

virtuous. How can virtue which can end in death be compatible with happiness? The answer lies in thinking about what kind of happiness we would have if we turned our back on others. We might find a sort of happiness but one run through with regret. In this way, as Foot writes, it is possible to understand that someone who sacrifices their life for the sake of justice 'would not have said that he was sacrificing his happiness, but rather that a happy life had turned out not to be possible for him' (2001: 97). Such extreme circumstances are thankfully rare in the lives of most people.

1 See Aquinas, *Summa Theologiae*, First Part of the Second Part, Question XIX. There has been a temptation among some modern British philosophers to dismiss Aquinas as a mediaeval theologian with little to contribute to contemporary debates. This is changing. Philippa Foot described Aquinas' discussion of conscience and particularly an 'erring conscience' as 'a wonderful piece of moral philosophy' (2001: 73) and the area of sources of badness in action, which Aquinas deals with in great detail, as a subject 'seldom well treated in modern moral philosophy' (2001: 74).

2 This is not to say that all subsequent coverage continued to meet the high standards of the first day. In particular, journalists became perhaps a little intoxicated by the 'frame' of war in the days which followed.

3 There seems to be a kind of hidden law at work when any new technology is introduced: we satisfy certain needs and desires but at the same time generate new ones. Better transport and labour-saving devices save us time, but we do less exercise and need to invent new machines (treadmills and fixed bicycles, for example) to keep fit.

4 Of course, these are deep philosophical waters. For readers who wish to explore them further I refer them once again to the work of Hursthouse and Foot where they will find attempts to show the rationality of morality from a virtue ethics perspective. The work of Bernard Williams expresses a sceptical view about the possibility of such a project.

Appendix The Press Complaints Commission Code of Practice

The Press Complaints Commission is charged with enforcing the following Code of Practice which was framed by the newspaper and periodical industry and ratified by the Press Complaints Commission, 1st December 1999.

All members of the press have a duty to maintain the highest professional and ethical standards. This code sets the benchmark for those standards. It both protects the rights of the individual and upholds the public's right to know. The Code is the cornerstone of the system of self-regulation to which the industry has made a binding commitment. Editors and publishers must ensure that the Code is observed rigorously not only by their staff but also by anyone who contributes to their publications.

It is essential to the workings of an agreed code that it be honoured not only to the letter but in the full spirit. The Code should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it prevents publication in the public interest.

It is the responsibility of editors to co-operate with the PCC as swiftly as possible in the resolution of complaints. Any publication which is criticised by the PCC under one of the following clauses must print the adjudication which follows in full and with due prominence.

1 Accuracy

- i) Newspapers and periodicals should take care not to publish inaccurate, misleading or distorted material including pictures.
- ii) Whenever it is recognised that a significant inaccuracy, misleading statement or distorted report has been published, it should be corrected promptly and with due prominence.
- iii) An apology must be published whenever appropriate.
- iv) Newspapers, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact
- v) A newspaper or periodical must report fairly and accurately the outcome of an action for defamation to which it has been a party.

2 Opportunity to reply

A fair opportunity for reply to inaccuracies must be given to individuals or organisations when reasonably called for.

3 *Privacy

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence. A publication will be expected to justify intrusions into any individual's private life without consent.
- ii) The use of long lens photography to take pictures of people in private places without their consent is unacceptable.

Note – Private places are public or private property where there is a reasonable expectation of privacy.

4 *Harassment

- i) Journalists and photographers must neither obtain nor seek to obtain information or pictures through intimidation, harassment or persistent pursuit.
- ii) They must not photograph individuals in private places (as defined by the Note to clause 3) without their consent; must not persist in telephoning, questioning, pursuing or photographing individuals after having been asked to desist; must not remain on their property after having been asked to leave and must not follow them.
- iii) Editors must ensure that those working for them comply with these requirements and must not publish material from other sources which does not meet these requirements.

