

Chapter 10

Ethical codes of conduct in journalism

Demands for a digitalising mediascape

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Abstract

Codes of ethics are one of the most widespread instruments of (self-)regulation for journalistic activity, pointing out the best professional practices and ethical standards to be followed and the need to allow some kind of scrutiny by the public. Such codes have different names, scope, authorship, range of action, and enforcement capacity, as can be seen in the various reports of the 18 countries participating in the 2021 Media for Democracy Monitor (MDM) research project. In this chapter, an historical overview of the evolution of journalistic codes of ethics in different national media contexts is given, as well as an analysis of the cornerstones such codes are built upon in various countries. We discuss the specific virtues and shortcomings of such codes, with a particular emphasis on the new challenges brought by the digital media environment. The role played by codes of ethics, compared with the laws that regulate media, is also addressed.

Keywords: journalists, codes of ethics, ethical standards, professional accountability, self-regulation

Introduction

Journalistic codes of ethics are traditionally regarded as declarations that journalists will try to follow the best professional practices and ethical standards, meet their social responsibility obligations, and accept public accountability. Their commitment to do so on a self-regulatory basis helps to protect news media from political interference and, thus, to preserve freedom, independence, and pluralism. The country reports of the 2021 Media for Democracy Monitor (MDM) research project show a vast multiplicity of such codes, although with different origin or authorship, scope, range of action, and enforcement capacity, depending on the media context (Trappel & Tomaz, 2021b, 2021c).

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MDM Indicators and related research questions addressed in this chapter:

(E7) Code of ethics at the national level

Does a code of ethics at the national level exist, requiring news media to provide fair, balanced, and impartial reporting? Is it known and used? (Trappel & Tomaz, 2021a: 38)

(E8) Level of self-regulation

Does a media self-regulation system exist at leading news media, requiring the provision of fair, balanced, and impartial reporting? Is it effective? (Trappel & Tomaz, 2021a: 39)

In this chapter, we give an historical overview of the evolution of journalistic codes of ethics in different media contexts, as well as analyse the cornerstones such codes are built upon. We then map the existing codes in the 18 countries participating in the 2021 MDM project and their underlying rationales. Subsequently, we discuss their specific virtues and shortcomings, particularly in what concerns the digital media environment. We pay special attention to the challenges deriving from social media in adapting and upholding media ethics. The interviews with editors and journalists conducted for the 2021 MDM project provide useful insights to enrich the debate, and are helpful in finding new ways of involving journalists, scholars, and the public in the reflexion of media ethics issues. Such issues will eventually require some revision of the existing codes of ethics, because the continuous changes in media and journalism bring new ethical dilemmas and challenges. This updating process is already happening in some countries, while still to be materialised in others. Provided the rapidly changing media context, the development of ethical codes is likely to accelerate in the near future.

Press freedom and codes of ethics

The starting point for all codes of ethics for journalism is the concept of press freedom, a guiding principle for all democratic societies. Freedom of the press is fundamental for democracy, because it condenses a bundle of basic rights: freedom of thought, freedom of opinion, and freedom to obtain, disseminate, and receive information (see Article 19 of the Universal Declaration of Human Rights of 1948; United Nations, n.d.). In this function, freedom of the press includes active advocacy for public forums, defence against state intervention and censorship of the media, and institutional protection of these rights. On the other hand, discussions about how to best ensure these freedoms have been ongoing since the early debates about press freedom during the Enlightenment.

A central question within journalistic ethics is the demarcation between the freedom of journalism and the interests of those affected by it, be it the objects of reporting or the recipients to whom media content is intended or expected to reach (Thomaß, 1998). Who defines this balance and according to which criteria is just as much the result of an understanding of ethics in journalism and the role the media should play in a society as a question of who controls this boundary. Essentially, there are two models for attributing this responsibility: state regulation (through legal provisions) and professional self-regulation (through codes of ethics).

The press law of a country, valid for all journalistic areas, establishes indispensable prerequisites that are considered necessary in order to guarantee the functioning of media and to regulate the relationship between individuals, state, and society and their claims on each other within the communication conveyed by the media. However, the law is to be seen only as a minimum prerequisite for ethical standards: The law hinders negative ethics (and codes promote positive ethics). In other words, “what the law does not forbid, decency forbids” – this everyday saying expresses the complex relationship between law and ethics, especially in relation to the media.

