UNIT 3 MEDIA ETHICS AND SELF REGULATION

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3.0 INTRODUCTION

In the previous units we defined ethics as 'rational systematic principles, values and norms to determine what is good and bad, correct or incorrect, right or wrong thus make correct choices' as far as human actions are concerned. We looked at various theories of ethics and examined some ethical concerns pertaining to media. We also discussed that Self-regulation applies not only to media groups and organisations but also to individual journalists. In this Unit, we shall focus our attention on the ethical value systems which you can set for yourself as a media professional to face the challenges in your day-to-day work.

We shall start by defining the concept of self regulation and making a distinction between codes, laws and ethics for a better understanding of the subject. Then we shall briefly look at some important code of ethics such as the Canons of Journalism and Commission on Freedom of Press report to link them with the present times to understand how these ethical principles are still valid and pertinent. We shall examine the universal tenets of journalism or 'essential shared values' and proceed on to discuss some emergent areas of ethics such as diversity and sensitivity, advocacy, digital media ethics, citizen journalism and sting operations among others. Through this discussion, we shall try to explain how media ethics and self regulation are interlinked and if media professionals follow certain ethical principles and norms, it will lead to self regulation on their part and the profession as well.

3.1 LEARNING OUTCOMES

After going through this unit, you should be able to:

- discuss the concept of self regulation;
- distinguish between codes, laws and ethics;
- describe universal media ethics;
- analyse emerging ethical areas such as diversity, advocacy, digital media;
 and
- apply ethics in your day-to-day work.

3.2 CONCEPT OF SELF REGULATION

At the outset, let us look at the concept of Self-regulation which is a voluntary act on the part of an individual media professional as well a media organisation. It is not imposed by any external agency therefore it carries more credibility in the eyes of the public. Self-regulation ensures that the media can operate independently which is in the interest of the media as well as its different stakeholders and the audience. To facilitate ethical conduct, a number of self regulatory mechanisms exist for the Indian media such as codes of ethics, press councils and ombudsman. Organisations like News Broadcasters Standards Authority (NBSA) and Broadcasting Content Complaints Council (BCCC) have been set up as internal self regulatory mechanism for television (news and entertainment) respectively. However, it has been found that many existing self regulatory mechanisms have not been able to live up to the emerging challenges as some are perceived to be lacking in teeth or being unduly restrictive in their mandate. Some are inadequately resourced while questions have also been raised about the desirability of state funding for self regulating mechanism.

Self regulation is not a new concept as it has existed for a long time in the form of codes of conduct, ethics and practices. Many a times these terms are used interchangeably but each has a different meaning and scope though they are also interlinked in some ways. Let us look at them in detail for a proper understanding and application.

Code: Code is a systematic set of guidelines or framework for standard moral behaviour – it is an index of what is generally considered desirable. A code is a document that sets out guidelines aimed at proscribing certain types of conduct deemed unethical and identifying other types of conduct as being ethical. According to Retief (2009), "it serves as the conscience of the worker as an individual and of the organisation as a whole". Code is not a legal document and cannot be enforced by law. Some scholars argue that codes work against the independence of free press and lead to self-censorship. However, it cannot be denied that adherence to codes can make recurrence of the past mistakes less likely and improve the future work.

Law: Law is a set of rules established in a social system, which demand or prohibit certain actions. These are governed by the courts of law and are abiding on its people and breaking of law is punishable. Some media laws such as the Contempt of Court, Libel and Defamation, Official Secrets Act etc. will be discussed in detail in Block 2 of this course. However, laws have their limitations because

new areas keep emerging and laws cannot be enacted for every situation. There are occasions which require a careful interpretation of the existing regulations to determine the best course of action.

Ethics: Ethics do not involve application of a formal set of codes and rules but are more in the nature of self-check or self control, thus are all about personal decisions and practices. Ethics is not law, although law quite often stems from the ethical values of a society at a certain time. Violations of the law involve punishment whereas, ethical misconduct does not. According to American media theorist John C. Merrill (1982), "law is something that is socially determined and socially enforced. Ethics on the other hand is personally determined and personally enforced". Ethics provide a media person certain basic principles or standards by which s/he can judge action to be right or wrong, good or bad, responsible or irresponsible. Thus ethics is primarily personal and law is primarily social. Ethical standards are individual and internal and they cannot be punished by an outside force.

