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## ETHICAL AND LEGAL ASPECTS OF PUBLIC RELATIONS

**ABSTRACT:** Public Relations (PR), a significant component of the media industry, also represents a management function that helps establish and maintain beneficial connections between the organization and various stakeholders. The evolution of the public relations profession is commonly perceived as a qualitative shift from the unethical practices that dominated several decades since the 1920s to strategically and ethically conducted campaigns in contemporary business. However, when considering the practice of PR in the first decades of the 21st century, numerous concerns arise regarding ethical dilemmas, conflicts, and, consequently, the ethical decision-making process. The main objective of this paper is to offer an overview of ethics and its development in PR. The application of ethical principles based on utilitarian, deontological, situational and virtue approaches is discussed. This study also analyzes the most frequently encountered ethical problems in contemporary PR practice. Finally, the paper delves into some models of the ethical decision-making process and discusses the legal consequences of PR.

**Keywords:** *Public relations, ethical codes, ethical principles, court processes.*

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## 1. Introduction

Ethics and morality denote very complex and multidimensional social and spiritual phenomena. In everyday speech these terms are used as synonyms, although they are different. Morality can be defined as a form of social consciousness, but also as a form of social behaviour, that is, as a historical and practical manifestation of human practice. Morality is made of rules and human norms of behaviour in a society. At the same time, morality is a set of principles that arose spontaneously and voluntarily, as well as norms of behaviour that regulate the relationship between individuals and the social community (as well as the social community towards them). Ethics, on the other hand, is a philosophical discipline that studies morality. Ethics refers to a system of values that is the basis for deciding what is right or wrong, good or bad. Or, more precisely: ethics is called “a set of criteria by which decisions are made about what is wrong” (Gower, 2003, p. 1). The decision-making process has to take into account all the pieces of the “mosaic” which includes truthfulness, keeping promises, loyalty and commitment.

Unlike ethics, which belongs to philosophical disciplines, business ethics describes and explains the practice of business-ethical behaviour. *Black* points out that the issue of business ethics is the most important issue in the work of all professionals dealing with public relations. “The ethics of an organization is determined by everything the company does, not everything it says. It is necessary that it operates in a way that serves, and is clearly seen to serve, the common good. Ethical and moral values are not absolute concepts and their articulation in any organization must be related to the culture of that organization, not to its strategic or tactical policy” (Black, 2003, p. 195). As Lewis Alvin Day observes, lawyers and judges are not right when they talk about the laws of the foundation of democracy; namely, “legal obligations are based on moral ones” (2004, p. 53).

In order to establish the necessary level of moral values and determine more precisely what is good and what is bad, we need to define the general standards of behaviour in the public relations area – the code (Dašić, 2014). The Code represents a formalized system of rules that is valid within the professional public relations circles. The ethical sensitivity of public relations is primarily caused by the discrepancy between the viewpoints of communicators and receivers (Meiden, 1991).

The ethical code is defined for different levels – it is possible to talk about public relations codes at the level of individual organizations, at the level of government institutions, as well as at the international level (Voza, Vuković, & Riznić, 2009; Dašić, Milojević & Pavićević, 2020). An example of this last

category of codes is the code of ethics of the International Public Relations Association, IPRA. The code of ethics, when it comes to organizations, defines issues such as (1) the responsibility of experts in public relations; (2) honesty and integrity; (3) rules and obligations of participants in the communication process; (4) the way of achieving relations with the internal public; (5) behaviour according to public relations practices; (6) behaviour towards employers and clients; and (7) behaviour towards colleagues (Cvetković, 2003, p. 172).

In their daily work, PR experts are faced with situations in which conflicts of different duties appear, such as: (1) duty to oneself, (2) duty to the organization or client, (3) duty to the profession and (4) duty to society. The attitude towards the mentioned duties is mainly based on the adopted system of values and norms.

