Between harm and sensationalism

Court reporters negotiating objectivity when reflecting on ethical dilemmas in the Submarine Murder Trial

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ABSTRACT
The trial of amateur submarine builder Peter Madsen for the murder of the Swedish journalist Kim Wall was one of the most publicised trials in recent Danish history. Through in-depth interviews with ten prominent Danish reporters who covered the trial, this study examines how court reporters negotiate and struggle with ethical dilemmas related to objectivity as both an institutional ideal and an ethical rule under the Media Liability Act. I demonstrate how reporters negotiate and strategise to maintain objectivity in relation to facts, relevance, the telling of both sides, and the avoidance of prejudging. I further highlight the dispute between fact-based reporters and a minor group endorsing interpretive and narrative reporting and advocating for a more pragmatic approach to objectivity. A core finding is how technological advancements and massive public interest have paved the way for new ethical practices, referred to here as "strategic ritual 2.0".

KEYWORDS: trial reporting, press ethics, objectivity, ethical rules, case study

Introduction

When Danish inventor and amateur submarine builder Peter Madsen was tried for the murder of the Swedish journalist Kim Wall, the trial was dubbed by the media as "the most publicised murder trial in Danish history [translated]" (Gottschalck, 2018). In addition to Danish and Scandinavian journalists, reporters from AFP, Sky News, CNN, and BBC were present, and more than 100 journalists covered the trial's first day. The trial was a perfect news story

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(Harcup & O'Neill, 2017): a celebrity suspect, a female journalist as the victim, gruesome details (e.g., beheading, dismembering, and impaling), a possible sexual motive, and a crime scene one might find in a fiction novel – a submarine. Even before the trial, the intensive media coverage of the police investigation into the death of Kim Wall had sparked ethical discussions into the intensity of the media coverage, the portrayal of the parties involved, and the risk of fiction-like journalism (Wittchen, 2019). Thus, when the trial started, court reporters expected criticism from both inside and outside the news media institution.

In recent years, several murder trials have attracted enormous media attention, both nationally and globally. This article contributes to the research on the coverage of murder trials, such as those of football player O. J. Simpson (Grabe, 2000), world-famous Paralympic runner Oscar Pistorius (Knight, 2017), and Norwegian terrorist Anders Behring Breivik (Mogensen, 2013). Murder trial reporting is a part of media coverage devoted to court hearings and criminal trials on the court beat (Magin & Maurer, 2019). It has been argued that court journalism is essential in democratic societies because citizens gain access to ongoing trials and learn about prevailing laws and sanctions (Johnston, 2018; Jones, 2021; Rodrick, 2014). Furthermore, the audience can draw on coverage when assessing whether the accused received a fair trial, which echoes the ideal of the media as the "fourth estate" (Jones, 2021).

However, court reporting is known for its inherent ethical issues (Brurås, 2009), and researchers have discussed the ethical dilemmas and pitfalls of courtroom journalism, which are the focus of this article. Trial coverage has been criticised for being sensational and entertaining instead of informative (Vinson & Ertter, 2002), for drawing heavily on fiction and storytelling in its reporting (Lehrmann, 2011), and for the one-sided portrayal of defendants (Bock & Araiza, 2015). Decades ago, Ericson and colleagues (1989) demonstrated that incorrect facts and problematic choices in details published by court reporters covering sexual crimes were prevalent themes, along with "moral dilemmas" related to the risk of harming those involved (Ericson et al., 1989: 50).

Today, the demand for correct facts and concern for the involved are core topics in the Danish Press Ethical Rules related to court reporting, which I investigate in this article (Pressenævnet, 2013). Thus, I examine Danish court reporters' reflections on their trial reporting during the highly controversial Submarine Murder Trial, contributing to the limited research into press ethics on the trial beat. I focus specifically on court reporters' reflections on objectivity. While objectivity is a general guiding norm of Western journalism and Danish court reporting, it is also written into the Danish Press Ethical Rules, which state: "Court reporting should be objective" (Pressenævnet, 2013: C3). In examining reporters' thoughts about what was appropriate to report, I find it useful to return to Westerståhl's (1977, 1983) discussions on and operationalisation of objectivity, especially his division of the idea into the aspects of factuality and relevance. I ask the following research question:

> How do Danish trial reporters negotiate various aspects of objectivity when covering a high-profile murder trial?