There has been a growing debate on whether codes of professional practices should be impinging upon the journalists or voluntary in nature. John Hulteng (in Reitef) argues, "codes without teeth, without an agency to enforce them tend to be most influential with those who are already behaving responsibly, they often have little effect on the ones who need the guidance the most". Merril argues that media persons should seek ethical guidance from within themselves and not only from codes of organisation, commissions or councils while some scholars believe that to "follow rules blindly is to surrender moral impulse". Nonetheless, it cannot be denied that codes help to guide a media person and enable him/her to adhere to certain professional norms and standards. While it is important to have codes, laws and regulations it is equally important for a media person to develop a strong ethical sense and value system to face the challenges and complexities of the real world and make correct choices in his/her professional life.

Check Your Progress: 1

1)

Note: 1) Use the space below for you answers.

2) Compare your answers with those given at the end of this unit.

Why is it important for a media professional to develop a strong value

	system?
2)	How can application of ethics of a journalist lead to self regulation?

3.4 CODES OF ETHICS

Various codes of conduct have been formulated by different bodies and institutions from time to time. According to a UNESCO report, more than 370 Codes of Practices are said to be listed by the International Press Council in different parts of the world. Although, journalists generally resist any kind of code as these are seen to keep certain check on their freedom of expression, but codes of conduct are aimed to help the journalists and contribute in their freedom. It is believed that a good code does not impose restrictions rather it flags the problem areas which need to be anticipated and avoided in discharge of their duties. Some media organisations prefer to use the term codes of practice or codes of ethics instead of code of conduct - whatever be the nomenclature, they all are aimed to develop a responsible attitude in the exercise of journalistic duties and create a 'collective conscience of the profession'.

It will be useful to take a brief overview of the evolution of codes of ethics to analyse how the ethical values outlined by them continue to be pertinent and meaningful today.

16.4.1 Canons of Journalism

The first code of ethics for journalists was adopted in 1910 in the United States by the Kansas Editorial Association which was written by William E. Miller. The Kansas Code was largely focused on advertising and called for advertising policies that were "forthright and fair and news that was honest, just and decent". In another initiative, a group of journalists formed the American Society of Newspaper Editors and adopted an ethical code known as "Canons of Journalism" in 1923 which highlighted the importance of responsibility, freedom, independence, honesty, accuracy, impartiality, fair play and decency. These Canons were adopted as a model and followed by other codes for newspaper and press associations.

The Radio Code was adopted in 1928 which was later expanded into Radio and Television Code covering advertising and programme content. However, adherence of these codes was voluntary and noncompliance went unpunished. According to Ferre, (2009), "concern for journalism ethics became synonymous with culling values from the facts of human experience so that reporters could produce news that was neutral, unbiased and factual".

The advent of television was a watershed in the history of media which hit the imagination of the masses and briefly eclipsed radio and cinema. It also led to great expansion of media organisations and the growth of advertising industry 'which financed daily newspapers, magazines and books'. All these developments led to an increased concentration of media in a few hands and the US Government made various efforts to break the monopoly of large media companies and provide diverse perspectives.

16.4.2 Commission on Freedom of the Press

The scope of media ethics was expanded by the US Commission on the Freedom of Press under the chairmanship of Hutchins in 1947. It called upon the press to provide daily news that is "trust worthy, a forum of public expression, inclusive reporting free of stereotypes, stories that pursue and probe democratic life and universal access to daily news. It reaffirmed the principle of freedom and that press plays essential role in political and social life".

The Hutchins Commission report identified five essential requirements against which the performance of media institutions might be measured:

- "The press must provide a truthful, comprehensive and intelligent account of the day's events in a context that give them meaning. In this process, facts are insufficient; the truth about the facts (relevant background surrounding the facts) is also essential. Stories should be put in perspective and the credibility of conflicting sources evaluated.
- The press must serve as a forum for the exchange of comment and criticism.
- The press should project a representative picture of the constituent groups of society. Racial social and cultural groups should be depicted without resort to stereotypes.
- The goals and values of society should be presented and clarified.
- The press should provide full access to the day's intelligence".

