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REVIEWS & LETTERS

www.ethicalspace.org
The Institute of Communication Ethics

Communication ethics (CE) is a discipline that supports communication practitioners by offering tools and analyses for the understanding of ethical issues. Moreover, the speed of change in the dynamic information environment presents new challenges, especially for communication practitioners.

Ethics used to be a specialist subject situated within schools of philosophy. Today it is viewed as a language and systematic thought process available to everyone. It encompasses issues of care and trust, social responsibility and environmental concern and identifies the values necessary to balance the demands of performance today with responsibilities for tomorrow.

For busy professionals, CE is a powerful learning and teaching process that encourages analysis and engagement with many constituencies, enhancing relationships through consensus. It can be used to improve organisation performance as well as to protect individual well-being.

The aims of the Institute of Communication Ethics

ICE aims to:

- Formalise the study and practice in the fast growing field of CE and articulate the communication industries’ concerns with ethical reasoning and outcomes.
- Provide communication practitioners and researchers with a centre to drive the study of ethical practice in communications.
- Develop specific tools, quality frameworks and training methods and provide them to its members; assess initiatives in related fields and offer guidance and ethics training for communicators.
- Offer qualifications that support the practice of communication as an ethical discipline underpinned by principles, rules of conduct and systematic self-examination.

Organisation of the Institute

ICE’s organisation framework is as follows:

Members
These elect the advisory board. The membership is composed of individuals and individual representatives of organisations which maintain an annual membership subscription.

Advisory Board
The Advisory Board is made up of five constituencies: representatives of the media, the academic community, non-governmental organisations, corporations (public and private) and individual practitioners. The Advisory Board is accountable to the members.

Executive Group
This is the management group elected from the Advisory Board by the members to oversee the governance of the Institute.

Director
The director is a member of the Advisory Board, the Executive Group and Co-ordinating Team and is accountable to the members.

Co-ordinators
The director, research and development directors and staff who comprise the management and administrative group responsible for the day-to-day running of the Institute.
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Editorial

Ethical Space is an academic journal with a difference. At its core are the academic papers which over the years will embrace the diverse disciplines and issues that fall under the substantial communication ethics umbrella. But it is also committed to keeping abreast of the news in the field and providing a space for lively, opinionated pieces on topical subjects.

Thus in our first edition important news about the launch of MediaWise (in which the Institute of Communication Ethics has played a role) and two new websites highlights the way in which the practice of communication ethics is an expanding, exciting area of exploration and innovation across the globe. And investigative reporter Tessa Mayes contributes a polemical piece on a recent report on privacy from a House of Commons select committee. You may well disagree with her views. If so, why not write in and tell us?

Debate will lie at the heart of Ethical Space. So letters (strangely absent from most academic journals) will form an important element of the overall package. And in our “Face to Face” section the new editor of Europe’s leading Muslim magazine debates with reporter Kristine Lowe the crucial, topical question: is there a specific Muslim perspective on communication ethics?

Academic journals usually present book reviews from single authors. But texts are the site of debate and controversy – there is no single response to them. So where appropriate Ethical Space will run reviews of books (and internet sites) by more than one person maintaining the flavour of debate throughout all the journal. And ES’s vitality will be further enhanced through the variety of literary genres it incorporates: news, academic papers, interviews and reviews.

The major papers similarly reflect Ethical Space’s broadness of approach. The contribution from Clifford Christians, one of the leading international communication theorists, probes questions about communication ethics from a profound philosophical perspective. Public relations expert Anne Gregory maintains the topical flavour of the journal with her dissection of the recent Phillips review of UK government communication drawing parallels with similar issues in public and private sector organisations. Chris Atton’s pioneering paper looks beyond the mainstream media (which too often dominate the research agenda) to the alternative media and their ethical approaches. Chris Frost’s piece on ten years of Press Complaints Commission adjudications combines the analysis of complex data with a powerful, topical argument. And US academic Dean Ritz applies his original legal theory to questions of free speech, the rights of corporations and moral rights.

Ethics is about reflection (cultivating that ethical space) and action. ES, with its editorial board reflecting the high academic and professional status of the journal, is certainly committed to inspiring rigorous and lively reflection of international communication issues and ultimately to promoting ethical action. Why not join the debate?

Richard Keeble
**MediaWise – a coalition for a changed media landscape**

Mike Jempson

*A coalition of communication ethics and consumer groups (including the Institute of Communication Ethics) has launched a major new forum to promote a continuous dialogue between the public and media professionals. Director Mike Jempson reports.*

The dissection of journalistic practice following the BBC/Blair/Campbell debâcle over “sexing up” the case for war and the suicide of Dr David Kelly has led to a new slump in public confidence in the media.

It comes after a year of consultations among media and consumer organisations about the role of journalism in a democracy. And from these discussions plans for a new type of forum for a continuous dialogue between citizens and media professionals have emerged.

The media ethics charity PressWise has played a leading role in this process. After ten years spent advising those with complaints about the media, commenting on the worst excesses of the UK media, and delivering ethics training to journalists around the world, it is now preparing to “go mainstream” and transform itself into MediaWise.

As part of a two-year self appraisal, PressWise has consulted extensively with media practitioners, consumer groups, academics and media NGOs. This led to the formation of the Journalism, Media Ethics and Democracy (JMED) Steering Group with representatives of the Media Society, the International Communications Forum, the Institute for Global Ethics and the Institute of Communication Ethics as well as academics and media practitioners.

Two significant events, held at St George’s House, Windsor, in December 2002 and the Guardian Media Centre in March 2003, helped to map out the shape of MediaWise. The consensus at both meetings emerged that it would require concerted efforts to re-establish trust between journalists and the public to improve “media literacy” and to offset the impact of competitive commercial pressures, cross-media ownership and political “spin”.

This will be especially important in the post-Communications Act media environment under OfCom’s “light touch” regulation. And, following the culture, media and sport select committee Report on Privacy and Media Intrusion it will be vital to ensure that chairman Sir Christopher Meyer is held to his promise to make the Press Complaints Commission more effective and accountable.

The eventual aim of MediaWise is to create an independent, authoritative “media observatory” open and welcoming to the public and the media alike. Operating under the PressWise credo “Press freedom is a responsibility exercised by journalists on behalf of the public” it will be an entirely new endeavour to engage civil society more fully in obtaining “the media it deserves”.

It will seek partnerships with industry bodies and other agencies concerned with press freedom and human rights.

Work has already begun to find funding, premises, and the means to deliver:

- a web-based Right of Reply service, enabling individuals and institutions misrepresented by the media to set the record straight by providing the public and other journalists with instant access to original sources;
- advice, assistance and information on ethical issues to media professionals and the public;
- a new edge to academic research through collaborative dissemination programmes, and on-line and public fora;
- systematic training around problematic media issues;
- high profile public debates, screenings, exhibitions, and market research around ethical issues as they arise;
- a global network of dialogue by collaborating with media centres in developing democracies.

For the time being, individuals and organisations wishing to contribute to this exciting initiative should contact PressWise Trust, 38 EBC, Felix Road, Bristol, BS5 0HE Tel: 0117-941 5889, Fax 0117-941 5848 Email: pw@presswise.org.uk Website: www.presswise.org.uk
An innovative website, containing the largest collection of media codes of ethics in cyberspace, has just been launched. Its creator, Claude-Jean Bertrand, reports on the “new weapon to defend press freedom”

Since November 2002, the website, www.presscouncils.org, has been offering information on media accountability systems (MAS), especially press councils. What is an MAS?

Basically, it’s any non-governmental means to improve the media, any person, group, publication, method, process or intellectual pursuit which aims to help media serve the public better. The focus is practical ethics, not philosophical discussion.

MAS, which use criticism, monitoring, listening and education as means of action, are extremely diverse. They can be internal to media (such as an in-house critic) or operated by people outside the media (a media research centre, for instance). Or they can involve co-operation between media and non-media people (like an ombudsman). MAS can and should all function together since they complement each other. No MAS is sufficient. All together, they could be.

Because one crucial obstacle to the development of MAS is simply that people have never heard of them, the main purpose of the website is to give a maximum amount of information on all MAS. An 80-item list is available in the “Information Centre” section. Clearly, a related purpose of the website is to encourage people both within and outside the media to set up as many MAS as possible. Because the independent press council (IPC) is one of the most visible and controversial MAS and the one with most potential for development, it has pride of place with a full list of the 70-odd PCs around the globe, including addresses and vital statistics.

Another major section of the site is devoted to media codes of ethics. By September 2003, it included 250, from almost every nation – the largest collection in cyberspace. Clearly, and contrary to what is often claimed, the codes show remarkable similarity from one region to another.

Values, principles and rules need to be debated. Now anyone who registers can join the debate. In addition, the site provides:

- details of future events, such as conferences, workshops, courses on “ethics and MAS”, or research projects;
- news, such as the launching of a new press council or the creation of an original MAS that could be an inspiration elsewhere;
- issues to be presented and debated concerning “ethics and MAS” (but not, as a rule, issues relating to restrictions of press freedom since many other websites deal with those);
- the text of a new media code of ethics or of a code newly translated into English;
- documents like a short text by some eminent thinker or journalist of the past (no copyright), or a brief original article on “ethics and MAS” such as the conclusions of an important report or the recommendations of a major institution;
- references and brief reviews of newly published books and articles: in September 2003, 100 book titles were added to the existing bibliography – all in English (as is the whole website, for the time being). Bibliographies in other languages are welcome;
- the URLs of related websites not yet listed in the “Information Centre”;
- updates of all kinds, like changes on the board or in the addresses of press councils.

The ultimate purpose of the website is to promote awareness that the law and the market are not the only forces available to guarantee good media service. We need a triad – and the third force is “ethics and MAS”, meaning a concern for serving the
public well, plus a package of tools to ensure the public is served well.

“Ethics and MAS” will directly improve media services but it will also increase solidarity within the news profession. And it will enable the profession to recover the esteem and trust of readers, listeners and viewers. Only if journalists fight together and with the support of the public can they hope to resist political and economic pressure. MAS are the best weapons to defend press freedom. An arsenal for democracy.

Criticisms of the website and suggestions on how to improve it should be sent to Claude-Jean Bertrand at cjbertrand@noos.fr

Website with an ethical edge

Patrick Weever

With the post-Iraq war debate over government propaganda, half truths and untruths raging, Anti-Spin.com was launched in October 2003. Here founder Patrick Weever explains why the website with a firm, ethical edge makes such an important addition to the media landscape.

What is spin? Why is it such a problem in our time? Are we as a society swamped by propaganda, half truth and untruth and if we are, what kind of remedial action needs to be taken? Journalists invariably see “spin” as spinning away from the truth but the distinguished journalist John Lloyd says politicians, business leaders and, he might have added, celebrities see it differently: to them spin is a shield against the depredations of a terrifying and destructive press.

Which side is right? There is need for a debate and the debate needs its own narrative. Hence the birth of Anti-Spin.com.

But the site stayed right out of the Hutton inquiry. Nicholas Jones, the long-time BBC reporter, author of Sultans of Spin and six other books on spin, is probably the best and most astringent critic of government propaganda strategies in the country. His piece “The cancer eating away at the probity of journalism” on the site was a definitive critique of the excesses of Alastair Campbell.

This is not to say that Anti-Spin.com condemns Campbell. We know where he came in – with what he and many others considered the destruction of Neil Kinnock’s chances of being Prime Minister by the British press.

So we get away from Campbell as villain and move on to a more productive journalism that aims to debate more calmly where things have gone wrong and how they can be put right. And now that the white heat of Hutton is dying down, Jones has returned with his analysis of the new Downing Street anti-spin regime.

Or you can read Phillip Knightley, author of a seminal history of the intelligence services, on “The death of investigative journalism – and who killed it”. I shall never forget Knightley’s gracious response when I called him and asked if I could use this piece. “Take anything you want, dear boy,” he said.

And the article, “The Press, Public Relations and Democracy”, by Professor Anne Gregory, of Leeds Metropolitan University, has been up on Anti-Spin.com from the beginning.

Professor Jay Rosen, of New York University, tells us the tectonic plates are shifting under the old journalism. The Internet is giving the bloggers the chance to answer back and fact-check the media. Well, good luck to the bloggers: may 100,000 sites bloom. There has never been a better time to be journalist. My fellow Observer columnist Sally O’Sullivan wrote it costs £1m to launch a magazine. Not on the web. £150 will do the trick if you have a friend who knows about the technology. And so we at Anti-Spin will be evangelists for that message.

But beware: the forces of darkness are gathering. Even now on the horizon we spy the too-clever-by-half people polishing the argument for that frightful totalitarian import: a statutory press council. Anti-Spin will be there to fight with every sinew against this anti-democratic idea of government regulation of the press. We will have no truck with it. It is non-negotiable. Period.
Call for Conference Papers

The Age of Information – New Anxieties: New Opportunities
Research and Practice in Communication Ethics

The conference will be held at the University of Lincoln, Brayford Pool, Lincoln LN6 7TS, UK on 14 and 15 June, 2004.

At a time when there is so much information and so many are involved in the information-communication process, there is an unprecedented need for an ethics of communication practice and integrity of information. What would such an ethical practice look like? Who would create and maintain it? How may the academy contribute? These are some of the questions to be addressed in this conference on research and practice.

The conference organising committee are calling for papers – including case studies, literature reviews, ethnographic studies and thought pieces from interested academics and professional communicators. A number of sub-themes are suggested including the implications of information overload; the uses of email (as recently highlighted in the Hutton inquiry); implications of the web for journalists’ contacts with sources and readers; the impact of the rise of bloggers and alternative news sites on media standards; pedagogic techniques in ethics and communication teaching; issues of stakeholderism and dialogue; whistle-blowing as a sign of individual (mis)alignment with organisation culture and the ethics of auditing culture and measuring behaviour.

Presentations will be limited to 20 minutes. A special issue of Ethical Space: The International Journal of Communication Ethics will be published on the theme and participants will be invited to submit formal written versions of their presentations of up to 5,000 words for inclusion in the journal. The deadline for 300-word abstracts of conference contributions (to be submitted to the conference organising committee at rkeeb@lincoln.ac.uk) is 30 March 2004.

Conference fee

The fee of £200 includes overnight accommodation for one night and the conference dinner. For further information please contact Rebecca Inkley, ICE administrator, at rinkley@lincoln.ac.uk

The new, softly-softly threat to press freedom that nobody talks about

Tessa Mayes takes a critical look at the report by the House of Commons culture, media and sport select committee into privacy and media intrusion

The proposals in the June 2003 report by the House of Commons culture, media and sport select committee into privacy and media intrusion reveal that the government, some MPs and members of the judiciary have devised new ways of trying to undermine press freedom. Strangely, despite a well publicised debate about whether a privacy law will be introduced to curb the media nobody is talking about a new softly-softly approach to curb freedom. Most of the committee’s report focuses on the Press Complaints Commission (PCC), the self-regulatory, independent organisation set up in 1991 and funded by the press industry to mediate between newspapers and the public.

You would think that a government which, according to the report, has no plans to “interfere with the way the PCC operates” would remain silent on how the press deals with complaints. Not so. The submission of evidence by Tessa Jowell, the culture secretary, offered a string of questions which she hoped the PCC would consider (Committee Report 2003; Volume II, Ev.347). Jowell asks: “Is there a case for devising an appeals mechanism that is not only independent of the government but also seen to be free of undue industry control?” Follow the logic here. A government minister suggests that the PCC, an organisation set up by the press to regulate its own work, should not regulate part of its own work. How would this allow the PCC to be independent and free of external influence?

To Jowell, independence means independence from government but also from “undue
industry” control. This is a kind of third way approach to press self-regulation. It acknowledges that direct interference of the press by government would incite cries of “censorship”, whereas other forms of external scrutiny of the industry would seem less antagonistic and perhaps appear more ethical. In essence, of course, this is not about press freedom at all. It is simply a discussion about the most effective forms of regulation.

Jowell’s current approach to the PCC explicitly avoids telling it what to do, while positing ideas for change in the form of questions that cannot easily be ignored. The same softly-softly approach to media regulation is also contained with the culture, media and sport select committee’s report. Although the committee concludes that “the PCC does seem to have the confidence of the government” it has called for the PCC to “make itself available to give evidence to this committee at regular intervals for discussion on progress with its agenda for change” anyway.

Select committees can compel individuals to attend hearings as part of evidence gathering for their reports, but this is quite different to asking representatives from organisations to attend committees regularly as a general rule. The PCC may not resolve cases to the satisfaction of all parties, but it is not a court of law or publicly funded, so why should it be called to account in this way?

One minute members of the government, the House of Lords and MPs are treating the PCC with kid gloves. The next it is clear that softly-softly suggestions for change are done in the context of threats of statutory control if the “independent” organisation doesn’t improve their liking. For example, Baroness Scotland, parliamentary secretary to the Lord Chancellor’s department, told the committee during discussions with the PCC about payments to witnesses that if the PCC “had not been minded to change their rules and their code of conduct” then “we would have had to legislate”. As she put it: “We wanted to hear from them [the PCC] whether they wanted to discharge their duty or whether they wanted us to do it for them.”

I am not arguing here that elected representatives in parliament should be silent about press organisations or standards. What needs highlighting, however, are the implications for democracy in using the powers of the state to undermine the press. Such powers undermine everyone’s right to free speech: and that is why everyone, not just media moguls and journalists, should be worried about the political pressure brought to bear on journalists.

Although the PCC is run by the press industry, which has considerable economic power, it does not follow that the methods it uses to deal with complaints about newspaper and magazine content require scrutiny by external authorities. The organisation deals with words and pictures, not potential threats to public health and safety. Nevertheless the PCC is said to need an “ombudsman”, or extra tiers of regulators to check the self-regulators – as if it was identical to a company manufacturing something like nuclear fuel. In a free society, journalists and editors should be able to decide what to say without having their words subjected to some kind of health and safety test before they reach the readers. Rather than their words being suppressed by the state, they should be judged by the audience.

What particularly excites the select committee into a regulation frenzy are the methods used by journalists to gather information. For example, payments to police officers and informants are mentioned in the committee’s report as issues that “the PCC must investigate”. Yet journalists are not above the law when they amass information about individuals’ private lives: they are charged or locked up like anyone else when they do something illegal. So why do PCC members need to act like policemen?

