

2014

Journalism and the "Dark Arts" - A Comparative Study of British and American Media Ethic Codes Against the Backdrop of the British Phone Hacking Scandal

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JOURNALISM AND THE “DARK ARTS -”
A COMPARATIVE STUDY OF BRITISH AND AMERICAN MEDIA ETHIC CODES
AGAINST THE BACKDROP OF THE BRITISH PHONE HACKING SCANDAL

A Thesis

Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Master of Mass Communication

in

The School of Mass Communication

by
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August 2014

For mum and dad, Edward, my brother Anamik and his family

Acknowledgements

I would like to express my deep felt gratitude to my committee chair Dr. Amy Reynolds for her invaluable support, inspiration and encouragement over the past two years and showing me the exciting world of academia. I also would like to give a big thanks to Dr. Josh Grimm, Dr. Erin Coyle and Dr. Louis Day, for their encouragement, and support during my time at the Manship School of Mass Communication. Each one of them has been instrumental in guiding my research interests. I could not have asked for a better committee.

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Abstract

The British phone hacking scandal in 2011 raised questions about the influence of powerful media conglomerates, most notably, Rupert Murdoch's News Corporation, on the culture of the media and democracy on both sides of the Atlantic. Both American and British media are the world's leading examples of a free market press built on the same ideological foundations. This study argues that the phone hacking scandal calls for a revised and nuanced look at the differences and similarities between the American and British media systems. This comparative analysis uses British and American news media ethic codes as a unit of analysis. It undertakes a qualitative analysis using grounded theory of 48 American and seven British media ethic codes to get an indication of why one journalistic culture transgressed more than the other at the hands of the same media owners. These codes are also examined against the difference and similarities between the philosophical traditions, accountability systems and media ownership patterns of both countries. The analysis shows American ethic codes project a stronger sense of a journalist's duty to democracy, communities and to the media. Meanwhile, British codes place more of an emphasis on outlining the legal and ethical boundaries within which journalists should work.

Introduction

The revelation of widespread phone hacking and bribery within certain sections of the British press, most notably Murdoch-owned *News of the World*, revealed a deep-rooted ethical crisis in popular journalism and a malaise that gripped British public life. The government appointed judge Lord Leveson to chair a public inquiry, which examined the scandal in detail. Lord Leveson's inquiry produced a 2,000 page report based on testimonies from the rich and powerful in British public life, including former British Prime Minister Tony Blair, Rupert Murdoch, owner of News Corporation as well as victims of phone hacking including celebrities Sienna Miller and the parents of murdered teenager Millie Dowler. The report revealed a disturbing picture of British democracy under the influence of sycophantic relationships between politicians, the press and the country's most senior police officers. Most notably, Murdoch as owner of one of the world's leading media conglomerates, sat at the helm of this power circle. Subsequently, Leveson proposed the implementation of an independent press regulator with a new ethics code backed by a Royal Charter in October 2013.

Leveson also concluded that phone hacking was "far more than a covert, secret activity, known to nobody save one or two practitioners of the dark arts, yet it was illegal" (Leveson 2012, p30). The criminal investigation resulted in the arrest of one hundred tabloid news journalists including *News of the World* editor Rebekah Brooks and Andy Coulson, the former head of communications at Downing Street. At time of writing, Coulson was found guilty of conspiring to hack phones between 2000 and 2006 and could face a jail term of up to two years. He is due to face a retrial on charges of buying royal telephone directories from police officers, along with a former royal correspondent from the *News of the World*. Meanwhile, Rebekah Brooks was found not guilty. The evidence from the trial revealed that journalists at the *News of*

the World used “hacking” as a perfectly rational but entirely illegal way of standing up stories (BBC 2012). The implication that certain parts of the British media, most notably the tabloid press, granted itself immunity to the law and basic morals of right and wrong, when it came to harming the public.

Former *Sunday Times* editor Harold Evans states that Leveson fails to address the issue of media ownership as part of the problem. Concentrated ownership of the media has permeated the British media landscape since the nineteenth century. Currently, Rupert Murdoch’s News International accounts for 34 percent of the newspaper market. This figure would have increased if News International secured in winning the bid for British broadcaster BSKB (Eaton 2013). In his report, Leveson observes that Murdoch’s testimony during the inquiry, which touches upon favors and back scratching are “revealing as to the culture, practice and ethics of the press more generally, and far more so than simply in the circumstances, which he was then discussing” (Leveson Report 2012, p.31). Leveson’s observations pertains to a “privileged insider culture” that permeates newsrooms, in which journalistic practice of the “dark arts,” such as illegal newsgathering are conducive to securing headlines, readership and a large share of the news market. (Leveson Report 2012, p.30).

Meanwhile, the American media watched the phone hacking scandal unfold from afar, while discussing whether a similar situation and inquiry into the ethics of the culture of the press could take place in the United States. The general consensus held that the prospect of press legislation/regulation raises thoughts of the “unthinkable” in the U.S. (Wasserman 2012 paragraph one). According to Wasserman, “press regulation of any sort would inevitably trample sacred freedoms and unleash state apparatchiks to badge and stifle the media” (Wasserman 2012,

paragraph one). However, the influence of media concentration in the U.S. mainstream media poses the same implications for American democracy, as it does for British democracy.

Bagdikian (2004) identifies five media conglomerates, which currently own the vast majority of the U.S. media – Time Warner, the Walt Disney Company, News Corporation, Viacom and Bertelsmann. He states that their holdings in all media from newspapers to movies studios, provides them more communication powers than any despot and dictatorship in history. Cohen (2005) identifies “a deep-rooted conflict in journalism in which the corporate logic of media ownership greatly undermines the American media mission of holding the government accountable” (p.17).

Both the British and American press systems depend on a self-regulatory system, within which the industry and news companies place significant emphasis on codes of conduct defining the moral, ideological and legal parameters within which journalists should work. One of the key recommendations of the Leveson report calls for a revision of a regulatory code that is backed by a Royal Charter. Consequently, given the above reactions to the phone hacking scandal, this thesis undertakes a comparative study of American and British news media ethic codes as means of understanding what are the key differences and similarities between these ideologically identical press systems and the potential impact of corporatism on journalism ethics. Furthermore, this study draws upon qualitative analysis in the form of grounded theory to gain an insight into whether British and American ethic codes can reveal why the phone hacking scandal was endemic to British journalism.

These codes are examined against the backdrop of philosophical and normative analysis of both British and American press systems, currently shaped by the forces of corporate authoritarianism and social responsibility. This study concludes that American professional and

corporate codes of conduct present an ideologically defined role of a journalist as watchdog that depends on independent from conflict of interest. British ethic codes outline legal and moral framework within which journalists should work. This reflects how the codes are a product of the media culture and history of their country.

Chapter one begins with an analysis of why comparative media studies are a pertinent area of research in mass communications. This is followed by an investigation into the philosophical differences and similarities between the freedom of the press tradition in America and Britain. This chapter also looks at how patterns of media ownership and accountability systems have taken root in both systems. Chapter two provides a normative, philosophical and historical background on how news media ethic codes have evolved in the British and American media systems. Chapter three outlines the methodology used in this study, which includes an explanation of grounded theory. Chapter four is a discussion of results, while chapter five provides a conclusion.

Chapter One.

American and British Media Systems

Media comparative studies

This study is a comparative analysis of news media ethic codes within the context of American and British media systems. It is important to understand why comparative analysis of media systems is still pertinent in mass communications studies especially in a globalized media environment shaped by the forces of new technology and media ownership. Hallin and Mancini (2004) emphasize the importance of comparative analysis because “literature is ethnocentric, in the sense that it only refers to the experience of a single country, yet is written as though the model is universal” (p.2). They argue that comparative research needs to focus more on the major variations that have developed in Western democracies in the structure and political role of the news media and the subsequent consequences on democratic politics (p.7). Other communication scholars have consistently emphasized the importance of comparative media analysis, especially within the context of political communication. Pfetsch and Esser (2004) state that there are questions about whether the American model of democracy is appropriate for describing generalizable patterns of developments in today’s Western democracies.