Previous research on press ethics in relation to court reporting

Court reporting has been explored through various approaches, such as the analysis of sources in court news (Ericson et al., 1989), social media (Knight, 2017), news narratives (Johnston & Breit, 2010), and news selection (Jones, 2021; Machill et al., 2007). A minor part of this research field has focused specifically on press-related ethical issues in court reporting. In the following section, I introduce the main approaches used and the findings produced by this relatively limited research field and describe the focus of this article.

Previous research has shown how trial reporting can be considered both correct and relevant but also be perceived as harmful. Brurås (2009) explored this perspective in his assessment of press council verdicts on crime journalism, and some of his findings were related to the coverage of two Norwegian murder trials. He showed how the media published facts of interest to the public, but relatives found the coverage to be one-sided and incorrect (Brurås, 2009). Other studies have shown that biased reporting and neutrality are core themes of investigations into press ethics on the trial beat. A recent study of rulings made by the Danish Press Council showed how some forms of crime reporting – including trial reporting – violate sound press ethics because of biased reporting and undocumented facts (Blach-Ørsten et al., 2021b). The risk of biased reporting was also discussed in Waterhouse-Watson's (2019) study on sexual crime trials, when she unveiled the "complex questions of ethics" when news media presented the defendant as innocent or guilty through specific narratives, which challenges the journalistic ideal of neutrality.

Other scholars chose to investigate professional practitioners, an approach I also adopt in this article. Musalayah and colleagues (2012) explored court reporters' understanding of ethical guidelines related to their daily work as trial reporters, and they underlined the importance of writing facts and avoiding prejudging. Others uncovered editorial discussions into press-related ethical issues regarding Anders Breivik's detailed description of the shooting rampage he testified to during his trial in 2012 (Frey, 2013). However, neither of these studies looked further into reporters' reflections on how to conduct ethical trial reporting, nor did they elucidate how these ethical strategies related to facts, neutrality, bias, and potential harm were formulated through negotiations within the news institution. These perspectives are investigated in this paper.

In previous research, scholars have called for more research on court reporters' practices, to which this study contributes. Hochberger (2006: 456) stressed the importance of further studies on the "perplexing issues" that court reporters face, and Jones (2021: 15) argued that "partial silence" on court reporting has served to conceal the way in which this important area of journalism continues to be practised. The purpose of this article is to break this silence and provide new insights into trial reporters' reflections on their ethical practices and to explore how these are formed by ideals, norms, and rules related to objectivity. To do so, I first introduce the theoretical framework and the Submarine Murder Trial

as a case study and describe the methodological approach, which consisted of qualitative interviews. Finally, I present the analysis and conclusion.

Theoretical framework: The many faces of objectivity

Between the institutional ideal of objectivity and the operationalised rules for sound press ethics, there is room for negotiation regarding how trial reporters engage in proper ethical reporting. In this section, I clarify how scholars define objectivity as a professional tool and strategy. Furthermore, this section helps guide the analysis of trial reporters' reflections on how they negotiate objectivity and develop strategies when covering a high-profile murder trial.

Objectivity is referred to as a defining norm of modern journalism (Donsbach & Patterson, 1996; Patterson, 1998; Skovsgaard et al., 2012), and the ideal of objectivity holds that facts can be separated from values or opinion and that journalists can and should report on events in a neutral manner (Hackett, 1984; Reese, 1990). In Western news media, objectivity has been a cornerstone since the rise of the broadsheet press (Donsbach & Klett, 1993; Maras, 2013; Mindich, 1998; Schudson, 1978, 2001; Ward, 2015), and the norm emerged as the press became a professional and established societal institution (Blach-Ørsten, 2019; Ward, 2015).

With regard to Danish journalists, the subjects of this study, previous studies have shown that they strongly endorse the ideal of objectivity (Hartley & Askanius, 2020; Skovsgaard, 2010). In one study, 45 per cent of Danish journalists stated that it is "very important" to be as objective as possible (Skovsgaard et al., 2012). Yet, it is widely recognised that objectivity must be interpreted and operationalised by journalists in their daily work because an exact representation of "reality" is impossible (Donsbach & Klett, 1993; Mindich, 1998; Skovsgaard et al., 2012).