On the other hand, there are ethical norms defined by the profession and, if necessary, laid down in codes. While laws only prevent negative things from happening, ethical rules can achieve positive results. Codes can correct, supplement, replace, or even contradict the law. Where legislation is insufficient, inappropriate, or unsuitable, journalistic commitment should take effect. The development and establishment of professional ethics rules have taken place in this tension between averting possible legal restrictions on the one hand, and offering a positive orientation framework for the profession on the other.

Three closely related explanations can be cited for the introduction of professional codes of ethics (White, 1989). First, a functionalist explanation sees the introduction of codes of ethics as a protective mechanism for potential clients or addressees of a profession who are to be protected from the danger of uncontrolled expertise. This interpretation takes on special significance in times of rapid expansion of new, unfiltered, or uncontrolled knowledge. The rapid introduction, deployment, and development of new communication technologies and the resulting concerns may explain the increasing interest in media ethics in recent decades. Second, a monopolistic or economic explanation argues that professional codes of conduct are part of a broader mechanism that is designed to restrict access to the profession so that the relevant professional competence can be traded as a scarce commodity in the marketplace. Third, a sociological explanation sees the establishment of professional codes of ethics as an attempt to secure the social status of a profession within society. This explanation is particularly valid for the introduction of press codes at the beginning of the twentieth century in the US. This introduction was based on the considera-

tion that professionalisation was an ideology intended to safeguard the social status and political influence of the new middle classes in the US at that time. In this endeavour, many professions introduced codes of ethics between 1900 and 1930. These codes were written to uphold the individual and community values that were seen as threatened by the introduction of the large bureaucratic, anonymous, and competitive forms of enterprise.

The introduction of codes of ethics at the beginning of the twentieth century soon gained attention from international bodies; in 1936, the Union Internationale des Association de Presse [The International Francophone Press Union] formulated ethical principles; in 1939, the Fédération Internationale des Journalistes (International Federation of Journalists) adopted a code of honour; and in 1950, the UN worked on an international code of conduct for the press, but never adopted it because professional organisations in various countries opposed interference from their governments in this way (Bertrand, 1991). Based on this, the International Federation of Journalists adopted the Declaration of Bordeaux in 1954. In its own terms, this Declaration “is proclaimed as a standard of professional conduct for journalists engaged in gathering, transmitting, disseminating and commenting on news and information in describing events” (Ethicnet, 2021). It is regarded as a kind of “bedrock” of commitment “in defence of a quality and ethical journalism” (Ethicnet, 2021).

Issues of concern in a new media environment

As Bertrand (2000) pointed out, ethical codes in journalism are the conventional means by which media organisations establish the values that characterise their work, social role, and professional norms, and are closely related to the political and cultural system in which they are involved and the media system in which the code is written (Limor & Himelboim, 2006, 2008).

Four central aspects have been identified as necessary to include when putting media-ethical principles in writing (White, 1989): first, a media-specific application of general principles of humanistic ethics (e.g., truthfulness, service to the general public, objectivity, and preservation of the invocation secret); second, the respect of basic human rights (respect for privacy, freedom of information and freedom of thought for journalists, the right to fair payment for professionals, etc.); third, duties for media professionals (integrity of journalists, decency in obtaining information, solidarity towards colleagues, etc.); and fourth, duties for media companies (although rarely included in codes).

In a comparative analysis of ethical codes in more than 50 countries three decades ago, Cooper (1990) discovered that the codes share three basic media-ethical aspirations, which he claims to be universal. Cooper clusters these concepts into the following categories, which are given different weight in the

respective codes (for an overview of press codes of national and international provenance, see Ethicnet, 2018a; see also *Accountable Journalism*, n.d.): the search for truth – that is, objectivity and accuracy; the desire for social responsibility – that is, professionalism, accountability, justice, equality, loyalty, priorities (e.g., to the government, the public, one’s own profession or personal integrity), adherence to social customs (e.g., with regard to the protection of personality or the protection of informants), and items that refer to underlying motivations (e.g., conflicts of interest, corruption, and self-privilege); and the urge for freedom of expression – that is, free flow of information, regulation, freedom of the press, and freedom of speech. Although the categorisations of White (1986) and Cooper (1990) were put up independently from each other, they follow similar logics: The search for truth can be regarded as the core of duties (for media professionals and media companies); freedom of expression is at the core of basic human rights; and social responsibility is a core element of humanistic ethics, transferred to the media.

