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KAARLE NORDENSTRENG

## Self-regulation: A contradiction in terms? Discussing constituents of journalistic responsibility

### Abstract

Der Beitrag beginnt mit allgemeinen Perspektiven zu Medien und Gesellschaft und konzentriert sich auf das Konzept der Verantwortung und seinen Aspekt der Verantwortlichkeit. In diesem Zusammenhang wird Medienselbstregulierung als vierte Form der Medienregulierung neben Gesetz, Markt und Öffentlichkeit durch Bürgerschaft verstanden. Der Fokus wird auf Kodizes der journalistischen Ethik gelegt, die in Europa eine Reihe gemeinsamer ethischer Prinzipien aufweisen.

Basierend auf konzeptionellen Diskussionen und empirischen Ergebnissen endet der Beitrag mit einer Empfehlung für eine europäische Plattform, die Medienqualität, professionelle Ethik und Selbstregulierung vorantreibt.

This chapter focuses on the journalistic standards introduced by the codes of ethics adopted by European media professionals and asks whether they contain enough shared values and principles for a common European platform. Before answering this question, however, a lengthy review is made of the concept of media self-regulation in more general terms, beginning with the question: What is the place and role of the media in a democratic society?<sup>1</sup>

1 This presentation is based on my earlier publications, notably NOORDENSTRENG 2000a, 2002; HAMELINK/NORDENSTRENG 2007; CHRISTIANS/GLASSER/MCQUAIL/NORDENSTRENG/WHITE 2009.

## 1. Media and society

A modern democratic society as we know it in Europe today can conveniently be divided to three levels around the pillars of:

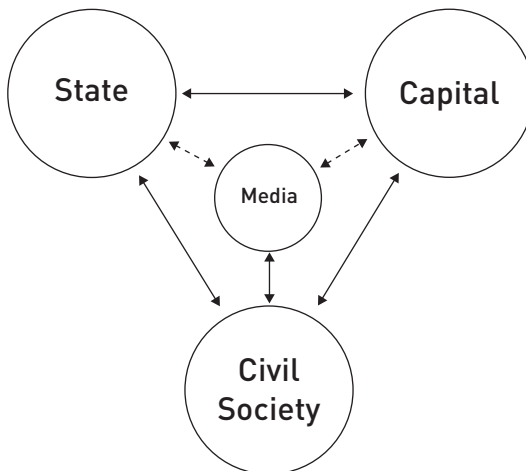
1. *State* and related government institutions
2. *Market* and related commercial activities
3. *Civil Society* of non-governmental and non-commercial people's activities

Johan Galtung, the Norwegian-born social scientist and peace research pioneer, reminds us that the idea of the State and that of the Market, or as he calls it, the ›Capital‹ with its invisible hand, have evolved through revolutions over three centuries:

»These two powerful pillars in the modern social formation are both essentially 19th-century products of the North Atlantic area, now imitated all over the world. But the third pillar, the civil society, that is, people and their associations of sanginity (family, clan), vicinity (neighborhoods), and affinity (coinciding interests and/or values), was always there, described by sociologists for modern, and by anthropologists for nonmodern, societies [...]« (GALTUNG 1999: 4)

FIGURE 1

### Media between three pillars of society



Source: Galtung 1999: 4

Galtung has illustrated this structure in Figure 1, which I have found useful in analyzing the position of the media in society. In Galtung's triangle the media are not necessarily located at the apex of the triangle but rather float somewhere between the pillars. In the history of European countries the media have found their place first close to both the State and the Capital, emerging from late-feudal patronage and boosted by mercantile capitalism. With the rise of modern democracy and party structure, the press became part and parcel of the Civil Society, while broadcasting remained closely tied to the State. The second half of the 20<sup>th</sup> century has brought the media – both print and electronic – increasingly towards Capital-driven markets.

Yet Galtung's triangle does not suggest that market forces completely absorb globalizing society in a contemporary (post)modern world, where the civil society with its so-called new movements provides burgeoning strength. Thus the media take a challenging place in a field of conflicts. The media are vital channels not only for the Civil Society in relation to State and Capital, but also in communication between the State and Capital in order to ensure a common public sphere, transparency and dialogue in society. If the media succeed in attaining a strong and independent position in this triangle, they could assume the status of a fourth pillar in the power structure of society.

