

ETHICS AND ELOQUENCE IN JOURNALISM

An approach to press accountability

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Journalists' common sense, their everyday moral intuitions, offers a practical but flawed way of knowing right from wrong. But rather than discounting or dismissing this "naïve everyday ethical knowledge," which would rob journalism of its normative substance, we propose to rehabilitate it through a process of public justification. Grounded in aspects of Jürgen Habermas's theory of communicative ethics, we offer a model of press accountability that understands ethics as a process rather than an outcome. Our being-ethical-means-being-accountable theme emphasizes the role of eloquence, understood as the competence to argue in ways that advance common or shared interests, in an open and accessible discursive test of the validity of journalism's moral norms.

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Introduction

The problem of ethics in journalism, we argue, is not the inability of journalists to know right from wrong but their inability to talk articulately and reflectively about it. The challenge of ethics in journalism is not, then, to facilitate the discovery of moral laws that yield ethical truths, for being ethical requires neither a knowledge of abstract principles nor a familiarity with arcane theories of morality. Rather, being ethical requires the facility to argue articulately and deliberate thoughtfully about moral dilemmas, which in the end means being able to justify, publicly and compellingly, their resolution. The aim of ethics is, in a word, *accountability*.

Our being-ethical-means-being-accountable theme emphasizes ethics as a process, not merely an outcome; an argument, not merely a choice. Ethics in this tradition views disputes and disagreements as an opportunity for a public discussion open to everyone affected by what the press does; it thus expects from journalists a commitment to respond, openly and candidly, to any serious question about what they do and why they do it. Above all else, ethics understood this way depends on the competence to communicate in a way that makes clear how judgments inform choices and how principles inform judgments; it depends, therefore, on eloquence among journalists commensurate with the eloquence of their most worthy critics.

Our conception of ethics draws from, but is not entirely wedded to, the model of discourse ethics—sometimes called communicative ethics—developed in recent years by Jürgen Habermas (1990, 1993; Bernstein, 1995; Rehg, 1994). Like Habermas, we offer a neo-Kantian approach to ethics that embraces Kant's emphasis on the importance of procedure but rejects Kant's mode of justification, which can be fairly termed monologic. With Habermas and others (e.g., Apel, 1990) who view ethics as a fundamentally social

phenomenon, we endorse a mode of justification that is essentially dialogic.¹ Put a little differently, whereas Kant and other prominent philosophers—John Rawls (1971) among them—regard justification as something that can be established and demonstrated individually and monologically, Habermas regards justification as something that can be achieved only socially and dialogically; unlike Kant and Rawls, that is, Habermas insists on a *discursive* test for the validity of moral claims.

Our conception of ethics also takes seriously Kant's passing reference to the viability of common sense as a source of ethical knowledge: There is "no need of science or philosophy," Kant (1964, p. 72) wrote in recognition of the power of "ordinary practical" reason, "for knowing what man has to do in order to be honest and good, and indeed to be wise and virtuous." To be sure, Kant claims not to have discovered what he posits as the supreme moral principle of all virtue—the "categorical imperative"—but to have provided an elaborate explication of it; his is but a "more precise formulation," as one commentator put it, "of a concretized version of the moral law employed in moral judgments by common sense" (Dietrichson, 1969, p. 171). But it is principally Clifford Geertz and Hans-Georg Gadamer, not Kant,² to whom we turn for a culturally and philosophically rich appreciation of that system of thought that so often gets dismissed, unthinkingly and uncharitably, as *mere* common sense. Specifically, we turn to Geertz for a sense of the logic of common sense as a distinct and distinctively valuable form of knowledge; and we enlist Gadamer for a model of moral knowledge that honors, rather than discounts, the decisively important role common sense plays in "seeing" what is right. Taken together, Geertz and Gadamer provide a comprehensive and arguably compelling framework for understanding why ethics begins, though seldom ends, with common sense; and why a failure to appreciate this crucial role for common sense contributes to the prevailing confusion about where ethical values come from and why they so often appear to be detached from, and even irrelevant to, the particular and always local practices and judgments they presumably inform.

We begin, then, with an account of common sense that focuses on, first, why the claims of common sense apply only to local and practical questions; and, second, why common sense nonetheless serves well as a model for, though not always a source of, ethical knowledge. To illustrate common sense at work in journalism, we turn to a few award-winning investigative reporters and our conversations with them about aspects of the ethics of the relationship between reporters and their sources. These conversations, which highlight the confidence but also the confusion associated with a commonsensical approach to ethics, set the stage for a discussion of why and how common sense needs to be "rehabilitated" through a process akin to the "argumentative clarification" Habermas advocates in his discourse theory of ethics. We conclude with a discussion of the importance of being eloquent, focusing on what the ideal of eloquence, understood as an opportunity to extract principles from practice, implies for a model of journalism ethics intended to meet Alvin Gouldner's (1976, p. 102) simple but demanding test of accountability: "To be 'accountable' means that one can be *constrained* to reveal *what* one has done and *why* one has done it; thus, the action and the reasons for it are open to a critique by strangers who have few inhibitions about demanding justification and reasonable grounds."

Common Sense and Ethical Knowledge

Common sense refers to the kind of instrumental “know-how” acquired through experience, a type of competence developed through coping with everyday problems. As we have written elsewhere (Glasser and Ettema, 1989, 1993) with attention to the work of Geertz (1983), common sense implies a learned and considered judgment, a decidedly pragmatic response to the world aimed at succeeding—or at least surviving—in it. Common sense implies not only the ability to act but the ability to act in correct or useful ways. Whatever the domain, from the living room to the newsroom, common sense at its best involves what Aristotle (1953) calls *phronesis*, or “practical wisdom.”

Common sense operates within “culturally defined rules and expectations,” as Lewis (1987, p. 293) describes its realm of authority, that “both express and assume a knowledge that is shared by the community.” Commonsensical claims always distinguish themselves as local claims—a type of “local knowledge,” to cite the title of the book in which Geertz examines the logic of common sense. Moreover, the wisdom common sense conveys exists not only locally but only *in action*, which is to say that common sense as a form of knowledge does not exist prior to, or independent of, practice. Concerned only with what is “immediately relevant” to the “immediate situation,” common sense confines itself to what needs to be done here and now; it is, to invoke one of Bensman and Lilienfeld’s (1991, pp. 13–4) choice phrases, “situationally egocentric.” Accordingly, the content of common sense exhibits itself only in concrete situations and under particular circumstances, which is basically Geertz’s point when he describes common sense as “unapologetically ad hoc.” Common sense, our everyday intuitions, defies the logic of formal, deductive systems of thought; it expresses itself phenomenologically, not propositionally.