In principle, these central aspects and key concepts are just as relevant in a highly mediatised digital information environment, and they can be found in more recent codes as well. However, the online-based possibilities for information gathering, processing, and delivering, and new actors who have entered and now dominate the scenery, also create new areas of concern: “The emergence of digital technology and the evolution of the role of journalism – including much more active participation of the public – has intensified some of the traditional ethical challenges and created new ones” (Steele, 2014: viii).

McBride and Rosenstiel (2014: 2–3), who write for the influential Poynter Institute, present the following:

A new set of Guiding Principles for Journalists, which meld the core values of journalism with the democratic values of the digital era.

1. Seek truth and report it as fully as possible. [...]
2. Be transparent. [...]
3. Engage community as an end, rather than as a means.

Interestingly, a systematic analysis of 99 ethical codes from around the world showed that only 9 out of the 99 analysed codes include references to the Internet or information and communication technologies (ICTs) (Díaz-Campo & Segado-Boj, 2015). In the 1990s, the introduction of new information technologies was one of the main reasons for updating or reformulating existing codes of ethics in Europe (Laitila, 1995). Hence, Díaz-Campo and Segado-Boj (2015) ask if the further development of ICTs have had a similar effect. They find that only in nine countries (Bosnia and Herzegovina, Canada, Hungary, Luxembourg, the Netherlands, Norway, Poland, Romania, and the United Kingdom) do ethical codes refer to the Internet and ICTs, amongst which codes from Canada, the

United Kingdom, and Norway appear as most aware of Internet issues (Díaz-Campo & Segado-Boj, 2015). Apart from general principles applicable to the online environment, the main topics dealt with in the codes considering the new digital environments are uses of social media, linking, user-generated content, and journalists' use of the Internet. However, Díaz-Campo and Segado-Boj (2015: 15) lament “a widespread lack of interest and a lack of consistency [...]. There are no uniform trends as to how aspects specific to digital journalism are incorporated into the codes of ethics”.

In our analysis of the interviews with media practitioners conducted for the 2021 MDM project, we investigate if the situation since 2015 has changed and what place digital challenges have in the codes of ethics.

Different models, similar purposes

An ethical code for journalists (referred to as Code of Practice, Ethical Guidelines, Charter of Duties, and so on) exists in all 18 countries participating in the 2021 MDM research project (Trappel & Tomaz, 2021b, 2021c), although differing in structure, scope, and degree of detail. The most common pattern associates the existence of a code with an organisation – a press council – that supervises the practical implementation of the code and deals with complaints from the public regarding breeches of the same. Such a complaint mechanism first appeared in 1916 in Sweden (Nord & von Krogh, 2021), but similar structures exist in Germany since 1956 (Horz-Ishak & Thomass, 2021) and in Austria since 1961 (Grünangerl et al., 2021). In 1968, Finland set up a broad Council for Mass Media (covering press, radio, and television), which is responsible for an ethics chart – Guidelines for Journalists (Ethicnet, 2018b) – which all leading news media in Finland have committed to following (Ala-Fossi et al., 2021).

Switzerland also has a national code of ethics (Declaration of a Journalist's Duties and Rights), adopted by the journalists' professional associations and supervised by a press council (Bonfadelli et al., 2021). The Netherlands has a similar structure where, alongside the guidelines coming from the press council, a second national code exists under the responsibility of the Editors-in-Chief Association (Vandenberghe & d'Haenens, 2021). Rather similar is the case of Hong Kong, where a code of ethics is elaborated by a press council, but does not involve all the news media (Lo & Wong, 2021).

The involvement of journalists' associations in the elaboration of codes of ethics is common to all 18 countries participating in the 2021 MDM project. In fact, in a number of them, the direct responsibility for this issue comes from the journalists' unions. This is the case of Australia (Dwyer et al., 2021), where the code was adopted in 1944 and where there is also a press council, as well as Iceland (Jóhannsdóttir et al., 2021) and Portugal (Fidalgo, 2021), where an

ethics council exists within the journalists' union itself, in order to take care of the code's observance. Journalists' associations are also actively involved in making the codes of ethics in Canada, where no national code exists, but rather a set of guidelines to help ethical behaviour (Taylor & DeCillia, 2021); in South Korea, where a Press Arbitration Commission receives and decides on complaints (Kim & Lee, 2021); and in Italy, where a set of different codes was assembled into a Charter of Journalists' Duties, supervised by an unusual "Ordine dei Giornalisti" [Order of Journalists] (Italy is the only country in the 2021 MDM project where there is an Order of Journalists, a kind of organisation usually associated with the so-called established professions, such as doctors, lawyers, or engineers) (Padovani et al., 2021).

