

# Media Ethics in the New Media Landscape: new paper

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**How is the rise of new media and online journalism affecting the traditional journalistic standards of objectivity, accuracy, and verification? How can the media show that it remains committed to a strong ethical code and to effective self regulation in a rapidly changing media environment?**

**This is the subject of a speech just given by my colleague Dr Damian Tambini to the World Congress of the International Press Institute in Vienna. It's a bloody long read, but I think it has huge amounts to say about the quality and value of journalism in the digital age.**

## Two Views on New Media and Journalism Ethics



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by Dr Damian Tambini, LSE

There are two opposing views on new media and journalism ethics.

On one side, professional journalists tend to argue that new media undermine professional ethics. Bloggers flout the rules, in turn putting more pressure on journalists to rush stories out and take less care in sourcing stories and policing conflicts of interest.

For professional journalists the solution to the problem is to tighten up: update the journalism codes and apply them to new media and as for the bloggers, try to include the best of these imposters in the professional fold, and teach them how to work like the

professionals.

And for the rest: all we can do is make sure that the public understand that they are being sold lies, rubbish and plagiarism by these so-called 'citizen journalists'.

## Wisdom of Crowds?

On the other hand the bloggers and tweeters argue that that new media are developing their own ethical systems based on distributed intelligence and the wisdom of crowds. That new media come with new ethics, not less ethics, and that 'journalistic professional ethics' have always been a bit of a myth anyway.

The debate has at times descended into an exchange of insults: Established journalists say the bloggers have no standards and are responsible for spreading lies and insults. And on the other hand bloggers and citizen journalists roll their eyes and point to the latest scandal involving 'so called professional journalists' and failures of 'so called self regulation.'

Of course, neither of these groups are entirely right, but they each have a point.

## A Little Theory Goes A Long Way

My argument is that we need a little bit of theory, and a much wider perspective to understand what is going on here, and to think about some solutions to the current predicament.

I am going to talk about:

-the impact of new media on journalism ethics

-the ways in which a journalist's privileges may come with responsibilities attached

– how society redefines journalists rights and responsibilities – for example in response to cases like the recent phone hacking scandal in the UK

I must also apologise for giving a UK focused talk. My excuse is that it might be useful to focus in depth on a case that I know something about. Even if that case is a small island somewhere off the European Peninsular.

### **Why do journalists act ethically? (or unethically).**

In one view journalism ethics comes down to individual conscience and integrity. This of course raises the problem of 'human error'. Not everyone is a saint, and given the frequency of ethical failure, we have to accept that there are various incentives at work, not all of which spur journalists to act within the rules.

Some see it as a legal necessity to act ethically. But in Europe at least the law tends to police only the outer reaches of what is appropriate reporting. Journalism ethics sets a higher standard. Most ethical codes go beyond 'not breaking the law' to outline a social role for public interest journalism.

A third group says that journalists will not act ethically in the absence of effective professional self regulation.

Whilst these are not of course mutually exclusive, it is the last group that are closer to the truth in my view. This raises the question of what effective self regulation is and why it exists.

My main point here is that self regulation is only effective when there is a clear collective and individual self interest in making it work. More often than not, the collective interest for professional journalism is provided by the threat of state regulation. In the past 60 years in the UK we have seen a repeated dance of threat and retreat between the state and self regulation of the media: when Parliament expresses outrage, self-regulation tends to be tightened as it was after the death of Princess Diana for example, and as it likely will be after the phone tapping scandals.

### **The Dance continues.**

Last week in London, the UK Parliament turned on the press. It is worth repeating what one MP said.

"Here we sit in Parliament, the central institution of our sacred democracy, between us some of the most powerful people of the land, and we are scared. They, the barons of the media (...) are the biggest beasts in the modern jungle. They have no predators, they are untouchable, they laugh at the law, they sneer at parliament, they have the power to hurt us and they do so with gusto and precision."

Tom Watson MP to the UK Parliament 9<sup>th</sup> September 2010

In case you are wondering, he means you.

Breaking the law – in this recent case hacking into private voicemail – is only one extreme form of ethical problem for journalists. For ethical codes do more than reflect and codify what is illegal. They establish a higher standard of responsible journalism. The phone hacking scandal was a breach of the law, and also of self regulatory codes. Whether such practices have been curtailed by the legal and self regulatory fallout remains to be seen. What is clear is that large sections of the press (there is evidence to suggest that most of the newspaper industry were involved, – at least by circulation measures).

I think that we cannot really understand the current situation of journalistic ethics without understanding the institutionalised framework within which journalism operates – a framework that is challenged by current changes in the industry, and in particular competition from platforms that exist outside self regulation.

## **Journalists' Privileges – and responsibilities**

Journalists enjoy privileges in the form of certain rights and freedoms. It is a cliché to speak of rights and responsibilities but I think journalists are in denial if they do not accept that their rights and privileges are conditional on a set of expectations – an idea shared through society – of what constitutes responsible journalism.

Rights come with responsibilities. Journalists are deserving of a certain set of privileges in the light of the social benefit they provide, but only if they deliver that benefit.

## **Responsibilities and Duties**

The idea that journalists rights and privileges come with responsibilities is not a new one. But I am not moralising here. I am using the idea in a very direct and literal way. Journalists that do not meet their responsibilities and duties – journalists that break ethical codes – are likely to cease to be journalists if that ethical structure is working properly.