The initial basis of moral behaviour is the adopted personal value system of PR experts, that is, their *individual ethics*, which includes moral principles such as integrity, honesty, reliability, openness, self-respect and respect for others, competence, etc. In this sense, Parsons observes: “Good people do not need laws to tell them to act responsibly, but bad people will always find a way around the laws” (2004, p. 67). Sometimes PR experts should refrain from some intentions of the organization, or the client, whose interests they represent, if it can harm higher interests; for example, PR profession or society. In the “Serbian Public Relations Society’s Code”, for example, it is clearly stated: “If undertaking any activity in the field of public relations may cause a serious violation of professional conduct or contradict the principles of this Code, the public relations expert must immediately report this to his client or employer and do everything to comply with this Code.” If the organization, or the client, still persists in carrying out ethically questionable intentions, the PR expert should comply with the Code, even at the cost of losing the contract (Krstić, 2009, p. 171). In this case, *professional* and *social ethics* take precedence over *organizational ethics*.

Field of public relations, just like any other professional field, is based on certain standards and norms of behaviour. The ethical codes of various associations in the field of public relations define the norms of moral behaviour of employees of this profession. They are actually a kind of “guides for correct behaviour” (Black, 2003, p. 202). Establishing ethical standards of the public relations profession does not imply “automatic” acceptance of moral behaviour (Katlip, Senter & Brum, 2006, p. 159). The ethics of public relations, according to Milas, mainly emphasizes transparency, keeping secrets (confidentiality), truthfulness, objectivity, precision, problems and limits of political activity (lobbying) and journalism.

## 2. Ethical sensitivity and decision-making in public relations

Considering ethics in public relations is part of a broader issue that includes business ethics and ethical behaviour in modern business. Ethical aspects of PR are becoming more important due to the constant exposure of organizations to the public. At the same time, the interest of the general public in objective information is increasing, so the number of ethically sensitive issues is also increasing. Public relations experts face additional dilemmas since the decision must satisfy (1) the public interest, (2) the employer, (3) the ethical code of the organization and (4) the personal value system (Vilkoks, Kameron, Olt & Ejdži, 2006). At one point in 1955, Walter Lippmann clearly defined the “public interest”: “Let’s suppose that the public interest is exactly what people would adhere to if they looked unhindered, thought rationally, acted impartially and benevolently” (Black, 2003, p. 194).

For public relations, it is assumed that the members of this profession follow a larger set of principles in the performance of their work, which includes “truthfulness, honesty, devotion, loyalty, reliability, engagement, responsibility and respect” (Filipović & Kostić-Stanković, 2014, p. 266). These values are a prerequisite for building mutual understanding of the organization and different publics, which is primarily based on trust and respect for adopted values.

When it comes to conducting PR activities, there are minor or major deviations, which often take on the proportions of a gross violation of the PR code of ethics. It is for this reason that ethical issues have become an indispensable topic in studying the field of communication, public relations and management. Ethical issues and PR associations are becoming more important. In 1991, the International Public Relations Association (IPRA) published a monograph on “Ethical dilemmas in public relations – a pragmatic examination”.

An important part of the moral decision-making process, as pointed out in the previous section, is the evaluation of a situation based on different ethical theories. Normative ethics is a part of general ethics that investigates the development of general theories, rules and principles of moral reasoning. These principles facilitate the process of making ethically based decisions. Applied ethics (for example, business ethics, public relations ethics, media relations ethics, etc.) deals with solving problems in a certain segment of social practice. Applied ethics resolves specific ethical issues in specific situations based on knowledge derived from metaphysics and general principles and rules of normative ethics.