The study of comparative media systems and the development of philosophies of the press occupy an important place in the history of mass communication (Ostini and Fung (2002) p.55). It starts with Siebert, Peterson and Schramm’s (1956) seminal book *Four Theories Of The Press*, which asks the fundamental question, “why is the press as it is in different countries?” (Siebert, Peterson and Schramm 1956, p.1). The book subsequently focused on four different media models that exist across the world, which include authoritarianism, libertarianism, social responsibility and communism. They proposed the theory that the “press takes on the form and coloration of the social and political structures within which it operates” (p.1). *Four Theories of*

the Press presents an “easy to grasp” normative perspective of the history of freedom of the press, which draws upon a combination of general and legal history (Nerone 2005, p.3). Scholars have attempted to further the field of comparative analysis beyond *Four Theories of The Press*, since its publication in 1956.

The most significant is Blumler and Gurevitch (1975), who propose that comparative media research should examine the degree of state control over mass media organizations, the degree of mass media partisanship, as well as the degree of media political elite integration. However, more than often, comparative media analysis starts with a critique of *Four Theories of The Press*, followed by a proposal of an alternative typology comprising a mix of models that seem relevant to the current globalized media climate. Lowenstein (1971) contended that the concept of *Four Theories* “lacks the flexibility needed for proper description and analysis of all today’s press systems and therefore should be modified” (Lowenstein and Merrill 1971, p. 186). As a result, he puts forward a two-tiered typology that includes identifying three types of press ownership such as private, multi-party and government as well as four types of media philosophies, which focus on the media’s relationship between the state. John Nerone’s *Last Rights* (1995), is essentially a revisit to *Four Theories of The Press*, yet presents different variants in liberalism including neoliberalism, egalitarianism, communitarianism and republicanism. His major criticism is that Siebert et al over simplify libertarianism and authoritarianism.

The authors focus too much on the relationship between media and state control as opposed to variables such as media ownership and elites. This criticism can also be applied to Lowenstein’s typology. However, Nerone (1995) accurately states that *Four Theories* was written at a certain time and place, against the backdrop of the Cold War and Communism.

The overall consensus is that comparative analysis should go beyond the traditional normative approach as embodied in *Four Theories of the Press*. Consequently, Ostini and Fung (2002) make a valid point that more needs to be done to ground *Four Theories* in empirical evidence in international settings. McKenzie (2006) proposes a conceptual framework for studying media systems across the world. He defines a “system” as a collection of interrelated parts in motion that inter-act with each other to produce a whole system (p. 33). Hence, variables such as cultural characteristics, philosophies for media system, regulation, financing, and content act as fundamental components of a media system (p. 33). His premise is that within each media system, some of these elements are more prevalent than others, or more interdependent on one another.

The British and American media systems are essentially leading global examples of liberal media shaped by free market forces (Hallin and Mancini 2004). As a result, scholars such as Bertrand (2000) state that there is very little comparison to be made between the two media systems. However, Jaehnig (1998) points out “that kinship between the press systems should not obscure the fundamental differences between them” (p.98). He continues that these differences exist on many levels and subsequently influence the journalistic culture of both countries. In this instance, the eruption of the British phone hacking scandal highlighted the influence of the corporatization of the news on the ethics and profession of journalism in both media systems. The scandal warrants a revised and nuanced investigation into the similarities and differences into the American and British media systems. This may give an insight into why one journalistic culture transgressed more than the other, under the influence of media owner Rupert Murdoch, who owns a significant share of both markets.

Unit of analysis in comparative research

Kleinstauber (2004) states that the usual definition of comparative research starts with national systems, which are compared to other systems (p. 66). He traces the idea of comparison back to philosopher John Stuart Mill's conceptualization of an "an instrument of systematic research" which comprises of "method of agreement," and a "method of difference" (p. 66). The former states the question of similarities whereas the latter focuses on the questions of differences. Kleinstauber (2004) develops Mill's concept further and states that comparison only works if the objects compared are neither nor completely lacking common features (p. 65). Furthermore, it is essential that comparison focuses on the two-sided question of similarities and differences, otherwise the method is incomplete (p. 65). He continues that comparative research focuses on a unit of analysis, which constitutes as an element within a national system such as specific market, actors and products. As a result, this study focuses on news media ethic codes as the unit of analysis in this comparison between the American and British media systems. Ethic codes also fit John Stuart Mill's description as objects that are neither too dissimilar nor similar for systematic data analysis. The ethic codes will be examined against the backdrop of an analysis of the American and British media systems according to McKenzie's conceptual framework.

Drawing upon the analogy of a tree, McKenzie (2006) states that philosophies are the "root network of a country's media system" (p. 36). He continues that regulations influences media operations and content from non-governmental and governmental sources. However, this study takes a look at regulation as part of an overall comparative look at the media accountability systems of both countries. He continues that accountability systems in the United States and Britain have roots in various established sets of norms, including professional practices,

journalism ethics and media law (p. 2). As a result, drawing upon some elements of McKenzie's typology, this study will analyze British and American ethic codes against variables such as philosophy, political and media accountability systems, media ownership and journalistic culture.

Comparing British and American media philosophies

Lambeth (1995) states a "philosophical inquiry helps to identify the values that cultivate the development of a media system" (Lambeth 1995 as cited in McKenzie 2006, p. 72). As previously discussed, there has been considerable debate among scholars on the legitimacies of philosophies outlined in *Four Theories of the Press*. This has resulted in scholars (Nerone 1995; McKenzie 2006; Ostini and Fung 2002) offering their own variations of key philosophies that underpin Western media systems. A good starting point involves examining the background and philosophies that underpin both constitutions and how these factors influence the tradition of freedom of expression, which sits at the heart of both media systems.

The evolution of the Anglo American press starts with the authoritarian rule of the British monarchy during the sixteenth and seventeenth centuries to the liberal doctrines of the free market from the eighteenth century onwards. Authoritarianism is built on the premise that man can only achieve his full potential as a member of a sovereign state.

The philosophy of seventeenth century philosopher and ardent English royalist Thomas Hobbes underpins this notion. Altschull (1990) writes that Hobbes, who was an adversary of Milton, believed that men were naturally savage and needed authority and control if they were ever to survive in a social setting (p.43). In his landmark piece, *Leviathan*, which was published after the English Civil War in 1651, Hobbes, asserts that the sovereign who sits at the head of state provides the life force for man to exist through rules and laws. Man essentially enters a

social contract in which he forfeits his individual freedoms for the security of the state (Altschull 1990).

Scholars such as McKenzie (2006) and Siebert, Peterson and Schramm (1956) also trace authoritarian ideals back to the works from Ancient Greek philosopher Plato and Renaissance philosopher and diplomat Machiavelli who wrote *The Prince*, and the *Discourses of Livy*. Plato's *Republic* advocates the ideal that a success of a state depends on the wisdom of kings who were philosophers. His allegory of the cave illustrates society is better served if the "motley herd of natures" follow the wisdom of those who seek wisdom and become enlightened (Plato, 380 BC 473d). Meanwhile, Machiavelli's *The Prince* advocates the idea of power concentrated in one figurehead, who he refers to as the prince. The prince can only retain authority if he is prepared for outcomes of the forces of chance, which he calls "fortuna" and strategic use of "virtù" as the means of minimizing the potential effects of harm that can arise from "fortuna." As a result, he states that the prince must ensure that the masses do not get hold of too much power or authority (Machiavelli 1505).

McKenzie (2006) provides a framework of how authoritarian philosophy shapes the governance of the state. First, he states that the ruler would issue a decree which is accepted by all citizens and governing agencies without any debate or dissonance. The legislative process formally debates and accepts the decree without much resistance. The third involves the interpretation of religious doctrine. Under a system based on authoritarian governance, the media exists purely to disseminate information at the command of the sovereign. The characteristics of an authoritarian media include state control over the media, censorship and immunity of the state (McKenzie 2006). In short, the state is immune from criticism from the media and can subject the media to punitive measures, if it does not comply with censorship rules. For example, the

British authoritarian system revolved around the concept of the “divine right of kings” until the mid-seventeenth century. The printing press, which comprised of books and pamphlets, was an instrument of the Tudor monarch during the sixteenth century during the Reformation as well as the seventeenth century. The English court of law took the form of the Star Chamber, which became renowned for passing draconian and arbitrary sentences to those who spoke against the monarch between the fifteenth and seventeenth centuries.