A gradual merging of self-regulation and legal regulation is placing the PCC under increasing pressure to tighten the rules on press freedom. Despite all the rhetoric about its independence, the PCC is considered by the committee to be a “quasi-judicial body” (Committee Report 2003; Volume I, p.5). That is, the PCC’s rulings are considered by some to be a replacement for court judgements. But as Guy Black, the PCC’s director, has commented: “We [the PCC] were never meant to be a watered-down version of the legal system.” To spearhead an enlightened debate on the media we need independent thinking – and independent forums in which to think. Bringing the PCC under the remit of the judiciary and parliament undermines the freedom of journalists to do so by creating a culture that is friendly to regulation and hostile to freedom. The reaction to cultural anxiety about trust and the erosion of media standards has been to tip the balance from free speech towards rule-making and state control. This is being done in a softly-softly fashion, but its cultural and democratic effects on a free press are brutal.

continued >
Tessa Mayes is a contributor to The Sunday Times and the British Journalism Review and is on the editorial board of Ethical Space, The International Journal of Communication Ethics. Her report, Restraint or Revelation? Free Speech and Privacy in a Confessional Age (2003), contains interviews with Neil Wallis (former editor of The People), Bob Satchwell (executive director of the Society of Editors), Clive Jones (chief executive of Carlton Channels) and Dorothy Byrne (commissioning editor of news, current affairs and business at Channel 4). It can be viewed online at http://www.spiked-online.com/articles/00000006DAC6.htm or a book copy can be purchased (£10 plus postage and packing) by calling +44 (0)20 7269 9228.

Is there a Muslim perspective on media ethics?

Fareena Alam is the newly appointed editor of Q-news, Europe’s leading Muslim magazine. Here she talks to Kristine Lowe about her Muslim approach to media ethics, the problem of media stereotyping – and al Jazeera’s reporting of the invasion of Iraq.

Her anti-American comments on Question Time just after the 11 September atrocities famously made former US ambassador Phillip Lader cry on TV and produced an apology from Greg Dyke, BBC’s director-general. But Fareena Alam, the new managing editor of Europe’s biggest Muslim magazine, is convinced that as a Muslim she is more aware of ethics in journalism than non-religious practitioners of the trade.

It has been a sharp rise to editorial responsibility for 24-year-old Alam who started as a trainee journalist with Q-news in February 2001. A few months later she became news editor, and was recently made managing editor on returning to the magazine after a gap year in which she did a masters in international journalism at City University. In taking charge of the daily running of Q-news, she follows in the footsteps of other high profile editors such as Faisal Bodi and Shagufta Yaqub. Bodi is perhaps best now as a commentator for The Guardian and Shagufta Yaqub was recently nominated as one of Britain’s 50 most promising women by the same newspaper.

So how does she think her faith impacts on her conduct as a journalist?

I guess we take ethics more seriously because we are so aware that we will be held accountable for everything we do. We believe in the day of judgement, in the afterlife and in God judging us for what we did with our profession, our time, our money, and the information we were given. So perhaps there is a greater awareness of ethics because ultimately you fear your own neck after you die.

That does not stop her from being hard-hitting, opinionated and outspoken.

Q-news has been down for a while due to restructuring, marriages and funding problems, but is now back with Fareena in the driver seat, and Fuad Nahdi, who founded the magazine March 1992, as editor-in-chief. As we talk, they are just about to unveil a new, re-branded Q-news that aims “to pioneer, inspire and be relevant” in the words of Nahdi. Why did Q-news need re-inventing?

Fuad’s vision for Q-news was very different from Shagufta’s. In the eight years Fuad was editor of Q-news it was almost rude: a very male, testosterone-driven magazine. The people who used to work in the office were all men: all young and very brash. When Shagufta was editor she had a very different vision for the magazine: it was much gentler, very Sufi and flowery. I think in a lot of ways Fuad and I are similar in our vision for the magazine, our re-branding is definitely more hard-hitting, not just in terms of content but also in terms of design. Q-news used to set the agenda, but for a long time we started being led by the agenda set by forces outside ourselves, which should never be the case for a monthly publication.

How will a re-launched Q-news start setting the agenda again?

We will identify issues and define the agenda that should be discussed. To take an example, look at the Amina Lawal case in Nigeria, the woman who was sentenced to death by stoning. People were so attracted to the Amina Lawal case that they lost perspective of the much larger problems that exist in Africa. Obviously we would condemn the way she was sentenced, it was a completely unfair trial.
with none of the evidence that was required by the Sharia. That aside, most people forget to look beyond that. What rich countries are imposing on the poor world through IMF and The World Bank in terms of third world debt, and the corrupt nature of the rulers of third world countries, are all larger, systemic problems affecting many Amina Lawals in that region, just like lack of health care, water and family planning. We get lost in the sensational cases like hers. Perhaps that is what saved her, but there is so much to be done, there are so many others like her dying in honour killings. That is what I mean by there being more to this case than just the verdict being lifted.

**Is there a special Muslim perspective on journalism?**

I do not know if there is such a thing as Muslim journalism. When I left Q-news to do my masters last year I also started working for The Observer and other mainstream newspapers. I wanted to do that because I was tired of being a Muslim journalist. I did not want to write just for Muslim publications and about Muslim issues. I wanted to be seen as a journalist, full stop, who happened to be a Muslim. It was a really big issue for me, and in a way it still is. Having said that, apart from the moral awareness that stems from our faith, what does affect Muslim journalism is the acute awareness of the oppression that we feel other Muslims around the world are going through. Palestine is a very big issue; Chechnya, Bosnia, all these situations are very big issues. What changes our approach is that as a minority you approach oppression, or persecution or Islam phobia in a very defensive and victimised way. Because as a community you feel very threatened, too, that affects my mentality as well, but I cannot say if all Muslim journalists are like that.

**Mohammad Siddiqi, the American Muslim and media academic, has mentioned as problematic that mainstream media tend to cover Islam, or refer to Muslims, only in the context of Islamic political movements. Do you see this as a problem and do you feel that there are other ways in which mainstream media is guilty of stereotyping Muslims?**

One of the new objectives of Q-news is to tear Islam away from politics and the terrorism question because there is so much more to the Muslim experience than that. Islam is reduced to reports about terrorism and politics, and you will rarely see reports on Muslims facing different day-to-day problems. The Muslim is rarely seen as a human character on TV, he or she is not interviewed on BBC for housing issues, education issues or sports, but for being a Muslim. That is essential. That is how you normalise people, how you become part of the mainstream; when your opinion is relevant whatever you are talking about, not just when it is directly Islam related.

**Where do you aim to put the focus in your reporting? What are the stories you think represent Q-news at its best?**

We like to promote visionaries, Muslim visionaries who in our time are trying to move the community forward. In our current issue we have a man called Guy Eaton, who is a convert well into his seventies who made a fantastic speech in the House of Lords last year which we have got the rights to. It is four pages long, but he has a vision for Islamic Britain, and a vision is really lacking in this country. We are so caught up in the details of our experience that we forget what is our agenda, how we want to move forward and what the British Muslim identity is. We like visionaries who are bold enough to think of new ways of moving this community forward. We also like to go against the Muslim extremists; all these groups which supposedly support Osama Bin Laden.

Promotion or consolidation of Islam is not the purpose of Q-news. We have a section of our magazine that is devoted to prayers and invocations, but the main purpose of Muslim journalism is to report on the day-to-day life of Muslims. Muslims are more than just prayers: they are faced with housing problems, educational problems, job-market issues, gender issues. Q-news is really a voice from within a certain group of people rather than a beacon for promotion of our religion. We do not believe that our purpose is to convert people, but that there are certain values we feel are very universal and we feel that our work should encompass those values, but they’re not inherently Muslim.

**At the first international conference of Muslim journalists, held in Jakarta, Indonesia, in 1981, it was stated that the consolidation of faith of the Muslim individual in Islamic values should be the main obligation of Muslim media. What is your perspective on this: should Q-news be an organ for promoting Islam?**

We are essentially Sufi Muslims so our concept of jihad, or struggle, is very different from those who would like to reduce it just to warfare. I guess that is also agenda setting.
The word and concept jihad has been hijacked; these groups have hijacked our religion, so we are trying to redefine it in a way that enables people like myself to relate to Islam. This is important because a lot of us of my age are so disillusioned by the version of Islam typically promoted by the people you see in the news. That is what we are trying to do; we are trying to redefine Islam, or rather take it back from these people.

**What about Al-Jazeera's coverage of the war in Iraq that has been so controversial in Britain?**

The Iraq governing council recently threatened to expel all Al-Jazeera and Al-Arabiya reporters from Iraq for “inciting violence” due to their broadcasts of terrorists urging the Iraqis to kill Americans, threatening that those who cooperate with Americans will be killed etc. What do you make of all this?

We had an interesting conversation about Al-Jazeera the other day when we were looking at the new Al-Jazeera English website. They have people like Yvonne Ridley and Faisal Bodi working for them. They are both, especially Faisal Bodi, brilliant journalists, but the website is so poor, and we realised that Al-Jazeera will never work in this part of the world. We have so many options, so much access to information, but in the Arab world they do not and Al-Jazeera may be better than other Arab stations. It is bolder, better funded and it caters to a market that will accept it, but it will never go down well here, the quality is just not good enough. As for promoting terrorists; across the Middle East they are considered martyrs because they are going against the occupation and sacrificing their lives. Al-Jazeera knows its market well, knows that this is how people in the region think: that is the mentality, the frustration, gripping the Middle East.
The Media and Moral Literacy

In contrast to humans as rational or biological beings, this essay defines them as cultural beings constituted in language - with the media seen as agents of acculturation. Since cultural patterns are inherently normative, humans inescapably have moral agency. Our social existence is conjoined linguistically, and because the lingual is not neutral but value-laden, social bonds are moral claims. Therefore, given that our public life is not merely functional, but knit together by social values, the various technologies of public communication should engender moral literacy. Rather than oriented to internal professional standards, media practitioners ought to work out of the general morality.

Key Words: moral literacy, moral agency, culture, common morality, animale symbolicum, moral imagination

The global mass media are agents of acculturation: not neutral purveyors of information, but creators and shapers of culture. From this perspective, media technologies are not tools or products per se but cultural practices. Technology is a distinct cultural enterprise in which humans form and transform natural reality aided by tools and processes for practical ends. The contemporary media are cultural institutions. The communications enterprise is technological in character, requiring our analysis to go beyond messages and take hold of the medium in which the content is structured.

Communication technologies represent the outer edge of the technological system as a whole, where the meaning of human existence is negotiated publicly. While exhibiting the structural elements of all technical artifacts, the media's particular identity as a technology inheres in their function as bearers of symbols. Information technologies thus incarnate the properties of technology and serve as the agent for interpreting the very phenomenon they embody. Jacques Ellul calls our communication systems the “innermost, and most elusive, manifestation” of human technological activity (1978: 216, cf. 1964). All artifacts communicate meaning in an important sense but media instruments carry that role exclusively. Thus, as the media sketch out our world for us, monitor war and peace, influence our decisions and shape our self-identity, they do so with a technological cadence. The global media do not exchange neutral messages, but subtly weave industrialised societies into the warp-and-woof of an efficiency-dominated culture (Ellul 1965).

The technical artifice, out of which media technologies are born and which they perpetuate, is no longer a separate domain. Civilizations across history have produced technological products, but a qualitative change underway for the last century has now taken on its own identity. Industrial societies tend to idolize the genius behind machines at present and uncritically allow their technical power to infect not just engineering and business, but also government, education, the church and international relations. Transnational information is a necessity for a modern planet. But as media systems expand in size and transmission is speeded up, cultures rooted in human distinctiveness are being undermined. The rapid movement of economic and cultural capital across national boundaries absorbs the particular into a global marketplace by the placeless language of technology and mobile financial systems. In the process of fabricating expert mechanical systems, the world is sanitised of the human dimension. Efficiency and human culture are a contradiction in terms.

The media are best understood as agents of acculturation because humans are fundamentally cultural beings. As creators, distributors, and users of culture, people live in a world of their own making. Rather than unidimensional definitions of the human species as homo faber, homo economicus, or animale rationale, the cultural character of our humanness illuminates both our dialogic composition as a species and the media-human relation.

Humans as cultural beings

Humans are the one living species constituted by language. In mainstream epistemology since Locke and Descartes, the self is a “first-person-singular…disengaged from embodied agency and social embedding” (Taylor 1995:59). In this view, human agents use language to engage the world outside or their fears and desires within. Meaning is explained in terms of the way things are depicted. The subject is first of all an “inner space — a mind, to use the old terminology, or a mechanism capable of processing representations”. Persons understood to represent the world in this way are definable independently of body or other.” The I is the “centre of monological consciousness”(ibid:60).

This view of the individuated subject separated from the representational domain has made deep inroads into the social sciences but “stands in the way of a richer and more adequate understanding of what the human sense of self is really like” (ibid: 60). Rather than seeing human agents as the locus of representations, our understanding itself is embodied. In
traditional epistemology, all acts are monologic, though actions may be coordinated with others. However, when the lingual interpretation of ourselves and our experience constitutes who we are, human action is dialogic. Our experience is then understood largely in terms of rhythm with other nonindividuated actors. Humans are dialogic agents within a language community. Sociocultural systems precede their occupants and endure after them.

When the lingual is seen as the defining character of human beings, language refers to its broadest sense to the full range of symbolic forms. Since language expresses and constitutes us in our different dimensions and relations, no boundaries exist between the “symbolic-expressive creations of man: [prose], poetry, music, art, dance” and so forth (Taylor 1985: 233). Language's centre of gravity is best captured in the dynamic notion “symbol,” the lingual does not primarily manifest a self but a world.

The symbolic realm is intrinsic to the human species. From this perspective, communication is the symbolic process expressing human creativity and grounding cultural formation. Humans alone of living creatures possess the creative mind, the irrevocable ability to interpret and reconstruct. Realities called cultures are inherited and built from symbols that shape our action, identity, thoughts, and sentiment. Communication, therefore, is the creative process of building and reaffirming through symbols and culture signifies the constructions that result. Culture is the womb in which symbols are born and communication is the connective tissue in culture building. Symbol is the basic unit that carries meaning, thus anchoring the communicative capacity. The latter, in turn, is central to our humanity and humans are culture builders. Communication is the catalytic agent in cultural formation and its most explicit expressions are symbolic creations (communications phenomena) such as the dramatic arts, discourse, literature, and electronic entertainment.

Words derive their meaning from the interpretive, historical context humans themselves supply. Language is the matrix of humanity; it is not privately nurtured and then made problematic when it enters the public sphere, as John Locke presumed.
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Moral agency
Our self-understanding as cultural beings discriminates higher from lesser values. “To be a full human agent... is to exist in a space defined by distinctions of worth” (Taylor 1985: 3). In Charles Taylor’s terms, we see ourselves against a background of “strong evaluation” where we characterise some practices or ideas as more worthy than others (Bowers 2002: 37-42). We make judgments about the quality of life. Some of these judgments are “given more authoritatively by the culture” than chosen by personal deliberation, but all are “incorporated into our self-understanding in some degree and fashion” (Taylor 1985: 3). Our humaness, understood culturally, means that we “exist inescapably in a space of ethical questions”. We situate ourselves “relative to some goods, or standards of excellence, or obligations, that we cannot just repudiate”. Our sense of who we are entails identifying “what are truly important issues, standards, goods, or demands” and making an assessment of where we “stand relative to these and/or measure up to them” (Taylor 1995: 58; cf. Taylor 1989: ch. 2).

Defining humans as cultural beings moves discourse from its Enlightenment home in cognition to an interpretive axis in values, beliefs, norms, the human spirit, that is, in culture. If the interpretive domain is lingual, then human bonds are not through reason or action, but hermeneia. The commonplace, “we’re with you in spirit,” is actually a powerful truth — that our species uniqueness is born along the stream of consciousness. I resonate cross-culturally through my spirit with the moral imagination of others.’ Our common humanity is not inscribed, first of all, in politics or economics, or in overcoming national boundaries by transportation or data. Our mutual humaness is actually an ethical commitment rooted in the moral domain all humans share.

If cultures are clusters of symbols that orient life and provide it significance, then cultural patterns are inherently normative. They constitute the human kingdom by organising reality and by indicating what we ought to do and avoid. Assuming that culture is the container of our symbolic capacity, the constituent parts of such containers are a society’s values. As ordering relations, values direct the ends of societal practice and provide implicit standards for selecting courses of action. Our concern then is to articulate the ends communication should serve and the motives it should manifest. In this sense, communication’s culture-forming task, normatively understood, is articulating the moral order.

For Robert Wuthnow, the moral order is a set of cultural elements with an identifiable symbolic structure. Wuthnow defines moral codes as cultural constructions that articulate “the nature of commitment to a particular course of behavior” (1987: 66). The nature of personal obligations and public responsibility continues to be addressed by philosophers under the rubric “moral standards,” and as “moral development” by leading theorists (Carol Gilligan, 1982, for instance). Culturalists in sociology contribute fundamentally to this domain also by identifying the symbolic patterns humans create along the boundaries between moral objects and actual behavior, the self and their roles, the intentional and the inevitable (Wuthnow op cit: 71-75).

In Wuthnow’s view, the content of these codes varies dramatically from fundamentalist religion to the market system, but explicit symbolic forms negotiating the boundaries “can be examined, not as a set of beliefs locked away in someone’s head, but as a relatively observable set of cultural constructions” (ibid: 95). These constructs are the moral code which plays a role in human life comparable to that of instinct in the lower organisms. Therefore, in mass-mediated cultures aligned toward normlessness and illusive centers of textuality, the appropriate role for mass communication technologies is opening windows on the moral order.

A commitment to moral agency cannot escape the central antinomy in cultural theory, that is,
the status of the notion of value. On the one hand, values appear as spontaneous activity, creatively or oppressively ordering our understanding of the human. On the other, values appear to have essential status, as mechanisms of orientation that are discovered and not constructed. Paul Ricoeur insists correctly that this problem of cultural life is an antinomy in the sense that both sides independently can be justified as self-evident.

Ricoeur (1986) attempts through a transcendental semiology to resolve the contradiction on a higher level of generality, but that project has proved inadequate. This leaves — at least for our purposes here — the values-as-discovered alternative. Foundationalist options are inconsistent with humans as cultural beings, representing as they do "idealist…speech situations…in which, unfortunately, no power circulates" (Hall 1989: 48). The understanding of cultural beings in this essay, however, represents a radically different approach to the values-as-discovered motif than does philosophical prescriptivism. History and culture are considered to be value-saturated phenomena (cf. Christians et al 1993: ch. 6). Transcendental criteria are shifted from a metaphysical plane to the horizon of everyday life and being, but transcendental norms they remain nonetheless. On this view, cultures are sets of symbols that organise the human kingdom and are, therefore, ipso facto evaluative. A culture's continued existence depends on identifying and defending its normative base. As Basil Mitchell (1980) maintains, the cultural ethos can be decisive without being exclusive. A determinate moral order is not dissolved in cultural phenomena.

Societies as moral entities
With standards recognised as inherent in the concept of symbolic environments, we can begin putting content into the normative, asking what authentic social existence involves. Communities are knit together linguistically and because the lingual is not neutral but value-laden our social bonds are moral claims. Without allegiance to a web of ordering relations, society becomes, as a matter of fact, inconceivable. Words are concrete forms of life, whose meaning derives from an interpretive context that humans themselves supply. We negotiate the human order through language, but social entities are moral structures and not merely lingual orders.

