

# Media Codes of Ethics: The Difficulty of Defining Standards

*A Report to the Center for International Media Assistance*

*By Eugene L. Meyer*

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**The Center for International Media Assistance (CIMA)**, a project of the National Endowment for Democracy, aims to strengthen the support, raise the visibility, and improve the effectiveness of media assistance programs by providing information, building networks, conducting research, and highlighting the indispensable role independent media play in the creation and development of sustainable democracies around the world. An important aspect of CIMA's work is to research ways to attract additional U.S. private sector interest in and support for international media development. The center was one of the of the main nongovernmental organizers of World Press Freedom Day 2011 in Washington, DC.

CIMA convenes working groups, discussions, and panels on a variety of topics in the field of media development and assistance. The center also issues reports and recommendations based on working group discussions and other investigations. These reports aim to provide policymakers, as well as donors and practitioners, with ideas for bolstering the effectiveness of media assistance.

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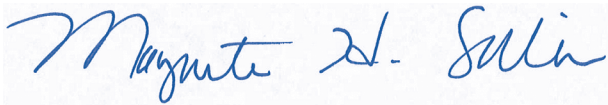
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# Preface

The Center for International Media Assistance (CIMA) at the National Endowment for Democracy commissioned this study about the use and influence of codes of ethics in international news media. The report examines how codes of ethics can serve to raise journalistic standards and what challenges journalists face in trying to live up to them, especially in countries where the news media are not free or where practicing independent journalism can be difficult.

CIMA is grateful to Eugene Meyer, a veteran journalist, for his research and insights on this topic.

We hope that this report will become an important reference for international media assistance efforts.

A handwritten signature in blue ink that reads "Marguerite H. Sullivan". The signature is written in a cursive style and is set against a light blue rectangular background.

*Marguerite H. Sullivan*  
*Senior Director*  
*Center for International Media Assistance*

# Executive Summary

Codes of ethics for journalists have long been established and widespread in Western democracies. In such countries, they are universally voluntary, often issued and adopted by leading organizations of journalists. They incorporate best practices that may go beyond the laws of libel, defamation, and privacy.

They are largely guidelines without official mechanisms for enforcement. This self-regulation is sometimes seen as preemptive, to ward off any potential government interference with the freedom of the press. They exist largely in the background, discussed in academic circles and among the hierarchy of print publications and broadcast institutions. The latter typically have their own company code of ethics, which are aligned with and often go further than the general professional code of ethics. The codes are actionable—providing for the suspension or firing of journalists who step out of bounds.

*From a Western perspective, journalism codes of ethics are an obvious benefit, akin to the preamble to the U.S. Declaration of Independence that says, “We hold these truths to be self-evident . . .”*

At large news organizations in the United States, standards of journalistic ethics are so ingrained that when ethical problems arise in the daily life of reporters and editors they are dealt with on a case-by-case basis, usually without reference to formal codes.

This paper deals with more general, profession-wide standards. When these standards—whether they are formal or informal—are breached, there are plenty of media critics, ombudsmen, and citizen watchdogs to call out the offenders.

From a Western perspective, journalism codes of ethics are an obvious benefit, akin to the preamble to the U.S. Declaration of Independence that says, “We hold these truths to be self-evident . . .”

In the not-so-free world, they are not so self-evident. Nor are they always, or even often, the products of a self-regulating free and robust press. And even when they are the products of press associations, they may represent a cultural and political compromise with a society or government that holds a more restrictive view of what journalists should and should not report.

Similarly, efforts to require government licensing or certain approved training, thereby limiting who may report, must be seen for what they are—attempts to control the dissemination of information rather than establishing ethical guidelines for journalists to follow.

The very phrase “code of ethics” means different things in different places. They are moral principles, not laws, but sometimes they are incorrectly conflated.

Frequently, the lines are blurred between genuine codes of ethics and government-enforced press codes. In some countries, such as China, press codes give lip service to journalistic independence while imposing constraints that require subservience to the ruling government's orthodoxy and policies. In other cases, "codes of ethics" are merely government-issued directives that may have the form but not the substance of standards that apply in a society with a free press. It's fair to say that independence is not a core principle embedded in press codes in such countries.

In some countries, journalists earn so little that they must supplement their income by taking second jobs that could compromise their objectivity, by doing public relations for a company that seeks coverage, by accepting payment for transportation and expenses from the subject of a story, or by working for state-owned media or government information agencies. There may be instances where the ethical standards for journalists are certainly valid but also a practical luxury. Thus, it's reasonable to suggest that promoting ethical standards in journalism cannot be separated from the advancement of human rights and welfare in general.

State-owned media present another special problem: Are journalistic standards of ethics in that context an oxymoron? Does the fact that al-Jazeera is supported by the government of Qatar mean that its editors and reporters are beholden to the state? Is this a question that could apply to other government-supported media in Western democracies?

There are also countries where journalists are code-bound to abide by the laws of the state. But if the laws restrict freedom of press and access to information that the public should know, what is ethical? Thus the difference between open and closed societies comes into sharp focus.

The notion that "information wants to be free" is yet another slippery slope when seen from the ethical perspective. A story about a supposed Syrian lesbian blogger was widely published before it was disclosed in June 2011 that the author was in fact a married American man living in Scotland. What code of journalism ethics did the publishers of the story violate? How did the fake blog get out in the first place? Where were the gatekeepers? Who should they have been? Would the existence of an Internet code of journalism ethics have mattered in the slightest?

Professional codes abound, setting forth high-minded principles. But their impact is sometimes questionable. This report offers a number of recommendations to strengthen codes of ethics that enshrine high standards of journalism: truthfulness, accuracy, balance, fairness, and transparency of the newsgathering process, including how reporters are paid. These standards should also apply to bloggers and others practicing journalism on the Internet, whether as professional journalists or as private citizens.

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In the United Kingdom, government threatens to censor social media. A phone-hacking scandal has revived calls for a crackdown on the press, with government-imposed sanctions. Journalists accused of committing libel must prove their innocence, rather than the accuser having to make the case.

And all of this in a “free” country, according to the Freedom House index. But the gap between ethical codes and the realities of working journalists in the United Kingdom only serves to underscore the difficulty of defining and enforcing standards—voluntarily, without government-intrusion—in an arguably “free” society.

This report focuses primarily on press codes in countries with authoritarian or dictatorial regimes, those deemed less than free by Freedom House, which has found that in 2011 only about 15 percent of the world’s population lives in countries with a free press.<sup>1</sup> “The world is awash with Codes of Journalistic Ethics,” wrote Bill Norris, associate director of the United Kingdom’s PressWise (now named MediaWise).<sup>2</sup> “The proscriptions on journalistic behavior are many and various, but they all have one thing in common: they are not worth the paper they are written on.” That bold assertion appeared in 2000. This report seeks to examine whether it is more or less true today.



# Methodology

This study is based on more than 20 interviews by telephone, e-mail, and Skype; primary and secondary documents; commentaries; websites; blogs; and other sources.

The author is grateful to the following, who were consulted in the preparation of this report:

Guy Berger—Former professor and head, School of Journalism & Media Studies at Rhodes University (1994-2010), South Africa; now Director of Freedom of Expression and Media Development at the United Nations Educational, Scientific and Cultural Organization.

James Breiner—Journalism trainer and consultant, former Knight International Journalism Fellow

David Craig—Professor and Associate Dean for Academic Affairs in Gaylord College of Journalism and Mass Communications, University of Oklahoma

Cherian George—Singaporean journalist and teacher, Nanyang Technical University

Kai Hafez—Chair for international and comparative communications studies, University of Erfurt, Germany

Kwame Karikari—Director, Media Foundation for West Africa

Howard Kurtz—*The Daily Beast* and *Newsweek*, Washington Bureau Chief

Melisande Middleton—Co-founder, Center for International Media Ethics (CIME)

Eric Newton—Senior Adviser to the President, John S. and James L. Knight Foundation

Joseph S. Foote—Dean, Gaylord College of Journalism and Communication, University of Oklahoma

Mike Jempson—Director, MediaWise, United Kingdom.

Shahan Mufti—Author and journalist

Adnan Rehmat—Executive Director, Intermedia Pakistan

Shakuntala Rao—Assistant professor, State University of New York-Plattsburg

Sherry Ricchiardi—Professor, School of Journalism, Indiana University; senior writer, *American Journalism Review*

Csilla Szabó—Staff Director, Center for International Media Ethics (CIME)

Joel Simon—Executive Director, Committee to Protect Journalists (CPJ)

Baris Soydan—Managing Editor, Sabah, Istanbul, Turkey

Robert Steele—Nelson Poynter Scholar for Journalism Values

Tom Stites—Founder and Director, The Banyan Project

Stephen Ward—Professor and Director, Center for Journalism Ethics, University of Wisconsin-Madison

Herman Wasserman—Professor, Journalism and Media Studies, University of Rhodes, South Africa

Aidan White—Former General Secretary, International Federation of Journalists

# Codifying Best Practices

Disclosures that Rupert Murdoch’s flagship British newspaper, the *News of the World*, had been engaging in illegal hacking of cellphones for years rocked the United Kingdom in 2011 and indeed, a significant segment of the journalism world. The scandal led in short order to his decision to close the publication, to the resignation of Dow Jones CEO Les Hinton, and to the arrest of Rebekah Brooks, the top *News of the World* editor, and others. The report that *News of the World* reporters tampered with the voice mail of a 13-year old girl who had vanished—and later turned up murdered—giving false hope to her parents, further outraged the public.