Gadamer (1988, p. 22), too, understands common sense as the faculty that combines our “outer senses” into a “judgment about what is given”—a judgment, significantly, mediated through a feeling of community and thus a judgment always mindful of others: Although it expresses itself in individual action, common sense is “a sense that is acquired through living in the community and is determined by its structures and aims” (1988, p. 22); it is truly a *common* sense, a *shared* judgment, an act of wisdom recognized by others as right and proper. Thus, unlike Geertz, who deals broadly and culturally with the characteristic form of common sense, Gadamer (1988, p. 25) focuses on the “moral element” of common sense, where common sense means *good* sense and where “good” implies a moral calculation based on a practical acquaintance with community norms and mores. As such, common sense serves as a source—often the principal source—of ethical knowledge. That is, ethical knowledge often depends on common sense for both knowledge of what a situation demands from us and a more general knowledge of what others expect us to be. Knowledge of the first kind concerns the recognition of the situation as a “situation of action and hence in light of what is right,” Gadamer (1988, p. 322) explains. Knowledge of the second kind amounts to a broad “social sense” of what is widely embraced as good, what Gadamer (1996, p. 48) characterizes as “common sense as public spirit,” specifically, that “public spiritedness which contains commonly shared and undisputed assumptions.”

Common sense figures prominently in Gadamer’s conception of ethical knowledge in recognition of the key role it plays in weaving means and ends, particulars and universals, into “the self-knowledge of moral consciousness” (1988, p. 316). In a dense but provocative discussion, Gadamer makes the point, one he regards as crucial to

understanding the nature of ethical knowledge, that neither means nor ends can be known prior to, or independent of, the specific and concrete situation that requires knowledge of them: “Moral knowledge can never be knowable in advance like knowledge that can be taught” (1988, p. 321). While Gadamer acknowledges that ethical knowledge only counts when we are “already in the situation having to act,” which implies that “we must already possess and be able to apply” it, he insists that ethical knowledge does not work like technical knowledge: “We do not stand over against it, as if it were something that we can acquire or not, as we can choose to acquire an objective skill” (1988, p. 317). In the case of ethical knowledge, paradoxically, we cannot know what is expected of us unless we know what the situation demands of us, but we cannot know what the situation demands of us until we know what is expected of us.

Gadamer (1988, p. 32) confronts this paradox by recognizing common sense not as “a formal capacity, an intellectual faculty to be used,” but, with Geertz, as a form of knowledge that “already embraces a sum of judgments and criteria for judgments that determines its content.” These “judgments and criteria for judgments” constitute the universals of ethical knowledge; they derive from the “principles, norms, and laws,” in Bernstein’s (1985, p. 71) account of Gadamer, “that are funded in the life of the community and orient our particular decisions and actions.” Neither fixed nor transcendent, the universals of interest to Gadamer exist only in and for a given community where individuals share their acceptance and agree, at least tacitly, to live by them; they endure as an “image” of our “political and moral context,” an image, Gadamer points out, that is “valid only as schemata” and finally “concretized only in the concrete situation of the person acting” (1988, p. 320).

Common sense, it follows, accounts for ethical knowledge as it mediates between particulars and universals, between a consideration of means and a consideration of ends—but these cannot be understood as separate and sequential processes. Ethical knowledge is indeed practical and applied but its application, Gadamer cautions, does “not consist of relating some pre-given universal to the particular situation”; its application “is neither a subsequent nor merely an occasional part” of it but rather “codetermines it as a whole from the beginning” (1988, p. 324). This is why, in the case of ethical knowledge, Gadamer rejects as “pointless” any distinction between knowledge and experience; and why he claims that ethical knowledge “contains a kind of experience in itself” (1988, p. 322), an experience through which individuals discover themselves in relation to the values of the community in which they live. If, to sum up, no one can know in the abstract what is right to do, because no one can anticipate the particular confluence of conditions that distinguishes one situation from the next, individuals can and do interrogate situations and *in the process* come to know what is right. And through this process, which repeats itself over and over again as new situations present themselves, individuals can cultivate their capacity for moral reflection and self-knowledge; they can develop and refine their habits of thought such that the practical wisdom of common sense begins to live up to the ideal of *phronesis*, a form of knowledge that both Aristotle and Gadamer recognize as an intellectual virtue.

Common Sense Ethics: The Case of Journalism

For examples of how common sense works in journalism—how, specifically, it provides journalists with the guidance they need to distinguish between right and

wrong—we turn to our conversations with decorated investigative reporters, all working in mainstream print media, about two issues of ethics in the area of reporter–source relations: the surreptitiously tape-recorded interview and the decision not to disclose a journalist’s identity as a journalist. Reporters’ thinking about these issues provides valuable examples of ordinary practical reason—i.e., common sense ethics—precisely because the issues stand among the lesser problems in journalism’s pantheon of ethical concerns. While there is an academic literature on these issues, reporters typically have not been socialized from their first day on the job (or in journalism school) into an ethical position on them as, presumably, they have for truth telling and plagiarism. Thus the reporters we interviewed did not have well-rehearsed, putatively universal truisms to offer. Rather they thought about their practice from that pragmatic, “situationally egocentric” position identified by Bensman and Lilienfeld’s as a defining feature of common sense. Even so, the reporters had clear views of right and wrong, views framed by the demands of reportorial practice to be sure, but clear views nonetheless.

Consider the reasoning of a reporter on the issue of surreptitious taping who said that she would not tape record interviews without permission. She begins by framing her stance in terms of duty to her sources. “I feel like that’s a matter of honesty,” she said. “I really think people have a right to know what’s going on.” She goes on to say, however, that she feels no obligation to reveal to sources that she is taking notes in shorthand or on a keyboard, although she will respond truthfully if asked.

Interviewer: So that means you don’t volunteer the information?

Reporter A: No, I don’t.

Interviewer: Would you feel compelled to tell them you were taking it down verbatim?

Reporter A: No.

Interviewer: Okay, what’s the distinction between that and tape recording?

Reporter A: What’s the difference? That’s a really good question and I don’t have an answer for it. Somehow the tape is always more potentially damaging because it’s a person’s voice. People understand that with notes, even if you type really fast, you don’t catch everything.

This reporter’s commitment to honesty is, of course, commendable. However, the “right to know what’s going on” that presumably flows from this value turns out not to be an imperative. She feels no affirmative obligation to disclose notation methods other than tape recording but she is not well prepared to articulate the basis of her distinction among those methods. Her effort to defend the distinction invokes a concern about the mimetic aspect of a taping recording (“it’s a person’s voice”) even though she must transcribe the spoken word into print for use in her newspaper story. The argument is ironic: it is the presumed *greater* accuracy of tape recording that creates the ethical dilemma with regard to its use.

Reporter A is unique neither in her attempt to distinguish tape recording from other methods of notation nor in her inability to ground that distinction. Here is another reporter who, as he puts it, “believes in being pretty straightforward and up front and not cagey, not canny,” but nonetheless has difficulty explaining where the line is to be drawn, although he too is concerned about the very practical matter of maintaining the relationship with his source:

Interviewer: Aside from legality, if you were conducting a telephone interview and the source knew it was an interview, would you feel compelled to disclose your method of note taking? Would you tell your source you were taking shorthand?

Reporter B: Definitely not.

Interviewer: Would you tell your source you're taking verbatim notes?

Reporter B: Definitely not. I wouldn't even tell my source I was taking notes because I assume that's something the source assumes.