The biological and moral grow up together. Children ascertain that, in general, "certain things belong to certain people" and as such they are "learning a partly moral fact…important to the structure of society" (Adams 1993: 93). They learn tolerance, for example — at least that physical assault is forbidden, though perhaps not sophisticated versions of tolerating various opinions. Sissela Bok (1995) calls these minimalist values, that is, a limited set of fundamental moral commitments that are necessary for collective survival. Minimalist moral values provide a basis for political dialogue and negotiation but do not call for agreement as to their source or exceptionless character (ibid: 18-19, 53-59). The minimalist values "most easily recognised across societal boundaries" are the "positive duties of care and reciprocity; constraints on violence, deceit, and betrayal; and norms for procedures and standards of justice" (ibid: 41). Without a broad acceptance of such common values, or what appears to be a natural affinity for them, a viable social order is impossible. Without a framework broadly owned and roughly understood, resolution of practical issues and constructive theorising on particular matters is inconceivable.

As Robert Adams observes: “Every society must, and therefore will, have a shared morality; but…a shared ethical theory is not required for a common morality…. No comprehensive ethical theory…is likely to meet with general agreement in any modern society that permits free inquiry” (1993: 93). The killing of human beings may be generally condemned, while disagreements rage at the same time over capital punishment, euthanasia, and justified warfare. All things being equal, societies are predisposed against lying while debating exceptions and theorising the nature and parameters of deception. The status of property is a complicated problem in social theory, while our ordinary moral obligations about other people's property are undisputed in everyday affairs.

Moral duty is nurtured by the demands of social linkage and not produced by theory. However, though the core of a society's common morality is pre-theoretical agreement, ethical theory is not useless or marginal in shaping the common good. Societies speak with divided voices and often in error. “What counts as common morality, indeed, is not only imprecise but variable…and a difficult practical problem” (ibid: 96). Ethical theory is primarily an effort to articulate moral obligations, within the fallible and irresolute voices of everyday life. Among disagreements and uncertainty, we look for criteria and wisdom in settling disputes and clarifying confusions. Although metaethics has been largely abstract and fragmented, normative theories of an interactive sort invigorate our common moral discourse. Even so, generally accepted theories are not necessary for common goods to prosper. The common good is not "the complete morality of every participant…but a set of agreements among people who typically hold other, less widely shared ethical beliefs” (ibid: 99).

Our references to moral matters involve the community. A self exists only within "webs of interlocution," and all self-interpretation implicitly or explicitly "acknowledges the necessarily social origin of any and all of their conceptions of the good and so of themselves". (Mulhall and Swift 1996: 112). Moral frameworks are as fundamental for orienting us in social space as the need to “establish our bearings in physical space” (ibid: 113; cf. Taylor 1989: 36).

Developing, maintaining, and articulating [our moral intuitions and reactions] is not something humans could easily or even conceivably dispense with…We can no more imagine a human life that fails to address the matter of its bearings in moral space than we can imagine one in which developing a sense of up and down, right and left is regarded as...
an optional human task...Moral orientation is inescapable because the questions to which the framework provides answers are themselves inescapable (Mulhall and Swift op cit: 106-108).

Alasdair MacIntyre (1988) may be correct in thinking that societies ought to share some moral goods — such as a conception of justice — that are developed theoretically enough to enable us to resolve conflicts through reasoned agreement rather than brute force. But instead of expecting more theoretical coherence than history warrants, Reinhold Niebuhr (1953) inspires us to work through inevitable social conflicts while maintaining “an untheoretical jumble of agreements” that provide a basic mutuality (Adams 1993: 107). Through a common morality of this sort we can approximate consensus on issues and settle disputes within democratic institutions.

Moral literacy

Since our public life is not merely functional, but knit together by social values, moral literacy ought to be privileged as the media’s mission. From this perspective, the media are challenged to participate in a community's process of moral evaluation. The possibility exists in principle. Taylor, for example, emphasises that moral judgments are capable of rational elucidation. Moral intuitions may appear to be instinctual, but “agents manifesting them are often capable of explaining just what it is about human beings that merits” reaction or involvement; “in other words, we articulate our intuitions by developing a particular ontology of the human” (Mulhall and Swift op cit: 103). The communal character of our moral intuitions enables the public media to come to grips with the common good.

Thus, the various technologies of public communication ought to engender moral literacy. If societies are moral orders, and not merely lingual structures, communications in the social arena ought to stimulate the moral imagination. This language often appears in a sanitised sense: for instance: “Do these programmes have any redeeming social value?” To be a symbolically mature art form, television, for instance, is committed to symmetrical interdependence, and promotes mutual understanding (see Gregory 2003: 9-12). From this perspective, the practice of public relations has a responsibility for the public good beyond its own self-interest. In contrast to partisan values and one-way propaganda, persuasive communication rooted in mutual values honors the audience's right to accurate information and participation in decisions that affect them. While increased visibility or profitability are immediate ends, listeners and viewers need “the freedom to make a voluntary choice” (Baker and Martinson 2001: 153). Rooted in respect for the public, professional persuasive communications must meet the same standard of truthfulness in the news and of authenticity in entertainment (ibid: 158-160). When there is “parity between the persuader and persuadee in terms of information, understanding and insight” (ibid: 165), then moral literacy comes into its own.6

Public life cannot be facilitated in technical terms only, but the moral dimension of issues needs to be represented in appropriately moral discourse. When journalists investigate government policies that are vacuous or unjust, they ought to do so in terms of common values that have broad acceptance in the community as a whole. Our widely shared moral intuitions — respect for the dignity of others, for instance — are developed through discourse within a community. In this sense media professionals participate in the citizens’ process of moral articulation. Therefore, public texts must enable us “to discover truths about ourselves;” narratives ought to “bring a moral compass into readers’ lives” by accounting for things that matter to them (Denzin 1997: 284; cf. 2003 ch. 5). Communities are woven together by narratives that invigorate their common understanding of good and evil, happiness and reward, the meaning of life and death. Recovering and refashioning moral discourse help to amplify our deepest humanness and provide the soil in which democracy can flourish.

Wherever one observes reenactments of purposeful history and justice, one sees the results of moral literacy. News can be considered redemptive when it serves as an instrument not of accommodation but of critique and social change. Despite unrelenting pressure from media commercialism, public broadcasting often resonates with a redemptive accent and stirs the human conscience. We all know stations and reporters who have refused infotainment and sought to awaken the civic conscience. Major league awards are still won by professionals in journalism who distinguish themselves for public service. Editorials have raised our
Clifford Christians

Consciousness of anti-semitism, and heightened our moral awareness of racism and gender discrimination. In the debate over the Iraqi invasion, the moral issues in terms of just war theory and pacifism emerged at various times in news and commentary. Affirmative action, environmental protection, health policy, global warming, gun control, incarceration, arms trade, and welfare reform raise moral conflicts that journalists have helped the public negotiate. Over time and across the media, one observes a redemptive glow on occasion in which the news, commentary, and documentaries have facilitated moral discernment by their insight into humankind as a distinctive species and by their affirmation of purposeful history.

Race in the 21st century United States remains a preeminent issue. In entertainment television overwhelmingly viewers see “media images of blacks on welfare, of black violence in local news, and of crude behavior — open sexuality and insolence… The habits of local news, for example, the rituals in covering urban crime, facilitate the construction of menacing imagery” (Entman and Rojecki 2000: 21). However, research demonstrates that the media committed to moral literacy can tip the balance away from suspicion and animosity, and enhance racial understanding among those most open to it (cf. Keeble 2001: ch. 6).

Along these lines we redeem news and persuasion as agents of cultural formation. Building on their unique aesthetic capacities, they are empowered toward moral literacy by appealing to our conscience.

Conclusion

If we understand humans as cultural beings, we are not inclined to construct an apparatus of professional ethics. We work instead within the general morality. Rather than developing rules for experts, our preoccupation is the moral dimension of everyday life. Professionals committed to moral literacy do not establish codes of ethics for themselves, but reflect the same social and moral space as the citizens they report. How the moral order works itself out in community formation is the issue, not, first of all, what media practitioners by their own standards consider virtuous. The moral domain is understood to be intrinsic to human beings, not a system of rules, norms, and ideals external to society and culture.

Media practitioners are not constituted as ethical selves antecedently but moral discernment unfolds dialectically between reporter and citizen. Rather than searching for neutral principles to which all parties are inclined to construct an apparatus of professional ethics. Moral literacy understands moral behavior in interactive terms, with reporters, contracts, human dignity. Moral literacy understands moral behavior in interactive terms, with reporters, advertising executives, script writers and producers and public relations practitioners operating in the same arena as citizens themselves.

Notes

1 Cassirer's Philosophy of Symbolic Forms was the label he used in describing his work. His monograph summarising this work he titled An Essay on Man (1944). Cassirer saw modern philosophy as a progressive formulation of neo-Kantian thinking. But his neo-Kantianism considers the noumenal world as a limiting concept, rather than, as did Kant, an existent, though unknowable realm.

2 Symbolism as a special endowment of the human species, to the exclusion of other organic beings and their sign-language is a fundamental question that is not resolved in Cassirer and of paramount importance today. His basic task in the Philosophy of Symbolic Forms is to trace the evolution of cultural symbols from early history to modern times, where he focuses on the origin and role of language in homo sapiens. He does not deal with the metaphysical aspects of the issue, while arguing that there is no conclusive proof that any animal has ever made the decisive step to propositional language, that is, advancing from direct or indirect responses to propositions.

3 As with Jacob Burckhardt (1943), this essay appropriates a semiotic definition which stands in contrast to anthropology where culture refers to entire civilizations as complex wholes, and in contrast to common parlance where culture is identified as refined manners. Most definitions of culture are expansive, encompassing under the term virtually all social activity. Culture thus involves technologies, customs, arts, sciences, products,
habits, political and social organizations that characterize a people. The semiotic definition distinguishes culture from political and social structures, from direct efforts to understand nature (such as chemistry, physics, astronomy), and from religious institutions. Culture thus becomes essentially human communicative activity and refers primarily to the products of language and the arts.

4 Hermeneia (interpretation, the interpretive process or domain) and its cognates appear in such familiar ancients as Plutarch, Xenophon, Euripides, Longinus, Epicurus, and Lucretius. Plato develops the concept as the art of interpretation in his Seventh Letter. Aristotle in the Nicomachean Ethics locates it in the moral domain as distinct from theoretical knowledge (episteme), and defines hermeneia as self-knowledge governing moral action. Aristotle’s understanding is used here. What he identifies in the classical period is considered in this essay as a condition of our humanness.

5 Out of an African philosophical perspective, Kwasi Wiredu (1996) develops the implications for ethics from the thesis that the human species lives by language. He observes that all languages are similar in their phonemic complexity and all languages serve not merely foundational roles but cultural formation. Through language people everywhere arbitrate their values and establish their identities. Through the commonness we share as linguistic beings, we can believe that there are cross-cultural universals at the same time as we live in particular communities.

6 For elaboration of how humans-as-cultural-beings applies to public relations, see Wilkins and Christians (2001).

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Note on contributor

Clifford Christians is Professor of Media Studies, Journalism and Research at the Institute of Communications at the University of Illinois-Urbana, Champaign. He received his Ph.D. in Social Communication and served as director 1987-2001. He is co-author of Responsibility in Mass Communication (3rd. ed., 1980), Good News: Social Ethics and the Press (Oxford, 1993), and Media Ethics: Cases and Moral Reasoning (6th ed., 2001). He is co-editor of Jacques Ellul: Interpretive Essays (1981), Communication Ethics and Universal Values (1997), and Moral Engagement in Public Life: Theorists for Contemporary Ethics (2002). He is editor of The Ellul Forum and former editor of Critical Studies in Mass Communication. He has been a visiting scholar in philosophical ethics at Princeton University, in social ethics at the University of Chicago, and a PEW fellow in ethics at Christ Church-Oxford University. On the faculty of the University of Illinois since 1974, he has won five teaching awards. He has lectured or given academic papers in 25 countries, and is listed in Outstanding Scholars of the 21st Century (Ethics), Who’s Who in America, and International Who’s Who in Education.
Communication and the machine of government

This paper examines the Interim Report of the Government Communication’s Review Group, chaired by Bob Phillis, (known as the Phillis Review) and draws parallels between government communication issues and those in other public and private sector organisations. The paper then examines these issues theoretically from the public relations perspective, focusing on the relationship and advocacy models of communication practice. It concludes that the relational model with its deontological ethical base is the appropriate model for government communication practice. The terms “communications” and “public relations” are used interchangeably since both embrace a raft of communication tactics including marketing communications.

Keywords: Phillis, advocacy, relationship, public relations, Communication, government

How spin has hit the headlines
At the beginning of September 2003, the government published the Interim Report of the Phillis Review, announcing that it would implement the recommendations in full. So was launched a strategy which the government hopes will help restore the public’s faith in its communication endeavours. In 1997 the Labour Party came to power heralding an era free of sleaze and with a commitment to open government. Over time, however, it has become labelled as a government of “all spin and no substance” (Ingham 2003) Notable instances when spin has hit the headlines include the Ecclestone affair, when in 1996, Bernie Ecclestone founder of Formula One, donated £1 million to the Labour Party, shortly before the Government decided to exempt the sport from a tobacco advertising ban. The Labour Party later returned the money following accusations of sleaze. Jo Moore, special adviser to the then trade and industry secretary, Stephen Byers, told government communicators that they should bury any bad news on 11 September 2001 in an attempt to hide potentially embarrassing announcements behind the larger news story. The handling of the Foot and Mouth crisis in 2001 led to many accusations that the government deliberately misled the public over the scale of the crisis until too late. In December 2002, after denials from Downing Street, it emerged that the Prime Minister’s wife had bought property in Bristol through the fraudster boyfriend of her lifestyle adviser. Increasingly, “the public now expects and believes the worst of politicians and government even when there is strong objective evidence in favour of the government’s position”.

The report identifies a “three-way breakdown in trust between government and politicians, the media and general public”. This has resulted from the reaction of the media to a rigorous and proactive strategy of news management by the government. Phillis suggests this adversarial relationship has led to a mistrust of information when it is perceived as emanating from “political” sources. Significantly Phillis concludes: “We consider it vital for the health of our democratic institutions that trust between the government, the media and the public is rebuilt.” Responsibility for the restoration of trust lies with politicians, the civil service and the media.

The Phillis recommendations
Phillis goes on to make a number of far-reaching recommendations:

The integration of communication with policy-making
First, he recommends that “communications must be strategic and integrated with the policy and delivery strategies both within departments and across government”. It is quite usual in government departments to split the policy making and communications functions. Furthermore, there is no uniform approach to communication in the various government departments. The “delivery” departments such as health and education tend to be more proactive and strategic in their communications largely because they have, by the very nature of their function, more of an end-user focus. Here, professional communicators are often involved at the policy making stage and are integrated within it. This is not always the case. Indeed a number of communicators in certain departments have complained to the author that they are positively shut out from policy decisions and expected to perform the role of message deliverer at the end of the process. Often they have little briefing, little time and few resources to make any sensible communication effort and certainly are unable to either plan or deliver strategically. Phillis states that “communications should be an equal and equally respected third in the trinity of Government policy making, public service delivery and communications”. The disjunction of policy making from communication is closely paralleled in industry and other
parts of the public sector. However, while regularly complaining that they are often involved too late and end up being a crafter of messages about policies they know to be flawed “there’s a far greater management appreciation of the needs to embed communications within what a company does” (Shawe 2003). Unfortunately, it often takes a crisis to force an organisation to recognise the importance of integrating communications into the policy-making debate as illustrated by Shell’s re-appraisal of its communications following the Brent Spar incident (Le Jeune 2002) The same has been the case with government.

Furthermore, in business there are tensions when the communication function reports to another function that may not have a full appreciation of its role. For example, if public relations reports into marketing, it can be pressured into securing free publicity for a particular product, irrespective of whether that product enhances the corporate identity overall and irrespective of whether the information is of genuine interest to the press or the end user. The result is that the wider reputation of the organisation can be damaged, the public relations department’s relationship with the press can be damaged and its role as an “honest broker”, providing information and acting as an advocate with integrity is compromised. Parallel tensions can be observed when civil servants who are supposed to be politically neutral find themselves reporting to a political appointee, the Prime Minister’s director of communications and strategy.

Structural issues

Phillis comments that current structures and processes make cross-departmental communications difficult to co-ordinate and cites the problems surrounding foot and mouth disease where it was unclear how and which government departments should be communicating during the earlier stages of the crisis. Departments tend to operate in silos and the government’s Information and Communications Service Unit does not provide a cross-government function - largely because it has neither the power nor resources to do so.

This problem also exists for many local authorities with cross-departmental issues such as social deprivation to manage and for large corporates that have devolved communication functions. An obvious solution is to have an effective upward and downward referral system and a central, co-ordinating function with authority. Phillis partly tackles this with certain structural recommendations, but there are still areas of potential difficulty as will be expanded on later.

Special advisers and civil servants

Third, Phillis examines the role of special advisers and civil servants in some detail. In summary, the group states the role of civil servants as being to “explain minister’s reasons and justifications for their decisions, actions and policies” - this includes their reason for not taking alternative action and why they reject criticisms. So there is clearly an element of advocacy involved in the role. The group also re-iterates the duty of civil servants to make government information available on time and in an accessible form. Phillis defines the special adviser’s role as being to explain and advocate the political dimensions of any issue, an important function both for the media and ministers. The distinction between the roles is seen to be vital, and Phillis expresses concern if special advisers can pressure civil servants into moving from their neutral stance. He also recognises that the roles of both specialists can become confused.

There are clear parallels here between central government and local district and county councils. The communication or public relations departments of councils exist to provide non-political information and advice to citizens and the press. They can find themselves under political pressure to support the party in power. There are few parallels in industry, but perhaps the closest is when a company makes a poor managerial decision and the communications department could well be asked to publicly support the board position while they know that other stakeholders will be opposed and where they feel there is little moral justification. A simple example is excessive increases in senior management pay, especially if the company is not performing well or where employee pay is being held down.

Press spokespersons

The role of press spokesperson is singled out for special mention. Phillis recognises that their role is legitimate and that ministers need to have a high level of trust in them. Such an individual needs to understand policy as well as being able to act as spokesperson and, as such, they form an important bridging role.

Again there are some parallels in industry. In some organisations individuals reporting directly to the CEO or chairman of the board, play a senior adviser role (Moss, Warnaby and Newman 2000). This individual may or may not be a member of the organisation’s communications or public relations team, they may be a retained consultant. Either way, they are seen to be a trusted individual and can act in a senior spokesperson role with a great deal of autonomy. Their position within the organisation can be ambiguous and sometimes their focus on a particular crisis or issue can cause conflicts with the mainstream communication department and either derail or temporarily redirect their longer-term agenda. However, when the lines of reporting and communication are robust and roles clear – this individual can add major strength to the communication team.