Parliamentary hearings were held, during which Murdoch publicly expressed remorse. The *Guardian* newspaper, which had been pursuing the story for years and broke it, along with the *New York Times*, was widely hailed as exemplifying the best in journalism—the polar opposite of everything that the *News of the World* had come to represent. Amid all of this controversy, there were calls for government regulation of the media.

Testifying before the British Parliament, Murdoch’s son James said that News Corp., whose European operations he heads, needs to “think more forcefully and thoughtfully about our journalistic ethics.” And Rupert Murdoch himself announced that the parent company of the *News of the World*, would henceforth have a new management-promulgated code of ethics.<sup>3</sup>

**“Despots love to see a free press behaving badly.”**

— Bill Keller,  
Former executive editor, *New York Times*

In the UK, as in virtually every country in the free world, as measured annually by Freedom House, there already existed a press code of ethics or code of conduct, endorsed by the industry’s Press Complaints Commission and the National Union of Journalists. The commission’s code of practice, adopted in October 2010 and effective January 1, 2011, explicitly asserted, “Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.”<sup>4</sup>

But it was almost as the code existed in a parallel universe from *News of the World*, which recently had not been represented on the 13-member code committee. Nonetheless, designed and issued by the media itself, it was blatantly ignored by the journalists caught up in the scandal.

“Despots love to see a free press behaving badly,” opined Bill Keller, former executive editor of the *New York Times*, in a magazine column.<sup>5</sup> He went on to criticize British Prime Minister David Cameron for suggesting a need for “some kind of ‘independent’ press regulator to deal with abuses like phone hacking.” And the *Times* editorialized, “Enacting further government restrictions on news gathering and publication would be a terrible idea—blinding the public in the name of protecting it.”<sup>6</sup>

The whole affair raised a fundamental question: In the real world of daily deadline journalism, are codes of ethics mere pieces of paper? The answer is no—and yes.

“In many countries . . . it is possible to practice as a journalist for years and never so much as look at an ethics code,” noted Ian Richards, professor of journalism at the University of South Australia, in the *Australian Journalism Review*, of which he is editor, in 2009.<sup>7</sup>

Howard Kurtz, the former longtime media reporter for the *Washington Post*, said that in his many years covering the press, the issue of codes had come up only “very occasionally” but not often. “It’s not something I’d thought about, to be honest.”<sup>8</sup>

But even if they are not on everyone’s radar screen, press codes are worthwhile, in the view of some. “Codes of ethics are important because they provide a values framework in which journalists work,” said Aidan White, former general secretary of the International Federation of Journalists.<sup>9</sup> “I could easily wallpaper my office with different codes that exist around the world,” some 400 altogether.<sup>10</sup>

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— Ian Richards,  
Editor, *Australian  
Journalism Review*

“They boil down to three or four key issues,” White said: “Respect the truth as far as possible, to always be accurate; to be independent, not a spokesperson for a minister of government or government or corporate interests; and also to respect your audience, to do no harm, to be aware of the consequences of what your write and say. Allied to that is journalists should hold themselves accountable for the work they do. These key issues are to be found in every code of conduct.”

“I think they are important because they confirm the notion of journalism as a public good. That journalism has wider responsibility than just respecting the prejudices of the writer, broadcaster, individual or the company,” White said. “It’s pretty easy to write down your aspirations—what the code represents. It’s more difficult to translate that into practical guidelines for every situation a journalist is going to deal with.”

While the words may be similar, in subtle and not always so obvious ways, codes differ from country to country, from culture to culture. Which raises another fundamental question: How can independent press codes of ethics exist in partly free or not free countries? Where such codes do exist, who issues them, and what is their relevance?

Mexican journalists, for example, have estimable codes of ethics.<sup>11</sup> But in an environment in which drug cartels conduct a reign of terror and execute members of the press, it was a publishers’ manifesto in March 2011 that seemed to be more relevant. The pact, signed by major media outlets, called for establishing “precise criteria” for airing or printing grisly photos or menacing messages issued in the war of the cartels. The pact appeared to promote self-censorship

as a survival tactic, but at what cost? As Freedom House moved Mexico from the “partly-free” to the “not free” category for the press, Karin Karlekar, managing editor of the survey, said of the publishers’ code and its impact: “It could be a situation where violence goes down but levels of self-censorship go up.”<sup>12</sup>

This pact followed a plea published by the largest newspaper in the border city of Ciudad Juarez in September 2010 beseeching the drug lords to issue their own code the newspaper could follow to stop the murder of its employees. “We ask you to explain what you want from us, what we should try to publish or not publish, so we know what to expect,” said the front-page editorial.<sup>13</sup>

Even the Nazis had “press instructions,” devised to support their New Order<sup>14</sup> and which they imposed after they came to power and had installed loyalists in the leadership of press organizations. Prior to that, German journalists belonged to the International Federation of Journalists in the early 1930s, when the IFJ was trying to establish a tribunal court of honor in the Hague to isolate and expose journalism engaged in war mongering and incitement to violence. It was an effort to create a code based on shared values that never came to fruition, as German journalists withdrew and international conditions deteriorated.<sup>15</sup>

The very phrase, code of ethics, “means very different things in open and closed societies,” said Eric Newton, senior adviser to the president of the John S. and James L. Knight Foundation.<sup>16</sup> “In an open society, it means it’s voluntary. There’s no administrative or legal mechanism that comes into play. It’s ethics as opposed to law as opposed to policy. It can cross over the line from ethics into law if a government says, ‘That’s unethical, therefore I’m going to put you in jail.’”

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“Here in the U.S. or Canada,” said Stephen Ward, director of the Center for Journalism Ethics at the University of Wisconsin-Madison, “we would make, I think, freedom to report independently our primary value, and then, once we are doing that, we will look around and try to limit the harm we do in reporting, try to be fair and accurate. What you get in other countries is simply the reverse. What’s primary is the press is part of the society and often should not report things. That’s a difference in emphasis, and reflects the political culture.”<sup>18</sup>

There is a clear disconnect here between journalism practice and journalism education, reality versus theory. While academics generally applaud such codes, the actual practitioners of the craft tend to be the greatest skeptics.

Add to this discussion the new reality of the Internet and the picture becomes even more complex. In a very short time, with 24/7 competition made more intense by economic pressures, the very definition of who is a journalist is being debated. Suddenly, it seems, any “content provider” can claim that mantle, whether he or she trades in opinions or asserts facts that are unverified or aggregated by others. Even newspapers increasingly employ “crowd-sourcing,” unpaid and untrained “citizen journalists” whose reports substitute for those formerly generated by a now greatly depleted professional staff.

But what codes of ethics—if any—apply or are even made known to these new self-described journalists? Their entry into the field has further muddied the ethical waters.

“Codes of ethics are extrinsic devices and constructs,” said Tom Stites, founder and president of the Banyan Project, which “aims to strengthen democracy through reliable, original Web-based journalism,” according to its website.<sup>19</sup> “What really matters,” added Stites, “is the integrity of journalism, which yields trust. If you do that well enough, the codes of ethics pretty much take care of themselves.”<sup>20</sup>

Or, as Mike Jempson, director of the UK’s MediaWise, a nonprofit journalism ethics organization, put it: “The Ten Commandments haven’t stopped murder, but it kind of helps us know it’s not the right thing to do.”<sup>21</sup>

In much of the Western world, media ethics and codes dealing with them are, if not taken for granted, then seldom discussed. They may be part of the professional landscape, so much so that they exist as background, much like, say, the Colorado Rockies’ front range west of Denver: If you live there long enough, you know it exists, but you hardly notice it. Only when some egregious breach of ethics occurs—and is exposed to public view as in high profile plagiarism cases, or in the *News of The World* cellphone hacking scandal in Britain—do media codes of ethics become part of the conversation.

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Media companies typically also have their own internal codes of ethics, which often apply the same standards as general, industry-wide codes of ethics and may even go further. Employees sometimes are required to sign these rules of behavior, acknowledging that they will abide by them. If they step out of line—such as plagiarizing or taking money for a story—they can be fired.

Surprisingly then, in some countries where a free press may be an oxymoron there is a great hunger for a full-throated discussion of ethics and a desire to establish publicly-known standards for the press to observe.

