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TOBIAS EBERWEIN / SUSANNE FENGLER / EPP LAUK /
TANJA LEPPIK-BORK (Hrsg.)
Mapping Media Accountability – in Europe and beyond
Köln: Halem, 2011

ISBN 978-3-86962-038-1

http://www.halem-verlag.de
E-Mail: info@halem-verlag.de

SATZ: Herbert von Halem Verlag
DRUCK: docupoint GmbH, Magdeburg
GESTALTUNG: Claudia Ott Grafischer Entwurf, Düsseldorf

Tobias Eberwein / Susanne Fengler / Epp Lauk /
Tanja Leppik-Bork (Hrsg.)

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INHALT

SUSANNE FENGLER / TOBIAS EBERWEIN /
TANJA LEPPIK-BORK

Mapping media accountability – in Europe and beyond

As we move into the new era of mobile journalism, following the news on Blackberrys and watching newscasts on iPads, at any time and anywhere, exciting new possibilities emerge for journalism. Real-time technology changes the flow of information not only in the democratic societies of the West, but impacts also and possibly to an even greater extent on developing countries and countries in transition. At the same time, the future of journalism is less clearly resolved than ever before. As the reading and viewing habits of the publics change, traditional business models in journalism collapse and media markets strive under the burden of tottering economies and shifting advertising patterns. What will journalism be like in 2020? Its outline is unclear; however, even though websites, blogs and social networks provide us with endless sources of information and opinion, we will need journalism even more than before as either or both a gatekeeper and a sense-maker. Also our need, in an era of international media concentration, ever-growing lobbying – from the nuclear industries to Attac – and increasingly sophisticated public relations, to monitor journalistic independence and quality will be greater. But will internal structural regulators, for example, the traditional press councils, as trade organizations of journalists and media owners, be able to fulfill this task – or will the monitoring of media accountability become in the future a grassroots' activity of a multitude of citizens on *Facebook* and *Twitter*? And when we think about the future of journalism and media accountability – can we learn from other countries' experiences with media accountability?

These will be the key questions of this volume, which assembles reports about the status quo of media accountability in Western and Eastern Europe as well as two Arab states. Which established media accountability instruments, for example, press councils, media journalism, and ombudsmen, thrive in the varied journalism cultures of this analysis – and why? Does each media system encourage the use of diverse online media accountability instruments by media professionals and media users? A reliable comparative study of media accountability instruments is ever more important as they are currently attracting increasing attention by European and international policy makers such as the European Commission[1] and the Council of Europe[2].

The research presented here has been realized in the context of the EU-funded project ›Media Accountability and Transparency in Europe‹ (MediaAcT), a joint effort of twelve research institutions across Europe and beyond. An empirical study, due in 2011, on the impact of the various established and innovative media accountability instruments will be in the centre of this project; the project website[3] provides detailed information on the study's progress and research results.

Media accountability: Instruments and definitions

Claude-Jean Bertrand, who pioneered a comparative study of media accountability in 2000, defined media accountability instruments[4] as »any non-State means of making media responsible towards the public« (2000: 108). His study focused on codes of ethics in 17 European countries and also included an analysis of press councils, ombudsmen and journalism reviews as examples of media accountability instruments (MAI). Ten years later, Bertrand's list of MAIs requires considerable extension since the Internet, and particularly the social web, has profoundly altered the practices of media accountability. Existing definitions of media account-

1 Cf. e. g. Commission Staff Working Document SEC (2007) 32, available at: http://ec.europa.eu/information_ society/media_taskforce/doc/pluralism/media_pluralism_swp_en.pdf

2 Cf. e. g. Resolution 1636 (2008), available at: http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ ta08/ERES1636.htm

3 Cf. http://www.mediaact.eu

4 In his 2000 volume, Bertrand uses the term ›media accountability systems‹. However, this definition appears rather vague to us and leaves several issues unclear: his use of the term ›system‹ seems inappropriate due to lack of theoretical foundation in systems theory. The ›systems‹ as employed by Bertrand are in fact *instruments* to hold the media accountable and foster transparency about the media. Thus, we will speak of ›media accountability instruments‹ (MAI) in the context of this research.

ability may also need to be reconsidered. Following Russ-Mohl (2003) and Fengler (2008b), MAIs in the digital age can be classified as:

- *established instruments of media accountability*: press councils; ombudsmen; media journalism in trade journals; media criticism in the mass media; also letters to the editor, correction boxes etc.;[5]
- *innovative instruments of media accountability* emerging online: such as editorial weblogs (e. g. on the news site of the *Nederlandse Omroep Stichting*[6]); websites monitoring news content (e. g. the British *Mail Watch*[7]); webcasts of internal critique sessions or team meetings (as practiced, for instance, in the newsroom of the US daily *The Spokesman Review*[8]); online ombudsmen (such as the German ›Bronski‹ from the daily *Frankfurter Rundschau*[9]); and the media-critical activities on *Twitter* and *Facebook*.[10]

Clearly, some of these innovative instruments are unique to the web, others – like online ombudsmen or online press councils – replicate existing offline formats. Journalistic codes of ethics and professional norms are to be considered not as instruments, but as informal institutions constraining media professionals‹ behavior, which we will elaborate in the next section of this introduction.

According to Bertrand (2000: 151), the aim of media accountability is to improve the services of the media to the public; restore the prestige of media in the eyes of the population; diversely protect freedom of speech and press; obtain, for the profession, the autonomy that it needs to play its part in the expansion of democracy and the betterment of the fate of mankind.

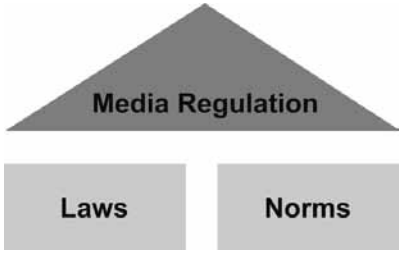
McQuail (2005: 207) defines media accountability as »voluntary or involuntary processes by which the media answer directly or indirectly to their society for the quality and/or consequences of publication«. While these characterizations may constitute a valuable starting point, we will present our definition of media accountability at the end of this introduction, after considering its institutional and technological contexts in a comparative perspective.

5 For comprehensive overviews of established media accountability instruments cf. Bertrand (2000: 124) and Russ-Mohl (2003: 341).
6 Cf. http://nos.nl/nos/weblogs/
7 Cf. http://www.mailwatch.co.uk
8 Cf. http://www.spokesmanreview.com/webcast
9 Cf. http://www.frblog.de
10 This list needs to be further developed in the near future, as MAIs online become even more sophisticated.

Institutions of media accountability

In democratic societies, where press freedom and freedom of expression are essential elements of the constitutions, journalism is regulated to only a small extent by laws, usually covering issues of libel, protection of youth and the right of reply. New laws, being introduced in several European countries in recent years with the aim to prevent terrorism, may have a certain impact on the freedom of journalism in the long term. Diversity of opinion is ensured to varying degrees across Europe by media competition law,[11] while the state, as Claude-Jean Bertrand (2000: 108) noted, should not participate in controlling or monitoring the news media in a democracy, »except by delivering the threats that media often need to start the process of self-regulation« – which often happened throughout Europe in the latter half of the 20th century.[12]

ABBILDUNG 1
Laws and norms as formal and informal institutions of media regulation



Thus, the majority of potential conflicts in the field of journalism, such as inappropriately sensationalistic, discriminatory or biased reporting, is covered not by laws as *formal institutions*, but by professional journalistic

11 Numerous laws exist, both on an EU and a national level across Europe, regulating the infrastructure of the media sector. For a comparative analysis, cf. the ongoing study of the EU-funded project MEDIADEM, published on its website (http://www.mediadem.eliamep.gr). Unlike MEDIADEM, the MediaAcT project focuses on MAIS dealing with the journalistic content of the media; we do not analyze self-control mechanisms dealing with entertainment formats (like movies), public relations, advertising, and the like.

12 For example, the creation of press councils in the United Kingdom in 1953 (replaced by the Press Complaints Commission in 1991) and Germany in 1956 was preceded by substantial political threats to create a state-controlled body to monitor the media.

norms and codes of ethics. The latter are considered as informal institutions (cf. NORTH 1990) and also serve to co-ordinate individuals' activities. However, adherence to norms as *informal institutions* cannot be reinforced in court, but can only occur on a voluntary basis (cf. Fig. 1).

In recent years, communication scholars have emphasized the network character of media accountability. They emphasize that while each single media accountability instrument may be too weak to have any considerable (even measurable) impact on the quality of journalism, media accountability instruments may exert some influence as a system of ›infrastructures‹ (RUSS-MOHL 1994). MAIs such as press councils, correction boxes and ombudsmen may have both a preventive as well as a corrective function, which emphasizes the processual character of media accountability. From an economic perspective, informal institutions, such as journalistic norms and ethic codes, are network goods in that the more the actors become involved, the more powerful and thus valuable the institution becomes (cf. LEIPOLD 2006). The increasing influence of social networks, e. g. *Facebook*, is a striking example of this assumption.

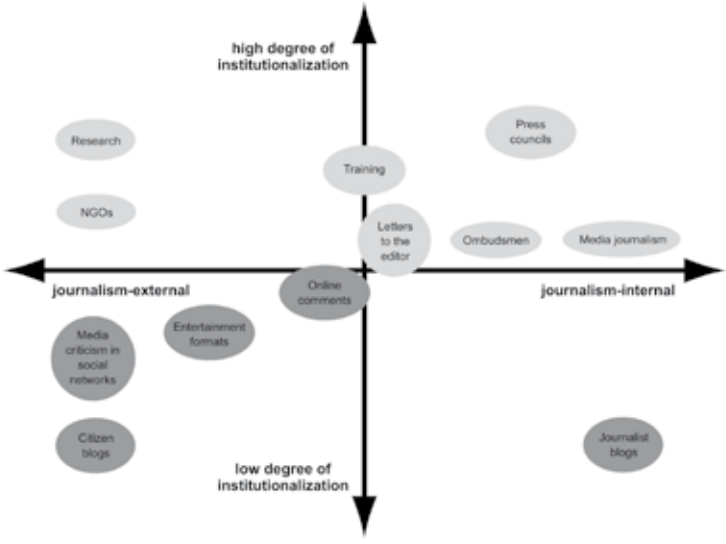
Distinguishing the degrees of institutionalization also helps to categorize media accountability instruments. We suggest differentiating between *high versus low degrees of institutionalization* and between *instruments anchored inside versus outside the journalistic profession* (cf. Fig. 2).

As the following chapters of this book will show in detail, some countries in Europe have more formal institutions of media accountability, and a richer variety, than others.[13] We assume that the political and economic history of each country has also shaped its institutions of media accountability.[14] Furthermore, instruments of media accountability have been transferred from one journalistic culture to another. For example the concept of ombudsmanship originated in Scandinavia in the 19th century and was revived in the United States in the 1970s. Today, while several international quality media employ ombudsmen, German newsrooms have

13 If we start our comparison not at the national level, but – even before that – at the level of industry sectors, we can easily observe that media companies lag behind other sectors of the industry in engaging in accountability measures (cf. KARMASIN/LITSCHKA 2008; KARMASIN/WEDER 2008). The concept of corporate social responsibility (CSR) is underdeveloped in the media sector (cf. also JARREN [2007a] and MEIER/TRAPPEL [2002] on corporate governance models of media companies), probably due to the notion of many media professionals that media are a ›public good‹ and thus a ›public service‹ per se. CSR is a concept which will be explored in our research project.

14 Political and economic scientists have long since been highly interested in the international comparison of institutions and norms, and its impact on societies – cf. Adam Smith's *The Wealth of Nations* (1776) and Max Weber's *The Protestant Ethics and the Spirit of Capitalism* (1904/05).

ABBILDUNG 2
Typology of media accountability instruments



Source: Fengler et al. (in print)

rarely adopted the concept, although the German media system supports a large variety of MAIs. After the collapse of the Berlin Wall, Western media foundations and organizations tried to implant Western concepts of media accountability into the Eastern European journalism cultures with varying degrees of success, as the ensuing chapters demonstrate.[15] It will be highly interesting to follow such ›processes of diffusion‹ (cf. KLEINSTEUBER 1993) and thus study the path dependency (cf. LICHBACH/ZUCKERMAN 2009) of MAIs in European countries and beyond.

Media accountability: Literature review

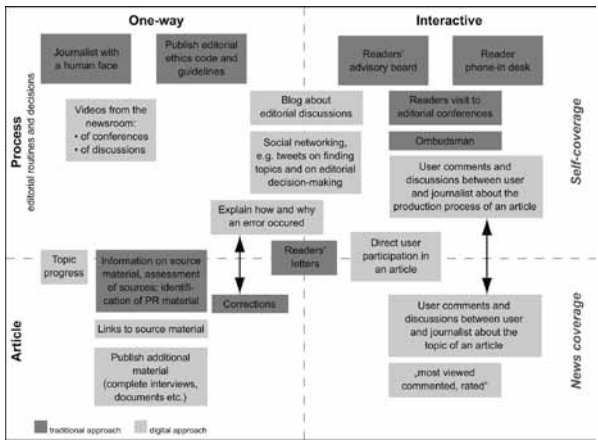
Available research has so far focused on the history (e. g. BROWN 1974; MARZOLF 1991; PÖTTKER/STARCK 2003) and status quo of media accountability instru-

15 Recently, UNESCO has worked out a ›Framework for Assessing Media Development‹ in 2008, targeting media practitioners in Eastern Europe and obviously hoping to spread the idea of media accountability into Eastern Europe beyond the EU and Central Asia (cf. HARASZTI 2008).

ments in the established democracies in the Anglo-Saxon, Scandinavian and German-speaking countries. All of these particular journalism cultures and media systems have a high degree of media professionalism according to Hallin/Mancini (cf. below). In contrast, little or almost no research exists on media accountability in the Mediterranean countries (with the notable exception of ALSIUS 2010), Eastern Europe (except for WYKA 2005) and the Arab world (besides HAFEZ 2002). Also, MAIS in Africa, Asia and Latin America have almost never been studied apart from a few descriptive volumes or websites that list which instruments and organizations exist in the field.[16]

ABBILDUNG 3

Traditional and digital instruments for creating newsroom transparency



Source: adapted from Meier 2009

The majority of national and comparative academic studies on media accountability are descriptive and focus on a few long-established MAIS like press councils; many compare journalistic codes of ethics. For instance, Wiedemann (1992) and Puppis (2009) have compared press councils in Western Europe, and several authors have compared European resp. international codes of ethics for journalists (cf. HAFEZ 2002; KREUTLER 2007; LAITILA 1995; LIMOR/HIMELBOIM 2006). The role of ombudsmen for me-

16 Cf. e. g. the ›Global Journalist‹ resource, conceived by Claude-Jean Bertrand, now online at http://www.rjionline.org/mas/about/index.php

dia accountability has been studied mostly in the United States, where the concept is most common (for a recent overview cf. STARCK 2010). In Europe, Evers et al. (2010) and Elia (2007) have done research on media ombudsmen. Media journalism in trade journals has received little academic attention in recent years, while numerous studies have been completed on media journalism in the mass media (e. g. BEUTHNER/WEICHERT 2005; FENGLER 2002, 2003; KREITLING 1996; KRÜGER/MÜLLER-SACHSE 1998; MALIK 2004; PORLEZZA 2005; RUSS-MOHL 1999; RUSS-MOHL/FENGLER 2000; WESSLER et al. 1997; WEISS 2005). Innovative forms of online media accountability in Europe gain attention now, but have not thus far been tackled systematically. Domingo/Heinonen (2008) have provided a highly useful classification for the debate by developing a typology of media-related blogs. Some studies explore the potential of media criticism in blogs in Germany and the United States (cf. EBERWEIN 2010b; FENGLER 2008b; HUTTER 2009; SCHÖNHERR 2008; THEIS-BERGLMAIR 2009; WIED/SCHMIDT 2008), but its influence on practical journalism remains largely unclear. Moreover, a small study analyzing the users of the popular German *bildblog.de* has come up with interesting insights into the motivation of readers (entertainment is a huge factor for them) and their unwillingness to pay for such activities (cf. MAYER et al. 2008). The impact of media accountability is often debated (cf. D'HAENENS 2007; JARREN/VOWE 1995; MCQUAIL 1992), but rarely studied systematically. Do media professionals and media consumers change their patterns of behavior because of the impact of media accountability instruments? Only very few small-scale and out-dated research projects (e. g. KEPPLINGER 1993; NORTHINGTON 1993) have at least partly tackled the impact of (established) MAIS on media professionals.[17] One of the most important goals of the MediaAcT research project is to base future debates about media accountability on reliable empirical data.

Media accountability and the Internet

Probably the most interesting, and challenging, aspect of studying media accountability today is the analysis of the status quo and possible impact of

17 Recent studies focus on the effects of media literacy on the public's perception of the media (cf. ASHLEY et al. 2010; VRAGA et al. 2010). In general, entertainment is a potentially important factor still almost completely neglected in the study of media self-control.

online MAIs. The Internet now offers an almost endless array of new venues for pluralistic debates about journalism, at high speed and low cost.[18] Thus, the role of the public in the process of holding the media accountable will probably change profoundly and require new concepts of media accountability.

Before the advent of the digital age, Bertrand correctly emphasized the importance of self-regulation by media owners and media professionals, pointing out that media consumers often prove too »apathetic or unorganised« to become involved in media accountability (BERTRAND 2000: 19).[19] Therefore, Bertrand placed the audience on the receiving end of media accountability, noting that media accountability shall »improve the services of the media to the public« and »restore the prestige of media in the eyes of the population« (BERTRAND 2000: 151). Holding a passive image of the public in mind,[20] scholars considered media criticism mainly as a prerequisite for making a better-informed media consumption choice in the past. But to date, several press councils across Europe do not include representatives of the audience (cf. FENGLER et al. in print; PUPPIS 2009).

The Internet and especially the Web 2.0 offer a mass of new venues for citizens to become actively engaged in the debate about the quality of media content. The Internet provides the audience with new instruments to reinforce journalistic norms (cf. FENGLER 2008b).[21] Via blogs, *Facebook* and *Twitter*, comment functions, the websites of online ombudsmen and the like (cf. Fig. 3), members of the audience can easily communicate and comment on the quality of journalistic products in a digital public sphere.[22]

18 For example, something as simple as a letter to the editor – which means that a media user gives ›voice‹ to his dissatisfaction with a journalistic product (cf. HIRSCHMAN 1970) – involved high cost of production for the media user, including the time to write the letter, to buy the stamp, and to carry the letter to the mailbox. Therefore, many people might have preferred to choose the ›exit‹ option instead of the ›voice‹ option if they did not like or did not trust the media content. In the digital age, the cost of ›voice‹ has been reduced dramatically. At the same time, maintaining media accountability instruments is no longer too costly for media companies: restrictions of space and time do not apply any more.

19 A possible explanation for this phenomenon may be obtained with the help of Olson's theory of groups (cf. OLSON 1965).

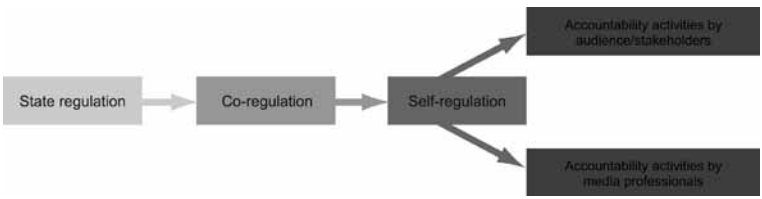
20 E. g., Jarren/Zielmann (2005: 553) summarize as late as 2005 that the public's interest in media journalism is low.

21 At the same time, we should keep in mind the flourishing of the alternative and Samizdat press in the 1970s as well as the wide use of citizen broadcasting after the deregulation of the broadcasting sector in the 1980s, which often times also resulted in the creation of new media criticizing the established media.

22 Media users also start to form media-related NGOs, with the United Kingdom taking a leading role in this field.

The inclusion of the audience into the media accountability process via the Internet is particularly important with regard to media systems operating under tight political constraints. In many transformation and developing countries, the government heavily restricts the media profession, which cannot thus be expected to be an effective self-critic. Furthermore, in developing Puppis' (2007) model of co-regulation, we suggest a new audience-inclusive perspective on media accountability in the digital age. This approach, mirrored in Karmasin's concept of media stakeholders (1998), includes not only groups defined as interested parties (journalists, media managers), but also citizens as having a similarly high interest in accountable and transparent media. Therefore, we suggest referring to a new model of media accountability in the digital age (cf. Fig. 4):

ABBILDUNG 4
Media accountability in the digital age



Naturally, the Internet is also an excellent platform for media criticism by journalists and other members of the media industry. Blogs have emerged as the most popular new instrument of online media accountability. Following Domingo and Heinonen (2008), media-related blogs can be classified into four different categories:

- *Citizen Blogs*: journalistic weblogs written by the public outside the media,
- *Audience Blogs*: journalistic weblogs written by the public within the media,
- *Journalist Blogs*: journalistic weblogs written by journalists outside media institutions, and
- *Media Blogs*: journalistic weblogs written by journalists within media institutions.

However, it will be necessary to investigate the challenges that established instruments of media accountability have to face in the digital age (cf. EBERWEIN 2010a; EVERS 2009; HEINONEN 2010). Should a press coun-

cil deal with complaints about journalistic contents on *Facebook* or a news video uploaded to *YouTube*? Should a press council react to a complaint about the online content of a broadcaster or about news published in a portal like *Yahoo*!?

Mapping media accountability: A comparative perspective – Europe and beyond

In general, media accountability instruments already exist in one or the other form in most European countries, but differ from each other considerably with regard to their structures and mechanisms. While distinctive cultures of media accountability do exist in countries like the United Kingdom (cf. the chapter by Jempson/Powell in this book), in Italy or Poland only a few instruments are serving the purpose of media self-regulation. Even countries with close cultural ties show remarkable differences: e. g. readers' councils are quite common in Switzerland, but have until recently been more or less unknown in Germany. And while Germany and Switzerland both have elaborate media accountability cultures, a country as close in geography and culture as Austria is characterized by an absence of most MAIs, with a press council just being revived in 2010 and a TV celebrity tweeting on media and politics as one of the most popular organs of media self-control (cf. the reports written by Karmasin et al., Eberwein and Porlezza/Russ-Mohl in this volume). In France and Italy, with state and non-media conglomerates dominating the media, media self-control often exists in the form of satire, as Baisnée/Balland and Mazzoleni/Splendore show in this volume. The situation is similarly complex in Eastern Europe, as Bădău et al., Głowacki/Urbaniak and Loit et al. elaborate in this book: Estonia has two press councils; Poland has three journalists‹ associations and three codes of ethics, but none of them is effectively monitored. And even in countries like the Netherlands and Finland with long traditions in accountability and a multitude of instruments, established MAIs such as press councils and media journalism in the mass media face numerous problems in the digital age, as Evers/Groenhart and Heikkilä/Kylmälä point out in this volume.

At the meta-level, media accountability differs between the established democracies of Western Europe, with a relatively long tradition of press freedom as a necessary prerequisite for voluntary media self-control, and the young democracies in Eastern Europe, which experienced half a century with state-controlled media. The two Arab countries which form part of

our study – Tunisia (authored by Ferjani) and Jordan (by Hawatmeh/Pies) – represent semi and wholly autocratic countries with strongly controlled ›media systems in transition‹ (cf. RUGH 2004). In these countries, we have to expect that regimes ›co-opt‹ the concept of media accountability either as another means of control or to misleadingly promote it as their way to developing an independent media. Consequently, MAIs veiled by economic liberalization may only be substitutes for strong regulations and overseeing of the mass media by the state (cf. FERJANI 2003). However, while Jordan has a political and media system carefully opened up in the early 1990s, transitions in Tunisia's media system have not been accompanied by an opening up of the political system.

In order to structure this volume, we will employ the model of media systems in Europe (cf. HALLIN/MANCINI 2004), that explains the differences and similarities in journalism cultures by referring to system-related dimensions such as the development of politics and the public sphere, media markets, the journalistic professionalism, as well as the degree and nature of state intervention in media markets. We expect that Hallin/Mancini's model will partly explain the differences in media accountability, as the authors briefly mention press councils when considering the varying degrees of journalistic professionalism across Europe. For example, the Democratic Corporatist Model may prefer involving different parts of society which can be a reason for the strong position of media councils in Germany and Scandinavia. Italy's journalism culture is, by contrast, characterized by a strong political parallelism between media and politics. Therefore it is not surprising that media state regulation often appears in disguise of self-regulation.

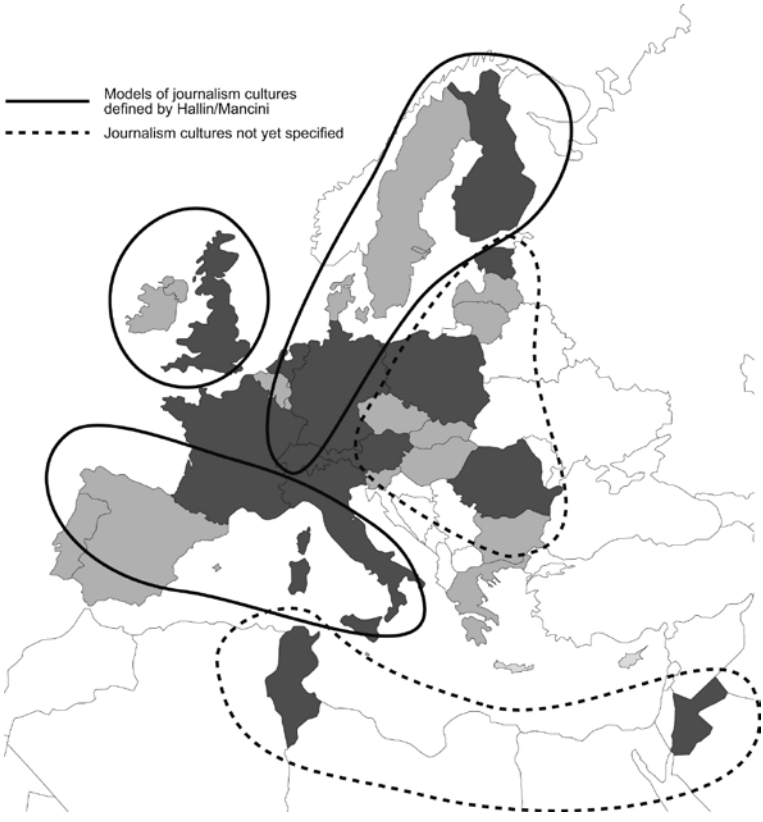
Hallin/Mancini's well-known model (2004: 67f.) divides media systems and journalism cultures into three groups:

- the Mediterranean or Polarized Pluralist Model (represented in this volume by France and Italy),
- the North/Central European or Democratic Corporatist Model (represented by Austria, Finland, Germany, the Netherlands and Switzerland), and
- the North Atlantic or Liberal Model (represented by the United Kingdom).

Following the strategy of involving the most contrasting cases (cf. WIRTH/KOLB 2003), this study also includes (cf. Fig. 5):

Estonia, Poland and Romania as Eastern European countries and Jordan and Tunisia as two examples of Arab states.

ABBILDUNG 5
Journalism cultures in Europe and beyond



Source: adapted from Hallin/Mancini 2004

However, as often noted, neither Eastern European media systems nor other continents, apart from the United States, have to date been included in Hallin and Mancini's model. Initial attempts to extend the model towards Eastern Europe and beyond (cf. BLUM 2005) have to be considered insufficient. The socialist history and the previously strongly controlled media systems of Eastern European countries give good reasons to assume that they have their own journalism culture, which can be further divided into sub-cultures. Lauk (2008c), for example, roughly divides Eastern EU member states in two categories by pointing towards the relationship between the political system and the media system. She distinguishes coun-

tries with a relatively broad press freedom but extant substantial state interference (e. g. Poland and Romania) and countries where the media have more successfully distanced themselves from political powers (e. g. Estonia). In general, little is currently known about the status quo and quality of media accountability systems in Eastern Europe, where self-regulation mechanisms were only partly established during transformation processes (cf. THOMASS/TZANKOFF 2001: 247). This book seeks to partially bridge this gap and update existing research.

Conclusions

It will be most interesting to observe how various media accountability instruments fare in the different media systems across Europe and beyond – and how the Internet is changing the landscape of media accountability in the individual countries being studied. We will also see how the journalism cultures represented in this book differ in terms of the degree of MAI institutionalization, and whether the audience has already become a relevant factor. A pertinent issue is that the Hallin/Mancini model may only partly be used to explain the variety of media accountability across Europe. For example, Austria, which Hallin and Mancini classify among the ›Democratic Corporatist‹ group of Northern/Central European countries, resembles the Mediterranean media culture, with regard to the absence of most of the MAIs that can be found in Germany and Finland. Media criticism frequently occurs in the form of entertainment, satire and mockery in France and Romania – both countries also report a high degree of political influence in the media.

Having mapped the field of media accountability research, we define media accountability instruments as *any informal institution, both offline and online, performed by both media professionals and media users, which intends to monitor, comment on and criticize journalism and seeks to expose and debate problems of journalism:*

- *at the individual level (e. g. plagiarism of a single journalist, misquotations in an article),*
- *at the level of media routines (e. g. the acceptance of corruption among journalists),*
- *at the organizational level (e. g.* PR *influence on editorial decisions in a newsroom), and*
- *at the extra-media level (e. g. state repressions against journalism).*

The most fascinating prospects for media accountability may exist just here, if we consider the sea-changes currently affecting the journalistic profession: newsrooms and resources for research are shrinking at a rapid rate, to name just a couple, and the possibilities of media professionals to exercise media accountability are increasing at the same time. Meanwhile, media users may gather on *Facebook* sites or team up online for crowdfunding a journalism critically investigating the media business. The audience could be engaged in discussions with newsrooms via *Skype* or *Twitter*. Overholser's ›pro-am model‹ (cf. OVERHOLSER 2006) – often exercised by the digital pioneer *Guardian online* – might be extended to media criticism: professional and citizen journalists might join forces to monitor the media both offline and online. However, if citizens collaborate in the production of media criticism, if the lines between journalists and their audiences are blurring – how valuable will the concept of *self*-control then be, and how can it be protected from state interference in the digital age? Many fundamental questions need to be clarified if we want to assess the potential of media accountability in helping secure quality in journalism. Hopefully this book can answer not only some of them, but also provide more raw material for further discussion.

MATTHIAS KARMASIN / DANIELA KRAUS /
ANDY KALTENBRUNNER /KLAUS BICHLER

Austria: A border-crosser

Abstract

Austria is lacking efficient media accountability instruments. The Austrian Press Council was annulled in 2002 and started again only in 2010; existing codes of ethics need updating and are not well known by journalists; neither is there self or co-regulation for private and public broadcasting, which state authorities regulate, nor for commercial online media. Media journalism and media criticism in newspapers, TV or radio are scarce and there are hardly any internal initiatives of self-regulation within news organizations. Several initiatives concerned with improving the quality of journalism can be found offline and online, but they do not reach large audiences.

1. Introduction

Hallin and Mancini (2004) define Austria as a country fitting into the North/Central European or Democratic Corporatist Model of journalism cultures. Several factors like a high newspaper circulation, a historically strong party press, press subsidies and strong public broadcasting (cf. HALLIN/MANCINI 2004: 66) may speak for this assumption. But in the context of the various factors concerning media accountability instruments, this categorization is questionable. A lack of institutionalized self-regulation of the press, the late installation (in 1983) and default of updating (since 1999) of the Austrian Code of Conduct for the Press as well as the absence

of standards for journalism education might question the categorization of Hallin and Mancini (cf. SEETHALER/MELISCHEK 2006: 350f.). Ongoing media concentration processes and cost cuts caused by the financial crisis further affect the situation of self-regulation and quality control. New types of media, such as free daily newspapers, and new forms of digital content have diluted the application of ethical journalistic standards.

From this perspective, Austria rather seems to be a ›border-crosser‹ between the North/Central European and the Mediterranean Model, the latter having the characteristic of strong political parallelism in media and politics: politicians in Austria are less concerned about media self or co-regulation than perpetuating political influence (cf. KALTENBRUNNER 2010). Regulatory policy is of great importance, but neither press subsidies nor any of the laws regulating the media market (Privatradiogesetz – Private Radio Act, Privatfernsehgesetz – Private Television Act, KommAustria-Gesetz – KommAustria Act, Presseförderungsgesetz – Press Promotion Act etc.) or media content and the rights of journalists (e. g. Journalistengesetz – Journalism Law, Urheberrechtsgesetz – Copyright Law, Mediengesetz – Media Law) claim or foster self-regulation. Unsurprisingly, efforts undertaken to strengthen media accountability – by the industry or civil society – remain widely unsupported and hardly ever come to fruition. Raising quality development is more difficult in markets with high levels of media concentration, which result in less competition in defining quality and media-ethical measures.

Such is the Austrian case: the strongest media owners in the national market (the German WAZ group, Raiffeisen, Gruner + Jahr and the family Dichand who own the *Kronen Zeitung*) are all cooperating in several ways, interlinked, closely related or legally merged at different stages of the value chain. The exceptional media market consisting of a national oligopoly and regional monopolies in a small country and the extremely late deregulation and privatization of radio (1994) and TV (2001) gave the ORF (ÖSTERREICHISCHER RUNDFUNK, the Austrian national public service broadcaster) great importance in the media market and a leading role in defining journalistic standards in electronic media. ORF's dominance is now consequently diminishing, accompanied by a permanent political and professional debate rather focusing on the financial situation and independence of the media, political influence and autonomy of journalistic work in ORF than on quality and on standards of media accountability. The youthful sector of private radio and TV has not yet developed publicly traceable standards regarding media ethics and forms of self-regulation.

2. Journalistic culture and media system

In Austria, there are 16 daily newspapers reaching 75 percent of the adult population (age 14+ years). The daily boulevard newspaper *Kronen Zeitung* dominates the market with 40.4 percent followed by the regional newspaper *Kleine Zeitung* (12.1 percent), the boulevard newspaper *Österreich* (9.5 percent) and the midmarket newspaper *Kurier* (8.7 percent). Quality newspapers have much smaller reaches like *Der Standard* (5.6 percent) and *Die Presse* (3.7 percent). Since the *Kronen Zeitung* also owns the only nationalwide commercial radio, the ongoing concentration trends characterizing the Austrian media market since the 1970s become even more fraught.[1]

Concentration processes also exist in the media-related sectors of printing, distribution, and advertising sales. In 2009, Mediaprint, responsible for the printing, distribution and advertising of *Kronen Zeitung* and *Kurier*, and Styria Media AG (*Die Presse*, *Wirtschaftsblatt*, and *Kleine Zeitung*) reached 66.1 percent of the adult population.[2] Consequently, the print media market at the national level can be described as an oligopoly. Furthermore, there are several de facto monopolies in the regional newspaper market, as for example in Vorarlberg or Tyrol (cf. KALTENBRUNNER et al. 2007: 45).

A similar market concentration can be found in the magazine market. In 2000/2001 two of the largest competing magazine groups were merged to form the now dominant News Gruppe (*profil*, *News*, *Format*, *trend*, etc.). This happened almost without any appeals to the Austrian anti-trust court. The merged magazine group since then has had a de facto monopoly on economic and political weekly magazines.

There are also dominant media companies in the local weekly newspaper market in the federal states, for example the NÖN (*Niederösterreichisches Pressehaus*) in Lower Austria (cf. KALTENBRUNNER et al. 2007: 48ff.).

Several foreign media houses, mostly from Germany, have started to acquire an interest in Austrian newspapers and magazines in recent years. For example, WAZ (Germany) bought 50 percent of the *Kronen Zeitung*, and Gruner + Jahr (Germany) bought over 50 percent of the News Gruppe (for details cf. STEINMAURER 2002; KALTENBRUNNER et al. 2007: 48ff.; STEINMAURER 2009: 507).

1 Cf. *MA 2009* (available at: http://www.media-analyse.at).
2 Cf. *MA 2009* (available at: http://www.media-analyse.at).

The key characteristic of broadcasting in Austria was the late deregulation process, which started in the radio sector in 1994 and the TV sector in 2001, resulting in a still-dominant public broadcaster ORF, although its market share is declining rapidly. The state through government has traditionally maintained tight control of public broadcasting and consequently there exists strong political parallelism. For example, although ORF became a foundation in 2001, the controlling authorities are government agencies (cf. STEINMAURER 2002: 32ff.).

While the market share of the ORF is still high (39.2 percent), Austrian commercial TV is rather unpopular (6.2 percent) and German TV is gaining an increasing market share (nearly 50 percent).[3] Furthermore, the two major Austrian national commercial TV stations are also owned by German companies: ATV belongs to Tele-München and PULS4 belongs to the ProSiebenSat.1 Media AG (cf. KALTENBRUNNER et al. 2007: 56).

The dominant share of the radio market is held by public radio (over 70 percent) through three national stations, Ö1, Ö3 and FM4, and nine regional stations, while the nearly 60 commercial local and national radios have a market share of around 25 percent.[4]

Internet penetration in Austria is rather high at 76 percent, with 64 percent of the adult population using the Internet several times a week.[5] Although the number of print newspaper readers is decreasing slowly (cf. STARK/KARMASIN 2009: 360), 40 percent of all Internet users read newspapers or magazines online (cf. STARK/RUSSMANN 2009: 202). The *ORF.at* network is the most popular – around 40 percent of all users visit the sites of the public broadcaster – followed by *krone.at* (*Kronen Zeitung*) with 17.1 percent and the online edition of the quality newspaper *Der Standard* with 14.5 percent.[6]

In Austria there are around 7,100 journalists, 87 per 100,000 citizens. The typical Austrian journalist is 40 years old, male, works in the print sector and is based in Vienna (cf. KALTENBRUNNER et al. 2007: 17ff.). But two other important features characterize the Austrian journalism culture as only 33 percent of all Austrian journalists have an academic degree and the tradition of journalism education does not play a major role

3 Cf. Medienforschung ORF 2009 (available at: http://mediaresearch.orf.at/c_fernsehen/console/console.htm?y=3&z=1).

4 Cf. *MA 2009* (available at: http://www.media-analyse.at).

5 Cf. Integral: *Austrian Internet Monitor. 1. Quartal 2010*, p. 3 (available at: http://www.integral.co.at/downloads/Internet/2010/06/AIM_Consumer_-_Q1_2010.pdf).

6 Cf. *ÖWA Plus 2009-IV* (available at: http://www.oewa.at/index.php?id=8323).

(cf. KALTENBRUNNER et al. 2007: 17ff.), which might also question Hallin and Mancini's (2004) characterization of Austria as a country belonging to the Democratic Corporatist Model.[7]

3. Established instruments of media accountability

Austria lacks comprehensive research about media ethics and media accountability. The reflection of the status quo is incomplete and longitudinal analyses have never been made.

Regarding the Austrian Press Council, a few minor studies have focused on the foundation phase. In 2006, an in-depth study analyzed the chances of a new press council being formed (GOTTWALD et al. 2006). There is no established media accountability in broadcasting and as a result there is no research on this topic.

Since 1996, several studies have been conducted about journalists and their (ethical) attitudes (cf. KARMASIN 1996, 2005). Triggered by the implementation of new journalism training courses in Austria, some research examined journalism education and journalists' ethical standards (KALTENBRUNNER et al. 2007; KALTENBRUNNER et al. 2008).

Furthermore, some explorative studies about Austrian media watchblogs exist, which give at least an overview and show the main trends (cf. for example SCHÖNHERR 2008).

Press council

The Verband Österreichischer Zeitungen (VÖZ, Austrian Newspaper Association) and the Union of Journalists established the Austrian Press Council (PC) in 1961, which existed until 2002. In the 1990s, the Österreichische Zeitschriften- und Fachmedien-Verband (ÖZV, Austrian Magazine and Special Interest Magazine Association), representing the publishers of weekly and monthly magazines, and the Presseclub Concordia, an independent press club founded in 1859, joined the PC. The PC was a traditional press council, concerned only with print products, basing judgments on the

7 More information about Austrian journalists can be found under: http://www.medienhaus-wien.at/cgi-bin/page.pl?cid=16

Ehrenkodex der österreichischen Presse, the Austrian Code of Conduct for the Press (cf. GOTTWALD et al. 2006: 9ff.).

However, the PC had several problems, which ultimately led to its dissolution: (1) restricted powers to sanction journalistic misconduct; (2) members lacked any convergence of interests and could hardly find a consensus of opinion; (3) members lacked any expertise of self-regulation and consequently the industry neither accepted nor discussed the PC's verdicts; (4) the PC did not have broad public recognition of its existence; (5) financing by membership subscription was insufficient; and (6) non-acceptance by the dominant player in the press market.

The *Kronen Zeitung* had never accepted the authority of the Press Council nor its verdicts and in 1997 even started to sue every member of the PC dealing with a case concerning the *Kronen Zeitung*[8] (cf. BERNTHALER 2001: 104f.). Although the *Kronen Zeitung* lost the lawsuit, the number of publishers dissatisfied with the structure of the PC increased and in 2001, the publishers stopped their contributions to the PC, which effectively led to dissolution in 2002 (cf. GOTTWALD et al. 2006: 9ff.). Despite widespread criticism by scholars and media professionals, there was not any political reaction.

In December 2009, representatives of the Union of Journalists and VÖZ announced the establishment of a new PC in 2010,[9] managed by a legal expert. The nomination of three ombudsmen as part of the new ›Presserat‹ (Press Council) was announced in July 2010, with the PC starting in the end of 2010 (cf. FIDLER 2010).

The new PC will be concerned with newspapers and magazines and their additional products (including their websites). Key features of the new PC – intended to address some of the problems of the ›old PC‹ – are: (1) membership organizations: VÖZ, the Union of Journalists, the Presseclub Concordia, the Association of Editors-in-Chief, the Verband der Regionalmedien Österreichs (VRM, Association of regional media of Austria) and the ÖZV; (2) finances: In addition to member-organization's subscriptions, the state will provide financing worth 150,000 € via press subsidies;[10] (3) internal structure: The General Assembly will consist of 14 representatives of the member organizations. The member organizations will also

8 This case was about an article insulting Franz Fuchs, the Austrian letter bomber.

9 Cf. VÖZ 2010 (available at: http://www.voez.at/b300m23).

10 Cf. Presseförderungsgesetz 2004 – PresseFG 2004 [2004 Press Promotion Act], § 12a (*Bundesgesetzblatt für die Republik Österreich*, I, 136/2003, available at: http://www.ris.bka.gv.at/Dokumente/BgblPdf/2003_136_1/2003_136_1.pdf).

select the seven members of two Complaints Senates ensuring that one member of each Senate holds a law degree; (4) complainant responsibility: The complainants declare they will refrain from seeking legal redress after making their complaints to the PC. The PC will not otherwise deal with the case; (5) independent investigation procedure: The PC can open a case without receiving a complaint; (6) mediation role of ombudsman: An ombudsperson will advise potential complainants whether they should seek legal redress or make a complaint to the PC; (7) publishing of PC adjudications: The media outlet at fault as well as the relevant association will publish the PC's verdicts.[11]

Observers fear that the new PC will become more of a ›court‹ with lawyers dominating the Complaints Senates. Furthermore, only the PC's member organizations will choose the members of the Senates, which infers important stakeholders in the PC's procedures, such as members of civil society, media experts or communication researchers, are unlikely to be involved. The requirement by complainants of abandoning any form of legal redress when making a complaint to the PC seems a risky strategy. Finally, it is not clear if all newspapers, especially the *Kronen Zeitung*, will accept the new PC, particularly as Gottwald et al. (2006) point out other possible factors, which will determine the success or failure of the new PC, and which so far seem to have been neglected.

Codes of ethics

The ›Ehrenkodex der österreichischen Presse‹, the Austrian Code of Conduct for the Press, was formulated in 1983 and has been revised several times, with the latest revision in 1999.[12]

The Code of Conduct deals with general issues like freedom of the press as well as with specific instructions for certain journalistic departments. The Code consists of nine chapters, dealing with topics like accuracy, truth and the separation of content and advertisement.

11 Cf. Verfahrensordnung der Beschwerdesenate des Österreichischen Presserats [Code of procedure of the senates of complaints of the Austrian Press Council] (available at: http://www.voez.at/download.php?id=766); Statuten des ›Vereins zur Selbstkontrolle der österreichischen Presse – Österreichischer Presserat‹ [Statutes of the ›Association for Self-control of the Austrian Press – Austrian Press Council‹] (available at: http://www.voez.at/download.php?id=765)

12 Cf. http://www.voez.at/download.php?id=165

Although most of the Austrian newspapers claim that they adhere to the Code of Conduct, surveys show that Austrian journalists are mostly unaware of the actual content (cf. KARMASIN 1996, 2005). In addition, the Presseclub Concordia demands all its members to pledge to the freedom of the press and the freedom of expression.

Readers advocacy (Leseranwaltschaft)

After the dissolution of the original PC in 2002, the Association of Editors-in-Chief established the ›Leseranwaltschaft‹[13] in 2007, which is a type of ombudsman institution responsible for all participating media. The boulevard newspapers do not, however, participate in this institution. The Leseranwaltschaft does not have any options for sanctioning misdemeanors and the public is mostly unaware of its existence. Although the institution currently deals with around ten complaints a year, its future seems doubtful, once the new PC is operational. However, one journalist who served as a mediator and public contact for the Leseranwaltschaft will be one of the three ombudsmen of the new PC.

Media accountability in the broadcasting sector

The state, historically, has tightly regulated broadcasting in Austria through the influential ORF law (Public Broadcasting Law). The state, in 1974, transformed ORF into an independent organization, both politically and economically. Despite the Public Broadcasting Law guaranteeing the formal autonomy of the public broadcaster, politicians traditionally try to gain control over the ORF, for example by influencing staff decisions.

This form of political parallelism as a structural problem may hinder the establishment of media accountability within the public broadcaster. Party political motivs drive forward many ORF decisions, as for example, the appointments of members of ORF's board. These motivs often dominate the debate about values and accountability for the public broadcaster and its journalists (cf. BÖHMDORFER/ECKELSBERGER/TRESCHER 2010: 31ff.).

In 2001, the government created a new authority as part of the liberalization of the TV market: the Rundfunk und Telekom Regulierungs-GmbH

13 Cf. http://www.leseranwaltschaft.at/

(RTR, Austrian Regulatory Authority for Broadcasting and Telecommunications). The RTR is a non-profit limited company bound by the instructions by the Federal Chancellery and the Federal Ministry for Transport, Innovation and Technology. The RTR provides operational support for the KommAustria (Austrian Communication Authority) and the Telekom Kontroll Kommission (TKK, Telekom Control Commission). KommAustria is responsible for the administration of broadcasting frequencies, licensing of private broadcasters, the legal supervision over private broadcasters, and for the allocation of press subsidies. Another state authority is the Bundeskommunikationssenat (BKS, The Federal Communications Board), which has the legal supervision of the ORF. In summary, the state tightly regulates broadcasting in Austria and consequently hardly any self or co-regulation exists.

However, within the ORF, there does exist an instrument of self-regulation, or at least of an internal participation: the ›Redakteursrat‹ (Journalists Assembly) of the ORF. Journalists attending the Redakteursrat have special rights of information, and may participate in hearings concerning program content as well as staff decisions, which the Redakteursstatut (Statute of the Redakteursrat) guarantees.

In October 2010, the government established a new ORF law regulating the finances and content of public broadcasting, including a process for quality assurance.[14] One major change was the introduction of a new media authority, consisting of five ›independent‹ lawyers, but appointed by the Federal Chancellor. This authority is supposed to conduct the public value test for public broadcasting[15] (as per EU regulations), monitor the public content, check the ORF's compliance with advertising regulation and maintain a check on ORF's expenditure.

Although the commercial TV sector is conducting discussions concerning self-regulation instruments, none exists at the moment. There is only the Verband Österreichischer Privatsender (VÖP, Association of Austrian Commercial Broadcasters) which acts as a representative in economic matters for all commercial broadcasters – regional and national.