These could be accomplished if the press was more responsible, journalists were better trained and the press effectively regulated itself. Self-regulation was considered as the key feature, and government intervention as the last resort.

The Hutchins Commission laid the foundation for Social responsibility theory and stimulated a series of attempts to describe the normative media theories. Ferre (2009) argued that although the press ignored the Hutchins Commission report; the social responsibility aspect was taken seriously by Journalism Schools. McQuail, (1998) observed that "these recommendations were followed by many different codes of ethical conduct depending upon the conventions and traditions of the country and on who formulated the code – whether it were publishers, editors, journalists or an external regulatory body". Retief (2009) believed that the most important contribution of these codes was to safeguard media freedom and to prevent government regulation of the media.

Check Your Progress: 2

2)

Note	e: 1) Use the space below for you answers.
	2) Compare your answers with those given at the end of this unit.
1)	What do the Canons of Journalism stand for?

What is the role and importance of code of ethics?	

3.5 ESSENTIAL ETHICAL VALUES

There are certain essential ethical values traced across cultures and nations such as truthfulness, fairness, independence, accountability, objectivity and privacy which every media professionals should strive for. These are briefly recapitulated here as these are crucial not only for quality journalism but also for empowering a common reader and maintaining democracy.

Accuracy: Journalism as we are aware is a vital public trust. Its objective to inform people of the rights and wrongs committed and expose corruption and unearth scandals in different sectors of life. A truthful account of an incident is accurate, factual, based on evidence and aims to bring the truth out in public sphere and lead democratic debates on a given issue. It is substantiated by cross checking of facts and figures and guards against rumours, speculations and hearsay. Pre-publication verification is a cardinal principle of good journalism. Accuracy, apart from factual details such as names, places, date, time, and people involved, spellings etc. is also maintained in the use of appropriate headlines that are not misleading and justify the story. The recent trend of re-enactments and dramatisation in news channels tend to colour facts. Accuracy also has to be ensured during editing as well as translation. The mad rush to break stories, as discussed in the previous unit may lead to factual errors. According to famous journalist Carl Bernstein,

"The greatest felony in the news business today is to be behind, or to miss a big story. So speed and quantity substitute for thoroughness and quality, for accuracy and context. The pressure to compete, the fear somebody else will make the splash first, creates a frenzied environment in which a blizzard of information is presented and serious questions may not be raised".

Since news stories are written/telecast under great pressures and hurry, even the most meticulous and conscientious journalist is likely to make mistakes. Senior journalist Vinod Mehta (2011) emphasised, "every effort should be made to prevent it by being extra diligent and giving attention to the details. However, in case of a bonafide bloomer, instead of a cover up, you should bring it to the notice of your seniors and a clarification may be issued as quickly as possible. Subsequently, all efforts should be made to ensure accuracy at all levels to maintain your individual credibility as well as the organisation you serve".

Objectivity: Emphasising the need for objectivity, famous journalist C.P. Scott said, 'Facts are sacred comment is free". Objectivity involves separation between news and opinion. It is often argued that neutrality of journalists is a myth as they tend to have strong views. However, it is important when a stand is taken on an issue, it should be made clear as discussed in the section 3.6.2 on Advocacy and Journalism.

Media houses work under various pressures including those from the Government, advertisers, corporate houses, PR agencies among others. The basic question as a media professional you need to ask as to who are you accountable for? Is it the government of the day, management of the media house, the advertisers, corporate houses or the PR agencies? If journalism is a public trust then your ultimate accountability lies with the common reader/viewer/listener specially the deprived and marginalised sections of society.

Privacy: Maintaining privacy is yet another important ethical issue. You would have noticed that television channels often transgress the boundaries of decency in their mad rush for TRPs. Intrusion in private grief is a charge made on media very often as media tries to capture each drop of tear whether it is a common lay person, celebrity or even a national icon. To take an example, the family of Nelson Mandela, anti apartheid hero, while on life support in a hospital accused news crew of obstructing entry to the hospital making themselves a big nuisance. His daughter called the foreign media 'vultures' who failed to respect the family's feelings while covering the deteriorating medical condition of Mandela. Some scholars argue that privacy can be breached only when there are sufficient reasons that the issue is for 'public good'. However, at any stage, the need for maintaining sobriety and decency cannot be overemphasised.