Thus, the Center for International Media Ethics (CIME)<sup>22</sup> a nonprofit organization founded in 2007 to provide ethics training worldwide, was able to organize an International Media Ethics Day in 11 countries on four continents,<sup>23</sup> and many of these events were in countries deemed partly free or not free under the Freedom House index of press freedoms.



“There is a wide variety of different rules and in some countries journalists do not have any ethical guidelines at all but must follow their own judgements [sic],” said a summary report on the 2011 CIME media ethics survey of journalists worldwide. The authors suggested that a “commonly accepted and widely used united code” would help.

“A major worry across the globe was the common practice of printing stories that favour [sic] commercial interests or are bought by certain organizations. This shows that this is truly a global problem and may be exacerbated by the recent global recession, with newspapers casting ethical issues aside in order to make money.” A lot of media ethics problems arise from “constraints posed by a lack of monetary resources,” resulting in “stories that are funded by those who will gain good publicity from the story,” the CIME report said. The level of ethical reporting in Asia was the lowest, according to the survey, which drew 127 responses from 46 countries.

CIME’s prescription—in fact it’s *raison d’être*—is “more media ethics training for journalists.”

Sherry Ricchiardi is, among other things, a media trainer. When she was in Turkey in January 2011, she worked with 18 journalists in Istanbul to hammer out an ethics code. “I’ve never seen a more motivated group,” she said. “For three days, we worked like crazy.” Returning in June to do more training, she learned that the January group had started something called the Media Ethics Platform, had posted a code of ethics on its website, had followed up with regional meetings, and was creating a hotline for journalists to call or e-mail with ethics questions.<sup>24</sup>

Aided in part with funding from the Washington-based International Center for Journalists, Turkish and Armenian journalists worked with Ricchiardi and with Istanbul editor Baris Soydan to learn about journalism ethics.<sup>25</sup> “After the workshop, a group of participants decided to found a new Turkish journalism organization dedicated to media ethics,” said Soydan,<sup>26</sup> managing editor of *Sabah*, a national daily paper with a circulation of 300,000.<sup>27</sup>

The newspaper Soydan manages has no company codes of ethics, he noted. “Turkish journalism does not have a tradition related to media ethics,” he said. “Media ethics, unfortunately, was not a real concern for Turkish media.”

The press has more freedom today than it did prior to a 1980s military coup that resulted in a new constitution, Soydan said. Thus Article 26 of the Turkish constitution guarantees, on paper at least, freedom of the press. But Freedom House ranked Turkey only “partly free” and 112th of 196 countries in its press freedom index for 2011.<sup>28</sup> Turkish journalists seeking to establish codes of ethics therefore work in an environment where there are limits on what they can report and publish, whatever their codes and the constitution may say.

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“We need to be very careful when we are reporting on attacks of terror organizations in Turkey,” Soydan explained. “For instance, we couldn’t report declarations of the PKK (a Kurdish insurgent group). Articles or coverage on the PKK could be prosecuted as propaganda of terror.” Even “finding sources from these organizations and interviewing them could be prosecuted in the courts,” he said, and some reporters have been tried. “But the reporters are insisting this is not propaganda but just news coverage of terror groups which are attacking Turkey. They claim—and I agree—that the public has right to get information even about terror groups.”

It’s a matter of ethics versus law.

Freedom of the press is enshrined in the constitutions of many authoritarian countries where freedom of the press does not, in fact, exist. In these countries, journalists face imprisonment or worse for upholding what they perceive to be their own personal professional code of ethics. In such settings, it is reasonable to ask once again: What’s the point of press codes of ethics when living up to them poses, at the very least, an occupational hazard.

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On the other hand, in democracies where true freedom of the press is enshrined not only in law but ingrained in the culture, are self-regulating codes of ethics enough? Or, to put it another way, are codes in a free society relevant? “Yes, they are, but they are certainly merely a helping device and a node in the discourse of professions and in self-regulation of journalism,” said Kai Hafez, professor of journalism at the University of Erfurt in Germany.<sup>29</sup> “If not executed and applied, they are meaningless.”

Even in the Western context, he noted, “current practices in journalism violate many of the norms of such codes.” Commercial interests may trump the codes, for example, when it comes to publishing gossip. “Sometimes it seems that unclear codes are a mere reflection of unclear practices, and it is this fact that makes them even less meaningful.”

In discussions of codes, said Jempson of the UK’s MediaWise, “very little is said about management behavior. Most codes are applied to reporters and editors, and the [British] Press Complaints Council consists solely of management. The blurring of editorial and advertorial, for instance, is not within the realm of reporters or editors to fix.”

But it’s not enough to have a code of ethics, even if management is arguably held to the same standards. “It has to be put into practice. That’s the test for every country,” White said.<sup>30</sup> “They are not just words you use. In practice, you have to be prepared to accept scrutiny and criticism.”

Even in China, ranked 184th out of 196 countries in the Freedom House index, White found journalists and officials who wanted to discuss ethics, albeit in a different way. There he spoke



with officials from CCTV, Jihan News Agency, and the People’s Daily and made the case for press ethics as in democracies. “But they come back and say, ‘We here in China have our own codes of ethics, based on our own values.’” In the Western world, respect for truth, independence and “do no harm” are standard values. “The Chinese would say, ‘We agree but perhaps put them in a different order—do no harm, be independent and respect for truth.’” The common good (do no harm), however, often is what the party or the state decides it should be, and the government will issue guidelines for journalists to follow. Clearly, a government-imposed press code is not what most of those espousing a press code of ethics have in mind.

Qatar offers another striking example of professional press codes under duress. “All the news organizations put it together, with the permission and acceptance of the government,” said Ward of the University of Wisconsin.<sup>31</sup> “The minister of information is always making statements about how Westernizing the press is. But it’s a hybrid culture; people are Westernizing, but it tends to be a theocracy” where social responsibility is stressed.

“You’ve got be very careful talking about free press in Qatar,” said Ward, who visited in 2010. “There are taboo subjects. A friend has a talk show, but he knows he can’t talk about homosexuality. If callers start talking about it, he has to cut them off. He can’t talk about drug problems. You’re not supposed to acknowledge them. He knows he is listened to by officials who could cut off his show. It’s a good example of the conflict between a code and political reality.”

The conflict came into sharp focus in September 2011, when the top news director of al-Jazeera, the pan-Arab news network financed by the government of Qatar, resigned abruptly after documents released by WikiLeaks showed that he had modified coverage decisions on the war in Iraq under pressure from U.S. officials. His replacement: Sheik Ahmad bin Jasem bin Muhammad al-Thani, a member of the Qatari royal family.<sup>32</sup>

Sometimes, however, abiding by a professional code of ethics might even provide a measure of protection against governments looking for reasons to clamp down.

“Journalists who are reckless, writing about a criminal organization or military group, journalists who get the facts wrong or who present highly partisan information are at risk,” said Joel Simon, executive director of the Committee to Protect Journalists.<sup>33</sup> “You do protect yourself by engaging in ethical journalism practices. The other issue is we see governments justify their intervention in the media by accusing journalists of being unethical.”

The subject of media codes of ethics is nothing if not complex and cumbersome. But it is possible to state some truths, to endorse the code concept, if only as an aspirational ideal.

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“I think the value of a code is that it’s a public declaration, really, that we take our responsibility seriously, that we want to be ethical, good journalists,” said Herman Wasserman, a professor of journalism at South Africa’s Rhodes University.<sup>34</sup> “It is important to have them also because it often initiates discussion around ethics. It’s a reference point, a benchmark reference to come back to. But just having an ethics code is not enough. It doesn’t mean you’re going to stick to it.

“And it’s important to constantly think about how to interpret these codes and the political and economic challenges that might mitigate against it,” Wasserman said. “Having a code is very good and important, but one has to go beyond that.”

# Press Codes in Africa: Aspirations and Allowances

There are journalists' associations and press codes in about 15 African countries. Ethical practices are policed by the associations themselves. On paper, it sounds good.

The aspirations are certainly there. In 1991, African journalists, meeting in the Namibian city of Windhoek, under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO), issued a landmark declaration promoting an independent and pluralistic African press, and calling for “development and promotion of non-governmental regulations and codes of ethics in each country in order to defend more effectively the profession and ensure its credibility.”<sup>35</sup>

African press codes “contain all the values you can find in the international systems, values of truth-telling, truth-seeking, balance,” says Kwame Karikari, director of the Ghana-based Media Foundation for West Africa.<sup>36</sup>

But in the non-Western world, reality intrudes. In Africa, according to Guy Berger, a South African former journalist and academic who now is UNESCO's director of freedom of expression and media development, the single most pressing problem that persists despite being frowned upon by myriad codes of ethics is “brown envelope” journalism, reporters accepting and sometimes soliciting bribes for coverage.<sup>37</sup> In this pay-to-play environment, condoned if not outwardly encouraged by management, whither codes of ethics?