The role of the centre

Phillis was asked by the Prime Minister to look specifically at the role of the central Government Information and Communications (GICS) function, as opposed to those within individual departments. Several issues were identified as needing to have a central focus:

- cross-government communication strategy and co-ordination of cross-cutting issues, e.g. anti-drug policies;
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- leading on recruitment, training and career development;
- a centre of expertise for professional standards;
- support for No.10’s communications, including the co-ordination of media handling;
- co-ordinating communications in crisis;
- monitoring the effectiveness of activity and expenditure;
- auditing civil servant and special adviser guidelines and arbitrating in disputes over them.

With this in mind, Phillis recommends that more power, authority, involvement and resource be given to the GICS. Phillis also observes the fact that the director of communications and strategy (who heads up both the special adviser and civil service function at No.10) is a is a political appointment and has “led to a perception, in some sections of the media and population at large, that, at the highest level, government communications are being driven by an overtly political agenda”

To deal with these issues Phillis recommends a restructuring of communication within government and the appointment of three senior people:

- a permanent secretary who focuses on communication strategy across government;
- a deputy permanent secretary who will be both the Prime Minister’s senior official spokesperson and leader of civil service communications at No.10;
- a director of communications, responsible to the Prime Minister who will lead the Prime Minister’s political communications team at No.10 and assist Cabinet Ministers and their special advisers.

So the civil service and political dimensions will be seen to be clearly separate and the role that the former director of strategy and communications had in heading up the civil service operations, will cease.

Engaging the public

Phillis is keen to stress that government communication should be a dialogue. This means it should be more than media relations which essentially restricts opportunities for genuine dialogue with individuals. The group recommends a broad raft of communication techniques which, when integrated, “make a strategic contribution to the policy and delivery aims and objectives of each government department”.

The group believes that to re-engage the public, more emphasis needs to be given to local and regional communications and this includes the vital role of the public service employees inter-facing direction with the public.

Apart from these specific recommendations, Phillis lists a series of ideas under consideration which are effectively extensions and elaborations of the Interim suggestions. However, the Prime Minister has also asked the group to take into account any recommendation emanating from the Hutton inquiry into the death of Dr David Kelly and to reflect on the responsibilities that the media have in not creating barriers to the public’s understanding of government and politics.

Reflections from the public relations literature

For some time concern has been expressed about the issues surrounding political communication (Maloney 2000; Michie 1998; Gregory 2002) These have largely been from an ethical dimension, particularly over the role of political public relations consultants and special advisers and the nature of political communication discourse. However, as with the Phillis Review Group, concern has been voiced over the issue of disengagement from the political processes as the general public become increasingly cynical about political communication of all kinds.

Indeed, for some time the public relations literature has recognised that trusted communication is critical as a building block to constructing a genuine sense of community which reinforces democratic processes and encourages participative involvement (Kruckeberg and Starck 1988).

Integration of communication with policy

A 15-year study of Excellence in Public Relations and Communication in the USA, Canada and the UK led by the American academic James Grunig encapsulated much of the thinking on this. A key finding of the research was that public relations is not just a technical support function providing communication expertise for other management disciplines, but is in itself a management function that helps an organisation to interact with the social and political environment. Public relations used strategically helps to develop high quality relationships with stakeholder groups and individuals which directly contribute to organisational and societal effectiveness.

Communication professionals must not only be technically competent, but in a strategic role they identify those critical publics who can affect or who are affected by organisational decisions and who can cause issues or crises for those organisations (including government). Thus, communicators must be a part of the decision and policy-making process to be able to advise senior managers on the consequences of decisions on publics or stakeholders and their likely reaction to them. Communicators bring a unique understanding of stakeholders into decision-making because as organisational boundary-spanners, who frequently interact with the stakeholding environment, they will be researching and listening to those stakeholders before decisions are made. (White and Dozier 1992) Excellent communication programmes include dialogue with critical stakeholders both before and after decisions are made in order to build good, sustainable relationships with them. Communicators who act as “message-crafters”, delivering messages after decisions are made are not able to act strategically.

Furthermore, the study found excellent communication departments do not flourish in organisations that are authoritarian, mechanistic and where one-way communications are the norm. Excellent communication flourishes where the organisational
culture is open and participative and a communicative culture helps to shape the organisation itself. Empowerment of the communication function is a key to communication success. Communicators should be either part of the power elite themselves or have easy access to those in power. In addition, their counsel on the communication dimensions of decision-making should be as respected as any other functional authority – the policy makers in government's case.

**Structural issues**

There is surprisingly little definitive advice in the public relations literature specifically on the structure of departments. Most of the standard texts describe the options available and one is devoted specifically to departmental organisation (Beard 2001). Typically departments are structured along task (for example, publications, events, design, press relations) or functional (e.g. government relations, community relations, customer relations) lines. Options are also given for centralised and/or devolved functions. What is emphasised though is the requirement for strong links between communication functions and there is little doubt that the corporate or “head office” public relations function has power to enforce cross-cutting policy and co-ordinate communication across divisions where that is necessary. The standard texts mentioned reinforce the need to co-ordinate communication efforts so that stakeholders are not given conflicting information and so that they are not engaged on an ad-hoc way by a range of communicators within the same organisation – such at least, is the theory.

**Special advisers, civil servants and spokespersons: the role of the advocate**

While Phillips discusses the role of civil servants and special advisers, the more interesting debate is around the nature and extent of advocacy and this remains still to be addressed. This is at the nub of the debate about spin. Indeed, the government’s vociferous advocacy and the attempted exclusion of opposing voices though the spin. Indeed, the government’s vociferous advocacy and the attempted exclusion of opposing voices though the Rebuttal Unit, along with the “gloss” put on its position has caused much concern and is the root of the ethical question.

The public relations literature itself holds different positions on this issue. In summary there are two models of practice: the relationship model and the advocacy model. The relationship model, whose main historic proponent is James Grunig, is posited on the notion that organisations are part of a wider social and political system and to thrive they must seek mutual dependence, co-orientation, co-existence and the building of mutually beneficial relationships. The excellence model of public relations, explained earlier, states that two-way symmetrical communication, where an organisation is as open to being influenced by its publics as it is likely to influence them, is the ideal. While it is recognised that absolute mutuality is idealistic and that in reality both organisations and publics are purposive in intent, “nevertheless, negotiations and compromise permit organisations and publics to find a common ground – a win-win zone” (Dozier et al op cit) where each can co-exist with an acceptable level of comfort and discomfort.

Central to this idea of relationship building is dialogue to reach mutual understanding. The rules of engagement in dialogue are not simple and the rhetorical school of public relations scholarship has made a major contribution to understanding.

The rhetorical school came to the fore in the 1990s, led by scholars such as Pearson, Heath and Toth (1998) who themselves are reliant on the work of Kenneth Burke (1969). They suggest that public relations involves publics making sense of the symbols (verbal, written, visual and/or behavioural) produced by organisations. To make sense of those symbols, dialogue needs to be entered into so that there can be agreement on meanings. To rhetoricians, the process of communication is at the ethical heart of the matter. They advocate a set of rules of engagement based on Habermas (1984) which require that participants test and probe ideas that are proposed, have equal freedom to initiate and continue dialogue, to set the discussion agenda and to challenge or explain. To do this they must have freedom from manipulation and equality of power. In turn, all those participating in dialogue become accountable for ensuring they are understood, that they are factually accurate, their communication is appropriate for the recipients and that they are sincere.

In contrast, the advocacy model stresses organisational autonomy and envisages that an organisation will assert itself on its environment and exert a level of control. (Barney and Black 1994) The rhetorical school supports advocacy in that they believe in the proposing and vigorous debate of particular arguments within the rules of engagement outlined above. The purpose of advocacy in this context is Aristotelian in origin: discover the truth through mutual agreement. The purpose is not to “win” but to ensure the best argument prevails. However, the more commonly accepted understanding of the word advocacy is overwhelming persuasive argument to a particular viewpoint with no sense of obligation to seek other views. The objective is quite simply organisational advantage – to “win” is very important.

Many practitioners would argue that their persuasion work is overtly partisan and therefore not unethical. It is for others to put a countervailing view. This view of advocacy is a popular model (Grunig and Hunt 1984) and it is easy to see why. First the employer pays and expects loyalty in return. Second many practitioners come from a journalistic background and the journalist’s role is to get the story out. As Heath says (2001:2): “This has led to a focus on message design and dissemination to achieve awareness, to inform, to persuade – even manipulate.” Thirdly, many practitioners believe advocacy should be encouraged in a democratic society where freedom to express opinions is cherished. Ultimately, it is up to “the public” to decide whether or not the arguments are acceptable.

There are problems with this position.
especially where the rules of ethical engagement for advocacy are not observed. Organisations sometimes act to suppress opposing voices with legitimate alternative views, for example, in the debate about genetically modified food. Furthermore, debate can be dominated by those with power, influence and resources.

Often communication advocacy is justified as being similar to legal advocacy. Clearly this is not the case since there is no judge to oversee fair play and no trained opponent with a guaranteed voice and equal resources. The divergence of opinion and tensions within the public relations literature is clearly reflected in the issues identified by Phillis. As previously mentioned, Phillis states that government communication should be regarded as a dialogue. However, he also says that advocacy is permissible, without saying how that advocacy should be conducted. The public relations literature does recognise that bounds have to be put on advocacy, for example Edgett (2002) has explicated a coherent case for ethical advocacy.

Phillis has gone part of the way to solving the problem by clearly separating the roles of special adviser and civil servants, and has recognised the unique position of the spokesperson as advocate, but he has not resolved or even addressed the issue of the nature of advocacy. Structural clarification will not resolve issues of content. However, it is clear that Phillis is trying to encourage a direction of travel towards relational and dialogical communication. Phillis recommends that government communicate through a whole raft of channels to engage with the public and specifically commends two-way communication channels. The Excellence Study mentioned earlier recognises that listening to publics is critical so that both the organisation’s self-interest and that of publics is balanced. Communication aims to manage conflict and build and enhance mutually beneficial relationships. The study suggests that this way public relations departments become the ethical conscience of the organisation and the de facto advocates of social responsibility.

**Engaging the public**

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**Conclusions**

The Phillis Review Group has identified a breakdown of trust between government, politicians and the media driven to a large extent by the adversarial nature of the relationship between government and the media. From the previous discussion it can be argued that the adversarial debate has its roots in the commonly understood meaning of the word advocacy. The government has sought to advocate its position and, the evidence suggests11 used both special advisers and civil servants to advance its political as well as governmental agenda.

Phillis proposes a move towards a relational model with its focus on mutuality and the responsibility to the wider public good. The author argues that this is best served by the mutual and relational model of communication. The ethical basis for this kind of thinking is deontological. Communicators of all kinds have an obligation or duty to do what is in the overall interests of society. Relationships of trust, of mutual benefit are “good” in themselves, but also benefit society at large.

The relational role of communication is vital because it serves a critical role in building and maintaining community – and that is the business of government. As Kruckeberg and Starck (1988: 53) say: “A community is achieved when people are aware of and interested in common ends. Communication plays a vital role as people try to regulate their own activities and to participate in efforts to reach common ends.”

**Notes**

2 ibid p 1
3 ibid p 2
This 15-year study has been reported in three books. The final report of the study undertaken by a variety of researchers in three countries is by Grunig, L., Grunig, J. and Dozier, D. (2002) Excellent public relations and effective organisations: A study of communication management in three countries, Lawrence Erlbaum Associates, Mahwah, NJ. This book was preceded by Dozier, D., with Grunig, L., and Grunig, J. (1995) Managers Guide to excellence in public relations and communication management, Lawrence Erlbaum Associates, Mahwah NJ which was an explanation of the theory and results of the study written largely for practitioners. The detailed literature review and conceptualisation of communication and management theory leading to the theory of excellence in public relations is contained in Grunig, J (ed) (1992) Excellence in public relations and communication management, Lawrence Erlbaum Associates, Hillsdale, NJ.


Note on contributor

Anne Gregory is the UK’s only full-time Professor of Public Relations and Director of the Centre for Public Relations Studies at Leeds Metropolitan University, the largest department of public relations in the UK. Before moving into academic life, she spent 12 years as a full-time public relations practitioner, holding senior appointments both in-house and in consultancy. Still involved in practice on a consultancy basis, she is President Elect of the UK Institute of Public Relations and editor of the institute’s Public Relations in Practice series. Contact: Centre for Public Relations Studies, Leeds Business School, Leeds Metropolitan University, Bronte Hall, Beckett park Campus, Leeds, LS6 3Qs. Tel: 0113 283 7520. Fax 0113 283 1751 email: A.Gregory@lmu.ac.uk
Ethical issues in alternative journalism

Alternative media have been examined in terms of their significance for the mobilisation of campaigns through activist information, political education and the critique of dominant ideologies (for example, Atton 2002a; Downing 2001; and Rodriguez 2001). However, little attention has been paid to the ethical bases on which the journalism of alternative media is produced. This paper is, I believe, the first attempt to address questions of ethics and morality in alternative journalism. Some of these questions are not dissimilar to those facing journalists in the mainstream, whilst some are particular to alternative media, resulting from those media’s specific, intellectual, political and moral standpoints.

The latter largely centre on issues of representation and objectivity, particularly developed from the structural and cultural characteristics of radical media, and the radicalising of journalistic practices through notions such as the “native reporter” and “active witnessing”.

Keywords: alternative, journalism, ethics, objectivity, “native reporter”, “active witnessing”

Introduction

First we need to identify some key characteristics of alternative media organisation and production. There has emerged a consensus amongst scholars in the field that alternative media organisations privilege non-hierarchical, often collective modes of organisation that are coupled with radical political agendas. These agendas would often, as Downing (2001) has argued, be played out in a prefigurative politics of communication through which radically democratic aims (his focus is on leftist, progressive media, rather than what he has later termed the “repressive” media of the far right) could be actualised within radical media formations. Such alternative media are also distinctive in terms of their content: accounts of political struggle and formations. Such alternative media are also distinctive in terms of their content: accounts of political struggle and formations. These studies emphasise the central role of individuals and groups normally considered to lie outside the professionalised media in terms of contributors, editors and owners. Hybridity can also been found in the form and content of alternative media reporting. It can be argued that, far from alternative media establishing ways of doing journalism that are radical to the extent that they mark dramatic ruptures from existing practices of journalism, their work may draw from existing forms (such as tabloid journalism) and methods (such as investigative journalism).

Tender (ibid) has argued that the use of tabloid forms of address (colloquial language, humour, the apparent trivialisation of subject matter, the brevity of texts) presents radical opinions in a populist manner that subverts the existing models of tabloid journalism (normally employed to maintain conservative news agendas). These radical forms connect historically with earlier, radical forms of journalism that predate the commercialised and capitalised forms of journalism that are normally considered as the originating sites of tabloid journalism (Williams 1970). In the UK, the radical press of the eighteenth and the nineteenth centuries may be considered as a precursor of current radical news sheets such as SchNEWS. These styles of radical journalism developed from social movements and thus represent “social” media that emphasise a communicative democracy based on a “media commons” rather than on a segregated, elitist and professionalised occupational activity. Hamilton (op cit) has taken this argument still further, finding examples of these participatory media as far back as early-modern England.

Alternative media projects tend to be edited, written and run by non-professionals, by groups that are primarily activist for progressive, social change. From a leftist perspective, Downing has highlighted a general political perspective of social anarchism that informs and drives such media practices. Downing explicitly places the organisation of radical media and their journalistic practices in opposition to a construction of mainstream media that is largely monolithic, centred on profit-making, hierarchical organisation and a practice of journalism that, by dint of its routinisation and codification as a profession, is implicitly exclusive. Against this he presents an ideal type of radical media, one that is radically democratic in terms of access and political aims, which Rodriguez has valuably termed “citizens’ media” (Rodriguez op cit).

This is not, however, to perpetuate a binary opposition between alternative and mainstream media. Recent studies of alternative media have begun to illuminate the complex, hybrid nature of alternative media in relation to its mainstream counterparts (Downing, op cit; Atton 2002b; Hamilton and Atton 2001; Hamilton 2003). Conspicuous features of alternative media practices have not simply broken with mainstream practices, they have often sought to radically redefine them. These studies emphasise the central role of individuals and groups normally considered to lie outside the professionalised media in terms of contributors, editors and owners. Hybridity can also been found in the form and content of alternative media reporting. It can be argued that, far from alternative media establishing ways of doing journalism that are radical to the extent that they mark dramatic ruptures from existing practices of journalism, their work may draw from existing forms (such as tabloid journalism) and methods (such as investigative journalism).

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In the contemporary media landscape there are many candidates for inclusion as “alternative media”. Whilst many of these do draw on mainstream journalistic practices, many map less easily on to the idealised notion of alternative media as springing from radical social movements. Some, such as the monthly social justice magazine, New Internationalist, organise their editorial activities on an explicitly collective basis, at the same time as they function as commercial ventures. The work of the investigative and satirical British fortnightly Private Eye is run on more traditional lines, seeking advertising largely from suppliers of goods and services targeted at a high-income audience. Many of their contributors are professional journalists “moonlighting” anonymously, finding in the magazine a place for stories they are unable to publish elsewhere (often for legal reasons).

There is an enduring socialist press in the UK, including such publications as Socialist Worker and Tribune. As the media of specific political movements or parties they combine editorial hierarchy with a desire to involve readers (activists) as contributors to their pages (see Allan 1985 for a critical examination of Socialist Worker’s attempts to achieve this). The radical, local community press of the 1970s (documented, for example, in Minority Press Group 1980 and Whitaker 1981) has largely vanished. In its place we have seen the rise of publications targeted not at geographic communities but at communities of interest. These include newspapers and magazines produced by and for specific ethnic and sexual communities: the black and Asian press, the gay and lesbian press, for example. Most of these survive through traditional, commercial means (advertising) and preserve editorial hierarchies of organisation, at the same time writing for and from within the communities they serve. A publication such as The Big Issue, founded on capital from Gordon Roddick of the Body Shop, similarly combines editorial hierarchy, advertising as a funding mechanism and contributions from both young, professional journalists and non-professionals.

In the space of an essay such as this, it is impossible to explore this heterogeneity of approaches. However, it is possible to isolate a set of ethical practices which, in differing ways, we may find at work across the field of alternative media. In what follows I have chosen to draw largely on examples from what we might consider as grassroots, social movement media. This is in order to throw these practices into sharper relief against the background of the dominant, mainstream versions of these practices. Whilst studies of alternative media have increased in frequency, depth and insight in recent years, there has been little sustained work on the practices of journalism, still less on the ethical dimensions that such radical practices might entail.