Essential Shared Values

Above discussion can aptly be summed up in the words of Elliott (2009) who identified the following 'essential shared values' sustained across cultures and time:

- 1) "Journalists should strive to publish news accounts that are balanced, accurate, relevant and complete (BARC).
- 2) Journalists should strive to publish news accounts that are BARC without causing harm that could be prevented.
- Journalists should strive to give citizens information that they need for self-governance. This principle is the defining principle for the practice of journalism and the one that justifies causing harm in the production of news stories. If citizens need to have that information, it is justified to publish it, even if the information causes harm to some individuals or group".

Thus, you will have to develop your own ethical value system which you need to adhere without any outside pressure and interference to retain your individual freedom.

Activity-1

You have been offered a complementary holiday by a corporate house on which you are doing a story. What will be your reaction in such a situation? Explain briefly.

3.6 EMERGING ETHICAL AREAS

As societies become complex, new issues keep emerging, expanding the nature and scope of media ethics. To face such emerging challenges, you will require not only different skill-sets but also strong ethical principles. Moreover, the role and canvas of a media professional is also changing as in addition to reporters, journalists and sub-editors some of you will also be working as web designers, camera persons, producers and editors and so on. The range of ethical dilemmas that you will face in discharging your respective roles will also vary and apart from general principles discussed above, you may need some specific ethical principles as well. For example, as a television producer you may have to take care of your camera angles especially while looking at women and children

subjects. It has been often found that while focusing on children the camera 'looks down' at them posing serious ethical concerns - the same holds true for women subjects. Similarly, while editing the content of an interview, you will have to guard against selective editing. Let us look at some such ethical dilemmas which need to be taken into consideration.

3.6.1 Diversity and Sensitivity

For a country like India with a population of over 1.2 billion comprising varieties of class, caste, religion, ethnicity, sexual orientations, disability and geographical areas, diversity is a huge ethical issue. There are a number of regions and linguistic zones each having its distinct culture and identity; a variety of languages are spoken, which include 22 officially recognised languages and about 1652 dialects across the country. In a liberal and democratic set up, all members and groups enjoy equal rights. However, it has been often found that specific issues and concerns relating to disadvantaged sections of society, *dalits*, disabled, minorities and those located in far flung areas do not get adequate media space which further suffers due to stereotypical representations. Identifying people by race/caste/religions/community is a charge media has often been faced with which can be avoided unless genuinely relevant to story. According to Whitehouse (2009), if one segment of society is ignored, vilified or even inappropriately sanctified through mass media narratives then those marginalised and the community as a whole will be harmed.

To take the example of projection of women, various studies have revealed that issues related to women have largely been invisible in media unless they are crime related or sensational in nature. Women rarely get covered as contributors to development and governance. Although employment opportunities in media have increased for urban educated women but representation of women continues to suffer from stereotyping; showing them as victims and belonging to weaker sections.

Violence against women especially rape, one of the most heinous crimes against women has come center stage lately. You may recall the brutal gang rape on a Delhi bus in December 2012 which became a defining moment and highlighted the patriarchal attitudes and misogyny on the part of perpetrators of the crime. The widespread public outrage brought people across spectrum together with media as a strong ally. The continued media focus and coverage led to the issue gaining a new prominence in the public discourse including political party manifestoes, election campaigns and even the Union budget. According to National Crime Report Bureau, the incident accounted for increased reporting of crimes as more women feel empowered to come out with their cases. However, a word of caution here - there is need for balanced coverage in such sensitive issues as clamour for instant and retributive justice can even turn counter-productive and harm the cause itself, as shown in 2019 Hyderabad gang rape case. Media may not be the fundamental cause of the problem as it does not exist in vacuum. However, it is in the power of media to give a realistic and adequate portrayal to their problems and concerns.

Activity – 2

Go through two newspapers of your choice for a week and identify the news stories on crimes against children. Make a comparative analysis of the treatment given to these stories.