“It's just that people are not paid good salaries for journalism, so they find ways to survive,” Karikari said.

This is not, it should be noted, news organizations paying for news—what is referred to in the Western world as “checkbook journalism,” another unsavory practice more common when media have the wherewithal to pay for interviews and access. In most of Africa, however, there is not enough money to support that form of corruption. Rather it's the pittance paid to working reporters that is said to be largely responsible for ethical lapses.

In addition, for many private institutions, paying for coverage is just part of the normal cost of doing business. “A hospital asked me to look at their media strategy,” recalled Jempson of the UK's MediaWise, who had gone to West Africa to do consulting work. “They had a [money] figure in there for media, to get at least one story in the media a month.”

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Media Foundation  
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To be sure, freedom of the press is enshrined in many of the constitutions. But that makes no difference unless supportive laws are implemented, and there can be codicils. In Malawi, for example, the constitutional guarantee of freedom of the press was trumped in early 2011 by an amendment that empowers the minister of information to ban the publication or importation of journals “if the minister has reasonable grounds to believe that the publication or importation of any publication would be contrary to the public interest.”

“This law will only manage to instill fear not only in media practitioners but also media house owners [publishers] who will be afraid of attracting the wrath of the minister,” opined the Media Institute of Southern Africa.<sup>38</sup> In July 2011, the government arrested several journalists and blocked radio broadcasts reporting on antigovernment protests. The state-run Malawi Communications Regulations Authority justified such action “in the interest of the security of the nation” and because coverage “may incite violence which can lead to gross damages to property, and even loss of life.”

“Pulling the plug on radio stations at a time of civil unrest is not only an act of desperate censorship but deprives all citizens of access to necessary information,” said Mohamed Keita, Africa advocacy coordinator of the Committee to Protect Journalists.<sup>39</sup>

And this happened in a country whose media council has adopted its own extensive codes of ethics, complete with complaint and arbitration procedures.<sup>40</sup> It is as if the ideal and the reality inhabit two different planets.

Interestingly, the code adopted by the Media Council of Tanzania—while including many of the usual ethical standards promoted in the West—explicitly states that media professionals “are also expected to advance national interests, and to promote key values and behavior patterns, especially so in times of war and other crisis.” Jempson said of many African countries: “Newspapers are highly politicized there, as they are in Eastern Europe. This makes for difficulty when you’re talking about codes of conduct.”<sup>41</sup>

And there are countries, such as Guinea-Bissau, a former Portuguese colony on the Atlantic coast of Africa, where no such codes exist at all. This tiny nation, one of the world’s poorest with two-thirds of its population living in poverty, has a constitutional guarantee of free press. But in March 2001, the assistant state prosecutor said journalists should practice self-censorship. According to a report from Press Reference, journalists must comport themselves thus “in order to avoid government harassment, intimidation and threats, personal detention, and media closures.”<sup>42</sup>

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to Protect Journalists

Karikari offers a different view of this impoverished republic. “Drug barons have virtually controlled the politics and security of that country, so they have imposed their own repression and possibly self-censorship on the media,” he says. “The media there are very weak. It makes it impossible for the media there to be independent, to report, for instance, on drug-related issues.”<sup>243</sup>

In many African codes, there is an expressed commitment not to stoke racial or tribal flames, to essentially self-censor reports in order to keep the peace. Uganda’s constitution promises “freedom of speech and expression which shall include freedom of the press and other media.”<sup>244</sup> But its professional code of ethics asserts that “A journalist shall not originate or encourage the dissemination of information designed to promote or which may have the effect to promote tribalism, racism, or any other form of discrimination.”<sup>245</sup>

Such an advisory is perhaps understandable in a region where ethnic conflicts have resulted in bloodbaths, even genocide. Nonetheless, journalists are being asked to gauge the effect of their stories on various groups before they are even published.

In terms of press freedom and ethics on the continent, South Africa stands at the pinnacle. Following decades of apartheid rule, in which the government imposed severe restrictions on the press, the new democratic country that emerged first from a colonial past and then from a racist regime sought in many ways to emulate the best practices of the West. This was true in its adoption of democratic governmental forms and also in its approach to press freedom.

For starters, freedom of the press was enshrined in the new constitution. Henceforth, complaints against print media were to be heard and ruled upon by an independent ombudsman. There is also a statutory Broadcasting Complaints Commission, which has the power to impose fines and is similar to the Federal Communications Commission in the United States.

In South Africa, the media could self-regulate, adopting a code of ethics based largely on European, Australian, and American models. The U.S. Society of Professional Journalists code inspired the ethics code of *Die Burger*, the Afrikaans daily newspaper.<sup>46</sup> The key principles of the SPJ code are “maximize truth, minimize harm, and act independently.” (See Appendix, page 38.)

It helps that in South Africa the media are by and large “free and economically quite strong,” Wasserman said. “In the last few years, there has been a rise in ethical discourse.”

The counter reaction to such ideas rooted in Western thought has not been long in coming. As communications academics Wasserman and Shakuntala Rao note in a 2008 essay, President Thabo Mbeki in 2003 said African journalists should report “as Africans.”

***In many African codes, there is an expressed commitment not to stoke racial or tribal flames, to essentially self-censor reports in order to keep the peace.***

“I am,” Mbeki said, “proceeding from the assumption that you were African before you became journalists and that despite your profession, you are still Africans.”

Berger explained in a 2005 essay: “To have an African mindset implies understanding the commonalities across the sweep of the continent—and including South Africa—of similar colonial histories, peripheral economies, rural cultures, ancestral traditions ...”<sup>47</sup>

There are also in South Africa, as elsewhere, partisan concerns. The ruling African National Congress party, “increasingly sensitive to criticism,” Wasserman said, has called for a statutory media tribunal, with the authority to impose sanctions and even imprison journalists. “The complaint is the [non-governmental] press council is not strong enough and is too closely aligned to industry and doesn’t sanction journalists strongly enough.”

To prevent such measures from taking place, the press council has been re-evaluating its own procedures. “But it is worrying,” says Wasserman, himself a newspaper journalist in the 1990s. “A sword hangs over the head of the press in the country.”

***Codes of ethics notwithstanding, it’s the brown envelope problem that seems to defy solution short of a revolution.***

In October 2011, the office of South Africa’s current president, Jacob Zuma, stung by what it called unbalanced coverage of the president, issued a statement reminding the media that its “responsibility is to inform the public first and foremost on what the [president’s] decision is all about and all aspects of it. They are then free to comment on it, but must not give an impression that their opinions are facts. Opinions need to be marked clearly as such so that the public can make own judgements based on the information provided.”

The brown envelope problem also exists in South Africa, but bribery is not endemic as it is elsewhere. Many codes on the continent do, however, prohibit both accepting and demanding bribes. For instance, the code adopted by the National Institute of Journalists of Uganda asserts, “No journalist shall solicit or accept bribes in an attempt to publish or suppress the publication of a story.”<sup>48</sup>

Codes of ethics notwithstanding, it’s the brown envelope problem that seems to defy solution short of a revolution—or perhaps significant increases in journalists’ compensation.

Karikari, of the Media Foundation for West Africa, blames “poor pay, poor salaries, lack of training or poor training” for the prevalence of brown envelope journalism.<sup>49</sup> Bribery for covering or for killing stories “goes on a lot in a number of countries.”

“It’s accepted in some places as part of the business model,” Berger said.<sup>50</sup> “In some cases, journalists share money with news editors. It’s an institutionalized scam that’s been developed. It’s not they’re not ethical; they’re just paid so badly. And they are freelance journalists mostly. So they have a propensity to be susceptible to this particular problem.”



Some of the more reputable newspapers—Berger cited Nigerian papers in particular—will publish notices “saying we pay our reporters well enough and you don’t have to pay them, and tell us if they try to get money out of you. It’s like, ‘How’s my driving?’”

An even larger problem there, he added, is that “most fulltime journalists are government employees in state-owned media. Ethics sometimes becomes a casualty.” In these circumstances, the journalists owe their first allegiance to the government that pays them and not to the readers or the idealistic codes of ethics propounded by professional associations.

Either way, many journalism codes of ethics prohibit such practices. “A journalist shall not demand or accept payment in order to include or exclude material on a story he/she is writing,” says the Media Council of Malawi code.<sup>51</sup> Similarly, “Media houses shall not demand any financial inducement in order to publish or exclude material from publication.”

