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**Media**  
**Teach Yourself Series**

**Topic 9: Agency and Control – Ethical and Legal Issues**  
**Unit 4**

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# Agency and Control: Ethical and Legal Issues

The media industry as it is today is perhaps the most complex, yet intriguing industry to emerge from the development and use of interactive technologies. There is often a complexity in the ways in which media products are created and distributed, a complexity that arises due to the sheer magnitude of audiences who have access to the media and the amount of information being shared and created. The boundaries between who makes the media and who receives the media have never been more complex, as issues of who has power and control continue to play out in a dynamic manner. This change in agency and power has also begun to alter our perception and understanding of legal and ethical considerations that we must be cognisant of in the media industry. Along with the change in power, has also come changes in how legal and ethical issues are considered, discussed and handled.

With traditional broadcast era style production, whereby media producers had complete control over what was produced, there were more often than not clear boundaries over what was acceptable, tasteful and appropriate to create in film, television and publications. In such a clear relationship, media industries operated within a specific set of rules or guidelines that allowed them to perform their jobs appropriately so audience could enjoy and receive appropriate content. Thinking about regulation here, all industries were equipped with sets of production standards, or 'codes of conduct', which acted as sets of rules or guidelines for appropriate content production and distribution. Legally, there were very few issues with how the media operated, and if there was, the rule would usually be quite specific and regimented in terms of how industries were to operate and respond to the breaking of codes of practice.

Likewise, very specific guidelines regarding how industries were to behave ethically were in operation, but perhaps not as regularly as specific legal rules. Ethics has always been a controversial area in Media production, for it is clear that the content of productions may be ethically appropriate or acceptable for one audience, but may be viewed as unethical for another. This is to do with the process of reception, and how audiences respond to a product is often based on their ethical beliefs. So to understand whether a media product is 'ethical' or not, is a very complex question that must involve discussions of society's ideologies and individual audience members. However, regardless of this, media industries have always had a responsibility to produce and distribute content that is of 'appropriate' ethical standards, to ensure effective connection to audiences and not to incite or disturb individuals. Media industries are usually very careful to develop guidelines for creators that also ask them to consider ethical queries and questions when making products.

Yet, these clear boundaries and obvious considerations are now challenged in today's media landscape. The idea of simply 'following' legal and ethical rules is no longer clear and obvious. The change in who can control the media has also changed with it how the law is applied to the making and distribution of products, as well as how products are viewed and used in an ethical manner.

It is important in this aspect of Agency and Control that you are clear in being able to look at how legal and ethical issues have arisen as a result of the changes in media production, consumption, distribution and reception over time, as the balance of power has shifted.

## ***Ethical and Legal 'Issues' – what does this mean?***

### ***As It appears in Unit 4***

As mentioned in the preamble, in the era of broadcast media production, the context surrounding what was appropriate and decent to produce, distribute, consume and receive was more often than not very clear and defined through set standards.

As an example, professional journalists must follow a specific set of standards that apply to their writing and reporting. Although the news industry is very self regulated, the industry has created for itself specific guidelines of what is appropriate to report on – in a legally appropriate and ethical manner. For example, according to the MEAA Journalist Code of Ethics, it is inappropriate to report in a biased manner. This would lead to diminishing the credibility of the report, and by not examining events in a balanced manner, could be seen as aiming to deceive audiences and what you think and believe. This is a clear rule about behaving ethically in your work as a writer. Other industries usually have similar guidelines to follow.

However, as the nature of media production, and also consumption, distribution and reception changed, with more audience power to control these areas, the once untouched areas of legal and ethical responsibility changed. Ironic as it seems, the more power that audiences were given to exercise freedom and creativity, the less attention was often paid to them following legal and ethical responsibilities that often come with this task. Many audiences were seeing the immense freedom given to them through utilising multimedia platforms to create and distribute their own content, yet there was often an ignorance, or lack of understanding about the rules that accompany this incredible responsibility. More often than not it was not the audience's fault, as it is a system that has grown so fast and so quick as access to technologies evolves, it is sometimes difficult to know about and be very clear about guidelines of appropriate production behavior.

Even though the rules and regulations about appropriate legal and ethical behavior remain as they did in the broadcast era, they have not been applied as effectively in the post broadcast era, simply because the sheer magnitude of ways that audiences can interact with the media, these rules do not seem as appropriate and are quite antiquated. They were designed with the media industries themselves in mind as the 'creator', not with the audience as 'creator'. Therefore, this has led to a series of complex legal and ethical issues that arise as a result of audiences having so much power in a system that still operates under the 'traditional' broadcast media system. Today's post broadcast media world has not kept up well with the appropriate ways of responding to legal and ethical issues. The creation of 'guidelines' is happening, but cannot keep up with the sheer amount of times that audiences can do something new with technology.

'Legal issues' refer to problems that arise as a result of aspects of media law being broken or ignored by audiences. Examples can include – illegal downloading of content, inappropriate viewing habits of content, breaking privacy rules.

'Ethical issues' refer to problems that arise as a result of aspects of human ethics being ignored or broken by audiences, for instance, deceiving audiences and what they think, using media content and social media exposure for your own gain, breaching privacy for the sake of financial gain, etc.

Legal issues arise as a result of a clear rule or aspect of media law being broken. Ethical issues are different in that they are not written legal rules, rather 'accepted standards of human behaviour' that are broken.

In today's media world, legal and ethical issues have arisen in all aspects of media process – from production, to distribution, to consumption, and reception. As part of your studies in this area, you must examine and analyse how ethical and legal issues arise in each of these production processes.

## **Review Questions**

1. Outline the difference between an ethical and legal issue.

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2. Why are ethical and legal issues such a concern in post broadcast media production?

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3. Outline an example of an ethical issue related to an aspect of media you've studied this year.

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## ***Solutions to Review Questions***

1. A legal issue occurs where an aspect of media production, consumption, distribution or reception conflicts with a written law regarding how that aspect of media process should work. Whereas an ethical issue occurs where there is a conflict between how someone produces, distributes, consumes or receives content, and the ethics of the society.
2. Ethical and legal issues are big concerns primarily because in the post broadcast era, audience power to access and control the media has grown significantly from the broadcast era. With this change, audiences have also begun to participate in many legal and ethical ‘concerns’ surrounding their media use that have created issues for how they do their work. Perhaps because these audiences are not aware that they are creating legal or ethical issues, but it has grown so more than from times in the broadcast era, where rules and regulations could be more closely followed.
3. Students could draw on the examples used in this booklet, or ones recently studied. The idea here is that you outline why something you’ve studied is an ethical concern, and relate it to an aspect of media production, consumption, distribution or reception. You should be confident explaining what the issue is, why it is indeed an issue, and how it manifests itself in an aspect of production, consumption, reception or distribution of that product.
4. Students could mention issues regarding piracy, copyright and illegal distribution, production of illegal content via social media, file sharing. The example must be related to a specific case study the student has studied. The response should also show how the issue has arisen because of changes in audience and media power, for instance – audiences having access to the means of production.
5. Students could firstly discuss how audiences now have more means of control of production or distribution, especially via new media technologies, or through globalisation of media products and industries. These aspects should be discussed in detail. Then, the student must link this to an argument about how legal or ethical issues could arise. For instance – the ability to alter audience perception, the ability to copy another creator’s material, etc.
6. Ethical issues can be defined as when a conflict arises between what a media creator makes, distributes, consumes or receives, and what the ethical standards of that society are. This may mean, for instance, that a society believes that murder is wrong, yet a media product is created that advocates for it. Ethical issues in today’s media landscape will impact how media is produced, consumed, distributed and received.