Belgium has two codes, one for the French-speaking region and another for the Dutch-speaking part of the country (Hendrickx et al., 2021). The United Kingdom has five national codes of ethics addressing journalism in different media contexts (two of them are for broadcasters, two for editors, and one for journalists) (Moore & Ramsay, 2021). Greece also has several codes, resulting from the multitude of journalists' associations existing in the country (including an Internet Publishers Association with its own specific Code of Ethics) (Papaathanassopoulos et al., 2021). Finally, Chile has one code under the responsibility of the Journalists College and an Ethics Council associated with a Federation of Media, and most of the guidelines about journalists' ethical behaviour are also inscribed in a separate law (Núñez-Mussa, 2021).

Comparing the scope of codes

Codes vary with regards to both length and level of detail. Some of them (in Iceland, Greece, Belgium, Australia, and Portugal) are short and synthetic, listing ten to twelve articles where basic ethical principles and duties are presented in a generic way, with no practical specifications. Other codes (as in Germany, Austria, Denmark, Finland, the Netherlands, and South Korea) present dozens of articles evoking the ethical principles but also detailing concrete situations that may require a specific action by professionals. A large set of "Guidelines for journalistic work" (Germany; Horz-Ishak & Thomass, 2021) or a long list of "Standards of practice under the Code of Press Ethics" (South Korea; Kim & Lee, 2021) are illustrative examples of this extensive model.

In terms of reach, some codes of ethics are directed explicitly at journalists, and journalists alone: This is the case when codes are developed by journalists' unions or journalist associations (as in Portugal, Greece, Australia, and Iceland). In a number of countries, however, the codes are also directed at editors and publishers (Germany, Belgium, Italy, and Hong Kong). Where this happens, editor and publisher associations have been involved in the elaboration or

approval of the texts, or there is an underlying assumption that journalism ethics also concerns those who are responsible for the working environment in which journalism is practised. This same assumption is equally present in the countries where codes are closely linked to the press councils that established them and which deal with complaints by the public (Austria, the Netherlands, Sweden, and Switzerland). In some countries, there are specific codes of ethics for editors, as is the case in the United Kingdom, with the IMPRESS Standards Code and the IPSO Editor's Code of Practice (Moore & Ramsay, 2021), or in Greece, with an innovative code of ethics from the ENED – Internet Publishers Association (Papathanassopoulos et al., 2021).

In some countries, there are several associations dealing with self-regulation, not all of which are recognised by media companies. Membership is often voluntary, and not all major media are members. In these contexts, self-regulation mechanisms are weaker, and many ethical guidelines rely primarily on oral tradition. For example, in Italy, the plurality of codes, charters, and norms has created a framework that is difficult to harmonise. Moreover, such standards – according to the Italian interviewees – may be known to professionals but are seldom considered in practice (Padovani et al., 2021). In Switzerland, on the other hand, the Swiss Press Council's code of ethics has little effect, as decisions “can be taken note of – or ignored [and] no sanctions are provided for”, while corporate and editorial guidelines are contractually binding (Bonfadelli et al., 2021: 426).

A trend in several of the countries participating in the 2021 MDM project is the proliferation of specific codes of conduct for a single company or a single medium. Such codes or internal guidelines exist in Finland, Portugal, Denmark, Australia, Italy, South Korea, the Netherlands, Hong Kong, Belgium, and Switzerland. Most of them are included in stylebooks that serve as guides for newsroom work, and they explain in more detail the principles that journalists (and the medium) are expected to respect.

As for public service media, with their specific status (in terms of ownership, norms of pluralism, and public accountability), specific codes or guidelines for ethical conduct also exist in various countries (Austria, Germany, Iceland, and the United Kingdom, among others).

The scope of most of the existing codes of ethics is strongly marked by the model of legacy media, with a clear prevalence of the press. Even in terms of naming, most of the councils that supervise the codes and their enforcement are named “press council”. Audiovisual areas are not always addressed as explicitly as the written press, and the same is true for the online media diffused through the Internet. Only a few countries refer specifically to online media in their codes.