Africa is, of course, a diverse place, and that is reflected in how the press performs and is treated from the Mediterranean to the southern tip of the continent. “It’s a mishmash of media culture,” says Karikari.<sup>52</sup> “So it’s not easy to compare situations in West Africa to Europe or North America. They are two entirely different worlds.”<sup>53</sup>

But students of press ethics here and abroad may note at least one similarity: the adoption of press codes in part to ward off government regulation. In June 2011, the chairman of the Kenya Editors Guild called on the media to adopt ethical guidelines to “pre-empt government legislation on practitioners.”<sup>54</sup>

However, all in this vast continent is not brown envelope journalism and government repression. In Ghana, Karikari says, the government not only is constitutionally barred from interfering with the media but has, for the last dozen or so years, been “really quite distant from media work; they don’t interfere.” This hands-off policy has resulted, he says, in a “quite vibrant and independent” media “free of government intrusion ... There is no self-censorship.”

It is unclear, however, whether the journalists code of ethics, adopted in 1994, has had a greater impact on press performance than has the government’s acceptance of a free press.

And then there is Zimbabwe, under the authoritarian rule of President Robert Mugabe. The country’s Voluntary Media Council has its own code of conduct, to be applied and enforced by the council’s media complaints committee.<sup>55</sup> The code promotes “accuracy and fairness” but also cautions against publishing material “intended or likely to engender hostility or hatred” towards persons due to their race, national origin, sexual orientation, ethnicity, gender, disability, religion, or politics. Further, media must “take utmost care to avoid contributing to the spread of ethnic hatred or political violence.” It also contains a separate section on reporting of elections, the most

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contentious of issues in the country's recent past. Allegations against a candidate, for example, should not be published without including a response from the individual.

Noble aims, indeed. But by May 2010, just 14 months after Mugabe's "government of national unity" came into being, repressive legislation was put in place against the press.<sup>56</sup>

From listening to the government, though, one might conclude that Zimbabwean reporters can maintain the highest standards of journalism without fear for their professional careers, personal freedom or physical well-being. On World Press Freedom Day on May 3, 2011, the Mugabe regime "urged journalists to discharge their duties without fear, saying it is against any form of media suppression," according to the *Herald*, a government-owned newspaper published in the capital, Harare.<sup>57</sup> "We will leave no stone unturned in ensuring genuine freedom of journalists and media houses," declared Media, Information and Publicity Minister Webster Shamu. If only it were so.



# On the India-Pakistan Subcontinent: Constitutions, Codes, and Conduct

Since partition in 1947, India and Pakistan have gone their separate ways, their religious and political differences resulting in four wars and continuing friction between the two contiguous countries formerly united under the British crown. Tensions both internal and external seem to have marked their 64 years of independence.

Neither country has emerged from colonialism with a sustained and full-fledged commitment to democratic values. India is rated “partly free” and Pakistan “not free” by Freedom House in its 2011 Freedom of the Press survey.

Strikingly, however, the constitutions of both countries contain articles guaranteeing freedom of the press—but with caveats.

***In both countries, journalists' associations have promulgated codes of ethics, yet reporters have been jailed and sometimes murdered while doing their jobs.***

“Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press,” says Article 19 of the Pakistani constitution, but then comes this: “subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, commission of or incitement to an offense.”

Article 19 of the Indian constitution uses much of the same wording, but the freedoms are also circumscribed, allowing “the State” to make any law restricting them “in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offense.”

In both countries, journalists' associations have promulgated codes of ethics, yet reporters have been jailed and sometimes murdered while doing their jobs. But even while journalists may strive for the ideal, there are compromises with reality.

“If you go to the Press Council of India [code of practice] and do a search for ‘truth,’ you won’t find it very often,” said Ward.<sup>58</sup> “In Western codes, it’s right there.” But in countries like India, truth is often disputed. “They’d rather speak of methods of responsible journalism, that journalists are accurate, balanced, and don’t demean ethnic groups, or whip up tensions.”

The word “truth” does appear six times in the 112-page document, and its first mention comes in the context of truth being no defense “for publishing derogatory, scurrilous and defamatory

information against a private citizen where no public interest is involved.” Further, judges and legislators, even though not private citizens, do not have to prove “reckless disregard for the truth” when charging they’ve been defamed.<sup>59</sup>

The press council, legislated into existence in 1978, is largely funded by the government, and it is traditionally chaired by a retired supreme court judge. While it can censure publications, it has no real enforcement powers, but its pronouncements carry great weight. (The Indian government met with industry opposition when it proposed a “content code” for broadcast media. Instead, the News Broadcasters Association of India came up with its own code in 2008, establishing a grievance panel that has no powers to sanction wrongdoers.)

“The press council has often used senior journalists in writing these codes,” notes Shakuntala Rao, a native of India who teaches journalism at the State University of New York-Plattsburgh. “It’s not entirely a state initiative. But unfortunately in India the separation between state and journalism is not always as much as it ought to be. So there’s been criticism of too much influence of the ruling government in these codes.

***While the Press Council of India can censure publications, it has no real enforcement powers, but its pronouncements carry great weight.***

“There are certain values we have, and certain lines we don’t cross,” she said. “For instance, you must show restraint. A classic Indian example is if there is a communal riot between Hindus and Muslims, don’t mention the place of worship so that people don’t know what kind of communal riot it is. Don’t say that ten people attacked a mosque. Instead, say ten people attacked a place of worship. The same sort of idea exists in Pakistan but in a different way. You can mention the place of worship but not the specific sect, such as Sufi.”<sup>60</sup>

Perhaps the watershed year in modern Pakistani journalism was 2002. After decades of military rule, there were only one television and one radio station, both government-owned. But a new law enacted that year opened things up to independent outlets. Now there are 94 television channels (of which 44 are devoted to news) and 147 radio stations. That’s an explosion of news and information, but they are still subject to government press restrictions on what can be said about the military, religion, the judiciary, and Pakistan’s relations with other countries.<sup>61</sup>

The law carries severe penalties, with jail terms of up to three years and fines of up to \$12,000, about what the average Pakistani journalist earns in a year. “The implication of all this is a great deal of self-censorship,” says Adnan Rehmat, executive director of Intermedia, an Islamabad, Pakistan-based nonprofit dedicated to media training, research and ethics.<sup>62</sup> “Nobody’s been actually convicted in the end, but just the pain of defending yourself is a lot in both monetary and professional terms. There have been several instances where cases were filed which have dragged through the courts. The media organizations don’t stand by you because one-fourth of their advertising revenue still comes from the government.”

Pakistan's press council came into being, albeit by presidential decree, in 2002. Working journalists were neither consulted nor included and rejected its legitimacy. Instead, the Pakistan Federal Union of Journalists (PFUJ), established in 1950, carries the torch for press freedom. Its code "encourages its members to maintain good quality of workmanship and high standard of conduct." High among its 13 points is this notion: "Freedom in the honest collection and publication of news facts and the rights of fair comment and criticism, are principles, which every journalist should defend."<sup>63</sup>

Shahan Mufti, a Pakistani-American journalist who has written about the media in his ancestral country, said: "It definitely was addressing things like what you can cover, can you show body parts, what constitutes hurting national security, what is a journalist's responsibility in a country in the middle of a guerilla war. All of this is happening in the context of ... covering a war in your own country."<sup>64</sup>

But the union's major concern of late has been the murder of journalists. In addition to its code, the PFUJ website lists 22 "Steps to Safety," such as "Balance risks against benefits before going anywhere dangerous" and "Consider how to report on violent areas from a safe distance."<sup>65</sup> In red letters, it emphasizes, "No story is worth your life." Since 1992, forty journalists have been killed in Pakistan—with eleven killed in 2010 and ten in 2011, more than in any other country, according to the Committee to Protect Journalists. The number killed in India in the past two decades is 27.<sup>66</sup>

Rehmat blames unbalanced reporting for some of the Pakistani media deaths. "One key reason a majority of these journalists were killed was lack of attention to ethics," he asserts. "We believe half of your safety relies on ethics. It's because Pakistani journalists are not formally qualified and trained, don't balance stories, or give right to reply in general when making allegations.

"Terrorism is a fact, you know, militancy is a fact. They're out reporting facts. However, they're not including all facts in a proper report. For instance, they will report the Taliban were involved. What is the Taliban? It's not a single group; it's an umbrella group of various organizations. What happens is you go out and report on 'the Taliban,' all these groups, you antagonize all of them. So in certain areas of the country, such as common border between Afghanistan and Pakistan, the tribal areas, it's a given you might invite serious physical retaliation."

The ethical issue also emerges in the local arena, as various groups vie for power during election campaigns. Accordingly, at a conference convened by Intermedia in Karachi on November 4, 2010, Pakistani print and broadcast journalists resolved to do better. "We commit ourselves to the highest journalistic standards comprising ethics, impartiality, search for objective and balanced information, investigation, thorough analysis, and respect for a code of journalistic ethics for reporting on [local] elections," the resolution said.<sup>67</sup>

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Codes of ethics were a major focus of speakers at a Press Freedom Award ceremony arranged by UNESCO and the Pakistan Press Foundation on World Press Freedom Day in May 2011. A former federal information minister cited a lack of rules and regulations within the country's media, a vacuum she said a voluntary code of conduct could fill. "The journalist community should jointly take this initiative, so that the corporate sector and government have no excuse to reject it," she said, without reference to the Pakistan journalists' union code that already exists.

