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## **Chapter 54. Reminders of responsibility: Journalism ethics codes in Western Europe**

Epp Lauk

### **Introduction**

The European Union's (EU) current media policy is aimed at reducing the regulatory role of the state, and emphasizes the importance of improving media self-regulatory mechanisms. Codes of ethics (CEs) serve as instruments of media's self-regulation in democratic societies in two ways: They guide individual journalists in ethically problematic situations, and they demonstrate to the public journalists' and the media industry's voluntary accountability and willingness to self-regulate without state interference. Various EU institutions have pointed out the increasing importance of self-regulation – as opposed to statutory regulation – in their statements and reports, stressing the need for ethical standards in the communication sectors. In its January 2013 report, the High Level Group of Media Freedom and Transparency (HLG, 2013, p.36) states: “Each media outlet should follow clearly identifiable codes of conduct and editorial lines, and it should be mandatory for them to publish these on their website or to state explicitly where the organization follows common international codes of conduct and ethical guidelines.” The concept of self-regulation also embraces responsibility for the quality of journalism and commitment to public service. Here, CEs give society the means to assess how news media accomplish their public service duty, and how they use their freedoms and their power.

This chapter offers an insight into the evolution, value basis, functions, and variations of codes of journalism ethics as media accountability instruments within the Western European context. The chapter also discusses the problematic issues of the implementation of codes of ethics, especially in the current digital media era.

### **Evolution of journalism codes of ethics**

Ethical issues were first discussed among journalists in the late 19<sup>th</sup> century when journalism had developed from a craft to an occupation with specific features that differentiated journalism from other kinds of literary activities. In her comprehensive review of the debate of journalistic standards in 19<sup>th</sup>-century America, Dicken-Garcia (1989) found that the word “ethics” appears for the first time in relation to journalism in 1889. The first CEs were adopted when emerging professional

organizations and journalism schools in the early 20<sup>th</sup> century strove to define journalism as a distinct occupation and to raise the status of journalism in the hierarchy of occupations. The author of the first written CE for journalists – “The Journalists’ Creed” (1908) – was Walter Williams, the founder of the Missouri School of Journalism (Farrar, 2013). The first CEs in Europe were adopted by journalists’ organizations in France in 1918, in Sweden in 1923, in Finland in 1924, and in Norway in 1936 (Høyer & Lauk, 2016). However, in most European countries, CEs were adopted from the early 1950s onward, along with the development of the modern free press doctrine and the concept of social responsibility of the press (initially formulated in the report of the United States-based Hutchins Commission in 1947). In the ensuing decades, this concept inspired international discourse where the liberal (also called Anglo-American) model of journalism gradually took shape (Nordensteng, 1998). During the 20<sup>th</sup> century, in industrialized western countries, the liberal model gradually became a shared ideology to interpret the roles of journalists and mass media (Mancini, 2000; Deuze, 2005).

All existing codes of ethics bear the imprint of this model. The concept emphasizes the moral obligation of the media in democratic societies to prioritize the needs, the welfare, and the interests of society (i.e. the public interest) when making editorial decisions. The media are to provide citizens with relevant and accurate information for individual decision making, as well as to scrutinize the activities of the power elite and politicians, and form and mediate public opinion. To be able to fulfil these tasks, the media enjoy constitutionally granted freedom of expression, legally guaranteed access to information sources and source protection, and the right to investigate the activities of the authorities, as well as businesses and public figures. These conditions apply only if the media perform responsibly and establish self-regulation mechanisms to safeguard this responsibility (see more on the diffusion of the liberal model in Høyer & Lauk, 2016).