14 Cf. ORF-Gesetz, ORF-G [Federal Act on the Austrian Broadcasting Corporation (ORF Act)] (*Bundesgesetzblatt für die Republik Österreich*, 379/1984, available at: http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000785).

15 In 2008, the ORF established a public value competence center: http://zukunft.orf.at/

Media journalism

Media journalism in daily newspapers or magazines is not a major concern. Small media sections exist in the two quality newspapers *Die Presse* and *Der Standard*. Media topics can mostly be found in review sections and the arts section, but critics claim that even film and TV reviews – let alone the media – do not have enough coverage (cf. FABRIS 2001: 19). However, many parts of civil society, like politics or sports, acknowledge the media's influence (cf. BRÜCKERHOFF 2007). Austrian politicians frequently discuss the coverage and influence of the election campaign journalism of the daily boulevard newspaper *Kronen Zeitung*. Prime examples were the widespread campaigning of the *Kronen Zeitung* in the EU parliamentary elections in 2009 (cf. KALTENBRUNNER 2010: 126) and the newspaper's support for the extreme nationalist, right-wing candidate of the FPÖ for the presidential election in spring 2010.

One of the few examples of permanent coverage of media-issues is the website of the daily newspaper *Der Standard*, which has a department called ›etat‹ dealing broadly with journalism, advertisement, media policy etc. The target group also includes laymen, so that most of the articles can be understood without previous knowledge of the media business.

There is no journalistic TV program dealing with media criticism, journalism or media policy. Some satire shows on TV and radio sometimes ironically discuss the latest media topics, of which the most popular is probably *Willkommen Österreich* on ORF1.

Washietl (2004: 338) concludes that on the one hand Austria's audience is not interested in news about the media industry or journalism in general and on the other hand journalists are lacking objectivity when it comes to their own media company.

With regard to media journalism for a media audience, in Austria there are six major trade journals *Horizont/Bestseller*,[16] *Medienmanager*,[17] *Medianet*,[18] *Extradienst*,[19] *A3 boom*,[20] and *Der Österreichische Journalist*.[21] All of them serve a small audience mainly consisting of media professionals.

16 Cf. http://www.horizont.at/
17 Cf. http://www.medienmanager.at/
18 Cf. http://www.medianet.at/
19 Cf. http://www.extradienst.at/
20 Cf. http://www.a3verlag.com/
21 Cf. http://www.journalist.at/

Regular internal initiatives of news organizations

Nearly all Austrian daily newspapers and magazines print letters to the editor. But only the daily newspaper *Der Standard*, the weekly newspaper *Falter* and the monthly magazine *Datum* pledge themselves to publish correction columns, where they announce the errors they made.

Another internal initiative integrating the audience is the Readers Advisory Board, which the daily regional newspaper *Vorarlberger Nachrichten* established in 2007, where readers can participate in the process of news production by adding ideas or critiques in special meetings (cf. RIEDMANN 2007: 190ff.).

The daily newspaper *Der Standard* is the only Austrian medium that has an ombudsman, called ›Leserbeauftragter‹ (readers' representative), established in 2007. The objective of this job is to arbitrate in conflicts, to help secure quality management and to write the weekly column about the mistakes and errors being made. The ombudsman deals with 30 to 60 e-mails each day, concerning complaints, corrections or additions (cf. FÖDERL-SCHMID/RANFTL 2007: 187).

Other media accountability instruments

Journalism education and training for journalists in Austria was deficient in the last decades, and in many ways still is. As a result, only 33 percent of all Austrian journalists have a university degree. The first courses for journalism at a University of Applied Sciences started in 2002 in Graz, and in 2003 in Vienna (cf. KALTENBRUNNER et al. 2007: 97f.). Media ethics is often not a mandatory subject in journalism education (cf. WEDER 2010: 506).

There is no academic institutionalization of media ethics in form of a chair, an institute or an academic program, but there are research efforts and some courses being offered. Academia in Austria has not yet fully adopted the field of media ethics.

Some academic institutes offer advanced training for journalists, but a survey conducted in 2008 showed that although journalists were highly interested in further education, they are not satisfied with the courses being offered. This dissatisfaction meant that 42 percent of the journalists claimed that they did not attend any journalism training, not even one-day courses about any professional topic, in the previous year (cf. KALTENBRUNNER et al. 2008: 118ff.).

Austrian newspapers and magazines do not all have an editorial statute clarifying the relationship between owners and journalists or guaranteeing the latter's involvement over the issue of appointing a new editor-in-chief. Only 25 percent of Austrian journalists surveyed said that they have a written ethical code in their editorial department (cf. KALTENBRUNNER et al. 2008: 64f.).

The Press Law forces newspapers and magazines to publish their ›Blattlinie‹, a type of policy description, once a year, consisting of cursory commitments to democracy and pluralism, sometimes connoted with ideological opinions. None of the 16 Austrian newspapers has a stylebook (cf. KALTENBRUNNER et al. 2008: 65).

In addition, there are several initiatives concerning quality in journalism and bridging the gap between media studies and journalistic practice, like the ›Initiative Qualität im Journalismus‹ (Initiative for Quality Journalism),[22] ›Medienhaus Wien‹[23] or the Institute for Communication Science at the University of Vienna.[24]

A popular initiative is SOS ORF,[25] which receives support from publicly acclaimed Austrians in politics, arts and the economy, and also journalists and several newspapers and magazines, who demand an independent public broadcasting station ORF with independent management and journalists (cf. DERFREIRAUM 2006).

4. Innovative instruments of media accountability

Other than minor research conducted on the *Krone-Blog*, accountability instruments of the alternative media, particularly the social web, have attracted little research.

One of the most important media watchblogs in Austria is *Krone-Blog*.[26] Established in 2002, the blog tries to collate the errors, politically incorrect comments and discreditations in the *Kronen Zeitung* (cf. SCHÖNHERR 2008: 119ff.). A media watchblog which examined the second largest national boulevard newspaper *Österreich* is already offline. Media lecturer Helge Fahrnberger and his students at the University of Vienna

22 Cf. http://www.iq-journalismus.at/
23 Cf. http://www.medienhaus-wien.at/
24 Cf. http://www.univie.ac.at/Publizistik/
25 Cf. http://www.sos-orf.at/
26 Cf. http://www.krone-blog.at/

launched *KOBUK*[27] in 2010 as the latest media watchblog, which criticizes and corrects news coverage. Besides these two monothematic blogs, there are a lot of smaller blogs by journalists or private people dealing with media-related topics from time to time, for example *baeckblog.at*. Also blogging communities like *zib21.com* quite frequently deal with media-related topics.

Although *Facebook* is very popular in Austria, none of the groups are serious media watchdogs. Several groups do focus on certain journalists, TV shows or the public broadcasting fees, but most of them lack members and there are not any serious on-going discussions.

The most popular media criticism within Web 2.0 is possibly Armin Wolf's *Twitter* channel,[28] with 13,000 followers. Wolf, the anchorman of ORF's ten o'clock evening news, often tweets about media developments and the quality of journalism. Another quite promising type of media criticism is the posting-culture in the media section at *derstandard.at*. Registered users can comment on all articles and a lot of media discussion can be found there. For example, users wrote 582 posts about an online article about the censorship of a satire show on ORF television.

5. Conclusions

One conclusion of the current situation of media accountability instruments in Austria is that Austria does not seem to fit into the North/Central European or Democratic Corporatist Model as described by Hallin and Mancini (2004: 66, 144ff.). The instruments are too weak or do not exist. Furthermore media accountability instruments in Austria only prove successful when the state is involved, either in terms of financing or in terms of forcing the media to comply. Consequently, Austria needs regulated co-regulation (cf. GOTTWALD et al. 2006). Even the function of media journalism as an element of quality management (cf. RUSS-MOHL 2003: 346) is very limited.

The situation might improve in the next years: A new press council is set to start operations in 2010 and alternative forms of media accountability like watchblogs will reach a broader audience and enlarge the influence of civil society. On a general basis, globalization of media markets

27 Cf. http://www.kobuk.at/
28 Cf. http://twitter.com/ArminWolf

and audiences as well as digital media convergence processes may raise the consciousness of the need for media accountability, even in the small and rather self-referential Austrian market.

However, the lack of competition regarding quality and media-ethical standards will not change easily. Austria has a unique situation of an enormously high level of media concentration for a small media market, in which the dominant daily newspaper, the *Kronen Zeitung*, reaching over 40 percent of the adult readership, and the public broadcaster ORF (a monopoly until 1998), were for several decades not only setting the agenda but also defining the standards and limits of media accountability, as well of public discussions. Such an extraordinary market situation restricted civil society's expectations of opportunities for private competitors to enter the market. The media sector is neither willing nor able to make any form of investment, and civil society does not have sufficient resources to affect a change. So long as the state does not promote efficient instruments of media accountability, Austria's media will not have them.

In the context of the regulatory deficits within the media-political environment of post-WWII Austria, which not only allowed but even supported media concentration, there is one categorical imperative for today. Investments into measures explicitly and clearly targeted at assisting media quality improvement are necessary. Supporting regulated self-regulation with international standards might therefore be seen not only as an option but as an obligation of media policy.

URMAS LOIT / EPP LAUK / HALLIKI HARRO-LOIT

Estonia: Fragmented accountability

Abstract

The concept of media accountability and self-regulation was introduced in Estonia within the course of societal transformation and democratic reforms in the 1990s. Two decades of democratization and restructuring of the media system have resulted in unrestricted freedom of the press and an unregulated oligopolistic market situation. The favorable conditions for the economic development of the media industry have not created a favorable environment for the development of media's social accountability. Currently, there is no mechanism to prevent the media from misusing their power. The current legislation and court practices do not motivate the media organizations to invest in the quality of journalism. The existing accountability instruments are in fact under the control of the media industry and elite, having no substantial effect on the quality of media performance. Civic society structures are not strong enough to be able to ›watch the watchdog‹.

1. Introduction

Estonia was the first among post-Communist countries to establish a Press Council in 1991. At that time, the boom of the press was in its early phase, new ownership types were only starting to take shape, the market fluctuated broadly and the concentration phase was yet to come. The media actively interfered in social and political processes, clearly valuing public service ideals. Profit had not yet become their main motivation.

The demand for journalists in the job market was higher than the supply and the salaries were relatively high. A new untrained workforce entered the media field in large numbers, whose knowledge of journalism and its role and responsibilities in the society were limited. The enthusiasm for the freedom of expression was extremely high and journalists tended to ignore or forget that unlimited freedom does not exist. As a consequence, numerous cases of violation of good journalistic conduct occurred, several of which ended up in court, and undermined the public's trust in the media.

During the second half of the 1990s, Estonian society reached the stage of needing legal regulation of mass media and public communication: laws concerning public broadcasting, personal rights, copyright, access to information etc. were passed or modernized. Court practice, however, remained inconsistent (cf. HARRO 2002). The Press Council faced the challenge of establishing rules of good journalistic conduct and working out the guidelines for journalists.

Since the early 1990s, two parallel developments have characterized the media environment in Estonia: (1) a high degree of press freedom and (2) an extremely liberal market policy. Both are in accordance with the EU media and communication policy that simultaneously follows the economy and technology-oriented de-regulative direction and the market-correcting direction (protection of cultural diversity through European quotas, European co-productions and production by independent producers) (cf. KLIMKIEWICZ 2009: 65f.). In Estonia, a combination of extensive freedom of the press[1] and a highly concentrated, but unregulated market has clearly resulted in favoring economic and business interests over socio-cultural and political ones (cf. VAN CUILENBURG/MCQUAIL 2003). EU media political recommendations put the responsibility for safeguarding public interest and counterbalancing the commercial objectives of the media industry on the »service providers themselves«[2] through establishing extensive self-regulation. However, within an oligopolistic market situation and minimum state interference nothing impedes the corporate interests from taking the upper hand.

In Estonia, the collision of different visions of the functions and implementation of self-regulation in practice has resulted in the existence of

1 In the rankings of Freedom House and Reporters Without Frontiers, Estonia is placed among the top 15 nations among the Nordic countries, Belgium, the Netherlands, Luxembourg and Switzerland.

2 Cf. European Audiovisual Media Services Directive (AVMSD), 2007, art. 36.

two parallel press councils (one of them entirely controlled by the media industry). Their effect on the quality of media performance is still debatable. Therefore, we argue that the crucial issue is not the *existence*, but the *efficiency* of media accountability instruments.

2. Journalistic culture and media system

The Estonian-language media is produced and consumed by less than a million people. The largest minority, about 22 to 23 percent of the population, is Russian speaking whose media consumption habits are more orientated towards Russia than towards the local market.

Currently, two large media corporations dominate the Estonian media market – Eesti Meedia (Estonian Media, owned by Norwegian Schibsted ASA) and Ekspress Grupp (a quoted company with an Estonian core investor). The press market is of oligopolistic character – two companies publish the two competing national dailies (*Postimees* by Eesti Meedia and *Eesti Päevaleht* by Ekspress Grupp). In addition, they share, fifty-fifty, the only national tabloid *Õhtuleht*, as well as the largest magazine publishing company with 23 magazines and four web portals. Ekspress Grupp also owns the major Internet news portal *Delfi*; Eesti Meedia publishes five of the largest regional dailies while Ekspress Grupp publishes two major national weeklies (*Eesti Ekspress* and *Maaleht*). A Bonnier-owned business daily *Äripäev* does not compete with the other dailies for the general public, but is more targeted at the business sector.

The economic recession has strongly influenced media development from 2008 to 2010. Although the number of titles of newspapers and magazines has not declined a great deal,[3] the circulations and readership have done so significantly. The circulation numbers of major newspapers have dropped on average by 15 percent and readership by 22 percent since 2008. For example, the largest daily *Postimees* has lost 13 percent of its circulation and 15 percent of the readers since 2008, while its Russian language edition's readership dropped by 39 percent. The business daily *Äripäev* has even lost 44 percent of the circulation and 50 percent of the readers (VIHALEMM 2010). The decrease of newspaper reading also correlates with the growing use of the Internet (on average 1 h 43 min daily) and reading newspapers online.

3 In 2007, 71 newspapers, about 150 general interest magazines and 200 other periodical publications appeared in Estonia (LAUK 2008a: 301).

The advertising market has also experienced a decrease, an especially dramatic one for newspapers and magazines,[4] which are gradually losing their positions in the market to television and the Internet. Although in the first quarter of 2010 the share of newspaper and television advertising equalized (to 31 percent), the newspaper sector remains the most influential. Newspapers also produce most of the original news content, both online and offline (BALČYTIENE/HARRO-LOIT 2009: 524). Radio, television, and the Internet portals mainly follow the news agenda set by newspapers and to a great extent reproduce the newspapers‹ news-flows.

The broadcasting sector consists of one public service broadcasting (PSB) company Eesti Rahvusringhääling (Estonian National Broadcasting) with two national TV channels and four national radio channels, two major commercial companies with four national TV channels and a few regional and local ones (distributed via cable), and nearly 30 commercial radio channels. Along with the increasing availability of a range of cable and satellite channels the fragmentation of the Estonian TV market is gaining pace: the cumulative share of the three largest TV channels (ETV, KANAL 2/CHANNEL 2 and TV3) has dropped from 87 percent in 2006 to 75 percent in 2009 (RANNU 2010). From July 1, 2010, Estonia switched entirely to digital television transmission.

The majority of journalistic jobs in Estonia are in three companies: Eesti Meedia, Ekspress Grupp and Estonian National Broadcasting, all based in the capital Tallinn. The overall number of journalistic jobs in 2009 was about 1,200.[5] The Estonian Journalists' Union has around 800 members (including retired journalists, students and freelancers).

Extremely liberal media policies and wide freedom of expression have created favorable preconditions for journalistic professionalization. New generations of journalists have no experience of Soviet journalism; their education follows the same principles of democratic journalism as elsewhere in Europe and they have, to an extent, also completed a part of their studies abroad. Thus, the new generation of journalists largely adopts the ideas of objective journalism, public service and fact-based news reporting. However, market pressures and increasing commercialization work against

4 In 2009, the decline of advertising for newspapers was 41 percent and for magazines 56 percent compared to 2008 (VIHALEMM 2010).

5 The research project ›Changing Journalism Cultures: A Comparative Perspective‹ (University of Tartu, 2008–2011) identified 1,193 journalistic jobs in all the media in 2009. Freelancers were not included.

the realization of these professional values in practice. Professionalization is a long process and a period of less than two decades of the free press is only the beginning of this process in Estonia (for more, cf. LAUK 2008b).

Hallin and Mancini (2004) did not include former Communist bloc countries in their comparative media analysis. They based their typology on an assumption of relatively stable processes of societal and media development. Their three models do not, therefore, embrace rapidly changing media systems such as Estonia. However, combinations of various elements of these models are detectable. Developed formal education, general recognition of the ideology of public service among journalists and the existence of self-regulation mechanisms indicate similarities to the Democratic Corporatist Model. Lack of authority of the self-regulation concept, relatively low levels of professionalism and journalistic autonomy, and a weak professional organization relate Estonian media to the Polarized Pluralist Model. Also a strong element of the Liberal Model is present – the dominance of commercial media that largely determines the nature of the Estonian journalism culture.

3. Established instruments of media accountability

Press councils

The public discussion on the draft media laws from 1989 to 1991[6] provoked the idea of introducing a self-regulatory mechanism, which led to the adoption of the Finnish version of the press council concept (including the name and some organizational terminology). The first Press Council (Estonian Press Council – EPC) was established in 1991 under the umbrella of the publishers' association (Estonian Newspaper Association – ENA).[7]

During the first six years of existence, the EPC dealt with more than 100 cases and worked out a set of case-based guidelines on how to report certain topics. On the basis of these guidelines, the media's Code of Conduct was formulated and adopted in 1997. In order to ensure the EPC's impartiality and weaken the structural connection with the publishers'

6 Four drafts of media-targeted laws were presented for public discussion, but none of them was ever adopted.

7 Cf. http://www.eall.ee

association, the EPC was reorganized in 1997 into a non-profit organization that included representatives from both media and lay organizations who delegated their representatives to the body for examining complaints (LAUK 2009: 75).

Along with growing market competition, a conceptual tension emerged in interpreting the functions of the Press Council: is the Press Council a guardian of press freedom (i. e. institutions' right of expression) or is its primary function to safeguard the individuals' right of free expression and develop a dialogue between the media and the public on the quality of journalism?

The reorganized EPC functioned for a while as the only critical institution towards the media and articulated several important ethical issues both by including them in the explanations of the adjudications and issuing special statements. The critical discourse of the Press Council became more and more disliked among media leaders and resistance to the EPC gradually emerged. Although the Rules of Procedure of the EPC obliged the news media to publish or broadcast the full texts of its adjudications within seven days, the newspapers often ignored this commitment. As a result of a conceptual conflict between the EPC and the Estonian Newspaper Association, the ENA withdrew its membership by late 2001, and the broadcasters (both private and public) followed suit (LAUK 2008b: 204). In 2002, the ENA established another Press Council to deal with the complaints concerning their members' publications. Some Internet news portals, commercial TV channels and the Estonian National Broadcasting also recognize this Press Council (LAUK 2009: 73).

At the request of the ENA, all the media connected with the ENA Press Council (ENAPC) do not publish the EPC's adjudications or any other materials coming from the EPC. All ENA member newspapers advise the public to send their complaints to the ENA Press Council, and do not mention the possibility of asking for an alternative opinion from the EPC. In response to enquiries from the EPC, newspapers mostly claim that they recognize only the ENAPC and ignore the adjudications of the EPC. Thus, the EPC's critical voice is blocked (LAUK 2009: 73).

The efficiency and ability of a press council to act impartially depends upon its independence from the media industry. The composition of the ENA Press Council is heavily weighted in favor of the media industry. The initial chairman of the ENAPC was the former managing director of the Estonian Newspaper Association. The council predominantly consists of

chief editors (four to five out of ten members, as well as the chairperson). The lay members are individually invited by the ENA and not delegated by their organizations.

The original EPC, where seven members out of ten represent public NGOs and three are representatives of the Journalists' Union, still continues to adjudicate complaints. The EPC also provides expert opinion and evaluates the quality of media content and performance. The EPC publishes its adjudications on its website.[8] Although the EPC has no procedural measures to be accepted by all media as a self-regulatory body, it has earned credibility with a proficient analytical approach. Occasionally, the state authorities have requested its expert opinion.

The number of complaints to both bodies has been almost level in some years and quite different in others. In 2007, the EPC received 21 complaints and the ENAPC 24; in 2008, EPC – 21 and ENAPC – 45; and in 2009, EPC – 48 and ENAPC – 54. In 2009, for the first time since 1991, the total number of complaints exceeded a 100. This may reflect increased critical attention to the media quality by the public, the decline of the quality of journalism, or the public's depression about the economic recession. In 2009, also for the first time, the ENAPC upheld more cases than it dismissed.[9] So far, being more critical had been the ›privilege‹ of the EPC. Some people file their complaints to both bodies and occasionally they get conflicting decisions.

Codes of ethics

The Code of Ethics for the Estonian Press (the Code)[10] has been accepted by all the Estonian media organizations and both press councils base their adjudications on this code. An independent code was adopted by the business daily *Äripäev* in 1993 and has been amended twice.

The general ideology of the Code of Ethics is biased towards a teleological approach. It weighs the ethicality of professional behavior against the importance of the information for public interest. The Code allows journalists to use ethically questionable means for getting information in cases »where the public has a right to know information that cannot be

8 Cf. http://www.asn.org.ee
9 Cf. http://www.eall.ee/pressinoukogu/index.html
10 Cf. http://www.asn.org.ee/english/code_of_ethics.html

obtained in an honest way« (Code, art. 3.7). For this particular article, the Code has been often criticized.

Another particularity of the Estonian Code is to lay the responsibility for the quality of journalism both on journalists and the media organization and particularly emphasize the responsibility of news organizations for publishing truthful and accurate information (Code, art. 1.4).

The Code has not been amended since its adoption in 1997. One of the reasons is the lasting opposition between two press councils and between the EPC and the Estonian Newspaper Association. Another reason may be that journalists have not adopted the Code as the primary guide of their everyday work. This, in turn, seems to be closely related to the education of journalists. A pilot-study on journalists' professional values in 2009/2010 (KANGUR 2009; AHONEN 2010) indicates that journalists without professional education do not value professional ethics. They are not acquainted with the Code and only have vague ideas about the basic norms of professional ethics.

Ombudsman

Estonian newspapers have never had ombudsmen nor does a general nationwide ombudsman operate in Estonia. The Estonian National Broadcasting Act (2007) did, however, institute the post of an Ethical Advisor for the Estonian National Broadcasting Company. The law provides the Advisor with independence; broadcasting management do not have any power over the position, which is directly accountable to the Broadcasting Council. The Ethical Advisor deals with complaints from the listeners and viewers, monitors the programs and makes appropriate proposals for resolving problems. The incumbent advisor does not always act with full transparency for the general public, but often glosses over problems and criticizes the rest of the media rather than bringing any acute ethical issues of public broadcasting to the public agenda. The Ethical Advisor also sits on the ENA Press Council.

Media journalism

Media journalism in Estonia as a form and discourse of media self-reflection is practically non-existent. For example, within 2003 – 2007, the three leading newspapers *(Eesti Päevaleht, Postimees* and *Eesti Ekspress)* published

altogether 40 articles containing some media-critical viewpoints. The authors mainly represented three interest groups: media scholars and teachers (15 articles), journalists (10), and politicians (5) (TONKA 2007). In 2008, the same newspapers together with the cultural weekly *Sirp* published 41 media-critical articles (RAIDLA 2009). The range of issues discussed remained rather narrow: the influence of commercialization on journalistic content, infotainment, reporting scandals, issues of balanced and neutral reporting and public interest versus profit interests. Topics concerning media usage of their power, freedom of expression, ethics of reporting or use of anonymous sources were absent.

The context of the current political and journalism culture in Estonia does not favor the development of media-critical discussion, as the owners, editors-in-chief and other media leaders are highly allergic towards any criticism addressing their outlets.

Journalists are overly cautious in publicly expressing critical views about the quality of journalism, as there seems to be a silent agreement of not criticizing colleagues' work. This has to do with the small size of the journalistic population, where everyone knows everyone, personally or indirectly. The Journalists' Union's initiative to introduce an online media-critical outlet *Klopper* failed in the early 2000s, after a couple of years of irregular appearance, because there were very few journalists who dared to publicly criticize their working environment.

Thus, while the media take the right to criticize everything and everybody, they remain opaque and inaccessible for criticism directed at themselves and any question of responsible use of this right is carefully avoided. Critical voices from outside the media that point to violations of ethical principles of reporting, power abuse by the media or simply bad journalism are often accused of attempting to restrict the freedom of the press or even to establish censorship. This argument easily finds public support and understanding. The memories of past censorship and the all-penetrating control by the authorities are still fresh and painful among both journalists and the public.

Somewhat more media-critical material appears in niche publications like *Õpetajate Leht* and the cultural weekly *Sirp*, which receives a state subsidy and is less dependent on the market. Media-critical articles written mainly by media scholars and students are also published on the website of the EPC.

Assessing the efficiency of the media accountability instruments in Estonia

Any information and communication policy, which aims to create an ›accountable media environment‹, access to information for citizens and freedom of expression (cf. VAN CUILENBURG/MCQUAIL 2003), should take into consideration three factors: (1) self-regulation, (2) legal framework (laws, court practice and public control) and (3) the national setting, especially cultural traditions and size of the media market (HARRO-LOIT/BALČYTIENE 2005; HARRO-LOIT 2010).

Bardoel and Brants (BARDOEL 2001; BRANTS/BARDOEL 2008: 475) define four accountability mechanisms: (1) *political*, comprising the legal framework for regulating the structure and functioning of broadcasting; (2) *market*, through a system of demand, supply and competition; (3) *professional*, through voluntary performance criteria of journalists as well as ethical codes; and (4) *public*, through formal and informal feedback mechanisms for the public. To varying degrees, all these mechanisms have been used to organize the relationship between media and society and in most media policy ›ecologies‹ these mechanisms are combined.

By synthesizing these two approaches, we have developed a seven-item schema for evaluating the efficiency of Estonian media accountability instruments.

The small size of the market: A small market cannot provide an arena for a large variety of competing media organizations. Concentration of ownership in a small market inevitably leads to an oligopolistic situation as happened in Estonia, in which a few large companies dominate and the number of media organizations is limited. On the other hand, financially stronger media are capable of producing more professional content. The oligopolistic situation creates accountability-related tensions in two ways: (1) among a small number of operating media organizations it is relatively easy to achieve certain agreements (e. g., about the rules and standards of operation, but also about blocking access for certain people or institutions as in the case of the two press councils in Estonia) and (2) the formation of professional news media oriented towards public service is impeded.

The small size of the ›guild of journalists‹ that is related to the size of the media market: Limited options for choosing jobs (there is only one employer in some regions, while the majority of jobs are concentrated in the capital Tallinn) increase the importance of the loyalty of journalists to their em-

ployer and therefore, journalists generally have less autonomy than their media organizations. The tension between commercial interests of media organizations and professional interests of journalists is often relieved by trade unions, but in Estonia the Journalists' Union has failed to properly fulfill this task.

Laws that affect media performance: The issue is whether special media-targeted laws are being applied or the media are being offered special rights. Over-regulation of details by special laws as well as media-related provisions scattered all over the legislation would also de-motivate accountability. In Estonia, the only specific media laws are the Broadcasting Act and the Estonian National Broadcasting Act (specifically for the PSB). The courts deal with any cases concerning the media (e. g. defamation) according to the Law of Obligations Act and other laws applicable to the media.

Court accessibility (how easily the courts can be accessed): Accountability works if media organizations are economically interested in reducing the number of lawsuits. The Estonian Supreme Court adjudicates media cases usually once to twice a year. The largest known sum of money for moral damages has been 12,800 € (Supreme Court case 3–2–1–138–02, in which a newspaper revealed the name of a sexually abused person in a court report). Usually, the punishments for moral damages amount to 320 €, which does not even cover the legal expenses of the complainant. In most cases, business people or (more rarely) politicians and not ordinary citizens file lawsuits against the media. The main reason for such reticence lies in the high cost of legal proceedings. As long as there is little probability of becoming sued for moral damages, the media companies are not motivated to substantially invest in accountability instruments (cf. HARRO/LAUK 2003: 99).

The character of the court decisions that interpret the laws: The practice of jurisprudence concerning moral and punitive damages directly affects the economic welfare of media organizations. The Estonian Ministry of Justice has pointed out a provision in the Law of Obligations Act that contradicts the Constitution. While the Constitution provides the right for the compensation for moral damages, the Law of Obligations Act first demands that the complainant must be able to demonstrate the exact nature of the damages. Currently, the government has drafted amendments to this law to introduce the concept of punitive damages. Media organizations, especially the newspaper industry, have severely resisted the draft law due to the probable growth of future costs related to moral damages.

The level of media literacy and communication competencies of the critical mass of the audience (or the most attractive target groups for the advertisers): Estonia, in the context of media literacy, holds the best position among the Baltic countries, since the national curriculum includes elements of media education and the media educators have been active for about a decade (cf. UGUR/HARRO-LOIT 2010). In 2010, the Estonian Association of Media Educators was revived. Although a whole generation has grown up within the internetized environment, research (RUNNEL/PRUULMANN-VENGERFELDT/REINSALU 2009) indicates that young Estonian media users tend to be passive consumers rather than active content creators and commentators. The few media-critical blogs that do exist are not influential and no NGOs exist, which are concerned with fair media performance. Civic organizations rarely raise questions on media quality. The Union of Children's Welfare is a positive exception in this field, having initiated several debates and conferences, and produced complaints for the press councils. It remains debatable to what level public journalism would be able to promote media accountability.

Traditions of journalism culture and the level of the development of civic culture: The role of journalism across cultures differs (depending, for example, on the general literacy rate). Therefore, public expectations on and reactions to professionalism and in following, or not, the moral and cultural conventions by news media also differ. Newspaper subscription and reading traditions go back to the 19th century due to the high rate of literacy among Estonians (over 90 percent in the 1890s). During the 19th century, the press played the considerable role of educator and national and cultural integrator. These traditions were maintained during the Soviet period with the press fulfilling a dual role: on the one hand it was the Communist Party propaganda channel, on the other hand, within the framework of the same official and censored press a hidden oppositional agenda was developed (HØYER/LAUK/VIHALEMM 1993). Therefore, the press played a particularly significant role in the independence movement in 1989/1991. The media experienced drastic structural changes by the end of the 1990s, when the market began to stabilize and foreign investments arrived. There were certain expectations that foreign owners' experience and know-how would be a good basis for the further development of journalistic professionalism and democratic media cultures (BALČYTIENE/LAUK 2005: 100); but this was not the case. Furthermore, foreign investments created a serious conflict of interests for the local managers and media elite: they should simulta-

neously be able to ensure profit for the investors and be concerned about the quality of national journalism. In fact, aggressive commercial policies are being pursued at the expense of journalistic standards. Headlines and leads often contain sensational rather than relevant facts. Journalists use anonymous sources more often for getting opinion than information. Mixing facts and views is a frequent occurrence, especially in political reporting (LAUK 2009: 78). Journalism has largely lost its traditional cultural and integrating roles. On the other hand, investigative journalism is gradually developing, which was completely unthinkable under the Soviet occupation.

4. Innovative instruments of media accountability

Self-regulation in online media is gradually emerging. This is mainly related to the practice of using audience commentaries as feedback to the news and articles in online newspapers and news portals. The media organizations initially distanced themselves from this ›non-journalistic‹ content and denied any responsibility for the anonymous comments published on their pages. Only after the case Leedo vs. Delfi (Supreme Court case 3–2–1–43–09), where the news portal *Delfi* was sued for moral damage and had to pay 5000 EEK (about 320 €) to a businessman, did online media take measures to avoid indecent and offensive comments. The ›notice-and-take-down‹ policy relies on readers to report on bad comments, which consequently have to be taken down. However, this measure does not always work effectively, especially in cases of a large influx of comments.

Some blogs on media quality and ethics have also occasionally popped up and soon stagnated (e. g. the latest entry on Priit Hõbemägi's blog on ›media-ethics-criticism-analysis‹ dates from July 2008). There are, however, two to three journalists who systematically evaluate journalism's quality in their personal blogs, but they have only a marginal audience and no self-regulative effect.

5. Conclusions

As the Estonian case demonstrates, the ideally favorable conditions for the media industry – unrestricted freedom of the press and oligopolistic non-regulated market – do not automatically promote media accountability and

self-regulation. Effective self-regulation needs an environment where the media organizations are motivated to discuss media quality and ethical problems openly and publicly and avoid unethical practices. In Estonia, these conditions are still insufficient. Although the Code of Ethics and press councils exist, they are easy to ignore by both news organizations and journalists. The only self-regulation body that is recognized by the media is under the control of the media owners and serves their interests. The original Press Council as the representative of the ›public voice‹ is still blocked by the mainstream press. Media-critical debates occur when politicians publicly refer to the poor performance of the media, especially the press. The reaction of the media is usually allergic and defensive: those who criticize are blamed as being ignorant, for having the wish of re-establishing censorship, of being demagogic etc.

Legislation and court practice do not yet support media accountability; too often journalists have to choose between loyalty to the owners and ethical principles of the profession; freedom of the press has become the freedom for the press and enables the media organizations to abuse freedom of expression by blocking certain uncomfortable voices.

In the current circumstances, where the civic control over the media is nearly non-existent and the legislative practices do not encourage news organizations to be strict in following ethical rules, media accountability instruments have little effect.

HEIKKI HEIKKILÄ / TIMO KYLMÄLÄ

Finland: Direction of change still pending

Abstract

Media accountability is a culturally accepted norm in Finland. As a token of this, media accountability's key instruments, the Guidelines for Journalists and the Council for Mass Media, constitute a common reference point for journalists, policy-makers and citizens as they evaluate the ethics of journalism or the quality of news. On the other hand, media accountability practices are not immune to changes in media environment, for instance, the assumed effects of commercialization of news, uncertainty over the future of journalism and the development of user cultures in the Internet.

While changes are likely to happen, it is not quite clear what directions these changes will take. The most tangible new development noted in this report is the ›light mobilization‹ of users through social networking sites and online discussion boards.

1. Introduction

In December 2009, the meeting of the Council for Mass Media (CMM) ended dramatically. After the Council had rejected a complaint against the YLE current affairs program by eight votes to two, the incumbent chairman of the Council abruptly resigned. This was the third resignation within four years.

The CMM represents but one instrument of self-regulation and media accountability practices go beyond the means of self-regulation. None-

theless, resignations clearly signal some sort of instability in how media accountability is and should be practiced in present-day circumstances.

There seems to be a number of reasons for this uncertainty that are difficult to measure in their own right. Firstly, there are general concerns about whether the ethical standards of journalism are declining, mainly due to commercialization of news. Secondly, there are serious doubts about the future of journalism and whether new generations will ever comply with the ways professional news organizations, either offline or online, supply public communication.

These concerns tend to be global at the moment but appear slightly less urgent in Finland than, for instance, in the USA. This climate of uncertainty is, nevertheless, clearly helping to shape the media system in Finland and the specific practices and instruments applied within the system. Issues needing research are what directions the developments should take.

2. Journalistic culture and media system

In their typology of Western media systems, Hallin and Mancini (2004) place Finland into the Democratic Corporatist Model. Their analysis depends on four historical, cultural and political variables.

Firstly, the Democratic Corporatist Model assumes that news media tend to attract *mass audiences*. Even if the peak of newspaper circulation, in terms of readership, occurred in the late 1980s, Finland still ranks third in the world (HUJANEN 2007). News also attract mass audiences in television and on the Internet. Rating figures demonstrate that the two main TV news broadcasts regularly attract between 13 and 16 percent of the population (MTV3 673,000 viewers and YLE 841,000 viewers, respectively). In the context of the Internet, online news services rank among the most visited Finnish websites and three record more than one million visits each week (*Iltalehti* 2.1 million, *Ilta-Sanomat* 1.8 million and MTV3 1.7 million).

Secondly, the Democratic Corporatist Model presumes a historical *parallelism* between political parties and news organizations. In Finland, newspapers emerged in the late 19th century as explicit political activity, and in the first half of the 20th century those papers supported by political parties attained leading statuses, ideologically as well as economically, throughout the country. In this competitive situation, the bourgeois party papers proved to be stronger, which lent support to a gradual shift from

a political press towards a more news-based and commercial model. The legacy of the political press still exists in that media outlets (either print or electronic, public or private) give a high priority to political news as part of their public service remit (HELLMAN 1999; LEHTO 2006).

Thirdly, the Democratic Corporatist Model is taken to correlate with a high degree of *professionalism* in journalism. In Finland, the first professional associations for journalists were established between the 1890s and 1920s, but it was not before the 1960s that journalists were recognized as equal partners with publishers in negotiating their salaries and working conditions, at which time the institutional procedures for self-regulation were fully established. Even though membership within the Union of Journalists is not officially required, more than 90 percent of those who work within journalism are paid members of the Union.

Fourthly, Hallin and Mancini emphasize that another important feature in the Democratic Corporatist Model is *state intervention* in the media system. In Finland, the state has indeed taken an interest, for instance, in facilitating citizens' equal access to information and subsidizing endangered forms of publishing. However, since the late 1980s, state intervention and regulation in the media field have been significantly relaxed. Research refers to this change of policy as *marketization* of the media (NIEMINEN/PANTTI 2009).

In summary, although Finland possesses many of the features of the Democratic Corporatist Model, the reservations Hallin and Mancini (2004: 300) made to their analysis are noteworthy. Their typology is ›ideal-typical‹ and since the 1970s a number of trends, mainly related to commercialization and the growth of critical professionalism, have blurred the distinctions between their models. Furthermore, the impact of the Internet, especially in densely networked societies like Finland, also blurs the clarity of the typology.

3. Established instruments of media accountability

By established instruments of media accountability, we refer to self-regulation of journalists (ethical codes, press councils and ombudsmen) and to regularly published journalism criticism and media analysis. The latter comprises television and radio programs, media columns, and special media sections in newspapers, magazines, and professional journals. We have included periodic academic publications on media analysis to this category.

Code of ethics

The first ethical code for journalists was ratified in 1957, but at the time only a minority of journalists was organized in the Journalists' Union and consequently the ethical code did not have much practical impact. The code, initially, served as ›etiquette‹ for gentlemen practicing journalism (MÄNTYLÄ/KARILAINEN 2008: 29).

Since then, the Guideline for Journalists (Journalistin ohjeet) has gone through five updates at regular intervals. The first update in 1968 coincided with the formation of the Finnish press council, the Council for Mass Media. Due to the functional connection between the CMM and the Guideline for Journalists, other means of self-regulation – such as ombudsmen – have had little significance. A state-run office for the press ombudsman does not exist in Finland, whereas the number of in-house ombudsmen and their role in solving ethical questions have remained limited.

The current version of the Guideline for Journalists (GJ)[1] was approved in 2005 and it comprises 35 articles divided into five sections. The following provides a general overview of the basic tenets of each section:

- *Professional status* (7 statutes) includes references to responsibility of journalists to audiences (the public), and their independence. Professional status requires all decision-making, under all circumstances, to be maintained within an editorial office.
- *Obtaining and publishing information* (8 statutes) emphasizes the truthfulness and accuracy of information. For instance, all acquired information must be checked as thoroughly as possible and information sources must be approached critically. The public must be able to distinguish facts from opinions and fictitious material. Photographic and audio material may not be used in a misleading manner.
- *The rights of the interviewer and interviewee* (4 statutes): The interviewees have the right to know in advance the context in which their statements will be used.
- *Boundaries of private and public* (10 statutes) emphasize that delicate matters about personal lives may only be published with the consent of the concerned individual, unless the matter is of considerable public interest.

1 Cf. http://ethicnet.uta.fi/finland/guidelines_for_journalists

- *Corrections and right of reply* (6 statutes) specifies how incorrect information must be rectified and that all parties involved must be guaranteed an equal chance to voice their opinions.

In the earlier versions of the GJ, there was a special section that associated journalistic ethics to the ›common good‹. Under this heading journalists pledged allegiance, for instance, to human rights, democracy, and peace. In the latest update, explicit references to these values were excluded. In addition, the earlier editions of the GJ specified that information produced and distributed by journalists should be correct and relevant. The current version states that journalists are expected to serve everybody's right to receive information and opinions without any reference to relevance. In philosophical terms, these omissions mark an ethical shift from teleological towards deontological conception of professionalism (MÄNTYLÄ 2008: 51). Whilst the former tends to envision professional autonomy in terms of *freedom to* something, the latter adheres to *freedom from* outside interventions.

Another, instrumental rather than deontological shift in the latest update was the admission that ›limited information is not necessarily insufficient to be published‹. This emphasizes that journalists, in judging what may or may not be published, need to take into account the increasing pressures set by the competition in the news market.

Surveys signal a strong legitimacy of the Guidelines among journalists, with 88 percent of the journalists considering the GJ useful and helpful to their work, in the 1990s (HEINONEN 1995: 17). In the early 2000s, the support for the Guidelines was even more unequivocal at 95 percent (HARJU 2002). Yet, in the latest survey, no more than 44 percent considered ethical guidelines to be relevant to their daily work (JYRKIÄINEN 2008). In the same study, 75 percent of the respondents agreed that economic interests are increasingly being placed ahead of journalistic-ethical principles. The clear decline in support for the Guidelines arguably demonstrates increasing uncertainty about the future of journalism among journalists.

Press council

The Council for Mass Media (CMM) in Finland[2] is the main institutional means of self-regulation whose purpose is to monitor ethical journalistic practice against the principles laid down in the GJ. The CMM's key role is

2 Cf. http://www.jsn.fi

to respond to complaints issued by individuals or organizations seeking resolution to contested cases. The CMM does not have any legal jurisdiction but its decisions are widely accepted and, at least on the level of public statements, respected by all actors in the media field.

The CMM comprises a chairman and ten members of whom seven represent either journalists or publishers. The three remaining members, whom the CMM elect, represent the public. Until 2007, it was stipulated that the chairman was not a media professional. The stipulation has changed so that currently, for instance, a former editor can be nominated as chairman.

Between 2000 and 2009, the overall number of adjudicated decisions given by the CMM has remained fairly uniform at approximately 60 to 70 complaints each year, although data for 2006 and 2008 were over 80 and 90 respectively.

The majority of upheld complaints refer to national and regional newspapers and the electronic media. In recent years, a few prominent cases concerning top politicians and prominent national news organizations have attracted considerable public attention both to the ethical conduct of these media outlets and to the performance of the CMM.

In March 2008, the CMM upheld a complaint against the leading newspaper *Helsingin Sanomat* for failing to bring adequate evidence for reporting that certain explicitly identified members of the parliament had sexually harassed parliamentary advisers and staff members. Correspondingly in December 2009, the CMM acquitted ›Silminnäkijä‹ (›Eye-Witness‹), an YLE current affairs program, for arguing that the Prime Minister had received bribes from a certain wood supplier. As noted in the introduction, this case resulted in the resignation of the incumbent chairman.

Widely shared public opinion (measured against polls, news coverage, letters-to-the-editor and online discussion boards) holds that self-regulatory institutions in Finland have suffered a severe blow and that these institutions should reorganize themselves. At the same time, self-regulation continues to be the key reference to media accountability for journalists, complainants affected by media, and citizens in equal measure.

Media journalism and journalism criticism

In retrospect, journalism criticism within the media peaked in Finland in the early 1990s. At that time, there were two television channels that devoted special programs on media journalism once or twice a month. Also, many newspa-

pers published special sections on media and journalism, either separately or connected to their cultural pages. By the end of the millennium, both special TV programs were discontinued, and the number of regular media columns and sections in newspapers and weekly magazines – professional journals of journalists notwithstanding – had decreased significantly.

After the mid-2000s, two public service channels have revived their interest in media journalism. From 2005 to 2007, and again since 2009, TV2 has produced a weekly panel show called the *Press Club* which analyzes media coverage of a given week. Correspondingly, the Swedish-language channel, FST5, introduced a weekly panel show *Tredje Statsmakten* (›The Third Estate‹) in autumn 2009. In radio, media journalism currently holds two permanent weekly slots in YLE RADIO1: *Public Word* on Mondays and *The Media Got It Wrong* on Saturdays.

In terms of the ratings, the most popular TV program related to media analysis is the entertainment-oriented panel show *Uutisvuoto* (based on the format of *Have I Got News for You* developed for the BBC). In the same vein as *Jälkiviisaat* (›Wise Afterwards‹) produced by YLE 1 breakfast TV, *Uutisvuoto* comments broadly on current affairs by drawing its main inspiration from news coverage.

In addition to being interviewed by the news media, researchers have launched a number of periodical publications that review the media on a regular basis. *Journalismikritiikin vuosikirja* (›The Yearbook of Journalism Criticism‹), published since 1998, aims to analyze the most prominent news events and media-related phenomena of the year. The *Annals of Communication Law*, on the other hand, focus on the relationship between media policy, regulation and public and criminal law.

A slightly less sustained practice for media accountability is the *Annual Monitoring of the News Media* that surveys news media output with a special emphasis on reference groups of people mostly featured in the news, their age and gender, and the share of material on violence and sexuality. Even though these periodic publications aim to address a public broader than the academic community and journalists, their impact on public discourse is quite limited.

4. Innovative instruments of media accountability

In the Internet, many formats share an orientation aimed at transforming audiences into active producers. Whether this potential yields in ac-

tual practices depends on the conditions of access to the Internet and on emerging online user cultures.

At the moment, Finland is one of the most wired countries in Europe, with 73 percent of the population having broadband access. Internet use in the country has steadily increased in the 2000s, albeit the latest study indicates that this trend has, at least temporarily, come to a halt. At the same time, it appears the Internet is gaining ever more ground in people's daily lives. In 2009, 82 percent of all Finnish Internet users said they used it on a daily basis. Internet usage is mostly for personal communication and information searches, but regular reading of online news also ranks high (Table 1).

TABELLE 1

Purposes of using the Internet (of all Internet users)

	%
E-mail	91
Online banking	87
Information search on services and products	86
Online newspapers/magazines	77
Reading blogs	41
Taking part in discussion groups or newsgroups	33
Creating and maintaining blogs	5

Source: Statistics Finland 2009

While less than half of the Internet users say they read blogs, the proportion is gradually increasing; between 2006 and 2009 the proportion of Internet users reading blogs doubled from 20 percent to just over 40 percent. Yet, the fact that only one third of the respondents contribute to discussion groups and only five percent create and maintain blogs suggests that user cultures are only thinly adopting opportunities available for becoming producers.

The implicit hierarchy between producers and audiences does not invalidate any cultural and political impact of the medium. Five percent of five million is an impressive figure, but may fall short of ›the critical mass‹ that helps to develop sustainable social practices.

It is very difficult to reliably estimate the total number of blogs published in Finland. One of the most popular service providers for blogs,

Vuodatus.net (›Flood of Words‹), records just over 25,000 blogs within 14 categories, while the total figure given in an unofficial aggregation site *Blogilista.fi* (›Blog Charts‹) records about 33,000.

Domingo and Heinonen (2008) suggest that blogs may be placed in a continuum depending on their relationship with the established media. At one end, are the least institutionalized blogs (›citizen blogs‹) and at the opposite end are the blogs that are part of media content and produced by staff journalists (›media blogs‹). Between these two are ›audience blogs‹ and ›journalist blogs‹.

Drawing on this typology, it appears that citizen blogs clearly form the biggest category in Finland, yet, they barely influence the ›sphere of journalism‹. None of the 14 categories created for *Vuodatus.net* relate directly to news, journalism or media, although more than 1,000 blogs fall into the category of ›society‹ and 91 focus on celebrities. The most read blogs at *Blogilista.fi* relate to fashion, culinary arts and lifestyles. Less than half a percent of blogs are tagged under journalism or media criticism, of which the three most popular are ranked below 350, and only one can be labeled as a citizen blog. One should also note that many of the blogs experimenting with citizen journalism in the early 2000s have ceased to exist.[3]

Audience blogs may be the most rapidly growing instrument in the Finnish blogosphere. For instance, in the platform provided by the newspaper *Aamulehti* approximately 500 blog postings are published every month. Based on the tags used in these postings, about 60 percent of them focus on social or political affairs, which are often media-related.

