

A Compact of Trust Between Journalism and the Public?

*Mike Jempson, Director, MediaWise
(The PressWise Trust)*

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'If powerful institutions are allowed to publish, circulate and promote material without indicating what is known and what is rumour; what is derived from a reputable source and what is invented, what is standard analysis and what is speculation; which sources may be knowledgeable and which are probably not, they damage our public culture and all our lives.

'Good public debate must not only be accessible to but also assessable by its audiences. The press are skilled at making material accessible, but erratic about making it assessable. This may be why opinion polls and social surveys now show that the public in the UK claim that they trust newspaper journalists less than any other profession.'

**From A Question of Trust
Lecture No.5, Reith Lectures 2002: Licence to Deceive
by Onora O'Neill, 1 May 2002**

'The communication by the media of information (including information obtained by investigative reporters) on matters of public interest and importance is a vital part of life in a democratic society.

'However the right to communicate such information is subject to the qualification (which itself exists for the benefit of a democratic society) that false accusations of fact impugning the integrity of others, including politicians, should not be made by the media.

Where a reporter is intending to broadcast or publish information impugning the integrity of others the management of his (sic) broadcasting company or newspaper should ensure that a system is in place whereby his editor or editors give careful consideration to the wording of the report and to whether it is right in all the circumstances to broadcast or publish it.'

**Par 467, 3(ii) Chapter 12: Summary of Conclusions
Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G.
by Lord Hutton, 28 January 2004**

The words of Onora O'Neill and Lord Hutton may sound like common sense to most people, but for many journalists their opinions were the height of effrontery - how dare they tell us how to do our job?

Both put their finger on a central democratic issue – how can members of the public be assured that the mass media are always telling the truth, to the best of their ability?

There is plenty of evidence - all raising similar challenges to those issued by the philosopher and the law lord two years apart - that the relationship between the Fourth Estate and those who purchase its wares is out of kilter.

- The continuing excesses of the tabloids around issues of controversy, tragedy and trivia;
- The mounds of evidence presented to the Culture Media and Sport Select Committee Inquiry into Privacy and Media Intrusion;
- The bizarre ramifications of so-called 'reality TV';
- The corrupting influence of 'spin' and the need to rebuild trust between parliament and public signified first by the Phillis Report, and now by a Hansard Society investigation chaired by Lord Puttnam;
- Yet another period of reappraisal and reform at the Press Complaints Commission, with the Chairman travelling the country trying to explain its role and win support with dubious statistics from self-serving customer satisfaction surveys;
- The credibility gap opened up by the Gilligan/Kelly debacle between the BBC, and the near paranoia generated within the now headless BBC by the Hutton Report, just as its Charter is up for renewal (aka rewriting);
- The series of consultation exercises now being undertaken by the all-embracing OfCom, signalling that the new lighter touch regulators are anxious to win the confidence of all sections of the public;
- And last but not least the National Council for the Training of Journalists has just agreed to overhaul its curriculum and standards to make it more relevant to current journalistic needs.

The consistently poor standing of journalists in opinion polls seems to suggest that public confidence in their ability to deliver 'the truth' is not improving. You would have thought that journalists, and the publications and programmes they work for, depend for their authority and market position upon the public's willingness to trust them...

Often editors and journalists fail to see what all the fuss is about when getting an odd name, identifier or figure or statistic wrong – especially when so many far more important things are happening out in the big bad world. Their lawyers warn them that admissions of error might have financial consequences for the company that pays their wages. They seem impervious to the view that a willingness to admit to mistakes, and alert the public to them, is the best way to convince people that your primary concern is to get the facts right.

Ironically they get away with this cavalier attitude because, however much we claim to be sceptical about what we read in the press, especially the popular tabloids, most of us retain a sneaking suspicion that if it's in the newspapers it must have some basis in truth. And if it is on TV it is even more likely to be trustworthy – after all there are statutory regulations in place.

The problem, as Onora O'Neill pointed out in her Reith lecture, is that *'reporting that we cannot assess is a disaster. If we can't trust what the press report, how can we tell whether to trust those on whom they report? How can we tell whether and when we are on the receiving end of hype and spin, of misinformation and disinformation? If the media mislead, or if readers cannot assess their reporting, the wells of public discourse and public life are poisoned.'*¹

¹ From Lecture No.5: *A Question of Trust*, Onora O'Neil, Reith Lectures 2002: *Licence to Deceive*

People who find themselves in the media spotlight quickly learn that all is not what it seems, but being wise after the event is no compensation for the instant distress and longer-term damage that can flow from simple errors, and sloppy or cynical journalism. There is a gulf of understanding between the pressurised world of mass communications and the inexperience of many of those who supply information, feature in the mass media, and 'consume' the finished product.