Codes of ethics, as evidence of the willingness of the media to engage in self-regulation, are regarded as effectual means against the threat of state intervention. Article 16 of the “Global Charter of Ethics for Journalists,” adopted by the International Federation of Journalists in June 2019, strongly emphasizes the importance of abiding by CEs to eliminate the danger of state interference: “Within the general law of each country the journalist shall recognize in matters of professional honor, the jurisdiction of independent self-regulatory bodies open to the public, to the exclusion of every kind of interference by governments or others” (Global Charter, 2019). Although the normative aspects of professional journalism are increasingly being challenged in today’s media environment, and the discrepancy between the liberal model and reality has repeatedly been pointed out by researchers

(e.g., Williams, 2006), self-regulation is still seen as the primary way of making media responsible toward the public without limiting the freedom of the press (Bertrand, 2000; Fengler, Eberwein, Mazzoleni, Porlezza & Russ-Mohl, 2014). As a matter of fact, news organizations tend to strongly resist any regulation suggested from outside the industry, and potential restriction of press freedom is the most frequent argument against statutory regulation. This is one reason why improving the accountability mechanisms is so important.

Over the course of about a hundred years, a large variety of journalism codes of ethics have emerged in Europe: from cross-national codes adopted by journalists' organizations to in-house codes of single newspapers and broadcasters. The Ethicnet database, launched by the University of Tampere in 1995, listed 84 CEs in 44 European countries (plus Azerbaijan and Catalonia) in 2018. The most influential CEs of international scope today are the "International Principles of Professional Ethics in Journalism," adopted by UNESCO in 1983; Resolution 1003 of the Parliamentary Assembly of the Council of Europe "Ethics of Journalism," adopted in 1993; and the "Declaration of Principles of the Conduct of Journalists," established by the International Federation of Journalists (IFJ) in 1954. The latter document was amended in 1986 and completed as the "Global Charter of Ethics for Journalists" in 2019. The Charter determines the international baselines for journalistic work, emphasizing journalists' responsibility toward the public as their primary duty. The Charter offers guiding principles for journalists and their organizations world-wide, and the largest journalists' organization in Europe, the European Federation of Journalists (EFJ), follows this Charter. EFJ is a member of IFJ and represents more than 320,000 journalists in 45 countries.

Although different in form and specific content, all codes of ethics link freedom of the press with the responsible performance of journalism. Surveys among journalists demonstrate that at least 80-90% of respondents confirm the importance of CEs and their commitment to following the ethical guidelines (Ramaprasad et al., 2019). When journalists are asked who should be in charge of ensuring adherence to CEs, they tend to see it as every journalist's personal responsibility or the joint duty of journalists and owners/publishers (Suárez Villegas, 2015).

### **Values that guide codes of ethics**

Journalistic codes of ethics codify the values and norms that journalists should follow in their everyday practice, and draw journalists' attention to ethically problematic situations. The codes are predominantly built on the values emphasizing various moral duties characteristic of a responsible journalist (deontological ethics), and those weighing the goodness of the outcome (consequentialist

ethics) (Roberts, 2012; Plaisance, 2016). Several CEs even mention “deontology” or “duties” in their names: “Code of Deontology” (Luxembourg), “Deontological Code for the Journalistic Profession” (Spain), “Declaration of the Duties and Rights of a Journalist” (Switzerland).

Most CEs combine theoretical and practical ethics, defining the duties (e.g., service to the public, publishing fact-based and truthful information, respect for human dignity, privacy, confidentiality, collegial solidarity, etc.), and offering practical instructions for information gathering, processing, and publishing. The practical instructions are primarily based on a utilitarian approach, a form of consequentialism that weighs the ethical behavior from the viewpoint of consequences – for example, the “harm to victims of tragedy is excused whenever it is perceived as benefiting the public good” (Christians, 2007, p. 113). Thus, exceptionally, the codes allow deviations from the agreed-upon principles if “the public interest is greater than the harm caused” as the Directive to Article 7c of Luxembourg’s “Code of Deontology” declares.<sup>1</sup> Often the practical rules are formulated as orders or commands, stating what a virtuous journalist must do or what they should not do. For example, in the Portuguese “Journalists’ Code of Deontology,” nine out of eleven articles begin with “Journalists must...”