Instead of focusing on being objective, journalists have "fallen back on more defensible standards, like 'accuracy,' 'balance,' and 'fairness'" (Reese, 1990: 393). In recent years, we have seen how the objectivity norm has been discussed, with Schudson and colleagues pointing at the "rise of objectivity 2.0", which is defined as contextual, analytical, or interpretive journalism (Schudson, 2018: 66; Schudson & Anderson, 2020). This type of journalism is "less insulated from values that it had once been but which is nonetheless regularly defended by journalists as providing the necessary background for understanding events of the day" (Schudson & Anderson, 2020: 142–143). Ward (2015: 283) further argued for "pragmatic objectivity", making room for interpreting facts and evaluating and adopting a perspective. He argued that the ideal of objectivity and press ethical codes are closely connected, which is the case in the Danish Press Ethical Rules related to court reporting. The rules state the following:

> Court reporting should be objective. At any time during the preliminary stages and the hearing by the court, the journalist should aim at a qualitatively equal representation of the points of view of the parties (in criminal cases the

points of view of the prosecution and the defence, respectively). (Pressenævnet 2013: C3)

Furthermore, the rules underline how journalists should refrain from prejudging until the criminal case has been decided or the charge has been withdrawn (Jørgensen & Nielsen, 2018; Pressenævnet, 2013). The advisory rules are a part of the 1992 Media Liability Act (Blach-Ørsten et al., 2017) and were last updated in 2013 by the Danish Media Association (Danske Medier) and the Danish Union of Journalists. All reporters interviewed for this paper were subject to these rules.

Scholars have demonstrated how reporters choose various strategies to meet the demands of objectivity, underlining that objectivity is not only an ambiguous and moral ideal and rule but also a pragmatic tool for avoiding criticism (Schudson, 2001; Skovsgaard et al., 2012; Tuchman, 1972). Gaye Tuchman (1972) showed how reporters, through their practices, can claim objectivity by reporting facts in a detached, unbiased manner and by presenting both sides of the story. Tuchman (1972: 662) argued that objectivity may be considered a "strategic ritual" that protects journalists from criticism from sources, audiences, and superiors. More recent studies have discussed the risk of journalists becoming too cynical if they practice detached and distanced reporting that restrains and offers little room for showing concern and empathy in their coverage (Brurås, 2009; Brurås & Røssland, 2005).

In analysing how journalists reflect on their (ethical) reporting strategies, it is useful to turn to a Nordic approach to further operationalise objectivity (Westerståhl, 1977, 1983). Drawing on the rules and regulations that govern the Swedish Broadcasting Corporation, Westerståhl (1983: 404) argued that objectivity, as a concept, consists of "factuality" and "impartiality", which to some extent echoes Tuchman's perspectives of facts and unbiased reporting. He further argued that factuality can be divided into "truth" and "relevance", and impartiality can be divided into "balance/non-partisanship" and "neutral presentation" (Westerståhl, 1983: 404–405). To some extent, relevance is present in the Danish Press Ethical Rules that state how violations of "the sanctity of private life" can be acceptable when the reported information is in "obvious public interest" (Pressenævnet, 2013: B1, B2). However, "obvious public interest" is not further explained; thus, there is room for interpretation. For this study, the aspect of relevance in relation to facts is especially pertinent, since some interviewees turned to relevance when reflecting on their strategies of choosing how to cover a murder trial and what to cover.

Context and methodological approach

Months of police investigation coverage reminiscent of crime fiction had aroused intense global interest prior to the courtroom drama that began on 8 March 2018 in Denmark. In the UK and the US, live broadcasting from the courtroom is permitted to some extent (Bernzen, 2018; Bock & Araiza, 2015; Gerbner,

1995; Knight, 2017). In Denmark, Section 32 of the Administration of Justice Act stipulates that sound and television recordings are forbidden (except when expressly allowed by the judge) (Jørgensen & Nielsen, 2018: 272). The courts only allow this in high-profile cases, and only the professionally involved are televised, such as the reading of the verdict; this was the case in the Submarine Murder Trial. Because of the extraordinary media interest, the City Court of Copenhagen used the cafeteria as an extra press room for reporters with press cards, where they watched the trial live on television.

To understand this media interest, it is useful to note that murder is rare in Denmark and therefore often makes headlines (Lund, 2003). From 2006 to 2016, 30–50 murders were documented each year, and the murderers and their (mostly) female victims were usually relatives (Thomsen et al., 2019). Therefore, when Swedish journalist Kim Wall lost her life under mysterious circumstances on a submarine built by a well-known public figure who was later charged with and convicted of brutal sexual abuse, murder, and dismemberment, it was the perfect "what-a-story" (Berkowitz, 1992). The Submarine Murder Trial attracted media attention in an unprecedented manner in Denmark, allowing it to be characterised as an extreme case (Yin, 2009).

