

Ethical dilemmas in *The New York Times*

Graphic Photo Selection

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Abstract

The topic of publishing graphic images in photojournalism is a major ethical dilemma in today's society. Journalists strive to achieve social trust. The journalist's societal role includes obligations to tell the truth and to minimize harm, among other things. At times, conflicts arise in situations revolving difficult content. Determining how to handle cases can be difficult for journalists, and it is important to have empathy for the people involved in ethical decisions. The case study of *The New York Times* and their decision to publish graphic images from a terrorist attack in Kenya can serve as a practical example for how these conflicts play out in reality. Examining the actions of the publication does not give us any finality on the question of how all journalists should handle conflicts, but it does help to examine the larger ethical points of when and in what manner certain journalists may act in specific situations.

Keywords: social trust, code of ethics, Aristotle, Immanuel Kant, John Stuart Mill, golden mean, categorical imperative, utility principle

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Introduction: Ethical Dilemmas in *The New York Times*

When deciding whether or not a news organization should publish graphic photos, the reasons behind why they should need to be addressed. Furthermore, the news values need to be discussed. Perhaps the public needs to see such images to fully grasp what happened or to confirm or disprove the true account of the event. An argument could be made that a writer's words could accurately describe the scene without being as disturbing as the image. However, in opposition, pictures can sometimes say more than words. Above all, when faced with these choices, journalists should strive to maintain social trust with their audience as a fundamental goal (Patterson, Wilkins & Painter, 2019).

Ethics is concerned with the conflict between equally compelling alternatives and the choices that must be made between them (Patterson, Wilkins & Painter, 2019). It is crucial for journalists to consult their own personal code of ethics as well as considering other professionally acceptable options. It is also important to think about how others will respond to the situation (Patterson, Wilkins & Painter, 2019).

There is a case study involving *The New York Times* that showcases ethical dilemmas involving sensitive material, and this occurrence can be utilized as an educational tool for journalism students.

Background Information

On January 15, 2019, *The New York Times* published an article with the headline, "Shabab Claim Responsibility for Deadly Assault on Nairobi Hotel Office Complex" (de Freytas-Tamura, 2019). This case study is controversial because *The New York Times* decided to publish graphic photographs without a warning from a terrorist attack that took place in Kenya at

an upscale hotel on January 8, 2019. The images show deceased victims of the attack with gunshot wounds and blood. This event raises the ethical question of, should *The New York Times* have run the photos?

Audience Reactions

The New York Times photographs, credited to multiple sources, set off an angry backlash on Twitter directed at *The New York Times* for the disturbing images (Jones, 2019). When it comes to violent events, does publishing graphic photos advance the issue by showing the damage that occurred, giving attention to the action as well as fueling dread and panic among the audience?

Publication Responses

Kimiko de Freytas-Tamura, *The New York Times* East Africa Bureau Chief, tweeted out an explanation saying it was *The New York Times*' policy to post photos of casualties as long as the faces of the victims are not seen. Afterwards, de Freytas-Tamura tweeted an apology that was later deleted (Jones, 2019). The apology tweet read, "I apologize on behalf of @nytimes and @nytphoto for causing anger and anguish over the photos that have been published with our reporter. Thank you" (Jones, 2019). *The New York Times* also defended its decision in a statement that read:

We have heard from some readers upset with our publishing a photo showing victims after a brutal attack in Nairobi. We understand how painful this coverage can be, and we try to be very sensitive in how we handle both words and images in these situations. We want to be respectful to the victims and to others affected by the attack. But we also believe it is important to give our readers a clear picture of the horror of an attack like this. This includes showing pictures that are not sensationalized but that give a real sense of the situation. We take the same approach wherever in the world something like this

happens—balancing the need for sensitivity and respect with our mission of showing the reality of these events (Jones, 2019).

The New York Times said while readers complained, it was necessary to publish the photos to show “a clear picture of the horror of an attack” (Smith, 2019).

