

INDEPENDENCE

Questions discussed:

- Can Jewish values aid the exercise of such classic journalism values as being vigilant and courageous about holding those with power accountable? Or do they hamper these efforts?
- How can a Jewish media organization retain its independence and credibility when it is owned or controlled by the community itself and which may have a different agenda?

All media answer in one way or another to their ownership, and different media have taken different approaches over time. Jewish media particularly are subject to unique pressures, as many either are owned directly by local community Federations or are extremely reliant upon Federation support to cover their expenses.ⁱ In such instances, while budgets may no longer pose a concern for the paper, ethical issues may surface. Privately owned papers, the independents, are also exposed to pressure from the community they serve. From social pressure to that of large advertisers, or just presenting a view that most in the community disagree with, it's always there.

On one hand, journalists value having a free hand to include what they deem as pertinent and significant news and feature stories, yet on the other hand, the medium they work for may have financial, political, or other incentives that can lead to conflict. If the sponsor or owner of a news organization has any motivation to reject an article's publication, the article will not be published. The journalist is then torn between his duty to his readers, and his duty to his publisher.

The crux of this issue is that the organizations and individuals who are the financial patrons of Jewish media have the ability to impede the values that journalists strive to stand by. The journalist tries to illuminate concerns in the Jewish community, but the financial patron may want to keep these same stories in the dark.

Jewish values offer insight into how to maneuver through such situations. In Exodus 30:12-15, Moses is commanded to count the Jewish people. The method of counting used was one wherein each (male) individual above the age of 20 would offer half a shekel, which would go toward work at the *Mishkan*, the sanctuary.ⁱⁱ As per God's commandment, the text mentions clearly that each individual—whether rich or poor—was to give the same amount of money (הַעֲשִׂיר לֹא-יִרְבֶּה, וְהַדָּל לֹא יִמְעִיט, מִמִּחֲצִית, הַשֶּׁקֶל).ⁱⁱⁱ Why does the text emphasize God's desire for each person, regardless of his personal wealth, to donate an equal amount?

One explanation for the impetus behind God's request is that if each person donates an equal amount, no individual has more say than another in the matters surrounding the *Mishkan*. The *Mishkan* is a joint entity of the Jewish people, and no individual is entitled to a larger share than his neighbor. The equal donations stipulation leads us to see that in matters that affect the entire community, each member of the community should have an equal stake.

Like the *Mishkan*, a Jewish newspaper serves the whole Jewish community. Under ideal conditions, Jewish media would belong no more to one than another. Each person would offer an equal amount, and the publication would belong to everyone. One could argue that in cities with newspapers owned by the local Federation, something like this ideal condition is theoretically fulfilled. But we also know that the Federation and the newspaper's professional employees may not see eye-to-eye at all times.

The importance of community involvement in the Jewish newspapers may be derived from various Jewish texts. Rabbi Yirmiya's statement in the Jerusalem Talmud,^{iv} says that dealing with the needs of the community is as if (one is dealing with) the Torah (העוסק בצורכי ציבור כעוסק בדברי תורה). Rabbi Yirmiya claims that community service should not be halted in order to study Torah. In doing so, unlike what some may think, working for a community has, in his eyes, equal status to studying Torah. If serving the community is as important as learning Torah, Jewish communities may be driven to become more involved in the newspaper, and so dividing the responsibilities among the whole of and not just part of the community. We may even be led to a situation—perhaps symbolically—closer to that of the *mishkan*. Jewish newspapers may use the texts to strive to include more of the community in the paper. This may be done by creating a community-built advisory board, volunteer options, and other such actions which open the backstage of the newspaper to more members in the community. We see however that this is generally not the case. Jewish media are generally privately funded, and often by people with interests to influence the content of the paper. Unlike the commandments around the *mishkan*, there are no rules prohibiting certain bodies or individuals from complete ownership of the Jewish newspapers. Albeit Jewish newspapers benefit the whole of the community, since the financial burden is not equally distributed, some people—as God feared could happen with the *mishkan*—have a greater say.

What may Jewish newspapers then do?

Funding by certain individuals or organizations is inevitable. The cost of a Jewish newspaper will not be split by the whole of the community as with the *mishkan*, although it too benefits the whole community. Instead Jewish newspapers need to work with the patrons to create a contract that will delineate each side's responsibility.