There is another way of viewing media as the fourth element in a democratic society, based on the classic separation of powers in a political system, as proposed by Montesquieu (COHLER/MILLER/STONE 1989). This is actually a closer articulation of the pillar of the State, whereby the parliament chosen in general elections constitutes legislative power, while the government with all the ministries and other administrative agencies make up executive power, and the courts represent an independent judicial power. The media as an agent of independent journalism has been added to this picture as a fourth branch of government.

The same role for carrying out checks and balances of the three main branches of government has also been proposed for other institutions such as trade unions and new social movements (NORDENSTRENG 1997). However, the mass media still enjoy a special status in this respect mainly due to the constitutional guarantees of freedom of information based on international law on human rights (HAMELINK 1994). The media are indeed relatively independent from the three other powers and can thus be called a fourth power. But as the media have grown in size and impor-

tance, along with their concentration and commercialisation development, they themselves have been spotted under critical scrutiny leading to demands that the watchdog should be put under watch through international media monitoring (NORDENSTRENG 1999, 2004). The latest proposal is to establish a global media watch literally as a fifth power.<sup>2</sup>

In these discussions it is typical to exaggerate the power of the media to exert influence by ignoring the fact that communication is not an independent power, but rather a continuation of more fundamental social forces. Yet it has to be admitted that there have been in recent years – in conditions of an Information Society – good reasons to speak of the mediation of social relations and of a growing role of the media in society (LUNDBY 2009). The media have often become kingmakers in the field of politics at the same time as the institution of the political party has lost ground. In the old days newspapers were typically an extension of politics, and newspapermen (indeed mostly men!) were politicians. Today politics and the media have split into two institutions, and the media frequently appear to be the stronger.

The core question remains, what is the relation of the media power to the people's power. Taking freedom of speech as a basic principle, the task of the media, and of journalism in particular, is to serve the people and not those who wield power, be that power political or economic. Thus, in Galtung's figure the media should be located closer to the Civil Society. It is not healthy for the cause of democracy that the media should move from the political camp to the economic camp and remain the tool of those elites in society, while the people continue on their own path as consumers and spectators.

This concern has in the United States led to a quest for new forms of journalism, not only through investigative reporting, but also through civic journalism seeking out the grassroots (GLASSER 1999). The premise here is that the people lack not only information but also democracy, and that journalism should pose questions in the manner of the man or woman in the street, not as the political and economic elite would do it. The fault thus lies not with the people but with elitist information alien to their lives. This populist trend has achieved the support

2 This proposal was made by Ignacio Ramonet, the editor and director of *Le Monde diplomatique*, at the Social Summit in Porto Alegre in 2002 and at the World Summit on the Information Society in Geneva in 2003; see RAMONET 2003.

of many publishers, who are concerned about the declining readership, especially among the young. The objective is to re-activate citizens who have become cynical and to revive the community adrift from its ties – to return from individualism to communitarianism.

It is, however, doubtful whether journalism and the media can significantly repair the structural foundations of society. Projects of a popular journalistic nature more likely reflect the rhetoric of the citizens' society than reality. One may furthermore ask whether or not deregulation is making the national and supranational media scene more or less supportive of freedom of speech. On the other hand a combination of the global and the local opens up new positive perspectives – the *glocal* – for both society and the media (TEHRANIAN 1999).

In short, the contemporary media-society landscape is far from simple. Yet I would suggest that behind the contradictory developments there is a long-term trend towards a paradigmatic change – a change for the better, in a more democratic and ethical direction. My thesis is that in the ideal world of media doctrines, if not in the real world of media practice, the conventional idea of self-sufficient media and a public passively receiving information is being replaced by a new idea of media operating as extensions of democracy and serving its citizens. Accordingly, the citizen is moving forward from the sidelines – »from the audience to the arena« (NORDENSTRENG 1997).

Symptomatic of this paradigmatic development is a media ethics boom as documented by a phenomenal growth of literature on this topic (WILKINS/CHRISTIANS 2009). Nevertheless, it is questionable how widely held this paradigm shift is in the contemporary media world. Critical scholars and journalists suggest that the situation of the media is fairly gloomy. But even these observers keep producing recommendations about how to make the media system more democratic and how to improve its ethical performance. Thus there remains a ray of hope.