Interviewer: Why would you disclose the existence of a tape recorder if you didn't disclose your use of shorthand.

Reporter B: I don't know. Because it's a machine, because it's an exact recording that's an irrefutable record of what they said to me.

Interviewer: Wouldn't it be fair for the source to assume that you're going to do the best job you can in making the most accurate representation of the interview?

Reporter B: Yeah. I don't know the reason for that. I guess it's because sources don't expect to be taped without their knowledge and as long as that is the case, I don't want to conduct myself in a way that could be perceived as sneaky.

To be "straightforward" and "up front" rather than "cagey" or "canny," Reporter B feels that he must disclose *only* the use of a tape recorder. He is even more definite than Reporter A on this point, but he is no more definite about the grounds for distinguishing among notation methods. He too frames the ethical problem in terms of mechanical mimesis ("it's a machine . . . it's an exact recording"). But when the interviewer reframes the issue in terms of accuracy as a journalistic value, the reporter equivocates and offers another expression of source-reporter reciprocity—that is, the reporter professes respect for the fact that "sources don't expect to be taped."

Reporter B's adamant statement about what sources need *not* be told reminds us that journalists do not usually want a source's attention drawn to their methods. In turn, this insistence implies a certain disingenuousness in the expression of source-reporter reciprocity. A reporter's interaction with a source is not inevitably one of deception and betrayal, as Janet Malcolm acidly maintained,³ but neither is it a conversation governed by an open mutuality, especially not when the reporter is an investigative journalist and the source is the target of the investigation. This deeper issue surfaces in the comments of still another reporter who insisted that he would not surreptitiously record interviews, even if legal, because he too wants to be "up front" about his techniques with his sources:

Reporter C: I'm going to ask him to be open with me. I feel I should be at least as open with him.

Interviewer: You're asking him to be open with you and he knows exactly what the ground rules are? You're not going to do anything with the information that he doesn't already know about?

Reporter C: I guess I respect the fact that some people don't like to be taped . . . It's more than impolite although there's an element of impoliteness in it. I feel it sort of puts a shadow on the whole interview if I'm not telling him something that I'm going to be doing and yet I'm asking him to be honest. Some people are scared by tape recorders.

Interviewer: That's right, but the most fundamental decisions that you make about that story—deciding what you are going to quote from the interview—you won't consult with him about that.

Reporter C: That's true.

Interviewer: Why is that different?

Reporter C: That's true. I mean, if you could, you would tell sources, "Look, don't worry about the tape recorder. Worry about what I'm going to quote you as saying and what I'm going to say around it." But the fact is that some people freeze up at a tape recorder so I respect that. If he said, "You can tape all you want but I wanna see the story before you write it," I would say no. But I think I'm responding to people's feelings about tape.

Thus Reporter C acknowledges the essential *lack* of reciprocity that governs the source-reporter transaction: it is the reporter (along with an editor perhaps) who decides what "to quote you as saying" and what "to say around it." But having briefly confronted this reality of news making, the reporter is quick to reaffirm his regard for sources when it comes to surreptitious tape recording, an issue of far less import. If nothing else, the issue of surreptitious taping provides an opportunity to affirm regard for sources in a setting of only limited practical significance.

Now consider a contrarian's position on the issue of surreptitious taping recording: the thinking of a reporter who maintains that the practice is *not* unethical. Both because he has found himself to be in the minority (although not alone) and because he is a frequent speaker at gatherings of his colleagues, this reporter is among the most articulate in defense of his position. He provides a useful point of comparison to his less eloquent peers.

Reporter D: Why is it not unethical? Why *is* it ethical? I think if you identify yourself as a reporter *and* that you're working on a story *and* that's why you're calling, then the person expects that you're taking notes. I can't imagine why somebody should warn somebody that they take expert notes, that they know shorthand or whatever. It's sufficient to say, "I'm a reporter with [a particular newspaper]. I'm doing a story and I would like to talk to you about it." The tape recording is the device that gets it accurately.

Even if this reporter's position can be taken as expedient, it cannot be construed as unprincipled. He frames his position not as a defense of secrecy but as an affirmative statement of proper disclosure. In his analysis, accuracy of transcription is a core journalistic value to be served in the interview setting. With this value in mind, he has worked through and explicitly rejects what he regards as specious distinctions among the various methods of notation commonly used in that setting. In turn, this reporter articulates what exactly he takes to be his duty to his sources with regard to necessary disclosure of his methods and intentions.

While this reporter's reasoning may diverge from the common sense of many of his colleagues, he is clear in his analysis of the connection between reportorial means (i.e., notation) and journalistic ends (i.e., factual accuracy) as that connection runs through proper treatment of sources (i.e., disclosure). In comparison to the others, Reporter D is clearheadedly blunt about the essential nature of the source-reporter transaction. "What I want is this: you tell me and I publish it," he said. "If you want to wiggle out, *shut up*." This reporter has little patience for any suggestion that surreptitious taping somehow creates a dilemma for source-reporter relations because of its exactitude. "The real issue is whether or not what you said is accurately reported," he concludes. "Is it true that you said it and is it in the context in which you wanted to provide it." What the honest reporter owes the source is precisely this: accuracy of notation and disclosure that a story will be written.

Clearly, journalists do not need some special moral knowledge to see what is right. They have, in Geertz's (1983, p. 10) terms, "a loosely connected body of belief and judgment" grounded in the work-a-day world of reporting that shows them what is

right—even if they do not all agree on what that is. The origins of common sense ethics is community membership, rather than abstract principle, as clearly reflected in the attempt of Reporter C to explain the origin of his stance on the issue:

Reporter C: Maybe I'm responding that way because I don't use a tape recorder; therefore it would be something unusual for me; therefore I'm aware that I'm doing something unusual . . . Maybe it's one of those things you pick up when you start out in any profession. You sort of see how the older people do it. I'd notice whenever I'd go out on interviews that people would say, "Do you mind if we tape this?" You know, sort of like, "Do you mind if I smoke?"

This interviewee may not be able to clearly articulate the ground for his judgment but, as Gadamer urges, he struggles to understand the situation in terms of what others expect of him. However, he is left to merely infer—in an exercise of monologic justification—what that may be.

That journalists do not need special moral knowledge to see what is right is also demonstrated in their thinking about the requirements of self-identification when dealing with sources. For example, Reporter A took an absolutist position, arguing that journalists should always identify themselves as such, even though she could not ground that position in any particular principle.

Interviewer: What about all the stories you can't get any other way?

Reporter A: I still feel like there's something wrong about it but I'm afraid I can't articulate exactly what it is. I don't know . . .

Interviewer: No undercover work?

Reporter A: Undercover work? I wouldn't do that either. I think you have to lay your cards out on the table about who you are and what you're doing. Then you have to use all your skill and all your talent—whatever wits you've got—to get people to talk to you.

More typically our interviewees sought to draw distinctions between situations in which self-identification was required and those in which it was not. Reporter B, for example, said "I think it would be ethically wrong to pose as a police officer to gain access to a crime scene." But his rejection of posing proved not to be absolute. He mentions some widely accepted poses, such as consumer reporters posing as customers. But then, citing the traditional distinction between acts of commission and those of omission, he acknowledges that under particular circumstances he would, in fact, pose as a police officer.