In the practice of public relations, regarding different value orientations, absolutist, existentialist and situational ethics can be distinguished (Vilkoks

et al., 2006). According to the absolutists, every decision is either “good” or “bad”. The existentialists believe that they make their decisions based on current rational choice. The situationalists make their decisions based on the criteria of consequences; a good decision is one that brings the greatest benefit. This classification is close to the division of theories of normative ethics into virtue ethics, deontological ethics and teleological (consequential) ethics. The practice of public relations generally follows the principles of (1) Kant’s deontology (2) Mill’s ethical theory of utility (utilitarianism), (3) virtue ethics and (4) situational ethics.

### ***Deontology***

The German philosopher Immanuel Kant (1724-1804), in his Critique of the Practical Mind, starts from the concept of “good will”, which is the only real moral motive that a person should be guided by when deciding on something. The moral good of an act arises only from a good intention, and it is such only if it is motivated by a sense of duty, i.e. respect for the moral law. According to deontological ethics, some actions are inherently bad, such as lying. Consequently, such actions should not acquire the status of universality and are inherently ethically unsustainable. Kant’s deontology defines morality as a set of necessary, binding principles (categorical imperatives) discovered by practical reasoning itself. It is based on reason and the autonomous understanding of man.

The concept of universal duty represents what all rational people would accept as ethically correct from the perspective of each individual. The categorical imperative implies: “act only in accordance with your maxim so that it becomes a universal law!” The categorical imperative is expressed through a person’s intention and respect and appreciation of other people. Intention stands for the desire which resides in the background of making a decision, that is, “good will”.

Deontological theories are aimed at preventing unwanted consequences. Using a deontological approach in ethically controversial situations implies that decisions are being made based on a judgment of what is good or bad, and not based on who benefits the most from the decision made. In this type of decision-making, communication experts take into account the positions of different interest groups, consider their values and moral principles, thereby, eliminating communication barriers based on prejudices. There are two advantages of using a deontological ethical approach in public relations practice are usually pointed out:

- The organization, if decisions are made in accordance with deontological ethics, has the ability to establish a balance with the wishes of all interest groups important for the organization itself.
- This approach is open to change through an open communication model (Katlip et al., 2006).

In the “triangle” of ethical decision-making, deontology wise, there are three “pillars”, that is, principles: duty, intention and respect and appreciation (Cutlip et al., 2006, p. 141). Consequently, it is necessary to find answers to three questions respectively: (1) Am i doing the right thing and not causing any harm? (2) Am i acting with morally correct goodwill? (3) Do i treat others with respect and appreciation?

### *Utilitarianism*

According to the ethical theory of utility (utilitarianism), which was founded by Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873), as well as other forms of consequent ethics, everything that contributes to the benefit of the greatest number of people is ethical. Each act (action) should be evaluated based on the criteria of whether its final effect is greater than the effort (price) that had to be made. What is important is the consequence of an act, not its intrinsic nature. The principles of this ethics are widely present in the army (as a social institution) and are the basis of many formal procedures. Machiavelli is considered the forerunner of this type of ethics thanks to the well-known attitude that “the end justifies the means”.

Mill equates utility to an individual's happiness. Bentham, on the other hand, strives for the “general good”, that is, advocates the “principle of general happiness”. In other words, an action can be considered acceptable if it results in “the greatest happiness for the greatest number of people” (Wood & Somerville, 2008, p. 146). The use of the principle of “the greatest good for the greatest number of people” is justified only and only when, in the decision-making process, “accurate assessments of potential outcomes can be made and when these outcomes go beyond the self-interest of those who make moral choices” (Parsons, 2008, p. 41).

Utilitarianism is the most commonly used approach in making ethically correct decisions in business. Despite this, this approach has certain disadvantages. The main objection to utilitarianism is that it neglects the interests of marginalized social groups (Kurtić, 2009; Necić, 2021).

Utilitarianism can be used to maintain a status quo where the majority is happy, but the minority is not, regardless of the fact whether this is done on purpose or not. By constantly prioritizing wishes of the majority, the organization may be prevented from implementing the necessary changes initiated by different publics and other interest groups. This approach also requires the PR experts to accurately predict what future consequences each of the alternatives will have. However, many of the consequences cannot be predicted and this creates the possibility of serious and costly miscalculations during utilitarian analysis (Katlip et al., 2006, p. 138).