Whether the margin for reform is negligible or significant depends on the conditions, including what is done by those in charge of media policy – and those in charge of media research and education. While we teachers and students should be alert and energetic, we should remain cool and realistic: we should avoid the twofold trap of being either too passive and conservative or too hyper-active and naïve. As I have pointed out elsewhere (NORDENSTRENG 1998), journalism ethics has several faces and needs to be approached with particular care when addressing professionalism.

The above review serves as a reminder that the place and role of media in society is a target of rich scholarly activity. Yet the topic is far from exhausted and much remains to be done, especially on the conceptual and analytical level, including critical examination of the pillars of Galtung's triangle. The state and its relation to media present a true challenge to research in this era of globalisation (NORDENSTRENG 2001). Actually it is surprising how little serious research has been carried out on state-media relations, while this topic is high on the agenda of politicians, media professionals and human rights advocates. Agencies such as the Index of Censorship and Freedom House keep producing reports on the state of media freedom in the world, but these empirical surveys are not paralleled by a solid tradition of academic scholarship. In this situation the concept of press freedom tends to perpetuate the biases inherited from the libertarian tradition although the legacy of true liberalism is much more versatile than is typically held by journalists and publishers (NORDENSTRENG 2007).

It is indeed vital to critically examine the doctrines that fuel the thoughts and actions of journalists and their educators. A central part of this homework is to study the role of media in democracy, which all too often is either taken for granted or simply treated as a mantra (NORDENSTRENG 2000b). My own homework in this spirit has been to revisit the normative theories of the media with a team of colleagues (CHRISTIAN/GLASSER/MCQUAIL/NORDENSTRENG/WHITE 2009).

## 2. Media responsibility

Having reflected on the general perspectives of media and society, let us now turn to the concept of media responsibility and its aspect of accountability. A preliminary definition is provided by Luis Hodges:

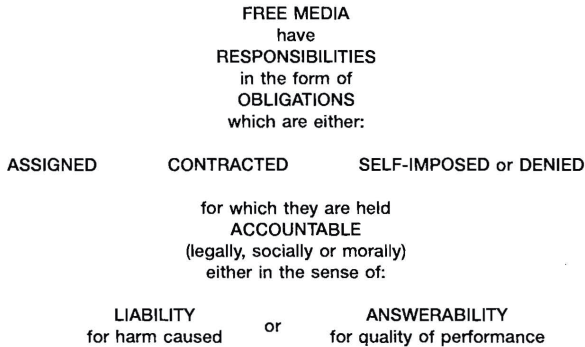
»The issue of *responsibility* is the following: to what social needs should we expect journalists to respond? The issue of *accountability* is as follows: how might society call on journalists to account for their performance of the responsibility given them? Responsibility has to do with defining proper conduct; accountability with compelling it« (HODGES 1986: 14).

An insightful analysis of these concepts is offered by Denis McQuail (1997, 2003), whose conceptual distinctions are summarized in Figure 2.

McQuail's predominant theme is that all media under all circumstances are responsible and accountable at different levels and degrees.

FIGURE 2

## Relations between media freedom, responsibility and accountability



Source: McQuail 1997: 518, 2003: 203

And this is not only an academic thesis but part and parcel of the written international law as stipulated by *Article 19 of the International Covenant of Civil and Political Rights* (OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS 1966):

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others;
  - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

The provision of paragraph 3 regarding »special duties and responsibilities« is more than a gentle reminder to the media to behave decently.



It constitutes a legal link from freedom to responsibility. Accordingly, the link is based on both philosophy and law.

Upon closer examination the media present a constitutional dilemma. On the one hand, some countries have freedom of speech and a ban on advance censorship written into their Constitution (e.g., the us First Amendment and corresponding provisions in many countries such as Finland). On the other hand the media, like any institution in society, including free enterprise, are to a certain extent accountable to a democratic society. The responsibility for communication has been specified in international agreements on human rights, which both guarantee freedom of opinion and expression and set limitations on the dissemination of such things as racist and warmongering propaganda. In general, human rights instruments set clear boundary conditions for the media, just as there are boundary conditions on other aspects of life. It is thus impossible for the media to use freedom of speech to justify their setting themselves above social norms and institutions. They have, on the contrary, a special responsibility, as in a democratic society both constitutional protection for freedom of speech and human rights agreements place the media in the position of a tool in the service of citizens.