5 Intrusion into grief or shock

In cases involving personal grief or shock, enquiries should be carried out and approaches made with sympathy and discretion. Publication must be handled sensitively at such times but this should not be interpreted as restricting the right to report judicial proceedings.

6 *Children

- i) Young people should be free to complete their time at school without unnecessary intrusion.
- ii) Journalists must not interview or photograph a child under the age of 16 on subjects involving the welfare of the child or any other child in the absence of or without the consent of a parent or other adult who is responsible for the children.

- iii) Pupils must not be approached or photographed while at school without the permission of the school authorities.

- iv) There must be no payment to minors for material involving the welfare of children nor payments to parents or guardians for material about their children or wards unless it is demonstrably in the child's interest.
- v) Where material about the private life of a child is published, there must be justification for publication other than the fame, notoriety or position of his or her parents or guardian.

7 *Children in sex cases

- 1. The press must not, even where the law does not prohibit it, identify children under the age of 16 who are involved in cases concerning sexual offences, whether as victims or as witnesses.
- 2. In any press report of a case involving a sexual offence against a child –
 - i) The child must not be identified.
 - ii) The adult may be identified.
 - iii) The word 'incest' must not be used where a child victim might be identified.
 - iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

8 *Listening Devices

Journalists must not obtain or publish material obtained by using clandestine listening devices or by intercepting private telephone conversations.

9 *Hospitals

- i) Journalists or photographers making enquiries at hospitals or similar institutions should identify themselves to a responsible executive and obtain permission before entering non-public areas.
- ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

10 *Reporting of crime.

- (i) The press must avoid identifying relatives or friends of persons convicted or accused of crime without their consent.

(ii) Particular regard should be paid to the potentially vulnerable position of children who are witnesses to, or victims of, crime. This should not be interpreted as restricting the right to report judicial proceedings.

11 *Misrepresentation

- i) Journalists must not generally obtain or seek to obtain information or pictures through misrepresentation or subterfuge.
- ii) Documents or photographs should be removed only with the consent of the owner.
- iii) Subterfuge can be justified only in the public interest and only when material cannot be obtained by any other means.

12 Victims of sexual assault

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and, by law, they are free to do so.

13 Discrimination

- i) The press must avoid prejudicial or pejorative reference to a person's race, colour, religion, sex or sexual orientation or to any physical or mental illness or disability.
- ii) It must avoid publishing details of a person's race, colour, religion, sexual orientation, physical or mental illness or disability unless these are directly relevant to the story.

14 Financial journalism

- i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.
- ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.
- iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

15 Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

16 *Payment for articles

- i) Payment or offers of payment for stories or information must not be made directly or through agents to witnesses or potential witnesses in current criminal proceedings except where the material concerned ought to be published in the public interest and there is an overriding need to make or promise to make a payment for this to be done. Journalists must take every possible step to ensure that no financial dealings have influence on the evidence that those witnesses may give.

(An editor authorising such a payment must be prepared to demonstrate that there is a legitimate public interest at stake involving matters that the public has a right to know. The payment or, where accepted, the offer of payment to any witness who is actually cited to give evidence should be disclosed to the prosecution and the defence and the witness should be advised of this).

- ii) Payment or offers of payment for stories, pictures or information, must not be made directly or through agents to convicted or confessed criminals or to their associates – who may include family, friends and colleagues – except where the material concerned ought to be published in the public interest and payment is necessary for this to be done.

The public interest

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes:

- i) Detecting or exposing crime or a serious misdemeanour.
- ii) Protecting public health and safety.
- iii) Preventing the public from being misled by some statement or action of an individual or organisation.

2. In any case where the public interest is invoked, the Press Complaints Commission will require a full explanation by the editor demonstrating how the public interest was served.

3. There is a public interest in freedom of expression itself. The Commission will therefore have regard to the extent to which material has, or is about to, become available to the public.

4. In cases involving children editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

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