In spite of these traditional marks, some updates are noticeable. For example, in Finland, the “Guidelines for Journalists” drawn up by the Council for Mass Media includes an annex specifically referring to “Material generated by the

public on a media website” – material that “should not be regarded as editorial material” and is therefore treated in an annex (Ethicnet, 2018b: Annex para. 2). This addendum was made in view of the fact that “the online environment is changing and developing extremely quickly”, as said by its authors (Ethicnet, 2018b: Annex para. 4). Another example is the Belgium code of ethics of the French-speaking region (Code de Déontologie Journalistique). This code deals with ethical challenges such as the presence of journalists on blogs, personal websites, and social media, and ways to inform about foreigners and refugees (CDJ, 2020). In Canada, the guidelines from the Journalists’ Association clearly state that “ethical practice does not change with the medium” and that journalists must “consider all online content carefully, including blogging, and content posted to social media” (CAJ, 2020: 6) There are even particular “guidelines for re-tweeting or re-posting information found in social media” (CAJ, 2010).

The role of self-regulation

Media self-regulation refers to a process of setting, implementing, and sanctioning rules produced by media professionals applying to themselves (Puppis, 2009). Self-regulation has an important role to play in ethical codes, which are meant to protect both the integrity and the identity of the journalistic profession from external and internal pressures (Laitila, 1995).

In most countries of the 2021 MDM sample, the leading media can rely on self-regulation mechanisms and organisations for the implementation of journalistic ethics both at the national and local level – although the rules developed within individual media outlets at all levels tend to have an informal basis, linked to the oral culture of individual newsrooms. As Limor and Himelboim (2006, 2008) argue, codes of ethics differ in terms of authorship, sanctioning capacity and control bodies. Very often, self-regulatory organisations – such as press councils, associations, or trade unions that include publishers, journalists, and other stakeholders – both draw up the standards and codes of ethics and act as guarantors and judges for the resolution of disputes. The role and weight attributed to these bodies in the daily work of editors and professionals often indicate differences in journalistic culture, which sometimes translate into a formal written code of ethics and sometimes into an informal, oral tradition.

Analysing the MDM data reveals a sort of coexistence between the political or legal and the ethical approaches, with different spheres of influence. The former refers to the macro-level regulation of the journalist profession, specifically to the government laws and self-regulatory organisational practices that characterise journalism. The latter invests the profession in the micro-level of the media company or newsroom, with a difference between written codes and oral tradition – both rooted in journalistic professionalism. Finally, these two

approaches are not in any formal conflict, but they do depend on the journalistic culture of each country.

Investigating how journalists consider the impact of codes of ethics and self-regulation in their day-to-day work is related to the issue of media accountability. As Fengler and colleagues (2015) state in their comparative study of journalists from 14 European countries, this kind of recognition involves analysing the impact of different media accountability instruments. This can be done by referring to the “classic” influence model developed by Shoemaker and Reese (1996) and distinguishing – as suggested by Russ-Mohl (1994), Nordenstreng (1999), and Hafez (2002) – actors involved at the individual, professional, organisational, or extra-media level. The results that emerge from the MDM interviews refer, in the model outlined above, to the professional and the organisational levels: The former is in fact the ideal context in which to consider the impact of national codes of ethics, while the latter – which represents a very important point in Fengler and colleagues’ (2015) research, refers to the level of self-regulation.

As is inevitable when dealing with a subject of such complexity, both from the point of view of its definition and its effectiveness in journalistic work, interviews conducted with journalists and representatives of journalists’ unions paint a complex picture with respect to the consideration of codes of ethics and their relevance in everyday news reporting.

Relevance and effectiveness of codes of ethics

In almost all of the countries participating in the 2021 MDM project, there is a widespread awareness of the existence of codes of ethics, but in many cases, one debates their relevance and their actual normative capacity. Self-regulation mechanisms, far from being a counterbalance to the system of rules codified at the national level, are more often an extension of it. This is in line with the results reported by Fengler and colleagues (2015), who already pointed out that the unanimous recognition of the importance of journalistic accountability (which coincides with the provisions of national codes of ethics) was matched by a much more lukewarm recognition of the effectiveness of self-regulatory mechanisms.