In the mid seventeenth century, Charles II’s parliament passed The Licensing Press Act, with the intention of preventing the publication of seditious treasonable and unlicensed books and pamphlets. The King appointed Sir Roger L’Estrange, otherwise known as the “Bloodhound of the English Press,” who owned the monopoly of London newspapers that supported the monarchy, while acting as the press regulator for the King. He could be seen as a precursor to the press barons of the twentieth century. This system of media control was prevalent until the eighteenth century when England began slowly embracing the liberal ideals of the Enlightenment period, which would underpin the birth of the United States as well as give birth to concept of freedom of expression.

Libertarianism endorses the natural rights of man to pursue his own happiness, individual interests and the truth (Siebert et al 1956, McKenzie 2006). The key characteristics of a libertarian media system revolves around the idea that the forces of the free market guarantees the plurality of information needed for man to pursue the aforementioned objectives. Regulation takes the form of the self-righting process, in which the public decides what they read as well as discard what is not in the interests of society and the individual.

The roots of this philosophy can be traced back to the rumblings of a free press during the English Civil War in the mid seventeenth century, which resulted in the execution of the

monarch Charles 1st in 1649. During the ten-year reign that England existed as a Commonwealth, poet John Milton realized these ideas in *Areopagitica*, which advocated the liberty for unlicensed printing and proposed the concept of the self-righting process in response to the existence of the draconian Star Chamber. Altschull (1990) defines Milton's "self righting process" as "the idea that the truth needs no champion in that arena of that market place, that truth wins even without the authority of someone in power" (p. 40). Subsequently, Milton sowed the seeds of the libertarian ideology.

Two years after the Glorious Revolution in England, philosopher John Locke wrote *Two Treatise of Government*, which set the foundations of the French and American revolutions. Locke's vision states that the government is the servant of the people. Hence, under the doctrine of right of revolution people have the absolute right to overthrow tyrannical and authoritarian leaders (Crook 2010).

Whensoever therefore the Legislative shall transgress this fundamental Rule of Society; and either by Ambition, Fear, Folly or Corruption, endeavor to grasp themselves, or put into the hands of any other an Absolute Power over the Lives, Liberties, and Estates of the People; By this breach of Trust they forfeit the Power, the People had put into their hands, for quite contrary ends, and it devolves to the People, who have a Right to resume their original Liberty, and, by the Establishment of a new Legislative. (Locke 1680, p.240-43).

In the mid eighteenth century, Scottish philosopher Adam Smith developed the concept of the "invisible hand," which promoted the idea that the individual pursuit of profit contributes to the greater good of society. This provided the basis of the doctrine of capitalism, which Smith conceptualizes in a *Wealth of Nations*. Evensky (2005) writes that economist Adam Smith's concept of the "invisible hand" promotes the idea that individual pursuit of profit contributes to the greater good of society. Smith writes,

By pursuing his own interest he frequently promotes that of the society more effectually than when he really intends to promote it. I have ever known much good done by those who are affected to trade for the public good. (Evensky 2005, p. 38).

The market is essentially an amoral coordination mechanism that equilibrates exchanges among autonomous individuals based on a flexible price signal (Evensky 2005, p. 38). The ideals of libertarianism comfortably merged with Adam Smith's capitalism. Both ideologies are based on positive assumptions of human nature and place considerable faith in the abilities of man to do things in pursuit of his own happiness. Evensky (2005) writes that Adam Smith's moral philosophy is based on an optimistic perception of human nature and morals, which he outlines in his work, *The Theory of Moral Sentiments*.

Libertarians believed that forces of the free market guaranteed the plurality of opinion and comment in a democracy that would assist man in his quest for the truth. The free market was supposed to "make the press a representative institution" (Curran 2003, p.346). Furthermore, regulation takes the form of Milton's "self righting process" in which the public decide what they read discard what is not in the interests of society and the individual.

Altschull (1990) states that the writings of nineteenth century English philosophers Jeremy Bentham and most notably John Stuart Mill provided another layer of ideology already coined by the libertarian ideas of John Locke and John Milton. Mill writes in his seminal essay, *On Liberty*, "the liberty of the individual is maximized through freedom of expression, whether it is in writing, feeling or thought" (Crook 2010, p.184). He expressed fear not only in the tyranny of government to suppress non-conformist individuals but also in the power of public opinion to undermine individual civil liberties. Furthermore, Mill asserted that the freedom of expression has the greatest protection with the exception of harm.

Libertarianism gave birth to the modern American and British media systems from the late 18th century onwards. However, there are significant differences in the evolution of freedom of the press in both countries, which sets the basis of this comparative study.

British tradition of freedom of the press

Crook (2010) effectively sums up that it has taken 300 years for the United Kingdom to enshrine freedom of expression into law, unlike its American counterpart.

Guardian columnist Michael Wolff (2013) states, “Leveson is peculiarly British growing out of a long history regulation, myriad class issues and the special and outsized media proprietors in Britain” (Triccihineli 2013, p.15). His observation pertains to the idiosyncratic evolution of the democratic tradition freedom of speech, originating in an unwritten constitution. Leyland (2012) writes that the UK constitution is a “residue of historical philosophies made up of laws and convention, which have been incorporated in response to significant events” (p. 11). As result, freedom of expression and the press is an acquired right as opposed to a constitutional privilege (McKenzie 2006, p. 97).

The seeds of freedom of expression were sown in final stages of authoritarian rule of the British monarchy. The early stages of freedom of expression came into being during the Glorious Revolution of 1688, which included the restoration of a Protestant King to the throne and the English Parliament’s passing of the Bill of Rights Act. This was another key development in the British constitution since the Magna Carta in 1215. The Act put an end to the authoritarian concept of the divine right of kings’ doctrine, which prevailed in England for centuries. It also set in motion the future foundations of British democracy, which included the fair and free elections of members of parliament (BBC 2002). However, the Bill only recognized freedom of

speech as a right of members of parliament when speaking in parliamentary debates without fear of being prosecuted in civil and criminal states (BBC 2002).

During the eighteenth century, English jurist Sir William Blackstone wrote in his commentaries on the laws of England that liberty of the press means no prior restraint. Yet, this came with caveats. He stated that every individual has the right to publish his thoughts provided they are not “improper, mischievous or illegal” (Blackstone 1769, Commentaries 4.150 -53). In other words, prosecution falls upon those who publish material that is seditious, libelous and blasphemous. At this time, the Act of Sedition was used to punish those who spoke or published against the government.

According to Curran and Seaton (2003), the traditional narrative on the evolution of the freedom of the press starts with the “abolition of the Court of the Star Chamber in 1641, the ending of press licensing in 1694, Fox’s Libel Act, 1792 and the repeal of press taxation in the mid nineteenth century” (p. 3). Media historians state that the abolition of taxes on knowledge was the catalyst that gave way to a truly free press. This economic emancipation meant that British newspapers could attract advertising revenue, which gave them autonomy to rise as the “fourth estate of the realm” (Curran and Seaton 2003, p. 3). However, the aforementioned British scholars argue that this narrative is flawed. They state that the commercial newspapers were essentially an extension of the British Victorian political party system. Freedom of the press started with the nineteenth century British radical press, who galvanized a strong working class movement at the hands of the trade unions and the Chartist movement. Curran and Seaton (2003) writes “neither prosecutions for seditious libel nor a tax system designed to restrict newspaper readership” prevented the rise of the radical press” (p.16). In today’s climate, the British press has wide-ranging freedoms as long as the content of news reporting is deemed to be in the

“public interest” by the law and regulators (McKenzie 2006). Toward the ends of the twentieth century, the Assembly of the Council of Europe called for a better balance between the right to freedom of expression and a person’s right to privacy in the aftermath of the death of Princess Diana in 1997 (Crook 2010). Freedom of expression was enacted into law in 1998.

The British government finally incorporated a legislative principle guaranteeing freedom of the expression as part of the *European Convention on Human Rights*, otherwise known as Article 10 (1). It states that everybody has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and import information and ideas without the interference by public authority and regardless frontiers (Crook 2010). Article 8 includes the right to respect privacy and family life.

