



OSCE Supplementary Meeting

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Lecture by Prof. Johann P. Fritz, IPI Director, Vienna
"Freedom of the Media"

Ladies and Gentlemen,

The International Press Institute (IPI), a global network of editors and leading journalists from print media, broadcasting and news agencies in about 120 countries, has since its foundation in 1950, been involved in the development, promotion and defence of press freedom worldwide. And, indeed, professional codes of journalism have always been one of the basic issues with which we are concerned.

Since this meeting deals with the study and interpretation of principles of journalistic professionalism, press codes, various "Cannons of Journalism", self regulatory media institutions, and so on, it is necessary to emphasize the general deterioration of the international rules for freedom of opinion and expression, as originally defined in the UN Declaration of Human Rights of 1948.

Article 19 worded these rights quite simply and clearly: However since then, all further conventions or declarations such as the European Convention on Human Rights (ECHR) in 1950, the International Covenant on Civil and Political Rights (ICCPR) in 1966, the "Recommendation on the Ethics of Journalism" adopted by the Parliamentary Assembly of the Council of Europe in 1993, various UNESCO declarations, and others, have included several rather rigid limitations on press freedom.

In addition, there have been numerous initiatives by international media organisations to regulate press ethics. Proponents of an international or global code of ethics are serious, insistent and persistent -- albeit unrealistic!

Such a code would have to be a masterpiece of generalization and abstract language, but it could not be a workable guideline for professional standards. Most journalistic organisations have therefore preferred to develop their own national or regional or sectoral codes of ethics.

So, let me try to demonstrate some basic elements with regard to that issue:

First, there is the term "Deontology" which is the theory of moral obligations. Deontological Ethics places special emphasis on the relationship between duty and the morality of human actions.

In theory, everyone has an unchanging duty to abide by some set of moral principles, and nothing else. Certain actions are either forbidden or wrong *per se*.

The categorical imperative of the German philosopher Immanuel Kant is the most prominent deontological theory. "*Act so that the determining motive of your will may be capable of becoming a universal law for all rational beings*".

Since this however prescribes universal behaviour, it is obviously beyond the average person to comprehend. The theory is therefore fanciful thinking and impractical for real-world situations.



So, if the theories of moral obligations do not guide us towards practical solutions, let us try the theories of "ethics". - another component of our problems.

Ethics is that branch of philosophy whose purpose is to describe moral sentiment, as well as to establish norms for good and fair behaviour. In the context of journalism, it is the question about what is good and what is right journalistically.

There are probably too many ethical theories out there. Some theories look at ethics as being applicable to everybody, at all times, and in any situation. Others, more flexible, adaptive and less principled, consider ethics as pertinent only in certain situations or contexts and not capable of being universal.

According to Professor John Merrill, from the Missouri School of Journalism, four theories can be applied to both, the journalist's professional or public ethics, and to his/her personal, private life.

("Four Theories of Media Ethics", John C Merrill, IIMC Dhenkanal, 2003)

- * the monolithic ethics
- * the pluralistic ethics
- * the egocentric, and
- * the altruistic theories

Monolithic Ethics

is rather legalistic and there is *a priori* ethical leadership or direction. In fact, some authorities – e.g. the state, a royal family, a military leader, a religion (in theocracies), etc. – are setting common ethical norms for the entire press. The system is specific and non-ambiguous. Media people therefore know, and do not have to argue about, whether their actions were ethical or unethical.

However, the natural tendency in a free society is for various persons and factions to have differing (albeit often similar) ethical values – and this militates against monolithic ethics

Pluralistic Ethics

is diversified and relativistic and claims that various kinds of ethical views exist alongside one another. There are various theories of right and wrong, all co-existing within a media system or within the world at large.

This position is in the mainstream of ethical theories in the free world today. The more press freedom a country enjoys, the more pluralistic its ethical system. Its ethics is a mixed bag, harder to explain, and harder to codify.

However, the relativism of earlier days is beginning to fade, since within the media codes of ethics, ethics coaches, critical reviews, press councils, ombudspersons and other controlling mechanisms have come into being. And another indication of the waning of journalistic pluralism in ethics, is the rise of the concept of professionalisation.