The most virtuous example of self-regulation mechanisms complementing strong national codes seems to come from Finland: Editors-in-chief, journalists, as well as both publishers’ and journalists’ associations uniformly attested that the code of ethics is well-known and followed within the profession. Not only that, but the rules issued by The Council for Mass Media in Finland have grown in importance, the director of The Finnish Media Federation states. Furthermore, media-house-specific rules, in some cases even more rigid than national ones,

exist and are implemented in the newsrooms of leading media, according to the president of The Union of Journalists in Finland (Ala-Fossi et al., 2021).

Another interesting case is that of Germany. All of the German journalists interviewed link respect for ethical codes to what seems to be a deep wound in their recent history (an example from which to draw inspiration so as not to make the same mistakes again): the case of the reporting about mass sexual offences that took place on New Year's Eve 2015–2016. Following ethical guidelines, journalists did not report the provenance of the offenders due to a lack of information from the police, but this led to public backlash and accusations of a cover-up. The journalists thus learned to consult more frequently the clause in the press code about the naming of ethnic or national provenance (Hora-Ishak & Thomass, 2021).

There is a significant shift regarding the perceived effectiveness of the different levels of accountability of journalistic activity when it comes to the southern European countries in the MDM sample. The very topic that has become a case study in Germany produces, in Italy, an opposite case, which leads the president of the Union of Journalists to doubt the effectiveness of existing ethical codes. On 13 November 2015, after terrorist attacks in Paris, the newspaper *Libero* used the front-page headline, “Islamic bastards”: “When a director [uses the title] ‘Islamic Bastards’ and is not accompanied to the door, all the Codes and Cards collapse”, bitterly concludes the president of the Union of Journalists. On the other hand, the Charter of Rome (established in 2008), a deontological protocol for providing correct information on immigration in a respectful way (for example, avoiding “dissemination of inaccurate, sketchy, or distorted information”), could be considered a sign of the vitality of the debate on journalistic ethics in Italy (Padovani et al., 2021: 355).

Even more critical voices are heard in Chile and Greece, specifically concerning two related topics. On the one side, they mention a general trend toward compliance, as one of the representatives of the College of Journalists [*Colegio de Periodistas*] in Chile (Núñez-Mussa, 2021) stated: “I would like to believe that the document is used in newsrooms. However, honestly, I know that it is not”. On the other side, a representative from the Journalists' Union of Athens Daily Newspapers in Greece (Papathanassopoulos et al., 2021) mentions that specific abuses of codes of ethics are particularly widespread: “Often both media and journalists disregard the Ethics Code's provisions, either in order to serve their personal interests or to serve their medium policy, or even to achieve higher [...] circulation, readership, viewership, etc.”.

In sum, the work to give ethical codes an active role in journalistic practice is far from finished. Two elements continue to deserve particular attention: On the one hand, the mechanisms of self-regulation – which are linked to the newsroom as the environment where journalists' professionalism and identity are formed – can have greater effectiveness in their daily work. On the other

hand, attention should be paid to what Fengler and colleagues (2015) name the “extramedia level”: The transition of journalistic work, and of the ethical norms intended to guide it, in the digital age, remains extremely topical. The journalists interviewed for the MDM project maintain a position (well-summarised by García-Avilés’s 2014 study) according to which journalistic ethics as such should not have an offline and an online ethic. However, the scarcity of tools provided by the media outlets of reference to enact a code of ethics truly applicable to online environments calls into question, again, the need for a more convinced investment in the tools of self-regulation, whether it is the ethical codes or the practices of self-regulation developed by trade unions and professional bodies and by the newsrooms themselves.

Material and moral sanctions for breeches

One of the most frequent debates about journalists’ ethical codes is the actual strength for deterrence of the codes, as they are not mandatory and nobody has the enforcement capacity to guarantee they are respected.

These codes are usually the result of a voluntary, self-regulatory commitment of the journalists towards ethical – not legal – requirements. Their norms are not legally binding (although the demand for a journalists’ code of ethics may be, in some countries, required by the media laws, e.g., in Denmark and Portugal), suggesting that the way is paved for impunity. However, that is not necessarily the case. If the codes are to function at a moral level, there is some consensus pointing to the fact that possible sanctions should also be moral, not material. The usual sanction when a journalist (and the medium they work for) disrespects an ethical norm or principle of the code is an obligation of the medium in question to publish the critical judgement made by the entity who receives and rules in complaints of code breeches. Some argue that this obligation has little or no effect at all, because it does not really hurt the offender (as would be the case of a cash fine, a disciplinary process, or a suspension at work). Others argue that material sanctions point to a legal context, and the so-called judiciarisation of moral norms is not acceptable in a rule-of-law society (Fidalgo, 2009). According to this perspective, the legal framework and the ethical framework should not be mixed together.