If this argues for accessible systematised codes of conduct, so that people 'know what they are letting themselves in for', doesn't it also argue for a new approach to media literacy that recognises the special relationship between the public and media professionals?

At the start of the 'Reality TV' boom I remember asking a group of leading TV producers and presenters - just before a session on ethics at the 1997 Sheffield International Documentary Festival - whether they would allow the cameras to film them at home. None would, yet their careers were based upon persuading others to grant them such access in the interests of 'actuality'.

This highlights one of the big issues that exercised the now defunct Broadcasting Standards Commission and which continues to dog the BBC - defining 'informed consent'. Nobody HAS to talk to the media, but if they do co-operate, do they really know what they are letting themselves in for?

Here is what O'Neill had to say about it: *'Informed consent is one hallmark of trust between strangers... (It is) supposed to guarantee individual autonomy or independence'...*

*'Informed consent is therefore always important, but it isn't the basis of trust. On the contrary, it presupposes and expresses trust, which we must already place to assess the information we're given... We need ways of telling trustworthy from untrustworthy informants. And we have tried to make this possible by promoting a revolution in accountability and requirements for transparency in public life.'*²

Her thesis, which I share, is that democracy is harmed, and we are all dis-empowered, when the mass media abuse their undoubted power. She concluded: *'we are now perilously close to a world in which media conglomerates act as if they too had unrestricted rights of free expression, and therefore a licence to subject positions for which they don't care to caricature and derision, misrepresentation or silence.'*

*'If they had those unconditional rights they would have rights to undermine individuals' abilities to judge for themselves and to place their trust well, indeed rights to undermine democracy.'*³

To me this argues for the development of a new understanding between the public and journalists. The starting point for change should be confidence-building measures between journalists and the citizens whom they serve.

Surveying the market place

Check the objectives of any commercial operation and it is immediately clear that their primary commitment is to the shareholders. It may take a very long time to persuade mass media corporations to elevate social responsibility above the need to make a quick buck, and it would require highly contentious legislation to insist that all newsgathering operations be independent of market pressures.

However, while we wait, or agitate, for media institutions to change, it is possible to get on with promoting dialogue to help journalists and the public understand each other's needs and aspirations.

² From Lecture No.5: *A Question of Trust*, Onora O'Neil, Reith Lectures 2002: *Licence to Deceive*

³ From Lecture No.5: *A Question of Trust*, Onora O'Neil, Reith Lectures 2002: *Licence to Deceive*

Falling circulation may worry the marketing and advertising departments of the national press, but millions of people each day still buy newspapers. The familiar argument of editors and proprietors that no-one is forced to buy their paper, and that anyone unhappy with the product can always purchase another title, must be set against the strenuous efforts made by their own marketing departments to persuade us to switch to their product.

The circulation wars that started during the recession of the 1980s have consolidated the function of the front page as a marketing device. Newspaper publishers regard their readers first and foremost as consumers and angle their products accordingly. That which excites the palates of the readers' takes precedence over the heavier preoccupations of serious journalism. And the symbiotic relationship between broadcasting and the print media – not to mention the increasingly incestuous patterns of media ownership – mean that all our news media are now infected by the trivia bug.

Newspapers suddenly redefine themselves as 'the official' or 'the unofficial' paper of the latest 'Reality TV' craze, offering small fortunes to minor celebrities so that we can all become familiar with their lacklustre lives and sexual proclivities. Even the BBC finds itself following the agendas of the tabloids on the most serious of issues – European enlargement is now perceived largely in terms of the risk that (according to the *Daily Express*) 74 million 'new Europeans' will soon be making their way to Britain, led by the Roma.

At the risk of sounding old-fashioned I prefer to regard readers, viewers and listeners primarily as citizens seeking information about the world and the issues upon which they have to make decisions, rather than as consumers whose money and loyalty can be extracted by fear and titillation.

The decision by the Express group, now owned by a pornographer, to woo readers with an unrelenting campaign against refugees and asylum-seekers may have increased its flagging sales, but at the cost of staff commitment – twice in two years its journalists have appealed to the PCC about the moral dilemma they face in producing material to suit the editorial line. Indeed one called me to request that I withdraw an invitation for her to join a debate about the newspaper's line, on the grounds that she might be forced to admit publicly that her copy is being converted into stories and headlines about which she feels uncomfortable.