Reporter B: I think that if I was at a crime scene, and was going to cover it, and walked up to the barrier, and decided to walk on through to see what happened, and someone said, "Hello, Detective. How are you?," I think I might continue through.

Interviewer: OK, why would you not regard that as wrong?

Reporter B: Because I hadn't misrepresented myself.

Interviewer: But nonetheless you had been mistakenly perceived as a police officer.

Reporter B: I've not been in that situation. But I have a feeling that I if thought that this was important news and it was important for me to see something first hand, then I would be willing to just walk through without pretending to be anyone I wasn't . . . I think you could argue either way, and my predisposition would be to get the story in a straightforward way. However, if it's a story of great importance and you're not lying or

misrepresenting yourself and you're simply being cagey, I think that's acceptable practice.

While this reporter did not want to be "cagey" when it comes to secretly recorded interviews, he is willing to be in this situation. Thus "cagey" turns out not to be a term in this reporter's personal (i.e., monologic) moral vocabulary that helps draw the line between acceptable and unacceptable reportorial practice. In this situation, however, it is a common sense variation on the traditional terms of commission ("lying or misrepresenting yourself") and omission ("simply being cagey") that are of most help to the reporter in articulating the distinction he seeks to draw. Thus, while this reporter struggles to locate useful ethical concepts, his comments also clearly reflect the *ad hoc* character of situations in which ethical thinking is elicited. He must imagine important ends ("this was important news and it was important to me to see something first hand") and specific means ("just walk through without pretending to be anyone I wasn't") to judge whether the latter were warranted.

A compelling example of journalists and their news organizations trying to draw—and then walk—an ethical line in real life with regard to self-identification comes from yet another reporter. Arriving on the scene of a riot in a sprawling federal penitentiary, the reporter made his way onto the prison grounds and stood on a hillside watching a section of the prison burn. With him were inmates from the minimum-security section of prison to whom he had identified himself. "They shielded me from the guards, standing around me in a semicircle, so that I could stay longer and watch," the reporter recalls. "Then one of them gave me a shirt; I had on khaki pants already. We walked down in a semicircle to their phone. They stood around and protected me while I filed." When his protectors were sent back to their quarters the reporter was discovered by guards and ejected from the grounds. "Over the next couple of days, however, we got very frustrated that officials wouldn't let us on the grounds of the prison and wouldn't tell us anything about what was going on." In this developing "situation of action," to use Gadamer's useful phrase, the reporter together with his editors made yet another decision about where they were willing to draw the line under particular circumstances:

Reporter E: One night I went down to the corner of the prison and jumped over the fence. I walked behind the staff housing and into an office building where, it turned out, there were quarters for the family members of the 100 guards and prison employees who were held hostage. No one asked me who I was. I didn't tell anybody who I was. I didn't have to lie. And once an hour we got a briefing from the prison officials. They didn't tell us a lot, but they told us more than the reporters outside were told.

From a list of hostages posted in this office the reporter memorized as many of the names he could at one time and went into the bathroom to write them down. When he had all 100 names he locked himself in an office and phoned the city desk.

Interviewer: And you had no ethical problem doing that?

Reporter E: Well we did have some ethical problems. What we had was the names and the emergency contact telephone numbers from the personnel files of these guards. We used it to call their homes and talk to who ever would talk to us. We published a special section about these 100 people who were being held hostage. The deception, I thought at the time and still think, was justified by the fact that the police wouldn't tell us

anything. I thought it was relevant not just to say that 100 [residents of this city] were being held hostage in the prison but to say which 100.

Eventually a guard confronted the reporter asking to whom the reporter was related. The reporter had anticipated such an encounter and had chosen the name of a hostage whose family was not then present as indicated by unclaimed notes on a message board. That family turned out to be a different race from the reporter and the guard became suspicious. "I didn't say who I was but I didn't lie," the reporter said. "I left."

Interviewer: Would you have lied if you thought you could have gotten away with it?

Reporter E: Well, it didn't come to that, but I might have—I might have. We had great debates back in the newsroom for the 11 days while this was going on. My approach to it was *not* to say that it was not deception just because I didn't lie. I acknowledged that it was deception. By my mere presence it was a lie. My argument was that it was justified. Not lying might have made it more palatable to some people but to me it didn't make a difference whether I lied or not. The significant difference was that it was a harmless deception that served a public purpose.

We sent somebody else right back in, and for 11 days we had somebody in there 24 hours a day getting a briefing once an hour. After I was thrown out and we sent other people back in, the editors got involved.

In the newsroom deliberations the editors decide not to allow reporters to use overheard conversations but to allow them to follow up on that information. They also instructed the reporters sent into the prison to avoid lying to anyone about their identities so that, as Reporter E maintains, "our position would be deemed defensible, if anybody ever found out that we were in there." Here the reporter implicitly recognizes the "public spirit" of ethical common sense—that is, what would be defensible if made public. Thinking back on the episode, however, he remains uncertain that he would not have lied about his identity under certain circumstances; and the realization that they might have done so makes him uncomfortable with the vocabulary of passive versus active misrepresentation:

Reporter E: I might have lied if family members had said, "Who are you?" I don't know if I would have said I was somebody's nephew. You see, it was convenient for me that they didn't ask. We were careful not to offend the family members so that they didn't ask pressing questions, but if they had . . .

Interviewer: So there was a point at which you don't want to go from passive to active misrepresentation.

Reporter E: That's fair but I'm not sure I feel comfortable standing on that ground. I think I feel more comfortable saying, "OK, it was deception and it was justified." I feel like I'm making a petty legalistic defense, if I say, "Oh well, it was passive." What we did was justified because there was important issue there and we didn't hurt anybody.

Thus when pressed to justify his ethical decision, the reporter makes peace with the deception inherent in his method by citing his journalistic ends in defense of his reportorial means. As in many such cases, when reporting methods are questionable, the presumed importance of the story provides, often with preemptive conviction, a justification for what was done. This reporter and his colleagues, however, did at least feel an obligation to talk about how they ought to behave in these extraordinary circumstances. That is to say, within their tightly defined community of practice (their

newsroom) they felt compelled to draw lines that they hoped not to cross—but might have—as well as lines that they definitely would not cross.

Reporter E's account of covering the prison riot underscores the *ad hoc* character of real-world ethical dilemmas—the fact that, as Gadamer maintained, neither means nor ends can be known prior to, or independent of, specific concrete situations. Reporter E seems to have made peace with this too, for he was not enthusiastic about the promulgation of unbendable ethical rules in the newsroom. "I think often people use those rules as excuses not to do the journalism," he argues. "Maybe I'm wrong, but I do suspect that some of the staff members who thought that I shouldn't have done what I did were jealous that I had done it and they hadn't." Even so, this reporter acknowledged the value of "some ethical education," concluding, "It would have been better to have had some before I went over the fence."