3.6.2 Advocacy and Ethics

Above discussion brings us to the issue of advocacy and ethics. Advocacy stems from the word advocate – a person who pleads in favour for another; thus advocacy is support or argument for a cause. One may argue that if a media person takes position on an issue then it is at variance with the concept of objectivity. However, advocacy is based on the premise of human rights, democracy and peaceful coexistence. Baker (2009) argues, "Advocacy is for noble (or morally justifiable) causes with moral virtue and with principled motives and means. A principled advocate embodies and enacts the virtues of truth, transparency, respect and concern for disadvantaged sections of society". S/he follows the path of equity, equality and social responsibility treating people with empathy.

Mehta (2011) observes that occasionally a journalist will have to cover an incident or event which possesses the stipulated two sides but one side is so horrific and unforgivable that you may decide to concentrate on just that side. When confronted with one of these abominable happenings, you can take sides but basic guidelines must be followed. Some examples in this regard could be acid attacks on women, environment degradation, pollution, and so on. Thus, harnessing communication for worthy purposes with moral means to achieve professional objectives is ethical. However, if advocacy is used for self interest, deceit, manipulation, disregard for others then it leads not only to the loss of face for all those involved but also for lowering of moral compass of the society.

3.6.3 Digital Media Ethics

Digital media is a rich source of information which enables information sharing and dissemination without any filters or means to restrict the content. The new media has radically changed the way news is collected and disseminated and emerged as a challenge to traditional journalism which is seen more as a one-way transfer of information. A large section of population, especially the youth, is increasingly dependent on the new media platforms for their information and entertainment needs.

Social media platforms are being extensively used for sharing of views and also as news sources. The authenticity of these sources may be difficult to verify, as at times, people use pseudonyms, or write anonymously. Often when a comment is made on Twitter, Facebook it is countered aggressively or 'trolled' in a systematic manner by the opposing group or party. The trend is especially pronounced in comments which are political in nature or in which celebrities are involved leading to sensationalism and vilification of those involved. Some of these comments may be selective in nature and contributed for partisan interests using provocative language. Since journalists follow social media trends like a wire service, at times such trends get reflected in the mainstream media as well.

Attribution of source is yet another area of ethical concern. Publishing news not attributable to any source or under the guise of unnamed or unidentified sources is indicative of poor journalism. Some websites clearly state that the content in the site can be used freely while in certain cases there are conditions to use. For educational purpose, research etc. the material is used with appropriate citations. However, for commercial purposes, permission needs to be taken from the individual or organisation concerned.

Variety of cyber crimes such as morphing, phishing data theft, hacking, cheating, pornography, have further compounded the digital sphere. Digital manipulation of images and pictures and selective editing can lead to misrepresentation and misinformation. It is extremely difficult to get evidence and many a time the real culprits may be operating from other countries and beyond the purview of the Indian legal system. The conviction rate in cyber crimes is abysmally low and lengthy judicial procedures further compound the process. New crimes emerge every day calling for preventive measures such as training on new software and constant update of knowledge to address some of these concerns.

Activity – 3

Watch primetime news bulletins of your choice for a few days and identify the news stories sourced from social networking sites. Examine their authenticity.

3.6.4 Ethics related to Citizen Journalism

The access and availability of technology has led to the growth of the concept of 'citizen journalism' wherein common person decides and presents the issues of importance and concerns. Citizen Journalism is not an entirely new concept as it existed in some form involving ordinary people in contributing news. However, the term gained currency in 2005. The ease of dissemination of information through web has made it extremely simple to post information on the Internet. Similarly, the accessibility of smartphones with built in cameras and advanced features has empowered the ordinary citizen to write, post and publish material. It is democratic and participatory in nature and can use various media forms as empowering tools. The CJs, as they are popularly called, are not regular employees of a media organisation and may not be professionally trained journalists.

Over a period some confusion has also emerged as to who is a citizen journalist - do bloggers, stringers or those engaged in User Generated Content (UGC) also fall in this category? It is important to make a distinction as the content posted by them could be more of opinion or comment than hard news. Since they do not possess conventional training in journalism, thus may not have necessary skills in research and cross checking of facts. The processes related to gate-keeping, filtering, agenda-setting and ensuring the veracity of information are some issues involved in citizen journalism.

