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Journalism and codes of ethics

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1. Introduction

Freedom of the press is a fundamental tenet of a democratic society. It underpins a healthy public sphere and is our best guarantee that the powerful will be held to account. However, it is not an unalloyed good. The press can, and often do, get things badly wrong, and the enduring question of how to regulate the press has taken on a new urgency in an era of fake news, hyper-partisanship, and general political turmoil. This paper applies the results from a major interdisciplinary study of codes of ethics for journalists in ten European countries to, first, show how codes of ethics can be used to nurture and support ethical behaviour, and, second, to argue that if a code of ethics is to be more than an institutional fig leaf for the press, it should fulfil four distinct, but interrelated, functions. It should be action guiding, provide the basis for the profession's disciplinary procedures, communicate minimum standards against which the public can evaluate performance, and establish the basis for a thick professional identity around which practitioners can cohere. In this abstract we will say a little more about the scope and aims of our project, before discussing each function of a code of ethics that we recommend in turn.

2. The Project

In the wake of the ultimate failure of the Leveson Inquiry to prompt any appreciable change to the regulation of the press or the conduct of journalists, we believe that the UK has taken far too insular an approach and missed opportunities to learn from parallel developments and concerns overseas. We have, therefore, set out to gain knowledge and understanding of how press councils in comparable jurisdictions from around Europe approach the central issue in media ethics: balancing freedom and responsibility. We have been awarded a grant to examine the top European nations in the World Press Freedom rankings and develop a set of evidence based recommendations for the UK regulator (IMPRESS) that can be used to provide a benchmark for the UK press code of ethics. Moreover, by examining how the press councils in these countries intersect with the law we will be able to supplement our theory with a much richer understanding of how press regulation operates in practice. The central idea, then, is to learn from best practice what can work and what can be viable in addressing issues around press regulation and self-regulation.

Our project is inter-disciplinary in nature, and includes academics from philosophy, law, communications studies, and journalism. We are currently in the first stage of our research, which involves analysing the codes of ethics we have selected in order to pick out the key concepts and values, and determine how these are intended to be understood. An important part of this process involves identifying ambiguities, tensions, and lacunae in the codes. Together, these will form the basis of the second phase of our research which will comprise wide-ranging interviews with journalists, editors, interest groups, and other stakeholders in each of the ten countries we have selected for further study.

On the philosophical side, we are investigating the possible purposes that codes of ethics can serve, and the aim of the paper we would like to present is to apply the lessons learned from this research to determine what form a code should take in order to ensure that the practice of journalism is firmly rooted in an appropriate ethical framework while at the same time taking proper account of the special role that journalists play in a democratic system of government.

3. Types of Codes of Ethics

We identify four main functions that codes of ethics can serve:

1. Action-guiding
2. Disciplinary
3. Public-facing
4. Identity-forming

Codes of ethics are action-guiding when they set out principles that demand or prohibit specific behaviours. For instance, engineering codes of ethics often specify that engineers should never act outside of their area of competence. Action-guiding codes are useful when there is reason to think that some practitioners may be ignorant or unsure of important and well-justified rules and advice that they would do well to follow. As an example, take the press codes of ethics for x, y, and z which offer helpful guidance on how to conduct investigative journalism and, in particular, when it is permissible for journalists to deceive people or go undercover. We defend the position that there are many such situations where the guidance of a code of ethics would make it more likely that journalists act correctly.

Of course, it would be ludicrous to expect that a code of ethics could contain advice for every possible situation that might arise. Indeed, it would be counter-productive. If a code is too detailed then many people will find it too much of a chore to consult. Further, a code that strives to take account of every eventuality runs the risk of irrelevance when an unanticipated event arises. We argue that while codes should provide some concrete guidance, a code of ethics for journalists should not attempt to be completely comprehensive.

Codes of ethics are disciplinary when they set out rules and standards which adherents can be sanctioned for violating. This is closely connected to the action-guiding purpose of a code. If there are specific things that practitioners ought and ought not do, then there is clearly reason to ensure that they stick to those rules. Sanctions provide an incentive structure to stick to the rules. At the extreme end, people who are unwilling or unable to do the right thing can even be excluded from the profession. For example, the codes from a, b, and c lay out guidelines for how to cover the sensitive issue of suicide. When ignoring this advice runs the risk of glamourising suicide or otherwise encouraging it, and cannot be satisfactorily justified by the public interest, then journalists would make themselves liable to sanctions.

Using codes as the basis for imposing standards on practitioners can also play an important role in making trust in the profession on behalf of the public warranted. We hold that the fourth estate plays a pivotal public role, which means that we are all vulnerable to journalists. If they do their job well then our lives go better. If they do their job poorly, then there can be dire consequences. It may even be that our status as political equals could be called into question. Given the enormous influence they wield, journalists must ultimately be accountable to the public. However, most members of the public have only a working understanding of the ins and outs of the media, and so could use some assistance when it comes to determining if individual journalists and the press as a whole are doing a good job on their behalf. A code of ethics can provide a relatively short summary of the standards to which the profession holds itself, and so a guide to what the public is entitled to expect.

Finally, codes are sometimes described as “aspirational” when they go beyond enumerating important, but basic rules of the profession and lay out a more comprehensive vision of what it might mean to be a member. We think that this is a vital function of codes because it can create a role-based identity for adherents to adopt. Take as an example the familiar idea that journalists simply do not publish something without having at least two independent sources. Rather than viewing this as an external editorial demand, it is possible to hold it as a collective principle that, in combination with a set of principles, constitutes what it means to ‘be’ a journalist. In the same way that a person might say that it is simply part of who they are to cheer for their favourite football team or pay for their round of drinks, a journalist might come to feel that it is part of who they are to insist on two sources before they will put their byline on a story.

Now, collective professional identities become useful to the public when they can be deployed to resist pressure from employers to behave unethically. Let’s take an issue that is explicitly dealt with in the codes of ethics for the press in 1, 2, and 3: maintaining independence from commercial interests. Imagine that an unscrupulous media baron decides to do away with the two-source rule and wants stories published immediately. If the journalists who work for her know that their colleagues will support them if they refuse, and thus that their employer will not be able to find anyone else with their skills to do the job, then they will be in a much stronger position to resist the demand. Further, if one can only claim authentically to be a journalist if one lives in accordance with the identity derived from a code of ethics, then asking a journalist to publish a story without two

sources is akin to asking them to surrender a part of themselves. This is a lot to ask. The media baron will find it very hard to justify her demand in that context. There is, therefore, reason to think that a high degree of cohesion around core ethical principles would embed those principles in a collective professional identity and thereby promote greater independence and solidarity amongst journalists.

We will also address several objections to codes of ethics, not least the worry that they can be abused to give the impression of a deep concern for ethics and improving behaviour, while actually masking the continuation of business as usual. We expect that our interviews with practicing journalists and a range of other stakeholders will be invaluable here.

4. Conclusion

Journalists are an integral part of large-scale modern democracies. We rely on them to inform us and to hold politicians and powerful interests to account. In order to do that effectively they must have a large amount of leeway, but there must still be limits. We deploy our project's inter-disciplinary empirical and theoretical research to argue that a code of ethics can be one important part of a regulatory system and, further, that a successful code will serve four functions. It will be action guiding, provide the basis for the profession's disciplinary procedures, communicate minimum standards against which the public can evaluate performance, and establish the basis for a thick professional identity around which practitioners can cohere.