As Villanueva (2000) points out, there are crucial differences between legal and ethical norms: The former are “heteronomous”, “imperative-attributive”, “coercive”, and “general”, while the latter are “autonomous” (created by those who will follow them), “imperative” (appointing duties, not rights), “voluntary”, and “specific” (applied to a particular group of persons). Consequently, the disrespect of legal norms carries legal, material sanctions, while the disrespect of ethical norms should carry only moral sanctions. Public criticism of

a journalist's behaviour – made by their peers or a media council where peers are present – is the most common sanction for journalistic misconduct. This is actually a strong sanction, keeping in mind that a journalist's professional reputation is a most valuable asset. This makes self-regulation a difficult challenge: As written by Mañero (2000: 173–174), the success of self-regulation “demands a professional and social climate that adequately values the importance of moral judgments and that does not act only in the face of the imposition of what is endowed with coercion and external force”.

The effectiveness of a journalistic code of ethics is relevant in order to make it respected and valued both by those to whom it is directed and by those who believe in its value to produce quality news. However, turning the code into a legal set of rules would potentially compete with established laws (which also exist and have a particular role in regulating media behaviour), while the field of ethics and of voluntary self-regulation would be left aside as something without any real importance.

Meeting the ethical challenges of online journalism

Online journalism and digital media undoubtedly imply ethical challenges for newsrooms. This section analyses how the codes of ethics of media organisations in the participating countries deal with these challenges.

One way to approach the question is to focus on ethical dilemmas of situations that only occur in a digital environment, like robot journalism. The example of robot journalism or news automation, which means that computer algorithms are fed with facts and construct charts and articles based on those facts, is not recounted as an ethical concern in the MDM interviews with reporters and editors. News automation has, however, been studied in a joint project between six press councils in Europe called “Media Councils in the Digital Age” (2019). The project's advice for press councils is to be prepared to handle complaints about robot-generated content (Haapaanen, 2020). The press council in Finland proactively issued a recommendation for transparency when publishing robot material in 2019. Inspiration for future codes can also be found in the Online News Association's project for ethical journalism online, which since 2013 has collected building-blocks for a code of digital journalism ethics (ONA, 2021).

A second approach is to note digital characteristics that amplify already well-known ethical dilemmas related to personal integrity, such as the wide reach and lasting nature of online (sensitive) information. In some MDM participating countries, like Sweden, the attitude so far has been that existing ethical guidelines already cover new digital grounds, hence no amendment is needed. But ethical in-house training for a wider group of journalists than before is necessary for live online reporting (Nord & von Krogh, 2021). In other countries, for

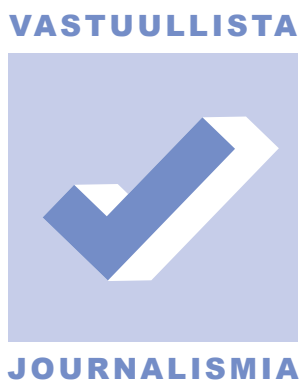
example, Austria (Grünangerl et al., 2021) and Australia (Dwyer et al., 2021), interviewees express wishes for new codes for online and digital media. In a third group of countries, including Canada and the United Kingdom, an earlier survey showed some clarification of codes stating that existing principles also apply online, regarding, for instance, respect for privacy and a high threshold for undercover activities in social media (Díaz-Campo & Segado-Boj, 2015).

A third approach is to be observant of whether the potential power of online practices might influence journalistic standards of verification before publication. In the Nordic countries, perhaps especially in Sweden, a culture of restraint has developed over the last hundred years regarding naming suspected criminals or wrongdoers before conviction. Then came the #metoo movement in late 2017, with a surge of previously suppressed statements of sexual harassments and assaults, primarily in social media. In Sweden, leading national news media reacted in two ways: The first was to publish petitions with signatures from at least 70,000 women in 40–50 different occupations with anonymised examples of abuse that illustrated the structural dimension of sexual harassment and abuse. The second was to name and shame alleged offenders. The Swedish Press Council reproached a record number of publications for bringing forth serious allegations without sufficient verification. Swedish editors have defended their editorial decisions, referencing the strong pressure from social media, the special atmosphere that prevailed, and the wish to contribute to a good cause. These arguments have not yet satisfied critics (von Krogh, 2020; see also Askanius & Møller Hartley, 2019).