Qualitative interviews

The ten reporters interviewed for this study came from various media outlets, wrote in different genres, and published on various platforms. Overall, they constitute a diverse group of informants who can reveal both commonalities and differences in their reporting practices and ethical reflections (Seawright & Gerring, 2008). The interview findings offer insight into the reporters' thoughts on ethical dilemmas related to trial reporting, as well as disputes related to their understanding and operationalisation of objectivity. The purpose of the interviews was not to conduct a comparative study of trial reporting of different media types or genres, but to create more knowledge on press-related ethical dilemmas affecting trial reporters. One of the interviewees did not usually work as a journalist but was a crime fiction writer; yet, he was hired to cover the trial. This can be seen as an "anomaly" that challenges the legitimacy of courtroom journalism (Lahav & Reich, 2011: 624). However, the media outlet he was working for was subject to the Media Liability Act; thus, I deliberately included him as an interviewee.

Nine leading media organisations were represented by the interviewees: two Danish public service broadcasters (DR and TV 2); two national dailies (*Politiken* and *Jyllands-Posten*); two tabloids (*Ekstra Bladet* and *BT*); a regional media organisation (Jysk Fynske Medier); a national weekly (*Weekendavisen*); and Denmark's biggest news agency (Ritzaus Bureau; two reporters). Combined, they reach a large and diverse group of Danish media users. These broadcasters, dailies, and tabloids were all on the list of top Danish media brands in terms of weekly online usage in 2018, when the trial took place (Schrøder & Ørsten, 2018).

All but one of the interviews was conducted face-to-face between July and August 2018, four months after the trial ended (one was conducted over the phone). The interviews lasted 1–1.5 hours and were recorded and transcribed. The journalists' answers and reflections might have been articulated differently if I had interviewed them *during* the trial, however, I believe that the four-month reflection period allowed their answers to have more depth and nuance. Although interviews can offer an in-depth understanding of the particular challenges facing journalism (Wahl-Jorgensen, 2019), they can become problematic when the interviewees are themselves professional interviewers, as is the case with journalists (Reich & Barnoy, 2016). To address this issue, before the interviews, I examined the news content published during the trial, which helped me formulate questions focusing on specific editorial choices.

The interviews were semi-structured and followed a detailed but flexible interview guide inspired by a previous study examining how Danish journalists refer to the advisory rules when reflecting on press ethics (Blach-Ørsten et al., 2015). Every interview was based on specific news content published by the specific media outlet and elements from the advisory rules related to the consideration and protection of those involved, no prejudging, and objectivity. The interviews included questions such as the following: 1) There is always a risk of prejudging when doing trial reporting. What kind of editorial considerations did you have in relation to this issue? 2) The ethical guidelines state that court reporting must be objective. How did you handle this issue? All interview quotes were later translated from Danish into English (see the online Supplementary Material file for an example of an entire Interview guide).

Analysis

In the preliminary reading of the interviews – and in the later analysis – it became clear how various elements of objectivity were recurring themes. By drawing and building on the work of Westerståhl (1977) and Tuchman (1972), the analysis clarifies how reporters operationalise and negotiate objectivity in various ways and further reveals new types of strategic rituals. The following three sections are intertwined, and overlapping analytical points will occur: 1) negotiating facts and relevance, 2) negotiating covering both sides, and 3) negotiating no prejudging.

Negotiating facts and relevance: "If you are prepared, you know what relevant facts to publish"

Throughout the interviews, most interviewees endorsed "reporting facts", understood as correct information. This was particularly evident in the interviews with news reporters, experienced trial reporters, and livebloggers, who mostly wrote news articles and live blogs under the high demand for fast news updates. They covered what the lawyers, accused, witnesses, and judges said and did and published stories on the legal system and courthouse rules. They referred

to themselves as the public's "eyes and ears" and as "reporting what was going on" and were primarily concerned about the "facts", "getting it right", and "not reporting anything untrue". An experienced trial reporter explained his practice of choosing what details and facts to include in his written online live coverage:

> Basically, it is not up to me to decide whether this is important on behalf of the readers. I'm just reporting what I see, you know… For some readers, it might be relevant if he [Madsen] was a Swedish citizen or if he wore military clothes or whatever it could be… Basically, I am just going to publish it, and then it's up to the audience to decide what they find important. (Tabloid news reporter, liveblogger, highly experienced trial reporter, Interviewee 1)

By "reporting what I see", the interviewee acted as a distant reporter (Brurås & Røssland, 2005) who left it to the audience to interpret the information published. However, the consequences of this approach might neglect the potential harm the reporting can do to the involved. Other trial reporters (e.g., Interviewees 2 and 3) explained how they were eager to publish only "relevant facts". They explained how they talked to the lawyer and prosecutor prior to a day in court, which helped them prepare to (ethically) conduct proper journalism. One reporter explained it this way:

> If you, for instance, cover the prosecutor's procedure at the end of the trial, it helps you a lot if you know the headlines. If you are prepared, you know what relevant facts to publish, and you can avoid presenting unnecessary details. The prosecutor and lawyer usually want to cooperate, because they know that my coverage will improve if I understand their arguments. […] I edit my text as I publish, with a focus on upholding the dignity of Kim Wall. I believe that people have a clear understanding of what happened [to Kim Wall], and they do not need the last excessive and graphic details. […] It's a trial, it should not end up as a horror story. Therefore, I often explain to readers the reason for including certain distressing details. [I write:] "It is relevant because…" Otherwise it is just a summary of something incredibly disgusting. (News reporter, liveblogger, highly experienced trial reporter, public service media, Interviewee 2)

The reporter drew on powerful sources (lawyer and prosecutor) to guide her journalistic practice in choosing "relevant facts" that the public needed to know to understand the trial. Simultaneously, she considered the level of detail, refraining from reporting the "excessive and graphic" facts (though admittedly, the line between relevant and gratuitous graphicness is not always obvious). This quote reveals a new strategy within the trial beat, where the reporter turns to the reader and comments or interprets the facts by explaining their importance. This new strategic ritual might protect the reporter from being accused of writing entertaining and unnecessary "horror stories".

The interviews further revealed that ethical discussions and decisions were situational and related to a specific period of the trial: when it had to be determined not only whether "facts" were correct but also whether it was ethical

and relevant to publish them. At the beginning of the trial, several journalists experienced their editors omitting information that later came to be perceived as being in the public's interest. On the first day of the trial, one reporter wrote about the indictment, the details of the sexual assault charges, and the number of stab wounds found in Wall's genital region, "even though it was unpleasant to write about, read about, listen to, and so on":

> An editor chose to remove these details because he thought they should not be published. […] In that situation, I accepted it, of course. But very soon, they became an important legal focus in the case, and they were mentioned again and again during the trial. So, from being omitted on the first day of the trial, they had to be mentioned. We did not write all details, although the prosecutor and the attorney mentioned them. But in general terms, I had to write about the charges that dealt with impaling. (News and feature reporter, national daily, frequently reports on extraordinary trials, Interviewee 3)

This quote illustrates how conducting proper reporting is negotiated throughout a trial. The editorial choice of what facts and details to publish is highly affected by the editors' assessments, competing media outlets' editorial choices, and especially the prosecutor's and attorney's approaches and the evidence presented in court. At the beginning of the trial, the media could have faced criticism for revelling in Kim Wall's death if they had published irrelevant "unpleasant" facts, which could have been condemned as entertainment. However, during the trial, these facts became the legal focus, and thereby the authoritative sources dominating the court beat guided the reporters' ethical decisions within the news institution. This underlines how ethical negotiations within the news institution are intertwined with the legal institution and its powerful sources.

Choosing relevant facts was repeatedly connected to an audience perspective. Drawing on Schudson and Anderson (2020), this study shows how trial reporters explained the importance of providing the audience with information to help them make sense of the trial. One reporter described this perspective when considering what details to publish:

> My primary focus was on what I needed to report to help the public understand what was going on during the trial. This way, they could understand the outcome of the case. My primary focus was *not* on what I could allow myself to write or how to pay regards to relatives. (News reporter, national daily, frequently covered trials, no live reporting, Interviewee 4)

This perspective echoes how court reporting is meant to give the public information about prevailing laws and sanctions, and it further shows how reporters prioritise their obligations to the readers over following the formal ethical rules related to avoiding doing unnecessary harm to the involved and their relatives. The aim of getting the audience to "understand" was a prevalent theme throughout the interviews, but the reporters had differing opinions on how to do this when reporting facts. This was especially evident in the interviews with reporters who took a narrative and interpretive approach to trial coverage.