Journalists' blogs outside online media platforms are rather small in numbers, and those addressing media and journalism tend to focus on the role of information technologies and media business.[4] While few journalists are blogging ›independently‹, many more contribute to media blogs hosted by their employers. This trend is partly due to the same journalistic materials being published as columns in the print press and as blogs in the online version of the paper.

The digital environment has also helped ›new professionals‹ to enter the news business and put more emphasis on commentary than news.

3 Two previously widely noted examples – *kallioblogi.com* in Helsinki and *Mansemedia* (http://www.mansetori.fi/mansemedia) in Tampere – were closed after several years of existence. There are some exceptions to the rule: for instance, *vaasalaisia.info*, reporting on local events in the town of Vaasa, has been in existence since 2005.

4 For instance, *Mediablogi* (http://mattilintulahti.net/mediablogi) and *karihaakana.net*

These newcomers include a resurrected national newspaper, *Uusi Suomi.fi*, re-established in 2007, and *Fifi*,[5] an online version of the radical monthly publication *Voima* (›Power‹). One should also note contributions to media journalism produced by either or both journalism students and writers deliberately distancing themselves from the professional identity of journalists. An appropriate example of a journalism student's blog is *Verkkotutka.org* (›Net Radar‹), which provides regularly updated online news focusing exclusively on media issues, whereas an example of a journalism writer's blog is *lehti.samizdat.info*. The latter example of an alternative media blog started out as a parody newspaper but is now experimenting with more serious forms of citizen journalism.

In summary, blogs appear as a significant phenomenon in media culture, but their significance to journalism or media accountability is not quite clear. Whereas blogs emerging outside media institutions maintain, by choice, a distance from journalism, journalists assigned by their employers are taking over the opportunities granted by blogging. Given that blogging emphasizes opinion and commentary over news, this tendency may render journalism more transparent and accountable.

Online discussion boards are perhaps the most paradigmatic instrument enabling exchange of opinions on the Internet. Finland is by no means an exceptional case in that a significant number of Internet users take up this opportunity everyday. However, due to their high volume, the scope of online discussion boards and their impact on media accountability and transparency are more difficult to define.

The leading online discussion platform in the country is *Suomi24.fi*, with weekly visitors rising above one million. According to the site's own statistics, discussion groups receive over 25,000 new messages daily. The service does not designate a distinct category for discussing news or media, but these are included under its most popular heading ›Maailman menoa‹ (›What's up in the World‹). As postings can be sent anonymously and are not submitted for pre-moderation, the site abounds with varying user cultures. Consequently, offensive language and the so called ›flames‹ (disruptive posts) are not unusual.

Unlike those in *Suomi24.fi*, online discussions of the major online news services are directed at topics solicited and approved by the news organizations, which moderate postings in one way or another. Depending on

5 Cf. http://fifi.voima.fi

their online practices, the online news services either limit discussions to explicitly comment on news items or keep discussions separated from news content produced by staff members. In both cases, a number of online newspapers publish hundreds of postings each day.

Due to the high number of contributions from Internet users, online discussion boards clearly constitute a significant practice, but much less can be said about their impact on transparency and media accountability. A recent case study analyzing readers' comments related to the military conflict between Russia and Georgia in August 2008 demonstrates that reader commentators were often concerned about the accuracy of news reporting and attempted to critically evaluate and complement information given in the news (VALTONEN/HEIKKILÄ 2009: 83).

Another case illustrating the complicated relationship between online instruments and practices relates to the website *cms.hommaforum.org* that pursues anti-immigrant policies. The website started out as a combination of a (citizen) blog and online discussion board but is now developing towards a news aggregation site focusing exclusively on anti-immigration policies. However, the website still gears its main activities around its discussion boards.

Social networking sites (SNS) refer to online platforms in which users and their friends and relatives share and circulate user-generated content. Thus, unlike blogs and posting comments to online news items, communications in social networking sites are not – at least not directly – meant to be submitted to critical evaluation in the public sphere.

According to the international Internet statistics database Alexa, *Facebook* is the second most popular site among Finnish Internet users, while *irc-galleria.net* ranks at 14, *Twitter* at 21 and *MySpace* at 40. Given that most of the communication taking place in SNS is directed at particular social networks, it is very difficult to deduce what sort of contents are produced and shared. In some cases, these sites are clearly platforms for voicing a public statement and mobilizing ›light support‹ for a particular cause. The mode of support is often akin to fan cultures, but at least occasionally this light mobilization refers explicitly to politics and media accountability.

In January 2010, a *Facebook* group was established to insist that the newspaper *Iltalehti* should sack media columnist Kaarina Hazard after she had written critically about a deceased former show wrestler who later became a rather controversial member of the parliament. This boycott in turn triggered a mobilization of pro-Hazard groups. The news media immediately

recognized the emergence of these political groups and subsequently affixed media attention on the case for some time. Interestingly, the public exposure of the case resulted in a large number of complaints about Hazard to the Council for Mass Media. The CMM rejected the majority of these complaints as the complainants were not the true stakeholders of the controversy. The CMM did process the complaint sent by the mother of the deceased, which resulted in a condemnatory decision two months later.

Another practice improvising with social networking and mobilization are online petitions (*adressit.com*). This website has 100,000 registered users and allows users to sign petitions on topics of concern and discuss them online. The scope of petitions ranges from international politics (e. g. opposing the pedophilic political party in the Netherlands) to environmental issues and from immigrant policies to public service media license. The online activities in online petitions and *Facebook* are often inter-connected in a sense that petitions result in the establishment of support groups in *Facebook* or vice versa.

Online petitions sometimes trigger news coverage, even if they rarely address journalism directly. The most prolific exception was the petition for boycotting the tabloid weekly magazine *7 Päivää* (›7 Days‹) in 2006. It dealt with the ›unmasking‹ of Lordi, the singer of the Finnish Eurovision Song Contest winner, on the cover of the magazine. This resulted in a total of 200,000 signatures demanding, and succeeding in gaining, an apology from the magazine.

In summary, social networking sites appear to be popular and potentially influential platforms for rendering news journalism transparent and holding media accountable. This potential tends to be channeled through protests and appeals for boycotts against a particular media outlet. At the moment, it remains unclear whether the limited number of cases illustrated here were isolated incidents or whether such instances help to develop a cultural practice.

5. Conclusions

The objective of holding news media accountable is to a large extent a culturally accepted norm in Finland. There is also a wide consensus that media accountability should be primarily secured by self-regulation of journalists. The Guidelines for Journalists and the Council for Mass Me-

dia are recognized as central institutions for this purpose. Yet, there is increasing uncertainty among journalists and citizens whether or not self-regulation really works. The ambiguity tends to build on assumed negative consequences of competition and commercialization of the news but is obviously enhanced by assumptions that new types of participatory cultures are budding in the Internet.

On the basis of these uncertainties both media professionals and people outside of news media have unsurprisingly become sensitized over the media. As a result, the volume of media journalism tends to be slightly increasing. Nevertheless, forms of self-reporting and critical analysis of the media coming from outside of media organizations are clearly not well developed. It is widely – and quite logically – assumed that new forms for pursuing media accountability will emerge from the Internet. This assumption is usually coupled with the idea that these practices will spring from the bottom up, i. e. outside of the control of professional journalists, experts or policy-makers.

Finland appears to be an appropriate testing field for this argument, as almost everyone in the country has access to the Internet and a majority of the population uses it every day. Based on our synchronic and diachronic analysis, the user cultures emerging from online activities are so far predominantly distant from journalism and media criticism, which suggests that a necessary critical mass of users focusing on media accountability is still lacking. Whether or not the forms of ›light mobilization‹ in social networking sites (most notably *Facebook*) will facilitate the development of these practices in the near future remains to be seen.

OLIVIER BAISNÉE / LUDIVINE BALLAND

France: Much ado about (almost) nothing?

Abstract

Any attempt to consider the multiplicity of media accountability instruments in France as a final point of discussion about their effectiveness would be rather optimistic. The frequent debates about new charters of ethics or public denunciations of deviant practices in journalism are critical of their unequal uses or their effects on the practical functioning of the profession. This report suggests firstly that the effectiveness of media accountability instruments in France depends on their acceptance within the journalistic profession. Since the journalistic field tends to function as a quite autonomous space, the most efficient instruments are those which the journalistic field produces, whether they are institutionalized (like ombudsmen) or not (e. g., satirical programs or articles). Secondly, this report discusses the objectives of these instruments according to their situation within the journalistic field. For example, an ombudsman can relate to different conceptions of ›what deontology is all about‹ (the will of ›seriousness‹ in an intellectual newspaper versus the will to maximize audiences in a private TV channel such as TF1).

1. Introduction

Ironically, while French scholar Claude-Jean Bertrand elaborated and promoted the concept of ›media accountability systems‹, their degree of institutionalization is low in France. If the public in France frequently debates the issue of media accountability, the issue is also a controversial topic within the

journalistic field.[1] In essence, the question of how to hold the news media accountable is as old as the journalistic profession.[2] Yet, as we will see, France does not have a press council, the office of ombudsman is recent, scarce and underdeveloped and the debate on media ethics is endless. Fundamentally, media accountability relies on the combination of highly institutionalized instruments external to the profession, laws and administrative bodies, and on the loosely institutionalized internal regulation of the profession. This low level of institutionalized accountability has left room for the development of media criticism coming from outside the profession.

Deontology and definitions of ›excellence‹ in journalism in France

The claim for deontology in news media always refers to ›excellence‹ in journalism (pointing out what are or should be ›good practices‹ and ›good journalism‹). However, the meaning differs considerably according to who is making the claim and the position they occupy within the journalistic field. As the journalistic field consists of two distinct extremes, intellectual journalism (›serious‹ and ›independent‹) and commercialized market-driven journalism (›real‹, ›entertaining‹, ›easy going‹), actors within the journalistic field might use the same terms (deontology, ethics, professional duty etc.) but with different understandings. These variations relate to different (sometimes contrasting) conceptions of journalism: Should journalists, for example, meet the demands of their audiences or should they supply what they, as media professionals, consider to be relevant? These debates occur most often at critical times, when the frontiers of the journalistic field are evolving, because of external constraints (media-related events, emergence of new actors like PR professionals) or internal transformations (evolution of power struggles within the profession). The whole power balance and hierarchy between visions of journalism have been slowly shifting. Until recently, two main divisions mapped the journalistic field. The first juxtaposed the ›real‹ journalists from the press against the mere ›talking heads‹ of state funded audiovisual media. The second division juxtaposed

1 On this concept and the study of journalism cf. for example Benson (2000) or Benson/Neveu (2005).

2 Debates about journalists' deontology in France arise in the era after the First World War, especially after the instrumentalization of media by politicians for propaganda purposes. The Charter of Duty of 1918, produced by the first French trade union of journalists, the Syndicat National des Journalistes (SNJ – Journalists National Trade Union), highlights this attempt to put some distance between journalists and political and economical powers.

in a classical manner the ›journaux de qualité‹ (broadsheets) against local newspapers and popular Parisian titles (*France Soir*, *Le Parisien libéré*), not to a popular press as in the United Kingdom and Germany. Since the 1990s, an alternative style of professional achievement has been developing, linked more to TV journalism that promotes a more audience-driven professional model. This model is now dominant within the French journalistic field.

The French case suggests that there is no delimited area of media accountability in France, the clearly visible instruments (the legal ones) being infrequently used, and the more implicit instruments (internal regulation) being quite invisible for the citizens or the political authorities and, thus, not identified as ›real‹ regulations.

Typology of media accountability in France

As in other European countries, there is a considerable variety of media regulation instruments: laws, administrative authorities, trade unions, charters, satirical articles etc. A sociological approach gives some coherence to this maze of mechanisms dedicated to media regulation. The sociological perspective analyzes both the mechanisms in relation to the journalistic field and the social space at large (what is their location/situation within this organized and hierarchized space?) as well as the evolutions of journalism (do these devices correspond to transformations in journalism?).

In this perspective, media accountability instruments can be firstly distinguished according to their degree of institutionalization (formalized instruments versus implicit control), and secondly, depending on their degree of autonomy (devices produced outside the profession by political or administrative institutions versus peer self-regulation). One of the advantages of this typology is its potential to define these mechanisms concretely and to appreciate their effectiveness. The most efficient media accountability instruments are not necessarily the most institutionalized, but those which contribute practically to regulate the profession within the journalistic field (trade unions, ombudsmen, peer regulation).

2. Journalistic culture and media system

France, according to Hallin and Mancini (2004), is one of the representatives of the Polarized Pluralist Model (i. e. Mediterranean). Although a great deal

of the ›Mediterranean‹ region applies to the nature of France (which in this respect is also Atlantic and Britannic),[3] France in the context of the media system typology is probably not the best candidate for the Polarized Pluralist Model. First, as we will show, state control over press and media has dramatically decreased throughout history. Second, political parallelism is definitively lower in France than in some countries such as the United Kingdom, in that very few media have clear and public political preferences. Thirdly, press circulation is low, particularly for national newspapers. The regional press is developed and widely read (800,000 daily copies for *Ouest France*), and the important market share of weekly news magazines is one of the particularities of the French media system. Thus, the picture is probably not as clear-cut as Hallin and Mancini draw it.

France ›entertained‹ a historical tradition of state intervention and censorship in the century that followed the French Revolution. Political interventionism re-emerged with the appearance of radio and, especially, television. Television was considered (from 1950 until the early 1980s) as a ›special‹ and strategic medium because of its allegedly powerful influence on audiences. Thus, TV journalists (who were all working for public service TV) were considered to be journalists with ›special duties‹ as public service TV was ›the voice of France‹. This perception has slowly weakened since the election of Mitterrand as President.[4] The loss of influence by both the state and political parties on the French media, since the mid-1980s, is striking and clear. Nevertheless, the current situation requires further analysis because, since the 2007 election of Nicolas Sarkozy, interferences by the state in media practices occur more frequently. However, if direct interventions of political power in media activities have overall decreased due to the development of commercial broadcasting in the 1980s, indirect influences remain, as political and journalistic elites and media owners are largely trained in the same schools and belong to the same ›social world‹. We would finally suggest that, despite neo-liberal mythologies, the au-

3 France also includes the overseas territories in the Pacific and Indian Oceans.

4 Privately owned radio stations were allowed in 1981. The subscription channel CANAL PLUS, owned by a close friend of President Mitterrand, was created in 1984. Private TV networks were allowed in 1985. The privatization of the main public channel TF1 (›French Television 1‹) in 1986 by the right-wing Chirac government was the decisive touch to these changes, also fuelled by the slow and chaotic institutionalization of independent regulation authorities – Conseil National de la Communication et des Libertés (CNCL – National Communication and Freedom Council) in 1986, then Conseil Supérieur de l'Audiovisuel (CSA – High Council for Broadcasting) in 1989.

tonomization of a private sector of press and media, structured by powerful multinational companies, does not work as a magic shield against all state and political pressures.[5]

The French journalism landscape changed dramatically during the 1980s and 1990s, of which some of the most important structural changes are as follows: the number of French journalists has doubled in the last 20 years; the new younger generation is more highly educated and the ratio of female journalists has increased; but unsafe jobs have also increased and rationalized management of journalists' tasks (targeting of audiences, active search for maximum readership) has become more prominent.[6] A major peculiarity of the French media market is the weight of the magazine press which employs more than 40 percent of journalists. Key characteristics of the media market's current situation are the difficulties of the national and Parisian presses.[7] Many titles, such as *Libération*, have serious financial problems, and although *Le Monde* and *Le Parisien* have been able to acquire new readers, these successes have implied major changes in the concept of the French newspaper. They have become more open to publishing practical and consumer information, more attentive to a reader-friendly style of papers, more welcoming to topics that would have been considered in former times as worthy of the tabloids or ›people‹ magazines.

3. Established instruments of media accountability

Instruments of media self-regulation and accountability have not been intensively investigated by French scholars, but they can be analyzed in a long-term perspective. Indeed, if taking a stand on the ›effects‹ or the ›effectiveness‹ of these instruments on the journalistic practices is problematic, it is still possible to observe their progressive institutionalization

5 The dominant television channel TF1 belongs to Bouygues, which is one of the biggest building and civil engineering groups in the world. Bouygues' type of market is strongly dependant on the action of national diplomacy abroad and on the domestic public markets. Most media analysts were struck, in 1994 – 95, by TF1's over-friendly coverage of the presidential campaign of Prime Minister Balladur, who – before the fatal collapse of public support – was enthusiastically depicted as the future President.

6 For an overview cf. Neveu (1989: 57ff.) and Charon (1993).

7 70 percent of the newspaper copies sold each day in France are regional titles such as *Ouest France*, the first French newspaper with 800,000 copies a day.

and appreciate how they have, in return, led to new practices or discourses on ›good journalism‹.

Established instruments of media accountability can be distinguished firstly according to their degree of autonomy towards the journalistic field. Many French journalism studies have highlighted the trend of the journalistic field to function as a quite autonomous space, yet permeable to other fields' (political, intellectual, economic etc.) transformations, but remaining rather independent in its way of functioning (cf. CHAMPAGNE 2000; BAISNÉE 2003; NEVEU 2009).

One method of mapping media accountability instruments in the French media landscape is to study them according to their degree of autonomy towards the journalistic field (cf. below). In this perspective, one could observe that those media accountability instruments that belong to the journalistic field (whether or not they are institutionalized) tend to regulate journalistic practices more effectively than those that are external to the journalistic world. Nonetheless, being the monopoly of journalists, self-regulation has initiated criticism from the society. In other words, journalists claiming to be the only ones capable of criticizing or surveying journalism practices have been challenged by ›outsiders‹, non-media critics.

Administrative regulation authorities

Among the most important external authorities, the Direction du Département des Médias et des Industries Culturelles (DDMIC – Department for Cultural Industries and Media) contributes indirectly to journalistic regulation. The DDMIC is part of the Ministry of Culture and »is in charge of (and evaluates) the state policies for media development and pluralism«,[8] providing financial support mainly for the printed press. The most important authority remains the Conseil Supérieur de l'Audiovisuel (CSA – High Council for Broadcasting), an independent authority[9] created in 1989, in charge of regulating the television and radio sectors. The CSA delivers administrative authorizations (to broadcast), but is primarily a juridical regulation institution, tasked with implementing audiovisual laws, overseeing for fair coverage of elections (particularly the air times granted to each

8 Translation by the authors.

9 Although the members are nominated by the President of the Republic, the President of the Senate and the President of the National Assembly.

candidate), and ensuring ›fairness‹ and political pluralism in audiovisual media. If the CSA has the power of constraint (ranging from summons to canceling broadcasts to financial sanctions), the organization's regulations aim principally at juridical offences which do not represent all of the media's misconducts. Moreover, the CSA is competing with tribunals which are relevant for press offences as a matter of common law.

The jurisdictional authority

At the constitutional level, press freedom has a constitutional value in France since the successive consecrations of the freedom of speech in 1981,[10] the freedom of communication in 1982[11] and the freedom of the press in 1984.[12] These constitutional principles are limited on the other side by »the duty of honesty and pluralism in the matter of information«.[13]

At the case law level, judgments involving journalists have increased since the 1990s in two domains. The first relates to the ›secrecy of sources‹. Though journalists do not benefit from professional secret (even the law of January 4, 2010, concerning sources protection does not recognize it explicitly), French law courts gradually joined European ones in recognizing the journalistic right to protect sources. Nevertheless, journalists are increasingly being sued for ›concealment‹ and ›breach of faith‹. The second concerns the respect of an individual's privacy based on case law, related to celebrity news and magazines, which deals with financial penalties as an element of routine practice.

Codes of ethics

Three principal texts shape the profession's activity: (1) The Charter of Duty of 1918 was the first ethical code, which trade unions produced after the First World War, and clearly accelerated the institutionalization of the profession. (2) A law passed in 1935 institutionalized the ›Statut du journaliste‹, which was presented by the introduction of a ›professional card‹. The card identifies representatives from press companies and journalists' trade unions as ›true journalists‹. But possession of this card means nothing

10 Decision of October 30 and 31, 1981.
11 Decision of July 27, 1982.
12 Decision of October 10 and 11, 1984, Entreprise de presse.
13 Decision of January 17, 1989.

more than the holder earns most of their income from working for media. French regulations do not require any specific training or diploma, nor do they institutionalize any kind of regulation authority with any power of sanction for those trespassing on professional duties. Yet, such an institutional framework is quite removed from the usual sociological definition of organized professions. (3) The Charter of Munich was voted at the European level by trade unions to complement the Charter of Duty of 1918 and forms a reference for the journalistic profession (written in the preamble of the national collective agreement for professional journalists, articles 5 and 44). These texts may look like the codes of ethics in other professions (e. g. law and medicine), but they do not have any constraining power. They are merely declarations of principles and are mostly considered as the founding moments of professionalism in journalism.

Trade unions and professional associations

Trade unions and associations, the main examples being the Syndicat National Journalistes (SNJ – Journalists' National Trade Union) founded in 1918, and the Association des Journalistes Républicains Français (French Republicans Journalists' Association) founded in 1881, are the main actors in the context of regulation practices in French journalism. This phenomenon cannot be separated from either the process of autonomization of the profession or from the political and literary fields and the ›amateurishness‹ of the early ›intellectual‹ authors. For example, Jules Claretie said, at the first conference of the Association professionelle des journalistes parisiens (Parisian Journalists' Association) in 1884: »Journalists have a lot of enemies: there are as many as solicitors to say the least! But those who are really harmful [...] are the dilettante journalists, journalists who don't journalize« (PRODHOMME-ALLÈGRE 2010).[14] Historically, this is a pivotal moment where »the external critic, even if it remains important, progressively leaves the floor to an internal critic of journalistic practices« (PRODHOMME-ALLÈGRE 2010).[15] Nonetheless, trade unions and professional associations contribute principally in regulating the profession by the production of different ethical charters that have limited constraining power.

14 Translation by the authors.
15 Translation by the authors.

L'association de préfiguration d'un Conseil de presse (Association anticipating a Press Council)

Contrary to other countries, France does not have any press council. Attempts at creating the Cour d'Honneur de la presse (Press Honor Council) in 1946 and the Projet de Conseil de presse (Press Council Project) in 1973 did not succeed. In 2006, a group of journalists created the Association de préfiguration d'un Conseil de presse (APCP – Association anticipating a Press Council), based on European examples. The aim is to create a press council, which would mean a strong level of institutionalization and the internalization of the critics. The APCP received the support of Claude-Jean Bertrand.

Ombudsmen

Ombudsmen appeared in France in 1994, first in the printed press (*Le Monde*), followed by public broadcast channels FRANCE 2 and FRANCE 3. Nowadays, the practice of ombudsmen is far from being generalized and depends on the will of press institutions to create one. Patrick Champagne suggests that the emergence of ombudsmen and its corollary, the call for ›deontology‹, rely on more general transformations of the journalistic field (CHAMPAGNE 2000). In his study of *Le Monde*, Champagne highlights how the creation of an ombudsman relates to (1) the move of *Le Monde* towards the economic end of the journalistic field that influenced the whole production of information in the newspaper; and (2) that these claims for deontology were also a means for journalists to preserve their position in terms of journalistic excellence. In this context, the ombudsman of *Le Monde* appeared as: (1) a means of legitimating the changes *Le Monde* was experiencing in front of a scandalized readership; and (2) a way to point at others' practices to prove that *Le Monde* was still respecting higher standards of professionalism. An initial observation of the profile of French media ombudsmen, whose work is to point out the unacceptable practices of their journalist colleagues, suggests that they have a higher degree of academic capital and sometimes hold an intellectual position; but their relative marginalization from other journalists also suggests that being a media ombudsman is not the most prominent position in journalism. Indeed, the post of an ombudsman appears at best to be the last step on the career ladder for an experienced journalist and at worst as a ›golden closet‹.

Media journalism and media analysis

The importance of media and journalism critiques in specialized media-based programs (TV), articles (printed press and the Internet) and books has been growing since the 1990s.[16] These types of programs, dedicated at decoding TV news and underlining bias in coverage, developed in the media landscape with *C'est + clair* on CANAL +, *Pop Com* on I TELÉ, *Morandini!* on DIRECT 8, and *Médias, le magazine* on FRANCE 5. These TV programs all aim at pointing out the unacceptable practices and encourage the good ones. In other words, they call for a vision of ›excellence‹ in journalism: promoting self-criticism and a civic-minded journalism apparently liberated from constraints (low-cost programs which use a juvenile and funny tone). These programs can be located in a go-between space, borrowing from different traditions: political journalism, investigative journalism, media intellectuals. Their critics are *in fine* consensual, either because they focus on foreign cases, or because they focus on the highly journalistic notion of ›bias‹.

Moreover, satirical programs are popular on French television such as: the *Petit rapporteur* in the 1970s; the *Bébête show* in the 1980s; *Les guignols de l'info* since the 1990s; and in the newspapers: the *Charlie Hebdos* caricatures; *Le canard enchaîné*; and *Le Satiricon*. Satirical television programs are generally broadcast in prime time, ›for explicit economic purposes‹ (COLLOVALD 1992). They are based on humor and provide well-informed comments on relationships between political and journalistic actors. They can be viewed as ›avant-garde‹ cultural products based on subversion and non-conformism on the one hand (standing removed from ›classical‹ journalism), and quality and seriousness on the other hand (COLLOVALD/NEVEU 1996). However, these programs' alleged and criticized ›transgressions‹ remain more of a fantasy than a reality as they contribute more to the reproduction of the established order than to its deconstruction (GATIEN 2004).

Additionally, books on journalism, often written by journalists themselves, have become a genre in itself. They usually point at journalists' misconducts and represent an efficient way of self-regulation in the profession – both internally (as they are read by journalist peers) and externally (in contributing to fuel the intellectual debates through successful publishing houses). These books must be analyzed as struggles to define the ›good practices‹ and ›excellence‹ in journalism. This part of the regulation

16 Cf. for example *Arrêt sur images*, a TV show created in 1995 by a former journalist of *Le Monde.*

is not collective but individual in pointing out the substandard practices and the practitioners, the ›black sheep‹, of the profession. Once again, the definition of journalism excellence varies according to the position one occupies in the journalistic field (e. g. the black sheep might not be the same depending on the shepherd).

4. Innovative instruments of media accountability

Currently, although academics in France do not really investigate online media accountability, they do investigate media accountability for online journalism. The few existing texts come from the field of Communication Studies (cf. MARCHANDISE 2007). According to Érik Neveu (2009), a large corpus of literature exists anyway (especially pamphlets), characterized by its analytical weaknesses. First, Neveu particularly points out the normative point of view the corpus adopts that consists of celebrating the Internet's ›modernity‹, ›innovative potential‹ and ›liberating‹ effects. This prediction approach is probably the most common perspective on online media. Secondly, the corpus lacks empirical studies, which leads to a rather superficial perspective and a militant or professional approach (meaning universalizing its own point of view from uncontrolled data and lack of objectification). The third weakness consists in the use of a technological language and the emergence of (supposedly necessary) new concepts to analyze this ›new‹ reality made up of networks, kilo-bytes etc. In this context, the traditional scientific tools and concepts are considered as outdated.[17] In addition, it is still complicated to get any data on the Internet's actors and audiences. Yannick Estienne (2007) has mapped ›who is the Internet today?‹, using the activities and profiles of Internet workers and focusing on online journalists and the production of news. One of the results is the awareness not to consider online journalism as an autonomous sphere. In this sense, Estienne does not dissociate offline and online professions: online journalism can be considered as an evolution of the repartition of labor roles, relationships (based principally on precariousness) and a redefinition of the traditional actors in journalism. Furthermore, Estienne notices that Internet journalism is quite an accentuation of established journalism: the valorization of soft news, the increasing permeability between

17 An example of this kind of literature would be de Rosnay (2006).

economic space and journalism, and the growing difficulty to dissociate autonomous and professional investigations from information recycling or amateur information.

The description of online media accountability instruments can also be distinguished according to their degree of autonomy in relation to the journalistic field.

Journalist blogs appeared in 2004. The most well-known are run by prominent figures from the profession such as *Le blog de Jean-Michel Aphatie*[18] and *Le blog d'Edwy Plenel*[19]. On the one hand, journalist blogs are presented as personal points of view by journalists, allegedly liberated from the usual constraints of their profession (accentuated by a personal speech – ›I‹, ›my point of view‹ – and an alleged interaction with the audience). On the other hand, they mostly seem to reflect media editorial policy. They are able, under the cover of the ›liberation of speech‹, to develop topics from their own area of expertise, in a more personal tone, but also in a more superficial way, with the critique of *the* system remaining quite consensual. This latter point is particularly valid in light of the media's websites hosting these blogs, for example, RTL (Luxembourg Television and Radio) hosting *Le blog de Jean-Michel Aphatie*. Explicitly intended to a larger audience of ›citizens‹, journalist blogs also tend to circulate within the journalistic field (journalists, for example, make most of the comments on the posts), thereby introducing debates for insiders (colleagues).

As far as citizen blogs are concerned, the production of information, except for the topics of cooking or traveling, tends to be monopolized by individuals associated to journalism (former journalists, journalism students, insecure journalists).

Just as the print-media counterpart, there is not a general concept of an online ombudsman, as the position depends on the will of the media to create the posts. Concerning newspapers' and TV stations' websites, a few online ombudsmen do exist, especially since 2008 on television: Jean-Marc Pilas, on ›La redaction vous répond‹ on TF1 and LCI, answers questions and critiques concerning the news, Christian Marie Monnot on ›Le médiateur‹ on FRANCE 2 (for all the TV programs of FRANCE 2) and Marie-Laure Augry on ›Le médiateur‹ on FRANCE 3. Only a few newspapers have online ombudsmen (e. g. the ombudsman of *Le Monde*).

18 Cf. http://blog.rtl.fr/aphatie/index.html
19 Cf. http://www.mediapart.fr/club/blog/Edwy-Plenel

Websites dedicated to media have recently challenged the journalistic monopoly over media critics and ethics, principally as a part of media observatories, which fuel debates about journalistic practices, but also to provide some documentation about media accountability. These websites are more exogenous than journalists' blogs because of the presence of academics and intellectuals. The most well-known institution is ACRIMED (Action-Critique-Medias),[20] an Internet association (most of its activities being online) created in 1995 (in the general trend of ›calling for deontology‹). ACRIMED presents itself as a ›crossroads association‹ that gathers trade unions, individuals, academics, journalists, and citizens to pool their resources – and especially documentation on deontology. Some new websites appeared recently, related to specific aspects of media regulation: *Blog apte*,[21] for example, is a new website dedicated to media education. *Blog apte* not only points out the academic research or perspectives on the news, but the authors also »experiment with some solutions to encourage media education«,[22] like video games, music etc.

In summary, this development of an exogenous criticism of media can be seen as a by-product of the low degree of institutionalization of media accountability in France. As state intervention is still rather strong but considered to be politically biased, and endogenous regulation of practices presents a low degree of institutionalization and effectiveness, some actors (scholars, intellectuals, citizens etc.) have grasped the opportunity of ›going online‹ to express their discontent about the actual state of journalism in France.

5. Conclusions

Constantly proclaimed to be a reality, media accountability in France remains today (merely) as an idea which hardly influences journalistic practices. This report highlights two types of journalistic self-regulation which struggled to emerge since the early beginnings of its institutionalization: an exogenous type, initiated by the state's institutions, and an endogenous type, practiced by individuals or groupings of individuals in the journalistic

20 Cf. http://www.acrimed.org/
21 Cf. http://www.education-aux-medias.fr/
22 Translation by the authors.

space. Understanding the logics of media accountability requires highlighting the principle trends affecting the profession (growing insecurity, working rhythms depending on economic logics, feminization of the workforce, etc.). In this perspective, a relational and dynamic approach helps to gain both the evolving definitions of ›what deontology is‹ and the specific situation (and shape) of each form of regulation (intellectual versus economic).

TOBIAS EBERWEIN

Germany: Model without value?

Abstract

The German media landscape is characterized by a considerable variety of media accountability instruments. Among them, the German Press Council and its code of ethics play a central role, while self-regulatory mechanisms at the level of newsrooms are slowly gaining ground. Media criticism has a long tradition in the German journalism history; up till now, however, it has to cope with the inevitable problems of self-referentiality. A lively German media blogosphere and other innovative accountability instruments in the social web offer new impulses to media self-regulation; they still lack differentiation, though, and little is known about their actual impact on practical journalism. Despite the diversity of the German media accountability culture, the basic problem of how to attract the attention of a larger non-journalistic audience remains virulent for many of the existing instruments. A possible solution may be found in the creation of networks of media accountability in which established and innovative instruments work together.

1. Introduction

In the summer of 2010, German journalism suddenly got stuck in a tunnel when 21 people died in a mass panic in the narrow underpass which served as the only entrance to the ›Love Parade‹ techno music festival in the city of Duisburg. The tragic catastrophe triggered an exceedingly large amount of media coverage, not all of which adhered to the standards of professional

journalism. Thus, reactions to the coverage of the catastrophe became a meaningful example of the impact of media accountability in Germany.

Due to the over-sensational portrayal of the mayhem and suffering in the ›tunnel of death‹ by Germany's leading tabloid newspaper *Bild*, the German Press Council had to deal with hundreds of readers' complaints. But critics also used other channels – like the traditional letter-to-the-editor, the comment sections of media websites and the micro-blogging service *Twitter* – to inform individual journalists and newsrooms about both the perceived minor flaws and the major inadequacies in their reporting. Heated discussions in blogs and social networks about the performance of several publications soon led media professionals to reflect on the coverage of the tragedy. Indeed a number of journalists used the daily newspapers' media pages and the trade journals to critically analyze journalistic practices in the context of the Duisburg tragedy as well as the involvement of *Bild* and the public broadcaster WDR as the official media partners of the Love Parade.

This dismal example of irresponsible journalism may at least illustrate one positive aspect in that the German journalism culture possesses a broad range of instruments that can serve as a means for holding the media accountable to the public. In a comparison of European countries, Germany belongs to the group with the most-advanced cultures of media accountability (cf. FENGLER et al. in print). In order to have a palpable influence on practical journalism, however, media accountability instruments need a good degree of public awareness, which is reached best when they are applied in parallel. In the case of the Love Parade, a simultaneous application proved most effective, presumably because of the intensely emotive reactions the event provoked. However, in their daily routines, journalists seem to be less susceptible to the established mechanisms of media self-regulation, as recurrent lamentations about the Press Council's lack of sanction potential and its notoriety as a ›toothless tiger‹ exemplify. A review of the scientific literature on media self-regulation and accountability in Germany may help to verify these suspicions and also identify future perspectives for this field of study.

2. Journalistic culture and media system

Germany has a multi-faceted media landscape whose basic features were developed in the years after the Second World War, following the specifications of the Allied powers (cf. WILKE 1999). The essential element for the

formation of the German media system is the principle of press freedom as stipulated in the Basic Law (Grundgesetz) of 1949: Every person shall have the right freely to express and disseminate his opinions in speech, writing and pictures, and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship (art. 5, par. 1).

The development and status quo of the German media landscape is detailed in several textbooks (e. g. ALTENDORFER 2001, 2004; MEYN 2004; SCHRAG 2007) and can be depicted only sketchily here.

The German print market initially appears to be particularly varied. In 2008, there were 135 ›independent editorial units‹ producing 1,515 different daily newspaper editions with aggregated sales of 20 million copies (cf. SCHÜTZ 2009). A closer examination, however, proves that a small number of publishers dominate the market for daily newspapers, with the five biggest publishing groups distributing 43.7 percent of the circulation (cf. RÖPER 2010). *Bild*, a tabloid newspaper published by Axel Springer, reached a national circulation of 3.1 million in the second quarter of 2010[1] and is unrivalled in its market segment. Other than *Bild*, only a small number of newspapers have a national reach, including the ›quality newspapers‹ with the highest circulations of sold copies, *Süddeutsche Zeitung* (439,000) and *Frankfurter Allgemeine Zeitung* (367,000). The majority of the subscription press sells at the regional and local levels. Alongside the daily newspapers, Germany has a buoyant market segment for magazines and weekly papers. Like the daily press, they are sufficiently reliant on sales revenue and advertising to be highly dependant on current market developments.

Germany's audiovisual media are organized in a dual system of public and commercial broadcasting. The public broadcasting corporations are responsible for a basic supply (Grundversorgung) of broadcasting services to the German people. Reflecting Germany's federal structure, there are currently nine public broadcasting corporations under state law, which form the Federation of public broadcasters (ARD – Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland). Funded primarily through license fees, each broadcaster contributes to the ›First program‹ (DAS ERSTE) on German television and offers at least one

1 According to the Informationsgemeinschaft zur Feststellung der Verbreitung von Werbeträgern (IVW), cf. http://www.ivw.eu

independent TV channel as well as four or more different radio channels in their region, thus broadcasting an aggregate of about 1,400 hours of radio and 240 hours of TV every day.[2] Other main players in the field of public service broadcasting are ZDF (Zweites Deutsches Fernsehen), the nationwide television corporation, which the federal states also co-founded, and the radio corporations DEUTSCHE WELLE (DW) and DEUTSCHLANDRADIO. Commercial broadcasters entered the German media system in the first half of the 1980s and challenged the dominance of public broadcasting. Today, the market of the nationwide private TV broadcasters is highly concentrated, with the RTL Group and the ProSiebenSat.1 Media AG in the dominant positions. By contrast, the landscape of the regional and local TV and radio programs consists of small divisions which change almost every month.[3]

The Internet, compared to print and audiovisual media, has the highest expansion rates – both in terms of users and advertising revenue. The leading journalistic online media are the news sites of the established print publishers, particularly *bild.de* and *Spiegel Online*.[4] Many other websites also participate in the production and distribution of news, such as the highly visited portals of the Internet service provider *T-Online*, the e-mail provider *Web.de* and services like *Google News*. Not all of them, however, are maintained by professional newsrooms.

Taken together, the German media landscape offers a wide range of possibilities for journalistic activities. According to a recent survey, the number of German journalists amounted to 48,400 in 2005, with 36,200 having a permanent employment (cf. WEISCHENBERG/MALIK/SCHOLL 2006: 258). But apparently, the quantity of freelance journalists has declined during the last decade. As many of them could not earn a living from journalism they had to take jobs in public relations or similar professions in order to make ends meet. Weischenberg et al. (2006: 189f.) interpret this empirical evidence as a »partial deprofessionalization« of German journalism.

Despite these circumstances, the German media system may still be grouped among the ›Democratic Corporatist‹ countries, which – according to Hallin and Mancini (2004: 143ff.) – are characterized by a coexistence of political parallelism with the development of strong mass-circulation commercial media, a tradition of press freedom and strong journalistic

2 Cf. http://www.ard.de/intern/organisation/

3 For a current overview see the surveys by the Arbeitsgemeinschaft der Landesmedienanstalten (ALM), cf. http://www.alm.de

4 Cf. AGOF/Internet facts 2010-I (http://www.agof.de)

professionalization. All of these criteria are, with varying degrees of intensity, typical for Germany's media landscape, particularly the trends towards the institutionalization of professionalism and self-regulation, as the following sections will demonstrate.

3. Established instruments of media accountability

German media, as a consequence of professionalization of journalism, established a large variety of instruments of media self-regulation and accountability, both in institutionalized and non-institutionalized forms (cf. e. g. SCHICHA/BROSDA 2010: 147ff.).

Among the institutionalized media accountability instruments, the German Press Council (Deutscher Presserat)[5] is particularly important. Following the British model, it was founded in 1956 by the journalists' and publishers' associations in order to thwart plans of the Federal Ministry of the Interior to install a public authority for press regulation. Up to the present, the Press Council receives sponsorship from the two journalist trade unions DJV (Deutscher Journalisten-Verband) and dju (Deutsche Journalistinnen- und Journalisten-Union in ver.di) and also the publishers' organizations BDZV (Bundesverband Deutscher Zeitungsverleger) and VDZ (Verband Deutscher Zeitschriftenverleger). Consequently, it remains free from state influence.

As an institutionalized instrument of voluntary self-regulation of the print media, the Press Council pursues two central aims: defending the freedom of the press in Germany and attending to complaints by readers. In order to implement these tasks systematically, the Council has developed the German Press Code[6] in 1973 which contains ›Guidelines for journalistic work‹ and has supplements continuously added. Basic principles of the Press Code are, among other things: respect for the truth and preservation of human dignity, diligent and fair research, a clear distinction between editorial content and advertising, and respect for the private life and intimate sphere of individuals.

Focusing on print media, the Press Code is still the central code of ethics for German journalism. If a journalist violates the Code's principles, the

5 Cf. http://www.presserat.info
6 Cf. http://www.presserat.info/uploads/media/Press_Code.pdf

Press Council can issue a ›reprimand‹ (Rüge) which is supposed to be printed in the concerned publication. In recent years, this mostly happened in cases of breaches of personal rights, but also in the context of disregard of journalistic due diligence, sensational reporting or discrimination. In 2009, the Press Council dealt with 1,269 complaints. In 22 cases the complaints committees considered it appropriate to issue a public reprimand, nine more cases received a non-public reprimand. More often there were less severe sanctions, i. e. 71 ›censures‹ (Missbilligung) and 84 ›editorial notes‹ (Hinweis).

Both the German Press Council and its Code have been in the focus of repeated scientific debates, especially after the critical audit by Manfred Rühl and Ulrich Saxer in 1981. The analyses contend that the Guidelines for journalistic work are unsystematic and incoherent (cf. e. g. BÖLKE 2000; WUNDEN 2003), in some instances even counterproductive, especially when it comes to applying the professional principles of separation (information vs. advertising, information vs. fiction, information vs. opinion) and anti-discrimination (cf. PÖTTKER 2002, 2004). But also the organizational structures of the Council itself are considered dysfunctional. Persistent conflicts between journalists and publishers seem to restrict the effectiveness of the complaint procedures (cf. EISERMANN 1997), which consequently receive little attention within the journalistic profession (cf. FISCHER 2008). Even more problematic is the lack of lay people included in the boards of the Council, which might contribute to strengthen citizen participation (cf. e. g. WIEDEMANN 1996). But while the Council stays bipartite, public interest in its activities remains at a low level – just like its low impact on the quality of journalism.

In 2009, the German Press Council expanded its scope to include online newspapers (cf. EBERWEIN 2010a), but is not responsible for audiovisual media. With their Broadcasting Councils (ARD) and the ZDF Television Council, the public broadcasting corporations have established internal regulatory bodies whose members, however, are appointed by state actors. Even if these bodies fulfil to some extent tasks similar to those of the Press Council, they are not institutions of media self-regulation in the sense of vocational ethics. The same is true for the State Media Authorities which are responsible for the licensing and supervision of commercial radio and television broadcasting.

Other than these institutions, several more organizations of media self-regulation exist (cf. BAUM et al. 2005). Since 1949, for example, the Voluntary Self-regulation Authority of the Cinematic Industry (FSK – Freiwillige

Selbstkontrolle der Filmwirtschaft)[7] takes care of the age-rating system for films, video cassettes and DVDs with ex ante tests. A similar system is applied by the USK (Unterhaltungssoftware Selbstkontrolle),[8] with a focus on computer games though. The German Advertising Standards Council (Deutscher Werberat),[9] since 1972, and the German Council for Public Relations (Deutscher Rat für Public Relations),[10] since 1987, deal with ethical self-regulation in advertising and PR. However, these and other institutions of media self-regulation also share the common problem that the public are hardly aware of their activities. Since 2004, this problem is taken on by the FPS (Verein zur Förderung der publizistischen Selbstkontrolle),[11] an association of media professionals and academics who strive to promote media self-regulation by monitoring the performance of the respective institutions and discussing them publicly.

But the summarized shortcomings of institutionalized forms of media self-regulation demonstrate that further means are necessary for upholding the social responsibility of the media. Among the less institutionalized forms, media journalism can take a central role, because it is not only a media accountability instrument itself, but may also help other instruments to function properly by providing public attention (cf. BERTRAND 2006).

Germany has a rich tradition of media-critical reporting, with authors like Heinrich Heine, Karl Kraus and Siegfried Kracauer as prominent antecedents of the discipline (cf. ROSS 2005). Today, there is a broad range of media journalism in all types of publications. Most of the quality papers have a daily media page (e. g. the *Süddeutsche* and the *Frankfurter Allgemeine Zeitung*), offering coverage about media-related topics to fairly large public audiences, whereas the predominant readers of the monthly media trade journals (e. g. *journalist,*[12] *M,*[13] *medium magazin*[14]) are journalists and media managers. The bi-weekly and weekly trade services *epd medien*[15] and *Funkkorrespondenz*,[16] both with ecclesiastical backgrounds, have a com-

7 Cf. http://www.spio.de
8 Cf. http://www.usk.de
9 Cf. http://www.werberat.de
10 Cf. http://www.drpr-online.de
11 Cf. http://www.publizistische-selbstkontrolle.de
12 Cf. http://www.journalist.de
13 Cf. http://www.verdi.de/mmm/
14 Cf. http://www.mediummagazin.de
15 Cf. http://www.epd.de/medien/
16 Cf. http://funkkorrespondenz.kim-info.de

paratively small circulation (less than 1,000 printed copies each), but they enjoy a high reputation within the journalistic profession. Additionally, some of the radio channels of the public broadcasting corporations have launched weekly programs with media coverage (e. g. *Markt und Medien*,[17] DEUTSCHLANDFUNK; *Texte, Töne, Bilder*,[18] WDR5), and with *Zapp*[19] (N3) there is at least one weekly TV broadcast dedicated exclusively to critical media analysis. While the diversity of Germany's media journalism was slightly diminished by the economic crises at the turn of the millennium, media criticism has found new outlets in the established media – for example in the guise of satire and comedy (cf. BLOCK 2010).

Because of the high potential of media journalism as a means for holding the media accountable, many scientific studies have been conducted on this topic during the last two decades. Most of them come to critical conclusions about media-journalistic performance, particularly the newspapers' media pages, which frequently focus on previews of the daily TV program, rather than providing contextual analyses of current media topics (cf. e. g. KRÜGER/MÜLLER-SACHSE 1998: 72; HILLEBRAND 2005: 48). Peer pressure, in many instances, seems to prevent critical reporting about colleagues (cf. e. g. KREITLING 1997: 132), a problem that becomes even more potent when the interests of the reporter's employers or affiliated companies are involved (cf. e. g. RUSS-MOHL 2000). Moreover, media journalism has a problem with audience reception: as most newsrooms do not invest into copy-tests and surveys, many media journalists do not know for whom they are actually writing (cf. MALIK 2004: 300). Michael Beuthner and Stephan Weichert (2005) denominate these and other problems as ›traps of self-observation‹, in which media journalism is inevitably caught. Thus, despite the undisputed potential of this instrument of media accountability, its impact on German journalism is limited.

In the search for new ways of achieving accountability and transparency, many German media have turned, since the start of the millennium, to additional means at the newsroom level (cf. MEIER 2010):

After short-lived experiments with the concept of a news ombudsman in the 1970s (cf. VÖLKL 1980), this media accountability instrument disappeared from the German media landscape and is now being revived

17 Cf. http://www.dradio.de/dlf/sendungen/marktundmedien/
18 Cf. http://www.wdr5.de/sendungen/toene-texte-bilder.html
19 Cf. http://www.ndr.de/zapp/

tentatively. The most notable example is Anton Sahlender, deputy editor-in-chief of the regional daily *Main-Post*, who debuted as ›reader advocate‹ (Leseranwalt) in 2004.[20]

While codes of ethics on the level of the newsroom are traditionally rather uncommon in Germany, several media organizations have issued such a document nonetheless, e. g. Axel Springer[21] in 2003 or the WAZ Media Group[22] in 2007.

Axel Springer and the daily newspaper WAZ were also among the first to establish a reader advisory council to provide the newsroom with suggestions about neglected topics.

Even the idea of a correction corner, which German media have disregarded for a long time, seems to gain ground now, as current examples from the *tageszeitung* (*taz*) or the *Berliner Zeitung* may illustrate.