Ethical education, not in the form of learning rules but in the form of practicing debate, provided contrarian Reporter D with the grounds for his position on tape recording. "I changed my mind on surreptitious taping." Of that process he said, "Almost always it's through discussion with other people and enlarging upon the point of view that you encounter and trying to see if they're right. I think I was involved either as a member of the audience or a member of a panel, I can't remember which, when a discussion of this issue came up at an Investigative Reporters and Editors conference." Implicitly but clearly recognizing the process of dialogic justification—that is, responding to the call from others to articulate and account for one's beliefs—this reporter says of his stance on any ethical issue with which he may be confronted, "It comes from discussion with other professionals. It comes from the reactions of readers and neighbors." And this, we argue, is exactly the frame of mind by which heartfelt, but inarticulate, common sense can be rehabilitated.

Rehabilitating Common Sense

Recognizing common sense as journalists' first and at times principal source of knowledge of what needs to be done—technically or ethically—implies neither an endorsement nor even an acceptance of its claims. On the contrary, any serious account of common sense must acknowledge what Antonio Gramsci (1988, p. 346) called its "crudely conservative" image of "what is," an epistemology of practice that distinguishes itself as parochial, uncritical, inconsistent, incomplete, and contradictory. As Bensman and Lilienfield (1991, p. 13) found in their study of a number of modern crafts, journalism among them, practitioners working under the influence of common sense do not "plot logically possible alternatives" but rather confine themselves to a few obvious choices, to means and ends that are "taken for granted"—and assumed to be taken for granted by others. As it frames and determines "proper" courses of action, common sense thus gives guidance, not reasons; it offers ways of dealing with immediate situations, not theories or explanations that might apply beyond the here and now. Common sense, in short, provides plans for conduct that individually and separately make good sense but which collectively amount to little more than what Gramsci described as a "chaotic aggregate of disparate conceptions" (1988, p. 345) of the world at large. Still, as tempting as it may be to dismiss common sense, doing so would only denigrate, not dislodge, what is in journalism and elsewhere a principal source of everyday knowledge. As compelling as their critiques might be, the works of Gramsci and others do not render common sense

irrelevant or even unappealing; they only remind us that common sense by itself lacks the rigor and rationality—the thoughtfulness—we might prefer to associate with any system of thought. Rather than discounting it or theorizing it away, then, a more appropriate response to common sense would be its rehabilitation.

For different reasons and in decidedly different ways, the works of Habermas and Donald Schön converge on just this point: the need to reform rather than reject the claims of common sense. Focusing more on pedagogy than philosophy, Schön (1983) calls for an approach to practice that seeks to transform “knowing-in-action,” which he understands as the “characteristic mode of ordinary practical knowledge” (i.e., common sense), into “reflection-in-action,” which Schön defines as the ability to reflect on action while bound by the “action-present,” namely the “zone of time in which action can still make a difference to the situation” (1983, p. 62). The “action-present” varies, of course, from one profession or craft to another and even from one practitioner to another depending “on the pace of the activity and the situational boundaries that are characteristic of the practice,” but whatever the “unit of practice,” from minutes to hours or days or months, Schön wants to place ordinary problem solving of the kind common sense informs “within the broader context of reflective inquiry” (1983, p. 69). If “knowing-in-action” and “reflection-in-action” appear to be, at least conceptually, separate and distinct activities, Schön demonstrates how the latter can serve as a corrective to the former in ways that insure that today’s “reflective inquiry” becomes tomorrow’s “practical knowledge.” For Schön, then, rehabilitating common sense means respecting the authenticity of its claims while at the same time developing the means for a critical assessment of them. In his work with an impressive range of practitioners, from architects to psychotherapists, Schön demonstrates that common sense does not remain static; it can change—and in fact improve—over time.

But it is Habermas who offers the more elaborate plan for the rehabilitation of common sense, a plan that confronts precisely the difficulties we face in this project. He begins with two key questions, which set out the nature of his and our challenge:

- How can we appropriate naive, everyday ethical knowledge in a critical fashion without at the same time destroying it through theoretical objectification?
- How can ethical knowledge become reflective from the perspective of the participants themselves? (1993, pp. 22–3)

Like Gadamer, Habermas takes seriously the “everyday intuitions on which we immediately rely in our moral judgments” (1993, p. 22); he believes, as does Gadamer, that questions of morality “must be adduced from the perspective of participants if the questions and answers are not robbed of their normative substance and their binding force” (1993, p. 24). Basically, Habermas presupposes a range of evaluative judgments about “something in the world that is more or less good for us” and turns his attention to normative judgments “about what we ought to do” (1993, p. 62); that is, Habermas takes as a given a community’s sense of the good, its value preferences, and turns his attention to how members of that community can justify conduct that raises moral questions. True to theories of justice that emphasize what is right to do over what is good to achieve,⁴ discourse ethics makes no substantive contribution to moral disputes. Discourse ethics instead posits a conception of justification rooted in an open and public debate; it offers a “procedure of decision-making” that “seeks to make room for those involved, who must

then find answers on their own to the moral-practical issues that come at them, or are imposed upon them" (Habermas, 1990, p. 211).⁵

The model of decision-making Habermas puts forth, which builds on his earlier and larger theory of communication (Habermas, 1984, 1987), calls for a "cooperative process of argumentation" (1990, p. 67), an elaborately defended procedure intended to facilitate "the exchange and assessment of information, reasons, and terminology" (1993, p. 58). An alternative to theories of ethics that rely on hypothetical or intrapersonal resolutions of questions of right and wrong, discourse ethics embraces a deliberative process designed to reach or at least approximate a rationally motivated agreement—a consensus—on the status of norms of action. With a discursive test of the norms or principles that govern action, discourse ethics reframes ethics in the tradition of Kant by defining reason and rationality in social as opposed to individual terms: By "interpreting moral-practical reason as essentially communicative, and thus intersubjective," as one of Habermas's translators explains, "discourse ethics can legitimately claim to put the Kantian project on a new footing" (Cronin, 1993, p. xxiii).

Discourse ethics demands a particular constellation of conditions for debate and discussion, a set of requirements that account for the particular form of communication—"communicative action" in the parlance of Habermas's work—through which norms can be properly articulated and examined. These conditions include two that, given our purposes, establish the contours of the mode of inquiry on which a discursive test of norms depends. First, the requirement of *access* calls for a fully open and free debate, a forum to which anyone affected by a norm can contribute without regard for credentials or other markers of an individual's status or stature in the community.⁶ Access in this context implicates freedom both negatively and positively: By eliminating conditions of coercion and domination, individuals enjoy a freedom *from* external pressure; and by creating or promoting conditions that affirm or strengthen opportunities for communication, individuals benefit from a freedom *to* express themselves openly and uninhibitedly.

Second, the requirement of *argumentation* sets forth certain expectations for a genuinely dialogic exchange of points of view, a model of communication based not on the strategic goals of influence, compliance, and control but on the ideals of reciprocity and mutual understanding (e.g., McLuskie, 1993; Rucinski, 1991). In the tradition of discourse ethics, individuals argue among themselves not to further their own interests but to find shared or general interests. Through consensus or compromise, the reasoned, impartial and therefore rational settlement that discourse ethics invites offers an opportunity to look beyond differences and toward the creation—not merely the identification—of common ground. Through what Habermas (1993, p. 154) calls "reciprocal perspective taking"—what, alternatively, Gadamer (1988, p. 323) describes as a "sympathetic understanding" of others—discourse ethics promotes a sense of solidarity, a bond based on the establishment of grounds for social cooperation.