The reporter who was also a fiction writer explained how you can describe, for instance, execution videos found on Madsen's computer in very different ways:

> I know some journalists will not like this, but… there is a difference between… let's say you write: "We listen to a video recording of a woman who gets her throat cut". Or you can try… I don't know how well it turned out, but I ended up describing the physical sound of it. That is another way. (Fiction writer, covered the trial for a weekly, no live reporting, Interviewee 5)

This quote shows how the norms of proper trial reporting were being further negotiated. The fiction writer argued that the narrative approach (describing the physical sound) can help the audience "feel the same way". When emphasising how "some journalists will not like this", he showed his awareness of the fact that some might perceive his approach as a threat to the legitimacy of courtroom reporting (Lahav & Reich, 2011). As mentioned, a live reporter explained how he "just reports what he sees". To some extent, the fiction writer said the same: "I wrote what I saw. And I saw a drama". This interpretive and narrative perspective is further investigated in the last section of the analysis.

Negotiating covering both sides: "This was Kim Wall's case."

Presenting conflicting possibilities is a core task of trial reporters, which in practice means describing, for instance, the prosecution's and the defence's statements, allegations, and presented evidence. The Danish advisory ethical rules stipulate that the journalist should "aim at a qualitatively equal representation of the points of view of the parties (in criminal cases, the points of view of the prosecution and the defence, respectively)" (Pressenævnet, 2013: C3). However, several interviewees underlined that qualitatively equal representation was impossible because Madsen's statements dominated the trial. Other interviewees expressed concerns about giving the defendant nicknamed "Rocket Madsen" too much publicity, resulting in unbalanced coverage. One reporter felt strongly about this, even before the trial began. In the lead-up to the trial, he and his editors had decided to call the trial "the Kim Wall Case" as a reminder of "the other side of the story": Wall's side. Most media dubbed the case "the Submarine Murder Case" in reference to the spectacular crime scene. The reporter explained their choice as follows:

> This was not Rocket Madsen's case. This was Kim Wall's case, right? This way, we could stay focused on the fact that she was the victim of this crime and that we should not be driven by fascination with the perpetrator… It was a message to the outside world… and it was a reminder for me to have a different approach in the coverage. I had to constantly remind myself that the trial was about her [Kim Wall]. This is where the tragedy lies, right? (News and feature journalist, regional media, frequently covered extraordinary trials, no live reporting, Interviewee 6)

The quote reflects the reporter's ethical concerns about becoming fixated on

(irrelevant) details that could lead to one-sided reporting. The reporter's reflections can be perceived as a subtle critique of the news institution, where crime stories characterised by sensationalism and featuring celebrities traditionally have high news value. Furthermore, it reflects the reporter's worry about neglecting Kim Wall, who was – until her death – unknown to most Danes. The "message to the outside world" illustrates the reporter's demonstration of empathy towards the victim (Brurås & Røssland, 2005) and his challenge to the common norms regarding neutral trial reporting. This indicates that the reporter found it ethically acceptable to take a stance and explicitly showed personal engagement to fully convey the story.

Several news reporters explained how they struggled with quoting Madsen's detailed statements during the hour-long court meetings. Throughout the trial, Madsen maintained that Wall's death was accidental, although he admitted to having dismembered Wall's body. In Denmark, it is legal for defendants to lie in court. One reporter reflected on the practice of quoting defendants, even when he personally believed the statement to be false:

> You had a feeling that almost everything he [Madsen] said was a lie. In the end, this was also the City Court's conclusion… It is very odd to report from the courtroom day after day that "now he says this" and "now he says that"… It takes time before you realise that it might not be true. It is a general issue when you do trial reporting, but in this case, he made up some extreme lies. There is an ethical factor here. But then… it's your job to report on the indictment. (Experienced trial reporter, online news writer, news agency, Interviewee 7)

The quote above demonstrates how the reporter recognised ethical considerations when reflecting on his strong emotions towards reporting Madsen's statements. The reporter obviously struggled with this aspect of his job, but he was aware of his professional duty. In this case, the quote indicates how the ethical guidelines guided the reporter to strive to cover both sides in a neutral manner, despite personal considerations. In this way, the regulations can protect the defendant and help the reporter cover the trial in a way that enables the audience to form their own opinions about the guilt or innocence of the accused.