Practical rules do not help journalists much when they face ethical dilemmas, as dilemmas often emerge when the public’s right to know confronts another fundamental right such as an individual’s right for privacy and integrity. In cases where freedom of expression comes into conflict with another fundamental right, codes of ethics call on journalists and editors to decide which right should be given priority. The “public interest” (common good, the welfare of society) is regarded as the main criterion for making the choice: The journalist must consider whether the importance of the issue for society outweighs the possible harm that publishing the story may cause. Article 7 of “The Code of Ethics for Press, Radio, and Television in Sweden” instructs the journalist to: “Consider carefully any publicity, which could violate the privacy and integrity of individuals. Refrain from such publicity unless the public interest obviously demands public scrutiny.”

### **What codes of ethics can and cannot do**

The practical guidance that the codes offer for deciding how to cover certain ethically problematic issues helps journalists avoid mistakes. The codes do not have recipes for solving ethical dilemmas, as doing so requires journalist’s independent moral reasoning. What the CEs do is to draw journalists’ attention to situations where moral reasoning is necessary and then give some advice for making the right decisions. As noted above, ethical dilemmas often emerge in connection with reporting about

suicides, family problems, crimes, accidents, etc., where protection of privacy is of high importance. Moral reasoning is also necessary when deciding whether or not to publish the story in the first place. For example, the Finnish “Guidelines for Journalists” (Art. 30) remind journalists: “The right to privacy also applies when publishing public documents or other public sources. The public availability of information does not necessarily imply that it can be freely published.”

While codes of ethics pay much attention to the duties of journalists, not so many explicitly declare the rights of journalists. Most CEs, however, mention journalists’ right to refuse the assignments that contradict their conscience: “Journalists are free in their choice of what they publish” (“Guidelines from the Netherlands Press Council”, A. Departure points); and “The journalist is entitled to refuse assignments that conflict with the law, his/her personal convictions, or good journalistic practice” (Finnish “Guidelines for Journalists”, Art. 5). In reality, as research confirms, numerous external pressures and the commercial (and also political) interests of owners and publishers often force journalists to choose between loyalty to the ethical principles and loyalty to the employer (Harro-Loit, 2015). In-house rules, especially, are meant to strengthen the latter. The Swiss “Declaration of the Duties and Rights of a Journalist” is the only one to explicitly stress journalists’ right to have their say in the decisions concerning the organization they are employed by: “In particular, members of the editorial staff must be informed and heard before final decisions determining the composition or organization of the editorial department” (Art. 4 of the Declaration of the Rights of a Journalist).

International comparative studies demonstrate a high degree of agreement among journalists globally that they should always adhere to codes of ethics (Ramaprasad et al., 2019). Journalists, however, very often fail to comply with the principles of CEs, especially, when conflicts arise between professional ethics and commercial pressures (Eberwein, Fengler & Karmasin, 2019). CEs cannot guarantee the ethical behavior of journalists and ethical performance of the media. The whole concept of self-regulation is based on voluntary commitment to public service and adherence to ethical principles. CEs have no legal status, and they have very limited capacity to apply sanctions (e.g., reprimands by press councils and the obligation of publishing those reprimands); therefore, they are easy to ignore.

The inefficiency and the “lack of teeth” of press councils in enforcing CEs is widely criticized, especially after the *News of the World* phone hacking case in 2011-2012 in the UK when journalists violated not only professional ethics but also the law. Lord Justice Leveson in his final report suggested “a new more effective policy and regulatory regime” for the UK (Leveson, 2012, p.11),

which aims at eliminating the influence of the media industry's commercial interests and giving to the regulator some punitive power (including financial sanctions). The majority of the UK press rejected Leveson's recommendations, regarding them as too restrictive (see chapter 19).