### *Virtue ethics*

In addition to deontology and utilitarianism, the ethical theory of virtue, whose founder is the ancient Greek philosopher Aristotle, has a strong tradition. This theory starts from the conception of an ideal human life, one in which a person enjoys a high degree of moral happiness (life fulfilment) – a basic moral good. In order for a person to reach such a state, he must possess a number of character traits – virtues. The main questions that a person asks himself following this ethical tradition relate to: What kind of man should I be? What is a person's uniqueness, virtue? What should I do to fulfil myself as a man? What kind of man do I want to be?

The essence of this ethical tradition is reflected in the fact that attention is paid to the person himself, rather than to his actions. “Being good” is more important than “doing good”. It is assumed that a person's character precedes a person's actions, so advocates of virtue ethics believe that the fundamental questions are not: What should I do? What moral law should I follow?

But that the real question is: What would a good person do in a given situation?

Virtue ethics seems to be particularly important for public relations practitioners. Although it is important to show loyalty to the employer, the PR manager must not allow the client or the employer to strip him of his self-respect.

Despite the fact that codes of professional ethics in the field of PR offer a multitude of principles for resolving ethical dilemmas, numerous ethical issues can also arise at the individual level (Vilkoks et al., 2006, p. 76). Shall I lie to my employer? Shall I rig the sweepstakes so that my client wins? Shall I fraudulently obtain client information from another agency? Shall I cover up a serious problem? Shall I state only half-truths in the press release? Shall I bribe a journalist or a legislator? Shall I withhold some information at the press conference? Shall I quit

my job or engage in questionable activity? Shall i deviate from my own moral beliefs? To what extent will i compromise my own beliefs?

The basic indicator of the character of a person dealing with public relations is respect for professional standards of behaviour, that is, independence in work.

### ***Situational theory***

Situational ethics, as a special form of moral philosophy, rests on the point of view that no moral law or principle can be applied universally. Moral norms are not absolute, but are subject to deviations depending on specific circumstances. Hence, moral responsibility urges decision-makers to act as the situation dictates, for the greater good. Behaviour in accordance with this theory of normative ethics mainly characterizes the work of PR professionals in the USA.

## **3. Ethical problems in public relations**

Ethical dilemmas arise in many areas of public relations practice. A whole array of undesirable phenomena is associated with PR professionals, such as deception, scandals, manipulations, representation of personal interests instead of social goals, (in)competence, conflict of interests, etc. Relations with the media are considered the most ethically sensitive issue. The development of information and communication technologies has brought new ethical problems related to the use of social media in PR practice (Toledano & Avidar, 2016), the increasingly difficult distinction between traditional, editorial, on the one hand, and the so-called sponsored content in the media, on the other hand, influencer marketing (Borchers & Enke, 2022). On the other hand, communication strategies and information management are becoming “key points” of contemporary public relations (Jakopović, 2013, p. 20).

At first glance, some areas of PR seem to be stripped of ethical concerns, although practice shows otherwise. Regarding this, there is a certain research, as one of the specialized areas of PR. Many researchers believe that by including confidentiality, privacy and consent of the respondents when designing the questionnaire, the problem related to ethics simply does not exist. It is quite on the contrary. Ethical issues are more complex to be covered in a prepared questionnaire. It is necessary to think about the purpose and expected results (that is, the consequences) of the conducted research.

In some cases, ethical issues are easily recognized and resolved. However, many ethical problems are not easily detected. In such situations,



researchers think about these questions, analyse them, and modify the initially designed questionnaire in order to minimize ethical concerns. Disagreement about ethical issues is often present, which is to be expected. Consideration of these issues, as well as analysis of these discrepancies, is important in order to arrive at ethically sound actions.

