

Codes of Conduct

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Why does journalism need a code of ethics?

There are three essential 'players' in the 'game' of mass communications:

- owners of media and their editors;
- journalists and other media professionals;
- the public on the receiving end.

For each 'stakeholder' the code of conduct has a different but linked value:

- For **media owners and editors** a code of conduct is a protection against criticism and legal action, and provides a basic guarantee about the credibility of their output. At its most basic it is a form of quality control underpinning the commercial value of their products, by reminding (or instructing) staff that the law of the land applies to their conduct, and that they must abide by the common decencies of human interaction.
- For **journalists** a Code of Conduct provides a touchstone against which their output and activities can be judged by others, as well guidance for them about acceptable methods of gathering and presenting information.
- For **the public** the Code provides a guarantee that the material they receive is a reasonable approximation of the truth, based on information gathered fairly and thoroughly checked by those who operate in their name.

The law and the State

As citizens, media professionals are subject to the laws of the land, which may themselves place limitations upon their activities. Of course the State may also have its own reasons for wishing to impose further restrictions upon the conduct of journalists – in effect licensing them to operate only if they comply with the wishes of the government. Such an imposition should be unacceptable to journalists who value their independence and regard themselves as the eyes and ears of the general public rather than puppets of a power elite.

It is always worth remembering that Governments often use the excuse of 'media misbehaviour' to justify the imposition of controls on press freedom – which is perhaps one of the strongest reasons why it is vital that the practice of journalism should be 'self-regulated' under a system that is both transparent and generally accepted and understood within the media.

In devising a Code of Conduct it is important to consider the needs of all three 'stakeholders', since trust is at the heart of the compact between journalists (and mass media products) and the public. For a newspaper or news/current affairs programme to have any validity, it is vital that citizens who rely upon the mass media for information have good reason to believe what they receive. Valid news is not propaganda or rumour, it is information that has been independently gathered and checked.

Codes of Conduct are a form of quality assurance – and accountability. While the cultural norms of a society may themselves exert an influence on both the law and the practice of journalism (in relation to sexually explicit material, for instance, or blasphemy), at the heart of such a Code should be the notion of 'media freedom'.

Media freedom is NOT about allowing those who can afford to own media outlets, or who work as journalists, to do what they wish (to make money or obtain political advantage); it is about guaranteeing the public the **right** to receive and communicate information and ideas. As The PressWise Trust puts it: *'Press freedom is a responsibility exercised by journalists on behalf of the public'*.

Under self-regulation a Code of Conduct must acknowledge the role of journalists in defending this right and guarantee proper respect for verification and the rights of others.

What should be in such a Code?

Too comprehensive or prescriptive a Code may inhibit freedom of expression, as well as journalistic investigation. Too skeletal or exhortative a Code could allow so much room for interpretation that it would be almost unenforceable.

To be effective a Code needs to lay down basic principles against which journalists are willing for their behaviour and output to be judged. For instance, while journalists have a right to their own opinions, it is an abuse of their position to promote their personal views by ignoring information with which they do not agree. Comment and analysis of news is a legitimate and desirable means by which varieties of opinion are both shared and encouraged however, for the benefit of the receivers, a distinction has to be drawn between the presentation of news and information and comment upon or interpretation of those events.

Any form of 'regulation' provides a system of accountability. Central to this notion is that the 'rules' have an impact on practice – either by guaranteeing compliance, or by ensuring that breaches are swiftly remedied.

Media self-regulation is a special form of accountability since it aims to reassure the public that media professionals themselves can be trusted to put matters right when things go wrong – without recourse to law – in order to defend the public's right to a free and independent media.

Self-regulation implies that practitioners make and apply their own rules, but for the media it is vital to take into account the needs and expectations of the public they serve.

The public are rarely canvassed for their views, but some helpful principles emerged from a three-year consultation between media professionals and members of the public, conducted recently by the Committee of Concerned Journalists in the US:

- Journalism's first obligation is to the truth.
- Its first loyalty is to citizens.
- Its essence is the discipline of verification.
- Its practitioners must maintain an independence from those they cover.
- It must serve as an independent monitor of power.
- It must provide a forum for public criticism and compromise.
- It must strive to be significant, interesting and relevant.
- It must keep the news comprehensive and proportionate.
- Its practitioners must be allowed to exercise their personal conscience.

For a Code to have meaning it has to be accepted and understood by both public and practitioners alike. The content and rationale of the Code has to be in a language that is accessible to journalists, their employers and the public, setting out reasonable expectations of 'quality journalism'. It should not be regarded as a legal document, but as a clear 'statement of intent' which acknowledges the fallibility of journalists and media organisations by telling people 'This is what we shall strive to attain'.

The starting point has to be practitioners themselves, and most would agree that such a Code should incorporate reference to:

- Upholding the principles of media freedom, the right of the public to access to information, and the right of journalists to exercise their personal conscience.
- Accuracy and corrections.
- Distinguishing between facts and comment.
- Respect for personal privacy especially at times of ill-health or bereavement.
- Protection of children, victims of crime, and other vulnerable groups.
- Protection of sources.
- Avoidance of prejudice and discrimination.

- Avoidance of inducements and conflicts of interest.

Applying the Code

There will always be 'exceptions to the rule', of course, and while accuracy should remain sacrosanct for all media professionals, it is helpful to have guidelines about those occasions where the 'greater good' (the public's right to know) - sometimes called 'an over-riding public interest' - might justify deviations from a Code.

In the UK, for example, freedom of expression itself is regarded as in 'the public interest' (as distinct from the 'interests of the public', which might include a fascination with trivia). Both the newspaper industry (Press Complaints Commission) and the National Union of Journalists insist that there must be 'exceptional' circumstances to justify breaches of the code where children are involved, but acknowledge that deviations from their (similar but different) Codes may be justified if the motive is to:

- Detect or expose crime or serious misdemeanours.
- Protect public health and safety.
- Prevent the public from being misled by a statement or action of an individual or organisation.

Having determined the terms of the Code, through consultation, the task of ensuring that media practitioners properly understand it, and agree to abide by it, remains. Making it a compulsory part of journalism training courses is relatively simple; introducing it among those already active in the trade is more difficult.

Journalists prefer empirical evidence to mere theory, and they will listen to colleagues rather than 'external' agencies. One way of 'embedding' the Code is to expose them to the actual or likely consequences of unethical working practices and 'engage' them in the prevention of injustice, by publicising case studies and devising succinct training modules that can be delivered 'in-house' or through their own organisations.

Making self-regulation work

To be effective there has to be some means by which the Code is 'supervised' – whether by journalistic organisations or by a non-state body which has the confidence of both media and the public – and through which some form of redress can be obtained when breaches occur.

Admitting to mistakes is always difficult, especially in an industry whose function includes furnishing the public with reliable information about events and issues that affect their lives. But publicly acknowledging failure, setting the record straight, and seeking to ensure that such errors will not recur is one of the most effective ways of strengthening trust between the public and the media.

Devising Codes and promoting them is always problematic, but agreeing systems of 'enforcement' is even more difficult. However it is pointless having, and publicising, a Code if mechanisms do not exist to allow all-comers to draw attention to breaches, and even to seek redress – in the form at least of prompt and prominent corrections, apologies, or the right to reply.

But that is another story...