In the European tradition, the legacy of enlightenment and human rights demands that the media should be free – free from coercion by the power holders and free for the pursuit of truth and creativity. However, no social institution can be absolutely free, and even the freest media are always tied to some social forces, serving some political objectives – often indirectly and even unintentionally so but still, sociologically speaking, far from absolutely free. The question then is not whether the media are free but how they are bound by responsibility and accountability.

Christians/Fackler/McKee/Kreshel/Woods (2008: 24-26) lead us further by asking who media professionals are responsible and accountable to. To whom is moral duty owed? Five parties are singled out:

1. professionals themselves
2. their clients (subscribers, supporters, etc.)
3. their organisation (company, etc.)
4. their colleagues (workplace, association, etc.)
5. the society at large

These parties constitute the web of relationships within which journalists operate – often unaware of them. The distinctions are theoretical and in practice the journalist is influenced by all of them simultaneously.

FIGURE 3

**The relationship between accountability purpose and means**

<i>Purpose</i>	<i>MEANS</i>			
	<i>Market</i>	<i>Law</i>	<i>Public opinion</i>	<i>Professional and self-regulation</i>
Quality	x			x
Trust				x
Public duty			x	x
Prevent harm to society	x		x	
Prevent harm to individuals		x		x
Control	x	x	x	
Protect communicator				x

Source: McQuail 2003: 309

However, for a professional performance it is important to be analytically cognisant of them and not let them lead the way without personal control. Actually, journalistic freedom requires a conscious command of this web of relationships. In other words, media freedom does not follow from declaring it and celebrating the absence of censorship; we may rather say that the key to freedom is on the side of responsibility and accountability.

McQuail offers another useful analytical scheme in Figure 3. He lists (MCQUAIL 2003: 308) several alternative purposes which media accountability is supposed to fulfil:

- To improve the quality of the product of service
- To promote trust on the part of the received or audience
- To ensure the performance of some wider public duty
- To prevent some harm to an individual or society (by warning of liability)
- For reasons of control by authorities, or by the media industry
- To protect the interests of the communicator (whether organisationally or professionally)

These purposes are plotted against different means of handling accountability. Of these four means the law covers only two aims, while

the market and the public opinion cover three. The fourth type of means, professional and self-regulation, covers as many as five aims and thus proves to be a central mechanism of accountability.

The late French media ethics activist Claude-Jean Bertrand has suggested a whole ›theory‹ of *media accountability systems* (MAS) as a third approach to the media governance, next to law and market (BERTRAND 2000, 2003). Bertrand's approach is quite wide and he lists tens of different ways to uphold the quality and responsibility of free media. These include press councils and professional codes of ethics but also other forms of media criticism and monitoring, public access to the media and even training – the education of both professionals and consumers. The MAS are not always practical and advisable as they may be used as mere PR ploys and may miss the target (BERTRAND 2003: 25). Nevertheless, the idea highlights the importance which is nowadays given to media responsibility and ethics as an alternative to unconditional media freedom and autonomy.<sup>3</sup>

### 3. Media self-regulation

McQuail's means of accountability above in Figure 3 coincide with what many scholars, including myself (NORDENSTRENG 2005), use as the basic types of regulating the media in society. In general terms, we can distinguish four categories of how regulation is carried out:

1. *Law* promulgated by Parliament and other state bodies and executed by courts
2. *Market* based on private property, commercial advertising and consumer choice
3. *Public* through citizen associations and public opinion
4. *Media themselves* through journalists and managers

Here the concept of regulation is understood academically so that all social activity is regulated in a general sense – the question is at which level, by whom and for what. A basic philosophical premise is that everything in society is controlled on one level or another and that the idea

3 Claude-Jean Bertrand created a MAS website <http://www.media-accountability.org/> which after Bertrand's death in 2007 has been hosted at the Missouri School of Journalism at <http://www.rjonline.org/mas>. It includes a worldwide directory of press councils and codes of ethics.

of freedom as something beyond control is an ideological position – in principle as ideological as the notion of keeping the media under state control. This premise represents the kind of *systems theory* introduced by Niklas Luhmann, also regarding the media (LUHMANN 2000).