Good ethics, for example, contribute to a better atmosphere for research. For example, the complete agreement (consent) of the respondent to participate in a certain survey increases his attention, and also reduces the frequency of questions in terms of how long it takes, who conducts it, and how the respondents will do the survey. An ethically correct approach makes respondents concentrate more on the questions from the questionnaire, and less on the possible results of the research. Obtained consent strengthens the interviewer's position, and with privacy ensured, a far greater degree of honesty can be achieved in the respondents' answers.

Ethical dilemmas cannot be avoided in most research projects. This can be illustrated with the following example. Let's suppose that a national employment institution conducts a survey in which respondents, beneficiaries of unemployment benefits, are interviewed about their previous five years' work experience. The aim of this study is to find appropriate measures based on which people would be transferred from the labour market to a state of full employment. The question arises whether the researcher should tell the participants of the study that it will take two minutes, even though the researcher knows that this activity takes half an hour. Is misleading interviewees about the length of the interview good or bad? This dilemma can be viewed from two different angles.

### *Competence*

Public relations experts are expected, as Frank Wylie believes, to perform their duties "responsibly" in accordance with ethical principles and abilities (Black, 2003, p. 195). The minimum conditions for success rest on trust in ethical behaviour and/or acquired experience.

The competence of PR employees, at first glance unquestionable, in some situations becomes an ethically sensitive issue. Competence includes at least three elements: (1) having the necessary skills to perform a specific job; (2) continuous improvement of knowledge and skills; and (3) refraining from making promises (to the employer or client) and guaranteeing success (Gregory, 2009, p. 283). The third form of behaviour is most often recognized in the practice of public relations. Consequently, the 11<sup>th</sup> provision found its place

among the 12 articles of the Code of Ethics of the International Association for Business Communication (IABC): “Professional communicators do not guarantee results that they are unable to achieve” (Vilkoks et al., 2006, p. 69). A similar recommendation is found in the Code of Ethics of the Public Relations Society of America (PRSA): “Define precisely what can be achieved in public relations” (Cutlip et al., 2006, p. 160).

### ***Conflicts of interest***

The hard-earned trust in PR employees can disappear overnight due to conflicts of interest. The Code of Ethics of the Public Relations Society of America (PRSA) highlights a key principle: “Trust of clients, employers and the public is built by avoiding real, potential or perceived conflicts of interest (Wilcox et al., 2006, p. 63). PR employees should notify their employers (clients) in writing if such conflicts occur. PR agencies usually end up in this kind of situations when they represent two competing companies. In these situations, since it is difficult to maintain impartiality, it is best to refrain from representing one of the companies. PR experts may refrain from representing the interests of a company if such action would be contrary to their personal beliefs and moral feelings (Gregory, 2009, p. 283). However, the general recommendation is to act in the best interest of the client, even if it conflicts with personal ethics.

### ***Public relations***

Media relations are the most significant and ethically sensitive part of public relations. Both professions (public relations and journalism) should insist on accuracy of information and honesty. Although journalists and the majority of public relations employees are directed to the media, this does not mean that the same code can regulate their behaviour in different circumstances. The differences occur from the missions of the two professions. The mission of journalism is to uncover facts, report on social institutions and give fair and balanced reports (what some would call ‘objectivity’) on everyday issues. Ethical journalists, traditionally, should not promote anything or do anything for personal interests. Public relations employees, on the other hand, are by definition someone’s representatives and are committed to achieving the goals of the organization they represent. They also provide information for public use, but usually in a way in which they can achieve the most favourable outcome for their company or client (Day, 2004, p. 124).

Harmonious relations between journalists and PR experts are based on built trust. It also persists in the situation when the spokesperson of the organization says that he has “no comment” regarding a problem or refuses to answer questions that are not directly related to the published statement (Wilcox et al., 2006, p. 78). Ethically questionable behaviours refer to paying for announcements about the organization in the media, fostering cooperation with only one media, sending journalists on tourist trips, etc.