Comparative studies (Fielden, 2012; Fengler et al., 2014; Lauk, 2014; Hanitzsch, Hanush, Ramaprasad & De Beer, 2019) show that media accountability mechanisms in practice work best in those countries that Hallin and Mancini (2004) classify as "Democratic Corporatist" with a high level of journalistic professionalism. Among these, the Nordic countries – Finland, Norway, Sweden, Denmark – stand out. These countries have a long tradition of free media (Sweden since as early as 1766) and democratic governance, and professional and civic cultures that are able to withstand commercial pressures. In Nordic countries, the state supports accountability mechanisms financially, but does not interfere in their activities; overall, media policies are not restrictive and encourage self-regulation. Surveys indicate strong legitimacy of CEs among journalists in Nordic countries. For example, in a 2013 survey, 90 percent of Finnish respondents agreed that their code of ethics has a tangible impact on their everyday work, and no respondents denied this influence (Lauk, 2014). The commitment to ethical principles in Nordic newsrooms is strong not only on an individual level, but also on the institutional level in editorial offices. The news media are careful to avoid complaints in order to maintain credibility and are committed to publishing the decisions of the Press Councils. The practices of the Press Councils bolster the self-regulation principle and advance the professional ethics of journalism. For example, the Finnish Council for Mass Media (CMM) is active in public debate on journalism and organizes public events to discuss the issues of the media and promote the role of the CMM (Lauk, 2014). The website of the CMM demonstrates a lively interest in its decisions among journalists and the public. For instance, the nine decisions made by the CMM between September and October 2019 were opened 16,244 times (by Nov.10, 2019) (CMM, 2019). The Nordic case demonstrates that effective implementation of CEs and other accountability instruments is possible. The Nordic culture of abiding by the law, high respect for privacy, trust in authorities, and transparent decision-making processes in society – combined with limited statutory regulation and broad media freedom – make an attitude in newsrooms that "the end will justify the means" unthinkable.

### **Codes of ethics and the internet era: New media, new kinds of journalism, new ethical issues**

As the internet has opened up unlimited space for anyone to publish anything to a practically unlimited audience, the notions of "news," "journalist," and "journalism" have become blurred.

Journalism online has transformed into online journalism, “a fourth kind of journalism next to print, radio, and television journalism, with its own specific journalistic characteristics” (Deuze & Yeshua, 2001, p. 275). New concepts of journalism are emerging as digital technology advances: data journalism, immersive journalism, algorithmic journalism, and even drone journalism. And along with these advances come new ethical problems that relate to online newsgathering methods, plagiarism, the use of images (e.g., manipulation of photographs), the use of hyperlinks, live blogs, archiving online content, separation of editorial from commercial content, identification and protection of sources, verification of information, and correction of mistakes and errors (Shepard, 2014). Additionally, social media have become a frequent source and networking channel for journalists.

The development of technologies for virtual and augmented reality also raises new ethical issues; journalists who practice immersive journalism have a new responsibility to consider the psychological impact of “active participation” on the users. Active participation places some ethical responsibility on audiences as well as journalists, as “watching the suffering of others is not entertainment but involves the acknowledgment of a shared ethical responsibility” (Sánchez Laws & Utne, 2019, p. 11). Additionally, “the potential for deep behavioral manipulation with immersive technologies is high” (p. 2). Sánchez Laws and Utne suggest that “ethics guidelines need to start including ways in which to assess early on how technologies change ethical dimensions of practice” (p.10).

Digital media reality changes much faster than digital media policy develops. Practices on online platforms and social media have already shown that “yesterday’s broadcast and print media policies are not always fit for purpose in an increasingly digital, mobile, and platform-dominated media environment” (Nielsen, Gorwa, & de Cock Buning, p.11). The main question is how to develop internet governance in a direction that would create new accountability instruments that service providers cannot ignore. This is something that journalists alone cannot do. What they can do is to commit themselves to “the never-ending task of inventing and reinterpreting journalism’s moral framework” (Ward, 2005, p. 8). Ward suggests pulling the old out by the roots and starting anew – in other words, developing a “radical” new media ethics, which “is global in its principles and in its understanding of media” (2008, p. 144). He argues that the future of journalism ethics needs a richer theoretical basis and “a more adequate set of practical newsroom-based norms for a multi-platform journalism with global reach” (2008, p.145-146).