Accordingly, a textbook definition of self-regulation suggests that it is the fourth type of media control, after law, market and public. These categories are mutually dependent; they coexist. Thus, there is mostly some degree of legal regulation to ensure that minimum standards of democratic order and human rights are respected, while self-regulation is a preferred alternative to more heavy-handed legislation. Similarly, as media concentration and tabloidisation increase, it is natural for society and the public to prefer this form of self-regulation over commercial markets. It should be noted that media policy can be pursued through any of the four regulatory domains.

Media regulation by the public and the media themselves, as opposed to legal and market regulation, can be seen as part of a megatrend in contemporary Europe, whereby established political institutions, including nation states, lose their importance – at least in terms of their intellectual potential – and are gradually replaced by more flexible structures, such as grassroots approaches and networking. An integral part of this trend is a new emphasis on ordinary people as the main subject in communication – as consumers, citizens and ›owners‹ of the right to freedom of information – instead of journalists and media proprietors.

This means a shift from protecting media professionals to protecting ordinary citizens – in line with the idea of civic journalism and media accountability systems. Yet, in reality media control by the civil society is possible only in relatively small vehicles of communication owned by members of associations and in information networks formed by restricted interest groups. Citizens can bring influence to bear on the mainstream media only marginally, by their own consumer behavior – as a market force – and by participating in the activities of pressure groups. On the other hand, rapid development of the Internet-based social media such as *Facebook* has increased the importance of the public in the overall regulatory landscape.

The idea that the media are responsible to the general public made up of citizens – civil society – is widely accepted, among journalists, too. Journalists mostly see themselves as using freedom of speech as the representatives of the citizens, and the professional ideal of the journalist typi-

cally embodies the roles of both a watchdog and an educator. On the other hand journalists, not to mention media owners and managers, are anxious to remain independent, at least in relation to the state, and therefore they are reluctant to accept laws to concretize their abstract responsibility. Hence, while media professionals speak warmly about responsibility, they remain lukewarm about accountability.

Realistically, self-regulation is quite a weak form of regulation compared to official laws and perpetual market forces. In practice, self-regulation often remains cosmetic window-dressing of the media industry and its professionals – a repertoire of good intentions with little or no impact on practical media operation and performance. Moreover, even if media people were honest and not just diplomatic in their willingness to be accountable to the public, their professional values and work practices, supported by a culture of autonomy, easily lead to fortress journalism where professionalism inhibits rather than promotes the fulfilling of the citizens' communication needs (NORDENSTRENG 1998).

In general, however, self-regulation with its own regime of soft law has established itself as part of the overall regulatory system. Lately, it has even expanded in the form of co-regulation of the mass media industries as shown by a study commissioned by the European Commission (HANS-BREDOW-INSTITUT 2005). It is also worth noting that in his significant article on the role of media in democracy Jürgen Habermas takes the view that functional independence of the mass media »means the ›self-regulation‹ of the media system in accordance with its own normative code« (HABERMAS 2006: 419).

A standard conclusion at this point is to advocate different mechanisms of self-regulation, especially professional codes of ethics and independent media councils, as well as to call for monitoring how self-regulation is working in practice. The rest of this article does exactly that and can be taken as a reformist call for real, not merely cosmetic, self-regulation on the European level.

However, right from the outset we should acknowledge the limits of self-regulation from the point of view of democracy. As noted above, self-regulation is far from an efficient recipe for ensuring democratic media governance. Moreover, self-regulation and its later version co-regulation have even a potential to prevent rather than promote democracy in society. If taken as a distinct alternative to the other mechanisms of regulation – leaving aside both law and public from the media sphere – self-reg-

ulation becomes a way to concentrate media power in the hands of media themselves, representing the fortress journalism tendency and justifying the calls for a global media watch. And as media in Europe are predominantly commercial, this means a shift towards market regulation.