The ethical sensitivity of public relations and journalism arises from their different goals. Media in the market sell *news*, while public relations protect the interest of the company, i.e. earnings. In the past, 40 to 50% of journalistic content in newspapers and magazines came from public relations departments; that is, about 15% when the news program was broadcast by the radio and TV station (Hunt & Grunig, 1995, p. 60). Recently, we reached the point where up to 60% of the news that is created in public relations “workshops” is published in the media, and in this sense, Dario Terzić rightly notes that a new, “invented” journalistic genre is emerging – the announcement for press (2013, p. 285). The accuracy and reliability of published data in this way is becoming more and more questionable. At a time when press releases “flood” the media space, when it is impossible to control them, a new form of “partial journalism” is being created, which is causing negative consequences in many countries (Kljajić, 2013; Terzić, 2013, p. 288). The issue of transparency of information *sources* becomes more and more complex as a result – “information is no longer a right”, as noted by Vesna Laban, but a privilege, which has a negative impact not only on journalism but also on society as a whole (2005, p. 113). The relationship between public relations and journalism therefore best expresses the polarity “hot – cold” (Day, 2004, p. 124).

### *Spinning*

Recently, another special ethical problem, related to the media, is taking on worrying proportions. It’s about spinning, that is, presenting something better than it actually is. This practice is counterproductive from the point of view of achieving long-term public relations goals, as it erodes the trust and credibility gained over the years. For a long time, public relations have suffered damage due to the widespread practice of spinning, as well as propaganda in favour of the organization, which damages the reputation of the profession in the public (Ward, Luttrell & Wallace, 2020). There are authors who, due to the problems just mentioned, consider it unnecessary to talk about ethics in public relations, considering it an oxymoron (Berger & Reber, 2006).

The problem with spinning became noticeable when the share of informative media space originating from PR increased considerably. The possibilities for abuse, misuse and manipulation of information have grown to great proportions. "Spin doctors", based on their knowledge about various media and their technologies, shape favourable public perceptions of people and events, that is, social phenomena and processes. Spin doctors believe that they speed up the process of spreading certain news and information. They use numerous techniques such as defending against journalists, approving or refusing interviews, advising those who give interviews, commenting on journalists' texts or frequently highlighting a certain phrase or interpretation of events.

The main goal of spin doctors is to give the news the desired direction of interpretation, that is, to convince the public in favour of or against a certain idea, organization or person (mainly politicians). The difference between spinning and public relations is reflected in the fact that PR is predominantly based on information and facts, while a spin is based on "manipulation and tricks" (Šćekić, 2013, p. 249). There is nothing ethical about spinning, so it is not surprising that, as Brautović and Brkan point out, "everyone involved in communication claims that spinning has nothing in common with PR" (2009, p. 183).

The goal of media relations management is to secure conditions for the free flow of important information. Such an interpretation of relations with the media is characteristic only in democratic societies, which confirms the social importance of public relations. The practice of relations with the media "is not needed by non-democratic political regimes, which, moreover, often prohibit and persecute it" (Verčič, Zavrl, Rijavec, Ognjanov, & Brbaklić, 2006, p. 27). Returning to the ethical values and professional standards of the profession, which rest on the truthfulness of information, is becoming imperative for the development of the modern media industry.

#### **4. Models of ethical decision-making**

Public relations professionals strive to base their decisions on ethical principles. For that purpose, they use different decision-making procedures, that is, moral reasoning in ethically sensitive situations. In modern ethical theory, there are mainly three determinants that should be taken into consideration when deciding whether an action is moral or not: (1) the action itself, (2) motives, i.e. the purpose and (3) circumstances related to the specific action, that is, the situation (Gregory, 2009, p. 280). Consideration of the first determinant is reduced to the search for an answer to the question: *What a person does?* The analysis of motives of action refers to the question:

*Why does he do it?* Finally, determining the circumstances of action includes answers to the question: *How, where and when does he do something?*

Public relations professionals strive to base their decisions on ethical principles. They are used in different decision-making procedures, that is, moral reasoning, in ethically sensitive situations.