## Press Codes of Ethics: The Example of Singapore

Singapore, the small southeast Asian city-state that comprises 63 islands off the southern tip of the Malaysian peninsula, is often touted as a modern-day success story. The “Asian miracle,” it has been called. The miracle may be economic, but it does not extend to a robust and unencumbered press. Instead, the press reflects the values of the authoritarian government, and, at least to some extent, the culture of the ethnically-mixed country.

The news business there is economically vibrant but tightly regulated. Media outlets must be licensed to operate. That by itself has a chilling effect on what reporters can write and editors will allow to be published. The largest newspaper, the *Straits Times*, has close ties to the ruling People’s Action Party (PAP), and top editors have held high government positions.

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The Singapore journalists code of professional conduct was not written and issued by the government; it came from the Singapore National Union of Journalists. But it might as well have been.

On the surface, it strikes all the right notes—by the standards of Western democracies.<sup>68</sup> Who could argue with the following? “Every member shall defend the principles of freedom in the honest collection and dissemination of news and the right of fair comment and criticism.” Or with this? “Every member shall report and interpret the news with scrupulous honesty.”

But then comes this, the penultimate of 10 guiding principles: “Every member shall keep in mind the dangers in the laws of libel, contempt of court and copyright.” And the laws are daunting.

Among practicing journalists in Singapore, however, the code is hardly ever mentioned or discussed. “It’s largely defunct. It’s not really in use,” said Cherian George, a former reporter at the *Straits Times* and now a blogger and teacher at Nanyang Technical University.<sup>69</sup> George said he thinks the code dates to the 1970s, when the journalists’ union was most active. “The system has been in operation so long it’s basically taken the spot of the furniture. Nobody is particularly fond of it; it is just taken as a given. The risks you actually take are not as onerous as in other more authoritarian countries.” However, he added, “If you imagine you can criticize government openly and your career is completely unaffected, you’re probably dreaming. There may be consequences.”

Strangely, perhaps, Rupert Murdoch, the Australian-born world press magnate, whose *News of World* phone-hacking scandal in 2011 raised fundamental questions about the efficacy of ethics codes even in Western democracies, asserted in testimony before Parliament that Singapore is “the most open and clear society in the world.”<sup>70</sup> This about a nation ranked 150th out of 196

nations in the 2011 Freedom House press freedom index.<sup>71</sup> Murdoch was referring, mainly, to high salaries paid to Singaporean officials, which he suggested prevented corruption. He did not directly address the issue of an un-free press. Further, It seemed an odd expression coming from Murdoch, whose hacking reporters and enabling editors would most certainly face serious consequences should they cross such ethical, not to mention legal, lines in Singapore.

The Murdoch-owned *Far Eastern Economic Review* faced a libel suit resulting from a 2006 interview it published with the leader of the opposition Singapore Democratic Party. The *Review* declined to issue the apology requested by the targets of the leader’s wrath, prompting the lawsuit.<sup>72</sup> At last, in 2009, the magazine and its editor agreed to pay \$290,000 in damages for the alleged defamation. In dismissing the magazine’s appeal, the Singapore Supreme Court stated succinctly not only that “constitutional free speech is conferred on Singapore citizens only” but also that the press has no recognized “watchdog” function in the country.<sup>73</sup>

***The Singapore code says journalists should “defend the principles of freedom” without saying what they are.***

The Singapore code says journalists should “defend the principles of freedom” without saying what they are. It says every journalist “shall report and interpret the news with scrupulous honesty.” Nowhere, however, in the ten tenets of the code do the words “search for truth” appear.

But herein lies a cultural context that is plainly foreign to Western notions of democracy and press freedom. “You have a consensus within the population at large, it goes along with notion of authoritarian form of media,” said White, the former general secretary of the IFJ, who has taught in Singapore. “To the outsider, it’s intolerance. But inside the country, people live with it because they feel it’s in the best interest of their small city state.”<sup>74</sup>

“The journalists union can be very militant in fighting for labor rights, decent salaries, the right to work,” White said. “But they absolutely sit on their hands when comes to taking on the state and their authoritarian approach to journalism and media. It’s extremely disappointing, but it shows the lack of confidence in the media in trying to confront a system deeply embedded in all levels of society. They have a code of ethics. But the point is they don’t make a connection between a code and the need to protect independent journalism with the question of respect for truth and providing people with complete account of what’s going on in their society.”

“The government has articulated what good citizenship is and what it means to further the society, and out of that are certain norms good citizens follow and that would include journalism,” said Joseph S. Foote, dean of the Gaylord College of Journalism and Mass Communication at the University of Oklahoma.<sup>75</sup> “Western journalistic values are being taught. In Singapore especially—which is most advanced as far as exporting people—they pride selves on preparing journalists who can go to any Western country and practice, inculcated and subscribed to Western notions and also able to work very easily within more proscribed Asian culture. They can do both; makes them more valuable. They seem able to do that with minimum of dissidence.



Some, of course, could never work within the Singapore news establishment and leave. But quite a few feel comfortable with both.”

According to UNESCO, in Singapore, “The boundary between the government and the media is weak ... This system of control has resulted in a tame media that do not encourage diversity of ideas ... Editors of mainstream dailies so far have not been receptive to the idea of an ombudsperson ...”<sup>76</sup>

The island nation, paradoxically, has an open door to international media practitioners and scholars, often hosting them at elaborate conferences. The regional Asian Media Information and Communication Center (AMIC), established with seed money from a German foundation, is based there. According to its website, AMIC “exists to encourage ethical and social responsibility of the media to support democratic access and participation in media development and production.”<sup>77</sup> AMIC holds regular seminars and conferences but doesn’t focus much on Singapore and its press issues.

“They’re absolutely quite happy to make the facilities they’ve got available to others in a very pluralistic manner,” said White.<sup>78</sup> “I’ve attended [conferences] where we’ve spoken very freely about these issues and not encumbered. In one way, there’s a very open expression of these views—so long as it’s not from the Singapore press.”

In some of these academic and professional forums, Singapore journalists have expressed frustration. Ward, of the Center for Media Ethics at the University of Wisconsin-Madison, recalled one conference he attended at which “one guy got up and said how un-free the press was. His argument was they gave press economic freedom to be self-sustaining, make money, and they were able to write controversial or investigative pieces only up to certain level but can’t actually challenge the administration on basic issues. So there’s a wall.”

While the government clamps down on the mainstream media, dissenting views have appeared on the less regulated Internet, from such sources as the opposition Singapore Democratic Party. The party has complained that press restrictions have prevented it from getting its message across to the public, but it is using social media and the Internet to overcome mainstream media omissions.<sup>79</sup> “The Internet is relatively free and witnesses independent commentaries on various issues,” UNESCO said.<sup>80</sup> Thus, in its campaign against government censorship, the SDP has even linked to a diplomatic cable from WikiLeaks on the subject.<sup>81</sup>

“Another cable has Singapore journalists saying they are increasingly frustrated with government-imposed limits on their domestic reporting,” the U.S. cable quoted by WikiLeaks said, “with political leaders putting pressure on the *Straits Times* staff to ensure that the paper’s domestic coverage follows the government line. Reporters say they are eager to produce more investigative and critical reporting, but they are stifled by editors who have been groomed to toe

***While the government clamps down on the mainstream media, dissenting views have appeared on the less regulated Internet.***

the line. Others told U.S. diplomats they are so frustrated that they are considering leaving the country.”

Indeed, the story of Singapore journalism and its code of ethics is largely one of omission rather than commission. When the government approved gambling resorts in 2005, for example, mainstream media coverage was respectful if not downright fawning. In fact, some of the stories read like government press releases. According to one academic research paper, Singapore media “played down the negative effects of gambling to present a positive view of economic benefits ... notwithstanding reports by foreign news media that said many critics have slammed the government’s decision for the casino approval despite strong opposition.”<sup>82</sup>

Former *Straits Times* journalist George thinks that most Singapore reporters are generally not unhappy and are sufficiently well-paid so that “brown envelope” journalism, the acceptance of bribes for coverage, does not exist. Newsroom malcontents, he writes, “haven’t been paying attention for the last 40 years. That’s how long it has been official and explicit government policy that press freedom in Singapore must be subordinate to the government’s priorities.”<sup>83</sup>

Indeed, many Singaporeans do not chafe under government press restrictions, or feel that freedom of the press should be unrestricted, either by government or by professional codes. “I believe that the publisher in Singapore should not be totally independent of the government, as through journalism it would help to increase understanding between the government and the public,”<sup>84</sup> wrote one essayist.