Historically, British laws have not recognized the right to privacy until the enactment of the Human Rights act in 1998 (Welsh and Greenwood 2003). Prior to this, common laws on trespass, breach of confidence, defamation and data protection have touched upon privacy but without offering a specific definition. The 1990 *Calcutt Committee* described “privacy as the right of the individual to be protected against intrusion into his personal life or affairs, or those of his family, by direct means or by publication of information” (Welsh and Greenwood 2003, p.387). Article 8 of the convention pertains to a similar definition as the aforementioned report. However, it provides protection against “public authority,” apart from matters relating to national security, prevention of crime, as well as protection of the rights and freedoms of others. Welsh and Greenwood (2003) argue that “public authority” can also imply protection against the media.

According to Peck (2012), the issue of privacy remains a somewhat murky yet evolving area of British law. She states that privacy occupies a focal point of the Leveson Report. Yet, it

does not put forward a case for an extension of civil laws to protect privacy (p.202). The report proposes an arbitration system will resolve matters relating to intrusion as part of a new statutory regulatory framework of the press. As a result, freedom of expression currently revolves around a balancing act between public interest and protecting the rights of the individual.

Similarly, the concept of public interest has not been adequately defined in the British courts. In response to the *Leveson Report*, the Crown Prosecution Service published a series of guidelines that helps prosecutors effectively assess public interest in cases affecting the media (Crown Prosecution Service 2012 paragraph one). The CPS does not provide a specific definition of public interest. However, it states that it is an important matter of public debate that relates to “serious impropriety, significant unethical conduct and significant incompetence” (Crown Prosecution Service 2012, paragraph seven). However, the CPS also advises that case should be decided on their individual facts and merits. The guidelines essentially propose that prosecutors should ask the fundamental question if “whether the public interest served by the conduct in questions outweighs the overall criminality” (Crown Prosecution Service 2012, paragraph eight). Consequently, freedom of expression revolves around a balancing act between public interest and protecting the rights of the individual.

Fourth Amendment recognizes a constitutional right for citizens to expect a degree of privacy, and this is also often balanced against the First Amendment’s protection of freedom of expression. The right of privacy did not come into fruition in the United States until the twentieth century. In 1890, attorneys Louis Brandeis and Samuel Warren published an essay in the *Harvard Law Review* calling for new legal protections in privacy in response to the press’ intrusion into people’s private and domestic lives (Middleton Lee 2013). Consequently, the right

to privacy is recognized in most American states. Currently, a combination of common and statutory laws covers different aspects of privacy.

American tradition of freedom of the press

According to Crook (2010), the tradition of freedom of press is deeply rooted in American history and culture. Bertrand (2003) observes that still to this day modern American journalists love the rhetoric of freedom of the press, which revolves around truth, the public right to know and the watchdog function.

The American notion of freedom of the press starts with the founding of the American constitution and the First Amendment underpinned by the philosophical writings of Locke, and Milton. In the eighteenth century, the application of authoritarian British laws such as the Stamp Act of 1765 and the law of seditious libel caused significant unrest in the American colonies. The Stamp Act allowed the British parliament to collect taxes on various American colonist publications including newspapers and bills. Furthermore, the draconian English common law of seditious libel punished those who spoke public words that threatened to overthrow British rule. The wheels of freedom of expression were in already in motion in the early eighteenth century as a result of events including the trial of Peter Zenger, which was hailed pioneering victory against the British use of seditious libel on the colonies.

As mentioned, English jurist Sir William Blackstone advocated in *Commentaries on the Laws of England*, that the liberty of the press is essential to the nature of a free state. This greatly influenced American founding fathers James Madison and Alexander Hamilton's conception of free speech. However their idea went beyond English Jurist William Blackstone's definition of no prior restraint on free speech except in cases regarding sedition and libel (Gleason 1990). In 1787, Hamilton and Madison wrote and published the Federalist papers in various newspapers

calling for the support of the country's new constitution. In one of the essays, Madison asserts that importance of a free press as voice of public opinion, in retaliation against the British draconian use of seditious libel. He would later draft the First Amendment as part of the Bill of Rights in 1791.

However, after American independence, congress enacted the Sedition Act of 1798, which made it a crime for anyone to speak maliciously, oppose or defame the new American government. Madison would speak against this specific act in the Virginia Reports 1799 – 1800. President Thomas Jefferson and the Democrat Republicans quashed the Sedition Act in 1800. Jefferson was an avid supporter of the liberty of the press and the First Amendment. He famously said that he preferred newspapers without government than government without newspapers (Altschull 1990). However, Cook (1998) states that the likes of Thomas Jefferson and Charles Hamilton used the newspapers to galvanize support from the electorate thus leading to the development of a partisan press.

French nobleman Alexis de Tocqueville's seminal book *Democracy in America*, provides a glimpse of the libertarian nature of the early American press. His work also draws on a comparative analysis of French and American democracies in an attempt to ascertain the degree of influence of the press on civil society. He observes that, “the influence of liberty of the press does not affect the political opinions of men, but it modifies customs as well as the law” (Tocqueville 2004, p.204). In other words, freedom of expression is so engrained in the psyche of American's democracy that “it is not only a guarantee but a security which the citizen possesses” (p. 205). Tocqueville presents the newspaper as a multi-faceted powerful entity that is indispensable to freedom of expression while occupying the epicenter for America's local communities.

Gleason (1990) states that the Alien and Sedition Act crisis of 1798 to 1801 drew attention to the vagueness surrounding freedom of the press. Furthermore, it was not a constitutional question during the nineteenth century and publishers were exposed to “common laws on libel and contempt” (p. 4). Consequently, publishers argued for recognized rights of an institutional role of the press and for press freedom.

Nerone (1995) states the twentieth century gave rise to a real debate about the meaning of the First Amendment. Scholars believed that the founding fathers were somewhat vague about their definitions of freedom of the press (Nerone 1995, Gleason 1990 and Altschull 1990). As a result, legal theorists such as Zechariah Chafee, Thomas Emerson and Alexander Meiklejohn gave further definition and clarity to the meaning of freedom of the press “within state and federal constitutional law” (Gleason 1990 p.5). This would inform the opinions of U.S. court judges in First Amendment adjudication as well as develop libertarian concepts such as self-government, free market place of ideas, and individual autonomy. As a result, significant United States Supreme Court rulings have developed the doctrine of freedom of the press starting from 1919. Justice Oliver Wendell Holmes draws upon the key concept of the “clear and present danger test,” in *Schenck v. United States* followed by the free market place of ideas in *Abrams v. United States* (Nerone 1995). In *Schenk v. United States*, Justice Holmes ruled that the character of speech is protected according to the circumstances in which it is expressed. He states, “the most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic” (*Schenck v. United States*, 249 L.Ed. 47, 48 (S. Ct 1919)). Ironically, Justice Holmes’ dissenting opinion in *Abrams et al v. United States* sets the precedent for the “free market place of ideas”, which eventually plays a significant role in First Amendment adjudication. He advocates that the free market place of ideas is central to the constitution and

establishing the truth. He states, “the best truth is the power of thought to get itself accepted in the competition of the market” (*Abrams et al v. United States* 250 U.S. 616, L.Ed (S. Ct 1919).

The idea of the watchdog concept of the press and the fourth estate also came into realization towards the late twentieth century. The idea of the fourth estate drew upon French Enlightenment philosopher Baron Montesquieu’s conceptualization of governance split into three branches including the legislature, the executive, and the judiciary. The fourth estate, otherwise known as the press would provide the essential check on the three estates. During the seventies, Justice Potter Stewart wrote *Or Of the Press* calling for a stronger definition of freedom of the press and one that incorporates the checking value, in order to protect great acts of journalism such as the Watergate Affair (Stewart 1975). First Amendment theorist, Vincent Blasi would take Potter’s lead and later write an essay called the *Checking Value*, outlining a powerful theory that would provide constitutional protection for acts of journalism in the public interest. Nerone (1995) describes the above thinking as part of a neoliberal movement, which advocates that the media should exercise greater responsibility.