In the UK, if a journalist breaches the code of the Press Complaints Commission, that generally constitutes a breach of contract which makes it relatively easy to sack her. And at a collective level, as we see in the UK currently, if privileges are abused then the journalistic profession as a whole can expect regulation, as we are likely to see in relation to phone hacking.

We are talking about an uneasy, unstable pact between journalism and society. Journalistic Freedom – including journalistic privilege itself – will quickly be removed, often with public support, if basic ethics are breached.

How can this help us understand Media Ethics in the New Media Landscape?

**It helps because the impact of new media is to bring a whole lot of new people to the party. These newcomers are getting access to the rights and privileges of journalists:**

Bloggers are now getting access to news events (for example what we call in the UK 'lobby passes'), protection of sources, freedom of expression and public interest defences – for example when they are accused of defamation or invasion of privacy. They don't get all the privileges, in part because they don't self regulate effectively. (Judges often tend to defer to self-regulatory bodies so in effect it could be argued that journalists enjoy enhanced free speech rights compared to non – journalists.)

**But are the newcomers also sharing the responsibilities? Are they obeying the rules, and sharing the costs of implementing them,** and are they taking part in the work of protecting media freedom?

Ask a working journalist and she will say no. Bloggers have none of the burden of double sourcing, conflict of interest codes, source protection, professional 'ethics', and as a result they are running away with the story and sparking a 'race to the bottom.'

But ask a blogger, citizen journalist, networked journalist and he will say yes: that they are acting in the public interest, ethically, adopting the traditional 'watchdog' role of the journalist and should therefore enjoy journalistic privilege.

New media 'journalists' do have a different take on ethics. Take the fundamental value. "Truth" or "Accuracy". Traditional journalists know that mistakes are sometimes made – they sometimes commit to printing corrections when they are made – but the ultimate value is – in theory at least – to print or broadcast what is true.

'New media journalists' are much more likely to have a 'publish first – correct later' approach to truth and accuracy. In an interactive medium where readers are also writers and sources, publishing can be a form of verification. If readers have the ability to respond, stories can be corrected quite quickly. This is a fundamentally different approach to the ethics of publication.

So the problem is to codify a new set of rules, not to force the new media to conform to the old rules. This may be about articulating a new set of rules that suit the new medium. It is seven years since Cyberjournalist.net published a Blogger Code of Ethics – and even that was probably not the first. Not many have signed up.

The problem with these codes is partly that they are not enforced and that there is no threat of external regulation, or countervailing power that forces the bloggers to self regulate. And it is partly that they have not really articulated the new ethics of the new medium. They have (and this might not be surprising to some people) simply copy and pasted the ethical codes of the old media and changed a few words.

## **Conclusion**

### **A new code is not enough;**

We need a new compact between journalists – all journalists, including those operating on the new media outside traditional journalism – and society.

Once we understand that the media are involved in a social compact in society – and that journalists' rights are conditional on responsibilities – it does alert us to the fact that changing that compact, and incorporating new media within it is going to be difficult.

But we are only just starting the process and we should treat this as a practical question.

It is not just about “tightening up” the rules so they can be applied online.

And it is not just about relying on some vague notion of the wisdom of crowds – when it turns out they are not always so wise – judging by blog comments I read, anyway.

Applying the old ethical standards in competition with blogs and social media may be a bit like maintaining the gold standard in the age of global derivatives markets. Or it may simply be commercial suicide. But to let standards slip will lead to irresponsible journalism, and to the public questioning the legal and other privileges that are enjoyed by journalists. –as is happening right now in the UK.

It is decisions that are taken now that will determine on the one hand whether a new media ethics – which may set out a framework of rules and responsibilities that will ensure a higher level of responsibility than will be provided by the market, or should be provided by law.

The problem is that these rules – the social compact between media power and society – have been won over a very long period of time and are very difficult to change. But it is now possible to look at some traditional ethical challenges, and articulate the areas where new media ethics will remain foreign and those where a compromise – a common code will be possible. For example.

-Protection of sources is now accepted in many countries as a key tenet of journalistic privilege. We face the question of whether new media journalists should enjoy this privilege, and how, if they are to enjoy it, journalists should be legally defined as such.

-Responsible journalism tests and public interest defences. Arguing that a journalist was doing responsible journalism in the public interest, according to established professional standards will sometimes persuade a judge that speech is worthy of protection.

But this is not only about rules, it is also about enforcement and institutions. ‘Responsible journalism’ is increasingly in direct competition with irresponsible, illegal journalism, online or offline. How to adapt soft regulation for this environment, and how to apply it to new media is a huge challenge. The PCC is open to expansion onto new media – but the blogs don’t want the burden of new rules, and why should they if there is no threat of statutory regulation?

And it goes without saying that 'responsible journalism' is in some countries a euphemism for self-censorship. Clearly no one solution will fit all.

Fundamentally the case in the UK highlights the possibility that competition from outside the space of self regulation and responsible professional journalism may create pressures that could unravel structures and institutions supporting journalism ethics. If bloggers or whoever is hacking phones, they are going to get the story before you. How can you compete?

Clearly the old and the new media need to open a dialogue to debate these regulatory and ethical questions. That is something that we have been trying to facilitate at Polis: the media and society think tank at LSE.

Above all the traditional media need to stop disparaging the new media, and begin to articulate a new ethics that applies to both old and new. The free press doctrine may be more difficult to propagate around the world in this century, and we need to think creatively about the relationship between media power and the state. Professional journalists, bloggers and producers are in this together now.

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