Consequently, we should avoid counting too much on self-regulation as a way to solve the problems of media governance. On the contrary, keeping some distance from the media themselves and taking the role of audience and citizens brings media regulation closer to what it is supposed to be in theories of democracy. Also, we should remember that it is the citizens who constitute the electorate, which ultimately determines, in theory at least, what parliaments and governments – laws and the state – are to do with the media. The fashionable trend to undermine the state and super-states such as the European Union at the expense of popular movements and networks runs the risk of diluting democratic principles and mechanisms. Therefore scholars have raised warnings against one-sided emphasis on self-regulation (HÉRITIER/ECKERT 2007).

In short, there is good reason to suggest that self-regulation is a contradiction in terms. With this skeptical perspective in mind we shall now turn to the question of common ground in European media ethics.

#### 4. Codes of ethics

Journalists like other professions have canonized their proper conduct in codes of ethics, which are typically adopted by national associations of journalists after thorough discussion in search of consensus. These codes can be taken as a fairly representative reading of the prevailing professional values and thinking – the doctrine of professional ethics in a country. Admittedly, the codes only represent the professional ideology and do not tell how journalism is, in actual fact, practised. The latter aspect of reprehensible practice in contrast to ideal thinking has been addressed by innumerable case studies as well as the self-regulatory institutions of press councils, which monitor to what extent professional standards are honoured by the profession. Yet the codes of ethics as standard-setting instruments for the profession are unique material for research about the values underlying journalistic practice.

My academic base at the University of Tampere in Finland provides a special resource for analyzing the codes of journalism ethics: *EthicNet* – a collec-

tion of codes of journalism ethics in Europe.<sup>4</sup> Established in 1995, the databank first contained 31 codes from 29 countries which served as the material for Tiina Laitila's master's thesis (LAITILA 1995). The databank was updated in 2007 to include 50 codes from 46 countries – from Albania to the UK (the latter with two codes). Using Laitila's 13 categories of the topics covered by the codes, *EthicNet* also provides an inventory of contemporary codes.<sup>5</sup>

The inventory shows that the most salient standards in the European codes are truthfulness of information (accuracy, diversity and five other aspects) and integrity of the source (respect for privacy and four other aspects). These two topics, with their various aspects, are present in each of the 50 contemporary codes. All but one of the codes set standards for clarity of information (separation of facts and opinions, separation of advertisements and editorial material, etc.), for responsibility in forming public opinion (prohibition of discrimination based on race, sex, religion, etc.), for fair means in gathering and presenting information (respect for copyright, right to reply, etc.), and general professional standards (prohibition to accept bribes, right to criticism, etc.). Least salient is the respect for state institutions, which is present in about half of the codes. Compared to the situation in 1995, the standards have remained more or less the same. Accordingly, there is a well-established and solid ideal for journalistic ethics in Europe.

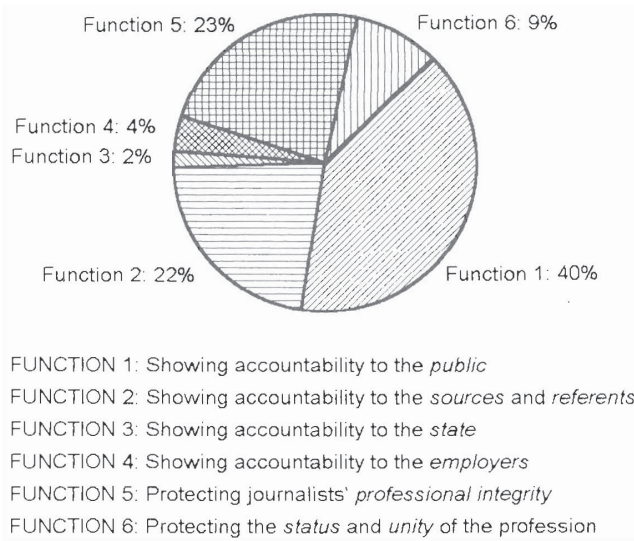
Laitila (1995) pooled the 13 categories of journalistic standards under six functions: four directions of accountability (to the public, to sources and referents, to the state, to the employer) and two targets of protection (professional integrity, status and unity of the profession). The distribution of the topics covered in the codes between the six functions is presented in Figure 4.