This is where the 'free market' approach to news production has led us. Plainly this is a ridiculous situation, but what if, for a moment, we address the recurrent problem of dissatisfaction with the behaviour of the press from a conventional consumer viewpoint.

Some of you may still recall John Major's ill-fated 'back to basics' call which gave rise to a plethora of Consumer Charters. We now have a Labour Secretary of State for Culture Media and Sport who told last year's Oxford Media Convention that the function of government, no less, was to promote competition and to regulate only when it was necessary to protect the consumer. Small wonder that her creature, OfCom, the new all-powerful but light touch regulator of electronic communications, appears to take a similar view. It does not yet seem to have grasped the distinction between being a citizen and being a mere consumer.

Let us approach the issue of trust between mass media and the public on their terms for a moment. Consumer Charters are based upon the reasonable expectations of the purchaser and the reasonable guarantees of the producer; they define the contract between manufacturers and those who purchase their products. So if the Hutton Report is a call to the media to get back to the basics of good journalism, why not develop a Charter for Readers, Listeners and Viewers?

How would the punters define their reasonable expectations of the media – at least in so far as news and current affairs are concerned? With 30 years in the trade, and the last ten spent dealing with complaints about journalism, I would guess that accuracy would top their list of demands, closely followed by the publication of prompt and prominent corrections or apologies when inaccurate information has been published.

Perhaps some would ask that when a news organisation trumpets about an 'exclusives' their 'customers' should be told if it has been paid for, so they can make a judgement about whose interests are best served by the revelations.

They might even request a right of reply for those who are vilified by the media but have been given no opportunity to present their version of events. An appalling prospect to news executives, no doubt. They have combined forces to scupper no fewer than five attempts to introduce a statutory right of reply during the last 20 years. Yet Austrians, Norwegians, Spaniards, Swedes, and the Dutch have such a right. It has been written into French law since 1881, and many of the emerging democracies of Eastern and Central Europe see no problem with such a right.

More and more journalists now have to operate as freelances (a term with distinctly mercenary origins) or on short-term contracts. To survive they have to produce the stories that editors want to buy. And editors want to buy stories that will increase circulation and advertising revenue.

PressWise was founded on the belief that press freedom is a responsibility exercised by journalists on behalf of the public. MediaWise operates on the same principle. Journalists assemble information which is then packaged and sold on to us. They need the protection of a Charter too.

What might they come up with? No doubt most would share readers' concern for accuracy, and many would opt for a 'conscience' clause to provide staff reporters and the hungry freelance with a family some protection from the persuasive argument that 'if you won't do it, someone else will'.

Some might seek 'a right to report', increasing opportunities to investigate stories they believe it is in the public interest to cover rather than being simply 'of interest to the public'.

There will always be occasions, especially when journalists are investigating suspected wrongdoing and hypocrisy, when the techniques used to obtain information may raise an eyebrow or even breach the Charter.

A 'public interest' defence should always be available in such cases, but the spurious use to which this line of argument has been used to defend prurient and intrusive reporting is unlikely to feature in a Charter designed to protect consumers and producers of news.

I see such a Charter as defining the compact of trust that should exist between journalists and their readers. In his last interview before becoming chief 'spin doctor' for the new leader of the Conservative Party, the outgoing Director of the Press Complaint Commission said that journalists should rejoice in being held in low esteem by the public. I don't think many journalists share his view. To earn the opprobrium of those who abuse their power is one thing, but to be regarded with suspicion by those in whose name they operate is quite another.

There will always be amoral hacks willing to concoct anything for cash, but most journalists try to seek out 'the truth' (or more accurately verifiable facts) and want, indeed expect, what they produced to be believed. This provides us with a starting point for discussion of a Charter to define 'journalistic ethics'.

If journalists generally had the trust of the public we might expect a better product, and that would also strengthen the democratic principles that underpin the notion of a free press, without having recourse to statutory regulation. Indeed it might be argued that it should also result in an increased sales and ratings.

How would such a Charter be devised? Few political parties would risk media opprobrium by organising a plebiscite on how the media should be run, and I am not sure whether the broader consumer movement would relish the task. Imagine what types of spurious phone-in polls might be employed if it were left entirely to the media!