None of these instruments are innovations in media accountability as they have a long tradition in the United States and in other European countries. In Germany, however, they have a great potential for development, in the contexts of both practical journalism and journalism research.

4. Innovative instruments of media accountability

Besides these rather conventional media accountability instruments, the Internet has generated many new impulses for innovations in media self-regulation. In recent years, a number of projects have evolved on the web which used the specific features of online communication to strengthen the effort of making the German media responsible to the public. A few examples:

- *jonet.org*[23] is an Internet community for journalists which provides vivacious exchanges of information and opinion on journalism and the media. It has existed since 1994 and has currently more than 4,000 members.

20 Cf. http://www.mainpost.de/nachrichten/leseranwalt/

21 Cf. http://www.axelspringer.de/artikel/Leitlinien-der-journalistischen-Unabhaengigkeit-bei-Axel-Springer_40856.html

22 Cf. http://www.waz-mediengruppe.de/fileadmin/template/Inhalte/Downloads/PDF/Aktuelles/Kodex.pdf

23 Cf. http://www.jonet.org

- In 2003, the Akademie für Publizistik (AfP), an institution for the education of journalists, established a web-based Council of Ethics (Ethikrat)[24] which openly responds to e-mails from the public with questions concerning journalism ethics.
- In 2004, the State Media Authority of Saarland launched the citizen portal *Programmbeschwerde.de*,[25] a website designed to facilitate user complaints about commercial TV broadcasters.
- *Editorial Conference* (*Redaktionskonferenz*)[26] is the title of a program by the new public service radio station DRADIO WISSEN which is broadcasted in the evenings of every weekday. Here, the listeners of the web channel are invited to phone in and discuss the editorial decisions of the day with the relevant journalists.

While the majority of these innovative instruments of media accountability have yet to attract academic research and analysis, at least a certain interest in the investigation of media-related weblogs can be detected. This new format of media criticism experienced a very dynamic development during the recent years – and triggered hopes that it might help media reporting to escape from the ›trap of self-observation‹ (cf. EBERWEIN 2008). According to David Domingo and Ari Heinonen (2008), media-related blogs can be categorized in four different groups:

- Citizen Blogs: journalistic weblogs written by the public outside the media,
- Audience Blogs: journalistic weblogs written by the public within the media,
- Journalist Blogs: journalistic weblogs written by journalists outside media institutions, and
- Media Blogs: journalistic weblogs written by journalists within media institutions.

Although there are numerous examples of all four categories in Germany's blogosphere, only a few attract sizeable audiences. Probably the best known journalist blog is *Bildblog*,[27] a media watchblog designed initially to examine the coverage of the notorious tabloid *Bild*, but now also keeping watch on other media. A popular media blog is *blog.tagesschau.de*.[28]

24 Cf. http://www.akademie-fuer-publizistik.de/akademie/ethikrat/
25 Cf. http://www.programmkritik.de
26 Cf. http://wissen.dradio.de/index.91.de.html
27 Cf. http://www.bildblog.de
28 Cf. http://blog.tagesschau.de

Over 40 writers from the newsroom of *Tagesschau* and *Tagesthemen*, the main newscasts on DAS ERSTE, use this blog to discuss their editorial strategies with the users. *Pottblog*[29] is a lively citizen blog from the Ruhr Area which, among other posts, comments on media topics on an irregular basis, especially on the performance of the regional newspaper *WAZ* and its online edition *DerWesten.de*. The daily *Trierischer Volksfreund*[30] was among the first newspapers to incorporate audience blogs into its website, thus enabling a counterpoint to the reporting of its own journalists.

Initial exploratory examinations of these and similar media-related blogs underscore the potential of this type of media criticism. According to a recent content analysis, media watchblogs may even have a higher journalistic quality than traditional journalism, especially with regard to topicality, variety, comprehensibility, entertainment value, interactivity and hypermediality (cf. HUTTER 2009). Other studies point out that media criticism in blogs may be a potent means for monitoring the contents and form of journalistic coverage, especially in the area of tabloid journalism (cf. SCHÖNHERR 2008), and that users of media watchblogs may be motivated to reflect on criteria for ›good journalism‹ (cf. MAYER et al. 2008). Moreover, journalist and media blogs can apparently serve as a potent means for reflecting editorial decisions and generating user feedback (cf. WIED/SCHMIDT 2008; THEIS-BERGLMAIR 2009). However, lessons from the United States exemplify that the German media blogosphere is still underdeveloped, particularly with regards to a lack of sustainable business models and possible schemes for self-regulation (cf. FENGLER 2008a). This critical assessment is backed by another content analysis (cf. EBERWEIN 2010b), which demonstrates that a key feature of many German-language media blogs is a lack of continuity in their reporting. Whereas a large quantity of their posts directly relates to news gathered by mainstream media journalists, the variety of their topics is even more limited than that of the media pages in the daily press.

While the media blogosphere awaits further differentiation, many Internet users activate other channels in the social web for public media criticism. The micro-blogging service *Twitter* is useful both as a tool for prolonging discussions about topics set by traditional media reporting on other platforms and for pinpointing new issues which need further analysis. The same applies to social networks like *Facebook*. Against this background,

29 Cf. http://www.pottblog.de
30 Cf. http://blog.volksfreund.de

it seems that the new communicative possibilities of the social web may bring much benefit to media accountability initiatives. Currently, however, this field – at least in Germany – is so dynamic that it appears to be hardly possible to give a comprehensive report about the status of online media accountability. Besides attempting systematization, future research especially needs to focus on the new media accountability instruments' actual influence, which remains largely unclear.

5. Conclusions

Compared to the situation in other countries within Europe and beyond, Germany's journalism culture possesses a broad variety of instruments for maintaining the social responsibility of the media. Although the concepts of ombudsmanship or newsroom transparency do not have a tradition in Germany, many other media accountability instruments are integral constituents of the country's media landscape. In that respect, it might seem appropriate to consider Germany – to a certain extent – as a model country of media accountability, at least within Europe.

However, the reviewed literature also demonstrates that the established instruments of self-regulation do have deficiencies. Critical comments are especially numerous on the Press Council and the genre of media journalism, two of the instruments which are of special significance to the German media system. According to the evaluated literature, the impact of these two instruments on journalistic practices will remain low as long as they are unable to generate a broad public discourse about their aims and issues.

Following this argument, skeptical questions are inevitable: Is Germany a model without value? Is media self-regulation a suitable concept for improving journalistic performance at all? There are plenty of examples which can prove that media accountability does make a difference. Nonetheless, it must be remembered what Claude-Jean Bertrand noted with firm conviction: while every existing media accountability instrument is useful, none is sufficient. None can be expected to produce great direct effects. They supplement each other, as they function at different levels and in different time frames. [...] Together, [they] can have a strong long-term influence. (BERTRAND 2000: 154)

The idea of creating networks of different media accountability instruments sounds particularly promising at a time when online communica-

tion is becoming ever more important. As the example of the coverage of the tragic Love Parade has shown, new means of media accountability in the social web can produce sustainable effects if they join forces with their established counterparts. The productive interplay between offline and online, between institutionalized and non-institutionalized, between established and innovative instruments of media accountability may well jolt journalistic self-regulation up to a new level. These reciprocal effects and their impact on practical journalism should form the focal point of future research activities.

GIANPIETRO MAZZOLENI / SERGIO SPLENDORE

Italy: Discovering media accountability culture

Abstract

Italy's media system represents the perfect example of the Mediterranean Model. Starting from the mid-1970s – when the country's media landscape began to be a more complex system through the introduction of TV – to the recent process of digitalization, media accountability has been a largely unknown object. Indeed, the characteristics of the Italian media system seem to hinder the rise and the establishment of any non-governmental method of ensuring the media's responsibility towards civil society in favor of ›public accountability instruments‹. This report gives a brief account of and discusses the main characteristics of the Italian media system focusing on: the existing journalism culture; the state-related forms of accountability; the main non-state organization hosting a form of accountability, the Ordine dei Giornalisti (Journalists' Association). The report also discusses the emergence of two contrasting instruments of media criticism: infotainment TV programs and the blogosphere.

1. Introduction

Since the major reform of broadcasting and the financial crises of the newspaper industry in the mid-1970s, the following features characterized the Italian media system: strong political parallelism, media concentration, limited presence of ›market-oriented publishing‹ and a weak ›accountability‹ culture in public and private businesses (not confined only to the

media). Thus, a watchdog journalism culture does not really exist, nor does an expansive, and effective, culture of media accountability.

Referring to the detailed list of media accountability instruments presented by Bertrand (2003), finding either the instruments or even a trace of them in Italy is difficult. For example, the introduction of press councils or newspapers' ombudsmen has hardly been on the agenda of the domestic media players. Italian journalism has experienced only two ombudsmen initiatives. *Il Messaggero*, Rome's most important daily, initiated the first in 1986 and *La Repubblica* initiated the second. The latter, an influential national newspaper, appointed a prominent journalist as ombudsman: Piero Ottone, former editor of *Il Corriere della Sera*. Both efforts – prompted by the wish to imitate foreign experiences – did not last long, not only because of scarcity of contributions from the readers, but basically because the ombudsman was (and is) generally perceived as an odd institution in the Italian political and cultural context. Even editorial corrections and op-eds, as well as the letters to the editor, are a rarity in the printed press. The codes of ethics that media outlets adopt are also a rarity, even though there have been several controversial and unsuccessful cases and episodic public discussions that prompted action on part of the media.

Following Puppis' (2007) definitions of media regulation (state regulation, self-regulation, and co-regulation where public and private sectors jointly operate), we observe in Italy a number of state-related instruments, the most important of which is the AGCOM (Autorità per le Garanzie nelle Comunicazioni – Communications Authority), and one private and self-regulated, the Ordine dei Giornalisti, the Association of Journalists established by the law, to which all journalists must belong in order to see their profession publicly recognized.

This situation is still the one that characterizes the Italian scene, even though the domestic media system is undergoing a deep transformation vis-à-vis the spread of new media platforms. The most important change is in the field of the audiovisual content with the on-going switch-over from an analogue TV system to a completely digital terrestrial TV system. While the types of transformations this passage will determine remain largely unclear, the switch-over to digital television does seem to be enriching the diversity of audiovisual contents and enhancing pluralism which could trigger the emergence of new forms of media criticism. In Italy, the process of digitalization parallels a significant diffusion of the Internet. Media enterprises which are discovering and exploiting the immense potential

of the Internet result in an increased volume of information available to users. At the same time, several media companies are adopting Web 2.0 applications that enable readers to make their voices heard and to comment and judge the media output.

In summary, digital TV and the Internet might well be the ›Trojan horses‹ of the inauguration in Italy of unprecedented forms of media accountability.

2. Journalistic culture and media system

Researchers have defined the Italian media system as an ›anomaly‹ (GAMBARO 2002; ORTOLEVA 2005; MAZZOLENI/VIGEVANI 2008). This label refers to the duopoly of RAI (the public broadcasting company) and Mediaset (the commercial company owned by the present Prime Minister Silvio Berlusconi), which have dominated the TV broadcasting market in the last 20 to 25 years. This situation emerged after the historic ruling by the Constitutional Court in 1976 that allowed private companies to enter into the monopolized broadcasting market and subsequently changed the Italian media system radically.

In the space of just 14 years, between 1976 and 1990, more than 500 local television stations entered the market. During this period Berlusconi entered into broadcasting and in a short time established three nationwide television networks, which are still the backbone of his multifaceted communication empire. During this period RAI lost its central position in the market, although the organization expanded greatly, stimulated by the competition of Berlusconi's commercial networks. This very deep structural change in the market occurred in an almost total legislation vacuum. The 14 years of ›a-regulation‹ (distinct from planned ›deregulation‹) ended in 1990 when Parliament passed a broadcasting act (the ›Mammì Law‹) that legitimized the state of the broadcasting domain resulting from years of chaotic development. The Mammì Law effectively legitimized the RAI-Mediaset duopoly but failed to introduce measures allowing other players to enter the domestic market. This situation remained largely unchanged until the Berlusconi government, in 2004, passed a controversial law (the ›Gasparri Law‹) that not only strengthened the existing duopoly but also extended it to the new digital television sector. Since 2004, there has been a number of attempts to re-organize the media system in terms of more open access and pluralism. In 2006, the centre-left coalition government

led by Prodi presented a bill intended to solve also the enduring problem of the conflict of interests. This effort failed and any reform was shown to be possible only if driven by external forces. Indeed, the European Commission launched infringement proceedings against Italy, because the Commission suspected the Gasparri Law breached key positions in European directives (MAZZOLENI/VIGEVANI 2008: 195). The centre-left government was obliged to approve regulations and provisions to put equitable use of frequencies and to speed up the the switch-over to digital TV. The process of digitalization is still in progress in 2010 with completion planned for 2011.

Certainly digital television is likely to provide more room to new enterprises that could challenge the RAI-Mediaset duopoly (that has also firmly installed itself in the digital TV sector). While, so far, no organization has been able to break the status quo, SKY ITALIA (a branch of Rupert Murdoch's NewsCorp) has the potential. As the sole private operator in the satellite TV sector, SKY ITALIA is a monopolist, but is striving to enter the digital TV market.

A dozen publishing houses that print hundreds of newspapers and weekly magazines, several radio channels – where RAI plays a crucial role as much as a limited number of private enterprises linked to the major publishing houses – and hundreds of small enterprises that have entered the Internet field complete the picture of the Italian media system.

Overall, the key factor affecting the domestic media market is the unequal distribution of advertising investments. TV broadcasting attracts more than 50 percent of advertising revenue, mostly at the expense of the printed press.

Finally, the newspapers market shows structural and long lasting problems, such as low readership rates, low circulation (among hundreds of newspapers only three – *Il Corriere della Sera*, *La Repubblica* and *La Gazzetta dello Sport* – sell more than 300,000 copies) and strong levels of partisanship.

In such a concentrated market, as Hallin and Mancini (2004) have pointed out, the ›Mediterranean‹ Model is the most suitable representation of the Italian media system. Since the end of the 19th century, when some of the most important national outlets began publishing, newspapers have been produced for the political, economic and cultural elites; consequently mass-circulation newspapers were never established (cf. MURIALDI 1994). Strong political parallelism still typifies the country's journalism culture. In 1959, Enzo Forcella – a respected political journalist – wrote a pamphlet which many professionals still regard as a manifesto of political journal-

ism in Italy. Forcella titled his article *Millecinquecento lettori* (›1,500 readers‹), stressing how journalism was meant only for the politicians, the media, and the chattering classes. The high level of partisanship is common to the party-newspapers and to a certain extent also to a good part of quality press.

Nevertheless, the highest degree of political parallelism can be seen in the television domain, where the Prime Minister Berlusconi's company strictly controls the commercial channels and public broadcasting is indirectly but effectively under the political influence of the office of the Prime Minister. Moreover, RAI has suffered since its early days of ›lottizzazione‹ (MANCINI 2009), that is of partitioning of the political parties' grasp on its management, program production and news channels. According to Mancini, the ›lottizzazione‹ represented the Italian way of guaranteeing pluralism, albeit pluralism referring exclusively to the political parties‹ claims and interests.

The private media sector by contrast proliferated, as mentioned, without any regulation and ended up being concentrated into the hands of an entrepreneur who over time developed political ambitions.

3. Established instruments of media accountability

The ›anomalies‹ of the Italian media system do also include, since the reform of RAI in 1975, the lack of any legislation aimed at providing effective measures to stimulate the emergence of a culture of media accountability.

Nevertheless, in the state-regulated domain, there are both ›antiquated‹ and recent instances that reflect the concepts of accountability. Firstly, the Italian Constitution (1947) states: »The law may, by general provision, order the disclosure of financial sources of periodical publications«.[1] RAI, being a public company, by statute had to be accountable to the government and since 1975 to Parliament, and established a special ›Board of Vigilance‹. Secondly, the first significant attempt to introduce an independent though public body that kept the media system under surveillance was in 1981 when Parliament created the ›Guarantor of Publishing‹, but did not give any authority over broadcasting. In 1997, AGCOM replaced the ›Guarantor of Publishing‹, and provided with wider powers, exerted control over the entire communication system, partly to comply with EU directives and partly in

1 Translation by the authors.

response to the political crisis of the 1990s, which prompted calls for more independent regulatory authorities (MAZZOLENI/VIGEVANI 2008: 27). The AGCOM board is accountable to Parliament, which appoints its members and defines its powers and tasks: (1) control of quality and distribution of service and products, including advertising; (2) mediating disputes between producers and consumers; (3) creating specific rules to safeguard socially vulnerable categories of consumers; (4) fostering political, social and economic pluralism in broadcasting. AGCOM exerts some of these (and other) powers through regional branches called CORECOMs.

Although the central task of AGCOM and CORECOMs is to regulate the communications system and to guarantee acceptable levels of accountability and transparency, their interventions are generally ineffective because two sets of problems affect their activities:

These state-regulated authorities lack strong powers of enforcement. The AGCOM plays its role through rulings, warnings, actions of rebalance, (weak) sanctions, as well as through a constant exercise of what the Authority itself defines as ›moral persuasion‹. Thus, its power limits the AGCOM to investigate complaints and to express public reprimands. In its annual report on the media system, the AGCOM has repeatedly complained about the low level of objectivity in the news media, and about the crucial need of a thorough reform of RAI in order to guarantee more independence from politics. Those claims have been largely ignored by political forces.

The accountability of the AGCOM board to Parliament offers political parties broad opportunities to influencing the work of the AGCOM. Consequently, although the AGCOM and CORECOMs, by design, are independent of political influence, their boards usually consist of former Members of Parliament and other professionals closely connected to political parties and their interests.

Where the AGCOM fails, the judicial system has a better record in the context of enforcement. The judiciary has settled the majority of media-related disputes, which have occurred either because of appeals by interested parties or an absence of relevant legislation, through ›the rule of the law‹. Despite the numerous causes for disputes and subsequent verdicts, often contradictory, that have marked the expansion of Italy's communication domains, the rulings of the Constitutional Court have often been decisive in prompting legislators to take action or in cancelling incorrectly composed laws and norms. Although the word ›accountability‹ never appears in the rulings, this ›supreme court‹ as well as district or regional courts have of-

ten acted as the only defenders of the rights of access, of media pluralism and other media-related issues.

If the AGCOM represents the most prominent example of state-regulated intervention in the accountability domain, the forms that reflect Puppis‹ (2007) models of self and co-regulation exist in the private communications sector, particularly in the form of the Ordine dei Giornalisti (the Journalists‹ Association). Hallin and Mancini (2004) highlight how a low level of professionalism characterizes the Mediterranean Model. They mentioned the Italian ›anomaly‹ where a low level of professionalism co-exists with a highly selective association (properly regarded as a ›guild‹). The Ordine regulates access to the profession, by deciding who can (and cannot) become a journalist through a highly selective requirement process based on years of paid work[2] into newsrooms and a final examination. Being a private entity, but established and regulated by law, the Ordine's activities produce hybrid regulatory effects. The Ordine monitors whether or not its associates behave correctly in their job and sanctions them if they have infringed the rules that each journalist has to sign when entering the profession. Although technically the rules cannot be considered a code of ethics, they include some aspects related to social responsibility to the public audience and to the protection of the professional integrity of journalists.

The Ordine, in 1993, promoted the ›Carta dei doveri‹ (›The Duties' Charter‹), a real code of ethics that supplements the norms enforced by law and was composed under governmental pressure. The intention of the government was to regulate the news coverage of judicial investigations during a highly critical political season. Both the Ordine and the journalists' trade unions rejected the attempt by the government to regulate the matter by law, but agreed to write their own code, based on the blueprint of existing codes of ethics, which some leading newspapers, like *La Repubblica* and *Il Sole 24 Ore*, had adopted.

The issue of the information coverage of sensitive civil and criminal proceedings periodically appears at the top of the public agenda. The political class, particularly, attempts to pass tougher laws threatening the freedom of expression. Usually, the media challenge these attempts with protests, strikes and similar actions and prefer to self-regulate the issue. In 2009, the AGCOM proposed a new code, which the associations of TV broadcasters, the Ordine dei Giornalisti and the journalists' trade union all signed. Con-

2 This rule creates a paradoxical situation: in order to become a journalist, the trainee must already be engaged as a journalist in a newsroom.

stitutionally ensured rights, the freedom of thought and of the respect of personal rights, form the bases of the code, which acknowledges the duty to safeguard, in the full exercise of the informative function, the rights to personal dignity, to respect and to privacy.

These codes are hybrids, i. e. examples of co-regulation, very similar to the ›Carta di Treviso‹, a code of ethics focusing on the protection of minors in the news coverage of events involving children, which the Ordine, the unions and the government all agreed on in 1990.

Examples of pure self-regulation are scattered and variegated. The most important newspapers and broadcasting companies have worked out their own internal codes, but the majority either has not done so or has subscribed to codes tackling specific issues and approved through the cooperation of different actors, such as the Carta di Treviso.

4. Innovative instruments of media accountability

Italy's media may suffer from a structural lack of accountability instruments, but intensive media criticism does exist or is emerging for several domains. Paradoxically, one of these domains consists of infotainment and satirical TV programs. Media criticism is definitely not the major aim of these programs but they often propose nuanced applications of accountability instruments.[3] Schudson (1998) and especially Delli Carpini and Williams (2001) have re-valued infotainment and the soft news as the sole instruments to inform a citizenry otherwise ignorant of politics and distant from political engagement. Their argument applies to a lot infotainment programs and politainment (MAZZOLENI/SFARDINI 2009), which several Italian media carry. Comedy and soft news, rather than any direct actions of the mainstream media players, alert a large part of the Italian citizenry to issues of political transparency and accountability. Infotainment and politainment TV programs serve as watchdogs and media critics at two levels:

- they expose fallacies in the news like the gross manipulation of reality in the portrayal of applauding crowds for a political rally attended by a tiny group of supporters;
- they reveal the hidden arrangements of some news stories.

3 Sometimes rival newspapers also publish a sort of media criticism, by unveiling mistakes or false accounts offered by competitors.

Attempts to unveil the reasoning behind certain sudden or covert decisions by the management of key media companies – from the dismissal of controversial editors to the change of the editorial line – are not infrequent. In a general situation of political parallelism, where the news media behave in a subservient way to political logics, this sort of vicarious critique-watchdog function by entertainment media is crucial in keeping public opinion alerted to corrupt practices and political misconduct.

The domains, in which media criticism has the greatest opportunity to expand its range and influence, are the blogosphere and the spaces provided by the online editions of several established media. Since the beginning of the 2000s, like many other countries, Italy has experienced the proliferation of websites offering news and information (cf. CORTI 2004; LEONARDI 2004).

Several ›citizen blogs‹, informative weblogs written by the public not involved in media companies (cf. DOMINGO/HEINONEN 2008), target the contents of the press and television news. Blogs about specific newspapers[4] or providing a nuanced look at the whole Italian media system have reached a very significant role in terms of the number of contacts. Audiences of blogs are very active in commenting on, and criticizing, the flow of mainstream news.[5]

A variety of ›journalist‹ and ›media‹ blogs written by journalists either from within or external to media institutions (cf. DOMINGO/HEINONEN 2008) further enrich the Italian blogosphere. Although these blogs do not necessarily exert criticism inspired by accountability purposes, they have ensured a flow of opinions and commentary that was not previously allowed. At the same time, some journalists have found their independence (from a given editorial line) through their weblogs.[6]

The online websites of the existing major Italian dailies are increasingly becoming a significant source of information for several readers. TV news remains the dominant source, but there are signs that young audi-

4 Examples of blogs which operate in the direction of media criticism are *nonleggerlo.blogspot.com*, *pazzoperrepubblica.blogspot.com* and *valigiablu.it*

5 Within the Seventh Framework Programme of the European Union, the Italian team has completed several preliminary in-depth interviews with a range of well-known Italian bloggers. These people share similar practices, in writing and updating their blogs. The constant supervision of the Italian media landscape appears to be their core activity. Their posts, produced by surfing the net, reading online newspapers and consulting other blogs, generate a great deal of comment.

6 Examples within the spectrum of ›journalist blogs‹ which deal with media criticism are *blog.marcobardazzi.com* and *blog.debiase.com*; and in reference to ›media blogs‹: *mariotedeschini.blog.kataweb.it*

ences tend to prefer online news as the main or only source. *Web Trend 2009* – which monitors the most influential websites – has included in its list of the leading news domains *repubblica.it* and *corriere.it*. When they were first put up, the content of these websites did not differ a great deal from their offline equivalents. More recently, Web 2.0 applications have allowed, in some cases obliged, newspaper websites to provide different and often interactive communication forms. Many journalists working in the printed editions opened their personal blogs on the online editions, inaugurating a very lively arena for discussion with readers. These ›media blogs‹ facilitate unprecedented forms of transparency, as the authors, being members of the media institutions, must be accountable to their audiences.

These arenas have expanded more recently as a result of the exponential popularity of social networks. The presence of journalists in social networks, such as *Facebook*, is proliferating. In social network environments, any journalist who chooses to participate with a ›public profile‹ cannot avoid being scrutinized by their ›friends‹. Whether or not interactive Internet domains can automatically be regarded as accountability instruments is questionable, but they certainly provide a public arena where news can be discussed, checked and criticized.

5. Conclusions

The overall picture of the state of Italy's media, as far as the existence of a culture of accountability is concerned, is incomplete. Accountability instruments do exist, but mostly in the public domain, and most of the non-state regulated instruments are in the co-regulated category. State-generated regulations prevail over the few, scattered cases of self-regulation. We could, therefore, present Italy as a country privileged to have a culture of public accountability rather than a culture of media accountability.

The lack of practices of transparency and accountability as well as an absence of public awareness throughout all societal domains explains why the media have only recently, in the 1990s, expressed any interest in working out and adopting codes of ethics. Today, the concept of ›accountability‹ is slowly becoming familiar to media outlets and media professionals. Yet, many practitioners in Italy's domestic journalistic environment claim accountability and transparency are not at the top of the media players' concerns.

In the context of the dramatic changes in news production and circulation due to the globalization of information (e. g. *Google* and *YouTube*) and the diffusion of new communication technologies and of social networks (including citizens‹ journalism), the journalistic profession in Italy is also facing unprecedented challenges. The Ordine and the journalists' unions will soon have to deal with problems related to the issues of accountability that the ›old‹ codes can no longer manage.

Focused research is necessary in this shifting field, in order to monitor changes in accountability and changes in attitudes. However, only a comparative perspective will enable researchers to get a comprehensive, supra-national view of the developments of novel media accountability instruments.

GEORGE HAWATMEH / JUDITH PIES

Jordan: Media accountability under the patronage of the regime

Abstract

With self-regulation and transparency in the media marketplace in Jordan still in its early stages, the impact of either established or innovative media accountability instruments has to be examined with caution and in proper context. The profession of journalism has been undergoing significant shifts over the past two decades, in response not only to changes in the nature of the political and economic structures of the country, but also to external factors created by the global rise of mass media technology. This report argues that, overall, the process of the development of media accountability instruments has been more of a demand by the regime than by the journalists themselves, and the effort is geared to serve the regime's purposes, thus limiting the instruments' efficacy and potential.

1. Introduction

When the government announced its own media plan to call on Jordanian citizens to register for and cast ballots in the parliamentary elections, a prominent columnist, Fahd Khitan, wrote in his daily column in the independent daily *Al-Arab Al-Yawm*:

> [...] but while it is legitimate to encourage citizens to participate, some aspects of this plan are clearly in violation of the Code of Ethics that the Government adopted for its own conduct with the media [on December 24,

> 2009; authors' note]. The Government presumes that newspapers can be used as tools to execute policies it has to mobilize voters and promote voters (according to the new temporary law of elections that it passed [on May 19, 2010; authors' note] in the absence of a sitting parliament). It is a worst case scenario when the Government has to use privately or partly government-owned newspapers to highlight positive aspects and forgo their role as a watchdog of its work.[1]

The clear implication in Khitan's widely read column is how the government, more than journalists, shapes media accountability in Jordan largely in an effort to serve its own ends and purposes. In this particular case, the law of elections is the focus, but is neither a unique nor isolated example of external pressures at play in the Jordanian media landscape of today, ultimately preventing the journalists from managing and regulating certain aspects of their own work.

Systematic research on media accountability instruments in Jordan has not yet been carried out. There have been reports published on the development of media legislation as an indicator for political liberalization (NAJJAR 1998, 2001, 2008), contributions on ethics (HAWATMEH 1994) and the role of ethics in journalism education in Jordan compared to Lebanon (PIES 2008), but no comprehensive research has been done on media accountability and the rapidly changing journalistic culture in Jordan.

In the absence of an established body of literature, this chapter relies on primary observations by Hawatmeh, who served as editor-in-chief of three daily newspapers in Jordan between 1983 and 2010, and Pies, who has been conducting research and interviews with media experts in Jordan since 2006 as part of her PhD project on changing norms in Jordanian journalism.

2. Journalistic culture and media system

The Jordanian media scene has witnessed a significant transformation over the past 20 years. Apart from terrestrial television, which is still a monopoly for the state-owned JORDAN TELEVISION (JTV), all media sectors have been opened for private media outlets and as a result have been diversified in both content and style. But the government still maintains a

1 Cf. *Al-Arab Al-Yawm*, June 20, 2010; translation by the authors.

level of control in private media by owning more than 60 percent of *Al-Ra'i* (Jordan's largest daily newspaper) and 30 percent of *Al-Dustour* (the third largest daily newspaper).

Private radio stations now occupy two out of the five top spots in terms of listenership.[2] Since around the mid-1990s, all daily newspapers have introduced online versions, which have interactive features such as a comments section and searchable archives, both indicating a more reader-oriented development. Many weeklies have transformed themselves into electronic news websites, either because they are cheaper and faster to operate or because they are easier to escape censorship and legal accountability. Jordan also has a rapidly growing number of new media, represented by social media websites, web TV, blogging websites and mobile phone applications.

In 1993, the government in office was willing to relax censorship and liberalize the draconian Press and Publications Law (PPL) that had been in place since 1973, when the martial law was still in full force.[3] In return, the government expected Jordanian journalists to improve their performance, to assume greater self-responsibility for the reforms just introduced and, most importantly perhaps, to strive for and show greater professionalism in conducting their work.

A debate about the professionalization of journalism in Jordan has been on-going since the 1980s. Since the regime imposed martial law in 1957, the regime had found it convenient to argue that it had to be tough with the country's journalists – not only because of internal as well as external threats to national security but also because the journalists were not sufficiently professional to handle any kind of freedoms granted to them by the regime. Critics could have argued that since the state either owned or controlled most of the media outlets, the regime should have expected journalists to behave and perform more like government employees than independent professionals.

Journalists, as well as the regime, widely recognize the need for further professional development nowadays, not the least because formal education in journalism is lacking in Jordanian universities (cf. ABDEL RAHMAN 1991),

2 Cf. Jordan Media Survey (2010), commissioned by USAID/IREX, conducted by Strategies-HarrisInteractive.

3 Altogether, the PPL has been changed six times since 1953. For an up-to-date overview of press law changes in Jordan cf. Kanakriyeh (2010), for detailed descriptions cf. Najjar (1998, 2001 and 2008).

the traditional institution of journalism training in Jordan. But the field of training for journalists and other media practitioners has been expanding in recent years. Education and mid-career training in the media has gone from being a purely academic and regime-conforming endeavor to becoming an essential concern for a growing number of organizations, foundations and institutions.

Besides relatively low educational standards, lack of credibility as well as relatively low base salary levels have traditionally been among the reasons why the profession of journalism has not witnessed considerable progress. Furthermore, the feature that distinguished Jordanian journalists in the past remains essentially the same today: opinion-makers are more prominent than reporters and editors, and arguably opinion-oriented journalism is also more popular than fact-based journalism. This is a paradox, since columnists are not automatically recognized as journalists and often are not members of the Jordan Press Association (JPA).[4]

Although the JPA is the only body representing Jordanian journalists, there traditionally has been an inconsistency in the membership rules. Until recently membership of the JPA had been obligatory for all practicing journalists except for journalists working in private media outlets and websites, whom the JPA did not accept as members. But that situation fundamentally changed when the JPA Executive Council on September 27, 2010, adopted new amendments to the Association's law that would open membership to practitioners in private audiovisual media as well as in online media. Once the general assembly of the JPA (which is to be held in April 2011) accepts these amendments, applications for membership by audiovisual and online journalists will follow the same rules that govern the print media journalists.

Other issues besides defining ›who is a journalist‹, with which the JPA has been struggling to solve in recent years, relate to attempts for freeing itself from the image of being an extended arm of the government and whether it is the right body to impose instruments of media accountability. Only recently has media accountability started to become an issue, as a real means of self-control, which needs not just new ideas but also healthy and sound journalistic practices. Success would have to be measured in terms of how accountability could help the media gain more independence from the regime and how accountability could con-

4 Cf. http://www.jpa.jo

tribute to more transparency in respect of the public. In the case of the new media, whose onset promises to fundamentally change the media scene once again, success would depend on the evolution and development of new forms of media accountability, which have yet to be fully achieved, even worldwide.

3. Established instruments of media accountability

The concept the MediaAcT project calls established instruments of media accountability does not exactly apply to the Jordanian context. Codes of ethics, for example, which are established media accountability instruments in most European countries, are fairly new phenomena in Jordan. Furthermore, the nature and role of media accountability instruments in an autocratic, albeit liberalized, regime like Jordan's differs from those in a democracy. Many of the instruments of media accountability in Jordan are not purely self-regulatory but of a hybrid nature, as is amply evident in the media code of ethics that the government issued for itself in January of 2010 and the JPA officially endorsed.

Codes of ethics

The first serious attempt at accountability and self-regulation by the Arab media itself occurred in the Sana'a Declaration on Promoting Independent and Pluralistic Arab Media in 1996. The Sana'a Conference attended by Arab journalists, including independent Jordanian media practitioners and the JPA, adopted the Declaration. The Sana'a Declaration, *inter alia*, called for the establishment of independent, representative associations, syndicates or trade unions of journalists, and associations of editors and publishers, especially in those Arab countries where such bodies did not currently exist. In terms of self-regulation, the Declaration stated that

> [s]ound journalistic practices are the most effective safeguard against governmental restrictions and pressures by special interest groups. Guidelines for journalistic standards are the concern of the news media professionals. Any attempt to set down standards and guidelines should come from the journalists themselves [...] Journalists should be encouraged to create independent media enterprises owned, run and funded by the journalists

> themselves and supported, if necessary, by transparent endowments with guarantees that funders do not intervene in editorial policies.[5]

Upon returning from Sana'a, the JPA president convened the Executive Council, which readily endorsed the Declaration, adopting it as part of the Association's charter where it remains to this day.

Yet, the JPA did not adopt its own code of ethics until 2003. The code contains several paragraphs that are, with the same wording, in the PPL. Indeed other pieces of legislation form the basis of several of the code's articles. The act of combining articles of the law with codes of ethics weakens the credibility of self-regulation among journalists and reinforces the widely held and enduring perception that the JPA remains an extended arm of the government.

In 2001, the Higher Media Council (HMC) replaced the Ministry of Information with the goal to »oversee the regulation of the media sector and assist in the creation of a responsible and accountable media environment«.[6] As part of its mission the HMC adopted a ›Royal Vision‹ for the Jordanian media, and introduced a code of ethics for journalists in the audiovisual media sector. But as both the government and the Parliament endorsed a law in 2008 dissolving the HMC, the media barely mentioned the ›Royal Vision‹ thereafter.

In order to compensate for low salaries, many journalists have to have two jobs to make ends meet. By adopting, in early 2010, its own code of ethics for dealing with the media, the government contended that it was trying to prevent media practitioners from facing a conflict of interest by working both as journalists and government employees (advisers to ministers, ministry spokesmen, etc.). By adopting its ›government/media code of ethics‹ the government cited the need to enhance both the professionalism and credibility of journalism. However, many journalists and media experts perceive the code as another means of controlling the press, including the online news media, or at least putting pressure on the JPA's journalists as well as those working for private media outlets and websites ›to toe the governmental line‹. A media ethical perspective would suggest that separating jobs in news media from jobs in the government would help journalists become more independent. But at the same time, the eco-

5 Cf. Declaration of the Seminar on Promoting Independent and Pluralistic Arab Media, 1996, p. 6 (available at: http://unesdoc.unesco.org/images/0010/001056/105660Eb.pdf).

6 Cf. the outline of the ›Jordan First Campaign‹ at http://www.jordanembassyus.org/new/about-jordan/er1.shtml

nomic situation of journalists in Jordan does not hold many alternatives. Another critique is that many journalists are, by the nature of the media organization they work for, government employees by default. Journalists at JORDAN TELEVISION (JTV) and *Petra News Agency* (*Petra*) are government employees and present themselves publicly by using cars with government number plates for example.

The Qatari satellite station AL-JAZEERA, in an apparent attempt to fend off criticism over frequent controversial editorial decisions, became one of the first regional media outlets to adopt a code of ethics. In the last few years, some media outlets in Jordan have followed suit and administered codes of ethics to their employees. These include *Petra*, AMMANNET (an NGO-based community radio station), *Al-Haqiqa Al-Duwaliya* (a privately owned weekly newspaper) and *Al-Ghad* (privately owned and Jordan's second largest daily newspaper). The codes of ethics for the various outlets sometimes differ considerably from each other. While, for example, AMMANNET's code emphasizes the independence of journalists, *Al-Haqiqa Al-Duwaliya*'s stresses upholding Islamic values. The implementation of these codes of ethics also varies: *Al-Haqiqa Al-Duwaliya* introduces its code of ethics during a short internal training and makes it binding for each journalist by making it part of the working contract,[7] whereas *AmmanNet* presents its code of ethics as a voluntary moral commitment.[8]

Al-Ghad uses its own code of ethics, which it adopted in 2009, for newsroom decisions that need justifying, which rarely happens. The code was invoked on several occasions over the span of a year, but not in all cases that it might have been needed. For instance, in what became a case for public debate, in the spring of 2010, the newspaper declined to publish an opinion by a cleric who sought to justify the legitimacy of marrying teenage girls, which the draft of a new ›personal status‹ law authorized. *Al-Ghad* had taken a public stance against the legislation and argued that any support for the practice should not be allowed access to public opinion. *Al-Ghad* took the stance, regardless of any possible infringement of freedom of expression or, in this case, the paper's code of ethics. The cleric ultimately took the issue to the JPA, which asked its ›Disciplinary Committee‹ to look into the case.

7 Interviews with chief editor of *Al-Haqiqa Al-Duwaliya*, Zakaria Al-Sheikh, Amman, on November 7 and 14, 2007.

8 Interview with chief editor of AMMANNET, Sawsan Zaidah, Amman, on December 10, 2007.

Ombuds committees

Within the JPA there are now three ›Disciplinary Committees‹ to cope with the rising number of violations and complaints. These Committees, which are identical in nature and mission, hear complaints against journalists usually from fellow journalists, the public and various organizations, if neither the law courts nor the pre-dissolution HMC's ›Freedoms Committee‹ are addressing the complaints. As the Disciplinary Committees form an extra-juridical route for complainants they are meant to help in the avoidance of legal actions against offending journalists. The Committees also monitor abidance to the JPA's code of ethics, which according to the current PPL has the force of law. Panel decisions, too, have the force of law and can apply sanctions against JPA members, such as withdrawing their membership. Journalists can appeal against the rulings at the Higher Justice Court, which has the power to hear governmental and government-related decisions and overturn them.

The HMC, prior to its dissolution in 2008, through its Freedoms Committee, had an important role to play in the media accountability process. In »cooperation with concerned parties«[9] (HMC Law, Article 9C), the Committee was responsible for regulating and monitoring media ›self-responsibility‹. The Freedoms Committee was a channel to look into complaints against journalists and journalistic institutions and to try to resolve them by consent of both parties.

The most prominent case brought to the Freedoms Committee was a complaint by an Islamist leader, Ali Sukkar, who claimed that *Al-Ra'i* daily had not only misquoted him, by ascribing to him words he had not said, but had also refused to publish a correction or a letter to the editor denying the quotations as his.[10] Sukkar subsequently took the case to other daily newspapers to address his grievance, but none of them agreed to publish anything about the case, not even as a paid advertisement. Instead, they encouraged him to pursue his legal option to force *Al-Ra'i* to carry his denial in accordance with the law. But he brought the case to the Freedoms Com-

9 Translation by the authors.

10 The Press and Publications Law stipulates that the newspaper in question should publish the reply the second day and exactly in the spot that the original piece was used. But if the newspaper does not comply, the case can be taken to court, which could force a settlement upon the newspaper, including the imposition of a fine. The JPA code of ethics also demands corrections of ›wrong information‹.

mittee, which according to its by-laws would have had to obtain *Al-Ra'i*'s approval in order to hear the case. *Al-Ra'i*, however, did not oblige, at least not before the HMC was dissolved, bringing to an inconclusive end a case that might have tested the limits of the Freedoms Committee as a media accountability instrument. A replacement for this body does not yet exist.

Letters to the editor

The ›letters to the editor‹ section is a relatively new phenomenon in the Jordanian press. Newspapers always had a ›readers‹ comment‹ (invariably referred to as mail) section, that did not in any way amount to an effective, highly readable, part of the newspaper consisting of serious opinions and replies. This is probably due to Jordanians preferring or finding it easier to call their newspapers' editors or their friends in press establishments, hoping to influence or spur them into formulating opinions and replies to certain items that have been published in their newspapers. However, the ›letters‹ section, which *Al-Ra'i* pioneered in 2001 and *Al-Ghad* replicated in 2007, is evidently taking hold in almost all the newspapers in the Kingdom.

A new culture has surfaced in the electronic news websites, where nearly all have devoted sections, specifically at the end of each news item, for readers to comment on them. Some of the comments have been outrageously frank, infuriating in the process some public figures, including the Royal Court, and most certainly the government. In its attempts to force the websites to curb the use of anonymous comments, the government has done nearly everything in its power to control the work of the sites. Besides invoking a number of existing laws (PPL, Penal Code, Electronic Transactions Law), the government has most recently introduced (in September 2010) a highly controversial Cyber Crimes Law that gives the government even greater power in controlling the websites.

4. Innovative instruments of media accountability

To draw a distinction between ›established‹ and ›innovative‹ instruments of media accountability in such a youthful field, as it is in Jordan, is difficult. What can be called innovative? Is the introduction of codes of ethics in such an environment more or less innovative than bloggers criticizing the media for lacking accuracy and independence?

A case from 2008 illustrates how the Internet in Jordan may contribute to greater accountability and transparency without being formalized or institutionalized as an instrument of media accountability. In June 2008, the highly frequented news website *AmmonNews* – followed by many other news outlets – published a headline saying »John McCain [at that time a US presidential candidate; authors' note] will declare Jordan part of a Palestinian state«[11] and attributed the quote to an advisor of McCain's called Kagan.[12] This sensitive statement caused uproar in Jordanian society and among the diplomatic corps. As became clear later, however, the information on which the news was based had appeared on a website called *Filkka Israel*. This website has the open aim of »Destroying the kingdom of Jordan peacefully and bringing back its land to its normal situation as a part of Greater Palestine«.[13] Clearly, the Jordanian media outlets that carried the news had neither checked the information with Kagan or John McCain (he had visited Jordan at about the same time), nor had any doubts about the source.

In terms of accountability and transparency it was an innovative step that some reactions to this professional shortcoming appeared online. Mohammad Abu Arkoub, at that time a journalist at *AmmanNet* and a member of the online platform *Menassat*,[14] wrote a critical chronology of his colleagues' shortcomings.[15] Batir Wardam, a columnist at the daily *Al-Dustour*, shortly after the rumor came out, admitted on his blog *Jordanwatch*[16] that the story had fooled him, personally, and apologized to his readers.

These two voices may suggest there is ›someone‹ holding the news media accountable, but that does not amount to describing their work as an ›instrument‹. The two journalist bloggers do sometimes write about media issues but they do not extensively cover media shortcomings. Wardam's occasional questioning of certain media practices in his *Jordanwatch* blog indicates that Jordanian blogs may contribute to the field of media

11 Translation by the authors.

12 *AmmonNews* online on June 15, 2008, cf. http://www.ammonnews.net/article.aspx?articleNO=25147

13 Cf. http://www.filkkaisrael.blogspot.com/

14 »Menassat.com is a website focusing on news, trends and events concerning the media in the twenty-two countries of the MENA region« (cf. the ›about us‹ section at http://www.menassat.com/).

15 Cf. http://www.menassat.com/?q=en/news-articles/4024-jordans-press-loves-rumors

16 Cf. http://www.jordanwatch.net/

accountability, but need to focus on debating media practices and criticizing where necessary.

The recent establishment of *sahafi.jo* exemplifies one direction of institutionalizing media accountability on the Internet in Jordan. The website is almost exclusively dedicated to reporting and analyzing issues related to the media scene in Jordan and the Arab world. The website is updated daily with aggregated material and more slowly with original information and offers its users an archive of over 60,000 articles on the Jordanian and Arab media, which are useful for researchers as well as editors and reporters. The crucial aspect of *sahafi.jo* is that the website, as the first comprehensive resource about journalism and media issues in Jordan, has the potential to become an important tool for media self-regulation and accountability. Key aims of *sahafi.jo* are to build up knowledge of the media profession and to keep track of developments and changes in the field of journalism not only in Jordan and the Arab world but also worldwide.

The development of such a website is welcome, particularly for establishing transparency in areas where it has traditionally been lacking, like ownership patterns, numbers and structures of users and readers and personnel policies. Audience research hardly exists in these domains where real numbers of print runs are closely guarded secrets. Furthermore, the employment and exits of chief editors, as well as the buying and selling of media enterprises, are mostly a non-transparent political game. The *sahafi.jo* website tries to bring bits and pieces of information together and to make them available for anyone interested in the ›overall picture‹. The website therefore serves as an eye-opener on how the media deal with issues and constitutes a first step in monitoring journalists.

Another innovative way of serving media accountability in Jordan is AMMANNET, which is the first media outlet in Jordan that demands constant feedback on its own work and therewith produces a high level of transparency. AMMANNET was established as an online radio station in 2000 and obtained a private radio license in 2005. As a community radio AMMANNET aims at reaching the ›men on the street‹,[17] to whom the station considers itself accountable. Although professional journalists produce most of the program, AMMANNET tries to integrate its listeners as much as possible (e. g. offering call-in programs, a section for readers' opinion, a listeners club). Listener integration is particularly important as the Jordanian public is

17 Interview with chief editor of *AmmanNet*, Sawsan Zaidah, Amman, on December 10, 2007.

not yet strongly involved in holding the media accountable. Therefore AMMANNET is a promising exception.

In addition to the openly accessible code of ethics for AMMANNET's newsroom staff, which enables every reader and listener to compare perceptions and reality, the station also produces a program ›Eye on the Media‹. This weekly program monitors the coverage of controversial topics in all media outlets in Jordan and discusses them in terms of professionalism. One exemplary topic was the relatively new phenomenon of disguising advertisements as editorial material under the title ›company news‹. ›Eye on the Media‹ pointed out that this is a common practice among almost all newspapers in Jordan and hence made listeners aware of this misleading practice.

5. Conclusions

In order to assess the potential of established and innovative instruments of media accountability in Jordan, the key question is: Who is holding the news media accountable and for what purpose?

The historically cozy relationship between the state and the media is under threat from the maneuvering between the need for more freedom and the tighter controls the regime wants to impose, especially on online news websites. Despite having substantial influence on established accountability instruments, the regime has not yet succeeded in finding a balance between freedom and control. Many accountability instruments are still ›under the patronage‹ of the regime, which directly contradicts the concept of self-regulation. For example, the HMC's Freedoms Committee, as part of a basically governmental institution, was not a genuine ombuds committee due to the by-laws restricting its activities. By contrast, the JPA's code of ethics is mentioned in the Press and Publications Law as having the force of law and indeed other laws form the bases for every article in the code, according to the code's principal author. As a consequence, these media accountability instruments have limited force in terms of strengthening the independence (and freedom) of journalism in Jordan. Instead, they reveal a deep distrust by the regime of journalists and their ability to be self-accountable. As long as rule of law (e. g. the case of the elections law) or loopholes to interfere (as through the Higher Media Council) are perceived safe ways for the regime, it seems unlikely that journalists of either

or both the old and new media will be able to widen their independence by establishing new forms and mechanisms of self-regulation.