Negotiating no prejudging with the audience and through reporting styles

Most reporters emphasised the importance of unbiased and unprejudiced reporting. However, they also acknowledged that they struggled with the emotional impact of the disturbing nature of Madsen's alleged actions and his interest in violence, sex, death, and impalement. Despite Madsen's admission to dismembering Wall's body, most of the reporters stated that they – as the ethical rules and ideal call for – waited for a court verdict to determine his guilt. They acknowledged that the Submarine Murder Trial was unique due to its high level of public interest and attention. Given the technological opportunities for readers to ask questions,

comment online, and e-mail directly to some reporters, many readers requested the reporters' personal opinions on Madsen. One interviewee explicated how she tried to refrain from expressing her opinion, despite requests from the audience:

> Of course, it was obvious to me from the e-mails I received that [many readers believed that] Madsen was guilty and [they] hoped for a very long sentence. It is just very important to me that I am not the one to say that. I am not the one judging… I wanted to describe what was going on during the trial and not much more, and then people should decide for themselves what they think. (News reporter, liveblogger, highly experienced trial reporter, public service media, Interviewee 9)

This illustrates how the news audience was not concerned or might not be aware of press ethical rules and ideals demanding reporters to not prejudge. Therefore, some reporters developed a new trial reporting practice, repeatedly emphasising that it was the court's responsibility to determine guilt. By doing so, they clearly emphasised their role as neutral reporters, demonstrating their efforts to maintain objectivity and adhere to ethical trial reporting standards.

The reporters had different perceptions of what constitutes prejudging related to reporting style. Two reporters (Interviewees 5 and 6) were specifically assigned to take a more active stance and write "something else" and "not in the ordinary way". They wanted to tell "the real story", "draw the big picture", and investigate "what we can learn from the trial". Despite this interpretive approach, they both insisted on doing unbiased reporting and not prejudging. One reporter explained the approach:

> [I wanted] the readers to know that somebody was behind the reporting to help them understand the case. It is not the anonymous, objective reporter but someone who is interested in the case and wants to explore what it all means… I did not want to publish anything puritanically objective. I believe that we have an obligation to investigate as much as possible when something terrible happens to people, not necessarily to learn something specific from the incident but to become wiser somehow. (Interviewee 6)

He refrained from being an "anonymous, objective reporter" and instead drew on other common norms in the journalistic profession: to investigate, to explore, and to show interest in the case. The reporter argued that his approach was legitimate because he helped readers become "wiser". This approach echoes the rise of "objectivity 2.0", which acknowledges how an analytical and interpretive approach can improve the audience's understanding of news events (Schudson & Anderson, 2020).

The other interviewee was the crime fiction writer, and he reflected on his position among the group of trial reporters. He was aware of journalistic norms and ideals, although he was "not a common journalist", as he claimed. He further explained how this role offered him opportunities, because he did not need to adhere to the profession's ideals, rules, and norms to the same degree as other reporters, although the media outlet he reported for was subject to the

rules of sound press ethics:

> When a crime happens, it reflects on us and on who we are. How do we interpret a crime? This is the interesting part. You should not just report what is happening. I [as a writer] can ask questions that a common journalist is not allowed to. What does it mean that this man [Madsen] can be seen as normal and abnormal at the same time? Can you be normal and monstrous at the same time? What is evil in this case? In which parts of this man can I see myself? Evil is a part of all of us, so is he a mirror or a mystery? In this situation, common journalists would say that this is too abstract or too subjective, right? (Interviewee 5)

The quote is an example of how the writer negotiated and challenged the common norms of trial reporting. He interpreted the crime and the defendant, even before the verdict. Other trial reporters raised questions about this reporting style, and this concern was expressed by one of the experienced trial reporters:

> When you deal with court reporting, it is extremely important that the details are spot-on and that you know all the legal concepts… Journalists should not change the public's understanding of what the case is about. That's wrong. You need to stick to the facts, facts, facts. You should not interpret. I do not interpret facts. Again, it is up to the judge to decide… I believe that long feature articles tend to draw conclusions. This is not necessary, and I find it dangerous. You [the journalist] should describe, not conclude. (Interviewee 2)

This quote highlights a dispute within the group of trial reporters. This reporter warned against interpretation, concluding that "feature articles" might give the audience a misperception of the case. Interviewee 2 argued that in doing so, reporters risk prejudging, which conflicts with common ethical standards. She explained her own routine of maintaining objectivity by sticking to "the facts, facts, facts", thus legitimising her ethical practices. The reporter's reluctance towards an interpretive reporting style shows her fear of criticism and external accusations of irrelevant reporting and prejudging, which might reflect poorly on her credibility and the legitimacy of the news institution in general.