In mainstream journalism, the longstanding tradition has been of a so-called “Chinese Wall” between the ownership and the editorial side of a newspaper. Usually unwritten, such understandings can have a powerful effect on the internal culture of the news organization. Ultimately though, regardless of a news organization's history and culture, the “Chinese Wall” is only as good as the individuals involved. In reality, the patron may nonetheless interject with little restrictions, thusly significantly limiting the journalist's freedom of speech. The journalist learns to write pieces that its patron would assent to, generally out of fear that funds will be pulled.

One way to address the limitations of oral understandings may be for media to develop internal, written agreements or understandings through a process of study and learning for both ownership and editorial management. Such agreements could outline the respective responsibilities of the owner or patron and the journalists such as when and if a patron may have say in the content of the paper, and when and if the journalist is prohibited from including certain types of reports. In the case of written agreements there are likely to be fewer surprises along the way. The journalist follows a pre-established code, and the patron has voluntarily limited his rights.

We may be inclined to say that it is unfair to request the journalist and newspaper patron follow such a demanding agreement, but self-imposed limits on behaviors are tied tightly to Jewish values. The Jewish halakhic and ethical system as a whole differs from other systems both at the time it was developed and in our time. From Jewish dietary restrictions, to laws around respecting ones parents, to laws of dealing with a rebellious son (*ben sorer Mmoreh*, BT Sanhedrin 68 b) Judaism holds itself by a different and often stricter standard imposed onto each aspect of life.

This is a concept that may be applied to the modern workplace. Being Jewish often comes with taking on extra responsibilities. A Talmudic debate determines that a person who digs a pit in public property and someone is injured in this pit, the one who dug it is liable for the damage and must take responsibility (BT Baba Kama: 50a). In Judaism we take additional responsibility onto ourselves, even where it may not be obvious. We may think that since the pit was dug in public property the one who dug it does not need to take responsibility, but Jewish law attributes responsibility to create a society that is fairer. So too, the Jewish journalist must take on himself an extra responsibility ensuring that his decisions, which affect the whole of the community, are preferred.

Each of the aforementioned contracts, the Chinese-wall and the written contract parallel different concepts in Judaism. The oral contract relates to the concept of Jewish *ethics*. A verse in Deuteronomy 6:18 commands to do the "straight (or fair) and good thing in the eyes of God" (וְעָשִׂיתָ הַיָּשָׁר וְהַטּוֹב, בְּעֵינֵי יְהוָה). This has been interpreted as a source for Jewish ethics,^v which are not always clearly outlined by *halakha*, but give space for the individual to consider scenarios without absolute law to confine their behavior.

Jewish ethics grants both the journalist and the patron the free space to contemplate and reach conclusions alone. We are commanded not only to do as Jewish law prescribes we do, rather, to act in a way that is defined vaguely as *good in the eyes of God*. This gives the journalist and the patron leeway to think about cases independently. The journalist may use his own considerations to determine if a topic should be covered while being guided by Jewish ethics, or *what is good*.

The verbal contract the journalist and patron enact relates to Jewish *law*. Various Jewish sources relay the concept of a contract as a legal agreement between individuals. It is interesting and different than cases regarded in the Jewish sources, in that the patron does not acquire the newspaper (as in a *kinyan*, a mode of acquisition) rather, only financially supports it.

In light of the unique journalist-patron relationship, we may see the contract between the two as that of an employee-employer. The Torah in Leviticus 25:43 commands the employer to not rule the employee through rigorous labor (לֹא-תִרְדֶּה בוֹ, בְּפִרְךָ).^{vi} Likewise, the newspaper patron should not bind the journalist to unfair rules. We may apply the concept of "rigorous labor" to the journalist. If the patron demands he include or remove certain articles we may see this as *rigorous labor* inflicted on the journalist, wherein the job of the journalist is challenged by his employer, the patron.

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ⁱ While not all local Jewish media are owned outright by the local Federation, many receive advertising and even subscription support, as Federations often give "free" subscriptions to the local paper to their donors.

ⁱⁱ Exodus 30:13

ⁱⁱⁱ Exodus 30: 15

^{iv} JT Brachot 5: Halacha 1

^v <http://www.jlaw.com/Articles/impactjewish.html>

^{vi} <http://www.jlaw.com/Articles/impactjewish.html>