Some forms of accountability introduced by members of the journalistic community still follow a defense strategy towards the regime. The ombuds committees and the JPA code of ethics mainly have the purpose of preventing journalists from being sued. Other forms of accountability like newsroom codes of ethics aim at giving orientation to journalists and legitimizing newsroom decisions – more often in the context of the regime than the public. Only a little evidence can be found of professional journalists using the Internet to make their work more transparent for the public and for fellow journalists (e. g., *sahafi.jo*, journalist bloggers or AMMANNET). This trend shifts the focus of media accountability in another direction: from a defensive strategy towards the regime to an offensive strategy towards the public.

The Internet allows for accountability through media stakeholders other than the regime or the journalistic community, especially the public. But in Jordan, the public does not yet play a role. Instead, the focus of online activists (journalists and bloggers) is the serious issue of preventing stronger co-regulation (e. g., fighting against laws for regulating the Internet itself) to the detriment of self-regulation efforts. Here, one other problem emerges: the legal mandate of some media accountability instruments and calls for ›responsible freedom‹ by the regime discredit the whole idea of media accountability as another means of regime control.

We can, therefore, conclude that instruments of media accountability, which aim at limiting the regime's interference in the media field, will most likely not be fully developed without involving the regime in establishing them. Strengthening transparency, especially on the Internet, instead of strengthening independence through media accountability mechanisms, seems to be the more promising option. At present, this option has the greater potential for advancing the cause of media accountability.

HUUB EVERS / HARMEN GROENHART

The Netherlands: Bits of accountability in a sea of freedom

Abstract

Freedom of speech, plurality and self-regulation characterize the Dutch media system. With fading political parallelism, strong public service broadcasting and a fair level of professionalization the Dutch media system fits in the model of Democratic Corporatist media systems. Continuous debates on journalistic quality may result from freedom of speech as well as from a professional concern about media performance.

The media context offers various professional accountability instruments like the Press Council and general codes of ethics, but some of them receive only moderate support. Moreover, there are great differences between news media with regard to their efforts at being transparent and accountable to the public. Some news media publish introspective articles by their ombudsman, readers' editor or editor-in-chief, publish their own codes, or experiment with innovative forms of accountability. This proactive openness is rather an exception than the rule and may well be a distinctive indicator for quality journalism.

1. Introduction

Over the recent years, there has been a lot of criticism of the press in the Netherlands. The rise and assassination of right-wing politician Pim Fortuyn is seen as a historical demarcation of an intensifying critical atmos-

phere. Critics stated that the media together with politics created an atmosphere that appeared to be fertile soil for this horrible drama. They also stated that journalism had not noticed at all what was really going on in society, as media had become too much engaged with the establishment. Both were accused of ›political correctness‹ for denying the problems of the multicultural society. Particularly the ›demonizing issue‹ (was Fortuyn being ›demonized‹ by some media?) raised a debate on professional attitudes and ideas of journalists. Do journalists have an adequate amount of self-reflection and self-criticism? Are they willing to give account to society of their decisions? Do they sufficiently notice what is going on in society? Or is it a matter of an interwoven complex of politics and publicity? These critical questions are being posed by journalists, media scholars and politicians as well. Also governmental advisory boards have in recent years published a series of reports, books and essays on these issues (e. g. RMO 2003; WRR 2005).

The rhetorical style of the provocative right-wing politician Geert Wilders, the popularity of ›shock blogs‹ like *GeenStijl.nl* and several lawsuits concerning the limits of freedom of speech indicate that the freedom of speech is a topical subject in recent years. Journalists, politicians and civil society debate whether the freedom of speech allows people to say whatever they want and consequently to intentionally and purposefully offend societal groups (EVERS 2007b).

2. Journalistic culture and media system

The key characteristics of the Dutch media culture are freedom of speech, a governmental focus on self-regulation and plurality (DEUZE 2002). Traits of the so-called segmented pluralist society are still notable in the press landscape and even more so in the well developed public service broadcasting. Journalists are well aware of their legal rights and become defensive as soon as this freedom seems to be threatened. This fits in a media system model that Hallin and Mancini define as the Democratic Corporatist Model consisting of »a historical coexistence of commercial media and media tied to organized social and political groups, and by a relative active but legally limited role of the state« (HALLIN/MANCINI 2004: 11).

The media landscape used to reflect societal segmentation, covering a broad range of ideologically diverse newspapers and public broadcasting

organizations. Civic membership and membership fees functioned as an anchor with society. Although the past decade of individualization and secularization has weakened this societal structure, broadcasting organizations still represent society by means of membership. Even some newspaper readers feel that they are ›members‹ of the newspaper rather than ›subscribers‹. Following Hallin and Mancini (2004: 156), in the ›golden‹ days of the societal segmentation, ›political parallelism‹ was a key feature of the Dutch media system. Nowadays, newspapers and broadcasting organizations have no formal ties with political parties.

Active state intervention in media structure consists of a 500 million € annual budget for public service broadcasting and the stimulation of innovation and research. The Stimuleringsfonds voor de Pers (Press Fund)[1] currently plays a stimulating role in innovation of the media landscape. There is no direct subsidy system for newspapers, although the government recently launched a financial stimulation program to fund newspaper jobs for young journalists.

Constitutional freedom of information sets the stage for a free working environment for journalists. In 2007, the Minister of Justice announced legislation for protecting journalist's sources, but experts doubt whether this law is necessary because European jurisdiction serves journalists well enough for protecting their sources. Intervention in the journalistic process guarantees upheaval among the profession. In 2009, the mayor of Utrecht (the fourth largest Dutch city) felt obliged to make public apologies for asserting pressure on a local newspaper publisher and attempting to stop distribution of the edition, which contained critical content about him.

The Freedom of Information Act (Wet Openbaarheid van Bestuur) from 1980 compels every public administration to provide any document requested. However, the law is only partly effective due to the lack of knowledge and experience of journalists and the opposition and delaying strategies of administration officials (SMIT 2009).

Media face several restrictions of freedom of speech: legal limits exist in penal law concerning defamation, libel, slander, discrimination and hate incitement. In civil law, limits appear in cases concerning unlawful press publications. For journalists, judges use a number of carefulness requirements, e. g. concerning research validity, reliability of sources and hearing both sides (SCHUIJT 2006). Dutch law does not entail a right to reply.

1 Cf. http://www.stimuleringsfondspers.nl/

The Dutch media system has a fair level of professionalism as reflected by the existence of a trade union, editorial statutes, a press council, several codes of ethics, various academic and vocational education programs, prizes and awards, and frequent debates and conferences. The dominant trends of contemporary media ethics debates in the Netherlands are discussions about the new customs and practices at websites and blogs. These practices put the traditional moral standards of privacy protection, caution and reliability under pressure (EVERS 2010a). In recent years, the notion that news media ought to be more transparent and accountable towards the public has gained ground among professionals.

3. Established instruments of media accountability

The following section deals, primarily, with media accountability instruments at all levels of the profession: the Press Council, national ethics codes, the News Monitor and the Media Debate Bureau. The section, secondly, focuses on the instruments of media organizations (newspaper or broadcaster): statutes, reports, codes, ombudsmen, correction boxes and letters to the editor. Finally, concluding remarks about media journalism and media criticism form an appeal to journalism to adopt an attitude of accountability.

Press council

The Raad voor de Journalistiek (Press Council – PC),[2] which the media sector established in 1960, deals with complaints about, and passes judgment on, the professional conduct (misconduct) of journalists. Meanwhile, the PC is the forum *par excellence* to judge journalists on their moral conduct. Anyone who feels offended, in his or her interests, by a press publication and who cannot or does not want to go to court can lodge a complaint.

Complainants in the Netherlands can lodge complaints against all journalistic media outlets: newspapers, magazines, radio, television (public and private) and online press. Each year, the PC deals with about 90 complaints. There is just one restriction: a complainant must personally and directly be involved in the complaint.

2 Cf. http://www.rvdj.nl/rvdj-archive/docs/Brochure%20English.pdf

The Council investigates the complaint, hears both sides and, operating as a ›council of opinion‹, gives a verdict. The PC does not have powers of legal sanction, such as the imposition of reprimands, fines and suspensions. The standard of judgment is the requirement of journalistic accuracy, or officially: »whether the journalist has exceeded, given the journalist's responsibility in society, the limits of what is acceptable in society at large« (EVERS 1987: 297).

Summaries of the verdicts, all of which include the names of the journalists involved, are published in the union magazine and in full text on the PC's website. The Press Council consists of four (vice) chairmen, 13 journalists and 13 non-journalists. They all do their work beside their normal jobs. The chairman and his substitutes are members of the judiciary. The member-journalists have various jobs in journalism such as editor, editor-in-chief or freelance journalist. The non-journalist members have different positions in society, all in some way related to journalism. They work for example as a professor at a School of Journalism or they have a non-journalistic post at a publishing or broadcasting company. The secretaries must be lawyers.

Changes in the statutes, in 1993, enabled the PC to give an opinion on current affairs in journalism without being asked and without receiving a complaint. In doing so, the PC can play a more active role in public debates on the conduct of journalists and on practices that raise moral issues. So far, the PC has used this opportunity very sparingly. There are, for example, the moral issues of whether and how to use illegally obtained material for journalistic purposes, on when and how to use a hidden camera in news and current affairs programs and on how to deal with an embargo on reporting.

The existence and functioning of the PC has from time to time been disputed, and journalists sometimes incite their colleagues not to respond to the PC when called to give account for their conduct. Some media react slowly or not at all to an appeal by the PC to draft an apology to a complainant or to be present at a session to amplify the apology. Sometimes, complainants and their advisers do not realize sufficiently beforehand that the PC does not have the power of legal sanction and that the media do not have any obligation to publish the decision of the Council. Consequently, the quality of the decision becomes the target of criticism. Moreover, a frequently heard opinion in professional circles is that people whom the media offend ›can go to court‹. In that perspective, only a judge has the power of deciding whether or not a publication is accurate.

In recent years, the PC's existence has been disputed. Some news media do not want to bind themselves to publish the verdicts of complaints against them. *De Telegraaf*, the largest newspaper in the country, and *NOVA*, at that time one of the most important current affairs programs on television, have both announced that they no longer want to cooperate with the PC. Their announcement consists of the following arguments: (1) The moral standards, which the PC applies, are more severe than the legal norms used in court cases. (2) Imposing one coherent set of moral norms to all media is not feasible as the standards of quality papers are not the same as the standards of popular papers. (3) An appeal to a higher court against a PC verdict is not an available option, which is an issue for editorial staffs that doubt the consistency and arguments of certain verdicts. (4) In the instance of PC verdicts being used in legal cases, the Council is getting too much a substitute of a court, and journalists have to account twice for the same case.

Nevertheless, despite the criticism, the basis for the PC's continued existence seems to be present. More than 80 percent of all media have indicated they will publish relevant verdicts and a large majority signed an agreement to publish verdicts of cases in which they were involved. Furthermore the board is searching for ways to organize a continuing debate on a fundamental level in order to make a greater contribution to public opinion on issues of journalism ethics.

Several scholars have studied the verdicts of the PC from various perspectives: media ethics (EVERS 1987), media law (DOOMEN 1987; MENTINK 2006) and journalism studies (TEN HOOVE 2003). Daphne C. Koene, the Press Council secretary, with financial support of the Press Fund conducted a comparative research among several other European countries – Belgium, Great Britain, Germany, Denmark and Sweden – to examine their procedures and budgets (KOENE 2009).

Based on the results of the research, the PC is currently reviewing how to improve its organization and function in the contexts of complaints, mediation, giving statements on its own initiative, social profiling and financing. The PC has declared an intention to be more proactive in debates on journalism ethics.[3] In April 2010, the board appointed: (1) a lawyer and former journalist as the new, and crucially the first paid, chairman of the PC and (2) five new members as representatives of civil society. The chairman with the secretary will act as an ombudsman, offering mediation to

3 Cf. annual report 2009: http://www.rvdj.nl/rvdj-archive/docs/Jaarverslag%202009.pdf

complainants and conducting the initial test in the complaint process. The PC will also introduce a revision procedure.

Two national ethics codes

Dutch journalism does not have a rich tradition concerning ethics codes or codes of conduct (EVERS 2000), as there was, for a long time, a certain degree of reluctance or at least indifference to having either as this frequently cited statement suggests: ›The best press law is no press law, the best press code is no press code‹. Ethics is (and should be) more a matter of discussions and editorial culture than guidelines and declarations.

In the past, the Nederlandse Vereniging van Journalisten (Dutch Union of Journalists) conformed to the Declaration of Principles on the Conduct of Journalists,[4] drafted in 1954 by the International Federation of Journalists and amended in 1989. The text consists of nine rather generally formulated principles.

In spite of objections in circles of journalism and the fear of government interference in the future, a number of codes have recently been drafted, in a single case for journalism as a whole, but mostly for the newsroom of a paper or a broadcasting organization.

Until recently, the PC dealt with complaints without a written ethics code. The standards were to be implicitly found in the verdicts themselves. In 2007, the PC published the Guidelines,[5] a systematic and thematic overview of the standards as applied by the Council. This document enables journalism and the public to easily take note of the general standards of the PC in dealing with complaints.

On the occasion of the presentation of the Guidelines, a debate took place about the sense and nonsense of an ethics code. A severe objection against the contents of the Guidelines is that hardly ever has attention been paid to the standards of online journalism. A working group[6] drafted the concept of an ethics code paying a great deal of attention to online journalism. After debates and adaptations, the Nederlands Genootschap van

4 Cf. http://ethicnet.uta.fi/international/declaration_of_principles_on_the_conduct_of_journalists

5 Cf. http://www.rvdj.nl/rvdj-archive/docs/Guidelines.pdf

6 Huub Evers was a member of that working group.

Hoofdredacteuren (Association of Editors-in-Chief) accepted this concept[7] in substitution for its existing code dating from 1995 (EVERS 2009).

Academic research

The Nederlandse Nieuwsmonitor (Netherlands News Monitor)[8] is a project of the Amsterdam University-based Press Institute that started in March 2005. The objective is to provide empirical data to be used as the basis for discussion about the quality of journalism. The News Monitor does not judge the quality of journalism, but rather »provides the objective data needed for a broad discussion about journalistic practices«.

The Monitor focuses on the general characteristics of news coverage: themes, forms of news coverage, and sources. The research concentrates on high-profile matters, revelations or scandals that – often in a relatively short period of time – attract a great deal of attention. Both newspapers‹ and television news‹ coverage about certain issues is being examined for a longer period of time. The coverage on these issues will be followed up over time, making it possible to discover shifts in the tone and perspective in the public debate that might be related to actual events.

Research reports[9] exist for instance on the following issues:

- Politics and politicians in the news in five national dailies.
- The U. S. elections in Dutch dailies.
- Shifting frames in a deadlocked conflict? News coverage and the Israel/Palestine conflict.
- The role of ›twittering‹ politicians and journalists in the election campaign 2010.

The News Monitor, funded by Press Fund, Dutch Newspaper Publishers' Association and Dutch Union of Journalists, cooperates with the Media-Debat (Media Debate Bureau)[10] that organizes discussions about research findings. MediaDebat aims to initiate and facilitate debates on quality, reliability, diversity and ethics of journalism. At the end of 2010, the Bureau will merge with the PC.

7 Cf. http://www.genootschapvanhoofdredacteuren.nl/het_genootschap/code-voor-de-journalistiek.html
8 Cf. http://www.nieuwsmonitor.net/
9 Cf. http://www.nieuwsmonitor.net/publications/list
10 Cf. http://www.mediadebat.nl/index.php?option=com_frontpage&Itemid=1

Netherlands Media Ombudsman Foundation

In 2008, the Stichting Media-ombudsman Nederland (Netherlands Media Ombudsman Foundation – NMOF)[11] started its activities. The NMOF, which is highly comparable with the Verein zur Förderung der Publizistischen Selbstkontrolle in Germany,[12] was set up by journalists to raise a voice from inside journalism about ethics and quality standards on a national level for traditional and digital media. The goal of the media ombudsman is to speak out about ethics issues in journalism, to open a debate about the ruling journalistic standards and the need for adaptation of existing or the introduction of new standards for the news media, including the digital ones. The NMOF wants to raise the awareness among journalists of their responsible role in a democratic society, hoping this will underline the importance of quality journalism.

An important goal of the NMOF is stimulating and facilitating scientific research. In 2010, the first two projects have been completed: a news ombudsman research (EVERS/GROENHART/VAN GROESEN 2010) conducted by the Fontys School of Journalism and a project on ethics codes in journalism, paying special attention to online journalism, conducted by Amsterdam University (SCHÖNBACH/VAN DER WURFF 2010).

Moreover, the media ombudsman gives statements on structural affairs concerning journalism ethics and passes specific complaints of citizens on incidental journalistic products to the PC.

Mission statements and editorial statutes

Almost every Dutch newspaper has its own mission statement and editorial statute. This is not because of a legal obligation, but because of an agreement between newspaper publishers and the journalist union. The statement drafts the political, ideological and religious principles and the identity of the paper.

The essence of the editorial statute is the strict separation between editorial and commercial responsibilities. The responsibility for the newspaper as a journalistic product exclusively rests with the editorial staff under the leadership of the editor-in-chief. This is the way journalists try to protect their freedom, obtained in the process of disappearing denominational

11 Cf. http://www.media-ombudsman.nl/homepage
12 Cf. http://www.publizistische-selbstkontrolle.de/

segregation, against commercial powers. Recently, the limits between editorial and commercial responsibilities are becoming slightly blurred. Some editors-in-chief are members of the management team and therefore responsible for all aspects of management.

The national quality paper *Trouw* publishes a Corporate Governance Declaration on its website.[13]

Annual reports

Some public broadcasting organizations publish their annual reports online, so that members of the audience can inform themselves if they wish. These reports usually give account on finances and some aspects of editorial policy. Public broadcasting organizations are corporations and therefore accountable to government. They are not obliged to publish reports proactively; so publishing a report on their website can be seen as a voluntary media accountability instrument to the public. However, these reports receive little attention.

Ethics codes

In the past, single newsrooms or newspaper companies used to record some guidelines, mostly on privacy protection of suspects and criminals or on how to report on far right political parties or movements. Besides, there are a lot of unwritten guidelines and standards.

Nowadays, most newsrooms do have their own written code of ethics, which either appears on the paper's website or is considered as an internal document for staff members only. Lately, more and more news organizations compose internal codes of conduct, aimed at managing employees‹ behavior on social media like *Twitter* or *Facebook*.

Ombudsmen and reader's representatives

In the Netherlands, regular debates in the past have concerned the appointment of a national press ombudsman, who should have the task of dealing with complaints by mediating between complainants and media and to forward complaints to the Press Council. A national press ombudsman has

13 Cf. http://www.trouw.nl/service/article1846204.ece/MVO.html

never been appointed so far. The debate on this issue rose and disappeared again over the last few years, particularly in critical studies of the press.

Meanwhile, another type of ombudsman appeared at the beginning of the 1990s, the ombudsman connected with a newspaper who functions as a complaints officer. This type of ombudsman mediates between complainants and the editorial staff and holds a position in the newsroom as a readers' advocate. An important issue arises over this type of ombudsman, what degree of freedom of action, independent of the editor-in-chief, does the ombudsman have (EVERS 2007a: 60). Ideally, an ombudsman operates independently, being protected by the relevant statute, as a complaints officer. He should have a weekly column in his paper enabling him to write about questions and remarks of readers and about media issues of a more general interest.

At present, two national dailies and some local dailies have their own ombudsman or readers' representative. A representative is a functionary with a comparable task, but is, at least formally, less independent. The broadcasting companies lagged behind these developments, but in 2007 NOS: *Nederlandse Omroep Stichting* (the Dutch public service broadcasting organization) appointed an ombudsman. NOS is the biggest and most important Dutch broadcaster providing news, current affairs and sports programs on radio and television. The appointee fulfilled the role of ombudsman for more than a year. The post was filled in August 2009 on a one year contract, after which it is unclear whether and when NOS will appoint another ombudsman.

Over the last few years, a tendency is observable in Dutch local newspaper companies of linking the ombudsman or reader's representative to the marketing department. So his tasks are more related to subscriber service and public relations than to what essentially should be his main task: to act as an in-house critic and a quality watchdog, testing processes and products by ethics codes or guidelines.

An even more recent tendency is the removal of the position of ombudsman or reader's representative because of the bad financial-economic status of the newspaper; this development occurs particularly in local papers (EVERS 2010b).

Letters from the editor-in-chief

A minority of news media structurally publish letters from the editor-in-chief, either regularly in a weekly column or irregularly in an archived we-

blog. The editor-in-chief of the main public news station (NOS) and other staff members publish between one and seven blog postings each month. As an exception to the other staff, the NOS editor-in-chief also responds online to online comments. However, these online publications do come and go and are sometimes hard to find, such as the recent example of the editor-in-chief of the major commercial news station (*RTL-Nieuws*) withdrawing their weblog. Only one national daily (*Trouw*) publishes a weekly letter of the editor-in-chief. It deals with questions of readers, explains the editorial policy or reflects on developments in society or media.

As a result of the declining numbers of ombudsmen and reader's representatives, some editors-in-chief of local newspapers take responsibility for their weekly columns. A cautious observation is that these columns are less critical than the columns of the former reader's representatives.

Correction boxes

All Dutch (local and national) dailies have either a regularly or irregularly published correction column. Whereas quality papers use to have a daily correction box, popular and most local dailies only publish a correction if there is a need for one. Since August 2009, NOS has a correction page on the website, the only one in the Dutch online media landscape.[14]

Letters to the editor

All Dutch newspapers publish letters to the editor once a week or more. Often the Saturday paper has a full page reserved for letters. The editorial staff reserves the right to edit, shorten a letter or add an editorial postscript. Usually anonymous letters to the editors remain unanswered.

On the sites and blogs of papers, channels and online news sites the situation is totally different. People can comment anonymously or with a nick name. The comments are often very different from letters in papers: more bad language, less subtle and less sophisticated. At present, a discussion is occurring about shaping the conditions for online comments, such as whether editorial staff should moderate reactions and under what conditions. Some media seem to be taking a more critical stance towards online input, by either

14 Cf. http://nos.nl/nos/herstel/

heavily moderating the input (e. g. the quality paper *Trouw*) or dispensing altogether with the online comments box (e. g. the current affairs program *Nova*).

Media journalism

Media journalism distinguishes between information published for the public audience and information for the profession. There are currently few specialized media outlets for the former. Until the summer of 2009, Dutch public television had a weekly media journalism program called *De leugen regeert* (›The Lie Reigns‹), broadcasted on Friday at prime time. The name of the program refers to criticism by the Dutch queen about the quality of journalism. The program focused on errors, erroneous assumptions and false accusations in the media. There still are a few radio programs, on public and commercial channels, systematically paying attention to activities in the worlds of media and journalism. There seems to be a trend that broadcast media journalism has a short life cycle and limited viewing rates.

Newspapers and opinion magazines do frequently have journalistic articles on media topics, as media seem a newsworthy issue. However, press outlets rarely have separate critical media sections, regardless of the common announcements and preliminary reviews of television programs and websites. Separate media sections did exist in the quality press, but have eroded over time, although some newspapers' websites do have separate media sections.[15] Mostly, these sections focus on news on media-related technology and law. Comparably, a few stand-alone online news sites also publish such news.[16]

In the context of specialist media journalism, the Dutch Union of Journalists publishes a bi-weekly magazine *Villamedia* and a daily blog with the same name and the same content.[17] *Villamedia* also publishes the verdicts of the Press Council. Online, the main professional magazine is *denieuwereporter.nl*, a reissue of the former professional magazine *De Reporte*r.

Media criticism and opinion

Media and journalism are popular topics for the non-academic book publishers' market. In 2006, *Het zijn net mensen* (›Journalists are just like ordi-

15 Cf. for instance http://weblogs.nrc.nl/media/, http://www.trouw.nl/nieuws/media-technologie/, http://www.bnr.nl/nieuws/headlines/?category=internet-media

16 Cf. for instance http://www.mediaonderzoek.nl/, http://www.mediajournaal.nl/

17 Cf. http://www.villamedia.nl/

nary people‹) became a bestseller. The author, Joris Luyendijk, was a foreign correspondent in the Middle East for six years and the book shows how the media present a filtered, distorted and manipulated image of the Middle East to the public. Since then, the author more or less argues that journalists should be more open about their own flaws if they do not want to mislead their audience about reporting the truth. The book led to a multitude of debates.

Other books have been published, in which journalists, media scholars and non-media writers critically reflect on developments in journalism-related topics, such as: journalism and new media (e. g. BLANKEN 2008); the relationship between press and politics (e. g. GUNSTEREN/HABBEMA 2009; HOEDEMAN 2005); foreign reporting (e. g. HOOGSTRATEN/JINEK 2008); media ownership (e. g. SPINHOF/WESSELIUS 2008; RAMAER 2009); and journalism in general (e. g. OOSTERBAAN/WANSINK 2008; BLOKKER 2010).

Several individual experts have their own blogs that focus on media developments and sometimes critically reflect on journalism performance.[18] Blogs like *leugens.nl* deal with »falsities and concealments by and in these media: journalistic mistakes, false testimonies, judgments, scientific claims and political statements«.[19] *Leugens.nl* was granted 76,000 € from the Press Fund in order to »promote development and distribution of journalistic and innovative content products online«. Expert blogs have a strong opinionating character and vary strongly in argumentation quality.

4. Innovative instruments of media accountability

Staff members and editors-in-chief of *NOS News* and to some extent the quality paper *NRC Handelsblad* have chat sessions with the public, online and on television. Readers and viewers can pose questions about journalistic choices and about the news programs or articles. Often these chats focus on the content of the news.

There is an independent weblog focusing on corrections, rectifications and additions.[20] This blog, not connected to any media organization, »is

18 Cf. for instance http://www.jaapstronks.nl/, http://www.toekomstvandejournalistiek.nl/, http://www.henkblanken.nl/, http://dodebomen.nl/

19 Translation by the authors.

20 Cf. http://correctie.wordpress.com/

inspired by ›Regret the Error‹[21] and aims at gathering mistakes in the media (Internet, papers, radio and television). The ultimate goal is [...] that all Dutch dailies, magazines and news sites have their own online correction pages, so that readers can always quickly and easily find mistakes in articles they read before«.[22] However, this site seems to be struggling to keep up with the pace of daily news production.

Fontys School of Journalism[23] and the Department of Journalism at Leiden University[24] have fact checking as a part of their curriculum. Students scrutinize articles to determine whether or not there is anything wrong. By publishing the mistakes on the website, the students hope to stimulate their professional colleagues to write more accurate in the future.

Websites of traditional news media offer an unlimited platform for publishing policy documents of the news media. Editorial statutes, mission statements, codes of ethics, links to the Press Council, editorial transparency blogs and correction boxes all offer the public insights into the aims and performance of the news medium.

Therefore, in 2010, the Fontys School of Journalism launched the website *mediaverantwoording.nl* (›mediaverantwoording‹ means ›media accountability‹). The site offers an overview of all visible and publicly accessible accountability mechanisms in Dutch news media: national and local newspapers, magazines, national and local radio and television and news sites. Journalism students periodically update the site.

Online comments of viewers and readers play an important role in holding the media to account. In the aftermath of a plane crash, in which only a ten-year old boy survived in May 2010, public feedback on *De Telegraaf*'s website forced this popular newspaper with the largest circulation in the Netherlands to tone down their coverage of his survival. As many readers criticized the newspaper for not respecting the boy's privacy, *De Telegraaf* publicly expressed its regret for causing upheaval. Later on, the editor-in-chief of *NOS News*, the main Dutch news broadcaster, said the pictures of the boy had been broadcasted too quickly after the catastrophe happened, and suggested a better option would have been to televise the material with a few minutes delay. In this case, the editorial staff could

21 Cf. http://www.regrettheerror.com/
22 Translation by the authors.
23 Cf. http://fhjfactcheck.wordpress.com/
24 Cf. http://www.journalistiekennieuwemedia.nl/NC/

have first checked and edited the pictures and provided both an explanation and interpretation.

The News Monitor has a digital tool[25] where every visitor can select specific media and follow specific politicians and news issues, such as who the most cited politicians are, and which issues dominate the news. This tool offers the opportunity to analyze the media coverage of organizations and to discover support and criticism in the media. A large amount of data is available for online analysis: the content of national and free dailies, television news and current affairs programs and social media.

Twitter is popular among media workers in the Netherlands. Journalists are starting to explore the possibilities of this social medium and try to benefit from its speed, directness and openness. It may evolve as an accountability tool, because journalists use it as a platform for personal comments, requests and critical feedback. However, *Twitter* is rather a networking tool among professionals and experts than a means of communicating with the general public.

5. Conclusions

Over the recent years, there has been a lot of criticism of the press in the Netherlands. This criticism concerns privacy violation of victims and relatives, running sensational reports, blaming the press for becoming too engaged with the establishment and not noticing what is really happening in society. Moreover, key arguments are that journalism is displaying little concern over self-reflection and self-criticism and still has a long way to go with regard to transparency and accountability. Nevertheless, there are numerous publications and debates in the area of self-regulation.

The authority of the Press Council is not unanimously supported. True, most editorial staffs cooperate with complaints procedures and publish the PC's verdicts, but there is criticism of the PC's composition, moral standards and the quality of decisions. However, the PC seems responsive to some of this criticism.

The number of ombudsmen and reader's representatives at local newspapers is drastically declining as a result of the economic recession. The

25 Cf. http://www.nieuwsmonitor.net/p/1/Digitale_monitor

few ombudsmen, who are still in place, do have their blogs, but a general media ombudsman does not exist.

Although there are few media journalism outlets, newspapers and broadcasting programs do pay attention to news on media and journalism. Moreover, media and journalism are popular topics for book publishers. There are also a great many innovative media accountability instruments: chat sessions, blogs, fact-checking departments, websites and online comments. Media accountability instruments seem to be indicative of quality journalism.

In the Netherlands, the only substantial governmental press regulation is by means of funding research and development. The government stresses the self-regulative aspect of media accountability. The media sector generally supports the idea of accountability, but individual news media show great variety in using media accountability instruments.

Consequently, it seems legitimate to characterize the state of media accountability in the Netherlands as bits of accountability scattered in a sea of press freedom.

MICHAŁ GŁOWACKI / PAWEŁ URBANIAK

Poland: Between accountability and instrumentalization

Abstract

Social and political transformation followed by technological development, increased competition, convergence and the transnationalization of communications have had a huge impact on journalism and the level of its quality in Poland. Poland adopted ethical standards and codes of journalistic conduct in the initial stage of transformation, but different studies have already shown that some of them have become too weak to react to current changes in society. This report evaluates the level of autonomy, professional standards and the impact of technological development on the media system in Poland. The main objective is to examine current developments beyond traditional and alternative forms of regulation and to identify instruments and mechanisms that may support media accountability: Is there a special media accountability model for Polish journalism – and what are the perspectives for the future?

1. Introduction

The social, political and economic transformation of 1989 had a huge impact on the journalism culture in Poland, with press freedom replacing the Communist policy of control and censorship and new private companies starting to appear in the media market. The government transformed state radio and television into public bodies in the early 1990s and introduced a

dual system, based on both public and commercial broadcasting. Like in many countries from post-Communist Europe, support for the transformation of the journalistic profession comprised aspects of technological development, convergence, increased competition, changes in audience behavior patterns and the transnationalization of communication. However, despite the journalism profession adopting ethical standards and codes of journalistic conduct in the initial stage of transformation, practice has already shown that some mechanisms or bodies intended to monitor their implementation have been too weak to react to current changes in society and mass media.

Professionalization and transformation of journalism in Poland has been widely discussed in a historical context by both media scholars and journalists. Yet, most of the existing studies have dealt only with the notion of journalism in Poland, and the emergence of ethical codes and standards related to press and broadcasting (cf. for example JAKUBOWICZ 2008b; SZOT 2010). In the new multimedia environment, analyzed by Jakubowicz (2009) with regard to new actors, the growth of citizen journalism or media-like activities disseminated by new intermediaries (Internet service providers, search engines, content aggregators), there is a need to develop theoretical background and methodology to analyze the development of journalism and ethics in the sector of new media. That kind of research should include wider social and political contexts and should also cover the level of autonomy, the impact of public control and legislation as well as relations between mass media and public.

2. Journalistic culture and media system

A number of studies conducted over recent years have tried to analyze the development of journalism and the level of its quality in Poland (cf. for example LAUK 2008b; HADAMIK 2005). Due to the lack of a single model for this kind of analysis, most researchers have used Hallin and Mancini's (2004) approach in which they analyzed differences in the levels of Western European journalistic professionalization together with the development of media markets, the level of political parallelism and the role of the state. Media scholars, including Jakubowicz (2008a) and Sparks (2008), emphasize some similarities between media systems of Central and Eastern Europe and the Mediterranean (South European) Model, in

which there are low levels of journalistic professionalization. Wyka (2008) advances Hallin and Mancini's approach by defining the competitive press and politicization of public service broadcasting as additional factors relevant for media system analysis in Central and Eastern Europe (CEE) and Southern Europe (Table 1).

TABELLE 1

Features common to Southern and Central and Eastern European media systems

Features	The Polarized Pluralist Model (Southern European countries)	Former Communist (Central and Eastern European countries)
Competitive press	A high degree of competition in the daily newspaper market	Highly competitive press Numerous newspapers competing to gain new readers
Political parallelism	Strong commentary-oriented and advocacy journalism Lack of impartiality Strong integration between political and media elites	Politically-driven, opinionated, highly politicized and selective journalism Media suffers from the lack of impartiality, objectivity and fairness No balance in editorial viewpoint
Level of newspaper circulation; Development of mass press	Fairly restricted newspaper circulation Elite-oriented press Late development of mass press Large reception of broadcasting	Low level of newspaper circulation Increasing importance of electronic media, in particular television
The role of the state	State plays an important role in terms of regulation, control and censorship State press subsidies in Italy and France	State plays an important role as a regulatory agency In most cases the state is the only shareholder of public service media
Level of professional standards	Weak level of professionalization Higher level of both political and commercial instrumentalization	Lack of professional ethos Low standards of ethics Limited objectivity and fairness in reporting Underdeveloped journalism education and training Strong division of journalistic community Sensationalism

Features	The Polarized Pluralist Model (Southern European countries)	Former Communist (Central and Eastern European countries)
Public service broadcasting (PSB)	Strong public service radio and television Tendency to be party-politicized, ›politics-over-broadcasting‹	Large subsidized public service broadcasting Broadcasting regulation has been commonly subject to political pressure and pernicious comments by party politicians

Source: Adapted from Wyka 2008: 64

Political scientists criticize Hallin and Mancini's concept of three models of media and politics arguing that most contemporary democracies are hybrid constructs and may mix features from both consensual and majoritarian types of democracy, as well as different types of pluralism. Even Hallin and Mancini stress they underestimated some criteria, including corruption, commercialization, nepotism and flows of biased information in their original research (cf. HALLIN/MANCINI 2010). According to Voltmer (2008), any similarities observed between European democracies might be misleading, since only few characteristics of Western democracies relate to those of Central and Eastern European countries.

One may ask, however, whether the introduction of professional education for journalists has raised the level of journalistic professionalization in Poland and whether the legal framework prohibits any pressure on journalists to air false or biased information. Are there good examples of established and innovative instruments of media accountability which apply to the model of Central and Eastern European culture of journalism?

3. Established instruments of media accountability

Poland introduced most of the legal instruments supporting accountability of media in Poland in the early stage of political, social and cultural transformation. For example, the Broadcasting Act of 1992 defined the National Broadcasting Council (NBC) – a regulatory authority – as a state organ competent to regard matters connected with radio and television. The NBC safeguards the freedom of speech, the right to information as well as the public interest regarding radio broadcasting and television. State authorities (including Seym, Senate and the President of the Republic of Poland) appoint the members of the NBC. Although the Press Act of 1984 defined the Press Council (PC) as a

consultative body for the Prime Minister, the PC does not yet exist. In recent years media scholars proposed to change the old legislation and transform new ideas into media law in order to introduce a PC in Poland.

Journalistic associations are the main sources of definitions of ethical standards and codes of professional conduct that include respect to truth, reliability in news-gathering and editing processes, the principle of tolerance and the freedom of speech. There are three main associations of journalists in Poland:

- the Association of Polish Journalists (Stowarzyszenie Dziennikarzy Polskich – SDP),[1]
- the Association of Journalists of the Republic of Poland (Stowarzyszenie Dziennikarzy Rzeczypospolitej Polskiej – SDRP),[2]
- the Catholic Association of Journalists (Katolickie Stowarzyszenie Dziennikarzy – KSD).[3]

The Association of Polish Journalists has 2,500 members and 16 local branches in the biggest cities of Poland. Similarly, the Catholic Association of Journalists has a central Executive Committee and local authorities in four cities.

Representatives of all the journalistic organizations as well as the publishers, producers and television broadcasters within the Conference of Polish Mass Media signed acceptance in 1995 of the Charter of Media Ethics and the Journalistic Code of Conduct, which the Conference defined, in 2002. In addition, SDP and the SDRP have their own codes of ethics (Table 2).

TABELLE 2

Ethical standards of associations of journalists in Poland

	General standards	Additional standards
The Association of Polish Journalists (SDP)	Charter of Media Ethics Journalistic Code of Conduct	Code of Journalistic Ethics of SDP
The Association of Journalists of the Republic of Poland (SDRP)		Code of Ethics of SDRP
The Catholic Association of Journalists (KSD)		No additional standard

Source: Authors

1 Cf. http://www.sdp.pl/
2 Cf. http://sdrp.eprasa.com/
3 Cf. http://www.ksd.media.pl/ksd/index.php

In order to uphold the legal validity of the Charter of Media Ethics, the Conference of Polish Mass Media appointed the Council of Media Ethics to monitor the principles defined in the Charter. Among the appointed members of the Council of Media Ethics in 2008 are academics, media producers and representatives of journalists from both public and commercial media. The Council of Media Ethics can make statements and issue opinions, but does not have any legal basis to apply sanctions after a violation of ethical standards by the mass media. Similarly, in terms of violation of the Code of Journalistic Ethics of SDP and the Code of Ethics of SDRP, the journalistic associations may only issue statements and opinions to the superiors of the journalists who violate the Code, through the system of so-called journalists' courts. For instance, in accordance to the Code of Journalistic Ethics of SDP, journalists' courts might impose penalties appropriate to the character and scale of the misdemeanor, ranging from admonition, through reprimand and temporary withholding of membership rights in the SDP to the expulsion from the association. Despite similarities with regard to the organization and implementation of common rules, journalistic associations in Poland are weak and do not present a united front. According to Szot (2010), there is no single influential group in Poland at present that could represent journalists' ventures in a proper way.

Editorial guidelines lay out the ethical standards for public service broadcasting (PSB), radio and television. They include Ethical Principles of Journalism in Public Service Television (1996) for *Telewizja Polska* (*TVP*), Rules of Journalistic Conduct during Election Campaigns (2005) and Ethical Principles of Journalism in Public Service Radio (2004) for *Polskie Radio* (*PR*). The government, in order to safeguard the principles which PSB editorial guidelines define, appointed two distinct Boards of Ethics to pass statements to the superiors of journalists violating ethical standards. In addition, the NBC appointed two 15-member PSB programming councils (one each for radio and television) to defend the values of public service communication. One of the main roles of the programming councils is to represent public interests and expectations related to the programming activities of PSB companies. According to the Broadcasting Act of 1992, each programming council consists of ten representatives of parliamentary groups and five individuals with records of experience and achievement in culture and mass media. The political diversity of each programming council reflects Parliament and the National Broadcasting Council; for example in 2006, eight of the 15 members of the program-

ming council for *TVP* represented the political parties of the ruling coalition (GŁOWACKI 2008).

Another self-regulating initiative is the Agreement of Polish TV Editors ›Friendly Media‹ (1999) (Porozumienie Polskich Nadawców Telewizyjnych ›Przyjazne media‹). Representatives of the eight biggest TV stations at the time (TVP, TV POLSAT, TVN, NASZA TELEWIZJA, TV NIEPOKALANÓW, CANAL+, POLSKA TELEWIZJA KABLOWA I WIZJA TV) signed the agreement aimed at undertaking effective actions for the protection of children and young people against potentially harmful content. One of the results of this agreement was the introduction of a common system to alert viewers about potential harmfulness of programs for different age groups.

Finally, only one year after EU accession (2004), 120 press publishers voluntarily joined the Chamber of Press Publishers and signed up to the Code of Good Practice. This Code defines the mission of press publishers in Poland as well as relations between the owner, the editor-in-chief and the journalists. The Code also contains rules of publishing activities with special interest to the principles of advertising, product placement and sponsorship. Both external frameworks (EU legislation) and internal institutions (the Code of Ethics in Advertising of 2005 and the Council of Ethics in Public Relations created in 2006) shape other forms of media self and co-regulation.

Media trade journals directed at the journalistic environment, which discuss the problems of media and the journalistic profession, are another traditional instrument of media accountability, for example, the *Press* magazine, published by the Press Ltd. Publishing Company. The monthly magazine is a leading title among media, advertising and PR magazines directed at journalists and advertising, marketing and public relations professionals, and describes the Polish media market as well as significant events in the Polish journalistic environment. Every third edition of *Press* contains an additional report, devoted to a particular area of the media market: e. g. lifestyle magazines, daily press or economic magazines.

4. Innovative instruments of media accountability

The process of liberal re-regulation and the introduction of new technologies have resulted in the emergence of new forms and modes of communication. The nature of communication in multimedia environments has

become non-linear, individual, personalized, and interactive, and new publishing opportunities created by online innovations have supplemented – or challenged – traditional radio and television to further promote dialogue among citizens. Like in many other countries, media and media-like activities disseminated by non-professional content creators in Poland have become an important element of the media system – raising a willingness to abide by normative, ethical, professional and legal standards relevant for operations in the sector of new media.

Innovative instruments of media accountability have not yet been analyzed in Poland, and therefore, their influence on the functioning of the Polish media is unclear. This does not mean, however, that there are no innovative elements of media accountability which influence media materials on Polish websites. Those that exist are similar to the tools of media accountability which have been applied so far in more advanced cultures of media accountability. Professional commentators express much of the criticism of the media through blogs and social networking websites which enable micro blogs. Other formats include Internet users' comments on online articles, and portals dedicated to media where journalists, media specialists and the audience have the opportunity to express their opinion on the media in Poland.

There are a few portals enabling easily created blogs, such as the most popular *blog.onet.pl* with 1.5 million blogs and *blog.pl*. Most blog pages contain occasional comments and discussions concerning media, which appear when public opinion finds media unprofessional and dysfunctional. This occurred, for instance, after the broadcast of the documentary ›Solidarni 2010‹, by Ewa Stankiewicz and Jan Pospieszalski, in which the blame for the 2010 governmental plane crash in Smolensk was placed on the Polish government and the Russians.

Estimating how many media-critical blogs currently exist is difficult because none of the blog services contain the category ›media blogs‹, although they do try to categorize bloggers' statements. Furthermore, few bloggers in Poland try to gain popularity and attract a lot of readers' through having elaborate autonomous websites. Nevertheless, a few blogs have appeared that have developed a significant influence in shaping public opinion, such as the pseudonymic *kominek.tv*. *Kominek* is a media thematic blog, on which entries appear every few days dealing only with media issues, and most often have a critical character pointing out malpractice in both public and commercial media. Almost 100,000 people visit this blog daily making

kominek.tv an important place for the exchange of information and opinion about the performance of the Polish media.

Social networking websites which facilitate micro-blogging constitute a separate group of potential tools to monitor the media. They enable users to exchange short statements with their ›friends‹ from the respective portal. The most popular portal of this kind is *Twitter*, but there are Polish-language equivalents as well (e. g. *blip.pl* and *flaker.pl*). Micro-blogging is also possible on social networking websites like *Facebook* and its Polish equivalent, the very popular *nasza-klasa.pl*, where users are allowed to create, tag, discuss, share, package and distribute media content through message boards, chats or instant messaging and interaction with their friends or followers. The documentary film ›Solidarni 2010‹ mentioned above became not only the focus of discussions by hundreds of bloggers, but also a subject for an intervention by the Council of Media Ethics, which released a statement the documentary had violated the rules of objectivity, respect and tolerance.

Furthermore, media experts have created special portals, for example *mediafm.net*, *wirtualnemedia.pl*, and *mediamikser.pl*. They not only raise broad media issues but also discuss media deontology – ethical theory connected with duties and rights of media. They publish articles promoting journalistic ethics and are important platforms for the dissemination of knowledge about ethical standards, which all editorial offices and journalists should keep. Thus, they actively communicate the professional rules, which all Polish journalists should follow. Moreover, these media-specific portals also exercise some control function by stigmatizing unethical behaviors in the Polish media.

New and innovative instruments of media accountability in Poland also include Internet users' comments on online news articles. Comments deserve particular attention because they provide an element of control and criticism of journalists' work by pointing out technical, ethical and factual oversights in journalistic material, thus performing the function of letters sent to editors of traditional newspapers and magazines. However, the current usage of comments online also needs critical assessment. Readers' online comments often lack substantive knowledge, transmit untrue information and consist of offensive, casual or incorrect language. However, according to Polish law, there are no rules regulating this area of the Internet, and consequently controlling comments is a decision for the portals to make. While some portals employ administrators who have the right to remove especially harmful comments, others do not control

them at all. Recently, a heated debate has emerged about the necessity of introducing such rules. One of the reasons was the case of a singer, famous in Poland, Maryla Rodowicz. Having read many untrue and offensive comments about herself on one of the portals, she asked the editors to make the IP addresses of the authors of those particular commentaries available to her. As the portal editor refused, Rodowicz took the case to court in order to force the editor to meet her demands. In early 2010, having won the case, Rodowicz received the IP addresses, identified the authors and sued them, in turn. The court is currently adjudicating on the case against them of contravening Rodowicz's dignity. The Rodowicz case shows the digital arena in Poland is no longer a completely uncontrolled sphere. Hopefully, distinct from searching for legal ways to control users' comments, portal editors will find their own solutions regarding media self-regulation of comments in their Internet spaces. Potential future court cases would affect both the users of media and the good name and credibility of Internet portals where the comments are placed. Regulation as well as advanced self-regulation of this sphere is a problem to be solved in the near future.

5. Conclusions

Media accountability instruments in Poland are still evolving. Today, we can still only observe a few basic instruments of media self-regulation, which include journalistic associations, codes of conduct, and the Council of Media Ethics. Other instruments, such as critical articles about media, trade press, scientific conferences on media deontology and innovative instruments of online media accountability, are scarce, less powerful and of limited influence on the journalistic environment in Poland.

So far, codes of journalistic conduct issued by journalistic associations or organizations remain the most popular instruments of media accountability in Poland, but the professional institutions that monitor obedience to these codes have limited impact and can only announce verdicts, and thus are not always effective.

Formal media accountability instruments are largely absent in Poland. Poland has failed to introduce either a press council or the ombudsman model, which many other countries have implemented to serve as moderators between the public and media professionals to achieve transparency, credibility, responsiveness and accountability. Furthermore, in spite of the

media autonomy guaranteed by law, there are no particular institutional limits that can stop the process of media politicization.

In order to function properly, professional journalists must know about and accept the validity of instruments of media accountability. Until then, media accountability institutions face the difficult tasks of promoting accountability in Polish media and disseminating the rules included in the documents referring to media ethics. State authorities, which currently have a significantly instrumental role, could aid the process of strengthening media self-regulation not only by removing their representatives from some of the regulating bodies but also by providing support, mainly financially, to organizations of media accountability in particular media markets.

The future of the system of media accountability in Poland remains unclear. The depoliticization of mass media might be seen as the only possible means of supporting an accountable and transparent media in the new multimedia and participatory environment. This is the factor of time, during which will occur the evolution of media and changes of democracy, the public sphere and the level of political culture, even if Poles need to wait another 20 years to experience them.