We need a new type of dialogue to overcome the inequities in the relationship between readers and the mass media. It needs to extend beyond the columns of the press and the superficialities of the chat shows, without disappearing into the dense undergrowth of the academy. Revitalising the compact of trust that should exist between media professionals and the public will require a serious and sustained consultation exercise and it must be two-pronged – taking into account media production processes and the output expectations. It cannot be a theoretical framework alone, it must influence both training and practice.

It may seem a daunting task, but conducting such an exercise is not an impossibility. Over the years PressWise, for instance, has developed a series of guidelines born from a dialogue between journalists and special interest groups. None of them would have been possible without the existence of organisations representing journalists' interests.

- A draft we prepared for the International Federation of Journalists (IFJ) about reporting children, has been debated and developed by media unions and workshops around the world for the last six years.
- The IFJ endorsed our guidelines for health correspondents (attached), which were adopted by the WHO and its media contacts in 51 countries, after consultations at international gatherings over 2 years. The process was set in motion because of concern about the public health repercussions of the misreporting of medical matters.
- Our guidelines on reporting suicide (circulated in delegates' packs) were produced after extensive consultation with suicide prevention agencies, academics and media professionals around the world over a two-year period, and have been adopted by the IFJ and the NUJ.
- We are on the point of producing guidance for reporting refugees and asylum-seekers for the NUJ. Among those who contributed to the process were exiled journalists shocked by the inaccuracy and bias displayed by the UK media.

If we are going to encourage new thinking about journalism it is important to bring journalists' organisations on board from the start.

We all witnessed the outpouring of concern for the independence of the BBC, after Greg Dyke was ditched, from inside and outside the corporation. It stemmed from the fact that the BBC, a newsgathering operation that remains largely independent of market pressures, is far more trusted than any government or rival media outlet. That trust comes from the quality of its output and the calibre of its journalists over many years. It is not without significance that it was the NUJ and the technicians union BECTU that were at the forefront of the lobby in support of the BBC.

It was the NUJ's concern about falling journalistic standards, the influence of advertisers on editorial content, and the risk that concentration of ownership would reduce the range of published opinions that led to the first Royal Commission on the Press in 1947 and the eventual creation of a Press Council.

It was the union's withdrawal from the Press Council that signified public loss of confidence in its role as a regulator. Yet the union's code of conduct – setting out as long ago as 1936 how journalists should behave and what the public should expect of journalists - has been ignored or pilloried by generations of editors, perhaps because it acknowledged that journalists should not be expected to go against their own conscience, to refuse to undertake work that went against their better judgement.

The relationship between journalists and the body that represents their interests has been systematically dismantled over the last 20 years as individual contracts replaced collective agreements. But the tide is now turning, and even the CMS Select Committee came out in support of the notion of a 'conscience clause' in journalists' contracts.

All of which should give the public confidence that the majority of journalists would prefer to be providing a better service than commercial constraints often allow.

Even in the USA, the issue of plummeting credibility has been worrying journalists for some time. In an attempt to codify public expectations of journalism the Committee of Concerned Journalists embarked on a three-year consultation involving public debate and discussions with journalists. The principles that emerged would no doubt find resonance here:⁴

- Journalism's first obligation is to the truth.
- Its first loyalty is to citizens.
- Its essence is a 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 make the significant interesting and relevant.
- It must keep the news comprehensive and proportional.
- Its practitioners must be allowed to exercise their personal conscience.

And last year, senior US newspaper executives held a summit to discuss how to reconstruct trust between journalists and the public following a series of scandals at *New York Times* and other media outlets. They reached similar conclusions.⁵

As part of a review of our activities in the field of media ethics over the last decade, the PressWise Trust discovered a wide range of interest groups and organisations – ranging from experienced journalists and media academics to charities and industry bodies – that wanted to ‘do something’ to improve the standards and the standing of journalism. PressWise has now joined forces with the Institute for Global Ethics, the International Communications Forum, the Institute of Communication Ethics, and the Media Society among others to become MediaWise - dedicated to ‘*promoting communication between practitioners and the public about the responsibilities of the media in an open society.*’

I hope you will all be hearing more about MediaWise in the future. This week we launch a global on-line forum about media ethics, and next month we shall publish *Satisfaction Guaranteed?* a review of media complaints procedures. Shortly we intend to launch a series of open discussions on the theme ‘*Changing the Newsroom Culture*’. End of commercial break.