The next theory, that of the

Egocentric Ethics

is centred on the ethical agent - on the "I" and not the "other" - and contends that, by and large, what is good for the person of basic character is good for all. Egocentric



ethics turns the interest of the ethical agent inward, emphasizing a personal or institutional motivation. In short: what will help me or my medium, accomplish predetermined objectives. Thus the theory largely discounts the consequences of an action.

Within the Egocentric system Machiavelli formulated an obvious conflict: "*private ethics*" versus "*public ethics*". He saw that people as individuals acted differently in private, personal situations than they did in groups, crowds, or masses. They tend to shun conventional ethics as they lose their anonymity in a group or an organization. In an organization they conform, they follow, they throw out their private ethics and substitute what Machiavelli called "*public ethics*". In their private lives they would not, for example, kill others, but as part of an army they seem to have no hesitation to kill. (Niccoló Machiavelli: "Discorsi Sopra La Prima Deca Di Tito Livio", 1531 and "Il Principe", 1532)

Far more popular and widespread than Egocentric Ethics are

Altruistic Ethics

which emphasize public benefits of the ethical act, considering the interest of others rather than self-interest.

This theory is generally associated with humanism or religion and imposes a sense of public service and concern on the ethical agent. It is a "help-others" theory, obligating the journalist to public betterment. Think of others first; give little attention to yourself; help the poor, the underclass of society, etc.

So, each journalist can be placed in one of these four categories – but of course – with considerable overlapping.

The Swedish media experts, Weibull and Börjesson, (Lennart Weibull and Britt Börjesson "Svensk pressetik i teori och praktik", Svenska Journalistförbundet, 1995) argue that ethical principles are associated with a certain view of humans and society, and that loyalties are often connected to group interests.

For example: the journalist should observe the requirements of ethical rules, which demand restraint in the use of certain kinds of information. But the journalist has also a responsibility to the audience, and the existing demands by the general curiosity of the audience.

Thus the commercial factor becomes of importance: Is the public interested and curious about this event? What can be "sold" to the audience? Will publication of certain stories increase the circulation, etc.? And such considerations become even more important in times of intense competition.

In consequence there are conflicting interests:

- a) responsibility for the survival of the media business and for the job security of the employed journalists;
- b) responsibility for the quality and reliability of the product, as well as,
- c) responsibility for the overall social consequences of their work.

A model of how the individualistic ethic could be supplemented by an ethic that takes the commercial aspects into account, was developed by the US media experts Bill Kovach and Tom Rosenstiel who compiled the elements of journalism under the following company codes:

- Journalism's first obligation is to the truth;



- Its first loyalty is to citizens;
- Its essence is a discipline of verification;
- Its practitioners must maintain an independence from those they cover;
- It must serve as an independent monitor of power;
- It must provide a forum for public criticism and compromise;
- It must strive to make the significant interesting and relevant;
- It must keep the news comprehensive and proportional; and
- Its practitioners must be allowed to exercise their personal conscience.

Well,, Ladies and Gentlemen, all these various aspects have to be taken into account when we try to formulate codes of professional conduct:

Codes of good journalistic practice, adopted by national Press Councils, do in principle bear the same weight than internal codes in individual media companies (just take the example of the BBC code of conduct).

But according to the Finish media experts, Sonninen & Laitila, press councils fulfil four main functions: (Source: P. Sonninen, & T. Laitila, "Press councils in Europe", University of Tampere, 1995)..

First of all, Press Councils protect the rights of the public, by giving the public an opportunity to complain about unethical or bad journalism.

Secondly, Press Councils also protect the media themselves. By setting up Press Councils, journalists and publishers show to the state and governmental authorities as well as to the public, that the media are aware of their responsibilities and that no further regulation is needed.

The third function is a combination of the two already mentioned – Press Councils act as a mediator between the media and the public

Fourthly, they professionalise journalism and improve the quality by defining what is good and what is bad journalism.