The rejection of objectivity and impartiality
The professional ideal of objectivity, understood as the separation of “facts” from “values”, may be considered as the key ethical dimension of journalistic practice. Allan (1999) and Schudson (1978, 2001) locate the emergence of this normative practice in the American press of the 1920s and 1930s. It was due, they argue, to two separate, but linked social forces. The first was rooted in “popular disillusionment with state propaganda campaigns” and “a wariness of ‘official’ channels of information” (Allan ibid: 24). If “reality” could no longer be reliably constructed from officialdom, then a more “rational” method was needed. This was found in the second social force, that of scientific rationalism. Journalism at this time was aligning itself as a profession alongside science, the law and medicine, thus it appeared “natural” that it should draw for its rigour on the scientific method employed by those professions. The results, as Allan emphasises, were swift and enduring. Specialised “beats” emerged and with them came the expert journalism and the by-lined report. Investigative reporting and interviewing flourished; “‘impersonal’, fact-centred techniques of observation” (Allan ibid: 25) informed these practices, with the consequent rise of the columnist whose work was clearly separated from “the news”, and who was allowed the freedom to engage in value-driven writing.

Though as Schudson reminds us, the rise of objectivity as an ideology was never a merely technical exercise, not just a claim about what kind of knowledge is reliable. It is also a moral philosophy, a declaration of what kind of thinking one should engage in, in making moral decisions. It is, moreover, a political commitment, for it provides a guide to what groups one should acknowledge as relevant audiences for judging one’s own thoughts and acts. (Schudson 1978/1999: 294)

Practitioners of alternative journalism have both recognised the moral and political nature of objectivity and have directed their work to challenging its central assumptions: that it is possible in the first place to separate facts from values and that it is morally and politically preferable to do so. Such challenges are not the sole province of alternative journalists, neither are they new. The Glasgow University Media Group’s (GUMG) work stands as a significant project exploring the concatenation of facts and values in television news reporting that still considers itself objective and impartial (Eldridge 2000).

Workers within alternative media, however, seek to challenge objectivity and impartiality from both an ethical and a political standpoint in their own journalistic practices. Amongst practitioners in the US and the UK at least, the power to do so in recent decades has come not from the critical media studies of such as GUMG but from American scholars whose prime expertise lies elsewhere. The radical political essays of American dissidents such as Noam Chomsky and Edward Said (especially Chomsky) continue to be cited in alternative media as the major demystifiers of the objectivity of the US corporate media.

From these accounts (for example, Chomsky 1989; Said 1981) alternative journalists have begun to finish the story, so to speak. Convinced by and sympathetic to such notions as Chomsky’s “worthy and unworthy victims” and the systematic and longstanding
pro-Zionist coverage in the American media at the expense of Arab (specifically notably Palestinian Arab) voices, these journalists have sought to expose the moral claims of their mainstream counterparts. This stance can be considered as a supremely ethical one for it seeks to present through radical journalistic practices moral and political correctives to the “fact-centred techniques” found to be just as value-laden as the “pre-objective” journalism they sought to replace. But what ethical issues do these radical practices bring with them? What does being an alternative journalist mean in ethical terms?

Alternative ethics

Alternative media are characterised by their explicitly partisan character. In the language of ethics, they exhibit clear biases, yet they proclaim their selectivity and their bias, and generally have little interest in “balanced reporting”. What may we find in such practices that makes them different from, say, the tabloid newspaper that exhibits clear and consistent bias against asylum seekers or the gay and lesbian communities, as many British tabloids continue to do? The dominant moral argument within alternative media has two aspects. First, alternative media projects tend to be set up to provide a counter to what alternative journalists consider an already-biased set of reports. Sceptical of what counts as balance in the mainstream media, they seek to set up their own counter-balance. Hence, the argument runs, the viewpoints already dominant in the mainstream media do not need repeating. What appears as bias and the absence of balance in the alternative media is to be considered not as a set of absolute truths; instead it comprises a set of accounts told from different perspectives.

The practice of alternative journalism thus enacts Edgar’s (1992: 120) claim that “journalism cannot be objective, for that presupposes that an inviolable interpretation of the event as action exists prior to the report”. These stories might well use official or semi-official sources in the public domain that have been ignored by mainstream journalism, such as the investigative journalism of CovertAction Quarterly in the US and the “parapolitical” journal Lobster in the UK. For example, in 1995 the US journal CovertAction Quarterly published an extensive feature on British military tactics to target Republican teenagers in Northern Ireland for harassment and even death. Lobster was the first to break the story about Colin Wallace and “Operation Clockwork Orange”, the MI5 plot to destabilise the Wilson Government.

Second, alternative journalism seeks to invert the “hierarchy of access” (Glasgow University Media Group 1976: 245) to the news by explicitly foregrounding the viewpoints of “ordinary” people (activists, protesters, local residents), citizens whose visibility in the mainstream media tends to be obscured by the presence of elite groups and individuals. Langer (1998) has shown how a limited set of narratives and character-types within mainstream narratives operate forms of cultural closure that prevent other forms of story-telling and other representations (whether oppositional or contradictory) from being essayed. In the case of ordinary people, dominant story-types deal with overturning expectations - there is an emphasis on how the “unremarkable” individual may be capable of extraordinary achievements (such as through adversity or lack of cultural and material resources). Ordinary people are also encountered as subject to the control of external forces (“fate”), in which Langer locates stories of human tragedy (such as accidents, deaths and bereavements). In both cases, such stories and their actors tap into mythic representations of heroes and victims, from which derive their cultural-symbolic power and their resonances with audiences. The representation (and, as we shall see, the self-representation) of ordinary people in alternative journalism seeks not to set them apart as either heroes or victims but as a set of voices apart as either heroes or victims but as a set of voices with as equal a right to be heard as do the voices of elite groups. In so doing a further division is erased, that of “fact-based” reporting and “value-driven” commentary. Story-telling by those who are normally actors in other people’s stories conflates these emblematic types of journalism and challenges the expert culture of both the news journalist and the “expert” columnist.

The alternative media emphasise a humanistic set of journalistic values that are far removed from either the attempts at objective reporting or the persistence of the ideological necessity of objectivity. Alternative journalists enact social-responsibility journalism with an important difference. Unlike the social responsibility journalism attempted in the US, culminating (for the present) in the public journalism movement, alternative journalists do not inhabit the mainstream – where public journalism seeks to effect change from within current practices and organisational regimes, alternative journalism seeks to do so freed from the constraints that limit the development of social responsibility in mainstream journalism (Davis 2000; Woodstock 2002).

We have already noted that alternative media is not simply about doing journalism differently, it is also about organising differently. This holistic approach to radicalising media practices offers freedom for journalists from many of the constraints that typically face mainstream journalists and that can present an array of often conflicting loyalties that interfere with daily practices of doing journalism. There is a strong ethical dimension to the organisation and production of alternative media. Advertising is largely rejected, for fear of publications being influenced by external forces (though many publications do take advertising for products and services they approve of, such as those for similar publications and the products of ethically-trading companies). The notion of proprietorship is quite foreign to alternative media, given that most are run democratically and co-operatively by the media workers themselves. If the loyalties we find in mainstream media tend to be absent, in their place we find loyalties that centre on “community”, whether a community of interest or an “actually lived”, local
community. The journalists place themselves firmly within such communities, espousing a loyalty that proceeds at the same time from specific causes or ideologies and from the particular, activist communities in which they are actors. Such loyalties are increasingly established on a trans-national scale (as we find in the global Indymedia network). As Harcup has pointed out in his examination of journalism ethics within the mainstream, this is a significant loyalty that can often be overlooked: “the journalist as citizen, with a sense of loyalty to other citizens” (Harcup 2002: 103). It is this loyalty, this concern with the citizen and especially with making the voices of those citizens heard that drives much alternative journalism and has resulted in a particular ethics of representation, through the practice of “native reporting” (Atton 2002: 112).

Native reporting and issues of representation

If, as Fursich (2002: 80) argues, “most reporting is a form of representing the Other”, then the most powerful journalistic method employed to counter Othering within alternative media is surely that of “native reporting”, where social actors, instead of being subjects of the news become their own correspondents, reporting on their own experiences, struggles and ideas. This has become a common method of alternative journalism and finds its most developed forms in the “active witnessing” (Couldry 2000: 37) journalism of the new social movements, such as those produced by the British video magazine Undercurrents and the international, web-based news service Indymedia. Both privilege a journalism politicised through subjective testimony, through the subjects being represented by themselves: “native-reporting situates the activist in both the texts they produce and in the sociopolitical contexts in which they place them (and are themselves placed)” (Atton 2002: 113).

An illuminating instance of this practice is a video report produced for Undercurrents by “Jen”, an activist for the Campaign Against Arms Trade (Atton 2002: 113-114). Her piece presents her as advocate for arms control, an activist campaigner, a commentator and an investigative reporter, emphasising the hybrid nature of much alternative journalism. Here, explicitly partisan accounts are constructed from a personal, ideological commitment that deals with the emotive and the rational through a radicalisation of journalistic technique. Bias and selectivity apart, though, what ethical issues does this approach raise? It is clear from Jen’s report that she is not a professional journalist, nor does she pretend to professionalism. Her interview with Robin Cook (then Foreign Secretary for the British government) is opportunistic, unplanned, hurried and brief. I have shown Jen’s report to many postgraduate journalism students and have found a striking consensus. Whether finding themselves either already sympathetic to the cause being advocated or, if previously ignorant of the issues, finding themselves satisfactorily informed about those issues, almost all the students found Jen’s lack of conventional journalistic expertise worrying and at times embarrassing. Is this an example of the threat to professional values that access to technology can bring, where “anyone with Internet access [or access to a camcorder or a minidisc recorder] can, in theory, set up their own media operation” (Keeble 2001: 12)? Does this threaten standards to such an extent that it undermines trust in the profession of journalism? Perhaps this is the wrong question to ask. Instead, we may identify different, more beneficial ethical dimensions.

First, such reports are about mobilising public opinion. In this respect, they are no different from the campaigning journalism of the mainstream media. The presence of explicit mobilising information is an enduring characteristic of alternative media, the aim of which is to suggest possibilities for social action to audiences (Bybee 1982; Lemert and Ashman 1983). Second, deprofessionalised approaches to doing journalism have been found to encourage audiences to start their own media projects, to become their own reporters (Atton 2002: Ch. 5). Together these may result in the “de-naturalisation” of media spaces, encouraging audiences to rebalance the differential power of the media and to consider how “the media themselves are a social process organised in space” (Couldry op cit: 25). Media audiences may thus become media activists, having available to them methods for the de-naturalisation of the media, for re-imaging and renaming media power in their own locales, in their own words.

But we must not consider this one example as typical. The value of acquiring conventional training in journalism has been recognised by many alternative media projects and journalists (indeed, some of those who work for the alternative media are “moonlighting” from day jobs in the mainstream). The writing styles in US publications such as CovertAction Quarterly and Z Magazine strongly resemble those found in investigative journalism within the mainstream. Undercurrents offered camcorder training to activists and strove to produce broadcast-quality footage. The British alternative political newspaper Squall was staffed by activists who had or were undergoing journalism training (say, at night classes) and some of their reporters and photographers have produced work that has accorded so well with professional standards that it has been published in more mainstream publications (such as Gibby Zobel’s work in the Big Issue and the Guardian).

These differences are simply the result of producing journalism for different audiences. Despite Undercurrents’ desideratum of broadcast-quality footage, it also celebrated the performativity of “underproduction”: “turn your weaknesses (few resources, little experience) to an advantage by keeping your feature simple but powerful” (Harding 1997: 149). The primary audience for such work, it was assumed, would be the activist community itself. Squall, on the other hand, was more interested in “talking to the bridge” and celebrated the diversity of their readership (which included British Members of Parliament). The paper operated its own house style in order to preserve
its standards. The radical news sheet SchNEWS, produced weekly in Bristol, England, also has a house style of its own, yet its espousal of tabloid conventions sets it quite apart from the alternative journalism we have so far considered. In its employment of pun-filled headlines (such as Terror Firmer, Chinese Horrorscope’, Water Disgrace!) and its colloquial and irreverent copy style SchNEWS might be considered as the British tabloid of alternative journalism. It takes the ethical stance of native reporting and places it in a framework derived from right-wing newspapers whose ideologies could not be further from its own. In so doing it both inverts the hierarchy of access to the media at the same time as it subverts media conventions through which familiar prejudices (racism, homophobia) are communicated.

The representation of, for example, ethnic minorities and of gays and lesbians is rarely an ethical issue for alternative journalists, since they are already operating from within a morally “progressive” environment where discriminatory practices largely do not arise. Where biased representation may arise is, ironically enough, as a result of a politically progressive notion of free speech. Apparently influenced by Noam Chomsky’s dictum that “if you believe in freedom of speech, you believe in freedom of speech for views you don’t like” (cited in Achbar 1994: 184), some alternative media projects have relinquished what has been an abiding ideology of “no platform for fascists/racists/homophobes” in favour of an “open platform” approach. This is in part a libertarian impulse, but has also been the result of “open publishing” software used by Internet-based media such as the Indymedia network.

Open publishing software enables any individual or group to upload (“publish”) material onto a website without editorial approval. Intended to encourage native reporting and democratic access to the media, it has predictably been used by racists to post offensive material to Indymedia sites. Indymedia’s IMC-Global website (www.indymedia.org) responded to this by removing such material, as well as removing its “open newswire” from its front page. A communiqué from the editorial team explains this: “While we struggle to maintain the news wire as a completely open forum we do monitor it and remove posts” (www.indymedia.org/publish.php3). Indymedia do, however, still make these posts available in a separate page titled “hidden stories” (http://www.indymedia.org/search-process.php3?hidden=true). Whilst censorship and editing does take place, it does not prevent voices from being heard, nor prevent users from accessing that content. Neither does this quasi-editorial function of the core group extend to the editing of individual pieces of work. These limits apart, Indymedia enable any activists to contribute their work.

What began as a technical advance, though, has developed into a political issue. Activist and Indymedia contributor ChuckO (2002) has called for “aggressive action against racist and anti-semitic posts [which have] damaged Indymedia’s reputation with Jewish people and people of color”. The loyalty to communities is once again present, though here it is part of a dilemma: to support free speech but to denounce hate speech. The issue is complicated further by the independence of Indymedia sites. Each of the 70-odd sites that comprise its international network is editorially independent from the rest. As Sara Platon (2002) notes in a response to ChuckO, “each one of them has its own editorial policy and its own way of dealing with racism or other ‘unwanted’ articles and comments in the main newswire. Some are more pro free speech, and some are more restricted in what they ‘allow’ on the website”.

Just as there is a range of hybridised approaches to doing alternative journalism, there is also an array of ethical response, often apparently in conflict with those prevalent across mainstream media. Whilst alternative journalism has no written code of ethics (nor is it likely to, given its heterogeneous and libertarian nature), its ethical practices are explicit. Platon argues that “unlike as in more traditional forms of mass media, disagreements within the Indymedia news network are often out in the public domain”. However alien the ethical practices of alternative journalism might appear from within the mainstream media, the various methods and techniques it has developed to address bias, impartiality, representation and professionalism are similarly out in the open. At the very least we may attend to them. We may find in them a range of practices and also challenges to those practices. We may also find in them challenges to dominant journalistic practices that, some might argue, are long overdue.

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Note on contributor
Dr. Chris Atton, Reader in Journalism, School of Communication Arts, Napier University, Craighouse Road, Edinburgh, Scotland EH10 5LG; Tel +44 (0)131-455 6127; Fax +44 (0)131-455 6193; c.atton@napier.ac.uk He is the author of Alternative Literature (Gower, 1996) and Alternative Media (Sage, 2002) and the editor of a special issue of Journalism: Theory, Practice and Criticism on alternative journalism (2003). He is currently co-editing a special issue of Media, Culture and Society on alternative media and is researching the use of the Internet by far-right political groups in the UK. His third book, An Alternative Internet, will be published next year by Edinburgh University Press.
Press Complaints Commission: Privacy and accuracy in ten years of self-regulation of the British press

Keywords: PCC, Press Complaints Commission, self-regulation, press, complaints

The Press Complaints Commission (PCC) is the self-regulatory body established by the UK newspaper industry to adjudicate readers’ complaints. Its tenth anniversary presented an ideal opportunity to conduct a statistical analysis of the commission’s performance in dealing with readers’ complaints. The study reveals that although the PCC had handled almost 23,000 complaints from 1991 to 2001, it adjudicated on only 707, upholding approximately 45 percent (321). In a detailed examination of the PCC’s performance in adjudicating on accuracy and privacy, the two most significant areas of complaint, this study finds that not only has the PCC adjudicated relatively few such cases, negating the PCC’s claim to be raising standards through its adjudications, but that complaints from celebrities play a much more significant role in the PCC’s work than the commission suggests. The study also finds that the PCC’s rate of upholding such complaints, particularly accuracy, has reduced significantly over the ten-year period. There is little empirical evidence that standards have been raised or that the culture of British newspapers and magazines has changed in that period as has been claimed by the PCC.

Controversy dogs PCC since founding

The PCC was set up in January 1991 in the wake of growing concerns about the invasive nature of some of the media and the falling reputation of the Press Council, the previous self-regulatory press body. The commission was proposed by the Calcutt committee set up by Margaret Thatcher’s Conservative government in 1989 to examine privacy and related matters. (See Frost 2000: 190; O’Malley and Soley 2000: 89; Shannon 2001: 35) It was a time of growing public concerns over the intrusive nature of some news media and the seeming inability of the Press Council to deal with it. (Robertson 1983)

Several controversial invasions of privacy over the past few years, including reports about entertainer Zoe Ball, model Naomi Campbell, footballer Gary Fitcroft and the Catherine Zeta Jones and Michael Douglas v Hello court case, have highlighted the issues of invasions of privacy and journalistic sensationalism. A report in June 2003 by the culture, media and sport select committee of the House of Commons examined the performance of the British press and the PCC and while it did not recommend replacing the PCC, proposed a number of changes and recommended the introduction of a privacy law (House of Commons 2003 vol 1 pp111).

The PCC has attracted criticism from politicians, media critics and the public almost from the outset and Sir David Calcutt QC was asked to examine its performance in 1993. He reported that the commission was failing and should be replaced by a statutory press tribunal (Frost, 2000, O’Malley and Soley 2000) The appointment of Lord Wakeham as chairman in 1994 reduced the number of attacks on the PCC from media commentators (Shannon 2001: 165-167) as he handled the continuing rows about intrusion into the lives of celebrities (and royalty, in particular) with more subtlety than his predecessor, refusing to be drawn into making reckless comments about apparent breaches of the code. (op cit: 186-196)

A short history of privacy in the UK

The Judicial Proceedings (Regulation of Reports) Act 1926, was one of the first pieces of UK legislation outlining what could be written about people’s personal lives. (Frost op cit: 122) Journalism organisations agreed to condemn methods of news-gathering which caused distress to private persons in 1937. Bills were presented before parliament in 1967 and 1969 to limit intrusion into privacy. The Nordic Conference on the Rights of Privacy in 1967 kept the subject topical but it was not until 1970 that there was a serious attempt to introduce a law on privacy by the justice committee. (ibid.)