Much of the ground work has already been done – there is public, and political concern, there is good will at the grass roots, there are tried and tested models. Now all we need is the energy and resources to engage civil society and off-duty journalists to start opening up to each other.

The toughest part will not be agreeing upon the terms of a ‘compact of trust’, but persuading the media powers that be to embed it into training, policy and practice.

⁴ The results of their project can be found in *The Elements of Journalism: What Newspeople Should Know and the Public Should Expect* by Bill Kovach and Tom Rosenstiel. Website: www.journalism.org

⁵ *Taking Aim: how to make sure your newsroom hits the mark of excellence*, Poynter Report Special Issue, Fall 2003. Website: www.poynter.org

WHO European Health Communications Network

Guidelines for professional health correspondents

*Devised by **The PressWise Trust** in consultation with health correspondents and health communicators throughout Eastern, Central and Western Europe and the International Federation of Journalists, and adopted by the World Health Organisation European Health Communications Network in 2000.*

1. First, try to do no harm. Human rights and the public good are paramount.
2. Get it right. Check facts and your sources, even if deadlines are put at risk.
3. Do not raise false hopes. Be especially careful when reporting on claims for 'miracle cures' or potential 'health scares'.
4. Beware of vested interests. Ask yourself 'who benefits most from this story?'
5. Reject personal inducements. Always make it clear if material is being published as a result of sponsorship.
6. Never disclose the source of information imparted in confidence.
7. Respect the privacy of the sick, the handicapped and their families at all times.
8. Be mindful of the consequences of your story. Remember that individuals who may be sick or handicapped - especially children - have lives to live long after the media have lost interest.
9. Never intrude on private grief. Respect the feelings of the bereaved, especially when dealing with disasters. Close-up photography or television images of victims or their families should be avoided wherever possible.
10. If in doubt, leave it out.

MIKE JEMPSON, Director, MediaWise (The PressWise Trust), is a journalist, author and trainer, with over 30 years experience in print, broadcasting, public relations, parliamentary work and media training.

A graduate of Sussex University Mike began his professional career as a teacher, before moving into community development work in London's Docklands and then taking up a full-time career in journalism, specialising eventually in media policy and human rights issues. He was a co-founder of PressWise in 1993 www.presswise.org.uk, and has been its Director since 1996, advising individuals and organisations with complaints about the media, and developing action research programmes on the reporting of children, suicide, health issues, ethnic minorities, and refugees and asylum-seekers www.ramproject.org.uk.

He has devised and delivered innovative training programmes for media professionals and NGOs in over 25 countries, and he is a consultant to the International Federation of Journalists. He is an acknowledged expert on children and the media, and his work for UNICEF included compiling the content for www.unicef.org/magic.

Mike represented UK user/consumer interests on the EC Information Society Forum for three years. He was a founder member of the Campaign for Press & Broadcasting Freedom and is now the longest serving member of its National Council, editing its journal *Free Press* for 3 years. He has served on the Editorial Board of *The Journalist*, magazine of the National Union of Journalists, and is now on the Editorial Board of *Ethical Space*, the international journal of the Institute of Communication Ethics.

His publications include:

- **Directory of Exiled Journalists**, PressWise RAM Project, 2003
- **Spot On! A handbook for health communicators**, WHO/PressWise 2000
- 'And the consequence was...dealing with the human impact of unethical journalism' chapter in **Ethics and the Media Culture: Practices and representation** (Ed. David Berry), Focal Press, 2000
- **The Media and Children's Rights: A handbook for media professionals** (with Denise Searle), UNICEF/PressWise, 1999
- **Information and Child Rights - The Challenge of Media Engagement: International survey of journalistic standards, and draft guidelines for media professionals** (with Bill Norris), IFJ/UNICEF, 1998
- **Ethnic Minorities and the Media**, (Editor), Report of PressWise UK Forum, 1997
- **Children in the Picture**, IFJ Report on coverage of child labour, 1997
- **Child Exploitation and the Media**, (Editor), ACHE/PressWise, 1997. Forum held in response to Stockholm World Congress Against the Commercial Sexual Exploitation of Children.
- **The Press Pack & Video**, (Co-author), English & Media Centre, 1995. Now a standard textbook on the history, content & structure of UK newspapers.
- **Interference on the Airwaves: Ireland, the Media & the Broadcasting Ban**, (Co-author with Liz Curtis), CPBF, 1993
- **Freedom & Responsibility of the press: Report of special parliamentary hearings**, (Editor), Crantock/Pearson, 1993