So far, Albania is the only European country to have a separate national code of ethics for online journalism in addition to the one for traditional media. This code (“Ethical Guidelines for Online Journalism”) has been worked out by a group of experts within the framework of an EU-supported project “Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe” (JUFREX) in 2018. In 2013, the Organization for Security and Co-operation in Europe (OSCE) published “a series of recommendations to promote the self-regulation of digital media and the Internet” (Aznar, 2019, p. 5). Additionally, the European Commission has made steps to introduce self-regulating CEs among the internet conglomerates. In 2016, Facebook, Microsoft, Twitter, and YouTube signed the “Code of Conduct on Countering Illegal Hate Speech Online,” and in 2018, Google+, Snapchat, and Dailymotion joined in. In October 2018, “the Code of Practice against Disinformation” was signed by Facebook, Google, Twitter, and Mozilla, as well as by advertisers and the advertising industry, with Microsoft following suit in 2019” (Aznar, 2019, p. 5). These companies were also required to demonstrate the means enabling them to implement the code, and the effectiveness of the codes is evaluated periodically (Aznar 2019, p. 5). There is, however, no overseeing body to monitor how these conglomerates actually follow the codes they have signed on to. Fake news, hate speech, discrimination, and racism are still prominent in internet discourse. In 2019, *The Guardian* disclosed a globally coordinated network of 21 far-right and Islamophobic Facebook pages that delivered hate messages across the US, Australia, the UK, Austria, Israel, and Nigeria. The network distributed “more than 1,000 coordinated faked news posts per week to more than one million followers, funneling audiences to a cluster of 10 ad-heavy websites and milking the traffic for profit.” [...] “The network had also targeted left-wing politicians at critical points in national election campaigns” in the same countries (Knaus, McGowan, Evershed & Holmes, 2019, paras. 10 & 12).

## **Conclusion**

A democratic society grants the media and journalists certain freedoms and privileges with the expectation that they use these freedoms and privileges responsibly, and that they are accountable to their publics. One manifestation of such accountability is self-regulation through codes of ethics and other accountability instruments. Journalism CEs exist in all Western European countries, as well as in non-western EU member countries. There are large differences in interpretation and application of the CEs in different countries, depending on ever changing political, economic, technological, and cultural contexts, as well as particular journalism cultures. Common to the CEs is their function: They ought to protect freedom of expression, safeguard human integrity and privacy, and secure the

trustworthiness of journalistic information. They also give journalists a mirror for self-reflection and the public a set of criteria for critical evaluation of the quality of journalism.

The mere existence of CEs does not give any guarantee of ethical performance by the media, but they do create the potential for improvements in journalism ethics. As the Nordic example demonstrates, CEs may have a substantial impact on how news media perform if certain supporting factors are present: namely no state interference except for financial support; strong voluntary adherence by journalists and news organizations to ethical principles; and a civic culture able to hold the media accountable. Absence of these factors leaves adherence to CEs to the conscience of journalists whose working environments (both professional and societal) do not always support the making of ethical choices.

Codes of ethics created for traditional media are insufficient in the current digital media era. The internet is global, as is the public and, increasingly, the practice of journalism. Yet global information and communication conglomerates tend to prioritize their commercial interests over the public interest (Van Dijk & Poell, 2013; Aznar, 2019; Knaus, McGowan, Evershed & Holmes, 2019). Journalists are working at the center of this conflict. To maintain and enhance ethical journalism, new types of accountability mechanisms and a media policy supportive of media accountability and criticism need to be created. This is not only the duty of journalists and media policy makers. As the public becomes more and more a co-producer and active participant in news media content, ethical journalism becomes everyone's responsibility.

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<sup>1</sup> All CEs referred to in the chapter are available at: <https://research.uta.fi/ethicnet/countr>