The 1972 Younger committee on privacy concluded: “Privacy is ill-suited to be the subject of a long process of definition through the building up of precedents over the years since the judgements of the past would be an unreliable guide to any current evaluation of privacy.” (committee on privacy 1972: 206) The Sexual Offences Act (1976) introduced the concept of anonymity in to UK law, making it an offence to name victims of rape. It also gave anonymity to the accused in such cases, a protection later removed by the 1988 Amendment Act, but once again suggested by the government following several high profile cases.
The Data Protection Act (1984) gave some right to privacy and this was strengthened by the 1989 Data Protection Act and the introduction of the concept of sensitive personal data. Several MPs attempted to introduce a right of privacy during the early 1980s but the government finally agreed to investigate the problem in 1989 with the appointment of the Calcutt committee. It recommended against a statutory tort of infringement of privacy but called for a criminal offence of physical intrusion and the placing of surveillance devices. Calcutt advised that the taking of photographs and bugging without consent should also be offences.

The second Calcutt report in 1993 recommended a tort for infringement of privacy and the Heritage committee later in the year also asked for a protection of privacy law, with a public interest defence. However the government announced in 1994 that it had postponed plans for privacy laws indefinitely. The Lord Chancellor proposed a law of privacy in 1998. However, the Human Rights Act of 1998 granting a right of privacy in the UK for the first time, meant that there was no likelihood of statutory change while everyone waited to see what effect the new law would have. The present government has announced its intention not to introduce a privacy law in its response to the culture, media and sport select committee report on “Privacy and Media Intrusion”:

“…the committee also make the case for introducing a privacy law. The government does not accept that case, and considers that existing legislation is capable of dealing adequately with questions of privacy.”
(Department of Culture, Media and Sport 2003: 1.4)

The other big area of concern for the public in general and those who are written about is accuracy. Accuracy raises more complaints than all the other issues put together accounting for an average 60.5 per cent of complaints to the PCC. Many of these are easily dealt with and the number dealt with to the satisfaction of the complainant after the early intervention of the PCC leads one to wonder why the newspaper concerned did not arrange a correction or apology in the first place, bearing in mind that the PCC will not take complaints unless the publication is approached first.

Throughout its brief history the PCC has issued regular reports of its adjudications. From 1993 it has also issued an annual report. The total number of complaints received each year rose to a peak of 3,023 in 1996 although there are more typically 2,500 a year (see figure 1). This means that during the first ten years, there were 22,988 complaints. Of these the commission adjudicated only 707. An examination of these complaints and the decisions made by the PCC provides an insight into the workings of the PCC and, perhaps more significantly, how press self-regulation is intended to change the ways in which journalists work. It should also illustrate the areas in which the PCC actually works (rather than those where it claims to work) and where it fails, as many of its critics believe.

The PCC, privacy and accuracy: analysing the data

The method applied provides a statistical analysis of the PCC’s regular reports, usually issued quarterly but occasionally, in the early years, either monthly or six-monthly along with the commission’s annual reports issued from 1993. The annual reports show the total number of complaints received and the percentage of complaints made under each clause of the code of practice (see table 1). The quarterly or monthly reports give the adjudications on each complaint investigated by the PCC.

Investigated complaints are the only cases adjudicated but form only a small portion of the total number of complaints received; they are the only cases that illustrate the PCC’s thinking on ethical matters. Each adjudicated complaint as reported in the quarterly/monthly bulletins was entered in a database. The database listed the name of the complainant, whether they were well-known, the name of the newspaper, the substance of the complaint, any particular comments made by the PCC and the number of the report in which the complaint was adjudicated. In addition, each complaint was coded against the clause of the code of practice that it was alleged to have broken. The major change in the code of conduct, introduced in January 1998 following the death of the Diana, Princess of Wales, meant that those complaints made after that time were adjudicated against a new code. However, the main thrust of the code did not change, only the way in which the commission was able to interpret it. So, for instance, there was a clause on privacy in both the old and new code, but the new code took a much stronger line preventing some invasions that would have been possible with the former.

The final outcome, as adjudicated by the PCC, was listed against one of the following categories:

- upheld;
- upheld in part (this usually means that the complaint fell under more than one element of the code and while one or more was upheld, others were not);
- rejected (occasionally listed as not upheld. The reason for this different use of wording is not explained by the PCC);
- not pursued (that is by the PCC – there are several instances where, having accepted a potential breach of the code, the commission refused to adjudicate);
- resolved.

It was decided to include a field called “well known”, which would identify celebrities or well-known personalities, to see if the PCC was serving the ordinary person. The rich and famous, as is often pointed out, have a very different relationship with the media to ordinary people. They are also in a much better position to protect their rights through the courts or by more subtle means such as controlled access. It is a category identified by the PCC as significant and they have started identifying “those in the public eye” since 2001.

The difficulty with identifying someone as well-known, for the purposes of analysing data on PCC
Chris Frost

outcomes, is that it is such a subjective judgment. In an attempt to bring consistency to the decisions it was decided to apply the following criteria:

- celebrities;
- TV actors, performers and presenters who would be recognised by a reasonably wide section of the community;
- pop singers, musicians, producers, DJs and others who would be recognised by a reasonably wide section of the community;
- film actors, directors, writers and any others who would be recognised by a reasonably wide section of the community;
- celebrities from any artistic community who would be recognised by a reasonably wide section of the general community;
- those who are well known or notorious from any walk of life but particularly including entertainment, business, academia, trade unions, politics and charities;
- MPs are listed as well known regardless of how well-known they actually are;
- councillors are only listed as well-known if they would be recognised by some section of the general community (for instance, Lord Mayor of London, Ken Livingstone). However, for a small provincial paper, the general community might itself be quite small and so the councillor might be well known in those circumstances;
- royalty: where a complaint is made for a member of the royal family, it is usually made by the royal press office and so this is normally cited.

To ensure consistency of statistical display, the following rules were followed when identifying complainants:

- Where more than one person complained about the same story, a separate entry was made unless the complaint was clearly made jointly.
- Where complaints were made through a solicitor, the principal figure is used as the complainant, not the solicitors. It was normal for major celebrities such as Sean Connery or Elton John to complain using a solicitor.
- Any complaint involving more than one paper is listed as a separate complaint against each paper.

Topping the complaints league

The two most significant complaint types are over accuracy and privacy. Accuracy tops the league both in terms of the number of complaints made and the number adjudicated. Some 60 to 70 per cent of complaints made concern accuracy. The PCC's annual reports for the first three years do not make it clear how many complaints have been made about accuracy so an average was calculated for complaints made about accuracy for years 1994-2000. Using this average percentage on the total number of complaints received for years 1991-1993 it was calculated that approximately 14,404 complaints were made about accuracy in the first ten years of PCC work (see figure 2).

The monthly reports of adjudications show that of these, only 422 (2.9 per cent) were adjudicated with 141 being upheld (33.4 per cent of those adjudicated, 1 per cent of the total) (see figure 5).

Privacy is the second most complained of category with 12 to 14 per cent concerning privacy. Using the same method as above, it was calculated that approximately 3,127 complaints were made about privacy in the first ten years (see figure 3). Of these, 220 (7 per cent of total complaints received) were adjudicated and 75 (34.21 per cent of those adjudicated, 2.4 per cent of the total) were upheld (see figure 6).

The PCC’s performance

In the early years of this study, there was a rapid increase in both complaints and adjudications. Complaints continued to rise until 1996 after which they fell, a change the PCC identified as signalling that self-regulation was working. It is worth noting (although it is outside the scope of this study) that complaints for 2001 and 2002 showed an increase (see figure 1). Adjudications also fell away sharply after an early rise to a peak in 1993. Again it is worth noting that despite an increase in complaints in 2001 and 2002, the number of adjudications continued to decrease (see figure 4).

There has been a matching fall in the number of adjudicated complaints about accuracy (see figure 7). Peaking at 69 in 1992, they have fallen steadily to 19 in 2000 with a low of 15 in 1999. Not only has the number of this type of complaint to be adjudicated fallen, but fewer adjudications have been upheld as a percentage (see figure 8). The number upheld in 1991 was 52.2 per cent. This fell in the following year to 35 percent and continued to drop over subsequent years to 26 percent (20 percent in 1999). This means that not only has the PCC adjudicated fewer complaints about accuracy in real terms over a period during which complaints were generally on the increase, but that it has upheld fewer of these complaints year on year. (see figure 9).

The picture is not so clear with privacy. The percentage of total complaints concerning privacy have risen over the years until 1996 (see figure 3) but have fallen steadily since then, although this seems to be because an increase in complaints about children and discrimination. The wide variation, year on year, of privacy complaints adjudicated make it almost impossible to detect any pattern (see figure 6 and figure 10). However, the percentage of complaints made about privacy that were upheld (figure 11) and the percentage of upheld complaints adjudicated about privacy (see figure 12) have both reduced steadily.

Complaints from the “well-known”

Most of the noteworthy cases involving privacy over the years have concerned celebrities. The PCC claims it does not favour celebrities:

“…ordinary people continue to make up the vast majority of our complainants. Contrary to belief in
This may be the case for complaints received, but it is not so when adjudicated cases are examined. The PCC uses the term “people in the public eye” but it is reasonable to suppose that this will be virtually indistinguishable for the term “well known” as explained above. The 2002 PCC annual report (http://www.pcc.org.uk/2002/statistics_review.html#table2: July 2003) shows that only 3 per cent of complaints came from “people in the public eye” (the same as in 2001) with 7 percent being made by groups or organisations. It is impossible to compare the years used for this study as data on “people in the public eye” had not been recorded by the PCC before 2001. Using the criterion “well known” as detailed above, figures 13 and 14 show the number of celebrity and “ordinary” complaints that were adjudicated in each year. In 1997, 4.6 percent of adjudications concerned “well known” people. This was the closest figure to the 3 per cent claimed by the PCC in 2002 but usually the number of adjudications concerning celebrities was much higher (see figure 13 and 14). It should be noted, however, that this is adjudications and not just complaints made, the category which the PCC is using as the basis of its figures. Since many complaints from the “well known” are made through professional advisors (such as solicitors), it seems likely that a higher percentage of these complaints might be adjudicated as the advisors are more likely to be able to make best use of the system. It was found that the number of “well known” cases adjudicated on privacy were typically 9.3 times higher than would be the case using the PCC’s claimed 3 per cent complaint rate and for accuracy they were 2.8 times higher.

More of the “well known” cases were upheld. Whilst this was not significant in the case of accuracy with 33.8 percent of “well known” complaints upheld on average compared with 30.6 percent of complaints from others, the difference was much more marked when it came to privacy. Here only 29.7 percent of “ordinary” cases were upheld compared with 47.4 percent for “well-known” (see figure 15). This means that almost half of all “well-known” complaints about privacy were upheld compared with less than a third of non-celebrity complaints.

It is difficult to see any reason why this should be, particularly as many celebrities, certainly recently, seem to prefer approaching the courts if they think there is a strong case for invasion of privacy. It may be that celebrities are more used to appearing in the media and are less likely to complain for minor infringements of privacy compared with a non-celebrity and therefore the breaches of their privacy, when they do complain, tend to be a more obvious breach of the code.

Press intrusion

Although well-known people may only complain about obvious breaches, for many ordinary people, invasion by the media is often so appalling that seeking a remedy through the PCC also seems an unlikely option, especially as the only remedy on offer is the publication of an adjudication that risks either being virtually meaningless or repeating the original invasion. It would appear that most ordinary people would prefer that the invasion of privacy (and often the incident that had caused it) had not happened at all and are, therefore, not prepared to go to the trouble of complaining. “The whole process would not be worth the upset,” commented one person dragged into the news after the murder of her sister. (House of Commons culture media and sport committee 2003 vol III: ev 203).

Rosemary McKenna MP, of the culture, media and sport select committee, described the attitude of many complainants: “These people do not want redress for themselves, but what they want to do is make sure it does not happen in the future, that ordinary families caught up in a tragedy do not end up in this situation.” (ibid. vol II ev 68). Some complainants to the PCC are satisfied with the process and find that the conciliation service offered is helpful. The PCC itself claims that 62 percent of complainants felt their complaint had been dealt with satisfactorily or very satisfactorily in a survey of 492 complainants carried out in the first half of 2003 (http://www.pcc.org.uk/press/detail.asp?id=110 Sept 2003) Some examples of satisfied complainants appear in evidence to the culture media and sport select committee report (Vol III ap80, ev131; ap83, ev132; Ap88, ev135; Ap90, ev136; Ap92, ev137; ap112, ev153; Ap114, Ev154). However it is clear from most of these that the PCC has only acted as an intermediary to ensure a belated apology or the publication of a letter, something the newspaper could have offered immediately a complaint was first made: “I was favourably impressed with the way the commission handled my complaint. The Telegraph was persuaded to publish a letter setting the record straight.” The writer went on to doubt that his letter “caught nearly so many eyes” as the original piece. (ibid. ap80, ev 131). In another example, the writer said: “I contacted the commission at that time, and they were incredibly sympathetic and helpful, securing a written apology (after several attempts!) from the editor…” (ibid. app90, ev136).

Many complainants, while finding the PCC staff helpful and sympathetic, still feel that the PCC’s idea of self-regulation did not deal with their complaints and much of the evidence sent to the select committee contains sentiments such as: “the Press Complaints Office was a waste of time…” (House of Commons select committee 2003: app 89, ev 135); “The PCC needs to be given more teeth…” (ibid. ap91, ev 137); “The complaint was upheld, although it did not prevent a further mention in another newspaper at a later date.” (ibid. ap94, ev137); “The PCC is a toothless tiger” (ibid. ap97, ev 140).
**Conclusion**

The PCC has claimed that it has “changed the entire culture of British newspapers and magazines” by “raising standards through its adjudications and decisions” (PCC annual report 2000: 2). It also claims that complainants are generally satisfied with its services: “The PCC regularly monitors customer satisfaction levels. In the first three months of this year, overall satisfaction among complainants reached nearly 70 per cent - despite the fact that the complaints of many of those surveyed had not prospered. The PCC is determined to build still further on that.” (http://www.pcc.org.uk/press/detail.asp?id=104 Sept 2003).

While many complainants do find the PCC a fast and efficient service, as it claims, acting with sympathy and sensitivity, this does not mean that they feel they are getting the response to their complaints that they would wish. The responses sent to the select committee suggest that they may well feel satisfied with the PCC’s response, but they are not getting the result they seek. Most complaints are over accuracy, yet it is clear that many editors are still not prepared to print apologies, corrections or reader’s letters unless forced to by the PCC. This may be the reason why the number of complaints about accuracy that were adjudicated and those that were upheld have fallen dramatically over the ten-year period of the study: editors are still ignoring complaints until the PCC becomes involved. If this is the case, then it might be some justification for the PCC’s claim to be helping complainants to resolve their complaints:

“Our main aim with any complaint which raises a possible breach of the Code of Practice is always to resolve it as quickly as possible. Because of our success in this, the Commission had to adjudicate on only 49 complaints in 1999 - the lowest ever number. That is a sign not of the weakness of self regulation - but its strength. All those which were critical of a newspaper were published in full and with due prominence by the publication concerned.” (PCC 1999: 1)

However, this claim to help with resolution is at variance with the PCC’s claim to be “raising standards through its adjudications and decisions” (PCC annual report 2000: p2). Pressing editors to print apologies or corrections that should have been printed willingly weeks before is not changing “the entire culture of British newspapers and magazines”.

Only the adjudication of complaints can make it clear to all editors what their obligations are under the code of practice. With only 707 complaints adjudicated from 22,988 complaints, there is little guidance available from the gathered considerations to be offered to editors in terms of advice for raising standards. The PCC must decide whether it is there to help complainants gain apologies or letters of correction, or whether its role is to give strong guidance to editors and raise the standards of press behaviour. It can only do that by adjudicating the majority of complaints obliging editors to offer apologies or letters of correction at a much earlier stage.

The PCC also claims that its services are for ordinary people and celebrities do not get special treatment. However there is a much better adjudication rate for those “in the public eye” particularly for complaints about privacy. Privacy is the second most complained of breach of the code of practice and is the one that probably causes the most anger and distress. It is often linked with inaccuracy so that a newspaper report might well invade privacy and be inaccurate at the same time. Whilst adjudications on privacy and the number upheld have also fallen over the period of the study, the change is nothing like as marked as that for accuracy.

Those who are well known might have more attention paid to their complaints, but the small (and reducing) number of adjudications made mean that no-one who complains to the PCC about privacy gets what they really want: an end to what they see as sensational stories unreasonably and unnecessarily invading people’s privacy. Since the PCC’s only “punishment” is publication of an adjudication, this is likely to constitute a further intrusion, even if done anonymously; ironically, those who have had their privacy invaded and have objected to it, must see the intrusion repeated as part of the “punishment”.

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www.presscouncils.org www.pcc.org.uk
Figure 11: Privacy: Upheld adjudications as a percentage of total complaints received about privacy

Figure 12: Privacy: Upheld complaints as a percentage of adjudicated complaints of privacy

Figure 13: Accuracy: Total adjudicated complaints broken down by celebrity

Figure 14: Privacy: Total adjudicated complaints broken down by celebrity

Figure 15: Privacy: Celebrity and non-celebrity complaints adjudicated and upheld as a percentage of complaints adjudicated

Table 1: Fate of complaints made to PCC

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<td>1782</td>
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<td>2505</td>
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All figures from annual reports of the PCC

Note on contributor

Chris Frost is Head of Journalism at Liverpool John Moores University, Liverpool, UK. He is the author of Media Ethics and Self-regulation (Longman 2000), Reporting for Journalists (Routledge 2001) and Designing For Newspapers and Magazines (Routledge 2003). He is also a member of the National Union of Journalists National Executive Committee, chair of the NUJ’s Ethics Council and a former President of the NUJ. Contact details: Department of Journalism, Liverpool John Moores University, Dean Walters Building, St James Road, Liverpool L1 7BQ. 0151 231 5029; 07976 296777; c.p.frost@livjm.ac.uk
Corporate power substantially shapes US public policy on issues from transportation, energy, taxes and military action, to education, the environment and healthcare. The acquisition of legal rights by the corporation made their influence on public affairs both feasible and formidable. From the perspective of wealthy industrialists this was a necessary progression, tracking wealth from its association with individuals through the mid-19th century to its subsequent reconstitution in corporations, specifically, limited liability corporations. This progression made it necessary that those rights which served to protect and project the wealth of individuals should then be awarded to corporations. In the US, the Supreme Court made the award and with it the legal basis for the collision of rights between natural persons and corporations. US courts now consider corporate rights to be equally legitimate to those associated with natural persons; just as the court appears blind to a person’s race or gender in recognising their legal rights, it is also blind to whether the person is natural or artificial, that is, a human being or a corporation.