To summarize, the British tradition of freedom of expression suffers from a somewhat erratic evolution over the past three hundred years as a result of a lack of legal or ideological grounding until the latter part of the twentieth century. To add, the existence of old common laws such as seditious libel has hindered its development over the past hundred years. British courts have struggled to define issues such as privacy and public interest. The American tradition of freedom of press is enshrined in the country’s constitution. Yet, despite a vague and troubled start, the United States Supreme Court recognized the constitutional rights of the press in First Amendment adjudication during the twentieth century.

Rise of corporate authoritarianism

Nerone (1995) aptly states, “authoritarian practices should be defined in terms of a concentration of power.” He elaborates, “the possibility of authoritarianism in communications is present wherever the authority of power exists and is exercised to limit or suppress or define people’s thoughts and expression” (p. 38). For example, a local news monopoly could demonstrate authoritarian tendencies. In essence, Nerone (1995) touches upon the concept of corporate authoritarianism that currently prevails in both press systems. Libertarian founding fathers and Adam Smith did not foresee that the free market gave rise to the concentrations of power in the form of media conglomerates, which would control the monopoly of information.

Both British and American mass communication scholars have expressed concern about the impact of corporatization of the news on democracy and the journalism profession. These conglomerates would go as far to exert considerable influence on public life in both American and British democracies thus jeopardizing the moral standing and watchdog role of the fourth estate. To an extent, these conglomerates demonstrate the traits of Machiavelli’s prince as they go about acquiring power in the global market, especially in America and Britain. They can be compared to the Renaissance rulers in Machiavelli’s time that set about conquering neighboring kingdoms as a means of acquiring power.

Again, the prince who holds a country differing in the above respects ought to make himself the head, and defender of his powerful neighbors, and to weaken the more powerful amongst them, taking care that no foreigner as powerful as himself shall, by any accident, get a footing there. (Machiavelli 1505, p.5).

Hence, Nerone (1995) is correct to observe, “in the four decades since the publication of *Four Theories*, authoritarianism is not a thing of the past,” as opposed to “something that happened at the dawn of the modern era and then was transcended” (p. 38).

Tabloidization of the news

Bagdikian (1983) warns of the profound impact of commercial media on the form and content of media dependent on advertising most notably newspapers, magazines and broadcasting. This influence of commercial media has led the “tabloidization” of the news in both American and Britain media systems from the nineteenth century onwards in varying degrees. Esser (1999) states that tabloidization is the results of advertisers trying to reach large audiences. This also brings changes to the form of presentation and language. For example, the newspapers readily employ colloquial language as a means of creating sensationalist- grabbing headlines as well as producing newspapers that are smaller in size and easily transportable for consumers. Esser (1999) states that on a macro level, it is also a social phenomenon, which instigates changes in the values and constitution of society as a result of the media’s aggressive pursuit of profit. This adversely impacts the level of political communication and the quality of discourse in the public sphere. This fits in with Bagdikian’s view that large media corporations are the shapers of news, popular culture and public opinion (p. 9). Consequently, combined with the organization of their corporate power, they have the ability to influence government (p. 9).

Corporatization, tabloidization and the British media

Ultimately, the phone hacking scandal illustrated the adverse impact of tabloid news culture on the ethics and behavior of journalists and society as a whole. Bromley (1998) states that tabloidization is the most prevalent in British newspaper journalism compared to other forms of media such as broadcast. Curran and Seaton (2003) state that newspaper ownership takes on the form of a hierarchical control that produces a long running tradition of press barons, in Great Britain since the late 19th century.

Prior to the era of the press barons, Britain was benefiting from a vibrant and vigorous press that took a paternalistic approach in informing and educating the masses. According to Conboy (2011), the abolition of taxes of newspapers in 1855 released the full force of competition into the market, which contributed to the rise of sensationalist and entertainment driven news. He states that a new era started in 1896, when Lord Alfred Harmsworth introduced mass circulation newspapers such as the *Daily Mail* and *Daily Mirror*, which appealed to the semi-educated lower middle class to the chagrin of the upper and middle classes (Hampton 2004). Conboy cites Williams (1998), who states by the end of the 19th century, “technology and commercial need had elevated accuracy and reliability, as well as the ability to meet the daily news deadlines, to the heart of the profession of journalism” (p.15).

At the turn of the early twentieth century, Harmsworth who became Lord Northcliffe owned half of the newspaper market and exerted considerable influence over public opinion through his ownership of populist daily publications. He set a precedent for an era of press barons that dominated British democracy throughout the twentieth century until today. According to Curran and Seaton (2003), the British press became increasingly partisan during the seventies, as press barons such as Murdoch lent their support to particular political parties to an increasingly tabloid culture. The aggressive pursuit of profit and mass reader contributed to the commercialization of the news. This resulted in a lowering of standards and vulgarization of news in various newspapers such as the *Daily Mail*, *Daily Mirror* and *The Sun*, which became particular apparent during the eighties.

As archetypal authoritarian leaders, British press barons through their editorial power brought down governments, started wars as well as dictating the power of public opinion through their ability to manipulate public opinion. In Britain, 85 percent of the national daily press is in

the hands of four groups. Bromley (1998) and Curran and Seaton (2003) particularly focus on Rupert Murdoch and News Corporation who currently owns 34 percent of the British newspaper market. Four media groups run 85 percent of British newspapers (Bertrand 2003). They both state that Murdoch's joint ownership of lower end yet mass circulation newspapers and quality broad sheets such as *The Times* has contributed to the overall tabloidization of the serious press (Bromley 1998, p. 27). Murdoch, who owns a significant share of the British and American media, has become a symbol of private/individual media ownership, as a result of the phone hacking scandal. Steel (2013) believes that the renaissance style power politics that ensued between politicians and Murdoch's empire became toxic to British public life. The phone hacking scandal is endemic of a deeper civic malaise that manifested in a largely skeptical and depoliticized civic culture (Steel 2013, p. 10). Similarly, Bagdikian (1983) states that Murdoch's News Corporation is an archetype of a media conglomerate that has a mixture of public subsidiaries that operate in a number of different nations (p. 21).

Corporatization, tabloidization and American media

The press baron culture is not prevalent in today's American media. However, the first set of American media monopolies began emerging towards the end of the nineteenth century at the hands of powerful newspaper owners William Randolph Hearst and Joseph Pulitzer. Schudson (1978) chronicles the newspaper war between Hearst's *New York Times* and Pulitzer's *The World*. He highlights that the newspaper content of both papers, while inherently different, were both in response to the demands of their audiences. The working class immigrant population of New York sought the sensationalist and attention grabbing stories of *The World*. Hearst's *New York Times*' responsible and newsworthy reports appealed the city's middle class elite. This newspaper war exemplifies significant changes that were occurring to the American

newspaper market, as advertising became a huge source of revenue and mass readership guaranteed profit. These changes include the rise of media conglomeration, tabloidization and localism.

In the United States, the tabloidization of the news hit endemic levels during the Gilded Age of the late nineteenth century. McChesney (1997) highlights that while newspapers served every single market, they functioned purely for the sake of profit and advertising became a huge source of revenue. According to Kaplan (2002), the press during the “Gilded Age” (1870 to 1900) featured the “yellow press” or “yellow journalism.” “Yellow journalism” resulted when the active pursuit of the profit motive and revenue contributed to the commercialized of news in which readers evolved into consumers. The “yellow” press published sensationalist headlines and salacious material about high profile figures for the sake of attracting mass audiences and advertising revenue. Newspaper owners such as Hearst sat at the helm of “yellow press” and used his papers to influence public opinion.

Nineteenth century press critic and journalist, E.L. Godkin wrote an essay called *Newspapers Here and Abroad* in 1890, in which he takes a comparative and critical look at European and American newspapers. He observed the sensationalist behavior of the press, in which the “occupation of gossips in taverns and at street corners, had by the middle of century risen to the rank of a new industry, requiring large capital and a huge plant” (Godkin 1890, p. 198).

He also compares the American press with the British press, stating that the latter “cultivates accuracy with great care and corresponding gain in weight and authority” (p. 201). Meanwhile, in response to the sensationalist behavior of the yellow press, he states “a line has to be drawn where between news may be usefully and legitimately served up to him on his

breakfast table, and news which would either do him no good to which he has no fair claim” (p. 201).