Using the 2007 data from the updated *EthicNet* brings practically the same distribution (just one per cent more to functions 1 and 2, and two per cent less to function 5). Although many more codes have been adopted since 1995, they all share a common frame of professional standards. And

4 I began to examine the professional codes of journalism ethics in the 1970s during my involvement in UNESCO's standard-setting projects such as the Mass Media Declaration and the MacBride Report (NORDENSTRENG 1984). This project included Master's theses by students conducting comparative studies on the topics contained in the codes (see COOPER 1989; JUUSELA 1991; LAITILA 1995). In 1995 we created a collection of the codes of journalism ethics accumulated in the European region from the Atlantic to the Urals, as translations in English. It was established as *EthicNet*, website <http://ethicnet.uta.fi/>

5 Available at: [http://ethicnet.uta.fi/inventory\\_of\\_codes\\_by\\_content\\_categories](http://ethicnet.uta.fi/inventory_of_codes_by_content_categories), accessed: 24.05.2010.

FIGURE 4  
The functions of the European codes



Source: Laitila 1995: 535

it is remarkable that about two thirds of the standards set by the codes relate to the public and sources of journalistic information (functions 1 and 2). This can be seen as >altruistic< service approach, while an >egoistic< approach representing the interests of the profession itself (functions 5 and 6) is present in about one third of the standards. State and employers (functions 3 and 4) get minimal attention.

Laitila's 13 categories of journalistic standards were subdivided into altogether 61 individual aspects or principles, out of which 24 were found in more than half of the codes. She concluded (LAITILA 1995: 543) that the following six themes represent the most common functions manifested in the national codes and could thus be taken as a basis for an eventual common European code:

1. *Truthfulness* in gathering and reporting information
2. *Freedom* of expression and comment; defense of these rights
3. *Equality* by not discriminating anyone on the basis of his/her race, ethnicity or religion, sex, social class or other personal characteristics



4. *Fairness* by using only straightforward means in gathering information
5. *Respect* for the sources and referents and their integrity; for copyright and quoting
6. *Independence/integrity* by refusing bribes or any other outside influence on the work; by demanding the conscience clause

The 2007 material confirms this core of journalistic ethics. As stated already in 1991 on the basis of these studied European codes of ethics, »it would seem that there is developing among the CSCE countries some sort of basic, universal model of journalistic codes where the accent is on truth, freedom of information, and protection of the individual« (JUUSELA 1991: 88). There are also other sources of inspiration for media ethics, including initiatives to promote peace journalism (NORDENSTRENG 2008).

However, very little has happened during the past two decades, apart from the adoption of new journalistic codes and the establishment of media councils in individual countries. No notable steps have been taken to strengthen a common European space of media ethics. There was one significant initiative by the *Council of Europe* in 1993: its *Parliamentary Assembly* adopted a resolution and recommendation know as »European Code of Deontology on Journalism« promoting principles such as »Information is not a commodity«, »Information is the property neither of the media nor of the public authorities«, and »Citizen as the owner of the right to information« (NUÑEZ ENCABO 1995). However, this well grounded proposal was frozen and buried after a fierce campaign by the *International Federation of Newspaper Publishers* FIEJ (later *World Association of Newspapers* [WAN]).

## 5. International bodies

The Council of Europe as an intergovernmental body has been absent from the European self-regulation debates since the mid-1990s. Likewise, the European Union has done little in this area, while the European Commission has concentrated on media policies, particularly in the audiovisual sector. But the *Organization for Security and Co-operation in Europe* (OSCE) created in 1997 a special institution of the *Representative on Freedom of the Media*, which has given a great contribution also to the cause of media self-regulation (OFFICE OF THE REPRESENTATIVE ON FREEDOM OF THE MEDIA 2008). Also, UNESCO has recently started again to pro-

mote media self-regulatory mechanisms, particularly in the South-East European region.<sup>6</sup>

Looking at the intergovernmental level we should not miss the *European Court on Human Rights*.<sup>7</sup> It provides a continuum of consistent case law concerning the media and it serves as crucial precedents for any discussion of media regulation, both nationally and internationally.