A fourth approach is to acknowledge the existence of a new power structure regarding the dissemination of news, since the traditional monopoly journalists once had is long gone due to the expansion of social media. Established news media try to confront misinformation and earn public trust by transparent quality reporting, equally representing different perspectives, illuminating existing control mechanisms applied in newsrooms, and publishing columns explaining why specific news are chosen. Such measures are complemented by efforts to increase media and information literacy offered by media regulators (e.g., Ofcom in the United Kingdom), schools, educational programmes in public service media, and resources in public libraries.

One example from the 2021 MDM research sample is a media campaign developed by the Media Council of Finland in March 2018. The goal was to bring the general audience's attention to the differences between news organisations committed to following professional ethical guidelines and news from other sources. Editorial content in print, audio, video, and online were labelled with a logo for "Responsible Journalism" (see Figure 10.1). A majority of surveyed editors in Finland stated that they intend to continue using the label (Communication with the Media Council of Finland).

A fifth approach is philosophical in nature and suggests that since everyone

Figure 10.1 “Responsible journalism” label

Comments: This label has been used in Finland since 2018.

with a mobile device can now be a publisher, “ethics is no longer just the concern of professionals” (McBride & Rosenstiel, 2014: 217). This approach argues that media ethics cannot be based mainly on ideals of professionalism, but on “the precepts of common morality” (Elliott & Spence, 2018: 35). It might be time to talk more about ethical communication for many than about media ethics for a few (Fourie, 2017).

The fifth approach poses a question of what media ethics or communication ethics entail. Veteran ethics scholar Clifford G. Christians (2019) calls not only for media literacy, but for moral literacy. The technological changes from print and broadcast to digital “anytime-anywhere communication” have such vast implications that media ethics need not only be “updated, but re-theorized” (Christians, 2019: 32). It must be considered beyond journalism and in a global perspective, based on principles of truth, human dignity, and nonviolence, where the central view of technology emphasises “the common good rather than machine-like efficiency” (Christians, 2019: 29).

Press ethics evolved during hundreds of years into written codes of ethics and press councils. It remains to be seen how long the process of developing communications ethics for professional and social media will take.

Conclusion

We cannot conclude that codes of ethics for journalism play an important role in strengthening journalism’s ideal role in democracy. We have found among the interviewed editors and journalists widespread support for ethical codes per se, but we do not know how much of this is an expression of rhetoric and how much of this support is transformed into practice. We have heard examples from reporters that indicate the real weight of codes in newsroom discussions

and in contacts with sources. But we have also heard comments that denounce the importance of codes completely.

What we can elaborate upon is what these codes represent and under what conditions they may be important. Many codes of ethics originate from times of media change that inspired strong media criticism and created a need for journalists and media organisations to respond to this critique. Examples of such periods are the 1920s in the US, the 1950s in the United Kingdom, and the 1960s in Northern Europe. Journalists and media organisations strived to strengthen their positions vis-à-vis lawmakers and the public, while at the same time formulating guidelines for quality journalism (Laitila, 1995). Codes were significant in both content and aspirations. The processes behind their elaboration can be analysed from a functional, economical, or sociological perspective.

The content of codes is of course of interest. Codes that are explicit and practical seem to be more useful as accountability instruments than lofty platitudes: “Hortatory codes insisting that journalists tell the truth, promote justice, act honourably, and keep faith with their readers are vacuous rhetoric”, according to Clifford G. Christians (2003: 61). Media accountability scholar Denis McQuail (2003: 284) has also raised a warning finger: “The existence of high-minded codes does not guarantee deep commitment, never mind enforcement”.

One cannot seek redress for journalistic shortcomings and lack of integrity in a piece of paper; a dialogue with individuals or organisations is needed to achieve that. Codes that do not stand alone in splendid isolation but are surrounded by some kind of institutional infrastructure – such as a media council or a leading publishing house on the national level and, for instance, a complaints department, editor’s blog, or union section on the company or local level – have potential to effectively enforce accountability. This is more likely to happen if the code was shaped through a transparent process by journalists and editors with input from sources and users, and not created from above (Christians, 2003; Smith, 2008).

These aspects of a functioning code are fruitful to consider when it comes to formulating a meaningful and forward-looking code of ethics for digital media and communication. Learning from the past and looking to the future – today.

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