Reasons to Run Photographs

Journalists have an obligation to give their readers a clear understanding of events. The images posted by *The New York Times* did show the devastation caused by the terrorist attack, and the images presented the information in a way that no words could ever describe. After all, images hold power (Patterson, Wilkins & Painter, 2019). *The New York Times* also did not withhold any information of the event. Instead, they brought awareness to the terrorist attack that took place. It should also be noted that the decision to publish the photos did not come from the main reporter of the article or by any of the journalists that were on the scene in Kenya (Smith, 2019). *The New York Times* also has posted similar types of photos in the past and had to make difficult choices before (Smith, 2019). These actions meet the responsibility in journalism to tell the truth and provide readers with all the facts that are discovered (Patterson, Wilkins & Painter, 2019). The Society of Professional Journalists’ Code of Ethics includes the tenet to seek truth and report it; however, there is also a tenet that says that journalists should minimize harm (2014).

Other Ethical Questions

From this case study, the question arises whether or not *The New York Times* would have run such a photo if the scene had played out in a different location, such as in the United States as opposed to in another country. Many Kenyans complained about the images after they were

published because there is a troubling double standard in American photojournalism where foreign victims often receive different treatment in news than American victims (Smith, 2019).

Ethical Codes

It is difficult for news organizations to have set policies for when to run graphic content because decisions need to be made on a case-by-case basis. While readers should not be subjected to violence, there are occasions when it is in best interest for the audience to be exposed to the realities of the world, even if the realities are upsetting. By presenting the information and not withholding anything, *The New York Times* is respecting their readers. However, to decide whether or not *The New York Times* made the correct decision, it is important to discuss various philosophies.

Aristotle

Aristotle emphasized the actor in situations, in other words, virtue lies between extremes known as the golden mean. This implies that individual acts are not disconnected from one another, but collectively form a whole that a person of good character should aspire to (Patterson, Wilkins & Painter, 2019). *The New York Times'* decision was an extreme action and happiness is the ultimate human good; therefore, Aristotle may not have agreed with the outcome.

Immanuel Kant

Immanuel Kant is known for the categorical imperative, which emphasizes the action itself. Journalists should act as though their choices could be universal law. Also, it is significant to treat humanity as an end and never as a means only (Patterson, Wilkins & Painter, 2019). When *The New York Times* published the article with the graphic images, they did not seem to have any unjust intentions. Instead, they were trying to provide truth to the reality of the situation

that may have been eye-opening to some viewers. The topic is important, and they knew they wanted to spread awareness. Therefore, Kant would have probably agreed with *The New York Times'* decision to publish the information as long as it came with a warning for graphic material.

John Stuart Mill

John Stuart Mill is known for the utility principle which emphasizes the outcome of a decision. An act's rightness is determined by its contribution to a desirable end (Patterson, Wilkins & Painter, 2019). By posting the sensitive material, *The New York Times* was making a statement about the violent atmosphere that existed in Kenya. Mill would probably urge that *The New York Times* should make the same decisions regarding sensitive events no matter the location. With that in mind, Mill would have agreed with the decision to publish the content.

Conclusion: Personal Code of Ethics

The New York Times had a right to publish the graphic photos and serious article about the terrorist attack in Nairobi, Kenya in January 2019 as it was a major newsworthy event; however, there are some aspects of the situation that the journalists could have handled differently. With any sensitive material, it is always an ideal action to place a warning to the audience that graphic images are present. This allows the viewers to have a choice whether or not they are comfortable with seeing the content. Also, *The New York Times* embedded the images throughout the article. An alternative to this decision would be to format the story differently. Instead of having the images clearly presented on the screen when you scroll through the page, the journalists could have incorporated a slide show of images. This would have allowed viewers to read the article and to also have the option to view the pictures if they prefer. Lastly, because the victims in the images are loved ones and family members, and there is a goal

for journalists to be as least obtrusive as possible, it would have been considerate for *The New York Times* to have reached out to the families of the subjects for awareness, condolences, and compassion.

In short, *The New York Times* case study provides journalists a real-life example that prompts individuals to question actions and choices of publications. Examining the case study does not give us any finality on the question of how all journalists should handle conflicts, as decisions are situational. However, the case study on *The New York Times* does remind journalists to consider the larger ethical points of when and in what manner certain journalists may act in specific situations.

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