Distinguishing legal and moral rights
It is important to distinguish between legal and moral rights and their relationships to a nation’s constitution. In his essay Taking Rights Seriously, philosopher Ronald Dworkin considers some of the rights declared in the US constitution to be moral rights. He notes the right of free speech, embodied in the constitution’s First Amendment, for illustration. Legal rights, to contrast, are established by law and these may or may not overlap with moral rights. Moral rights, moreover, exist outside the law and are characterised as those rights which people have against, and thus independent of, any government. It does not matter how inconvenient moral rights are to other people or to a government; they remain sacrosanct. Another important characteristic of moral rights is the popular consensus that attaches them to natural persons. The universal recognition of human dignity finds expression in this attachment. There is no parallel consensus for corporations, no expression of human dignity in seeing these rights as associated with the corporate form, and there are good reasons why we do not – and should not – find such a parallel consensus.

Lastly, governments are slow to recognise moral rights as legal ones. But once recognised it is illegitimate for a government to revoke them even if its citizens appear to voluntarily demand this. Some moral rights are essential prerequisites for self-governance. Again, free speech provides the example. The rights that make democracy legitimate cannot be revoked without destroying democracy – another reason for the sanctity that should be accorded moral rights. To insure democracy it is crucial that in collisions between moral rights and those that are merely legal ones, it is the merely legal ones that are subject to change. Taking rights seriously means honouring the inalienable and irrevocable properties of moral rights.

The foundation for conflicting claims to free speech rights
Some foundation must be laid before getting to the example of a collision of moral rights claims by natural persons and corporations, including the US Supreme Court’s rationale firmly establishing First Amendment protection for commercial speech, and their rationale prohibiting governmentally coerced speech. Lastly, I briefly cover how these two doctrines were conflated by the US courts.

Key words: commercial speech, corporate entity theory, moral rights, negative free speech, communication ethics
When Rights Collide

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Dean Ritz

Supreme Court to create opportunities for these collisions, making possible such cases as International Dairy Foods Association v. Amestoy ("International Dairy").

U.S. legal doctrine currently relies upon the rights of those who hear commercial speech in order to justify its protection. The case of particular interest, Virginia Pharmacy Board v. Virginia Consumer Council, deals with a challenge to a state law prohibiting pharmacists from advertising the prices they or their competitors charge for prescription medications. The Virginia Pharmacy court decided that First Amendment protections do extend to purely commercial speech, resting its rationale for such protections primarily upon the free speech rights of the information recipients, and to a much lesser degree on the rights of the speaker or on the content of the communication. The Virginia Pharmacy decision firmly established commercial speech as being of value in the “marketplace of ideas”, indeed that the purpose for protecting purely commercial speech is to assist populating that marketplace because recipients have a right to receive that information.

Dissenting Justice Rehnquist criticised the majority decision. Of particular interest is his claim that a person’s desire to know does not alone justify that the communication be protected by the First Amendment. For him, the classification of both the content of the speech and the nature of the speaker influences the recognition of protected speech, particularly and uncontroversially, and that the First Amendment serves to protect political speech and natural persons speaking and hearing that speech.

The doctrines associated with governmentally coerced speech provides an interesting contrast with free speech doctrine. The two circumstances of particular interest are, firstly, when the government compels a person to express speech that violates their conscience, and secondly, when property is commandeered to provide for the speech of non-property owners. Regarding the former, the US legal doctrine restricts the government from compelling a person to make an expression that violates their conscience; e.g. forcing a person to salute the flag. Simply, the court has held that the state is not allowed to coerce a person to express prescribed speech that violates their conscience.

Regarding the latter is the case of Wooley v. Maynard where a husband and wife were repeatedly arrested for obscuring the motto “Live Free or Die” that appeared on the noncommercial automobile license plates in their state of residence. As Mr. Maynard explained: “I refuse to be coerced by the state into advertising a slogan which I find morally, ethically, religiously and politically abhorrent”. The court found in favour of Mr Maynard, ruling that the state of New Hampshire unconstitutionally violated his conscience when they commandeered his property for the purpose of expressing state-sanctioned speech. It is not merely Mr. Maynard’s abhorrence of the speech that is at issue, it is also the use of his property to “speak”. The Wooley court declared that the government may not “constitutionally require an individual to participate in the dissemination of an ideological message by displaying it on his private property in a manner and for the express purpose that it be observed and read by the public”, adding that the “right to speak and the right to refrain from speaking are complementary components of the broader concept of ‘individual freedom of mind’ “.

This case took the recognised limitations against governmentally coerced speech from the direct forced expression by individual persons themselves (e.g. saluting the flag) and extended them to include the property controlled by individuals. This extension of the coerced speech doctrine created an opening whereby corporations could make similar claims about coerced speech because, though corporations do not exist within a natural body that expressly “speaks”, are themselves property the government may demand be used to “speak” on behalf of a third party. The Supreme Court subsequently delivered to property – in the corporate form – protections from governmentally coerced speech that their owners find objectionable. This is the case of Pacific Gas & Electric Co. v. Public Utilities Commission.

Briefly, the circumstances of Pacific Gas & Electric involve a California Public Utility Commission order to the Pacific Gas & Electric Company – a publicly regulated utility monopoly – to grant access to its utility billing envelopes for use by Public Utility Commission-sanctioned third parties. In Pacific Gas & Electric, the Court decided in favor of the utility corporation because it believed that the mandated access would have a chilling effect on the free speech rights of the corporation. For example, the third-party could express views that were contrary to the interests of the corporation and the corporation would then be under pressure to respond when they would prefer to be silent on the matter. “This pressure to respond ‘is particularly apparent when the owner has taken a position opposed to the view being expressed on his property’ “.

The Pacific Gas & Electric court first relied upon Virginia Pharmacy to affirm that purely commercial speech receives some First Amendment protections in order to better populate the marketplace of ideas. It then cited Wooley to conclude that First Amendment protections extend to the use of one’s property when the property owner finds the coerced speech to be objectionable. This decision, paradoxically, limits the marketplace of ideas. This paradox suggests that the rationale confirming First Amendment protections for commercial speech, as set out in Virginia Pharmacy, was ignored, and that only the doctrine – sanitised of its foundations – was applied. Pacific Gas & Electric conflates the two doctrines, concluding that a corporation can have its artificial “conscience” violated; it mistakenly extends to corporations what Justice Rehnquist calls a “negative free speech” right.

Pacific Gas & Electric sets the stage for International Dairy Foods, the case that illustrates a collision of moral rights.

A collision of rights

Both parties in International Dairy made claims upon the
First Amendment right to free speech found in the US constitution. On one hand there is the claim of negative free speech rights by the International Dairy Foods corporation (and other appellants). On the other hand there is the claim by natural persons to be well informed on both commercial as well as political matters. The case revolves around a 1994 Vermont state statute requiring that “[i]f rBST has been used in the production of milk or a milk product for retail sale in this state, the retail milk or milk product shall be labeled as such.” The appellants argued the statute violated their corporate claimed First Amendment rights of negative free speech, forcing them to use their property (i.e. their product packaging) to make a statement contrary to their views. The Second Circuit Court of Appeals agreed the statute violated the appellants’ negative free speech rights.

The court of appeals listed a sequence of extant Supreme Court doctrines allegedly supporting their conclusion (and introduced above): commercial speech receives First Amendment protections; protected types of speech include facts as well as opinions; the right not to speak inheres in political and commercial speech alike; and corporate as well as human speakers possess negative free speech rights. Traversing this line of reasoning the court agreed with appellants that the statute “indisputably requires them to speak when they would rather not” and thus violates their First Amendment rights.

International Dairy decided that dairy producers are under no compulsion to reveal its use while natural persons do not have the right to know where rBST is used. This dispute cannot be resolved through the marketplace as consumers who are denied access to information cannot make decisions based on that decisive yet absent knowledge. Nor are voluntary negative-use claims an option, as the Monsanto Company (the sole producer of rBST for the US market) has successfully engaged in legal actions effectively silencing dairy product manufacturers that make them.

The paradox introduced in Pacific Gas & Electric is fully visible in International Dairy and recognised by the dissenting judge who argued that the required disclosure statement demanded of milk producers was not judgmental and thus not speech that one could find as violating their conscience. Rather, it was factual information – exactly the kind that citizens have a right to request, and the government has the ability to procure an answer.

The desired normative arrangement
At the heart of this case are not issues of trade nor of health and safety (human and bovine); rather the collision of rights between corporations and natural persons and whose interests shall triumph. By framing this as a collision I assume the interests of natural persons are opposed to the interests of corporations (and their owners and managers). Admittedly, these interests are not always at odds. But such occasions of agreement merely provide a necessary but insufficient condition for even considering the extension of moral rights to corporations. Rather, we are concerned with occasions of disagreement. The normative question is this: what resolution should we natural persons desire when these rights collide?

At this point it is useful to note that corporations have been the recipients of many US constitutional rights. All of them were awarded by the judicial elaboration of the US Supreme Court – not through the constitutional amendment process nor through the actions of elected representatives extending these rights through repealable statutes. Some of these elaborations are legitimate, particularly those concerning property rights. But most are not, mistakenly taking the rights we commonly acknowledge as desirable for natural persons and bestowing them to the property natural persons possess. A very partial list includes status as legal persons, Fourteenth Amendment equal protection of the laws, First Amendment protection for corporate political speech and commercial speech, and Fourth Amendment protection from unreasonable searches for corporate documents.

Because political speech enjoys greater US constitutional protections than commercial speech, corporations, not surprisingly, often seek these greater protections by claiming commercial speech is actually political speech. An example of this is documented in the 2002 decision by the Supreme Court of California, Kasky v. Nike, Inc. There the Supreme Court of California overturned a lower court’s decision that Nike Inc. had engaged in political speech when it made fraudulent claims in corporate communication about the labour practices and working conditions where its products were made. Bluntly, Nike claimed that it was allowed to lie because it was advancing the public debate on an issue of public concern and thus engaged in political speech. However, the court properly considered it as commercial information made by a commercial entity to achieve commercial ends and thus Nike Inc. could be pursued by the state of California for violations of its state consumer fraud laws.

One more corporate speech example is worth noting. The Monsanto Company recently engaged in activities of disinformation in an area of great public concern. Either directly or through its public relations firms, the company has operated a covert public relations campaign that invents internet personalities – fictitious persons who disclaim association with the company – to participate in internet discussions groups regarding genetically engineered food, advance positions supportive of the company and attack the company’s critics. These examples reflect efforts by corporations to influence public policy, ostensibly the domain of natural persons and their governments. Beneath all this is the question of who should be allowed to participate in the establishment of public policy. In a democracy we expect public policy to be set by its members, whom we normally consider to be the citizens. Citizenship, at least in the US, remains reserved exclusively for natural persons. Yet democracy, at a
minimum, should distribute rather than consolidate power, recognising the inherent value that those who must submit to laws should somehow be empowered to establish them; seek ways to prevent concentrations of private power from overwhelming public power, preserving the demos of democracy and preventing concentrations of private power from infringing upon the rights and liberties of the most vulnerable members of society specifically in ways which the government is forbidden to do.19

Economic power deserves special attention. It is a power for coercion. It is rational that a government seeking to protect democracy would seek to limit the power of wealth and theoretically that can be done without restricting the possession of wealth, distinguishing between those rights and liberties accorded a person and those accorded their money. Corporations are "mechanisms by means of which a number of persons unite for the purpose of assembling a fund of capital with which to carry on some business enterprises".20 They are, by definition, a concentration of wealth. Being creations of the state and created specifically to engage in activities to exercise economic power, the corporate form is a proper object of democratic concern and state control.

In light of this, and assuming that a democratic government should work to achieve the democratic ideals defined above, these conflicts of moral rights between natural persons and corporations normatively should resolve with the rights accorded to natural persons as pre-eminent over the rights – if any – accorded to corporate persons. Further, it is argued that the best normative arrangement would require governments to grant legal powers and protections to corporate entities only as privileges and not as rights. The difference is that a right may be inalienable and irrevocable but privileges persist only at the pleasure of the grantor. The democratic ideal, outlined above, suggests that rights – particularly moral rights – be reserved exclusively for natural persons.

**Resolving the conflict through secondary moral agency**

In her book, Persons, Rights, and Corporations, Patricia Werhane proposes that corporations be classified as "secondary moral agents", and therefore objects of blame and praise to be held responsible for their actions and with claim to secondary moral rights.21 This proposal is built from a "theory of secondary action" as applied to the corporate form.22

Secondary actions arise from a delegation of responsibility. Say I delegate a general responsibility to another person and this person then determines and executes specific actions in fulfilment of this responsibility. I am the primary agent for the act of delegation and they are the secondary agent performing secondary actions. Similarly, Werhane sees corporate actions as secondary actions. Shareholders delegate to corporate boards general responsibilities, providing only general instructions (described in corporate charters and by shareholder initiatives). Thus, corporate founders and shareholders are primary agents of the delegation and the corporate board and managers are secondary agents carrying out "collective secondary actions".23

There is some distance, however, from determining that corporate employees commit collective secondary actions to the point where moral agency may be ascribed to the corporate form. Moral agency requires the intentional application of reason. At first glance, ascribing moral agency to the corporate form, that is, "ascript[ing] to such artificial entities an ‘intellect’ or ‘mind’ for freedom of conscience purposes is to confuse metaphor with reality".24 A corporation is not a living physical entity as is a natural person, however its actions do take place in a physical world and this suggests the corporate form is due recognition as an ontological individual. These actions are determined by other persons (e.g. corporate managers) in compliance with general instructions from its shareholders communicated through the board of directors. Werhane acknowledges "the ‘actions’ of a corporation [as] not literally actions of a physical entity, but rather, ‘actions’ that are represented and carried out through persons" acting with intentionality and reason in the fulfilment of their corporate duties.25 She calls the arrangement "methodological collectivism".26 Thus, she argues, a corporation meets the requirements of moral agency: it is an ontological individual who through methodological collectivism acts with reason and intentionality. But because corporations "lack the autonomy necessary to perform primary actions" they cannot be primary moral agents, only secondary ones.27

Werhane alludes to a number of consequential effects of her theory. For example, corporations could no longer claim to be neutral or silent with regard to moral demands and corporate managers in particular would not be excused from secondary moral responsibility. After all, moral rights cannot be detached from moral responsibilities. More importantly, Werhane notes that while secondary moral agency is sufficient to justify moral claim to rights, these should be considered "secondary moral rights"; natural persons, on the other hand, have "primary moral rights" arising from their primary moral agency, and thus conflicting claims of rights between corporations and natural persons must always recognise the superior claims of natural persons.28

Regarding International Dairy, the court saw this as a conflict of equal claim to the same right. When faced with such a situation US courts first preferentially act to protect rights, but if no such protection is required the court may then seek to advance them. The court did follow that recipe in this case, protecting corporate free speech rights and thus not advancing human free speech rights. Ascribing the inferior status of secondary moral rights to corporations should have resulted in a judicial conclusion advancing the rights of natural persons rather than protecting the secondary rights claimed by corporations.

Classifying corporate rights as secondary has two broad practical effects. The first is that corporations may exercise their rights but only when...
such exercise does not infringe upon human rights. Second, it would legalise the promotion of human rights at the expense of the rights claimed by corporations. And while this arrangement would be of tremendous assistance to those seeking to exercise human rights as a means for protecting humans from corporate harms, secondary moral agency still extends to corporations constitutional protections from government infringement for purposes other than the protection of the rights of natural persons. So while this theory provides for the normative outcome desired with regard to International Dairy it would not justify a law which, for example, outlawed corporations from “speaking” (i.e. spending money) upon political referenda; such a law would unconstitutionally infringe upon corporate free speech rights because it lacks a collision with the rights of natural persons. Werhane’s assertion of the corporation as an ontological individual largely and unfortunately maintains the political power of corporations and thus fails to support the second part of the desired normative arrangement.

**Resolving the conflict through artificial entity theory**

The “artificial entity theory” of the corporate form provides a significant contrast to Werhane’s ideas for secondary moral agency and satisfies both the first and second parts of the normative outcome desired with regard to International Dairy. Here it is useful to recall some additional early history of the corporate form. The earliest recorded corporations were peace and craft guilds. Peace guilds provided for mutual protection. They later evolved into the idea of municipal corporations. Membership in a peace guild was determined by geographic proximity, that is, residency within a delineated territory. Both peace and craft guilds exercised some authority over their members, including the ability to levy taxes or other responsibilities upon its members. But their most important feature was in providing for the practical needs of societies, particularly state recognition both to hold property and to incur obligations in common. These associations were artificial entities, creatures of the state. As creatures of the state an association’s powers were only those directly conferred upon it by the state. This arrangement thus argues withholds moral rights for corporations and justifies the granting to them of privileges – not rights – particularly those privileges that enable their primary purpose of holding property and obligations in common for an association of persons.

This contrasts with “natural entity theory” which is a theory asserting that a corporation possesses a corporate personality. There are two bases for this concept of corporate personality. The first views the corporation as an entity independent of its owners (i.e. shareholders), a basis compatible with Werhane’s ideas of methodological collectivism, ontological individualism and the grant of secondary moral rights. In retrospect we may now see that Werhane built her theory of secondary moral agency upon a foundation of natural entity theory. She saw the corporation as a secondary moral agent of the shareholders, granted both moral rights and moral responsibilities. The second basis establishes corporate personality by viewing it as closely associated with its owners. This does not separate the rights accorded a person with the rights accorded their property. It was this conception that appears to have been used to rationalise the first significant and enabling grant of US constitutional rights to the corporate form. The right in question was the equal protection of the laws as enumerated in the constitution's Fourteenth Amendment. Legal historian Morton J. Horvitz writes that “the central argument was that the Fourteenth Amendment protects the property rights not of some abstract corporate entity but rather of the individual [human] shareholders”. So to deny these rights of a corporation necessarily meant to deny them of its human shareholders. To prevent such “injustice” it was necessary to see corporations as included within the definition of “persons” for the equal protection clause of the Fourteenth Amendment (thereby preventing states from treating corporate property differently from the personal property of its shareholders). This established corporate personality and enabled the rights accorded to natural persons to permeate the corporate veil and link to the corporate form. A legal fiction created by the law now possessed rights against the law but without a physical body and without the capacities necessary for moral reasoning.

Once we accept that moral rights for natural persons exist outside the law, we may be tempted to inquire as to their origin. In fact, it does not matter if they come from God or reason. All that matters is that these rights exist even without governments or other institutions. They must, for otherwise, as Dworkin has observed, natural persons would have no moral rights at all. Thus if we have moral rights, then these are rights against both the government and against associations of persons in whatever form they take – including the corporate form. Even Thomas Hobbes, a philosopher with a dismal view of human nature, argues that natural persons possess some natural rights.