Hearst continued building his media empire into the early twentieth century, which included purchasing film and animation studios. This would give rise to the media conglomerates, which dominated the American media market during the latter part of the twentieth century to the present day. However, during the late nineteenth century, newspaper owner and Hearst’s adversary, E.W Scripps took a slightly different approach to the press and set up the United Press with the intention of providing news that scrutinized the American elite. Meanwhile, he developed his newspaper empire into the twentieth century, which involved purchasing titles on across America. He also invested in local journalistic talent, as means of better serving local audiences. Consequently, localism became the hallmark of American journalism, which developed under the chain media ownership of newspaper owners such as Hearst and Scripps (Jaehnig 1998).

Towards the end of the twentieth century, Bagdikian (1983) described how news media concentration in the American market evolved into a series of media chains, in which news media companies such as Gannett, Cox and Belo own various newspapers or stations. First, he states that newspaper chain “either pursue the doctrines of their owners or become bland to avoid controversy or alienating much needed advertisers” (p. 85). He also points out that chains tend to hire less qualified journalists as well as easily hire and fire local editors (p. 85). Furthermore, major media organizations from afar implement homogenized work practices to ensure smooth running of their smaller newspaper outlets. These patterns of how media ownership affects journalism still exists on a local level in the twenty first century, even though many companies make cutbacks to resources. According to *Pew Research State of the News Media Report 2012*

on media ownership, there are 59 newspaper companies that sell at least 100,000 print papers across the country on an average weekday.

Bagdikian (1983) in his book, *The Media Monopoly* warned that by the end of the twentieth century, the American mass media were rapidly moving the direction of tight control by a handful of huge multinational corporations (p. 3). At that time, Bagdikian (1983) identified twenty-three dominant corporations, which owned a variety of media including newspapers, magazines, broadcast media, books and motion pictures. He noted fourteen corporations owned the daily newspaper market. Since the eighties, the media landscape has changed drastically given the emergence of the Web. The Pew Research Center (2012) identifies over a hundred media companies that own various operations including online, broadcast and print media as well as motion pictures and publishing. However, figures show that six media conglomerates own 90 percent of the American media (Business Insider 2014). Both Bagdikian and McChesney express concern about the way in which media conglomerates undermine the libertarian principles of self-government, the self-righting process and the free flow of information.

Overall, media ownership in both Britain and America took root in the late nineteenth century against the backdrop of industrialization, and intense economic development. Both American and British newspaper industries were shaped at the hands of media barons such as Lord Northcliffe and William Randolph Hearst. Their aggressive pursuit of profit, mass circulation and advertising revenue, resulted in the tabloidization of the news. These newspaper owners also became powerful figures in politics as a result of their ability to influence public opinion. This press baron culture and tabloidization still dominates the British media system today. In the United States, the likes of empires of Hearst and Scripps gave rise to chain media ownership on a local level, which still dominates the American media system today.

The impact of corporatization on British and American journalism ethics

The impact of the corporatization of the news on the profession is determined by journalism culture of both countries. Variables such as the history and evolution of the profession, the philosophies of each country's media system and the patterns of media ownership shape the culture of journalism in both countries. As expected, there are distinct similarities and difference between how the profession has evolved and taken root in both countries.

As mentioned in this chapter, Conboy (2011) traces the roots of British modern journalism to Lord Harmsworth's launch the country's first mass circulation newspaper, the *Daily Mail*. He asserts that this paper transformed the structure of journalism in the United Kingdom as a result of the huge drive for advertising revenue following the abolition of newspaper tax in 1885. He observes that the "commercialization contributed to a longer-term shift from a genteel view of journalism as an occupation for men of letters" in the Golden age of journalism as revered by Godkin to one, which became at the mercy of market needs (Conboy 2011, p17).

Conboy (2011) states that the emergence of the tabloid press due to intense competition and the monopoly of the press barons in the twentieth century produced "a shift in the social parameters of journalism" (p. 109). British mass communication scholars such as Bromley (1998) elaborate that infiltration of tabloid values into the profession as resulted in a decline in morals as well as low morale among journalists. In the United Kingdom, media proprietors are accused of treating their titles as business properties (Stephenson and Bromley 1998). John Steel (2013) asserts that the "problem lies in the news market responding to the demands of a readership that lacks a moral worth" (p.10). Richard Sambrook (2013) former editor of BBC News and Sports observes, "a lucrative market emerges out of unethical journalism" (p.88).

This leads him to question of the nature of profession of British journalism as to whether it is a profession or a rough trade? (Sambrook 2013). He argues that standards in journalism have inconsistently been applied despite the existence of training programs and professional ethic codes. He concludes that journalism still exists as a trade in Britain, especially in the newspaper industry (p.49). He states that this is a deliberate ploy of the industry to avoid any form of regulation or imposed professional standards (p. 49). Sambrook concludes on a useful comparative look at the professionalization of journalism in the American and Britain. For example, American journalism is underpinned with a defined ideology that originates from a historical tradition of the freedom of the press and the First Amendment. Furthermore, the “professionalization” of the occupation led to introduction of journalistic values, such as the concept of objectivity, which Schudson explores in *Discovering the News*. It traces the roots of the professionalization of American journalism back to the civil war. The story of the penny press and yellow journalism parallels the emergence of mass circulation daily newspapers in nineteenth century Britain.

It appears that the ethics of American journalism changed for the better in the early twentieth century in response to the low morals of the “yellow press.” The industry implemented codes for conduct and journalism schools as a means of raising the professionalism of journalism. Schudson’s depiction of the evolution of journalism in twentieth century from post World War I until the modern day reveals an ideal of the profession that still believes that journalist imperative is the pursuit of enlightenment values such as the truth and conducting the watchdog role. However, contrary to Schudson’s enlightened take on the profession, scholars express concern about the impact of media conglomerate capitalism on the profession itself.

McChesney (1997) states this world of conglomerate capitalism undermines the core tenet of journalism to fulfill the public interest. If anything, the corporate culture of news driven by profit and prestige makes it exceptionally difficult for journalists to adhere to journalistic ideals such as truth and objectivity (Paletz and Entman 1981). Consequently, this shapes the framework within which journalists operate (Paletz and Entman 1981). This is apparent with both British and American media systems. As a result, reporters face the pressures of conforming to the culture and values of a news organization for the sake of job security, as well as winning prestige and acceptance from their colleagues and seniors.

In an observational study of four local American newsrooms in the early nineties, McManus (1997) illustrates the erosion of autonomy, as a result of corporate demands that are placed on journalists such as “do whatever it takes to maximize audience, minimize cost, and don’t embarrass big advertisers or owners” (p. 17). He also observed that newsroom resources are given at the discretion of a corporate boardroom of directors as opposed to a committee of journalists (p. 17).

Similarly, this culture is also evident in British newsrooms, as described by Tom Brown who was a former news desk editor at the tabloid *Daily Express*. He says, “as competition became intense and management demands for job cuts meant secure editorial executives could cover their inadequacies with threats. Get the story or get out’ became the unspoken rule” (Greenslade 2011, paragraph 31). Such conditions place journalists in a precarious position, in which they cannot fully adhere to the ethics ascribed by their profession or to their own moral sense of right and wrong. Daniel (1992) describes this as a wedge between journalist competence and ordinary morality (cited in Cohen 2005, p. 146).

This dilemma puts pressure on a journalist to adopt a Machiavellian approach in newsgathering practices, in which the end justifies the means. The journalist almost becomes self-serving in pursuit of the need to survive and succeed in an aggressive newsroom environment, while discarding any sense of social responsibility towards the profession and the public. In the case of the *News of the World* newsroom, such practices of the ‘dark arts’ went into the realm of illegal activity such as bribery and phone hacking (Crook 2010). Cohen (2005) states in the world of journalism that behavior, such as eavesdropping or activities that Leveson considered as “the dark arts,” becomes in line with standards of excellence (p.146). Greenslade (2011) writes that his colleagues in Fleet Street believed that intercepting voicemail messages is no different from the things they, or their staffs got up to back in the day.