Turning to the non-governmental level, the European self-regulatory bodies established in 1999 the *Alliance of Independent Press Councils in Europe* (AIPCE).<sup>8</sup> This is a loose coalition of media councils which are strictly independent of government and which emphasize that »the writing of Codes of journalistic ethics and their administration is the business of journalists and publishers«. AIPCE also points out that »it is not possible to operate a universal Code of ethics, and that the imposition of supra national Codes and regulatory organisations, either at the European or global level, should be opposed«. AIPCE emerged in response to developments of the *World Association of Press Councils* (WAPC),<sup>9</sup> established in India already in 1992 with some members in developing countries which had close government relations. Accordingly, the European media councils are not particularly instrumental in promoting a common ethical space, apart from guarding the independence of self-regulation from governments – but not from market forces.

However, there is one non-governmental organisation which has launched a remarkable project: the *International Federation of Journalists* (IFJ) and its *Ethical Journalism Initiative* (EJI).<sup>10</sup> The EJI was launched in 2008 at conferences of editors, journalists and their organisations in Europe and Asia. Its flagship is a book by Aidan White (2008), with the Foreword by Jim Boumelha, the President of IFJ, pointing out that »journalists need help and support to stand up to the pressures from those who want them to be servants of big business or of political masters« and highlighting the need to keep »the ethical flame alive« (WHITE 2008: i).

According to its call (ibid.: 3), the EJI will:

»Promote and nourish the mission of ethical journalism for public good  
Strengthen the rights of all who work in media and give journalists the right to act according to conscience

6 [http://portal.unesco.org/ci/en/ev.php-URL\\_ID=28975&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=28975&URL_DO=DO_TOPIC&URL_SECTION=201.html)

7 [http://www.echr.coe.int/echr/Homepage\\_EN](http://www.echr.coe.int/echr/Homepage_EN)

8 <http://www.aipce.net/>

9 [http://www.wapconline.org/lang\\_eng/default.asp](http://www.wapconline.org/lang_eng/default.asp)

10 <http://ethicaljournalisminitiative.org/en>

*Reinforce* and support credible systems of self-regulation

*Build* alliances within media to defend quality journalism

*Encourage* a public debate on the future of media.

*Underline* the central role of independent journalism and public service values in the elaboration of media policy at all levels.

*Remove* obstacles to press freedom and support the people's right to know.«

Thus it is a wide programme ranging from actions to strengthen quality journalism and ethical media, particularly in covering minority groups and dealing with conflict situations, to train journalists for ethics, with a focus on reporting intercultural affairs and conflict, and ultimately to create »a thinker's library to promote a new and vigorous debate with insight and rigorous argument about the need for quality and thoughtful editorial decision-making« (ibid.: 4). The book, after justifying why ethics matter and surveying the changing media landscape, goes on to deal with subterfuge, war, crime, race, and intolerance as well as the legal minefield and ways to build trust and credibility. It closes with a call for »a new solidarity and humanity in journalism« (ibid.: 170) without losing sight of the problems:

»There are two essential challenges: first, to put in place the type of regulation and policies that we (and society at large) regards as essential for media democracy at the national level and, secondly, to strengthen the way the unions work to ensure so they are capable representing journalists in that setting. [...] Quality journalism remains a key to eliminating the sense of powerlessness, resignation and disillusion in societies where unregulated capitalism and centralised political power has done fearful damage.«

Such an initiative should be included in any international effort to promote media self-regulation and ethics. Also, there is a lot of untapped potential for cooperation between the IFJ and schools of journalism education.

## 6. Conclusions

The bottom line of my presentation can be summarized as follows:

1. Journalistic responsibility is inseparable from media freedom and a central concept for understanding media in society.
2. Self-regulation is an important but limited form of media regulation, not to be taken at face value.

3. There is a common core of ethical standards in the professional codes of journalists in Europe, and these can be condensed into a common set of ethical principles.
4. There is a growing concern about professional ethics and quality among journalists, academics and general public, and this concern can be formalized into a European platform to promote
  - a) media quality,
  - b) professional ethics, and
  - c) self-regulation as a mechanism of media control.

Accordingly, I advocate a European council for media self-regulation – not in the sense of a court of honour like the national press councils but in the form of a common European platform for monitoring media quality and ethics. This would be a historical step initiated at the site of *Presseclub Concordia*, which was established 150 years ago as the first professional body in Europe to promote freedom of press and speech as well as ethics and quality in journalism.

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