“I’m glad that the government is protecting her multi-racial society from disintegration that may arise from insensitive articles,” said former Prime Minister Goh Chok Tong in 2004 in the World Press Freedom Review. “Respect of others is important in journalism ... Singapore has to provide more protection in journalism to preserve the diverse culture she has. Thus it’s natural for the government to be more strict by imposing fines if a journalist publishes unethical news.”<sup>85</sup>

In Singapore, it seems, what is unethical news is whatever the government says it is. “Sure, you could promote a code where the first principle is that journalists must serve the public and be independent of power,” George said, “but it’s pretty pointless as a code of ethics, because you have to deal with it politically in the first place. It’s not really an ethical issue, it’s a political challenge.”<sup>86</sup>



# Codes of Ethics in the Digital Age

Who is a journalist? That fundamental question underlies any discussion of press codes of ethics in the digital age. When bloggers can become accredited members of the White House press corps,<sup>87</sup> it seems as if anyone with access to the Internet can be a journalist. Or can they?

If the answer is yes, what if any ethical standards apply?

“When you get into the digital world, the number one thing that distinguishes a professional journalist from everyone else is a code of ethics,” says James Breiner, an independent media consultant who created Latin America’s first digital journalism center at the University of Guadalajara.<sup>88</sup>

In some countries, journalists must be licensed by the government, much as are doctors, nurses, electricians or master plumbers. Such a requirement would vigorously and rightly run into strong opposition from advocates for a free press.

***On the internet, who are the gatekeepers, and should there be any?***

On the Internet, however, who are the gatekeepers, and should there be any?

A majority of journalists responding to a media ethics survey conducted by the Center for International Media Ethics and published in September 2011 “think that new media has a negative effect on journalism, as journalists might forget that the same rules apply for the printed press and the online press.”<sup>89</sup>

The so-called legacy media—both broadcast and print—are just beginning to address the issue. National Public Radio posted its social media guidelines on October 15, 2009. “Properly used, social networking sites can also be very valuable newsgathering and reporting tools and can speed research and extend a reporter’s contacts, and we encourage our journalists to take advantage of them,” the guidelines state.<sup>90</sup> NPR’s long list of online rules prescribes that “content gathered online is subject to the same attribution rules as other content.”

On September 1, 2011, the *Washington Post* made public its social media guidelines, also asserting that “information on social networks needs to be verified like any other information. Work to verify the authenticity of people and organizations before attributing facts or quotes to them.”<sup>91</sup>

*Post* ombudsman Patrick B. Pexton called the publication “a leap toward transparency ... and making journalists more accountable to readers ... And the guidelines come after months of discussion in the newsroom and input from company lawyers worried that if the *Post*’s journalistic standards were published, it could invite more lawsuits, frivolous and serious, from people trying to—oh my gosh—hold the publication to those standards.”<sup>92</sup>

### OhmyNews Reporter's Code of Ethics

1. The citizen reporter must work in the spirit that "all citizens are reporters," and plainly identify himself as a citizen reporter while covering stories.
2. The citizen reporter does not spread false information. He does not write articles based on groundless assumptions or predictions.
3. The citizen reporter does not use abusive, vulgar, or otherwise offensive language constituting a personal attack.
4. The citizen reporter does not damage the reputation of others by composing articles that infringe on personal privacy.
5. The citizen reporter uses legitimate methods to gather information, and clearly informs his sources of the intention to cover a story.
6. The citizen reporter does not use his position for unjust gain, or otherwise seek personal profit.
7. The citizen reporter does not exaggerate or distort facts on behalf of himself or any organization to which he belongs.
8. The citizen reporter apologizes fully and promptly for coverage that is wrong or otherwise inappropriate.

The guidelines do not, however, completely rule out reports that the *Post* cannot independently verify: "If we are confident in the sourcing of a third-party report, we may cite it on social networks while also attributing the information to the original source. If facts or sourcing are murky, it is preferable to buy time by telling readers we're investigating a developing story, then consult with originating editors for advice." In other words, if it's "out there," in the new world of digital media and social networking, it's ripe for reporting. The old two-source rule of verification, frequently cited by the *Post* during its Watergate heyday, apparently no longer applies.<sup>93</sup>

Nonetheless, the guidelines issued by the *Post* and other news organizations—such as the BBC, the *Los Angeles Times*, ESPN, and the Associated Press—seek to assert some ethical guidelines their employees should follow while mining digital media.

But what of self-styled "citizen journalists"? Do the same rules and standards apply to them, and, if so, who should write the rules and who should enforce them? Beyond the usual laws against libel, defamation and privacy, what goes?

OhmyNews, a South Korean website that aggregates content from citizen journalists, has its own set of ethical guidelines.<sup>94</sup> The site's motto is, appropriately, "Every Citizen Is a Reporter." A key tenet: "The citizen reporter does not spread false information. He

does not write articles based on groundless assumptions or predictions." Elsewhere, young citizen journalists from the Middle East and Iran fashioned their own code in July 2011 in Beirut.<sup>95</sup> No traditional Western journalist could take issue with its 12 commandments, including "Be fair ... Be accurate ... Always link to original sources ... Do not fabricate stories ... Do not plagiarize ..."

MediaWise's Jempson said, "Having run alternative newspapers in my own time, I'm very much in favor of a community voice, but you have to get people to understand that doesn't give them the right to do whatever the hell they want, and if they want to be taken seriously they have got to be accurate."<sup>96</sup>

Enter the social networking site launched by Harvard whiz kid Mark Zuckerberg in 2004 as “the Facebook” for college students. It would soon become simply “Facebook,” open since September 2006 to anyone 13 or older with a valid email address. Add to that Twitter, launched in July 2006, which limits posts to 140 characters. By September 2011, it boasted 100 million users.<sup>97</sup> Almost overnight, the Internet universe had expanded exponentially, taking users into uncharted galaxies where the distinctions between what’s personal and what’s public seemed to dim.

“In the world of ethics, one of the most important values is to keep business and pleasure separate,” writes Kelsey Pinkard, a journalism student at Ohio University. “However, the wonderful World Wide Web has created a lot of problems for journalists. There are so many ways for us to leak a story without even knowing it, to get caught in a conflict of interest, to screw up a story because our info isn’t credible, and so on...

“The social media outlets on the Internet allow us to intertwine business and pleasure ... Facebook influences the way we think. We rely on it as not only entertainment, but also as a networking tool and a news source.”<sup>98</sup>

Facebook has its own set of rules that its more than 800 million “friends” are required to follow, or face expulsion. But who empowers Facebook to make the rules or enforce them? Who regulates Facebook? Who really owns the information?<sup>99</sup> “That’s a separate debate,” the CPJ’s Simon said.<sup>100</sup> “Is there a code if you’re not part of some professional organization or group? The larger issue of how do you regulate speech on the Internet is really not different from how do you regulate speech in any society.

“Yes, there’s the capacity to reach a broader audience, but essentially you are engaging in speech, some of which is journalistic. The notion [that] this can be regulated through a code of ethics doesn’t really resonate with me. Somebody posting something on the Internet that’s defamatory is no different than going on a street corner or photocopying and putting it up on bulletin board, except the audience is larger. The essential activity is the same. You’re speaking. You are using this new technology to do that.”

And if national standards and laws come into play, how does that play on the appropriately named World Wide Web? Can there be, in this technological Wild West, a global code of ethics that makes any sense?

The actions of WikiLeaks, the whistleblowing website and mass dispenser of leaked documents run by Australian Julian Assange, have raised many ethical questions within traditional journalism circles. The rogue operation has made Assange something of an international bad boy, celebrated by some for disclosing information that some say should be widely available, condemned by others for irresponsibly releasing classified documents whose publication could do irreparable harm to individuals or governments seeking to implement commendable policies.