Granting rights to an association of persons is equivalent to putting them into potential conflict with the rights of individual natural persons. This may be acceptable for non-moral rights. Indeed, the social contract whereby societies are formalised involves this loss of some non-moral rights and the vesting of special rights in a sovereign in exchange for other tangible benefits of social cooperation. But, as noted above, taking rights seriously means that moral rights not only should not – but cannot – be given away. If, as is claimed, it is immoral to allow a government to infringe upon moral rights, then reasoning by analogy, it is just as immoral to have a corporation infringe upon them. Thus the grant of moral rights to corporations is immoral and thus unethical.

This second approach of artificial entity theory supports both parts of the desired normative arrangement: first, that the rights of natural persons are pre-eminent over any powers or protections granted to...
the corporate form; and second, that the powers and protections granted to the corporate form be classified as privileges, not as rights at all.

Conclusion
The most important implication for communication ethics is that corporate speech could be made subject to legal standards for ethical communication practices that are more ethically ideal than now implemented. For example, a content-neutral approach to corporate speech would be to limit their use of wealth to a certain ratio of that which the public is able and willing to spend “speaking” on a matter. Such changes are not restrictions of the rights accorded natural persons from the privileges granted to their property (corporations and corporate wealth being mere property). The point is the loudest voices regarding matters of public concern should be the natural persons in their capacity as self-governing human beings. These voices include those natural persons directing the wealth of corporations, but vocalised only in their civic capacity — not their business capacity and certainly not wielding the corporations they direct as weapons upon the body politic.

Rather than asking corporations to raise voluntarily their ethical communication standards — not to lie so much, not to use their wealth to influence public policy — ethical communication practices could instead receive legal force equal to those granted to ethical accounting practices now placed upon corporations under the rule of law. The moral right of free speech is an essential ingredient for democracy. The return of this moral right for exclusive use by natural persons is not just important to those who wish to advance ethics in communications, it is important for advancing global justice.

Notes

2 The relevant portion of the First Amendment reads: “Congress shall make no law … abridging the freedom of speech, or of the press …”. Its legal interpretation remains in flux, under seemingly constant refinement by US courts.

3 Dworkin p 184

4 For example, a society that takes seriously the right to free speech assumes that some of its members will have to hear speech that they find offensive: “[…] we are often ‘captives’ outside the sanctuary of the home and subject to objectionable speech” (Cohen v. California (1971) 403 US 15, p. 21).

5 The 1948 adoption by the United Nations of a “Universal Declaration of Human Rights” is one starting place for investigating specific assertions of moral rights and the consequent effort to legalise them.

6 Dworkin p 191


9 There is no inherent free speech right to engage in the activities of deliberately inaccurate ‘factual’ information, or commercial speech that is misleading, attempts to deceive, or promotes an illegal product or enterprise.

10 The Court later consolidated and elaborated in Central Hudson Gas v. Public Service Commission, 447 U.S. 557 (1980) on the question of when the government may constitutionally infringe upon commercial speech.

11 “It is undoubtedly arguable that many people in the country regard the choice of shampoo as just as important as who may be elected to […] political office, but that does not automatically bring information about competing shampoos within the protection of the First Amendment” (Virginia Pharmacy p 787).


14 Wooley p 713.

15 Wooley p 713.

16 Wooley p 714.


18 Pacific Gas & Electric 15-16.

19 Pacific Gas & Electric p 26 (Justice Rehnquist, dissenting).


21 International Dairy p 71.

22 This already is implied by Virginia Pharmacy, as the speech in question was that of prescription drug prices — purely factual information.

23 International Dairy p 71.

24 International Diary p 72.


26 International Diary p 80 (Justice Leval, dissenting).

27 “Property rights” refer to the rights that people have in their possession of property. They are not the rights that are accorded to property.

28 The examples cited in this sentence are taken from Mayer, Carl J. (1990) “Personalizing the Impersonal: Corporations and the Bill of Rights”, The Hastings Law Journal, Vol. 41 No. 13 p 580, pp 664-667. This list is quite extensive, and each item on the list deserves analysis similar to that given by this article to corporate speech rights. The best compact history of this may be found in Mayer and in the very recently published “Model Amici Curiae Brief to Eliminate Corporate Rights”, by Richard L. Grossman, et al, available at http://www.poclad.org.


30 For updated details on this case see http://www.reclaimdemocracy.org.


32 This is critically different from the current implementation of American democracy. For example, US laws prohibiting racial discrimination and segregation in public accommodations (e.g. hotels and restaurants) have to be justified on economic — not moral — grounds, i.e., racial discrimination unlawfully interferes with interstate commerce.
41 What Werhane describes regarding the delegation of responsibilities largely is already covered in the agency law of business as determined by the laws of US states. Agency law, however, does not grapple with the issue of corporate moral agency and thus is silent on the issue of secondary versus primary rights.


43 Williston p 107

44 Mayer p 582

45 We shall never know with certainty the rationale behind this momentous change in US constitutional doctrine, as it was made without the provision of written opinion, and without even the argument of counsel; see Horwitz (1992) pp 66-67

46 The relevant portion of the Amendment reads: "[…]nor deny to any person within its jurisdiction the equal protection of the laws".

47 Horwitz (1992) p 69. At the time of this decision all states still prohibited corporations from owning stock in other corporations, making it easier to connect corporations to the human rights of its direct owners.

48 Corporations, given "life", have now turned against their creator. Some writers on this subject analogize this to Mary Shelly's Frankenstein; see Gabaldon, Theresa A. (1992) "The Lemonade Stand : Feminist and Other Reflections on the Limited Liability of Corporate Shareholders", Vanderbilt Law Review Vol. 45 pp 1390-1394. However such analogies are apt only to the extent that the creation turns against its creator and clearly possesses primary moral agency through the intentional application of reason to determine his actions.

49 "The Right Of Nature, which Writers commonly call Jus Naturale, is the Liberty of each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; that is to say, of his own life […]" (Hobbes, Thomas (1997) Leviathan, New York NY, Norton & Co., p. 72)

Note on contributor
Moral Engagement in Public Life: Theorists for Contemporary Ethics
Sharon L. Bracci and Clifford G. Christians (eds)
ISBN: 0 8204 5766 3

It is a healthy sign that the ethics community is (slowly) increasing its awareness of, and respect for, a diversity of voices and perspectives. Although a growing number of academic texts cross boundaries of gender, culture, geography and discipline, very few philosophy texts do. In the west, Sharon Bracci and Clifford Christians are among a handful of scholars leading the trend.

Here is a well-conceived and thoughtfully structured critical introduction to an array of contemporary theories and theorists that will enrich general ethics courses and those more specifically focused on applied ethics. To highlight the range of current thinking, the editors have chosen 12 theorists from several countries and centuries: Aristotle, Charles Taylor, Agnes Heller, Confucius, Jürgen Habermas, Seyla Benhabib, Paulo Freire, Emmanuel Levinas, Mikhail Bakhtin, Cornell West and Michel Foucault.

The breadth of the title is somewhat misleading since most of the essays are primarily concerned with ethics in communication – as is the opening sentence of the introduction: “Current intellectual projects in communication ethics parallel interests within the broader systematic study of ethics.” Later in the introduction, the editors write as if the focus on communication ethics is a given: “Having tied at least some of their fortunes to the assumptions of the classical Western canon, communication ethicists now find themselves intellectually vulnerable” (p 3). It is a perfectly appropriate bias, but one that should be made more explicit. Happily, the work is equally biased towards applying theory to practice. For example, Christians comments: “Heller’s social ethics challenges media professionals to participate in a community’s ongoing process of moral articulation” (p 57), and “Heller’s ‘principled politics’ seeks to identify the preconditions that allow various value systems to coexist without destroying each other” (p 61).

A common structure unifies the chapters, with a biographical sketch preceding the survey of each philosopher’s work. There is just enough information to tantalise the interested student (and teacher) to seek out more. Alexandre Lopes de Miranda’s discussion of Mikhail Bakhtin’s Philosophy of the Act, Jeffrey Murray on The Other Ethics of Emmanuel Levinas: Communication Beyond Relativism, Clifford Christians on The Social Ethics of Agnes Heller, and Sharon Bracci on The Fragile Hope of Seyla Benhabib’s Interactive Universalism are the strongest and most interesting essays. They manage to pack a good deal of information into the compact format and provide interesting and useful cases for study – for example, Miranda’s application of Bakhtin’s theory to the ethical dilemmas faced by cultural outsiders addressing female genital mutilation and Bracci’s deeply thoughtful, contextualised presentation of Benhabib.

Christians performs the major service of bringing Agnes Heller’s social ethics to a wider audience. Murray is adept at explaining and contextualising complex philosophical concepts, and clarifying their relevance for an ethics of action with communication at its core: “grounded in the Other” in a “shared but asymmetrical dialogue”, “and beyond the reach of relativism, ethics recovers itself in communication” (p 190).

There are a few inconsistencies and ambiguities in addressing what appears to be the intended audience of undergraduate, international, English-speaking students. Most undergraduates will need more information on speech act theory to understand David Allen’s discussion of Habermas’s “reworking” of it (pp 97-122). The thin note on speech act theory in the glossary (p 284) is not much help and is further limited by its out-of-date reference only to J.L. Austin (not even to Robert Searle, the main interpreter and disseminator of Austin’s theory, or Mary Louise Pratt, whose critical challenge has taken it so much farther). The international, cross-cultural emphasis is subverted by Christopher Lyle Johnston’s assumption that he is discussing Aristotle only with US readers.

These are but minor quibbles about an otherwise excellent text. One final thought: students would benefit from reading the original works to which each essay refers, perhaps in a companion volume.

Valerie Alia,
University of Sunderland
Most of the current debate over journalism and journalism ethics remains outrageously narrow. It's usually confined to national boundaries, focuses mainly on the mainstream media and is dominated by career-minded academics - with practitioners often kept on the margins. This book tackles these problems head-on.

Thus journalistic issues in North American are not ignored. But in addition those in countries such as Mexico, Colombia, Germany, Hungary, Slovakia, Lebanon, India, Nepal and Japan are also examined. And the 19 writers (mostly male) include academics, reporters, editors, freelances and publishers.

Atkins begins his collection of essays with a lofty mission statement: to keep the “great idea of good journalism alive”. Poland’s Ryszard Kapuscinski, he suggests, represents the archetypal responsible journalist who identifies with the defeated, downtrodden and colonised. For Atkins, the journalist is a kind of missionary. “As do all missionaries, journalists carry with them the baggage of their own cultures and histories…They are often strangers among strangers, even in their own land and yet the bond of their common humanity and nobility inherent in the search for truth that is their work make it a worthy mission, not only for them but for us all.”

At the same time, Atkins acknowledges the threats to independent journalism posed by mass-market-minded media organisations. Within four years of the fall of communism, almost 80 per cent of the Hungarian press was foreign owned. More than 85 per cent of newspapers in the former East Germany are owned by 12 West German publishers. Atkins quotes Robert McChesney’s research suggesting that fewer than ten corporations now dominate the world media market. Corporate authoritarianism, it is suggested, is no more appealing than any other form of tyranny.

The other contributions make up for a mixed bag. No single approach dominates. One chapter, by Michael Snodgrass, assistant professor of history at Indiana University, provides a quick overview of the history of the Mexican press – ending on a surprisingly optimistic note: “Today Mexico’s more independent, professionalised and organised journalists have become watchdogs, freed from the culture of collusion and poised to oversee the nation’s ongoing democratisation.”

Jerry Mitchell, investigative reporter on the Clarion-Ledger, of Jackson, Mississippi, gives his top tips on how to be a successful muckraker – in a lively, concise, journalistic style that sits awkwardly in this collection. “Be willing to listen to the lunatics”, “Be willing to dial the wrong number”, “Be willing to harass”, “Be willing to be harassed” are amongst his nine commandments. He even dares to conclude with that old journalistic cliché: “Comfort the afflicted and afflict the comfortable.”

Ildiko Kaposi and Eva Vajda, in their chapter on journalism ethics in Hungary, highlight the incredible dilemmas facing journalists in a culture dominated by cronyism, corruption and the desperate struggle to survive financially. But their conclusions are not entirely bleak: “Not yet robust, Hungary’s fledgling democratic institutions are proving stable enough to enable some classic democratic procedures to unfold. In the first half of 1999, for example, to incidents occurred involving public officials who were forced to resign as a result of investigative articles published in national newspapers that uncovered their abuses of power.”

But some serious questions remain over some of the contributions. In Colombia, independent journalists continue to face extraordinary threats from government and para-military forces, drug traffickers and criminals. Here the focus shifts back to 1989 - and the editor has to add a paragraph at the end to bring the story awkwardly up to date. Regina Jere-Malanda, associated editor of the London-based New Africa magazine, tries to cover too much territory in her critical overview of the state of journalism in southern Africa.

And the book includes one of the most bizarre contributions I have ever seen. Chuck Trapkus, was the illustrator, editor and publisher of the Catholic Radical in Rock Island, Illinois, who tragically died in a car accident while composing his chapter. So after a few pages of unoriginal musings on the nature of truth and the myth of objectivity, his text suddenly stops mid-paragraph.

Towards the end, Atkins returns to analyse in more detail the career of his hero, Kapuscinski. Certainly he provides the best quote of the book: “Empathy is perhaps the most important quality for a foreign correspondent. If you have it, other deficiencies are forgivable; if you don’t nothing much can help.” This, then, is an important pioneering text for the study of international journalism. But lacking a clear focus, it is not without its serious flaws.

Richard Keeble,
Lincoln University
The central contention of this book is that “good journalists everywhere have something in common”. The editor Joseph Atkins, Professor of Journalism at the University of Mississippi, sets out his view of the role of the good journalist in an introductory chapter. It is no less than to “help cure human society of its ailments” (p.5). The good journalist, believes Atkins, is someone with a sense of mission to challenge authority on behalf of the weak and powerless.

The American doyen of journalism ethics, John Merrill, follows Atkins’ statement of purpose with a trenchant account of what he perceives to be a shift from “press libertarianism” to “press responsibility”, a change which sacrifices journalistic freedom and autonomy to social order and control. The chapter’s title, Chaos and Order: Sacrificing the Individual for the Sake of Social Harmony, expresses one of the false dilemmas explored by Merrill: freedom is ranged against responsibility, individualism is considered incompatible with communitarianism. Arguing on the basis of a dichotomy is a favoured rhetorical device but here it is just plain wrong. Responsibility can be regarded as a corollary of freedom and a Kantian might even argue that it is a necessary condition of it. Merrill’s ideal is the “existentialist journalist”, unfettered by people-centred journalism exemplified in the civic journalism movement.

The book’s following 16 chapters set out to illustrate journalism’s “mission”, gathering together the views and experiences of journalists and academics from 14 countries. The range of countries represented is certainly a strength of the book. It is rare to find English language accounts of journalists’ work from places as diverse as Tibet, Colombia, the Lebanon and Japan.

Organised by region, the chapters divide into those which examine the contexts in which journalists function, those on Japan, Nigeria and Colombia, for example, and those which are anecdotal in style. In the latter category, the work on Slovakia and Slovenia provides fascinating insights into the difficulties faced by journalists in relatively new democracies. However, it is questionable whether one or two others sufficiently advance our understanding of journalism and its mission to merit inclusion.

The final part of The Mission highlights the work of three journalists including that of the Polish foreign correspondent, Ryszard Kapuscinski, regarded by Atkins as “arguably the world’s greatest journalist” and as the exemplar of “the existentialist journalist”. Again, there is some philosophical sloppiness here. Existentialism has a vaguely exciting and romantic ring to it but as a philosophical doctrine it is hardly compatible with the notion of a shared understanding of a journalist’s social mission.

In conclusion, The Mission has worthy aims which it does not quite achieve. It succeeds for an English-speaking audience in shedding light on less well-known areas of journalistic work. However, the contributions are of varied quality and the more reflective chapters are disappointingly shallow.

Karen Sanders
Sheffield University
Ethical Space: The International Journal of Communication Ethics: House Style

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Richard Keeble, Faculty of Media and Humanities,
Lincoln University, Brayford Pool, Lincoln LN6 7TS (tel 01522 886940)
Dear Editor,

A warm welcome to Ethical Space. Communication is central to all disciplines and spheres of life: ethical issues of communication are relevant to fields as diverse as medicine, politics, and science policy. In the case of the professions, communication issues arise both between practitioners and between practitioners and clients; there are problems of negotiating the tensions that can result concerning e.g. the right to privacy and the right to know certain information. Beyond that there are broader questions of communicating, with society, about the profession as a whole, with the attendant issues of constructing a professional identity.

I hope that Ethical Space will take a lead in addressing these issues, with particular reference to the ongoing debates about public engagement in science. Much is said about public engagement, but more attention needs to be paid to fundamental questions, not only about how it should be done, but about its underlying theoretical rationale, its relationship to democracy, and how certain topics become selected as appropriate for public engagement.

I wish the journal every success.

Ruth Chadwick AcSS
Professor of Bioethics & Director of CESAGen
Dear Editor,

Congratulations on the introduction of a new journal devoted to communication ethics - an area of study grossly under-examined to date.

Topics which require immediate attention include: the right to act according to one’s conscience whether in business, the media or life in general; more ethical training from primary school onwards; professional self-regulation and its success or otherwise in ensuring good practice; good practice in itself and how it can best be promoted; the issue of public interest; the protection of minority and individual rights and how press freedom can best be secured for all.

Hopefully, the new journal will encourage journalists to engage more critically and analytically when faced with the unethical practices of colleagues and their editors and the ongoing damage it does to public trust rather than simply to close ranks and engage in cynicism. Witness, for example, the response to the Jayson Blair affair where the latter was found to have fictionalised much of his work in the New York Times. Instead of exploring the problems associated with this issue for journalists and readers, some British journalists, suggested it was no big deal as it went on all the time.

Closer to home and more recently, this was again the response to the exposure of Sky Television’s James Forlong and his fake documentary that he was unlucky to have been discovered, and that the practice was common. Similarly, the response to the Hutton Inquiry and Andrew Gilligan’s use of a single source was equally one-dimensional, where journalists queued up in the Press Gazette to explain that they often did the same, rather than to use the opportunity for a thorough-going examination of reporting standards.

Instead of sound-bites and cynicism on the part of journalists and a continued loss of public trust, I look forward to the results of quality research, reasoned debate and discussion in your columns and the start of a long fight back where journalism, in time, becomes a valuable ethical activity worthy of our trust and belief.

Rob Melville
Lecturer in Media Ethics and Journalism, Napier University, Edinburgh
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Telephone  +44 (0) 1522 886387
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Institute of Communication Ethics
c/o The University of Lincoln
Faculty of Media & Humanities
1st Floor/DMC Building, Brayford Pool, Lincoln LN6 7TS