The requirements of access and argumentation apply to two analytically distinct forms of discourse—one concerning the *justification* of norms and the other dealing with their *application*. Discourses of justification, which imply an "ethics of conviction," test the validity of general principles. Discourses of application, which imply an "ethics of responsibility," shift attention to the appropriateness of particular judgments. To the extent that it seeks a complete clarification of norms, one that both establishes their validity and delineates their proper application, discourse ethics requires in sequence both forms of discourse: "Analytically," Habermas (1993, p. 36) explains, "the right thing to do

in the given circumstances' cannot be decided by a *single* act of justification—or within the boundaries of a single kind of argumentation—but calls for a two-stage process of argument consisting of justification followed by application of norms."

Discourses of justification establish the validity of norms through Habermas's (1990, p. 65) "principle of universalization," which holds that a norm is valid only if it is "equally good for everyone." This principle informs the quality of debate by imposing on participants a commitment to impartiality, a requirement intended to constrain "all affected to adopt the perspective of *all* others in the balancing of interests." Through this "universal exchange of roles," Habermas (1993, p. 118) seeks to promote a "moral point of view," an attitude or frame of reference that is unburdened by particular motives, situations, and existing institutions. Discourses of justification remain at a certain level of abstraction, one that examines contested norms only in view of what Habermas (1996, p. 162) calls "foreseeably typical" cases. Without reference to its application, discourse ethics justifies and therefore validates a norm when, to quote the principle of universalization in its entirety, "*All* affected can accept the consequences and the side effects its *general* observance can be anticipated to have for the satisfaction of *everyone's* interests (and these consequences are preferred to those of known alternative possibilities)."⁷

But because they concern themselves with "regulating some practical matter" only "for an abstract state of affairs," discourses of justification, Habermas (1993, pp. 36–7) acknowledges, leave unanswered questions about whether "typical situations cited as exemplars" are in fact "*appropriate* for similar situations actually occurring in the future." To know what is appropriate under specific, concrete circumstances—to assess "the correctness of singular judgments," as Habermas (1993, p. 129) puts it—discourses of application begin where discourses of justification end. Instead of the "foreseeable typical" cases that discourses of justification would be expected to consider, discourses of application deal with particular situations. By substituting the "principle of appropriateness" for the "principle of universalization"—but without abandoning the basic moral principle that all interests must be given equal consideration—discourses of application invite participants to consider which among any number of relevant and perhaps even competing norms would be most appropriate as the guiding norm in a particular case. However, justification and application, understood practically and even conceptually, do not exist as distinct and separate processes. Just as Gadamer rejects any disjuncture between knowledge and experience, on the grounds that an interrogation of a situation involves a simultaneous consideration of both means and ends, Habermas's discourse ethics rejects the claim that moral norms exist independent of situations that give these norms their moral force: "There is a moral situation only insofar as I am already subjectively implicated in it, and only insofar as I am already implicated in it can the question of application arise. Application is thus not the subsumption of a case *under* a norm but a further interpretation of what is already there" (Bernstein, 1995, p. 224).

By bringing together, always in a particular context, a panoply of questions concerning the validity and appropriateness of moral norms, discourses of justification and discourses of application converge on the larger question of the (in)coherence of common sense and the prospects for its rehabilitation. That is, if common sense exists as the "sedimentation," to use Gramsci's (1971, p. 326) apt image, left behind by a community's transformation of certain versions of science, philosophy, art, and so on into "the most widespread conceptions of life and of man," then discourse ethics offers the means for its

excavation. By demanding a critique, not merely a recitation, of common sense, discourse ethics calls for what Stuart Hall (1982, p. 73) describes as a “radically historicized” account of the “reservoir of themes and premises” that constitute “the taken-for-granted elements of our political knowledge,” a critique that reveals precisely what common sense would otherwise conceal.

Discourse ethics, therefore, represents not only an opportunity to examine, critically but constructively, the content of common sense but an opportunity, ultimately, to reconstruct common sense in ways that render it as defensible as it is useful. Specifically, the conceptual system of discourse ethics helps to analyze more precisely and critically the commonsensical but often incoherent ethical reasoning of the investigative reporters we have interviewed. For example, factual accuracy (even if understood as merely a journalistic surrogate for truth) can be taken as a norm that approaches universality thanks to a long-term discourse of justification involving public officials (if not always the public) and journalists. However, reporters become inarticulate when engaged in a discourse of application about this norm in the context of surreptitious taping. If accuracy is the presiding principle why draw a distinction between recording methods? As Reporter A says “That’s a really good question.” Her attempt at an answer leads her into irony: it is the *greater* accuracy of tape recording that creates the ethical problem for her. “Somehow,” she concludes, “the tape is always more potentially damaging because it’s a person’s voice.” The norm of accuracy seems not to apply in this context for reasons that are incoherent. Reporter B falls into the same ironic incoherence by arguing that the ethical problem arises “because it’s an exact recording that’s an irrefutable record of what they said to me.” Like Reporter A this reporter abandons the norm of accuracy in favor of another norm, reciprocity, by concluding, “I guess it’s because sources don’t expect to be taped without their knowledge and as long as that is the case, I don’t want to conduct myself in a way that could be perceived as sneaky.” Thus both reporters offer an ethical application—no surreptitious taping—in search of a norm to justify it—accuracy or reciprocity or perhaps something else.

The attempt to apply the norm of reciprocity here leads into even deeper irony since reciprocity will always be sacrificed in the source–reporter relationship to certain other norms—especially the reporter’s sense of factual accuracy (a.k.a. truth). Reporter C acknowledges this when he says, “I mean, if you could, you would tell sources, ‘Look, don’t worry about the tape recorder. Worry about what I’m going to quote you as saying and what I’m going to say around it.’” If he could, this reporter would honor the norm of reciprocity, but apparently he can’t. And that’s less because he chooses not to do so than because any norm of reciprocity in source–reporter relations remains unarticulated in journalistic discourse. By contrast, Reporter D, the contrarian, sidesteps specious distinctions among methods of notation as well as the pitfalls of the appeal to reciprocity by focusing sharply on accuracy as the core journalistic value to be served in the interview setting. He can clearly articulate what he understands his duty to be with regard to necessary disclosure of his methods and intentions: “It’s sufficient to say, ‘I’m a reporter with [a particular newspaper]. I’m doing a story and I would like to talk you about it.’” While eschewing an appeal to reciprocity this reporter is nonetheless clear about the nature of the source–reporter transaction: “What I want is this: you tell me and I publish it.” Even if Janet Malcolm’s sour assessment of source–reporter relations is exaggerated, it underscores the fact that any norm of reciprocity claimed by journalists has not been

subjected to “argumentative clarification” that a discourse of justification (or application) demands.