Conclusion

Journalists face ethical challenges and dilemmas when covering a high-profile and sensational trial because the news reporting might result in harm or prejudice to those involved. This study contributes to new insights into how professional practitioners draw upon the same ideals and ethical rules with regards to objectivity, yet interpret and negotiate them in varying ways. There are some limitations to generalising a qualitative study of a single Danish case with ten interviewees. However, the study advances new perspectives on the disparities in trial reporters' strategic practices, court reporting in the contemporary digital era marked by live reporting and public attention, the use of new genres in trial reporting, and the diverse interpretations of how to conduct unbiased journalism.

Drawing on Westerståhl's (1977, 1983) focus on relevance as a way to obtain objectivity, this study has highlighted how some reporters distanced themselves from simply "reporting facts" and instead focused on "reporting relevant facts". Supplementing the large body of literature into the ideal and norm of objectivity, I argue that this norm is negotiated in the reporters' everyday practices. This is significant because relevant facts can be viewed as facts that are important to the public interest, and as such, it may be considered acceptable to publish them, even if they potentially violate sound press ethics.

In light of the ideal of reporting in a neutral manner (Hackett, 1984; Reese, 1990) and the importance of writing facts (Musalayah et al., 2012), this study also offers new insights into a minor group of trial reporters opposing neutral and fact-based reporting. These reporters deliberately chose an interpretive approach, which echoes recent studies arguing for a more inclusive and pragmatic understanding of objectivity (Ward, 2015) and the rise of "objectivity 2.0", endorsing analytical and interpretive journalism (Schudson & Anderson, 2020). During the interviews, some news reporters specifically criticised the interpretive approach. The obvious resistance to what they perceived as a deviant reporting style (Carlson, 2014) indicates how reporters feared potential criticism of bias and prejudging falling on the news institution and confirms the persistent critique of crime and trial journalism as unethical, sensational, entertaining, and unnecessarily harmful to those involved (Waterhouse-Watson, 2019).

To summarise, this article has shown how balanced reporting is a common aim among most reporters, and some reporters even explained that they struggled not to give Madsen too much attention. They feared they would contribute to unbalanced reporting and true crime entertainment (Lehrmann, 2011). Another concern was the failure to give due consideration to the victim, leading reporters to take a side to some extent. This supports the idea that taking a stance is acceptable as long as it empathises with the victim, even though it may conflict with the journalistic ideal of impartiality. Thus, the study has argued that impartiality is also negotiated.

A core finding is how reporters add a novel ritual to their existing set of strategies to avoid criticism. Inspired by Tuchman (1972), Schudson (2018), and Schudson & Anderson (2020), this finding contributes to what I term "strategic ritual 2.0", which takes into account the integration of interpretive elements in contemporary trial reporting and the ability to engage with audiences through online reporting. Strategic ritual 2.0 was identified when reporters turned to their readers to explain their editorial and ethical choices. This aspect can be seen as a form of meta-journalism aiming at establishing control over appropriate journalistic practices and behaviours (Blach-Ørsten et al., 2021a; Carlson, 2014). Using this strategy, the reporters can shield themselves from criticism. This ritual might especially come into play when reporting on trials, given criticisms related to sensationalism, entertainment, and the risk of doing unnecessary harm (Lehrmann, 2011; Vinson & Ertter, 2002). But it can also be the case when reporting live because of the massive flow of information and readers' ability

to ask questions regarding topics such as the question of guilt. Further studies should further examine how reporters ritualise and strategise ethical reporting.

Such rituals, I argue, are central to understanding how trial reporters support and practise the ideal of "no prejudging" (Hackett, 1984; Musalayah et al., 2012), particularly as questions from the audience lead to live reporters explaining the court's role to decide the question of guilt. In light of this, future studies should further explore the notion of strategic ritual 2.0, not only in relation to murder trial reporting but in other areas of journalism as well.

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