*DAO model.* An ethical situation is usually a complex relationship involving elements such as: (1) the moral subject (the one making the ethical decision); (2) performed action (verbal or non-verbal); (3) the particular context in which the action is undertaken; (4) the individual, group, or public toward whom the action is directed; and (5) the consequences (positive and negative) of the action (Day, 2004, p. 38). Day views moral reasoning as a systematic process involving three stages: (1) **d**efinition of the situation, (2) **a**nalysis of the situation (based on moral theories), and (3) **o**pinion or ethical judgment (2004: 96). Hence, the acronym “DAO” is used for the shorter name of this model. The definition of the situation consists of “description of the facts, observation of principles and values in the given case and clear presentation of the considered ethical issue” (Day, 2004, p. 96).

The analysis of the situation is a central activity in the decision-making process according to the “DAO” formula. In this phase, all information is used, as well as imagination, in order to conduct a complete analysis of the situation and evaluate ethical alternatives. The moral subject weighs all conflicting principles and values, considers the direct consequences of external factors, and, finally, analyses the moral duties towards various parties and considers the application of various ethical theories. During the last stage, a decision based on moral principles is being made. Ultimately, the moral subject makes the moral judgment.

*PURE model.* Luttrell and Ward propose their PURE model of ethically sensitive decision-making (2018). This four-phase process begins, first, with the decision-makers (1) identifying personal and organizational **p**principles, (2) then considering whether they have a foothold in **u**niversal standards, (3) then evaluating the **r**ights of clients and also shareholders, and it ends with (4) ethical confirmation of the recommended final solution (**e**nd result). This model is designed to help beginners in public relations, despite the multitude of ethical theories, to reach more easily the final decision (Luttrell & Ward, 2018, p. 59).

*Blanchard-Peel model.* Kenneth Blanchard and Norman Vincent Peale believe that five “principles of ethical strength”, or “5P”, are crucial for ethical decision-making. The mentioned authors, in their book “The power of ethical management” (1988), state as key principles for PR experts: (1)

purpose, (2) pride, (3) patience, (4) persistence and (5) perspective. The stated principles are interdependent, while the perspective represents the central ethical principle of every organization. Blanchard and Peel define the “principles of ethical strength” as follows (Black, 2003, p. 199):

- 1) Goal: The mission of our organization is communicated by the management. Our organization is guided by values, hope and vision that help us determine what behaviour is acceptable and what is not.
- 2) Pride: We are proud of ourselves and our organization. We are sure that if we feel that way, we can resist the temptation to act unethically.
- 3) Patience: We believe that if we stick to our ethical values for the long term, we will achieve success. This involves balancing the desire to achieve results and the manner in which they are achieved.
- 4) Persistence: Our determination is embodied in ethical principles. We firmly stick to our commitment. We take care that our activities are always in line with our goal.
- 5) Let our managers and all employees stop to think and evaluate how far we have come and where we are going, and determine how we will get there.

PR employees use different models when making decisions that involve consideration of ethical issues. No model of ethical decision-making has superiority over the others, that is, they should be used depending on the specific circumstances of the situation. The code of professional ethics as well as organizational ethical standards provide conditions for transparent decision-making that contributes to building trust and credibility of the organization in the public.

## **5. Public relations experts and lawyers**

In their daily work, public relations practitioners, as already described, face a multitude of ethically vulnerable problems. It is therefore not surprising that numerous legal consequences arise from their work, partly due to the neglect of this aspect in the performance of various activities. Mostly it refers to the main part of their work – communication. It is difficult for many, as noted by Wilcox et al., “to imagine how exactly public relations people can break the law or cause a lawsuit, just by communicating information” (2006, p. 296). For example, the Princeton Dental Resource Centre once paid \$25,000 to settle a lawsuit after the New York State Attorney General’s Office accused

the organization of making false and misleading claims in its newsletter. However, even when many accusations are dismissed, for not being legally founded, the organization suffers damage, whether it gains bad publicity or incurs high defence costs.

