his wife in order to uncover certain facts about the man in question? Should phone-tapping be used during investigations all in the interest of the public’s right to know?

These and many other questions put Nigeria journalists in dilemma as they are either left with intrusion into someone’s privacy or allowing such information to go unpublished, thereby denying the public of their right to know.

**Obligation of Journalists:** By constitutional provision, it is incumbent on Nigerian journalists to uphold the political, economic and social objectives of the state at all times and uphold the responsibility and accountability of the government to the people. Pursuant to these objectives, Nigerian journalists often find themselves in the dilemma of either appealing to public conscience at the expense of ethical practice or holding firm to ethical codes at the expense of the public’s right to know. For example, the code of ethics specifies that Journalists should not identify either by name or picture, or interview children under the age of sixteen (16) who are involved in cases concerning sexual offences..., but you find out that there are occasions when pictures of children involved in sexual offences are published. The dilemma here is: how can journalists reconcile the need to curtail sexual vices through public awareness and the need to stick to ethical provisions at the expense of their obligation?

Depending on the journalist’s beat, he is bound to come face to face with the above or similar situations in which he finds himself at a loss for the most appropriate action to take. Complicated as such situations may be, the truth remains that they are not insurmountable.

### **Ways of Resolving the Ethical Dilemmas of Nigerian Journalists**

Here under are ways of resolving the various ethical dilemmas that encumber the practice of professional journalism in Nigeria.

1. The principle of the golden mean
2. The categorical imperative
3. The utility principle
4. The veil of ignorance
5. The principle of self-determination

**The Principle of the Golden Mean:** This philosophical postulation is typically associated with Aristotle, who as a Biologist noted that too much food as well as too little food spoils health. He therefore subscribes to moderation as the key to moral virtue. Dominick (1999, p. 464). Going by Aristotle's position, the ideal thing to do when faced with ethical challenges could be found between "doing too much and doing too little". Hence, in resolving ethical dilemmas, Nigerian journalists should apply the principle of the golden mean (moderation). For example, in the coverage of civil disorders like that of Nigerian Labour Congress' (NLC) pretest on the removal of oil subsidy, students unrest etc, they should balance the necessity of informing the public with the need to preserve national unity by not inflaming the public.

**The Categorical Imperative:** This ethical principle states that to measure the correctness of our behaviour, we should act according to the "rules that we would want to see universally applied. As the author, Immanuel Kant puts it, "what is right for one is right for all". In other words, what is good for the geese is also good for the gander, and as such there should be neither extenuating circumstances nor exceptions. Kant's categorical imperative tells us that the examination of the individual's conscience plays a large part in determining what is right. As a measure of resolving ethical dilemmas, Nigerian journalists should steer clear of all forms of deception in the news-gathering process and shun acceptance of all forms of gratifications. This is because no journalist would want deception and acceptance of gratifications to become universal practices.

**The Utility Principle:** The basic tenet of the utility principle holds that we are to determine what is right or wrong by considering what will yield the best ratio of good to bad for the general society". Utilitarian are therefore much more concerned about how much good is promoted and how much more evil is restrained by different courses of action. Here all the consequences (good and bad) that would result from each line of action to be taken are calculated, then choice is made of the alternative that maximizes value and minimizes loss. As a measure of resolving ethical dilemmas, Nigerian journalists should choose the alternative course of action that maximizes value and minimizes loss. For example, it would amount to maximizing value by reporting the abduction of a celebrity so that the public could tighten their security, than ignoring the report for fear of the probable grief such a report will cause the abducted person's family.

**The Veil of Ignorance:** In this ethical principle, justice is assumed to be sound when it is blind. According to John Rawls, justice emerges when everybody is treated without social differentiations. The veil of ignorance is akin to the fairness doctrine of journalism which advocates that all parties to a problem situation be treated as equal members of the society without recourse to their sex, age, race and social standing. The truth of the matter is that if journalists treat all newsmakers the same, unnecessary acrimony and cynicism will disappear. For example, in media coverage of the political campaigns of two presidential candidates, equal space and time should be allotted to each, irrespective of party and other leanings. By so doing, Nigerian journalists would be on the part of resolving some of the ethical dilemmas confronting them

**The Principle of Self Determination:** This concept is closely related to the Christian Golden Rule that says “Love your neighbour as yourself”. The principle of self determination emphasizes that human beings have right to self determination which should not be violated by using them as a means to accomplish a goal. No one should allow himself / herself to be used as a means to someone else’s ends. According to its propounder, Immanuel Kant, “people should always be treated with respect and as ends unto themselves, never as means to an end”. In this principle, the moral agents’ motives are equally important as they do not approve “using foul means to achieve positive end”. In other words, the “ends do not justify the means”. (Day 2000, p. 60). The implication of this is that journalists should not employ foul means to satisfy the public’s right to know. For example Nigerian journalists need not eavesdrop, window-peep, wire-tap etc. into any person’s private interaction for the singular purpose of uncovering certain facts about the person in question.

### The ‘*SAD*’ Imperative

As earlier pointed out, the process of arriving at ethical decisions is a systematic one, involving the rights and interests of others. In keeping with that postulation and in recognition of the above mentioned ways of resolving ethical dilemmas of Nigerian journalists, this paper makes a case for application of the *SAD* formula in all ethical situations. Then, what is *SAD*? It is an acronym for:

Situation definition

Analysis of situation

Decision

According to Day (2000, p.72), the Situation definition consists of description of the facts, identification of the principles and values inherent in the case and a clear statement of the ethical issue under review. In the Analysis section which is the hub of the moral reasoning process, the moral agent weighs/ examines the competing principles and values, considers the impact of factors external to the case facts themselves, examines the moral duties owed to various parties and discusses applicable ethical theories. At the Decision stage, the moral agent renders judgment and defends the decision based on theory. In practical terms, it requires that Nigerian journalists confronted with ethical cases should be able to:

- (i). Identify and describe the facts, principles and values of such situations
- (ii). Make clear statement of the ethical questions or issues involved
- (iii). Discuss the pros and cons of the various values and principle
- (iv). Examine external factors that might influence judgment (such as company policies, laws demographic composition etc.)
- (v). Consider the various individuals and groups likely to be affected by their decisions (such as individuals conscience, the institution, colleagues, society etc.)
- (vi) Apply any of the ethical theories that suits the situation and

- (vii) Defend their decisions based on the chosen theory.

### Conclusion

Thus far, it has been established that journalism entails a high degree of public trust which makes it morally imperative for practitioners to observe the highest ethical standards, if they must earn and maintain such trust. It could also be seen that journalism is a public-spheric profession that would continue to be afflicted with dilemmas ranging from entanglements with news-sources and media owners, to problems with advertisers etc. This perceived inevitability of dilemmas in the journalism profession, coupled with the supremacy of public's right to know, makes broad-based communication education a necessity for practitioners. Unfortunately for the situation, Izuogu (2016, p.12) had earlier lamented that Nigeria's communication education policies and practices do not encourage/promote the much-needed broad-based communication education.

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