3.6.5 Use of Hidden Cameras

As you are aware there are three types of journalistic writings - Objective, Interpretative and Investigative. Objective writing is neutral, balanced, factual and purely for information dissemination, Interpretative writing involves analysing and interpreting complex issues, claims made by the government and policy issues. Investigative writing works of the premise that something somewhere is wrong and aims to dig beneath the surface in search of 'why' and 'how'. The primary objective of investigative journalism is to uncover the truth for public good, and in this pursuit, it follows an adversary role whether it is government or the corporate sector.

Investigative journalism involves a detailed enquiry of reports, documents and developments. Sting journalism is an offshoot of investigative journalism. Operation West End, Operation Duryodhan, Operation Chakravyuh, BMW Expose Case, Cash-for-Vote Scam were some cases in which sting operations

using hidden cameras were conducted. However, the use of hidden cameras raises thorny issues of privacy, entrapment, and accountability. Since the filming of a person is done covertly it leads to erosion of privacy and at times even obscenity. In some sting operations, the use of illegal methods such as bribery, trespass, etc. have also been reported. Sting operations should not be used as a shield of public purpose in the garb of settling one's own scores and can land the reporter in trouble in terms of defamation, libel etc. The journalist needs to ensure accuracy and observe general standards of decency. Care should be taken that there is no selective editing and the context of footage used is demonstrated. The identity of those not related with the event directly but caught on the footage needs to be masked. It is imperative that the content is conclusive without loose ends so that it does not leave scope for confusion and different interpretations.

In addition to the areas discussed above, ethics are linked with other aspects such as war and conflict reporting, reporting sub-judice matters and so on. A strong grounding in ethics will enable you to take correct decisions in these areas.

3.7 LET US SUM UP

The debate surrounding ethical issues in media has achieved increased prominence in the last few decades and the issue is being hotly debated at various levels and fora. In this unit we discussed that ethics imply the freedom to choose, hence, a strong grounding in ethics will help you understand various critical issues in your profession and follow the correct path. Ethics form the bedrock of the key processes of journalism - identifying information, gathering, selecting and presenting information. In this way, ethics ensure reliability of information on which the credibility of a media organisation depends. In view of the complexities in the present media scenario, the ethical dimension of each area needs to be thoroughly examined. The exposure and guidance thus gained will help you to make responsible decisions in different capacities in your work. As a new generation of media professional you need to have a critical understanding of your role in a highly competitive and profit driven media environment and act as harbingers of change for the well being of society as well as the profession.

3.8 FURTHER READINGS

Retief J. (2009), Media Ethics: An Introduction to Responsible Journalism, Oxford University Press, Oxford, New York

Iyer V. (2002), (Ed.), Media Ethics in Asia: Addressing the Dilemmas in the Information Age, AMIC/SCI-NTU, Singapore

Ferre John P. *A Short History of Media Ethics* in Lee Wilkins, Clifford G. Christians (Eds.) (2009), The Handbook of Mass Media Ethics, Routledge, New York & London

Keeble, Richard (2009), Ethics for Journalists, Routledge, London, New York

Thakurta, Paranjoy Guha (2012), Media Ethics, Truth Fairness and Objectivity, Oxford University Press, New Delhi

3.9 CHECK YOUR PROGRESS: POSSIBLE ANSWERS

Check Your Progress: 1

- 1) It is important for a media professional to develop a strong ethical sense and value system so that s/he can make correct choices to face the complexities and challenges of the real world in his/her professional life.
- 2) Media ethics and self regulation are interlinked. If each media professional follows certain ethical principles and norms and adheres to them despite various pressures, it will lead to his/her own ethical conduct and self regulation in the profession as well.

Check Your Progress: 2

- 1) The Canons of Journalism stand for responsibility, freedom, independence, honesty, accuracy, impartiality, fair play and decency in journalism.
- 2) Codes of ethics aim to develop a responsible attitude among media professionals toward their work and flag the problem areas which need to be anticipated and avoided in discharge of their duties.