Public relations employees must hold themselves legally accountable when they advise or tacitly support the illegal activities of their clients or employers. Special attention must be paid to issues that invade the privacy of employees – the problem is present when it comes to (1) newsletters about employees, (2) photos that are released to the public, (3) publicity and advertising, and (4) media inquiries about employees (Vilkoks et al., 2006, p. 300). PR employees cannot be expected to possess knowledge related to advocacy as a profession. Even lawyers, on the other hand, do not know well the postulates of the PR profession and, consequently, “often do not understand how important the public opinion is in determining the reputation and credibility of the organization” (Vilkoks et al., 2006, p. 321).

Fortunately, good cooperation between PR experts and lawyers can be achieved if some common mistakes are avoided in practice. PR employees should not disclose too much information; recklessly cross the lines of privileged information; oversimplify; exaggerate; and adversely affect the judicial process by their recklessness, by publishing inappropriate information (Wilcox, Cameron & Reber, 2015, pp. 330-332). The improvement of mutually beneficial cooperation between lawyers and public relations experts is imposed as an imperative in modern business, since the probability of initiating court proceedings is increasing.

## **6. Conclusion**

Recently, the ethical issues of the public relations profession have become the focus of interest not only of the professional but also of the academic public. Various factors, the most important of which are analysed in this paper, influenced a visible departure from the traditional, legalistic approach towards the consideration of a multitude of ethical aspects in public relations. Legal norms have been the basic guidelines for public relations professionals during the history of the profession, which is almost a century long.

Different codes of ethics, which regulate relations between interested parties in public relations, were created due to the need to make a step forward in relation to the minimum defined by laws. Codes, no matter how detailed and exhaustive they are, cannot encompass all the complexity of public relations, especially in the light of recent changes in the field, primarily of information

and communication technologies. The so-called the new reality demands from experts of various profiles, not only when it comes to the profession of public relations, the possession of knowledge of basic ethical principles and the ability to perceive problems that contain an ethical dimension. These are prerequisites to overcome an ethically sensitive situation, that is, a problem, by using one of the models, briefly described in the paper, in order to facilitate the decision-making process.

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## **ETIČKI I PRAVNI ASPEKTI ODNOSA S JAVNOŠĆU**

**REZIME:** Odnosi s javnošću (OSJ), značajan deo medijske industrije, predstavljaju funkciju menadžmenta koja pomaže u uspostavljanju i održavanju korisnih veza između organizacije i deoničara. Razvoj odnosa s javnošću kao profesije obično se sagledava kao otklon od neetičke prakse, koja je dominirala decenijama u periodu posle 1920-ih godina, prema strateški i etički vođenim kampanjama u savremenom poslovanju. Ipak, kada se sagledava praksa OSJ u prvim decenijama XXI veka, javljaju se brojne nedoumice u vezi sa etičkim dilemama, problemima, i, sledstveno



tome, procesom donošenja etički zasnovanih odluka. Glavni cilj ovog rada je da razmotri ulogu etike u razvoju OSJ. U radu se u tom smislu diskutuju osnovni etički principi koji počivaju na utilitarizmu, deontologiji, situacionoj etici i etici vrline. U radu se takođe analiziraju etički problemi koji se najčešće javljaju u savremenoj praksi OSJ. Naposljetku, razmotreni su uticajni modeli procesa etičkog donošenja odluka a isto tako i neke legalne posledice OSJ.

**Ključne reči:** *odnosi s javnošću, etički kodeksi, etički principi, sudski procesi.*

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