HOREA BĂDĂU / MIHAI COMAN / MIHAELA PĂUN /
MANUELA PREOTEASA & RALUCA RADU

Romania: Twenty years of professionalization in journalism – still counting

Abstract

This article follows the rapid professionalization Romanian journalists, their sources and their publics have undergone, 20 years after the fall of Communism. The authors identify the level of independence of media outlets from political and economic interests and the level of media accountability, based on a description of the national instruments intended to ensure the social responsibility of journalists. The professionalization processes are not complete. Traditional instruments of media accountability, like codes of ethics and press councils, are not functional. Nevertheless, digitalization is becoming an important factor in the professionalization processes, as members of the public and journalists interact and discuss openly journalists' mistakes and the economics of the media industry.

1. Introduction

Talking about different instruments of media accountability to be found in the world, Claude-Jean Bertrand (2000) remarks that journalists are accountable only if journalism has a major social function, there is a democratic regime, the society enjoys economic prosperity and journalism is the profession of pride for practitioners. These coordinates are linked to journalism as an institutional system on its own right that, fairly inde-

pendent from the pressures of other institutions within a democracy, is able to fulfill its social role and thus justifies its existence. This report will describe the steps taken by Romanian journalism during its institutionalizing processes. It will describe the transformation (1) of conventions at national level (cf. HALLIN/MANCINI 2004), (2) of regulative, normative and cultural-cognitive conventions at field's level (cf. SCOTT 2004) and (3) of conventions inside a professional system, at cultural product's level (cf. BECKER 2008). The identification of media accountability instruments follows Bertrand's (2000) classification.

2. Journalistic culture and media system

After the fall of Communism, in December 1989, privately funded newspapers and radio stations, at national and local levels, and TV stations, at the local level, appeared for the first time in four decades. With the new Romanian Constitution (1991), Romania started the transition from a centralized economy and totalitarianism to capitalism and democracy (cf. COMAN/GROSS 2006).

In 1992, politicians took official steps in the direction of Romania's accession to the European Union (EU) and to the North Atlantic Treaty Organization (NATO). In 1994, Romania signed the first agreement with the International Monetary Fund (IMF). As a consequence of the political pressure and of the logistic and economic help from these international organizations, the re-institutionalization process towards a democratic state and a market economy slowly evolved. The accession process included the adoption of the *acquis communautaire*, the European body of legislation. The external support also took the form of professionalization programs (like USAID and PHARE) for the relevant social actors: journalists, media managers, non-profit organizations' representatives in the area of human rights, journalism professors, and governmental institutions' representatives.

At the same time, other evolutions took place. The first modern journalism school at university level, founded in 1990, is the Faculty of Journalism and Communication Studies, University of Bucharest. Now, there are more than 20 undergraduate programs in journalism, offered both by state and private universities. Also, there are distance learning programs, post-graduate programs and short courses offered by universities and by associations and foundations. Regarding media literacy, besides the actual

consumption of journalistic products that helped members of the public understand what these products should be like, initiatives like schools' journals and radios and an optional course for high schools, developed by a human right-related organization in 2004, are worth noticing.

The rapid professionalization of Romanian journalists is also a consequence of pressures from foreign investors entering the Romanian media market (RADU 2008). Mass media developed gradually from a part of the propaganda system of the party-state into an institution on its own right, thanks to a gradual replacement of the state with the market as the reference element. The public played a capital role, by supporting, through very high consumption, private initiatives in the media field. The euphoria did not last long, as the members of the public also professionalized as an audience and started to discern between biased media messages, due to political or economic pressures, and information-based journalism on which they would rather spend their money. Due to the decreases in confidence and support, the party press disappeared in the 1990s.

In addition, the media industry witnessed several changes at global level over the last 20 years, with effects on the Romanian media, related to concentration, digitalization and financial and economic crises. In recent decades, the ownership of media companies was increasingly concentrated into the hands of a few (global) media owners, besides a large percentage of media companies being owned by the state (DJANKOV et al. 2001). These types of ownership have resulted in a conflict, at international and national levels, related to the dominant cultural-cognitive definitions for journalism: defendant of public interest, profit generator, owner's political or business weapon (MIÈGE 2000; MCQUAIL 2003a; PICARD 2003; PREOTEASA 2004).

The economic crisis, from 2008 onwards, tested the soundness of the newly formed Romanian journalistic institution, as both the state support for the public broadcasters and the advertising revenues for the private media began to decrease gradually.

In terms of domination, the Romanian media market is shared by state-owned media (television, radio and press agency) and by private media corporations, vertically and horizontally integrated, owned by highly controversial Romanian business persons and former politicians: Intact Media Group – Voiculescu family, Realitatea – Caţavencu – Sorin Ovidiu Vântu, Adevţrul Holding – Dinu Patriciu; or by foreign groups: Media Pro – CME International, alongside Ringier, Burda, Sanoma Hearst, Lagardère, and ProSiebenSat.1.

The statistics of media consumption, overall, are not very encouraging. Even if 7 025 million households (of a total of 7.5 million) currently receive TV channels primarily via cable and satellite,[1] only about 4.5 million people watched television in February 2010,[2] a winter month during the economic crisis. The most successful tabloid newspapers have circulation numbers of around 300,000 copies per day. The four most successful popular quality newspapers sell around 40,000 to 110,000 copies per day.[3] Journalism is also moving online. The sites of the successful tabloid press titles had around 1.65 million unique visitors in March 2010, close to the statistics for successful quality products, 1.35 million to 1.7 million unique visitors.[4]

Commercial research is, evidently, not helping media companies gain more audience members, as they focus on what people that consume media want, not on what people that avoid media would like to have. Non-commercial research, generated by universities or non-profit organizations, is mainly normative and exerts little influence on journalists.

By contrast, scandals related to conflict of interest, slander and libel, political or economic pressures have more influence, if they are clarifying norms, when the social actors are ready for it. Interestingly enough, sections, pages and audiovisual programs about media are profit generators. They include information, but also provide satirical commentaries of journalists' mistakes and analyses of *faux pas*. Nevertheless, ›deontology‹ is a term discredited in some public discourses by journalists and commentators attacking their competitors. Thus, diversity and partial freedom, due to economic and political pressures, characterize the present Romanian media system.

None of the Hallin and Mancini (2004) models of media and politics suits the Romanian media system. The items described in these models – newspaper industry, political parallelism, professionalization, role of the state, political history, patterns of conflict and consensus, consensus or

1 Cf. Hotţrâre pentru aprobarea Strategiei privind tranziţia de la televiziunea analogicţ terestrţ la cea digitalţ terestrţ ţi implementarea serviciilor multimedia digitale la nivel naţional [Decision to approve the strategy for transition from analog terrestrial TV to digital terrestrial TV and the implementation of digital multimedia services at national level], 2009 (available at the website of the Ministry of Communications and Information Society: http://www.mcsi.ro/Legislatie/Proiecte-legislative-romanesti/Hotarare-pentru-aprobarea-Strategiei-privind-tranz).

2 Cf. http://www.arma.org.ro, the official site of the Romanian Association for [TV] Audiences‹ Measurement.

3 Cf. http://www.brat.ro, the official site of the Romanian Bureau for Circulation Auditing

4 Cf. http://www.sati.ro, the official site of the Study for Internet Audience and Traffic.

majoritarian government, individual versus organized pluralism, rational legal authority (cf. HALLIN/MANCINI 2004: 67f.) – are not consistent, in any of the models, with a description of the Romanian media system.

It is possible that the Romanian model fits between the Mediterranean or Polarized Pluralist Model and the North Atlantic or Liberal Model, because its main characteristics are (cf. also GROSS 2008):

- a vast number of titles in the print press market; the tabloid press is popular; concentration around several strong media groups, but also fragmentation of the market (due to an increased number of titles);
- political parallelism, dominating the 1990s and continuing in the 21st century; a history of strong party press (before and during the Communist period) and other media connected to organized social groups;
- underdeveloped professionalization; journalists' autonomy is often limited, but there are explicit conflicts over it; power and authority in news media are openly contested;
- the state playing a role as an owner and as regulator, through the National Audiovisual Council of Romania;
- a moderate degree of external pluralism; commentary-oriented journalism persists.

3. Established instruments of media accountability

In Romania, media regulations concerning the content are present only in the broadcasting field, through two major acts, the Audiovisual Law 504/2002 and the Audiovisual Code, issued by the Consiliul Naţional al Audiovizualului (National Council for Audiovisual – CNA). According to the Audiovisual Law, the CNA (established in 1992) is the autonomous public authority responsible for protecting the public interest in the audiovisual field, which has among its prerogatives the adoption of media policies and the regulation and monitoring of the broadcasting market.

According to the Audiovisual Code (art. 89), television and radio programs must be in line with the editorial standards put forward by self-regulatory mechanisms, with the European provisions and the specific national legislation. They must reflect cultural diversity and respect the national and European identities. During the last decade, several media organizations had an interest in adopting and promoting a Journalists' Code of Conduct. These

were Clubul Român de Presţ (The Romania Press Club – CRP), the main association of media owners, mainly from the print sector; Asociaţia Românţ de Comunicaţii Audiovizuale (Romanian Association for Audiovisual Communication – ARCA), the main association of the private broadcasting industry which consists of 61 broadcasters, according to its website;[5] Convenţia Organizaţiilor de Media (Convention of the Media Organizations – COM), consisting mainly of non-profit organizations and local media organizations; and Federaţia Românţ a Jurnaliţtilor Media Sind (Romanian Federation of Journalists), which claims to have 9,000 members and is the nationwide representative organization of the media employees.

Other branches of the communication industry interacting with the broadcasting system have also oriented themselves towards self-regulation. For example, the Romanian Association of Advertising Agencies (RAAA) adopted the Code of Advertising Practice, a document which has been officially recognized by the National Council for Audiovisual since October 2003.

The Romanian public service television (SRTV) has, by far, the most complex self-regulation system in place (PREOTEASA 2008). SRTV uses a set of internal norms regulating its organization and functioning. An internal Commission for Ethics and Arbitration (CEA) and an Ombudsman, both within SRTV, oversee the work of SRTV's journalists. However, the Ombudsman faces difficulties due to the lack of a team in charge of monitoring and processing feedback from viewers. Moreover, the CEA's decisions do not seem to have much weight at SRTV (PREOTEASA 2008).

With regard to print media, there is no special media law to regulate the content, and the same applies to online media, both of which are hypothetically subject to exclusive self-regulating mechanisms. Members of different political parties have tried several times, since 1989, to impose either a media law or special provisions against journalists (including, in 2010, a proposal for a compulsory declaration of interests and wealth). Journalists, representatives of the non-profit organizations and other voices in the Romanian public sphere have vigorously opposed any media law and any special provisions.

The Romanian Press Club, one of the most prominent media organizations, adopted a Code of Ethics in 1999, and a pledge to observe the ethical rules of the Code is a pre-condition for joining the club (AVŢDANI 2007). The Council of Honor, the CRP's governing body, is in charge of enforcing the

5 Cf. http://www.audiovizual.ro

Code of Ethics. Nevertheless, violations of the Code – some of them blatant – can be found in the journalistic products of the CRP members. In a significant number of cases, the Council of Honor did not penalize these violations (AVŢDANI 2007).

As an alternative to the owners-centric CRP, in 2002, more than 35 journalistic associations as well as local media outlets across the country, together with media NGOs, trade unions, media owners‹ associations, organizations of photojournalists, specialized reporters, camera people and editorial cartoonists set up the Convention of the Media Organizations. The COM is a loose, informal alliance created around a platform for common action that specifically mentioned self-regulation as a necessary alternative to restrictive regulation by law (AVŢDANI 2007: 296).

In 2004, COM adopted its own self-regulatory documents: a Journalists‹ Statute and a Deontological Code. COM had long talks with CRP and the rest of the representative media organizations in order to unify their codes of conduct. Two years later, Media Sind imposed the Code of Conduct as an Annex to the Collective Labor Contract in the media field, a document which is renegotiated every two years and is part of the legal framework. In other words, the Code of Conduct became compulsory by law in all media outlets with more than 21 employees, as the law obliges these organizations to apply the Collective Labor Contract.

In October 2009, over 20 major media organizations, including Media Sind, but without CRP, agreed to implement a Unique Code of Conduct for Journalists. The unified Code is a comprehensive form of the existing codes of conduct in the media market. One of the new aspects that the new Code focuses on is the conscience clause, on which the Code reads:

> »The Journalist has the right to a conscience clause. He/she has the right to reject all journalistic activities which are against the journalistic ethical principles and against his/her own beliefs. This freedom derives from the journalist's obligation to inform the audience in goodwill« (Unified Code of Conduct 2009, art. 2.4).

There is no implementation unit for this Code.

Martin (2005) examines the self-regulation of Romanian media businesses, focusing on major media outlets, in terms of ownership and management. His research analyzes whether or not the ownership is made transparent, whether a separation between the business side and the editorial activity is in place and whether the managers have management contracts and editors and journalists have written contracts guaranteeing the conscience clause.

The conclusions of the study show:

- Most organizations do not have written documents which define their goals or missions and have no internal procedures or mechanisms to enforce professional standards.
- Their managements rarely follow the traditional corporate model. Management contracts, self-regulatory bodies, internal regulations and codes of conduct are the exception rather than the rule. This situation negatively affects both management and employee journalists, as neither can rely on a set of norms.
- Media institutions lack transparency and show little concern for public accountability. Only one of ten organizations discloses its ownership, while sources of income are hidden in all analyzed cases. The Constitution has stipulated since 1991 that it is possible to compel the media to disclose their financial resources. However, most managers do not understand the relevance of revealing ownership or revenue sources.
- The lack of interest in raising professional standards is also reflected in low membership of professional or owners' associations, the traditional bodies for debating ethics and self-regulation. Stiff competition has, presumably, hindered cooperation between the largest players and has prevented their identifying and fighting together for their common interests. [...]
- Four of the outlets which cooperated in this research maintain a clear distinction between business and editorial management. Editorial managers often work without a management contract, using instead regular employment contracts with special provisions (MARTIN 2005: 185).

Martin adds (2005: 203):

> Many journalists work without contracts, while those who have them are not protected by legal provisions such as the conscience clause (as explained above); Codes of Ethics are rarely assumed or enforced, and internal self-control bodies do not function [...] The conscience clause appeared in the working contracts only at three of the ten media outlets. Some management representatives interviewed had not even heard of this clause which is meant to protect journalists' freedom of speech and editorial independence.

A new study, released in October 2009,[6] revealed the same lack of knowledge with regard to the self-regulation mechanisms, in opposition to the

6 Centrul pentru Jurnalism Independent; Active Watch; IMAS Marketing & Sondaje: *Autoreglementarea presei în România* [Self-regulation of the Romanian Media], October 2009 (available

law. Questioned on the issue of self-regulation in media, 54 percent of the 508 journalists, editors and media managers interviewed considered there are no media representatives sufficiently trustworthy to be elected to a self-regulation body and to be entitled to judge breakings of the Code of Conduct. Nevertheless, 70 percent were in favor of a press law, agreeing that such an act would improve journalistic activity. More journalists in rank-and-file positions are in favor of a press law than editors and managers (72 percent among reporters as compared with 54 percent among editors and managers). The same research showed that, even though journalists know the journalistic norms for collecting and presenting information, 50 percent of the respondents find it difficult to obey those norms. The sample was composed of members of 187 newsrooms in 60 urban areas with a maximum error range of +/- 4.35 percent.

The paradox is that a journalist's Code of Conduct (as drafted by COM in 2004) is already part of the legal framework (as an annex to the Labor Contract) and, as Media Sind promises, will be replaced in 2011 with the last version of the comprehensive unified Code adopted in the COM's reunion in the fall of 2009. The initiators of the unifications of codes are against making it part of the legislation, considering that the Code of Conduct is a self-regulatory document, with an important focus on recommendations and not with punitive and other specific legal features. With all visible progress in adopting self-regulating documents, the most concerning aspect is the lack of implementation as well as the ignorance of the existing framework, which widely characterize the media landscape, from owners, managers, editors to reporters.

4. Innovative instruments of media accountability

In May 2010, in Romania there were more than 42,200 blogs, of which about half had more than two posts per month. Almost 1.5 million people read blogs every day of whom 73.7 percent are aged between 20 and 35 years and 18.6 percent between 31 and 45 years. About 49.5 percent of people reading blogs completed their university studies. Readers of blogs are experienced Internet users: over 50 percent of them have been using

at: http://media.hotnews.ro/media_server1/document-2009–10–23–6340228–0-raport-cercetare-cantitativa.pdf).

the Internet for at least seven years and 34.9 percent have been using the Internet for four to seven years.[7] Blogs written by the journalists fall into three categories in Romania:

- journalists who work in the media but have created their own successful blogs such as: *mircea-badea.ro/blog*, *ciutacu.ro*, *tolo.ro* and *sutu.ro*;
- journalists who write blogs attached to the media group they work for. Media companies encourage their employees to have blogs (for example *Realitatea-Caţavencu*, with *voxpublica.realitatea.net* and *pandoras.realitatea.net*, *Hotnews*, with *hotnews.ro/bloguri*). Iulian Comănescu, at *comanescu.hotnews.ro*, with analyses on the Romanian media, is also noteworthy;
- journalists who have left traditional newsrooms, sometimes claiming a lack of freedom of expression. They have created their own blogs and write critically about the media. Petrişor Obae with *paginademedia.ro* and Tiberiu Lovin with *reportervirtual.ro*, are among the most successful journalists in this category. There are also Sorin Ozon and Ştefan Cândea, with the site of the Centrul român pentru jurnalism de investigaţie (Romanian Center for Investigative Journalism),[8] that periodically publishes investigations, signed by a team of journalists, about the Romanian media, among other subjects.

These journalists act like an online ombudsman and the comments to their articles constitute an e-forum with information and opinion about the Romanian media, made by journalists and by members of the public. Some of the recurring themes are professional mistakes of journalists and rumors about the Romanian media's situation (wages, media products appearing and disappearing from the market). This happens also on newspapers' websites. Critical comments about media are often countered by positive comments put by journalists. These comments do not necessarily play a regulating role. For the managers of the editorial staff the number of the comments is often more important than their content, and this attitude is partially due to the existence of groups of people, deprecatingly called ›postaci‹ (from the English ›post‹), whom political parties hire to post comments.

Another social fact adds to these: in time, around a cultural product, its creators and the public are weaving a network of conventions related to the

7 Cf. http://blog.standout.ro, the official blog of Standout, a Romanian online marketing agency.
8 Cf. http://www.crji.org

product's production and consumption (BECKER 2008). This network of conventions is a subset of the conventions of the professional world, and the degree a cultural product is accepted to stray from the norms and values of the professional world differs from case to case. Thus, the comments for an article in a tabloid online publication are slightly different from the comments for an article in a serious online publication. The public pressure on a serious newspaper is higher than in the case of a tabloid product. Moreover, due to the existence of search engines, users develop their own source-crossing tactics, particularly when information is important to them. An e-boycott of a popular quality product, *Cotidianul* (›The Daily‹), which changed its editorial policy after the management was changed, was one of the reasons for the closure of the newspaper and of the website, in 2009.

In Romania, the blogger community seems extremely critical towards journalists. The accusations bloggers make towards the journalists can be summarized as follows: journalists lie and deform reality as a result of economic and political pressure; they censure and self-censure. Journalists from the classic print media accuse journalists who write on blog platforms of not obeying professional rules, which is the reason why the information published on blogs is not credible.

Common accusations leveled at regular bloggers are that they publish information under the guise of anonymity (i. e. assuming no responsibility), that they use unprofessional techniques to collect and present information and that a professional culture is missing. The main accusation is that the Internet is a new environment in which the old practices are perpetuated and which is, as such, an open ground for libel and slander, and surreptitious or open advertising.

Another issue is the online theft of photography, of information and even of entire journalistic articles, an older custom of some Romanian newsrooms, more prevalent on the Internet. None of the theft accusations have had any legal effect and no case has yet reached the court.

Until now, the Romanian authorities have preferred to allow the Internet community to self-regulate the content. The first attempt came from bloggers on June 1, 2007, under the name of ›netoo‹: the most important bloggers established a set of rules that nobody seemed to abide by. In 2008, a number of NGOs that deal with freedom of expression, led by the Centrul pentru jurnalism independent (Center for Independent Journalism), Active Watch and the Convention of Media Organizations, tried to impose a new set of rules, known as *netiquette.ro*. Their spokesman, Iulian Comănescu, a

former journalist and current blogger, received verbal abuse from other bloggers. The blogging community rejects any type of online regulation or self-regulation, considering these are forms of censorship.

The rules for online content are the same as for the content on traditional media and are gathered mainly under the copyright law and the Criminal Code. In addition, there are the recommendations of the Romanian Press Club, regarding the proportion of an article that may be used in another online cultural product.

5. Conclusions

After the fall of Communism, the Romanian journalistic world evolved rapidly towards the Western models it took as reference. Yet, the professionalization processes are not complete. Traditional instruments of media accountability, like codes of ethics and press councils, are not functional. Even if journalists know their profession's norms, 50 percent declared in 2009 that they would find it difficult to obey those norms. As a result, 70 percent of the journalists would place more trust in an imposed press law.

The rapid trend towards professionalization was a result of pressures from foreign governments and non-profit organizations (financed by foreign governments and by international organizations), from foreign investors that enter the promising Romanian media market, but also from the public, that supported, financially and morally, media developing as an industry. In addition, the rapid professionalization is the result of journalistic education, at university level, and a result of a self-fulfilling prophecy: journalists saw themselves as professional communicators and pressured politicians to act accordingly.

Digitalization also played an important role, facilitating access to foreign models of media products and to information on media regulation and self-regulation. The willingness of Romanians, in general, to join the EU and NATO, helped the media industry to choose the Western models as a reference.

Nevertheless, neither public nor journalists trust the media. In Romania, the journalistic institution is still consolidating. Even strong newsrooms have difficulties in facing the economic crises and the political pressures. In addition, the quality of journalistic products is not always kept at a high level due to the high turnover of newsroom staff, the small proportion of

staff with an academic background in journalism and the lack of guidance in ethical problems inside newsrooms at the beginning of a journalistic career. There is a strong belief that the tabloid press is a viable economic model, and very few studies have shown the opposite.

Digitalization is changing the face of the industry. Members of the public and journalists find it easier to interact and, under certain conditions, like those created by media blogs, discuss openly the mistakes journalists make and the economics of the media industry. Users' comments on journalistic pieces on the Internet may prove to be a powerful media accountability instrument, if the online media product positions itself in line with the accepted journalistic norms and values.

COLIN PORLEZZA / STEPHAN RUSS-MOHL

Switzerland: The principle of diversity

Abstract

Even though Switzerland is a small country, there is a broad diversity of instruments of media accountability and self-regulatory bodies. Within the dominating press industry, principles of self-regulation are present but neither very well grounded nor institutionalized. Due to different concepts of co-regulation, the regulatory body constrains the electronic media to act more responsibly and forces them to make their quality goals transparent and identify quality-oriented processes. Besides, the characteristic feature of the Swiss media landscape is a mix of professional infrastructures which strengthen self-regulation and quality. These actors can be traditional institutions such as the Swiss Press Council or ombudsmen, but also representatives from the civil society like associations. Innovative instruments like media blogs are becoming more important as well, because they serve as a feedback channel for established media, even though they remain narrow micro-public spheres.

1. Introduction

There are good arguments to introduce instruments that hold the media accountable. Particularly under the terms of rapidly changing contexts such as commercialization or digitalization, it can be seen that the media normally act according to their own imperatives and rules, and these rules are not necessarily those which foster the normatively assigned societal role (cf.

WYSS/KEEL 2009). In Switzerland, discussions about a new law concerning radio and TV broadcasting, which came into effect in 2007, re-launched the debate on instruments of media accountability. In the course of the deliberation, a basic paradigm shift seemed necessary: all media organizations and journalists should behave more responsibly towards society in terms of self-regulation in exchange for more entrepreneurial and journalistic autonomy (cf. SGKM-VORSTAND 2002).

In Switzerland, however, there were already multiple institutions which held media organizations accountable and tried to secure quality in journalism. Moreover, the broad diversity of instruments and actors intended to positively affect journalism, and public information is a distinctive trait of the Swiss media landscape. As Puppis and Künzler (2007: 162f.) state, one can observe a shift from statutory media regulation (or government) to the concept of media governance, that is the implementation of forms of regulation where private actors are involved through self and co-regulation. Switzerland is no exception to this trend and some doubts should be expressed as to whether the attention paid to issues where ›hard‹ regulation needed to be applied did succeed in terms of attainable policy progress (cf. RUSS-MOHL 1993: 163). The evidence suggests otherwise, because after the foundation of the Swiss Press Council (PC) in 1977, several other private actors such as ombudsmen or reader councils entered the arena. Other accountability instruments appeared that now face extinction, as in the case of media journalism, at least in the traditional media. Nevertheless, new and innovative forms of online accountability instruments such as media blogs or watchblogs outweigh at least partially these dysfunctional trends, fostering also direct participation of the citizens, even if the communities are still very limited.

2. Journalistic culture and media system

According to Hallin and Mancini (2004: 74), Switzerland belongs to the North/Central European or Democratic Corporatist Model. Even if there are some differences between the four language regions in Switzerland (German, French, Italian and Romansh) concerning the professional framework, Hallin and Mancini's model can indeed be applied to the whole country because there are no substantial discrepancies with neighboring countries, like Germany, in terms of professional self-perception. However, aspects

that can be considered under the phrase of ›journalism‹ depend on a broad range of variables like media type, job status, gender and geographical region. In contrast to the heterogeneity of the professional reality, the subjective judgment of job satisfaction or the journalistic self-perception show only minor differences in Switzerland (MARR et al. 2001). Within the media landscape, the press assumes a key position due to its high market share in terms of advertising revenue.[1] The most important traditional newspapers in terms of circulation are the *Blick*, a yellow press newspaper (215,000 copies), the *Tages-Anzeiger* (209,000 copies), the *Berner Zeitung* (200,000 copies), the *Mittelland Zeitung* (192,000 copies) and the *Neue Zürcher Zeitung* (NZZ, 140,000 copies). A new phenomenon greatly influencing the newspaper market was the launch of the free-of-charge paper *20 Minuten* in 1999. The free paper has had increasing commercial success gaining a large share of the readership. For a brief period, five free newspapers rode the wave of success in the German part of Switzerland. Today, there are three free newspapers left: *20 Minuten* and *Blick am Abend* in the German part of Switzerland and *20 Minutes* in the French part.[2]

The fact that Switzerland is a small country in the center of Europe determines not only the structure of the media system but also media politics. This is particularly evident in the TV market: Swiss broadcasters have to face strong competition from foreign TV stations. The market share of foreign TV channels, compared to other small countries, is very high and reaches between 60 and 70 percent.[3] This peculiar situation has had a major influence on Swiss media politics concerning broadcasting, leading to the so called ›Dreiebenenmodell‹ (›three-level model‹). Private broadcasters service the local (regional) level and the international level, while the public broadcaster *SRG SSR idée suisse*, which has to fulfill a specific public mandate, serves, almost exclusively, the national level. Regional commercial TV stations are no challenge for the public broadcaster as they have to cope with small audiences and little commercial success.

1 The advertising market share of the press is relatively big (37 %) compared to TV (12 %) or radio (3 %); cf. WEMF 2010 (http://www.wemf.ch/de/plakat/werbestatistik).

2 The free sheet *20 Minuten* is by far the biggest newspaper in Switzerland in terms of circulation (536,000 copies), followed by its French edition *20 Minutes* (230,000) and the evening paper *Blick am Abend* (225,000); cf. *WEMF Auflagenbulletin 2009* (available at: http://www.wemf.ch/de/pdf/Bulletin-2009_D.pdf).

3 Cf. Bundesamt für Statistik BFS 2010 (http://www.bfs.admin.ch/bfs/portal/de/index/themen/16/03/key/ind16.indicator.16010306 160105.html).

The media system strongly reflects the federalism of the political system (cf. KÜNZLER 2005: 20). There are, due to the language barriers, not any truly national newspapers, which instead tend to have a strong regional orientation. The yellow press, quality papers like the NZZ or *Le Temps*, Sunday papers, weeklies and news magazines tend to have a more supra-regional orientation. Federalism shows up in the audiovisual sector as well, as the public broadcasting company operates radio and TV channels separately for the three main language regions and covers the fourth official language, Romansh, with special TV and radio programs.

Throughout the last decades, the Swiss media system experienced major changes: media outlets uncoupled themselves from politics, as economic strategies became more important. Furthermore, different forms of press concentration can be observed in Switzerland. According to Meier (2007: 189), the trend is heading towards a two-tier newspaper landscape: only a few high-circulation papers will serve the economic centers and the suburbs, meanwhile many small newspapers may remain to fill the gaps. Concentration processes are visible also at an organizational level, with the biggest media companies Ringier, Tamedia and the NZZ group – all located in Zurich – dividing the regional media markets amongst them.

The number of people using the Internet on a daily basis has grown from 7 percent in 1997 to 71 percent in 2008.[4] On the Internet, mainly the web pages of important media organizations or big web portals attract the most visits. The free newspaper *20 Minuten* generates most visitors with about 1,900,000 unique clients, followed by *Blick Online* (1,632,000) and NZZ *Online* (1,234,000). The web portals generate even more traffic, with *bluewin.ch* (2,556,000) and *search.ch* (2,442,000) leading the rankings.[5] However, online media in Switzerland are reluctant to use the whole range of possibilities in terms of features and multimedia elements that the Web 2.0 offers. An exception is the web page of *20 Minuten*, which can be considered quite innovative, also from a point of view of community building. Besides, for online publishing only Swiss media firms employ on average less journalists (about 10) compared to Germany (18) and Austria (16) (cf. TRAPPEL/UHRMANN 2006).

4 Cf. Bundesamt für Statistik BFS 2008 (http://www.bfs.admin.ch/bfs/portal/de/index/themen/16/22/publ.html?publicationID=3365).

5 The data concerning unique clients are based on the NET-Metrix-Audit 07/2010 (cf. http://www.net-metrix.ch).

3. Established instruments of media accountability

In Switzerland, the scientific debate deals more with concepts like self or co-regulation or the even broader concept of media governance, and less with media accountability instruments in a strict sense as described by Bertrand (2003). Therefore, several Swiss media scholars have substantially broadened this concept in recent years. For instance, according to Jarren (2007b), media governance aims at the creation of a new social order within the function of mass media in society. Therefore, media governance, on the one hand, assures the autonomy of the media but at the same time takes care that the media organizations assume their responsibility within the declared autonomy. Puppis (2007) points out the importance of self and co-regulation as horizontal extensions of media governance, which is a continuous shift from statutory media regulation to forms of regulation where private actors are involved. Nonetheless, there are still fundamental differences concerning the principles of governance within different media types. In the field of print media, due to the long history, there are indeed certain professional rules, norms and standards – but the traditionally non-regulated print media are totally autonomous in terms of self-regulation. That is not the case in the field of electronic media. At the same time, it should be noted that self-regulation in Switzerland has specific shortcomings such as an underdeveloped acceptance, reactivity rather than proactivity, financing problems, lack of anchorage in the professional culture and lack of knowledge of regulations. The Swiss Association of Communications and Media Research (Schweizerische Gesellschaft für Kommunikations- und Medienwissenschaft – SGKM; cf. SGKM-VORSTAND 2002: 82) claims therefore more forms of ›regulated self-regulation‹ in order to maintain the possibility of political or societal intervention. Wyss and Keel show that the implementation of media governance through forms of co-regulation concerning the license applications of electronic media have essentially exerted a positive influence on the quality of media products, even if there is still room for improvements:

> »The case proves that previous to the intervention by the regulatory body many media organizations made far less effort concerning quality assurance than afterwards. However, the analysis of the license applications shows that many of the promised quality assurance processes have not yet been implemented« (WYSS/KEEL 2009: 126).

Wyss (2007) demonstrates that elements of quality assurance do indeed exist in many organizations; however, a continuous and systematic quality assurance hardly ever takes place (cf. also BONFADELLI/MARR 2007).

Although self-regulation, in the sense private actors set and implement rules for their industry, entails some advantages (like flexibility, cost-efficiency, larger expert knowledge and, especially in the media sector, independence from the state), there are also drawbacks if self-regulation is used to achieve particular economic or political interests (PUPPIS 2003). Nonetheless, self-regulation seems to be the most promising way to go in the long run, but can only be implemented in many piecemeal steps by a broad variety of actors, or as Russ-Mohl (1993: 164) suggests:

> »It might be wise and pragmatic to concentrate more energy on the development of ›soft‹ journalism policies, which so far have been neglected. Journalistic quality can be improved considerably by strengthening self-regulation and cooperating with the media industry.«

This precisely is the principle of diversity in the instance of Switzerland.

The Swiss Association of Journalists established the Swiss Press Council (PC – Schweizer Presserat)[6] as a Foundation in 1977, due to a strong demand to observe and control ethical standards within the media. Besides, self-regulation of the sector has certain advantages, because ethical standards are quite hard to legislate and the large number of practitioners within the PC confers the organization with more credibility. The Board of the Foundation supervises the 21 members (journalists and audience representatives) of the PC. Since 2008, the newspaper editors and the Swiss Broadcasting Corporation have been functioning as part of the press council system by becoming members of the Swiss Press Council Foundation. There is no state participation in the PC. The number of complaints and statements the PC handles annually has remained fairly consistent at around 70 for several years.[7] However, the PC is not only responsible for the press, but also handles complaints about TV, radio and (Swiss) web pages.

However, the PC does face a major problem in having only a limited ability to enforce regulations. The PC cannot take any legal action, neither can it fine organizations nor forbid publications. The PC can only give recommendations and try to make them public. The preface of the Declaration of the Duties and Rights of a Journalist states that »fair reporting requires at least a short, published summary of a Press Council decision in relation to one's own media,« a suggestion, by which Swiss newspapers normally abide.

6 Cf. http://www.presserat.ch
7 Cf. http://www.presserat.ch/positions.htm

The PC has also issued the Declaration of the Duties and Rights of a Journalist, which consists of a set of ethical guidelines for the journalistic news production,[8] and summarizes the practice of the PC since 1977. However, there is a broad disparity in the prevalence of ›accountability instruments‹ between both Switzerland's geographical regions and the types of media. Directives such as editorial mission statements, editorial charters or ethical codes are far more present in the German regions than in either the French or Italian and more prevalent in audiovisual media than in print media newsrooms.

Direct regulations regarding content do not exist for the print media, but they do for the broadcasting sector. The Independent Complaints Authority for Radio and Television (Unabhängige Beschwerdeinstanz – UBI)[9] is the federal authority in charge of assessing complaints about radio and television programs. The UBI is an institutionalized program-controlling and quality-ensuring authority, in which the state involvement is therefore assured. The UBI determines whether editorial programs have violated national or international law and judges them on the basis of professional norms and social values. Organizations and individuals can appeal against the UBI's decisions to the Federal Supreme Court.

On an organizational level there are several accountability initiatives, which are mostly insubstantial with the exception of the ombudsman. For audiovisual media, ombudsmen are mandatory in Switzerland. Some ombudsmen have also been institutionalized voluntarily by the print media, but they are not very common. Generally, print media ombudsmen are not visible, have hardly any practical relevance and do not, with the exception of the business monthly *Bilanz*, publish any articles nor have a regular column. As the pressure of securing ethical quality often overburdens national press councils as single infrastructures, Blum (2000: 344) points out the importance of ombudsmen in being able to complement each other concerning principles of care and flexibility.

Readers' councils form another accountability instrument in Switzerland. They are intended to act as a discursive counter-point for the newsroom, in order to stimulate discussions about journalistic news production. A readers' council should reflect the different views of the public audience, convey them to the newsroom and make sure that the contents, layout and

8 Cf. http://www.presserat.ch/Documents/Declaration_2008.pdf
9 Cf. http://www.ubi.admin.ch/en/index.htm

language of the media outlet meets the expectations of the public. Three media organizations apply this instrument: the *Neue Luzerner Zeitung*, the *Berner Zeitung* and *Der Bund*.

A similar counter-point for the newsroom, the so called ›Merker‹ (›observer‹), is active at the *St. Galler Tagblatt*. The mission is similar to the readers' council, but a solitary individual performs the role. The newspaper recently added a ›Jugend-Merker‹ (›young observer‹) for the younger readers.

Switzerland is also a country where ›Vereine‹ (associations of citizens) play an important role. Two media-specific associations, Verein Qualität im Journalismus (VQJ)[10] and Verein Medienkritik (VM),[11] devote their activities to the improvement of journalism and to the enhancement of media criticism, respectively. 32 journalists from Lucerne founded the VQJ on March 17, 1999, but the association is, unfortunately, not very visible except for a bi-annual media award focusing on projects to improve journalistic quality. The VM, established at a media conference in Lilienberg on November 1, 2009, is therefore a newcomer and has yet to show its importance.

Last but not least, media journalism is an instrument that can hold media companies accountable. However, the continuity of media journalism in Switzerland is in short supply due to the process of consolidation of the media, which is making the sector increasingly less transparent. Media journalism should shed light on these developments in the media industry. However, as Porlezza (2005: 67) explains: »Swiss media journalists view themselves as the industry's lackeys or, at best, chroniclers, and consequently find it hard to be critical of the media«. Today, only a few dailies like the *Neue Zürcher Zeitung* and the *Aargauer Zeitung* publish a weekly media journalism page. Other than the dailies, the *Weltwoche* publishes a provocative weekly column on media issues, which a former top manager of one of the two largest media companies writes.

Whereas the situation of media journalism in Swiss newspapers is unexceptional, there is a blossoming market of trade journals dealing with journalism and the media industry.[12] Trade unions publish two of the six publications available, *Klartext* and *Edito*. *Schweizer Journalist*,[13] like the

10 Cf. http://www.quajou.ch

11 Cf. http://medienkritik-schweiz.ch

12 *Schweizer Journalist* (http://www.schweizer-journalist.ch), *Klartext* (http://www.klartext.ch), *Edito* (http://www.edito-online.ch), *Media Trend Journal* (http://www.mtj.ch), *Persönlich* (http://www.persoenlich.com), *Werbewoche* (http://www.werbewoche.ch/werbewoche).

13 Cf. http://www.schweizer-journalist.ch

Columbia Journalism Review, pays at least some continuous attention to research results as well.[14] The trade journals have fairly small circulations compared to other news magazines: the largest are *Edito* with 5,800 copies and the *Schweizer Journalist* with 5,700 copies. The other publications range from *Werbewoche* and *Persönlich rot* (3,800 each) to *Klartext* (2,800) and *Media Trend Journal* (1,000).[15]

4. Innovative instruments of media accountability

New and innovative instruments of media accountability can be found primarily on the Internet. Trappel and Uhrmann (2006) analyzed blogs dealing with politics and political communication and conclude that the blogosphere in Switzerland is neither differentiated nor developed. In the meantime, however, the blogosphere has evolved rapidly and increasing numbers of blogs focusing on the media are rapidly emerging.

While media journalism in traditional media outlets faces extinction, the Internet, in the context of media blogs, is proving to be a rejuvenating environment. In the last five years, the (media) blogosphere has grown and developed towards becoming a seismograph for the mood and opinions present in the computer-literate part of the population. Yet, the blogosphere is still rather small. The now defunct All-Switzerland blog index *blog.ch*, in October 2006, listed about 2,300 blogs, which infers that whereas the ratio of blogs to population is approximately one per ten in the United States and one per 300 in Germany, the ratio for Switzerland is one per 3,000 (TRAPPEL/UHRMANN 2006: 121f.).

Regarding the quality and scope of media blogs, there are still large differences compared to the traditional media. Moreover, the traditional mass media rarely cites media blogs (at least the ones not included in the web pages of traditional news companies). Trappel and Uhrmann (2006: 126) conclude therefore that while blogs in Switzerland can neither match the online outlets of newspapers nor compete with electronic media, the Internet is helping to fulfill and enhance journalistic functions. Nevertheless, media-related blogs constitute vital ›micro-publics‹ for certain issues.

14 One of the authors of this chapter, Stephan Russ-Mohl, is the main author of this column.

15 Circulation numbers: WEMF *Auflagenbulletin 2009* (available at: http://www.wemf.ch/de/pdf/Bulletin-2009_D.pdf).

Based on the typology of media-related weblogs elaborated by Domingo and Heinonen (2008), we analyze the Swiss situation as follows:

Citizen blogs, written by people outside the media system, are by far the most important type of blog to hold media and journalism accountable. Often called watchblogs, they are truly blossoming in Switzerland, although their numbers will never compete with larger countries like Germany or the US.[16] Blogs like *medienspiegel.ch*,[17] *journalistenschredder*[18] and *bernetblog*[19] are linked and comment frequently on the content produced by each other. These citizen blogs focus on issues related to the mass media and frequently create their agendas by commenting on news related to the media industry. Nevertheless, bloggers primarily stick to their own ›philosophy of publishing‹ by writing on an irregular basis and only on topics of interest to them.

Audience blogs, written by the public on media-owned websites, do exist in Switzerland. However, at the moment, the only one dealing directly with media is *webflaneur*,[20] which posts articles on innovations and trends within the Internet.

There are also several examples of *journalist blogs* written by journalists or freelancers but published on privately owned sites. The content of journalist blogs often overlaps substantially with the content of citizen blogs. Prime examples of journalist blogs are *150 Worte*[21] and the personal blog of Ronnie Grob,[22] a freelance journalist. In this category, the multiple activities of the European Journalism Observatory (EJO)[23] should be noted. The EJO aims to build bridges among journalism cultures in Europe and the US, contributing to the improvement of quality journalism. The EJO's work aims to aid media managers, analysts, editors and journalists, thus reducing the gap between newsrooms and communications research.

There are a few *media blogs*, written by journalists and published within their media institutions, which contribute to discussing the media. There are several media-related blogs on *Newsnetz* (newsnet),[24] which the *Tages-Anzeiger*,

16 Establishing an exact universe of all Switzerland's media blogs is impossible at the moment, because several media blogs are not included in blog directories, others are stagnant, shut down or simply too small to be regarded as relevant.
17 Cf. http://www.medienspiegel.ch
18 Cf. http://www.blogdessennamenmansichnichtmerkenkann.wordpress.com
19 Cf. http://www.bernetblog.ch
20 Cf. http://www.newsnetz-blog.ch/webflaneur
21 Cf. http://www.150worte.ch
22 Cf. http://www.blog.ronniegrob.com
23 Cf. http://www.ejo.ch
24 Cf. http://www.newsnetz.ch

the *Basler Zeitung*, the *Berner Zeitung*, *Der Bund* and the *Thurgauer Zeitung* share as a common platform, however none of them deals directly and exclusively with the media. Recently, the *Neue Zürcher Zeitung* created a media blog on its web page called *betablog*, dealing with phenomena concerning Web 2.0.[25]

Blogs are certainly a promising and innovative alternative to traditional media journalism, in particular as media companies have been closing down their media sections. Moreover, blogs let the audience participate either passively *or* actively in the debate. Blogs, in this sense, represent a sort of ›micro-public sphere‹ for particular topics like the media. At the same time, blogs allow journalists to confront commentary and critiques from the audience, thus expanding the communicative discourse to a larger public. At best, media blogs can serve as a corrective tool,[26] in order to improve media performance or, as Martin Hitz (2006: 68), the founder of *medienspiegel.ch*, states:

> »Weblogs also serve as a feedback channel for established media – a channel that observes and reports on the work of reporters and journalists and provides them with instant feedback, real-time letters to the editor, so to speak. This makes it more and more difficult for the media to cover up mistakes as these are quickly brought into the daylight by the blogging world.«

As media journalism is moving to the Internet, the traditional mainstream media are rapidly losing control over this issue, partially as a consequence of their own disengagement.

The current state of research concerning media blogs is still sketchy. Quantifying blogs is a major problem as they are an elusive phenomenon, which the bloggers' preference for anonymity makes it difficult to keep track of and identify the ›population‹. Ettema (2009) argues the case for realizing and intensifying research on new media and the mechanisms of public accountability, and also to conduct some case studies within the field of media blogs, as they are doing in political communication (cf. SINGER 2005).

As the PC handles the complaints against all media, there is not an ombudsman for complaints concerning web pages. Complainants can in the case of an electronic media, such as the Internet page of the public broadcaster, appeal to the ombudsman of the respective organization. The Press Council limits its web influence to the publication of statements, the Dec-

25 Cf. http://www.nzz.ch/blogs/aktuell/betablog_19 83313.html

26 In Switzerland there was a good example of a watchblog called *pendlerblog* (http://www.pendlerblog.blogspot.com), observing free sheets in Zurich like *20 Minuten*. The web page still exists but is stagnant.

laration of the Duties and Rights of a Journalist, some literature and the composition of the Foundation Board.

5. Conclusions

Despite the small size of Switzerland's population, instruments of media accountability and self-regulatory bodies are present and manifold. The Press Council and the Declaration of the Duties and Rights of a Journalist, for instance, are well grounded, although a degree of institutionalization and elaboration differs between electronic and print media as well as between language regions (cf. e. g. BONFADELLI/MARR 2007; MARR et al. 2001). While newspapers often lack documented and institutionalized codes of conduct or ethical codes that hold journalists accountable for their work, the concepts of co-regulation force broadcasting companies to behave more responsibly. As Wyss and Keel (2009: 127) point out, the analysis of accountability systems within media systems should not exclusively focus on the absence of state intervention:

> [...] it could be shown, that co-regulation has the potential to strengthen and enhance media performance. If media organizations implement an effective media quality management system, it is more likely that the principles of ›Media Governance‹ can be achieved.

Puppis (2007: 335; referring to MAJONE 1996: 291f.) underpins this argument, affirming that »with co-regulation, however, an obligation to be accountable and transparent can foster procedural legitimacy«.

However, there are also some dysfunctional developments in Switzerland, particularly in traditional media outlets constantly reducing media journalism. This is alarming, as media journalism should enforce other accountability instruments. Thanks to digitalization and the Internet, new and innovative forms of media journalism are nascent but, for the time being, far from reaching the same large audiences as traditional media. We must bear in mind that processes of commercialization (the increasing dependence of journalism on advertising and public relations), media concentration as well as the public's unwillingness to pay for online journalism represent threats to media accountability. In Switzerland, media accountability is being mainly left to the commitment and acceptance of the mass media, which in turn depend on adequate financial and personal resources to meet their (social) responsibilities.

RIADH FERJANI

Tunisia: The clash of texts and contexts

Abstract

Throughout the exploration of the different mechanisms (institutions and initiatives) related to media ethics, criticism and transparency in Tunisia, this report suggests primarily to examine their role in the context of changes of media practices and world's representations, and secondly to question their ability, and lack thereof, to develop the quality of journalism and professional standards. At the institutional level, the media authorities and the professional organizations are the hubs of various meanings and practices related to media accountability. The main concern consists of the definition of accountability issues as responsibility towards the state's institutions *versus* responsibility towards the public. A secondary concern is that ›innovative‹ media accountability initiatives are still framed by a paradoxical state policy, which also enhances and tightly controls public debates. Those new initiatives seem also to be strongly linked to the traditional mechanisms, even though the different forms originate from quite different actors: webzines and blogs on the one hand, mainstream media on the other.

1. Introduction

In order to follow this volume's theme, the title of this chapter is an abbreviated version of the longer original: *Media Accountability ›Systems‹, the Tunisian case? The clash of texts and contexts*. But such a title seems quite odd with the parentheses, the question mark and contradictory tone. I will, initially, try to

explain this oddness and at the same time outline the theoretical framework of the study by questioning the notions of media accountability systems, institutions and journalism culture from a sociological perspective. Then, I will give an overview on Tunisian media accountability mechanisms and institutions, to see to what extent institutions can be unstable structures and why their existence is not necessarily synonymous with their efficiency. Third, I will try to explore new forms of media accountability mushrooming not only on the web and to underline the links and also the disjunctions between old and new instruments.