Similarly, with regard to self-identification, reporters typically invoke a distinction between omission and commission. Reporter B, for example, said that he would be willing, if the story was important, to omit identification of himself as a reporter but would not be willing to commit misidentification. What then does omission mean? It turns out to offer a good deal more leeway than simply walking into a crime scene unnoticed. “I think that if I was at a crime scene,” he says, “and someone said, ‘Hello, Detective. How are you,’ I think I might continue through.” The room for ethical maneuvering allowed in the application of the omission/commission distinction is dramatically demonstrated by Reporter E, who was willing to (1) wear an inmate’s shirt so as to remain on prison grounds, (2) pose as a hostage’s family member (but without actively misrepresenting himself as he saw the situation) so as to record the names of hostages and (3) provide the name of a hostage if asked to whom he was related. When the last rouse failed the reporter left the prison “I didn’t say who I was,” he says, “but I didn’t lie.” However, when this reporter is pressed about whether he had crossed a line from passive to active misrepresentation he abandons the principle. “I feel like I’m making a petty legalistic defense, if I say, ‘Oh well, it was passive,’” he says. “What we did was justified because there was important issue there and we didn’t hurt anybody.” Thus like the notion of source–reporter reciprocity the notion of omission and commission remains an ethical precept that is unclear in terms of both justification and application in the journalistic setting.

Being Ethical, Being Accountable

Reporter E and his colleagues did recognize an obligation to discuss their behavior under the circumstances of the “action-present.” Moreover, they recognized, even if only implicitly, a fundamental principle of discourse ethics: argumentation. However, access to those arguments, quite unsurprisingly, was limited to a few newsroom personnel, thereby once again illustrating the absence of a “tradition of sustained, systematic, and intellectually sound criticism of the press,” as James Carey (1974, p. 227) once described what was missing in American journalism. Whatever can be said about a general “crisis in eloquence” in the United States (e.g., Shachtman, 1995), this absence continues to deprive journalists of the opportunity to develop the eloquence that moral reasoning requires. Although a fair amount of press criticism, some of it very good, appears in books, journals, and other periodicals—and increasingly online—very little of it engages local journalists and their local communities in an open and unconstrained discussion of newsroom norms and their everyday application to the practice of journalism. Editors will now and then report on dilemmas they face or plans they propose, but invariably this material takes the form of a monologue. An occasional letter writer will complain about the form or content of the day’s news, but journalists seldom dignify it with a response of their own. A handful of newsrooms employ an ombudsman or readers’ representative, but their columns, if they write one at all, rarely question journalism’s traditions and assumptions. With very few opportunities to consider thoughtful critiques of their performance and to then respond accordingly, journalists, alas, lack the practice that the practice of public argumentation requires.

Journalists’ resistance to criticism, particularly criticism intended to solicit a response from them, vivifies a professional ethos that discounts the value of debating in and with

the public about what goes on in and around the newsroom.⁸ Perhaps more so in the United States than anywhere else, the prevailing view of independent journalism represents the triumph of autonomy over accountability (Bollinger, 1991; Glasser and Gunther, 2006); and this, in turn, fuels a curious ethic of defiance, such that, as Peters and Cmiel summarized it in their critique of media ethics, “one feels morally justified in the act of refusing to offer a moral justification” (1991, p. 198). In this setting the First Amendment and other guarantees of a free press become not only a shield available to the press to deflect meddlesome agents of the state but a rhetorical device to which journalists can turn to ward off critics who, technically, pose no Constitutional challenge to a free press. Journalists conflate their rights, properly the domain of law, with what is right, properly the domain of ethics, as though the law somehow affirms the propriety of conduct not expressly proscribed by it. Through this amalgamation of law and ethics, journalists position themselves as adversaries of accountability in just the way Carey described: “To raise any ethical question with journalists is to invite the response that the First Amendment is being violated in even considering the issue” (1987, p. 10).

Our being-ethical-means-being-accountable theme emphasizes eloquence as a hedge against arrogance and indifference. If a moral philosophy—any moral philosophy—“characteristically presupposes” a sociology, as Alasdair MacIntyre (1984, p. 23) contends, then discourse ethics presupposes a *critical* sociology, one that takes no claims for granted and which insists instead that every claim gets to be questioned by anyone affected by it. This is a radical idea—at least a radically democratic one—insofar as it locates ethics in the community and not among experts and institutions. Thus, in any of the many forms it might take, discourse ethics guards against self-serving rationalizations and exclusivity in ethics, when journalists, like other professionals, come to believe that they not only monopolize the knowledge and skills needed to do what they do but that they alone can best handle complaints about misconduct within the profession. Significantly, it expands the domain of ethics considerably beyond what journalists and other practitioners have historically preferred: professional codes of ethics and their self-imposed standards of conduct.

Written by and for professionals, codes of ethics normally serve to isolate professions by insulating their members from outside pressure; they protect professionals by letting practitioners decide for themselves and by themselves what matters in the realm of ethics. Codes circumvent accountability to the extent that they establish *a priori* a profession’s norms of conduct.⁹ Unless these norms (and their application) are themselves open to question and unless practitioners agree to respond to questions that go beyond what codes cover, accountability amounts to little more than a debate over whether practitioners have met their own standards of practice. While codes often invoke, as a source their legitimacy, “the public” or “the public interest,” in fact the public seldom plays any meaningful role in a code’s creation, application, or revision; the interests of the public end up being considered only as they happen to coincide with the interests of the profession.

But having said that we also note that, in a remarkable departure from earlier versions, the revised code of ethics of the Society of Professional Journalists (SPJ) concludes with a section that calls on journalists to “Be Accountable”—to “their readers, listeners, viewers and each other.” To this end, journalists should:

- Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.

- Encourage the public to voice grievances against the news media.
- Admit mistakes and correct them promptly.
- Expose unethical practices of journalists and the news media.
- Abide by the same high standards to which they hold others.¹⁰

The most optimistic interpretation of this unprecedented commitment to accountability, though one for which there is little evidentiary support, is that it signals a shift in ethics from a set of prescribed and proscribed professional practices to a single social practice, namely the practice of validating practices through an open and public debate. By this interpretation, the section on accountability would trump the preceding sections—the ones devoted to praiseworthy and blameworthy conduct—by framing the code's provisions as opinions to be taken seriously rather than judgments to be heeded. This interpretation, as unpopular as it might be even among SPJ members, moves the SPJ code in the direction of discourse ethics. Understood as one voice in a larger debate about what journalists ought to do, the code can contribute to, not close down, public debate.

Discourse ethics does not, then, reject codes of ethics but rather repositions them by redefining their role. Especially during their early stages of development, codes can serve the useful purpose of bringing practitioners together to examine professional norms and to delimit the circumstances of their application. This becomes an obviously important opportunity for practitioners to begin the process of articulating and justifying standards of conduct for the profession, an opportunity that ought to be recreated often enough to accommodate new generations of practitioners and new ways of thinking about professional practice. But sooner or later these discussions, particularly as they take on disputed claims and questionable conduct, need to feed into successively larger discussions until, finally, everyone—not just professionals—has had an opportunity to participate in a fully public (re)consideration of professional norms. Codes of ethics enter these larger discussions, as do the points of view of other institutions and individuals, not as moral authorities but as, at their best, exemplars of eloquence.