Furthermore, corporatism produces layers of management who act as gatekeepers that decide what their journalists should consider as newsworthy or in the public interest. For example, Townend and Bennett (2012) state that the majority of the British press and the Press Complaints Commission ignored *The Guardian’s coverage* of the phone hacking scandal for nearly two years. It was not deemed as newsworthy following the heavily publicized conviction of the *News of The World’s* royal reporter Clive Goodman and private detective Glen Mulcaire for illegal phone tapping. Townend and Bennett (2012) observe that certain sections of the British press in particular the tabloids operated under a system of Omerta akin to the Italian Mafia. They conclude that a combination of political, professional and commercial interests undermined the concept of “newsworthiness” and “public interest” (Townend and Bennett 2012). To add, the boundaries between privacy and public interest become blurred. Journalists unscrupulously pursue information about the private lives of celebrities, in the belief that it meets a public interest, when in fact they are actually meeting a market demand.

In America, Cohen (2005) attributes this ethical crisis in the profession to the symbiotic, almost borderline sycophantic, relationship that can exist between corporate media groups and the government. However, he takes the existentialist view and argues that, as free agents journalists are ultimately responsible for their own actions. He draws upon French existentialist philosopher Jean Paul Sartre, and concludes that when a journalist chooses to work for a newspaper or a news corporation that is violating the public trust, he or she cannot avoid responsibility for whatever evils that are worked by the network (Cohen 2005, p. 148). In short, the justification “I only work here” does not excuse the journalist’s subconscious choice to adopt the “dark arts,” which ultimately undermines the role of the profession in democracy (Crook 2010).

Luljak (2002) undertakes an observational study at a well -regarded television newsroom in the American mid-west. His findings reveal that the “use of deception in newsgathering is casual and routine, so much so that the journalist hardly even think of it as deception” (Luljak 2002 p. 11). He concludes that because they do not see their behavior as questionable, they may not be open or “receptive to any demands of accountability (p.11).

Social responsibility and communitarianism

As a result of the rise in corporate authoritarianism, mass communication scholars, ethicists and practitioners have sought to find an alternative ideology to the aggressive and aggrandizing libertarians. Social responsibility calls upon the guidance of the press and the government to provide the “appropriate means,” for individuals to attain their goals (Siebert et al, 1956, p. 94). In other words, the government and the media should ensure that the free market place of ideas promotes healthy public discourse. The philosophy takes root in the Hutchins Commission (1947), the only press inquiry to have taken place in the United States. It was set up

to examine the function of the media in the modern world in response to concerns about a monopolistic mass communications industry and the subsequent impact on democracy.

The four year inquiry produced a report called *A Free and Responsible Press*, which put forward the conclusion that modern society needs a more socially responsible media, which should adhere to key requirements including the duty to provide truthful and meaningful account of the day's events, to provide act as a public sphere of comment and criticism, as well as advancing societal goals and representing the diversity of society (Siebert et al 1956).

William Hocking who served on the commission produced the concept of positive freedom, which is central to this branch of philosophy. Christians (2003) writes that Hocking expressed concern that the libertarian vision of freedom of expression placed too much emphasis on individual rights and promoted a negative and unrestrained concept freedom that failed to resolve problems in democracy. Furthermore, his concept of positive freedom equates freedom with responsibility, which would constitute as an uncomfortable pairing under libertarianism. For example, according to Christians (2003), Hocking's concept of positive freedom should position media monopolies as moral agents as opposed to entities that merely pursue profit within the confines laws. As a result, such corporations should use ethic codes and company stories as a means of defining their moral contours. However, Nerone (1995) states that one major weakness of social responsibility is that it does not effectively deal with the media monopolies apart from advocating that they need to behave better.

Since the Hutchins Commission, social responsibility may not have replaced the libertarian premise of the free market in America and Britain. Yet, the philosophy plays a significant role in the governance of the media and in production of content, as McKenzie (2006)

illustrates. He states that social responsibility promotes key principles in today's media content such as balanced opinion and commentary, as well as factual information with context.

Social responsibility also provides the foundations of accountability system through codes of conduct and government regulation. The next section focuses on how social responsibility has shaped the media accountability systems in both countries.

In the latter part of the twentieth century, ethicists developed communitarianism philosophy as an alternative to libertarian ideology, which placed less emphasis on individual rights and more on nurturing the public sphere and the community (Nerone 1995).

Communitarians such as Clifford Christians assert that media plays an important part of in nurturing communities and promoting the common good (Ward 2008). The theory revolves also revolves around Hocking's concept of positive freedom hence complements social responsibility.

British and American media accountability systems

Bertrand (2003) writes in *An Arsenal For Democracy* that accountability systems ensure that the media effectively performs in the public interest, especially if they are independent from the government. He identifies three specific functions, which includes increasing the competence of journalists, addressing the public concerns, and discovering what the media don't do or should do. McKenzie (2006) places media accountability under the broad headline of "regulation," which he defines as "influences on media operations and media content" (p.2). He continues that regulation can come from governmental bodies and non-governmental sources such as citizen groups, as well as advertisers. Media organizations can also self regulate. Pritchard (2000) defines media accountability as "process by which media organizations may be expected or obliged to render an account of their activities to their constituents" (p. 2).

There are fundamental differences between the ways in which American and British media accountability systems function, despite their ideological and philosophical similarities. Pritchard (2000) says that media accountability systems essentially reflect their media systems, but also their communities and nations. Both systems adopt a level of self-regulation as means of avoiding government interference in the free marketplace of ideas. However, they also adopt socially responsible tenets such as the implementation of ethic codes and the setting up of press councils. However, factors such as history and culture of the media influence and shape the framework of both accountability system and how they approach self-regulation.

The American media's accountability system is based on retaining a balance between honoring the First Amendment and freedom of the press, while effectively holding the media accountable. Pritchard (2000) describes the U.S media accountability system as "fragmented, informal and diverse," comprising of norms based on law, ethic codes and professional practices (p. 2). The British media accountability system also revolves around retaining a balance between media freedom, public interest and holding the media accountable (Bromley 2003). In comparison with the United States, the British media accountability system assumes more characteristics of social responsibility and a paternalistic approach.

The British media accountability system has evolved in response to major media crisis, and this pattern has been prevalent since World War II. The type of media crisis involves reckless and licentious behavior from the press as well as the unprecedented growth of media monopolies. In comparison with the American system, the British takes a more paternalistic approach in dealing with a reckless press (Steel 2013). Jewell (2012) states that the Leveson Inquiry was the "latest in a long list of inquiries into the British press and its role in society since 1947," when the first Royal Commission of the Press took place (p. 38). This landmark press

inquiry set upon the task of how to further freedom of expression while achieving the highest standards of accuracy in the news.

The commission subsequently called for the setting up of General Council of the press that would govern behavior, including “conditions of employment, training issues, ownership,” while protecting and promoting the interests of the consumer (Jewell 2012, p. 28). The General Council of the Press was not set up until 1953 after the government threatened to impose statutory regulation of the media (Jewell 2012). Since then, five major press inquiries have taken place in the sixties, seventies, eighties, and nineties until the present day with the Leveson Inquiry. This has been in response to issues such as the failing press councils, media intrusion into people’s private lives and public dissatisfaction with the behavior of the press.

A reoccurring pattern emerges, in which measures are made to revise the failing press council in question, as well as the implementation of a more effective self-regulatory framework. More than often, these proposals are met with resistance from the newspaper industry followed by government threats to enforce statutory regulation. O’ Malley (1998) states that these constant reoccurring commissions reflects “the recurrent failure of governments to fully articulate the growing and widespread concerns about the press into workable policies,” despite the “proliferation of private and government sponsored inquiries” (p. 94).