Despite these theoretical merits, the European Representative of the World Press Freedom Committee, likes to remind us that in the same way as self-censorship is still censorship, self-regulation is still regulation.

Journalists in some countries - like France, Ireland, Spain – and particularly in the USA – do therefore not like national self-regulatory councils, but prefer in-house codes. Self-regulation must be decided upon by the media itself. In several countries around the world, media councils are veiled legal bodies limiting the freedom of the press in a way which the state cannot do or doesn't want to do.

Let me once again stress that the matter of self-regulation of journalists and -- related to this -- their freedom and ability to criticize, must be seen under the perspectives of the before mentioned ethical debate but also the philosophy of tolerance.



Tolerance is the term applied to the collective and individual practice of not persecuting those who may believe, behave or act in ways of which one may not approve.

It is usually applied to non-violent, consensual behavior, often involving politics, religion, or sex. The practical rationale of "tolerance" requires that the party or group in question be left undisturbed, physically or otherwise, and that criticism directed toward them be free of inflammatory or inciteful efforts.

In the wider sociological sense, "tolerance" carries with it the understanding that "intolerance" breeds violence and social instability. But what about the intolerant? The Philosopher John Rawls stresses in his book "A theory of Justice" that a reasonable right of self-preservation supersedes the principle of tolerance. Hence, the intolerant must be tolerated, but only insofar as they do not endanger the tolerant society and its institutions.

During the cartoons crisis, it was entirely appropriate for politicians to call for tolerance and calm, but we were disappointed that some politicians have chosen to frame their responses in terms of the media's responsibility without balancing such calls against the need for religious leaders and the heads of Muslim countries to do likewise.

There were calls for legal initiatives to further curb freedom of the media; for example, the attempt by the Organization of the Islamic Conference to give the new United Nations Human Rights Council the power to "prevent instances of intolerance, discrimination, incitement of hatred and violence arising from any actions against religion."

And our concerns linger on until today, when we evaluate the UN's willingness to use the word "defamation" in conjunction with religion. This could provide suitable legal cover to the real intentions of several countries which is the introduction of fresh blasphemy laws. The media would then find it increasingly difficult to criticise religion; be it certain principles, certain practices or even religious leaders. (*Resolution 60/150 Combating Defamation of Religion*)

At the international level, there are already sufficient regulations of the relationship between freedom of the press and religion.

Article 20, paragraph 2, of the ICCPR states, for example: "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

Incitement is however defined, by general understanding, as "a proven causal link between hate speech and a criminal act of violence."

And the main issue would certainly again be the "responsibility of journalists" a phrase which has different interpretations:

In democratic countries a journalist is expected to accept "responsibility" for the content of the message, but is not required to adhere to a code of responsibility. And in many advanced societies, we witness a new sense of journalistic responsibility, in particular within the quality media.



Under a Marxist or one party regime the journalist's "responsibility" is to the state or the ruling party.

The Third World governments set forth explicit objectives for journalists such as advancing peace, opposing racism, supporting economic development, and so on. . No matter how noble these objectives, they describe normative standards of responsibility which invite government supervision, censorship and interventions.

It is therefore refreshing to hear comments from the Parliamentary Assembly of the Council of Europe like : "freedom of thought, conscience and religion also requires tolerance of criticism of religions and beliefs".

Furthermore its resolution states: "freedom of expression should not be further restricted to meet the increased sensitivities of religious groups".

And above all, the European Court of Human Rights in Strasbourg defined the essentials of Article 10 of the European Convention on Human Rights "freedom of expression is not only applicable to expressions that are favourably received or regarded as inoffensive, but also to those that may shock, offend or disturb the state or any sector of the population"

Ladies and Gentlemen, let me please sum up:

The media as well as the political authorities could probably agree that there is an urgent need for good governance in all countries, even in the most developed democracies. We should therefore commit ourselves to promoting good governance as a way of conducting public affairs through a participative communication process in which media plays a crucial role.

A free press is at the very centre of any democratic development and the principle that editors decide on content, is at the core of press freedom. But this right entails responsibility and respect for the internationally defined limitations. Editors, wherever they stand - local, national or international - must nowadays have global horizons.