Eloquence supersedes authority in the sense that discourse ethics honors what is being said and how well it is said—not who is saying it. Neither the views of the press nor the state nor the church nor even the great philosophers of our time enjoy a special standing in a discursive test of the validity and appropriateness of moral norms. Discourse ethics values all of these but privileges none of them. What finally matters—all that matters—is what Habermas (1993, pp. 31, 163) calls the “unforced force of the better argument.”

The better argument prevails as it resonates with the larger community and when in the end it wins the assent of everyone affected by it. Not to be confused with the so-called “rational choice” that individuals might make as they calculate the consequences of supporting one argument or another, winning assent does not imply a contest among competing arguments. Rather, assent comes from, to recycle some of Habermas's language, a “rationally motivated agreement” that an argument is “equally good for everyone,” which reminds us that discourse ethics does not involve a marketplace process which aggregates individual interests but a deliberative process which brings into existence common or shared interests. The better argument, which gains its authority through debate and discussion, emerges over time and evolves in response to other arguments, counter-arguments, questions, suggestions, objections, and so on.

The process through which the better argument develops depends on a certain quality of discourse and a corresponding competence to argue in ways that sustain it. What Gadamer (1988, p. 19) refers to as the ability to “talk well” and what we prefer to call “eloquence,” the competence to argue effectively amounts to a capacity to argue with an appreciation for, if not always a deference to, the interests of others. Eloquence exhibits itself in arguments aimed at reaching, often later rather than sooner, a broad and enduring consensus, which is to say that eloquence moves the discussion beyond individual self-interest and into the domain of generalizable interests. Indirectly, then, eloquence also manifests itself in the patience that discourse ethics often demands, a patience associated with a process that works continually and cumulatively until an agreement can be reached, however long that might take—and a process that opens up again when someone dislodges an agreement by objecting, eloquently, to it. To be sure, Habermas readily acknowledges the difficulty, even the improbability, of finally achieving a broad and enduring consensus, especially on big and divisive issues, which is why Paul Ricoeur (1973) once described Habermas’s work as a philosophy of anticipation, an approach to ethics that *anticipates* the resolution of moral disputes.

The model of press accountability we have outlined here, grounded in part in our quick summary of aspects of Habermas’s theory of communicative ethics, does not provide answers to questions of ethics; it offers only the means to find them. Rather than dealing substantively with the distinction between ethical and unethical practice, discourse ethics focuses on the practice of being ethical. Abstract in its presentation and utopian in its goals, Habermas’s discursive test of moral norms steers clear of any blueprint for conduct and proffers instead a regulative ideal to which journalists can turn to gauge the seriousness of their commitment to accountability. By beginning where press ethics normally begins—with common sense, journalists’ everyday moral intuitions—our being-ethical-means-being-accountable project combines the practice of journalism with the principles of journalism for the benefit of a genuinely public justification of how journalism works. Even when this process of public justification fails to reach a consensus, the process itself can aid in the development of reflective practitioners and thereby improve the quality of journalism: If the large and lasting issues of ethics in journalism cannot be resolved, they can be, to use Carey’s (1987, p. 16) benchmark, “dissolved into a new set of practices, a new way of conceiving what journalism is and how we ought to go about it.”

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NOTES

1. For a worthwhile discussion of discursive approaches to ethics, dealing in detail with the similarities and dissimilarities between the works of Habermas and Apel, see Arens (1997) and especially Benhabib (1990). For an essentially dialogic approach to journalism ethics, although not in the tradition of discourse ethics, see Christians et al. (1993).

2. Notwithstanding Kant's appreciation for the power and appeal of common sense, he essentially excluded it from moral philosophy. Kant reduced common sense to a judgment of *taste*, a question of *aesthetics* altogether removed from the ideal of "pure practical reason." For a summary and critique of Kant's view of common sense and his rejection of "common moral sensibility," see Gadamer (1988, pp. 30–4).
3. In the opening paragraph of her book *The Journalist and the Murderer*, Malcolm famously wrote about journalists and their subjects: "Every journalist who is not too stupid or too full of himself to notice what is going on knows that what he does is morally indefensible. He is a kind of confidence man, preying on people's vanity, ignorance, or loneliness, gaining their trust and betraying them without remorse" (1990, p. 3).
4. Others, however, reject Habermas's contention that discourse operates without a *telos*. Cornell (1985, p. 376), for example, argues that dialogue of the kind discourse ethics embraces is itself a good: "Within dialogism the *procedures* for intersubjective debate and political participation are *substantively* important in that they reinforce a particular kind of relationship that is considered an end in itself." See also Rehg, who deals in detail with the right and the good in discourse ethics; see especially his chapter on "Discourse Ethics and the Good" (1994, pp. 112–49).
5. But we take seriously Benhabib's (1990, p. 333) reformulation of discourse ethics, which seeks to reconcile Habermas's commitment to "procedural universalism" with Gadamer's recognition of the inevitability of a "contextually embedded and situationally sensitive judgment of particulars." With feminist moral theorists and others who insist that, no matter how pristine the process, all practical reason is historically informed, Benhabib rejects any "hard distinction" between questions of justice and questions of the good life. Indeed, Benhabib wants to expand the domain of discourse ethics to include questions that deal with the "material presuppositions concerning the self and social institutions."
6. The logic of deliberation—i.e., *democratic* deliberation—demands genuinely inclusive fora for debate/discussion, a point Young underscores when she reminds us of the importance of accommodating "all ways of making claims and giving reasons" rather than excluding or marginalizing people who fail to express themselves "according to culturally specific norms of tone, grammar, and diction" (2000, p. 39). Accordingly, the "ability and desire" to communicate in ways that promote mutual understanding, Young writes, "requires no special education or training beyond the significant demands of cooperative social interaction" (2000, p. 38).
7. Rehg (1994, p. 39) nicely summarizes the "basic idea behind" the principle of universalization and its connection to generalizable or general interests: "assuming a willingness and ability to engage in the effort to understand others, if everyone knows what his or her interests are and gets an equal opportunity to express those interests—i.e., an equal chance to argue for norm proposals that express those interests and argue against norm proposals that damage those interests—then *if* an acceptable norm emerges from discourse at all, it must embody in some way a general interest."
8. Recent calls for transparency in journalism (e.g., Plaisance, 2007; Ziomek, 2005) miss the mark. Transparency implies disclosure, not debate. A more transparent press may or may not turn out to be a more accountable press, if by accountability we mean a commitment by journalists to engage others, journalists and non-journalists alike, in an open and public discussion of press practices and performance.

9. For relevant and worthwhile critiques of the role of codes of ethic in journalism, see Christians (1989) and Iggers (1998).
10. The Code of Ethics of the Society of Professional Journalists, revised in 1996, has been widely reprinted; it is available online at <http://www.spj.org/ethicscode.asp>.

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