Vice President Joe Biden called Assange a “high-tech terrorist.” Senate Minority Leader Mitch McConnell said that Assange should be prosecuted for his actions. After a release of documents

relating to the war in Afghanistan, Mike Mullen, then chairman of the U.S. Joint Chiefs of Staff, charged that Assange had “put those who willingly go into harm’s way even further in harm’s way just to satisfy your need to make a point.” Assange replied that Mullen was merely speculating without evidence. “Of course, we are treating any possible revelation of the names of innocents seriously. That is why we held back 15,000 of these documents,” Assange said in an interview on the Pacifica Radio program, *Democracy Now*.<sup>101</sup>

The controversy prompted Ward of the Center for Journalism Ethics to write: “Public support for this form of whistleblower journalism will turn swiftly against it should future releases lead to the death of a third party, or lead to a terrorist attack. The best way to retain support for a free press is to act responsibly, and to be seen to be acting so ... From an ethical perspective, what is significant about the emergence of WikiLeaks is not only that new technology allows citizens to gather and publish secret material globally, and these online publishers are difficult to control. What is significant is that enthusiasm for revealing secrets undermines the idea of responsibility—the responsible use of the freedom to publish.”<sup>102</sup>

***Have the social media turned journalists into activists—or vice versa? That is another vexing question being posed in the digital age.***

In an interview, Ward added, “We’re in difficult transition to mixed media. We are five or six years away from coming out with a code to apply across all those platforms. We’re going to have to take existing principles and see how they apply to all these areas. There are no answers here. There is no consensus. It’s a work in progress.”<sup>103</sup>

Setting aside, for the moment, the blogging phenomenon, social media have introduced new issues into old controversies. More and more traditional journalists are “tweeting,” as are just plain activists and citizens. Twitter is often a primary source for news: It is remarkable that when U.S. Navy Seals were storming Osama bin Laden’s compound in Abbottabad, Pakistan, a neighbor was tweeting—in effect reporting the mission in real time before any “real” reporters could arrive on the scene after the fact.<sup>104</sup>

But Twitter is not universally seen as enhancing ethics in media. “Being interesting to the public is not the same thing as public interest—super-injunctions are placed by courts for a reason, and breaking them on Twitter may be easy, but it is still contempt of court,” argued a blogger during International Media Ethics Day (September 23, 2011), on the Center for International Media Ethics website.<sup>105</sup> “Twitter is often heralded as the ultimate tool of free speech, and it cannot be denied that Twitter is of enormous importance for spreading news and information quickly. But its abuse is dangerous.”

Have the social media turned journalists into activists—or vice versa? That is another vexing question being posed in the digital age. “Journalists or activist?—Arabic Spring: Journalism in ethics crisis,” says a headline on another CIME posting.<sup>106</sup> Lebanese journalist and academic Ali

Jaber expressed concern that journalists “are using media to further their own political agenda.” In the same sphere, famously, the Arab Spring gave rise to the blogger Amina Arraff,” who self-identified as a Syrian-American lesbian living in Damascus when, in fact, he was a heterosexual man writing from Scotland. The author was exposed only after the so-called responsible media had published stories about “her” blog.

When Nelson Mandela, the first president of post-apartheid South Africa, fell ill in January 2011, a tweet reported his death. “It went around the Twittersphere pretty rapidly,” Berger recalled.<sup>107</sup> The only problem was it wasn’t true. (In April, the Nelson Mandela Foundation reclaimed the Mandela name on its own Twitter account: @NelsonMandela.)

“These are issues that journalists are going to have to deal with,” Berger said. “How do we relate to social media ethically? Nobody wants to be scooped on a story like this. Suppose this guy had inside information and had been accurate?”

Local conditions may vary, as the saying goes. In Mexico, the traditional media have been so terrorized by the drug cartels—to the point of self-censorship—that Twitter and the anonymous Blog Del Narco have become the major, and often only news sources for citizens.

In Veracruz, a man and woman were charged with terrorism and sabotage after they tweeted that local schools were under attack, a false rumor that prompted panic among parents who rushed to retrieve their children. Roman Catholic and civic groups protested their arrests, resulting in a new law downgrading the charge to disturbing the peace but still opening up to prosecution anyone reporting information that could spread fear and panic. This, in turn, inspired more tweets protesting the new law as a restriction on freedom of expression.<sup>108</sup> On September 21, 2011, the charges against the couple were dropped.<sup>109</sup>

The cartels have also threatened those who use social media to report on their alleged crimes, with grisly results. On September 15, 2011, a dead couple in their 20s—both had been tortured, the woman disemboweled—were found strung up from a pedestrian overpass in the border town of Nuevo Laredo. A banner warned, “This will happen to all Internet snitches.”<sup>110</sup>

The murders prompted a story and a tweet from William Booth, a *Washington Post* reporter who covers Mexico. “In Mexico,” he tweeted, “newspapers self-censor, government arrests twitteros, bad guys kill ‘internet busy bodies.’”<sup>111</sup>

Tweeting as a news source also became an issue in the coverage of the August 2011 riots in Britain, according to MediaWise’s Jempson.<sup>112</sup> “People were relying on tweets, some valid, some

***In Mexico, the traditional media have been so terrorized by the drug cartels that Twitter and the anonymous Blog Del Narco have become the major, and often only news sources for citizens.***

not,” he said. “That was even a tendency among journalists” to tweet indiscriminately. “Things were happening quickly and were startling. People were living off the tweets. It’s a pretty dangerous thing to do.”

In some countries, the Internet has allowed journalists to bypass censors, enhancing the ability to report the truth, certainly the highest ethical goal for media in Western democracies. In Singapore, the print publications must be licensed by the government. But no such requirement applies to the Internet. So citizen journalists, the opposition New Democratic Party and others are free to report news and views in an otherwise tightly-controlled authoritarian society. In other, even totalitarian states, such as China, the government blocks access to sites on the Internet. But it is difficult even for dictatorships to shut the door to this global chat room, and forbidden sites have managed to resurface. Somehow, the flow of information continues.

The digital age has created a whole new set of ethical issues in an already complex and conflicted arena for journalists.

If there are no universal answers to these questions, what is beyond dispute is that the problems of ethics in the digital age—if not their solutions—are universal, as pressing in free countries as in the rest of the world. The discussions are vital, and only just beginning.



# Recommendations

- Funders should support efforts to promote press codes that are free of government taint or interference and reflect best practices of unfettered journalism.
- Training in ethical journalism should be supported by donors and media development implementers, especially in countries where outright bribery is a common practice employed to get stories into print. The boosting of reporters' salaries and reimbursement of legitimate legitimate expenses would eliminate any justification for such unethical practices.
- Attempts by governments to impose press codes or restrictions should be vigorously resisted at all levels, and funders should encourage opposition to such efforts with financial assistance. The media cannot fulfill their watchdog function of holding governments accountable if they are operating under government-imposed rules of conduct. Ethical standards need to come from journalists themselves.
- Internet journalism needs to be part of the conversation about codes of ethics, which should address the obligations of bloggers and those who post on Facebook or Twitter. Internet browsers and social media outlets such as Facebook should allow for the free flow of opinions but should also consider—with input from working journalists—whether to insist that ethical standards apply to content.
- A panel of journalists should be convened to consider the implications of social media on press ethics. When is a blogger or “tweeter” a journalist, and should standards apply in all cases? Foundations and institutional media funders should endorse and, where appropriate, financially support such efforts.
- Established media with an Internet presence should fact check all online posts and refrain from publishing or disseminating unverified information that may be merely rumor.
- There should be more intensive study of what has been termed “global ethics” in journalism, especially of the “new media” represented by Internet postings that transcend national boundaries and laws. Codes should be revised to reflect the digital age.

# Appendix: Society of Professional Journalists Code of Ethics

## Seek Truth and Report It

*Journalists should be honest, fair, and courageous in gathering, reporting, and interpreting information.*

Journalists should:

- Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible.
- Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.
- Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability.
- Always question sources' motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises.
- Make certain that headlines, news teases and promotional material, photos, video, audio, graphics, sound bites, and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context.
- Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible. Label montages and photo illustrations.
- Avoid misleading re-enactments or staged news events. If re-enactment is necessary to tell a story, label it.
- Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story.
- Never plagiarize.
- Tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so.
- Examine their own cultural values and avoid imposing those values on others.



- Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance, or social status.
- Support the open exchange of views, even views they find repugnant.
- Give voice to the voiceless; official and unofficial sources of information can be equally valid.
- Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context.
- Distinguish news from advertising and shun hybrids that blur the lines between the two.
- Recognize a special obligation to ensure that the public's business is conducted in the open and that government records are open to inspection.

## Minimize Harm

*Ethical journalists treat sources, subjects, and colleagues as human beings deserving of respect.*

Journalists should:

- Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.
- Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.
- Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
- Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence, or attention. Only an overriding public need can justify intrusion into anyone's privacy.
- Show good taste. Avoid pandering to lurid curiosity.
- Be cautious about identifying juvenile suspects or victims of sex crimes.
- Be judicious about naming criminal suspects before the formal filing of charges.
- Balance a criminal suspect's fair trial rights with the public's right to be informed.

## Act Independently

*Journalists should be free of obligation to any interest other than the public's right to know.*

Journalists should:

- Avoid conflicts of interest, real or perceived.
- Remain free of associations and activities that may compromise integrity or damage credibility.
- Refuse gifts, favors, fees, free travel, and special treatment, and shun secondary employment, political involvement, public office, and service in community organizations if they compromise journalistic integrity.
- Disclose unavoidable conflicts.
- Be vigilant and courageous about holding those with power accountable.
- Deny favored treatment to advertisers and special interests and resist their pressure to influence news coverage.
- Be wary of sources offering information for favors or money; avoid bidding for news.

## Be Accountable

*Journalists are accountable to their readers, listeners, viewers, and each other.*

Journalists should:

- Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.
- Encourage the public to voice grievances against the news media.
- Admit mistakes and correct them promptly.
- Expose unethical practices of journalists and the news media.
- Aide by the same high standards to which they hold others.

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