The understanding of media accountability in Tunisia, and elsewhere, may be more pertinent if we shed light on the multiple linkages between the texts and the contexts. The texts are not simply legal ones but also those of journalistic content. The contexts are societal, associated with the changing configurations of power relations in the journalistic field. In the particular case of Tunisia, those links are more akin to a clash than to a gap and much less to homogeneity in so far as the meanings of ›freedom‹, ›integrity‹, ›objectivity‹, ›ethics‹, ›responsibility‹ etc. are a part of the struggles engaging different agents and institutions in unequal fights for recognition and power. This struggle of meaning may lead to enhancing ›good practices‹, i. e. balanced reporting, transparency, reflexivity, and diversity of public expression of opinions. It may also justify constrictions of freedom and infringements of ethics. This complex configuration can explain the paucity of academic research on media accountability in the Tunisian context. Nevertheless, we can stress research has been conducted into related subjects such as the professional status of journalists (JENDOUBI 1992); the associative arena (HIZAOUI 1987; MOSTEFAOUI 1992); the monitoring of press freedom (CHOUIKHA et al. 1992); the gap between broadcasted news and social expectations (FERJANI 2002); and more recently the ability of bloggers to reconfigure the public sphere (LECOMTE 2009). Taking into account the findings of this aggregate research, my analysis is also based on a preliminary investigation of the recent developments, including the genealogy, of the mechanisms and initiatives related to the ebb and flow of journalists‹ autonomization and professionalization.

2. Journalistic culture and ›media system‹

Although it is almost impossible to give a systematic overview of the media field for such a small country like Tunisia, it can be useful to underline the

main trends related to the actors and arenas of media accountability. The most salient feature of the Tunisian media field in the last decade is the increasing number of private broadcasters competing with the state owned broadcasters, two TV and nine radio. Although ›private‹ refers to terms of business structures and ownership, the private media are owned and run by companies or individuals that have close relationships with the head of the state. Thus, the financial base of RADIO MOSAÏQUE FM (2003)[1] is Cactus, the media subsidiary of the Karthago group headed by the brother-in-law of the President. RADIO ZITOUNA (2007) is owned and financed by Sakher al Materi, the son-in-law of the President. SHEMS FM (2010) was launched by Sirine Mabrouk, the daughter of the President, and EXPRESS FM (2010) is co-managed by Mourad Gueddich, the son of a prominent presidential adviser. HANNIBAL TV (2005) was launched by Larbi Nasra, often presented as having close relations with the President.

The case of NESSMA TV, the last authorized TV station, is more complex but not radically different. In 2007, the Karoui brothers who owned an advertising company tried to circumvent the risky licensing process and broadcasted via satellite although the studios based in Tunis were officially opened by the Minister of Communication. NESSMA TV, due to a shortage of funds, failed and was subsequently recapitalized by Quinta Communication, a joint venture of Tarak Ben Ammar, a film producer, and Silvio Berlusconi, the Italian Prime Minister. On March 20, 2009, the President of the Republic personally announced the creation (restart) of NESSMA TV and authorized the signing of an agreement between the Ministry of Communication, Karoui & Karoui World and Quinta Communication.

In 2009, 47 newspapers were edited in Tunisia: 9 daily, 16 weekly, and 22 weekly or monthly magazines. Five of the daily newspapers are privately owned: *Essabah* (1951) and *Le Temps* (1975) were initially owned by the Sheikhrouhou family, but were transferred in March 2009 to Princess Al Materi Holding, who also owns RADIO ZITOUNA. The dailies *Achourouk* (1982) and *Le Quotidien* (2005) are owned by the Al Anouar press group, which also owns two of the weekly newspapers: *Al Anouar* (1979) and *Al Osbou Al Moussawar* (1985). The initially weekly *Assarih* (early 1990s) became a daily in 2002 and is owned by Salah Hajja, a former columnist of *Essabah*. The state owns four daily newspapers: *La Presse de Tunisie* (1936) was initially privately owned but was acquired by the government in 1967 and is the

1 Dates after media outlets refer to the year of establishment.

sister paper of *Essahafa* (1989). The ruling political party, Le Rassemblement Démocratique Constitutionnel (RCD), owns the other two dailies, *Le Renouveau* and *Al Horriya*.

The 16 weekly newspapers and the 22 news magazines are predominantly private.[2] Some of them belong to groups that publish daily newspapers, but are mostly owned by former employees of existing titles. A close examination of the weekly press reveals many indicators of changes but also the gridlocks inherent to the entire Tunisian mediascape. In 1975, the weekly press introduced, and adopted, the penny press formula. Professional practices that were previously marginal are becoming benchmarks for the entire profession.

Although the print and broadcast media are in the process of adopting different formats of the infotainment business model, both media sectors remain close to the official political agenda. The degree of adherence to the business model depends on two conflicting factors: the restrictions of the press' freedom and the need to attract audiences and advertisers.

Considering the models proposed by Hallin and Mancini (2004), one may ask what kind of journalism culture is shaping this media field? *Comparing Media Systems* does not make any references to Tunisia or any other non-Western countries. The book remains important in so far that the authors are aware of the main bias of comparative analysis especially in media studies:

> »It can be ethnocentric imposing on diverse systems a framework that reflects the point of view of one of these [...] ethnocentrism has been intensified in the field of communication by the strongly normative character of much theory« (HALLIN/MANCINI 2004: 3).

To fill the theoretical vacuum and at the same time eschew ethnocentrism, it seems adequate to question the Tunisian journalism field as a non-European reality partner (with Jordan) of the MediaAcT project, pending a more systematic reading of the Hallin and Mancini model. Our examination refers to three qualifications most commonly used in comparative media studies: Tunisia is sometimes considered to be in transition to democracy, at other times is regarded as a semi-autocratic country, but the most striking feature seems to be its Arab-ness.

2 Except the opposition newspapers, *Attarik Al Jadid* (Attajdid, former Communist party), *Al Mawqif* (Parti Socialiste Progressite) and *Mouatinoun* (Forum démocratique), which are frequently banned and deprived of advertising.

In transition to democracy? Adopting a developmentalist approach requires a linear evolutionary process more or less clearly marked by a set of milestones and indicators. However, the degree of openness or closure of the media field cannot simply be measured by the number of media outlets politically opposed to the regime, which does remain an important indicator. The most important measurement is the diversity of opinions expressed in the various media (private, state-owned, oppositional, and print, broadcast and online etc.) as well as the possibilities of balanced news reporting about national issues. From a historical point of view, the Tunisian media field was more pluralistic in the late 1970s and the early 1980s than it is now.

A (semi-)autocratic country? Referring to Hegel's philosophy concerning ›oriental despotism‹ may be useful to understand the modern origins of orientalism as a cultural construction in 19th century Europe. What is more important for this contribution is to explain that autocracy and coercion are not cultural characters of media governance in the global south. Many examples can attest that the Tunisian media field is linked economically and professionally to dominant international firms (Berlusconi's Fininvest or Endemol). From inside, the writing conventions (style, structure, news hierarchy etc.) are more related to the French typology of *genres journalistiques* than to Anglo-Saxon standards. At the same time, the tabloidization of the Tunisian press and even some broadcast programs is more similar to the British penny press model than to local folklore.

Arab world? Does the Arab (often with the implicit reference to Islam) belonging of Tunisia constitute the best entry to understand its media accountability institutions or initiatives? An element of those initiatives is diasporic since they are located outside the country: Tunisian communities in Europe and Canada, or international NGOs interacting with national groups and individuals. They are also linguistically post-colonial because they mix French, classical Arabic, Tunisian Arabic and sometimes English. Moreover, the field is glocalized in so far that one can underline the fact that discussed issues (democracy, press freedom, transparency, ethics) tend to be universal although the definitions may vary. At the same time the style of news reporting is culturally situated with Tunisian jokes, euphemisms, fables and references.

To avoid getting lost in the maze that defines the quintessence of Tunisian journalism, it seems feasible to consider Tunisia's journalism culture as a set of socially situated practices, rather than a mirror providing a distorted image of the country's political ›system‹.

3. ›Established‹ instruments of media accountability

High Communication Council

One of the actions taken after the deposition of the first Tunisian President, Habib Bourguiba, in November 1987 was to establish a High Communication Council (Conseil Supérieur de la Communication, CSC) in January 1989. As mentioned in Article 1 of the Presidential Decree of 1989, the CSC's mission was to »contribute to the development of a communication policy designed primarily to enable citizens to access their right to free and pluralistic communication«.[3] But the enthusiasm of the legal formula is balanced by many other Articles stressing the limited role assigned to the new institution. The CSC is indeed administratively under the Prime Ministry's control and is not a regulation body but an advisory one as the Presidential Decree states »it advises the President of the Republic on media matters and regards legal texts and regulations of media, communication and information«. This consultative role also includes the Press Act (Code de la Presse) and the licensing procedures of private broadcasting media. The CSC consists of 15 members, all of whom the President appoints.

Despite the transformation of the Tunisian media field and especially the growing number of freedom of speech infringements in the last 20 years, the CSC looks like the eponymous Big Dumb Object.[4] The CSC is one of those rare official institutions which do not have a website. The Council's reports have never been publicized and its opinions are confidential, except for press releases flattering governmental initiatives. In a media environment marked by a greater willingness to control the media consequent to the presidential and legislative elections of November 2009, the CSC, as the highest communication authority, has been called upon to celebrate World Press Freedom Day by expressing

> »its sincere feelings of respect and gratitude to the President [...] for the constant attention he gives to information and communication, and for his constant support of journalists and communicators, in order to guarantee

3 Cf. Décret n°89–238 du 30 janvier 1989 portant création du Conseil supérieur de la communication *(Journal Officiel de la République Tunisienne,* 7.02 1989); all translations of non-English quotes by the author.

4 In science fiction discourse, Big Dumb Objects often exhibit a total absence of expected properties.

> a free, objective and pluralist information, proper to enhance the healthy democratic process and help promote an advanced and organized politics.«[5]

From a sociological point of view, the CSC seems to have drifted since its creation away from the expectations of media professionals and more generally from the dynamics of change in Tunisian society. This drift is discernible in two events of the last decade:

Following the hunger strike in May 2000 of journalist Taoufik ben Brik, many civil society organizations and opposition parties raised the need for an independent media watch body. Some of them claimed that legal recognition of the National Media Watch (l'Observatoire National des Médias), which had never been authorized, was required. Three years later, in 2003, the CSC was directly criticized when Noureddine Boutar, a columnist of *Achourouk* and also a member on the Council, became the manager of the first licensed private radio station MOSAÏQUE FM. Besides this ›conflict of interest‹ case, the critics always focus on the lack of transparency in the licensing procedures of private broadcasters even though the Ministry of Communication, and not the CSC, is responsible for broadcast licenses (FERJANI 2009: 159). In 2008, a new law modified the competencies of the CSC, some of which are directly related to accountability issues. The new law deleted any reference to the right of the citizen to access »free and pluralistic communication«, as stated in the Presidential Decree of 1989. The CSC remains an advisory body, but is now called on to »contribute to the development of a communication and information policy achieving a free and pluralist communication« and »to propose ideas that meet national guidelines and choices and that conform to the ethics of journalism, information and communication«. The CSC is also responsible for »monitoring the performances of public and private information and communications institutions«.[6] To achieve this second mission, the National Information Watch (l'Observatoire national de l'information, ONI) was created as a subdepartment of the CSC.[7] The (non-)evolution of the CSC competencies are a quintessential example of the institutions' instability and the changing laws according to the openness or – in this case – the closure of the media field. In addition, one can underline the embedded references to journal-

5 Cf. *La Presse de Tunisie*, 4.05 2010.

6 Cf. Loi n°2008–30 du 2 mai 2008, relative au Conseil supérieur de la communication (*Journal Officiel de la République Tunisienne,* 6.05 2008).

7 Cf. Décret n°2008–3222 du 13 octobre 2008, fixant l'organisation administrative et financière du Conseil supérieur de la communication (*Journal Officiel de la République Tunisienne,* 13.10 2008)

istic ethics in the texts relating to the CSC and generally in those of state institutions responsible for media. For instance, the Press Act, amended ten times since 1975, makes a vague reference to press freedom but ignores the right of journalists to access information and emphasize the shortcomings: defamation, publication of false news etc. The scrutiny of the legal texts and the references to the official discourse may reveal a kind of consubstantiality of ethics and responsibility, i. e. towards the institutions rather than the citizens. Besides this particular and indisputable sense, other notions and practices are shaping the media ethics issues in the complex relations between media professionals and the state.

Journalists' unions

Several attempts to bring a structure to the journalistic profession have been tried and tested during and after French colonization. The Tunisian Journalists' Association (Association des Journalistes Tunisiens, AJT), created in the early 1970s, has been the main catalyst of debates on professional issues and the difficult development of the journalism's Code of Ethics, in May 1983. The Code recognizes the different aspects of journalistic responsibility and solidarity with peers, but also underlines the core conditions of professionalism hidden by the Press Act:

> »The journalist is committed to seek the truth and to inform public opinion in the extent of data availability.
> The journalist is committed to defend press freedom and does not accept tasks that do not fit with the profession's dignity and ethics.
> The journalist does not accept gifts or special privileges in exchange for any professional task.
> The journalist rejects the use of his status or responsibility to serve his own purposes.
> The journalist assumes all materials published under his signature and full consent and refuses to adopt or sign pre-written articles.
> The journalist rejects any partial or complete distortion of his thoughts and articles.
> The journalist respects professional secrecy and refuses to disclose his sources.«[8]

8 The Code of Ethics was integrated as the 45th article of AJT's *Policies and Procedures Manual* (cf. http://www.snjt.org/images/snjt/reg.pdf).

These excerpts may suggest that the AJT is a homogeneous association with a clear mission to defend press freedom and the journalist's right to tell the truth. The reality is more complex insofar as the Code of Ethics was socially contextualized by two main factors: first, the appearance of a new generation of journalism graduates from the Press Institute (Institut de Presse et des sciences de l'information) in tune with social and cultural movements trying to break with the ruling State Party hegemony; second, the promotion and permission of this Code by Tahar Belkhoja,[9] Minister of Information (1981–1983). The Code of Ethics case sheds light on and explains the AJT's erratic positioning from being a trade union (which was not legal: cf. HIZAOUI 1987: 12; MOSTEFAOUI 1992: 63) to an occasional media accountability organization and also an advocacy tool for the regime. Indeed, in 2003 the AJT awarded its ›golden quill for press freedom‹ to the President of the Republic who was the first and the last winner of the prize. In 2001, some members of the AJT created the Freedom Committee, which has produced the *Press Freedom Report* since 2002. Adopting a cautious tone and avoiding any mention of infringements of the freedom of the press, the members of the Freedom Committee would, in January 2008, be the main actors of the AJT's transformation to a trade union (Syndicat National des journalistes Tunisiens, SNJT). The legitimacy through the ballot box enabled the SNJT to focus on threatening issues. The *Press Freedom Reports* (SNJT 2008, 2009) linked the issues of the freedom of the press and ethics with wages and status, particularly those of young journalism graduates as well as the freedom to access information and disinformation about national events. One further issue exposed by the 2009 report (SNJT 2009: 16f.) was the police harassment of journalists working in both the official and the independent media sectors whom the Ministry of Communication, the only responsible provider of press cards, did not recognize as journalists. The official journalistic sphere interpreted the 2009 report as outrageous and as evidence of the SNJT's radical shift. In August 2009, a new steering committee was elected, illegally but acclaimed by the mainstream media. Since then, the SNJT has begun to denounce and defame dissident journalists[10] and to praise governmental initiatives.

9 Belkhoja was a major actor of the liberal wing of Bourguiba's regime at the end of the 1970s and the early 1980s.

10 Cf. Des journalistes dénoncent les dérapages de Sihem Ben Sedrine [Journalists denounce Sihem Ben Sedrine's slips] (*Le Quotidien*, 24.12 2009).

4. Innovative instruments of media accountability

Four year after the licensing of the first Internet providers in Tunisia, French scholar Jean-Philippe Bras (2003: 247) highlighted the contradictions of the Tunisian web, arguing

> »that the Tunisian state is developing a ›very proactive‹ Internet public policy, through a large amount of legal texts, the creation of an Internet administration, a set of measures to stimulate the web contents and the use of Internet by citizens. But this policy is deployed under a ›public order‹, and declined in regulations, controls, restrictions and prohibitions, with some effectiveness.«

One decade later, the situation has changed, but not radically. From a media accountability perspective, the ›innovative initiatives‹ are still framed by the paradoxical state policy and seem to be strongly linked to the traditional accountability instruments, even though the different forms originate from quite different actors: webzines and blogs on the one hand, mainstream media on the other.

The first significant initiative related to online media criticism was *Takriz.org* (1999 – 2002)[11] which presented itself as the »1st Tunisian e-mag 0% dullness«. *Takriz* does not specialize on media criticism, but a plethora of topics ranges from bureaucracy, corruption, boys and girls relationships, God, boredom, social apathy etc. Nevertheless, in the context of nationwide events media criticism is one of *Takriz*' more frequent topics. In September 2000, *Takriz* castigated the daily newspaper *La Presse*'s reportage of devastating floods by stressing that

> »[t]he paper narrates [...] the amounts and durations of rainfall [...] A real course of meteorology. Then it mentioned the huge amount of water retained by dams and the happiness of the people who celebrated the event with couscous. The last paragraph, which is usually reserved for the less important news said ›besides, thirteen people were killed, all drowned...‹ Damn! And shit for a journalist who cares less for thirteen compatriot's lives than for couscous. During the rest of the week, I sought for a sheet that had the mettle or the intelligence to inform us about losses, costs and responsibilities for the death of thirteen people drowned in the most rainy region of the country. My ass! Nobody dared to take a camera and investigate.«[12]

11 In Tunisian Arabic ›Takriz‹ means ›fed up‹. A new version of the website has existed since 2008. It has retrieved some of the archives of the first version.

12 *Takriz.org* quoted by *Le Monde*, 22.09 2000.

Besides its unusual language, this long quotation is justified by its structure of narrative within a narrative that reflects the author's knowledge of news reporting's basic rules. It is remarkable that media criticism continues to highlight some ethical breaches but forgets to explain and to discuss the foundations and components of journalistic ethics.

This is also the case of *Boudourou.blogspot.com*,[13] the only specialized Tunisian blog on media criticism, i. e. »special interest for articles that do not respect journalistic ethics concerning dullness and misinformation«. *Boudourou* is managed by a group of five Tunisian (resident) bloggers. Their aim was to promote the dynamics of citizens' media criticism by calling the readers to vote for three prizes: gold, silver and bronze Boudourou, in three categories: the worst article of the month, the worst journalist and the worst newspaper. However, the ›Boudourou prize‹ dynamics seem to be failing to attract readers. The posting frequency is declining[14] and the 500 fans on *Facebook* are mostly well-known activists or anonymously hiding their identities behind pseudonyms. However, beneath the site's banner, the blog states that »Boudourou is an independent and neutral blog paying attention to the Tunisian press. The blog has no affiliation or political objectives« and repeats the same message in its editorial and posts. But a closer examination of content may reveal the commitment of the *Boudourou* bloggers to denounce with an offbeat humor the dark side of the official press: verbal and physical[15] violence against the regime's opponents, slander's impunity, and ›ridiculous‹ biased papers.

Other online initiatives share common denominators, shaping the boundaries and the possibilities of media criticism:

- The authors' identities reveal the emergence of a new generation of urban and educated activists and journalists and even TV and radio hosts. Their cultural capital (added to their social capital) may impede the diffusion of their messages beyond their own class. This impediment may reinforce the social dividing line between those who seek to express their own individuality or try to strengthen the degree of freedom in public spheres and those who are more concerned about finding a job or illegal migration to Italy.

13 ›Dourou‹ is the lowest value coin in Tunisia. ›Sahafa boudourou‹ is the literal translation of the ›penny press‹.

14 58 in 2007, 25 in 2008, 17 in 2009 and only 2 until May 2010.

15 In May 2009, *Boudourou* posted a video showing the figure of a zealous journalist attacking the elected SNJT president.

- The displayed depoliticization conceals a lack of engagement or disappointment in politics, including the oppositional parties. Claimed or pretended, depoliticization can also mark the limits of initiatives outside political structures. The protest against censorship of blogs (LECOMTE 2009) on blogs that are already censored, i. e. inaccessible in Tunisia, seems doomed to fail from the outset.
- The style of public speech based on wittiness can vary from black humor to satire depending on the positioning of the authors in the media field.[16] Just as web initiatives are often censored, media criticism in mainstream media is also tightly controlled. In March 2010, a small spring storm brought together the judiciary, the SNJT and even opposition newspapers against NESSMA TV's anchorwoman Maha Chtourou, who suggested ironing out Samira Dami's[17] wrinkles because of a bad review. This informal league of virtue defending ›the honor‹[18] (and not the freedom of speech) of *La Presse*'s columnist reveals another side of the political and social control/censorship. Since then Chtourou has been promoting oils and tomato sauce brands on NESSMA TV's cooking show.

5. Conclusions

This report stresses the two main characteristic fields of media accountability: the institutions involving media ethics and the various ›new‹ forms of media criticism. Other forms of media accountability can be discussed but their impact on public debate is sometimes occasional and often insignificant due to the sociological reasons related to the public accessibility of those forms. What seems important to underline is that accountability issues are recurrent in governmental and professional discourses, but there is no systematic opposition between the two understandings: Ethics is alternately responsibility, i. e. respect of the fluctuant red lines traced by the government, and duty to inform, i. e. responsibility vis-à-vis citizens. The blurring of the line between the two concepts is strongly shaped by the unequal power relationships in the media field. The autonomization

16 From a historical point of view the ›new‹ forms of humor are rooted in the experiences of the Tunisian press under French colonization (cf. BOUKRAA 1977).

17 Samira Dami is a TV critic at *La Presse de Tunisie*.

18 Cf. Rih soumoum qanat Nessma [Toxic Wind of Nessma Channel] (*Al Mawqif*, 19.03 2010).

(i. e. self-regulation procedures) and professionalization of making news are impeded by the regime's material and symbolic incentives as well as by the effectiveness of the regime's measures for controlling, censoring and repressing. Thus, the majority of journalists can choose to be mouthpieces of the official representations of ethics or participants of ethics infringements. A minority of journalists may flout the state's restrictions and become dissenters when poor working conditions of low wages and job instability silence the majority. In such contexts, online media criticism is forging a narrow path between personal initiatives seeking recognition and the (in)ability of online media to adopt professional standards. This (in)ability is directly linked to the variety of state controls and also to the growing pressure from advertisers.

MIKE JEMPSON / WAYNE POWELL

United Kingdom: From the gentlemen's club to the blogosphere

Abstract

The UK has a complex array of laws and regulatory frameworks that both protect and circumscribe the print and broadcast news media, and civil society organizations have developed a myriad of techniques to keep journalists on their toes.

Debate about journalistic standards has become a significant feature of public discourse. Critics argue that increased competition within and between media outlets has driven standards down. The industry counters that standards have never been higher and the media must be free to make mistakes in the service of the public good.

Print journalism is commercially driven and free to be partisan. Regulated by the industry-funded Press Complaints Commission (PCC) it is criticized for being ›a law unto itself‹. Although circulations are falling, national newspapers retain considerable influence over public opinion, and no government would risk limiting their freedom.

By contrast, the more highly-regulated broadcast journalism is also more highly-regarded for its veracity and impartiality, yet, in terms of news agenda-setting, a symbiotic relationship has developed between print and broadcast journalism. Many civil society groups support regulation to ensure that minority views and voices are heard, citing the public service value of journalism to empower citizens and enhance democracy. Readers, viewers and listeners continue to challenge media standards through complaints, lobbying and imaginative use of the Internet.

1. Introduction

Press freedom is jealously guarded in the UK but there has been growing concern in recent decades about the power exercised by the Fourth Estate. Journalists still seek to hold the powerful to account, exposing hypocrisy and corruption, but the public relations industry has become the dominant news source (DAVIES 2008). Politicians, like sports and show business celebrities, have come to rely upon ›spin doctors‹ to get their messages into the media (JONES 1995, 1999, 2006).

Media processes have come under increasing scrutiny. Since the 1970s, civil society groups have sought to improve journalistic output and reform media regulation. The Press Complaints Commission (PCC), which replaced the Press Council in 1991, still attracts criticism, from inside and outside the industry, but has improved its ›user-friendliness‹,[1] staving off threats of statutory control.

Nonetheless, increased competition for readers, audiences and advertising revenue within and between the commercial print and broadcasting sectors continues to be blamed for ›falling standards‹. It has even led to calls for the special status of the BBC, the UK's leading news outlet, to be curtailed. In 2010, for the first time ever, the Culture Minister for the Coalition government proposed a cut in the BBC license fee.

Since 2003, radio and television have operated under ›light touch‹ statutory regulation supervised by the Office of Communications (Ofcom),[2] which the industry and the state part-fund. Broadcast journalists are subject to both in-house and Ofcom editorial guidelines, designed to promote fairness, accuracy, impartiality and responsibility in all broadcast output. Ofcom has stringent powers to fine and even remove broadcasting licenses if their terms are broken, unlike the Press Complaints Commission, which relies merely on peer-pressure and publicity to correct breaches of the Editors' Code of Practice.

Entry to journalism is not regulated in the UK. Neither industry-accredited vocational courses,[3] nor the growing number of journalism degree courses are a prerequisite, however membership of any of the three trade unions[4] brings with it a commitment to abide by their respective Codes of Conduct or risk disciplinary action.

1 Cf. http://www.pcc.org.uk
2 Cf. http://www.ofcom.org.uk
3 Cf. http://www.nctj.com
4 The Institute of Journalists (IoJ), founded in 1884, the much larger National Union of Journalists (NUJ) which broke away from the IoJ in 1907, and the smallest, the British Association

Members of the public with complaints about journalists have free access to the different regulatory bodies and are not precluded from later seeking further redress through the courts where a variety of costly remedies are available.

2. Journalistic culture and media system

The UK enjoys a vibrant national, regional and local newspaper environment. Run entirely by commercial companies, publications are free to be partisan[5] and controversial. At a national level there is robust competition for readers. Only one national daily and one Sunday operate to a different model. The Scott Trust protects journalism at *The Guardian* (daily) and *The Observer* (Sunday) from the direct influence of market forces.

British journalism still conforms to the North Atlantic or Liberal Model categorized by Hallin and Mancini. They saw other European media models converging towards the fact-based journalism typical of the Liberal Model, but changing delivery systems and audience fragmentation have seen a drift in the UK from the ›newspaper‹ towards the ›views-paper‹, and from traditional public service broadcasting towards ›infotainment‹ or ›edutainment‹. There are now many more broadcast outlets, an even greater concentration of (cross media) ownership, fewer full-time staff jobs, an expanding blogosphere, and a vast array of web-based news sources including the commercial incorporation of ›citizen journalism‹.

of Journalists (http://www.bajunion.org.uk) which broke away from the NUJ in 1992 and has about 1,100 members. It supports ›the Code of Practice of the PCC‹, more properly known as the Editors' Code of Practice.

5 Over the last ten years, four of the eight main national daily newspapers have switched their political allegiance, influencing general election results. The Labour Party won in 1997 with support from four of the dailies, and again in 2001 and 2005 with support from five, including *The Times* and the top selling tabloid *The Sun*, both owned by Rupert Murdoch's News Corporation. Labour lost power when Murdoch's papers switched back to the Conservative Party in 2010. The Liberal Democrats (LibDem) had little editorial support, but benefited from an electoral innovation – three televised debates between the party leaders. Despite the efforts of the national papers backing the Conservatives to undermine the credibility of the LibDem leader, this was enough to break the mould that normally gives victory to the party garnering most support from the dailies, and facilitated a Conservative/LibDem coalition. It is too early to tell if this represents a shift in power away from print to broadcast media.

In May 2010, the Audit Bureau of Circulations (ABC) reported 10.28 million daily sales for the UK's national papers, with 10.32 million on Sundays.[6] Despite consistently falling sales, readership remains fairly high among the current UK population of some 62 million and online editions are gaining in popularity. The statistics of the Audit Bureau of Circulations Electronic (ABCe) for the five most popular newspaper websites, released just as *The Times* and *The Sunday Times* withdrew behind a paywall,[7] reveal a significant change in readership patterns. Overall international browsers outnumber the UK online audience with consequences for both journalistic content and style.

TABELLE 1

Top five UK online newspapers, April 2010

	Average daily browsers	Increase year-on-year	Global monthly browsers	Annual increase	% of UK browsers
Mail Online	2,366,495	74.50%	40,500,667	75%	36%
Guardian.co.uk	1,837,331	22.40%	31,900,127	16.70%	42%
Telegraph.co.uk	1,583,305	28.50%	30,227,486	26.60%	35.40%
Independent.co.uk	455,255	-2.40%	9,871,286	-5.38%	43.70%
Mirror Group Digital	441,768	11.38%	9,329,485	8.52%	54.60%

Source: ABCe

The UK has many regional daily papers and most towns still have a local weekly. London alone has 70 free and paid-for weekly papers. According to the Newspaper Society, local media reached 40 million readers a week and 37 million web-users a month in 2008.[8] However, local readers, and titles, are on the decline; one antidote has been the creation of hyper-local news websites with user-generated content.

6 Cf. http://www.abc.org.uk; the four leading popular tabloids had a daily circulation of 5.32 million (down 3.18 % on the previous year); the two mid-market papers totaled 2.75 million (-5.56 %); and the ›quality broadsheets‹ were at 2.21 million (-11.12 %). Meanwhile the five most popular Sunday papers had a combined circulation of 5.28 million (-4.25 %); mid-market Sundays were at 2.81 million (-7.98 %) and the six leading Sunday ›qualities‹ totaled 2.23 million (-10.17 %).

7 According to Experian Hitwise which monitors Internet traffic, visitors to *The Times* fell by two thirds once the paywall had been introduced.

8 Cf. http://www.newspapersoc.org.uk

According to ABC figures for the last six months of 2009, magazine sales in the UK are buoyant at around 26 million across all genres (although year-on-year there has been a net percentage drop in sales).

The BBC runs nine UK-wide TV and nine radio channels, radio stations covering Scotland, Wales and Northern Ireland, and 40 regional and local radio stations, as well as the government-funded WORLD SERVICE. Since 1994, BBC online has become one of the world's highest ranked news sources with a weekly reach of 37 percent in the UK, and is a major source of links to online print news sources.[9]

The UK also has three commercial terrestrial TV channels with public service obligations to provide fair and impartial news and current affairs programming. Ofcom has licensed 836 cable and satellite services along with 93 digital TV services, though not all are functioning. At the time of writing, radio licenses for three national and 296 local commercial analogue stations and 176 community (not for profit) stations had been issued.[10] Cross-media ownership restrictions are to be lifted to generate a new tier of local TV news outlets. Most broadcasters also maintain websites.

Statistics for the number of working journalists in the UK are hard to calculate. The largest union, the National Union of Journalists, claims a membership of around 30,000 but there could be twice as many working across all sectors. In 2009, the official Labour Force Survey estimated that some 112,000 media professionals were working in the print and broadcast sectors in 2009, more than 21,000 of whom were self-employed.[11]

Confidence, curiosity and an ability to write well remain the basic requirements to become a journalist, and nowadays an ability to function across multiple delivery platforms is a distinct advantage.

3. Established instruments of media accountability

Contemporary accountability instruments in the UK owe their origin to the ›gentlemen engaged in journalistic work‹ who formed the National

9 Cf. BBC *Annual Report 2009 – 10* (available at: http://www.bbc.co.uk/annualreport).

10 There are also 96 ›restricted service licenses‹ (for hospital, student and military barrack stations), and some 400 temporary (usually month-long) licenses are granted each year, typically for festivals (cf. http://www.ofcom.org.uk).

11 Cf. Labour Force Survey: *Employment status by occupation and sex, April-June 2009* (available at: http://www.statistics.gov.uk/statbase/product.asp?vlnk=14248).

Association of Journalists (now the Institute of Journalism, IoJ) in 1884 to distinguish themselves from those working for the yellow press by means of professional status and an ethical Code of Conduct.[12] The now much bigger and more influential National Union of Journalists (NUJ, UK & Ireland) broke away from the IoJ in 1907. The NUJ opposed its rival's campaign for a State Register of journalists who could be struck off for unethical behavior, launching its own Code of Conduct in 1936.[13]

Employers have never formally recognized codes devised by journalists and even challenged the NUJ's right to discipline members for ethical breaches. The NUJ's Ethics Council now has a largely educational role and runs an advice helpline for members.

Although the NUJ lobbied for formal accountability instruments[14] (BUNDOCK 1957; CURRAN/SEATON 2003), it was only after the 1952 Defamation Act became law, that the industry set up a General Council of the Press (GCP) in 1953 to avoid statutory regulation. The GCP proved ineffectual,[15] even when reconstituted as the Press Council (PC) in 1963 with 20 percent lay membership and a focus on complaint resolution and professional guidance. The Council was slow to respond to criticism,[16] but under sustained pressure did make efforts to reform itself.[17] However, under fresh threats of statutory control (CALCUTT 1990), the industry abandoned the PC and,

12 Granted a Royal Charter in 1890, the Chartered Institute of Journalists (IoJ) is now ›the oldest professional body for journalists in the world‹ (cf. http://cioj.co.uk).

13 Cf. http://www.nuj.org.uk/innerPagenuj.html?docid=174

14 In 1947, it called successfully for a Royal Commission on the Press which resurrected a suggestion, first mooted a decade earlier, that a General Council of the Press (GCP) should investigate complaints about press misbehavior to assuage public concern and encourage more ethical behavior (cf. ROYAL COMMISSION ON THE PRESS 1949). In 1938, the Political and Economic Planning, a group of academics, public servants and media practitioners had called for a voluntary Press Tribunal under an independent chair (O'MALLEY/SOLEY 2000).

15 Proprietors, editors, and journalists' unions were represented but there were none of the lay members originally envisaged. Almost from the start the Council lacked credibility. A fresh Royal Commission in 1961 insisted that it be strengthened with lay members or risk statutory intervention (cf. ROYAL COMMISSION ON THE PRESS 1962).

16 Most of the recommendations for reform from a parliamentary committee on privacy (cf. YOUNGER 1972), another Royal Commission (cf. ROYAL COMMISSION ON THE PRESS 1977) and a scathing independent inquiry into the PC (ROBERTSON 1983) initiated by a media unions' campaign were ignored.

17 After several, unsuccessful, attempts to introduce a statutory Right of Reply (Right of Reply in the Media Bill, 1982; Unfair Reporting and Right of Reply Bill, 1987; Right of Reply Bill, 1988) and a Protection of Privacy Bill (1988), an eminent civil liberties lawyer, Sir Louis Blom-Cooper QC, was briefly appointed chair and insisted that the press should be judged against a clear, detailed and well-publicized Code of Practice.

in 1991, created the Press Complaints Commission (PCC),[18] this time excluding journalists‹ organizations which had been represented on the PC.

Funded by subscriptions from publishers and policing a Code of Practice independently devised by editors, the efficacy and independence of the PCC was instantly challenged in parliament (JEMPSON 1992), but the combative stance of the press fought off state intervention.[19] Since then, the PCC has responded to each new crisis of confidence in self-regulation by modifying its governance procedures, the latest of which were under consideration at the time of writing (HEPWORTH 2010). Even though the majority of the Commission are now lay members, the criticism that it is too close to the industry it polices has stung and stuck.

The ›Fast, Free and Fair‹ services of the PCC are advertised, free of charge, by subscribing publications. Individuals directly affected by any breach of the Editors' Code may seek corrections and apologies either directly or through the PCC, within two months of publication. Complaints are resolved by conciliation or adjudication. By voluntary agreement, editors publish apologies or corrections if found to be in breach of the Code, but the PCC now wants editors to be reprimanded in person for serious breaches, and for offending journalists to face disciplinary action (HEPWORTH 2010).

The PCC holds public meetings, sends speakers to journalism courses and offers in-house training.[20] The PCC's website offers advice on how to handle problematic behavior by journalists and how to make complaints, as well as access to the *Editors' Codebook* which explains how the Code has been interpreted (BEALES 2009).

Lobbying by civil society groups has persuaded the PCC to issue guidance to editors on a variety of problematic topics,[21] and the quite separate Editors' Code Committee now reviews its Code annually following public consultation. This has led to some significant modifications to the Code, in

18 Cf. http://www.pcc.org.uk

19 The recommendations of a second Calcutt Inquiry (cf. CALCUTT 1993) were again ignored, and the Minister who commissioned it was driven from office by a tabloid campaign focusing on his private life. The MP who proposed an Independent Press Authority (IPA) promoting press freedom and investigating complaints (JEMPSON 1992) was pilloried by sections of the press.

20 The NUJ has also used the PCC to challenge what it regards as unethical conduct by employers and proposed a conscience clause so members could refuse unethical assignments. The PCC referred their complaint to the Editors' Code Committee which rejected it (PONSFORD 2004).

21 For example, about coverage of special hospitals, mental health and reporting of asylum-seekers and refugees.

relation to gender[22] and suicide coverage, for example, and editors must now demonstrate that they have a genuine public interest defense if they intend to intrude into people's private lives. However, the Committee Chair, Paul Dacre, editor of the *Daily Mail*, has attacked critics of self-regulation »in Parliament, in self-appointed media accountability groups and, more generally, in the blogosphere« (DACRE 2010) and accused a judge of seeking »to bring in a privacy law by the back door« (cf. MCNALLY 2008).[23] His attitude has perpetuated suspicion and criticism of press self-regulation, since the press regularly criticizes other professions for regulating themselves.

Although Dacre insists that »British newspapers are infinitely better behaved than they were two decades ago« (DACRE 2010), the PCC's critics do not find its record efficacious. In 1991, the PCC disallowed more than half of the 1,361 complaints it received, adjudicating on 7 percent and upholding only 3 percent. In 2000, about one third of the 2,225 complaints received were disallowed; barely 4 percent were adjudicated upon, less than 2 percent were upheld. In 2009, the PCC received over 4,000 complaints, but less than 20 percent were considered to raise possible breaches of the Editors' Code. Of these, 82.5 percent were ›amicably settled‹, but the PCC publicly rebuked newspapers in only 2.4 percent of cases. The Commission said it was satisfied with remedial action taken by editors in the remaining 15 percent – but admitted that complainants were not satisfied.[24]

22 Press For Change (http://www.pfc.org.uk), an extremely effective lobby body set up in 1992 to promote better understanding of transgender and transsexual equality, has successfully persuaded the Press Standards Board of Finance (PressBof) to amend the Editor's Code to outlaw discrimination on the grounds of gender as part of their effort to reduce stigma and improve understanding about much misunderstood and misrepresented individuals (cf. their 2004 dossier at: http://pfc.org.uk/files/Transsexual_People_and_the_Press.pdf).

23 This latter attack came after the *Daily Mail* had lost a series of controversial cases involving intrusion. Ever since the European Convention on Human Rights was incorporated into British law in 1998, editors have feared that freedom of expression (A10) would be trumped by its privacy provisions (A8). Ironically, *Daily Mail* staff topped the list of 305 journalists who had between them obtained 3,000 items of personal information by illicit means according to the Information Commissioner's Office (ICO, http://www.ico.gov.uk) in 2006, when the *News of the World*'s Royal editor Clive Goodman and a private investigator were jailed for intercepting messages on the phones of members of the royal household. (For background, cf. JEMPSON 2007. The last journalists to have been jailed in the UK in course of their work were Brendan Mulholland and Reg Foster who went to prison in 1963 for refusing to reveal sources.) The ICO had warned that its list related to payments to just one private investigator under investigation by the police, prompting *The Guardian* to comment: «[T]he PCC has until now remained remarkably incurious and unwilling to instigate an inquiry of its own, despite the *prima facie* evidence against hundreds of journalists« (*The Guardian* 2006).

24 All figures from PCC Annual Reviews (available at: http://www.pcc.org.uk).

For a short time in the late 1990s, most of the UK national newspapers appointed in-house ombudsmen or readers' editors to handle complaints. Only two – from *The Guardian* and *The Observer* – are now listed as members of the Organisation of Newspaper Ombudsmen.[25] They are not the only papers to publish regular corrections columns, but the *Guardian*'s daily ›Corrections and Clarifications‹ and weekly commentary have strengthened trust in the paper's integrity,[26] encouraging readers to point out errors, so it receives twice as many complaints as the PCC (TOWNEND 2008).

A quite separate system of self-regulation has grown up around public concern about increasingly explicit sex-related content in teenage magazines, and the publishing industry supports a Teen Magazine Arbitration Panel (TMAP)[27] which monitors and advises on sexual, emotional and health content and adjudicates on the occasional complaint.

The BBC has developed internal monitoring and external advisory panels to guide its programming and keep in touch with public opinion, and like other broadcasters, logs all comments received about any of its programs and shares them with staff as a form of quality control. The BBC has its own complaints procedures for members of the public and disseminates lessons learned through an editorial policy unit.

Funded by a license fee, payable by households with domestic receivers and set by parliament currently on a six yearly cycle, the BBC operates under a Royal Charter which requires it to deliver information, education and entertainment independent of political interference and commercial influences. The BBC submits its annual report and accounts to parliament, but the perennial debate has been about how else it could be accountable to the citizens who pay for it.

The BBC's prominence and performance has come under increasing scrutiny, from competitors, parliament and the public, especially since 2003 when a BBC reporter aired a challenge to the claims used by the government to justify the war on Iraq. In the furore that followed, the identity of a whistle-blower was revealed and when he later killed himself the government ordered an inquiry. The Hutton Report (2004) caused the

25 Cf. http://newsombudsmen.org

26 Cf. for example http://www.bjr.org.uk/data/2004/no2_mayes; free from interference from the newspaper's editor, the Readers' Editor is able to alert staff to problems areas of coverage and has a weekly column to consider issues of note, and too draw upon experience to ensure that the *Guardian Style Guide* and editorial guidelines remain fit for the purpose.

27 Cf. http://www.tmap.org.uk

departure of both the BBC's Chairman and the Director-General. Key elements of the offending story proved to be accurate, but Hutton's forensic analysis highlighted shortcomings in the BBC's governance and editorial procedures. To improve transparency and accountability they were completely overhauled,[28] and a BBC College of Journalism was launched to provide in-house training.[29]

Since 2003, the new Office of Communications (Ofcom)[30] has taken on some responsibility for regulating BBC content. Ofcom's overarching broadcasting codes, devised and updated after extensive public consultation, set the standards that citizens may expect of broadcasters.[31] All broadcast output must be kept for 60 days after transmission, and viewers and listeners may file complaints on matters of accuracy, fairness, or harmful or offensive content, or other breaches of license agreements. Serious breaches can result in fines or even loss of a broadcasting license, and Ofcom publishes monthly bulletins about its investigations. In 2008, Ofcom imposed a record fine of £5 675 million on commercial broadcaster ITV plc and ordered compensation payments of £7.8 million for repeated abuse of premium telephone lines during supposedly live TV contests. Later that year, Ofcom fined the BBC £400,000 for faking winners and misleading audiences in TV and radio competitions.

Ofcom policy, and thus broadcast content, is influenced by national, regional and specialist Advisory Committees – for example on children, cultural diversity, people with disabilities and the elderly. Ofcom also deals with distribution and delivery systems, employment, licensing, ownership and control, and technical quality, across all forms of electronic media from

28 The BBC Board of Governors has been replaced by a twelve-person Trust, appointed by the Monarch on advice from government ministers after an open selection process. Their task is to represent the interests of license fee payers, set overall strategy, defend the BBC's independence and impartiality, and ensure that the Corporation complies with the terms of the Royal Charter, which is reviewed and updated in parliament every ten years. Its consultative framework includes twelve voluntary Audience Councils in England plus one each for Northern Ireland, Scotland and Wales. However the new Coalition government has hinted that more changes are expected in the run up to the next Charter renewal in 2016.

29 Cf. *The BBC's Journalism after Hutton: The Report of the Neil Review Team*, 2004 (available at: http://www.bbc.co.uk/aboutthebbc/reports/pdf/neil_report.pdf).

30 Cf. http://www.ofcom.org.uk; before, mainstream commercial broadcasting was regulated by a single quango, the Independent Broadcasting Authority, from 1972 until 1991 when responsibility was split between the Radio Authority, the Independent Television Commission, both dealing with licensing and technical quality issues, and the Broadcasting Standards Council which dealt with complaints about program content. All three were then subsumed into Ofcom. Ofcom has 900 staff and an annual budget of £140 million.

31 Ofcom Broadcasting Code: http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes

telephones to satellite TV, making it ideally placed to promote and commission research on media literacy.[32]

As with print and broadcast material, all Internet content accessible within the UK is subject to the law of the land (including libel laws). Otherwise, regulation of the Internet in the UK rests with the Internet Services Providers' Association (ISPA),[33] a trade body set up in 1995, and the Internet Watch Foundation,[34] set up by the industry in 1996, which works with the police and encourages members of the public to report sites featuring the sexual abuse of children, criminally obscene adult content and incitement to racial hatred content. ISPA members must devise and promote a Code of Practice approved by Ofcom.[35]

For 50 years the BBC has broadcast regular radio and TV programs, in which viewers comment on the Corporation's output and program-makers are able to respond.[36] The Internet has enabled the BBC and its audiences to have more direct contact. The BBC has also used staff blogs to explain their editorial decisions, notably *The Editors*,[37] which shares their ›dilemmas and issues‹. The BBC's Editorial Guidelines are now accessible online,[38] and dozens of message-boards have increased opportunities for audiences to ›have their say‹. Sometimes comments left on one of the most popular[39] are taken up by newspapers wishing to criticize the BBC. Controversies about print and broadcast journalistic excesses are featured on BBC daily radio and TV news and current affairs programs, and the BBC has a tradition of radio programs scrutinizing media behavior.

32 In 2008, for example, it conducted a review of the impact of the 2003 Code of Conduct devised by the mobile industry to cover new forms of content on mobile in line with child protection policies (cf. http://consumers.ofcom.org.uk/tell-us/tv-and-radio/ and also ›UK code of practice for the self-regulation of new forms of content on mobiles‹, available at: http://stakeholders.ofcom.org.uk/market-data-research/media-literacy/medlitpub/ukcode).

33 Cf. http://www.ispa.org.uk

34 Cf. http://www.iwf.org.uk

35 Cf. Customer Codes of Practice for handling complaints and resolving disputes: Guidelines for public electronic communication service providers seeking Ofcom approval (http://www.ispa.org.uk/files/evhgfdbtxy.pdf).

36 The latest, a weekly program on Radio 4 discussing ›print, television, radio, online and telecommunications‹, began in 2008. ›The Media Show‹ is presented by Steve Hewlett, a former TV executive who also writes on the media for *The Guardian*, and is visiting Professor of Journalism and Broadcast Policy at Salford University. In 2010, the BBC revived a radio version of ›What The Papers Say‹ – one of the longest running TV programs (1956 – 2008) in which journalists critiqued the way in which news stories have been covered, and issued annual awards.

37 Cf. http://www.bbc.co.uk/blogs/theeditors, other BBC blogs cover the Internet, TV and radio.

38 Cf. http://www.bbc.co.uk/guidelines/editorialguidelines

39 Cf. http://www.bbc.co.uk/dna/mbpointsofview

Channel 4 has broadcast some of the toughest TV feedback shows on journalism. *Right to Reply* (1982 – 2001) allowed members of the public to confront producers in the studio over matters of accuracy and fairness. For many years, Channel 4 also commissioned *Hard News* to investigate sensational, intrusive or inaccurate newspaper stories. *The TV Show* appeared monthly in 2007 but continues now only in blog form, alongside comments from the station's Readers‹ Editor,[40] but the channel's leading journalists also run blogs and *Twitter* feeds to obtain feedback.

The industry trade press also keeps an eye on trends and problems and offers usually sympathetic criticism when things go wrong. *Broadcast*, the weekly magazine for and about the broadcasting industry, has a complaints log too, with information about where broadcasters, or complainants, have gone wrong.[41] The constantly expanding radio sector has had its own journal *The Radio Magazine*[42] for about 20 years. *Media Week*[43] covers a broader field from advertising and public relations news to commentary on print and broadcast content. For half a century, the *(UK) Press Gazette*, once weekly but now online with a monthly print edition, has offered knowledgeable commentary on journalistic practice, as do contributors to the NUJ magazine *Journalist*[44] both of which reach most newsrooms but not the general public.

