

Harm

I. If harm is done in the service of a greater good, then it is an acceptable side effect.

In journalism the risk of harm to a person or institution being reported on

- is rarely disclosed,
- not always evident,
- and virtually never refusible.
- And, the potential beneficiary is not the subject of the story who will suffer the harm, it is generally the public.

II. John Stuart Mill's "Harm Principle"

The Harm Principle says that a person's liberty may justifiably be restricted to prevent harm that the person's actions would cause to others.

Acts of whatever kind, which, without justifiable cause, do harm to others, may be, and in the more important cases absolutely require to be, controlled by the unfavorable sentiments, and, when needful, by the active interference of mankind. The liberty of the individual must be thus far limited; he must not make himself a nuisance to other people. But if he refrains from molesting others in what concerns them, and merely acts according to his own inclination and judgment in things which concern himself, the same reasons which show that opinion should be free, prove also that he should be allowed, without molestation, to carry his opinions into practice at his own cost.

III. The nature of harm

Harm involves thwarting, defeating or setting back an interest including: property, privacy, confidentiality, friendship, reputation, health and career.

A. Need to differentiate between causal and moral responsibility

1. Does the action actually cause the harm or does it only augment an already present harm? (Do you bring it on yourself?)

IV. Responsibility for Harm

Taking due care is a central concept for assessing moral responsibility for harmful outcomes.

Anyone who is not sufficiently careful automatically invites moral blame as well as legal penalty for omissions as well as for actions.

To be morally blameworthy, a harm just be caused by carelessness resulting from failure to discharge a socially, legally, or morally imposed duty to take care or to behave reasonably toward others.

V. Two tests of reasonableness

Professionals should conform to the minimally acceptable standards practiced in the profession.

They should perform only actions that a reasonably prudent person would perform.

Negligence or "careless" action can be analyzed in terms of the following essential elements:

- an established duty to the affected party must exist;
- someone must breach that duty;
- the affected party must experience a harm; and
- this harm must be caused by the breach of duty.

Professional negligence, or malpractice, is an instance of negligence in which professional standards of care have been developed for persons possessing or claiming special knowledge, expertise, or skill.

VI. A central question in any process of decision making about whether to withhold publication will always be:

- how much does the public need the information and
- how successfully does that need compete with the principle that we should avoid the harm that would result from its publication?