The ›quality‹ newspapers do cover major media issues, but only *The Guardian* still runs a special section for media stories. The weekly *Media-Guardian* has often investigated and exposed media malpractice and has ensured that the issue of inappropriate news gathering techniques has become a *cause celebre* taken up by the broadcast media.[45] A former *Guardian* editor writes on media issues in *The Guardian*'s sister paper *The Observer* every Sunday. *The Independent* started its own rival pull-out section in 2004, but all that now remains is a weekly column and a media feature.

Since the 1960s, ›insiders‹ have supplied the fortnightly satirical magazine *Private Eye* with details of misbehavior by journalists and media executives. Numerous popular radio and TV programs have also lampooned the

40 Cf. http://blogs.channel4.com/thetvshow
41 Cf. http://www.broadcastnow.co.uk/news/regulation/complaints-log
42 Cf. http://www.theradiomagazine.co.uk
43 Cf. http://www.mediaweek.co.uk
44 Cf. http://www.thejournalist.org.uk
45 It includes a gossip column and media blog by former tabloid editor Roy Greenslade (http://www.guardian.co.uk/media/greenslade), now Professor of Journalism at London's City University. He also writes a media analysis column in the *London Evening Standard*.

media industry and journalists in particular.[46] Caustic analysis of broadcast output remains popular, and there are many long-running radio and TV shows that critique journalism with wit and affection.[47]

Over the years, books by journalists have exposed the conventions and aberrations of journalistic practice. Several have generated influential debates about standards, within the trade and among teachers of journalism and the general public. *What the Media are Doing to Our Politics* (2004) by John Lloyd, then editor of the *Financial Times* magazine, would lead to the creation of the Reuters Institute for the Study of Journalism[48] in Oxford, of which he became Director of Journalism in 2006. Another damning indictment of contemporary journalism, *Flat Earth News* (2008) by investigative journalist Nick Davies,[49] unsettled editors and readers alike. Davies set up a website and a blog to keep the debate going.[50]

Since 2003, medical doctor Ben Goldacre's ›Bad Science‹ column in *The Guardian* has been challenging »scaremongering journalists, dodgy government reports, evil pharmaceutical corporations, PR companies and quacks«. It is now a best-selling book (GOLDACRE 2008), with a website and a blog arguing for accuracy and common sense in health coverage.[51]

Media criticism is a popular academic discipline, but for the most part academic analyses tend not to reach the ears or consciousness of working journalists, not least because in-depth studies take time and are published long after the event, while journalists tend to live in the moment. The language of peer-reviewed, limited circulation academic journals is another barrier. Messages from academic research do occasionally make their way

46 *Drop the Dead Donkey* (CHANNEL 4, 1990–98) was set in a fictional TV newsroom and included storylines about personal and professional behavior fed in by working journalists. One spoof news program (*The Day Today*, BBC2, 1994) satirized the melodramatic approach of ›tabloid TV‹, and spawned the more hard-edged *Brass Eye* (CHANNEL 4, 1997) which trapped politicians and celebrities into recording sincere support and opinion about totally fictional social issues. A special edition about the hypocrisy of tabloid coverage of paedophilia generated thousands of complaints and was savaged by the very newspapers it had taken to task.

47 For example *The News Quiz* (BBC RADIO 4, since 1977); the TV version *Have I Got News for You* (BBC1, since 1990) attracts an audience of five million, about twice that of the related panel show *Mock the Week* (BBC2, since 2005). The BBC has also developed its own version of *The Bubble* (first broadcast in Denmark, Israel, Poland and Sweden) in which celebrities must distinguish between genuine and spoof news stories.

48 Cf. http://reutersinstitute.politics.ox.ac.uk

49 Research for the book, by Cardiff University, revealed that 80 percent of the stories in Britain's quality press mostly emanated from the public relations industry, with only 12 percent generated by journalists themselves (cf. http://www.mediawise.org.uk/display_page.php?id=999).

50 Cf. http://www.flatearthnews.net

51 Cf. http://www.badscience.net

into trade journals, invariably eliciting stout rebuttals from practitioners when the claims are highly critical. For over 30 years, the work of the Glasgow Media Group[52] has, for example, been capturing headlines with its forensic challenges to claims of impartiality in TV coverage of wars and industrial disputes.[53]

However few working journalists read *Ethical Space*,[54] the journal of the Institute of Communication Ethics, or *Journalism: Theory, practice and criticism*[55] which contains »both theoretical and empirical work and contributes to the social, economic, political, cultural and practical understanding of journalism«. Similarly, *Journalism Studies*[56] and *Culture, Media & Society*[57] are not considered required reading within the trade. The *British Journalism Review*[58] does tend to be read more by journalists, who make lively contributions to its blog, probably because it is produced by working journalists and those who have joined academia. It focuses on critical commentary about topical issues and stories, and has some industry sponsorship. Annual media events such as the Edinburgh International TV Festival[59] and the Oxford Media Convention[60] – both sponsored by *MediaGuardian* – provide crossover points where practitioners, their critics and analysts from academia can share insights.

It is hard to quantify the extent to which academia influences media practice, but in recent years concern about journalistic standards and regulation has given fresh impetus to research, and academia has sought ways of encouraging dialogue between members of the public, practitioners, students and researchers.[61]

52 Cf. http://www.glasgowmediagroup.org

53 Cf. for example: *Bad News* (Glasgow Media Group, Routledge and Kegan Paul, 1976); *More Bad News* (Glasgow Media Group, Routledge and Kegan Paul, 1980); *Really Bad News* (Glasgow Media Group, Writers and Readers Co-operative, 1982); *Bad News From Israel* (Greg Philo and Mike Berry, Pluto Press, 2004).

54 Cf. http://www.communicationethics.net/espace

55 Cf. http://jou.sagepub.com

56 Cf. http://www.tandf.co.uk/journals/rjos

57 Cf. http://mcs.sagepub.com

58 Cf. http://www.bjr.org.uk/index

59 Cf. http://www.mgeitf.co.uk

60 Cf. http://www.guardian.co.uk/oxfordmediaconvention

61 The Reuters Institute for the Study of Journalism was established at Oxford University in 2006 expanding upon a long established international fellowship scheme for mid-career journalists and opening up research findings for public scrutiny through seminars and debates. In the same year, Lincoln University launched its Centre for the Study of Media Policy, Regulation and Ethics (http://www.lincoln.ac.uk/mht/research-mh/csmpre_default.htm), and the University of the West of England linked up with the journalism ethics charity MediaWise

4. Innovative instruments of media accountability

Readers' letters have long been a popular component of national and local papers, allowing readers to comment on the issues of the day and the way the publication has covered them. However, the editor has absolute discretion over which letters are published, and the PCC is unlikely to intervene unless there is clear evidence that a point of view has been deliberately misrepresented.

Wahl-Jorgensen (2002) argues that four simple rules determine acceptability – relevance, entertainment, brevity and authority – but other editorial judgments are involved. An editor may, for example, feel it is inappropriate to generate controversy, or consensus, among the readers. While criticism of editorial policy may not make it into print, it may be used to generate newsroom debate.

The arrival of online editions and the option to comment directly about news articles, features and opinion columns has changed the rules completely. An editor who decides to moderate comments before displaying them online is automatically deemed to have condoned its publication and thus may be considered liable for any consequences; but unmoderated feedback opens the door to the bigot and the unstable, requiring post-publication gate-keeping to remove comments that other readers find offensive.

Women and minority groups in the UK have long demanded fairer representation in the media, often with support from NUJ members.[62] Campaigns against racism in the media have greatly reduced the appearance of discriminatory language and stories in the press. Lobbying of broadcasters and policy-makers brought Welsh language and Scottish Gaelic program-

(http://www.mediawise.org.uk) to enhance its journalism provision and create opportunities for public debate and ›action-research‹. A similar approach has been adopted by the London College of Print and the London School of Economics which joined forces to create Polis (http://www.polismedia.org) the following year. Set up as »the place where journalists and the wider world can examine and discuss the media and its impact on society«, it runs public events and has a particular interest in civic participation and the ways in which new media is influencing journalism. In 2009, the University of Sheffield launched its Centre for Freedom of the Media (http://www.cfom.org.uk) to investigate abuses of press freedom, examine news media standards, and evaluate the role of free and independent news media in building and maintaining political and civil freedom.

62 The NUJ has specialist groups of elected lay members (Black Members, Disability, Equality and Ethics Councils) to offer advice on and devise guidelines for journalists.

ming to the mainstream media,[63] and pressure from disability groups[64] has ensured that an increasing proportion of broadcast material is now more accessible to the sight and hearing impaired. One of the best known sets of guidelines for journalists are those produced by suicide prevention agency The Samaritans.[65]

The use of awards for exemplary journalism has also been employed to encourage more informed, accurate and fair coverage. The Race in the Media Awards have been given since 1992 to recognize excellence in, and encourage more informed, coverage of race relations. The Mental Health Media Awards were first made in 1994, and campaigns to improve representation of mental illness in the media continue.[66] In 2005, the publication of the National Children's Bureau and The National Youth Agency, now called *Children and Young People Now,* launched an award scheme after monitoring negative stereotypes of young people in the press. A follow-up survey indicated improvements, and the awards became annual.[67]

From time to time, professional organizations mount campaigns to improve aspects of media content. In 2002, scientists and concerned citizens set up Sense about Science[68] to encourage more accurate and comprehensible media coverage and to provide media professionals with reliable expert opinions. In 2009, social workers linked up with the *Community Care*

63 Since 1977, the BBC has provided a Welsh radio service (http://www.bbc.co.uk/radiocymru/index.shtml) and by 1982 there was a dedicated Welsh language TV channel (http://www.s4c.co.uk). Lobbying for Scottish Gaelic broadcasting services also succeeded and since media reforms from 1990 onwards a fund managed by the Gaelic Broadcasting Committee (Comataidh Craolaidh Gaidhlig) has ensured up to 200 hours of Gaelic television programs, delivered largely by the BBC (http://www.bbc.co.uk/radionangaidheal and http://www.bbc.co.uk/alba).

64 Like the disability rights network RADAR (http://www.radar.org.uk), the Royal National Institute for the Blind (http://www.rnib.org.uk), and the Royal National Institute for the Deaf (http://www.rnid.org.uk).

65 Cf. http://www.samaritans.org/media_centre/media_guidelines.aspx; the shorter MediaWise guidelines produced in consultation with suicide prevention agencies and journalists' unions have also been commended (http://www.mediawise.org.uk/display_page.php?id=171).

66 There was a ›watershed moment‹ in September 2003 when the first edition of Britain's largest selling daily *The Sun* ran a front page headline ›Bonkers Bruno Locked Up‹ about the mental health problems of popular former heavyweight boxing champion Frank Bruno. There was instant uproar and the tone of the story changed dramatically for the second edition, under the new headline ›Sad Bruno in Mental Health Home‹ (cf. also http://www.time-to-change.org.uk/home or http://shift.org.uk/mediahandbook).

67 Cf. http://www.cypnow.co.uk/BigIssues/Details/48990/positive-images-awards

68 Cf. http://www.senseaboutscience.org.uk

magazine to demand more accurate and balanced coverage,[69] after a series of sensational stories vilifying what they do.

Civil society groups have often challenged what they regard as ›abuses‹ of press freedom and the impunity of the print media. Most have sought to build links between those who supply the news and the citizens who rely upon them, but these initiatives are seldom welcomed by media executives. One of the longest established is the National Viewers‹ and Listeners‹ Association (now called Mediawatch), founded in 1965 by moral crusader Mary Whitehouse to ›clean up TV‹. It campaigns »for socially responsible broadcasting and against content that is offensive and harmful, for example violence, swearing and pornography«.[70]

The Campaign for Press & Broadcasting Freedom (CPBF)[71] grew out of the trade union movement but has broadened its base to include civil society groups and academics. Focusing on issues of ownership and control, media policy, representation and accountability, its newsletter *Free Press* has been going for 30 years. The CPBF supported parliamentary efforts to introduce a right of reply and set up an Independent Press Authority, and members backed the ›victims of media abuse‹ who set up PressWise (now The MediaWise Trust[72]) in 1992.

MediaWise helps people with complaints about print or broadcast journalism and engages in combative public debate about journalism ethics and regulation.[73] It has worked with marginalized groups to improve representation and developed ethics training and guidelines for journalists in the UK and internationally.

69 Cf. http://www.communitycare.co.uk/Articles/2009/07/06/110960/stand-up-for-social-work.htm

70 Initially regarded as reactionary and marginal, Whitehouse's tenacity earned grudging respect and coverage and her concerns began to be taken more seriously. It changed its name to Mediawatch UK (http://www.mediawatchuk.org.uk) in 2001, but its 2008 petition calling for less violence in the media gained only 2,112 signatures. A similar Christian ›peaceful protest‹ body, Mediamarch, was set up in 1999. Primarily concerned with protecting children from harmful media influences, it lobbies for tougher regulation and in 2010 announced a name change to Safermedia (http://www.mediamarch.org.uk).

71 Cf. http://www.cpbf.org.uk

72 Cf. http://www.mediawise.org.uk

73 In the UK, MediaWise has worked with asylum-seekers and refugees, disability groups, gays and lesbians, gypsies and travelers, mental health users, prisoners' families, single parents, suicide prevention agencies, youth organizations, and victim support groups to improve representation in the media. As its key activists are journalists, it also works with the NUJ, the International Federation of Journalists and UN agencies to improve coverage of human rights, governance and health issues internationally.

The Voice of the Listener & Viewer (VLV),[74] founded in 1983 by Jocelyn Hay to represent »citizen and consumer interests in broadcasting«, promotes quality and choice, defends public service broadcasting values, and issues annual awards for excellence in broadcasting. VLV conferences have become an influential conduit for exchanges between program-makers, media executives and their audiences. It enjoys a very positive relationship with mainstream broadcast media, as does The Media Trust,[75] set up in 1992 to link media organizations and the ›third sector‹. The Trust helps charities and community organizations to improve their communication skills and is supported by mainstream media companies and leading journalists. It also runs the digital TV Community Channel highlighting the work of charities and has produced guidebooks on social issues with the Society of Editors.[76]

More rarefied accountability projects like Medialens,[77] set up in 2001 to ›correct the distorted vision of corporate media‹, operate largely online, applying Herman and Chomsky's ›propaganda model of media control‹ to critique articles and suggest how activists might respond. Their two books (EDWARDS/CROMWELL 2006, 2009) have excited controversy within the media, and they claim over 32,000 subscribers.

More academics and journalists formed Spinwatch,[78] in 2004, to monitor the influence of corporate public relations on the media, to campaign for a register of lobbyists, and to promote investigative reporting. Their wiki-site cataloguing PR firms, activist groups and government agencies was shut down by its webhost amidst controversy in June 2010 but relaunched almost immediately as Powerbase.[79]

A similar scheme detailing the vested interests of journalists[80] is run by the Media Standards Trust (MST).[81] Set up in 2005 by leading figures in the media, law and business to promote high standards in journalism, it lobbies for reform of the PCC[82] and seeks to identify the provenance, his-

74 Cf. http://www.vlv.org.uk
75 Cf. http://www.mediatrust.org
76 Cf. for example http://www.societyofeditors.co.uk/userfiles/file/Reporting%20Diversity.pdf
77 Cf. http://www.medialens.org; it offers ›Media Alerts‹ critiquing articles and suggesting how activists might respond, and online discussion groups in the hope that their website »will help to turn bystanders into compassionate actors«.
78 Cf. http://www.spinwatch.org
79 Cf. http://www.powerbase.info
80 Cf. http://journalisted.com
81 Cf. http://mediastandardstrust.org
82 Cf. http://pccwatch.co.uk

tory and sources of online journalistic material through the Transparency Initiative.[83]

Other groups have tried to influence the behavior of journalists as individuals,[84] while many special interest groups now monitor print and broadcast output for evidence of bias, notably those seeking to demonstrate partisanship in coverage of the Middle East.[85] Two global networks, Redress[86] and Arab Media Watch,[87] keep an eye out for pro-Israel bias in the UK media, and since 2006, Honest Reporting[88] has been functioning in the UK. Like the American and Canadian versions they »monitor Mid-east media bias and ensure that Israel receives fair worldwide press coverage«. In 2008, a team of journalists and academics set up Just Journalism,[89] to develop a more neutral approach to assessing UK media coverage of the Middle East and encourage debate about bias, accuracy and accountability.

Accusations of media Islamophobia have been made against both print and broadcast media, especially since 2001. Numerous Muslim groups,[90] such as Engage,[91] which aims to get British Muslims more involved in mainstream politics and the media, now monitor UK media coverage and intervene. Meanwhile both Hindus and Sikhs[92] in the UK have complained that Muslims get disproportionate media coverage.

All these groups can now seek to influence the political and media agenda through the Internet. Online political correspondent Andrew Sparrow (2010) has said: »If journalism is the first draft of history, live blogging

83 Cf. http://valueaddednews.org

84 The International Communications Forum (ICF, http://www.icforum.org), set up in 1991 and inspired by the Moral Rearmament Movement, brings working and trainee journalists together to discuss ethical issues. It has links with the Next Century Foundation (NCF, http://www.ncfpeace.org) which encourages links between Arab and non-Arab journalists, makes annual awards and promotes a media ethics code. Global Tolerance, a training and advocacy agency which seeks more even-handed media coverage of religions (http://globaltolerance.com) also has links with ICF.

85 In 2004, the BBC commissioned an internal review to investigate perennial complaints about pro- and anti-Israeli bias, but the Balen Report found no evidence to support the allegations, although the full version has never been published (cf. REVOIR 2007; BBC 2010).

86 Cf. http://www.redress.cc/about

87 Cf. http://www.arabmediawatch.com

88 Cf. http://www.honestreporting.co.uk

89 Cf. http://justjournalism.com

90 For example, Muslimah MediaWatch, a team of women bloggers who comment on representation of Muslim women in the media (http://muslimahmediawatch.org).

91 Cf. http://www.iengage.org.uk

92 The Network of Sikh Organisations campaigns for better understanding of Sikhism through the media (http://www.nsouk.co.uk).

is the first draft of journalism«. During the 2010 general election campaign, he and his colleagues produced a daily weave of news digests, commentary and links to news sources and services. By the end they were attracting 2 million daily page views from 335,000 unique users.

With a potential readership ranging from the miniscule to the mind-boggling, bloggers have many new ways of holding the news media to account. Via the ›blogosphere‹, individuals can instantly tell their own versions of events they have witnessed, comment on the news presented by the mainstream media, critique the analysis of other ›experts‹ or simply offer their opinions.[93] Some have shown they have the power to influence the news agenda of the mainstream media. The one with the best known take-up rate is that run since 2004 by ›Guido Fawkes‹.[94]

One of the first of the ›citizen blogs‹ looking at the mass media was *Mailwatch*,[95] which focused on the mid-market tabloid *Daily Mail,* celebrated for its concern with the values and anxieties of the mainstream middle-classes. The blog mixes researched articles deconstructing media stories and discussions about the front pages of both the *Daily Mail* and the *Daily Express*. A similar approach has been adopted by *Five Chinese Crackers*[96] who also began his blog in 2006, explaining: »Complaining to the PCC is no good, because they're only there to excuse the papers, and can be just as misleading in their defences«.

Since 2007, many more ›citizen blogs‹ have emerged to highlight and deconstruct the stories, attitudes and actions of the mainstream media.[97]

93 The Trades Union Congress (TUC) has launched an ingenious ›informal‹ blog (http://www.touchstoneblog.org.uk) to highlight »policy issues that are in the news, or ought to be«. It includes items from external ›guests‹ in the hope that the mainstream media will also quote the TUC's favored experts.

94 Cf. http://order-order.com; like the eponymous Catholic plotter who tried to blow up parliament in 1605, the political blogger behind it is committed to exposing »plots, rumours and conspiracies« and has a successful record of launching stories about »political sleaze and hypocrisy«. He caused a political storm in September 2010 by spreading rumors of an improper relationship between the Foreign Secretary and one of his male aides (cf. CHAPMAN 2010).

95 Cf. http://www.mailwatch.co.uk; on its home page *Mailwatch* reminds visitors: »We are not here to hate readers of the *Daily Mail*. We are here to show them they are being lied to«.

96 Cf. http://www.fivechinesecrackers.com

97 These include *The Daily Quail* (http://www.dailyquail.org) which mimicked tabloid excesses until 2010, and *The Sun – Tabloid Lies* (http://the-sun-lies.blogspot.com) (both launched in 2008), *Tabloid Watch* (http://tabloid-watch.blogspot.com) and *Angry Mob* (http://www.butireaditinthepaper.co.uk) which both began on the same day in February 2009, and *The Media Blog* (http://themediablog.typepad.com). Other ›media watch‹ blogs include *Exclarotive*, *Press Not Sorry*, *Minority Thought*, and *Atomic Spin*, all started in 2010. Anton Vowl, the anonymous writer of http://enemiesofreason.co.uk (active since 2007), says: »A lot of debate is closed off to the

It is difficult to know whom such bloggers hope to influence, and whether anyone within the media takes them seriously. There have been no authoritative studies about the influence of these blogs, and their following is small in comparison to newspaper readership.[98]

However, on occasion the web has proved itself a powerful weapon in challenging press excesses. In November 2009, 25,000 people complained to the PCC over a homophobic column in the *Daily Mail* about the death of pop star Stephen Gately, after links to the article and to the PCC had been circulated on *Twitter* and *Facebook*. As a result it was the most complained about story in British newspaper history, demonstrating the power and speed of the ›blogosphere‹ in challenging the media and eliciting responses. The PCC rejected these complaints, but had to attend public meetings to justify its controversial decision. Meanwhile the *Daily Mail* removed all advertising from the online column page once people started emailing complaints to the companies featured.

Similarly, more than 11,000 people signed an online petition criticizing the Scottish *Sunday Express* for a front page story ›Anniversary Shame of Dunblane Survivors‹ based on information gleaned from the social networking sites of young people now over 18 years old who had survived the shootings at their primary school in 1996 which left 17 dead. The *Sunday Express* took down the offending article and apologized, long before the PCC found against the paper, noting the impact of this online response.[99]

In May 2010, *Twitter* highlighted criticism of actor Danny Dyer, the ›agony uncle‹ of weekly men's magazine *Zoo*, who had advised a single man to »cut his ex's face, so no one will want her« in his column. Dyer said he'd been misquoted. The magazine apologized and blamed a ›production error‹. Through *Twitter*, the story was picked up by mainstream

likes of me and you; we‹re not allowed to ›have our say‹, even though there's a veneer of being allowed to. And that's frustrating. And that was another motivation for starting a blog up about the media – to try and provide another voice. Not to correct, or to change, anything. Just to provide another voice«. In a first anniversary post, *Angry Mob*'s Kevin Arscott wrote: »I don‹t hold out a huge amount of hope that this blog will ever succeed in making a massive difference to the thought-patterns of beliefs of the average *Daily Mail* reader. However, I do think it helps to point out some of the most blatant lies or atrocious ideas or hatred published by the paper because this blog then forms part of a growing social media that rejects the values of the *Daily Mail* and the other tabloid newspapers«.

98 At the time of writing, *Enemies of Reason* had over 6,100 followers on *Twitter*, *Tabloid Watch* over 4,700 and *Angry Mob* over 2,000. Also on *Twitter* is ›@badjournalism‹ with more than 25,000 followers.

99 For background, cf. http://en.wikipedia.org/wiki/Sunday_Express_Dunblane_controversy, PCC adjudication is at http://www.pcc.org.uk/news/index.html?article=NTc5Mg==

media organizations, and within a week the magazine announced that Dyer's column was to be dropped.

Numerous mainstream journalists-turned-bloggers also use the web to cast an eye over media matters and misbehavior.[100] They are exponents of a new type of media accountability, using the blogosphere as a virtual mirror to reflect back instantly upon media products and assist audiences to draw their own conclusions about the veracity and motivation of their colleagues.

5. Conclusions

Press freedom and media regulation are ›hot topics‹ in the UK where the tension between license and responsibility, the public interest and the interests of the public, and between privacy and the right to know are the focus of public debate.

Most journalists and editors argue that the law and regulation impose too many constraints upon them; civil society groups and individuals damaged by unethical conduct say that media professionals do not show enough self-restraint. There is confusion about what standards should prevail where. The PCC self-regulates online newspaper sites, most of which now contain their own or bought in TV content and podcasts. Why impose restrictions on other forms of broadcast journalism, if there can be partisan, opinionated web-casts online, the argument goes.

With the spectrum scarcity argument for regulation no longer sustainable and audiences being offered near inexhaustible choices via cable, satellite and the Internet, the days of formal media regulation may be numbered. Media companies with print, broadcast and online delivery platforms would prefer market forces to prevail, relying upon their commitment to their brand and their customers' freedom to choose as the only guarantees of quality the public need.

Critics of deregulation worry that commercial media companies are too powerful already, and believe it unlikely that any government would dare risk limiting the freedoms currently enjoyed by the press. After each sensational example of press inaccuracy, insensitivity or intrusion, sabers

100 The best known and perhaps most influential is the *Guardian*'s Roy Greenslade (http://www.guardian.co.uk/media/greenslade). Former *Press Gazette* reporter Jon Slattery (http://jonslattery.blogspot.com) also highlights developments in media practice, while Martin Stabe writes about online journalism and new media (http://www.martinstabe.com).

are rattled and stentorian voices raised about statutory controls, but self-regulation remains firmly in place.

However, the all-pervasive influence of media on public discourse is problematic in an open, participatory democracy, especially when media content and delivery systems are controlled by a company as large as Rupert Murdoch's global News Corporation. He already owns four of the top selling UK national newspapers and has a 39 percent stake in BSkyB, the largest digital pay-TV service which reaches a third of all UK households. Political party leaders court his support, and those his papers have backed have won power. Now cross-media ownership rules are to be relaxed, he can only strengthen his reach. At the time of writing, NewsCorp was bidding to take over BSkyB.

There is no longer a unified audience relying upon dedicated public service broadcasters for information, entertainment and education. Multiple delivery platforms have fragmented society into niche markets; and the Internet, considered virtually impervious to regulation, speaks to a mass audience but as individuals. While truly equal access requires sophisticated levels of media literacy, the spread of the Internet could represent the ultimate democratization of the media. No-one may have the time and energy to absorb or even filter all the news and views available online, but now citizens may select, compare and contrast media products, reject or respond to them, and even make and contribute their own. Perhaps the ›noise‹ of the blogosphere may drown out the power and the influence of the mainstream media once and for all.

EPP LAUK / MARCUS DENTON

Assessing media accountability – in Europe and beyond

There is a saying that goes: ›Everything new is actually old and well forgotten‹ or at least has parallels with the past. Along with ownership concentration and increasing political and economic influence of the media companies in America, as early as in the 1940s, the media's social role in a democratic society became a topical issue. The Report of the Hutchins Commission in 1947 outlined the ›social responsibility theory‹ that emphasized a moral obligation of the ›agencies of mass communication‹ to prioritize the needs of society when making editorial decisions. The report also very clearly stated that only responsible performance can guarantee these agencies the freedoms they are granted in a democratic society: »If they are irresponsible, not even the First Amendment will protect their freedom from government control. The amendment will be amended« (HUTCHINS COMMISSION 1947: 80). Today we witness global developments that foster the ever-increasing power of the media: concentration of the ownership into a few big holdings; prevalence of the market logic over the public service ideals; and liberalizing market and regulation policies. The technological revolution of recent decades has created a whole new online media world that severely challenges the ›traditional‹ media world. The media have become an independent branch of industry that operates according to the rules of entrepreneurship and commercial management. At the same time, the media in democratic societies enjoys freedoms and privileges that other industries do not: a constitutionally protected free-

dom of expression; legally guaranteed access to information sources and source protection; the right to investigate the activities of government and politicians, etc. Therefore, it is fair to expect that these privileges and freedoms are used responsibly in the interests of society and democratic development. The social responsibility concept urges the media to define the standards of ›proper conduct‹ in order to serve the ›common good‹. Responsibility in practice refers to ›accountability‹ – »the process by which media organizations may be expected or obliged to render an account of their activities« (PRITCHARD 2000: 2) to society. What then are the means at society's disposal to ensure this process is taking place and having an effect?

The current collection of reports on media accountability enables a comparison of the situation in 13 nations, each of which has a different political, cultural and societal background and media environment. The reports present a variety of existing types of media accountability instruments (MAI) with varying degrees of influence in particular media systems. The reports also make it possible to compare how the media accountability concept is implemented in one country or another, what circumstances advance or impede the efficacy of the MAIs, and how the new technology has broadened the choice of instruments of accountability.

The following is an attempt to make a step from comparative descriptions towards an explanatory comparison, using some crucial aspects related to media accountability as comparative dimensions. One central issue about how to hold the media accountable is *the degree and forms of state involvement* in regulation. Co-regulation is an often suggested and discussed option, in which the statutory regulation is complemented with the participation of non-state actors. An important indicator for comparing media systems is professionalism (cf. HALLIN/MANCINI 2004), which is most clearly exhibited in the *self-regulation process*. Inseparable elements of media accountability are *responsiveness* to the audiences, and *transparency* of editorial and publishing processes as well as of business activities. The importance of the *participation of civil society actors* in ›watching the watchdog‹ is increasing along with the gradual relaxation of state involvement.

As both the concept and the traditional formats of implementation of accountability come from the ›liberal‹ (or ›Anglo-American‹) professional ideology, an intriguing question arises about the adaptability of the MAIs in countries with dissimilar journalism cultures.

Degrees of state involvement and ›light touch regulation‹

How much and in which way should the state regulate the media has frequently been discussed by media professionals, politicians, researchers and the public. The answers differ according to countries' political systems, levels of the development of political and media cultures, the strength of civil society and maturity of civic culture. The EU media policy is generally directed towards ›light touch regulation‹ (DRAGOMIR/THOMPSON 2008: 18) aiming at reducing legal regulation and state involvement.

The role the state plays in media regulation remains a controversial issue. On one hand, the state constitutionally guarantees the media the freedom of expression for the sake of democracy. On the other hand, the state imposes laws and regulations that – for the sake of democracy – restrict this freedom. McQuail (2003b: 91) calls it »controlling free media« necessary for balancing the media industry's powerful corporate interests with public interest. Societal and technological changes and shifts in global political economy have, however, made balancing these contradicting interests increasingly difficult. Large media conglomerates are always interested and able to influence state media policy and defend their privileges.

Liberalizing market and regulation policies contribute to the diminishing of the role of state, and consequently, the importance of self and co-regulation is increasing. From a public-policy point of view, self and co-regulation cannot completely replace traditional state intervention, but can complement it offering alternative modes of regulation (cf. LATZER 2007).

Co-regulation occurs where non-state regulation is included into the state's regulatory practices. Co-regulation combines state and non-state regulation in certain specific ways (within a framework created by the state). Thorsten Held (2007: 357) outlines four criteria, which express this combination and define co-regulation: (1) the system is established to achieve public policy goals targeted at social processes; (2) there is a legal connection between the non-state regulatory system and the state regulation; (3) the state leaves discretionary power to a non-state regulatory system; (4) the state uses regulatory resources to influence the outcome of the regulatory process (to guarantee the fulfillment of the regulatory goals). It is important that »the state leaves discretionary power to the non-state regulation. Otherwise, there would be no real division of work between the state and the non-state side« (ibid.).

Elements of co-regulation are most often found in broadcasting regulation, especially concerning public broadcasting (where the state takes responsibil-

ity for establishing the framework that enables public broadcasters to fulfill their public service obligations). The state can also be involved in setting up and (directly or indirectly) subsidizing press councils and ombudsman institutions. The extent of the ›division of work‹ between the state and the non-state side varies in different countries. Regulatory bodies such as Ofcom in the UK, UBI in Switzerland and the Rundfunkräte of the ARD-members in Germany may serve as exemplary cases of ›light touch‹ regulation, where the ›non-state side‹ has large discretionary powers (and high levels of responsibility). In Finland, the Netherlands, and Austria, the state directly or indirectly part-finances the press councils, but does not intervene in their activities.

Estonia seems an extreme among the countries included in this book, in that the only regulatory body the state is involved in is the Estonian Broadcasting Council (supervising exclusively public broadcasting). A special regulatory body does not exist for commercial broadcasters, neither is there any special legal regulation for the press. In Italy and Poland, the non-state actors have fewer possibilities to participate; Romania, Jordan and Tunisia do not fill the criteria of co-regulation. Implementation of the regulation, in which private actors are incorporated through self and co-regulation, paves the way of the shift to ›media governance‹.

Self-regulatory initiatives of the media industry

The European Audiovisual Media Services Directive (AVMSD)[1] clearly promotes self-regulation initiated by the industry, calling the media organizations to introduce »the measures aimed at achieving public interest objectives« (AVMSD, art. 36). The idea of self-regulation is that the news organizations take the initiative for formulating and imposing professional guidelines and standards of ›good journalism‹ (e. g. in the format of codes of ethics), and set up the bodies to monitor and watch how these guidelines are followed. They also possess (limited) punitive measures in cases of a breach of the rules. Self-regulation, as a concept, clearly aims at ensuring quality of journalistic performance in serving the public interest. The major incentive for self-regulation from the perspective of the media industry, however, is not serving public interest but avoiding state intervention. There is no harmony between public interest and media industry's business interests, and consequently, some critical questions arise: What makes these self-imposed standards and rules

1 Cf. http://ec.europa.eu/avpolicy/reg/tvwf/index_en.htm

compulsory enough to take reasonable effect? What would provide self-regulatory bodies with sufficient prestige and authority, so that the news media and journalists would voluntarily respect them? What prevents the media organizations from using self-regulation as a blind, behind which they can pursue their economic or other private interests?

The reports in this book give clear evidence of the importance of these questions in the practice of media regulation. Self-regulative press councils, in one form or another, exist in seven of the 13 countries (Austria, Estonia, Finland, Germany, the Netherlands, Switzerland, the UK). According to the reports, the Netherlands' Press Council has a relatively high prestige among the news media. More than 80 percent of all media co-operate with the Council and agree to publish its adjudications and statements. The Council makes an effort to be visible in public and promote a public media-critical debate. However, the criticism towards the Council brings forth the same problems that were presented above: it is still easy for media to ignore the Council – not to respond to its requests, not to publish decisions etc. The Council has no power of legal sanctions to force the media to obey the rules.

Another relatively influential Press Council exists in Finland. Although also strongly criticized for being ›toothless‹ and having insufficient authority, it is still respected by all news media and the public. In comparison with other countries in this book, the Press Complaints Commission (PCC) of the UK seems to have the widest influence and visibility among the media and the public. In addition to dealing with people's complaints, the PCC holds public meetings and hearings, provides in-house training for journalists, advises the public how to make complaints and makes efforts to explain how the Code of Ethics is interpreted. Guidelines for editors are consulted with the public and revised annually. The PCC, however, only deals with a very small percentage of the complaints it receives (less than ten percent of the annual total).

Estonia has two parallel press councils and neither of them has much authority among the media organizations. The mainstream media, which co-operates with the Newspaper Association's Press Council (ENAPC), do not recognize the ›first-born‹ Estonian Press Council (EPC). At the same time, the journalists' association recognizes the EPC as a self-regulation body for journalists (the majority of whom are at the same time employed by the member organizations of the ENAPC). Access of the EPC (which also represents civil society organizations) to the mainstream media is blocked. The Estonian case (pp. ????) exemplifies an important problem regarding self-regulation.

The framework of a completely unregulated media market and the non-existence of any kind of press or media law (except two Broadcasting Acts) favors market-focused operational logic, media empire building and cheap production (cf. BALČYTIENE 2009). This situation enables the media elite to use self-regulation in their corporate interests. ›Top people‹ – managers, publishers and owners – decide about the character and interpretation of professional standards, »supplanting professional with corporate solidarity and ethics, and asking the rank and file to reconcile themselves to an often highly conditional form of ›in-house-censorship‹ in order to avert pressure from the state« (RICHTER 2007: 297). As a consequence of the combination of business controlled self-regulation and ›non-regulation‹, the power of the media increases to an extent where they start blocking unfavorable voices and practicing ›reversed censorship‹ – censorship that does not limit what the media say, but what society says about the media (cf. LAUK in print).

The reports on these 13 countries also demonstrate that journalists comply more willingly with internal self-regulatory means – in-house codes, guidelines, ›readers' editors‹ or in-house ombudsmen etc. – than with general codes and external self-regulation bodies. In some cases, in-house forms are successfully used for communicating with the audiences and dealing with their complaints. The *Guardian*'s practice of using an in-house ombudsman for making editorial policy more transparent and responding to the readers' complaints and requests appeared more effective than the activity of the PCC (p. ???). This is a very clear example of the importance of the news media's responsiveness to the people's reactions and opinions in promoting self-regulation.

Important preconditions, for the press councils' abilities to achieve greater respect and authority among the public, are the degree of their openness to civil society and the transparency of their activities. The councils, which consist mainly of publishers and owners, gain little trust among the wider public (as for example, Estonia's ENAPC). Incorporating representatives of NGOs and other civil society groups and initiatives into the activities of press councils raises their credibility as instruments serving public interest (as for example, the Netherlands' case confirms).

›Responsiveness‹ – the way to meaningful dialogue

Accountability comprises both media's responsibility regarding society, and ›responsiveness‹ – listening to and considering the public (cf. D'HAENENS/

BARDOEL 2004). ›Responsiveness‹ refers to an ongoing dialogue and debate between the media professionals and their audiences, as well as to a readiness to explain the motives behind editorial decisions, to justify argumentations etc. Since the tendency towards less regulation and a more competitive market increases the media professionals' responsibility for the quality of the content, they should take initiative in activating such debates and maintaining them. How successful the media are in doing this largely depends on both a particular journalism culture and the maturity of civic culture. Public dialogue definitely needs active participation of the audience members, be they ordinary readers/viewers, people with a special interest in the media, academics or other specialists. A degree of competence in media literacy among the public is also vital.

An established tradition of media-critical debate exists and a variety of forms of responsiveness simultaneously operate in the countries with a high level of journalistic professionalism. Ombudsmen (for the press, broadcasting or both) exist in Austria, Germany, the Netherlands and the UK; Readers' Advisory Boards/Councils (in Austria and Switzerland) and correction corners or boxes in the newspapers (Germany, the Netherlands) complement regular media-critical pages in the quality newspapers (the UK, Germany, Switzerland, the Netherlands). Publishing letters-to-the-editor is common in most of the countries under consideration, but the letters-*from*-the-editor (in the Netherlands) are quite an exception. ›Media conventions‹ (e. g. in the UK), where groups from the public, journalists, media researchers and managers exchange their views and opinions, demonstrate another way of activating direct relationships with audiences.

In the countries without such a tradition of public dialogue, combined with a low level of journalistic professionalism (Estonia, Poland, Romania, Jordan, Tunisia), media-critical issues are discussed sporadically if at all. Critical scrutiny is often received as an offence from a competitor, and admitting and excusing the errors as damage of the outlet's reputation.

Virtual space has become increasingly used for the media/audience dialogue. The most popular forms are the users' comments to the articles, and online discussion platforms (not available in Tunisia). Mostly, the users can comment anonymously, but some platforms may also require identification. Journalists' blogs probably reflect the insiders' views most clearly, though the readership of these blogs still seems quite limited. As an innovative form of responsiveness, an online Council of Ethics (Ethikrat) is operating in Germany. The blogosphere will probably increasingly pro-

vide the public and journalists with tools for monitoring the media and with channels for feedback in both directions – from the news media to the public and *vice versa*.

Within the regimes with limited freedom of the press and speech, the Internet may serve as the only way to establish transparency and to transmit information about the issues of media business, about violations of professional ethics or harassment of journalists. The Jordanian website *sahafi.jo* reports and analyzes journalism and media issues not only in Jordan, but also in other Arab countries, being the first and so far the only comprehensive media-critical resource in the Arab world.

Robustness and quality of media-critical debate are closely related to the practice of transparency, which is not a voluntary kindness of the news organizations, but the openness forced by laws, professional conventions and norms, citizens' pressure groups and civil society initiatives. If external pressure is missing, the media easily ignore the transparency requirement, although they demand transparency from all the other institutions in society. The online community radio AMMANNET in Jordan serves as an exemplary case of the attempt of advancing transparency by requesting the audience to give constant feedback on its work (p. ??). The BBC's Editorial Guidelines online, accessible to anyone interested, are another demonstration of transparency. In most occasions, however, editorial guidelines and stylebooks are still regarded a business secret and kept shut away from the outsiders' eyes.

The role of civil society

›Responsiveness‹ also presupposes active civic engagement and audience's feedback. For the sake of democracy, it is vital that the media enable people to realize themselves as actively debating citizens. In addition to self and co-regulation, the European Audiovisual Media Services Directive emphasizes civic engagement and media literacy as an important means for counterbalancing the media's business interests. Strong civil society structures contribute to public control by creating conditions where written and unwritten ethical standards and principles can take effect and journalists cannot ignore them (cf. LAUK 2009). Civil society is not part of the state or private business. Civic engagement is based on voluntary participation and a heightened sense of responsibility to one's communities. Civic engagement appears as »individual and collective actions designed to identify

and address issues of public concern« (as defined by the American Psychological Association[2]), which the quality of media content and performance definitely are. Due to new technologies and the increasing media skills and awareness, the *citizen* is, more than ever before, becoming an active participant in the mass communication process (cf. BARDOEL/D'HAENENS 2004).

Civic initiatives, which focus on holding media accountable, can take a variety of forms, the common denominator of which is *critical scrutiny*. Claude-Jean Bertrand (2008: 149ff.) has listed 110 non-governmental means for inducing media and journalists to follow the rules of responsible journalism. A number of these means are based exclusively on civic engagement, which clearly indicates its great potential within the media accountability framework. The influence of civil society is, however, noticeable only where the structures and motivation for participation of citizens in media-critical activities and debates exist, and where the state's regulatory policy (directly or indirectly) contributes to civil actions. Citizens' pressure groups and associations are the most popular forms of the ›bottom-up‹ activism concerning critical scrutiny of the media content and performance. The Internet has offered an invaluable platform for making these initiatives more visible and better known as the current reports clearly confirm. Some form of accountability-related online civic activism does exist in all 13 countries, and again – they are more influential in the countries with higher journalistic professionalism and advanced civic culture: Austria, Germany, the UK and the Netherlands. In Italy, some citizen blogs exist, which are targeted on ›watching‹ particular newspapers; in France a media-critical Internet association (ACRIMED) has been established; in Finland, online petitions and *Facebook* pressure groups are gaining popularity. Innovative online MAIs enable civil society groups and individuals to develop an efficient means of accountability – a ›hit-them-in-the-pocket‹ strategy, the ability to remarkably reduce or hold back the media outlets' profit. Boycott campaigns and campaigns for canceling subscriptions, launching public petitions etc. as a response to breaches of good journalistic standards alert the news organizations to the possible loss of reputation, and consequently, falling sales numbers.

As the examples of the Dutch *Telegraaf* (p. ??) and the Scottish *Sunday Express* (p. ??) demonstrate, massive responses by audiences and online petitions with a critical mass of signatories can get news organizations

2 Cf. http://www.apa.org/education/undergrad/civic-engagement.aspx

reacting quite quickly. Probably, ›stop advertising‹ online campaigns have an even stronger effect, since they directly influence the economy of the media outlet. »Media that people accept and support will survive and thrive; media that people dislike or reject will suffer and die« (MERRILL 1989: 12).

Also several other examples in this book confirm the potential of innovative MAIs and social media online to become efficient tools for raising media's respect towards civil society groups and their interests, to the extent that the media cannot ignore them.

Implementation of the concept of media governance by incorporating civil society into active participation in the media regulatory process would positively contribute to balancing market-oriented interests with public interest. »Civil society, which so far only appeared in the role of the audience, is participating in media governance processes alongside established stakeholders such as media organizations, economic interests, and state authorities« (MEIER/PERRIN 2007: 338).

Media governance

Media governance is a concept that aims at a wider inclusion of civil society to participate in the process of ›watching the watchdog‹. Media governance is supposed to mediate conflicting interests of the media business, journalists, civil society, political and cultural institutions, and state authorities »by creating a platform which empowers previously neglected stakeholders, mainly civil society, and at the same time encourage the state and media organizations to assume their obligations to society« (MEIER/PERRIN 2007: 337). Meier and Perrin suggest two types of media governance: (1) *public governance of media* focuses on the measures, which compel the media to serve public interest and civil society (primarily state media policy and legislation); (2) *media corporate governance* includes corporate rules concerning conduct of the management in relation to newsrooms and civil society; internal management of media organizations; mission statements; and media coverage of concentration issues, of application of the management and of editorial rules etc. (ibid.: 338f.; for more details cf. MEIER/PERRIN 2007; PUPPIS 2007).

As far as the countries in this book are concerned, media governance in practical terms appears in the form of a combination of statutory and co-regulation (e. g., the UK, Switzerland, the Netherlands), and to a greater

extent within broadcasting than the press. As Porlezza and Russ-Mohl (p. ??) argue

> »the implementation of media governance through forms of co-regulation concerning the license applications of electronic media have essentially exerted a positive influence on the quality of media products, even if there is still room for improvements.«

The country examples also indicate that a certain degree of state involvement in self-regulation seems necessary, especially in countries with less advanced journalistic cultures. Legitimate societal justifications for state intervention appear in the cases where self and co-regulatory mechanisms, for one reason or another, are unable to impel the media to meet accepted standards of ›good journalistic practice‹. Alternatively, a greater involvement of civil society in ›watching the watchdog‹ may reduce the necessity for state intervention. The media governance approach seeks a balance among various forces in the regulatory process and, therefore, may appear to be an option for both media and society, especially if »the economic imperative continues to assert itself over editorial and diversity objectives« (MEIER/PERRIN 2007: 342).

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The rationale for media regulation in democratic societies is to create conditions where the balance between serving the public interest and producing economic profit is under constant public attention, and the media contribute to the critical discussion of their own performance. The creation of such circumstances is obviously the core issue of the concept of media accountability.

The reports in this book affirm that the issue is not so much about the existence of the MAIs in a particular democracy, but about their efficacy in regulating the media performance. Self-regulation, in practice acting with a minimum coercion and at a maximum voluntary basis, can only be efficient under the circumstances in which the media's voluntary conformity to accepted professional rules and standards appears inescapable. What are the ways to achieve this? In democratic societies, freedom of the press and speech limits the scope of statutory regulation. Consequently, solutions that would secure the media's commitment to public interest obligations can only take a form of certain compromises: combinations of statutory and non-statutory regulation. The proportions and specific formats can vary in different countries according to

national societal, cultural and economic backgrounds, as the current volume also demonstrates.

A comparison of the MAIs in these 13 countries enables the conclusion that the variety of the accountability instruments and their efficacy clearly depend on the level of the development of professional culture and the advancement of civil society and civic culture. The largest variety of MAIs can be found in the Netherlands, Germany, Austria, Switzerland and Finland – all representing the Democratic Corporatist Model, and in the UK, representing the Liberal Model. In these countries, the MAIs also have a relatively noticeable influence on media performance and a certain popularity among the public. France and Italy, representing the Polarized Pluralist Model, to a large extent rely on statutory and co-regulation, and have not introduced institutionalized self-regulation mechanisms. Estonia, Poland and Romania have gone through extremely rapid and thorough societal transformation, which still continues. Their experience of democratic media is yet too short for creating any durable journalism culture, neither are their civil society structures sufficiently developed to be able to influence the media to any palpable extent. Jordan and Tunisia demonstrate that in non-democratic regimes with limited media freedom the concept of media accountability does not work, although journalists make attempts to implement some kinds of accountability instruments.

The above categorization of the countries also clearly indicates that the ›traditional‹, institutionalized MAIs are better adapted in countries where the ›liberal‹ model of professional ideology is grounded. The new, ›innovative‹ online accountability instruments have emerged as a result of global technological advancement and, therefore, are not so clearly bound to any particular professional culture.

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