It is also worth noting that in conjunction with these press inquiries, especially those that took place in the mid twentieth century, bills have been introduced to implement changes on laws dealing with privacy, official secrets, contempt of court and defamation, which directly impact the behavior and regulation of the press. More than often these bills have been rejected especially during the course of the seventies. The most significant and successfully implemented, the Human Rights Act of 1998, incorporates the European Convention on Human Rights

doctrine on freedom of expression (Welsh and Greenwood 2001). Article 8 of the Convention guarantees the right to privacy in particular to “public authorities” (Welsh and Greenwood 2001, p. 387). According to Crook (2010), British judges “can take into account media code of ethics when presiding over conflicts between Article 10 freedom of expression, and Article 8 right to respect to privacy, as a result of section 12 of the Human Rights Act 1998” (p. 23). Furthermore, in the wake of the *Leveson Report*, significant changes have been made to the laws relating to the press. This includes changes to the Data Protection Act, reforms to defamation laws under the Defamation Act 2013 and the implementation of the Crime and Courts Bill 2013, which was used to implement the Royal Charter in 2013.

The controversial *Press Complaints Commission* has been the main regulator of the press since 1991 until now, following Lord Calcutt’s public inquiry into the press. The *Press Complaints Commission* describes itself as an “independent body, which administers self regulation for the press” (PCC 2012, paragraph 1). The self-regulatory framework consists of two key components including a code of practice, which covers the entire newspaper and magazine industry and provides guidelines on how journalists can go about the business of newsgathering. The PCC also runs a complaints system, which provides redress to members of the public who feel that they have been slighted by the press. The procedures comprise of “negotiating remedial action, issuing ruling on complaints, as well as passing on request to editors to refrain their journalists from harassing individuals for stories” (PCC 2012, paragraph 1). The PCC also have the autonomy to conduct investigations as well. The PCC comprises seven leading newspaper editors and ten members of the public.

The PCC have been subject to controversy from failing to fully implement a code of practice as well as the press’ role in the death of Diana, Princess of Wales, in 1997.

As a result, the Editors' Code of Practice has undergone numerous revisions and to correspond with the changes in laws such as Article 10 (freedom of expression) and Article 8 (privacy) of the Human Rights Act. Currently, the existence of PCC hangs in balance, following a damning indictment from Lord Leveson in the wake of the phone hacking scandal. The *Independent Press Standards Organization* will take the place of the PCC, yet the Editors' Code of Practice still remains as before. The code was last revised in 2011 during the course of the Leveson Inquiry. The newspaper industry currently plans to re-launch the PCC in September 2014 as a new self-regulatory body called the *Independent Press Standards Organization* (IPSO). However, this has yet to be seen.

Meanwhile, the Queen signed a Royal Charter in 2013, which involves implementing a recognition panel that will set up a regulator of the British press comprising members of the public and the press (no editors). The regulatory body will consist of three components including a complaints system, which has the power to order corrections as well as impose up to one million pound fines. There is also a free arbitration system that will help resolve the complaints or issues before they reach the court. The final component is a code a committee, which will design a new code of conduct. It's voluntary for members of the press to join. However, failure to sign up to this new regulator means that the press are not entitled to legal protections offered by the arbitration process. Furthermore, a Royal Charter means that changes to recognition panel and the regulator will need a majority vote from two thirds of parliament. This system is not due to take effect until after 2015.

The British government created the *Office of Communications* otherwise known as Ofcom as part of the 2003 Communications Act. The purpose of the act was to remind broadcasters of the legislative framework within which they are supposed to operate. Ultimately,

the code is based on a statutory framework. Consequently, Ofcom has the power to enforce statutory sanctions. It is also set with task of furthering the interests of citizen and consumers while promoting healthy competition. Ofcom essentially regulates the broadcast industry and ensures that the electromagnetic spectrum is fully optimized, ensuring high standards are retained in broadcast, as well as protecting audiences from harmful material (McKenzie 2006). It also provides a broadcasting code, which provides strict guidelines on the regulation of content including television advertising, protection of children, taste and decency as well as production quotas, which ensures that programmes to the public are provided by diverse broadcasters including regional and national. The *BBC* is the U.K. independent public broadcasting channel backed by a Royal Charter and the government as well as the public. It is also positioned as a competitor in the broadcast marketplace, while upholding the highest standards including impartiality, fairness and taste (McKenzie 2006). The BBC also adheres to *The Ofcom Broadcast Code* as well as a Royal Charter.

In Britain, competition laws are designed for reducing concentration as well as preventing the abuse of market power (Media Ownership and Plurality Consultation, July 2013). The changing media landscape affects current ownership rules. The challenge is to encourage competition and economic growth by being deregulatory as possible, while allowing the media to perform the vital role of forming public debate and opinion (Department of Culture, Media and Sport 2011). In recent years, the British government has undertaken various attempts to deregulate the market, which has opened the door to potential foreign interest including American companies such as Viacom and Disney. However, the government also has the power to intervene if a media merger contravenes the public interest (Barnett 2010).

According to a British government report from 2013, the statutory restrictions on media ownership include the 20/20 rule, which prevents newspaper proprietors owning 20 percent or more share of the market including television licenses (Media Ownership and Plurality 2013). There is also the prevention of television and radio licenses being granted to particular types of person whose influence might cause concern (Department of Culture, Media and Sport 2011). Currently, the issue of cross ownership is resolved and ongoing process for the British government, given concerns about Murdoch's dominations of the market at 35 percent, which includes four major newspapers.

The marketplace acts as the ultimate accountability system in the American libertarian model of the press. This is provided that there are no monopolies, and there is a flow of information between buyers and sellers (Meyer 2003; McKenzie 2006). To add, newspapers cannot be regulated or licensed as a result of protection from the First Amendment against any form of government intervention (McKenzie 2006).

As mentioned earlier, the Hutchins Commission is the only press inquiry to have taken place in the United States in response to a libertarian market that became very monopolistic and exerted an adverse impact on public discourse and democracy. The idea of a press inquiry headed by non-media professionals resulted in an unpopular response from the American media. According to Jaehnig (1998), the Hutchins Commission did raise awareness of the importance of a responsible press in democracy. As a result, the newspaper industry adopted socially responsible measures that would raise professional standards in journalism and hold the media accountable (Jaehnig 1998).

The American accountability system of the press is based on fragmented self-regulation adopted with socially responsible mechanisms such as press councils, ethic codes, ombudsmen

and journalism education. Press councils have a checkered history in America, as a result of resistance from the media and lack of public demand for their services. The Minnesota News Council (MNC) and National News Council (NNC) were the first to be set up back in the early seventies. The non-profit National News Council functioned on a voluntary basis with the purpose of addressing complaints about bias, unfairness from the media as well as suspected violation of the Society of Professional Journalists Code of Ethics (Silha Center for the Study of Media Ethics and Law 2011, paragraph four). The council consisted of voting members comprising journalists and non-journalists. It ran a complaints system and hosted public hearings held by a “justice,” attended by media as well as members of the public (Silha Center for the Study of Media Ethics and Law 2011, paragraph four). It transpired that many journalists were against the idea of a press council as result of being against any form of regulation. The press was dissolved in 1984 after hearing 242 complaints during its existence. The Minnesota News Council was set up in 1971 based on the adjudication system of the British press council, which involved addressing complaints and holding hearings. For a while, it existed as the only state press council. The council eventually shut down in 2011, as a result of lack of funding and complaints, which reflected the lack of demand from the public. At the time of the closure, the First Amendment Center (2011) attributed the opposition of newspapers as the primary reason for the closure of news councils. The center states success of a news council depends on full participation from the rest of the media. Currently, the volunteer press councils that exist include the Washington News Council and the Honolulu Community Media Council.

Meanwhile, other self-regulation measures include news organizations appointing their own ombudsman as a means of monitoring output for accuracy and fairness, as well keeping

good relations with audiences. Journalism reviews such as *Columbia Journalism Review* and *Quill* provide solid critical analysis of the industry as well.

To conclude, there are similarities in how the Britain and American media accountability systems approach the governance of broadcast media for content and media ownership, which draws upon a mix of laws and regulation. However, both accountability systems take a slightly different approach at self-regulation with Britain adopting a more paternalistic approach as a result of the intervention from the government in the form of common laws and public inquiries (Barnett 2010). In America, the self-regulation system is very fragmented, with the inconsistent existence of press councils and the variation in how media organizations choose to monitor themselves. However, ethic codes act as a common denominator to both systems as means of retaining quality control and upholding high standards in the profession. The next chapter explores ethic codes and why they are a useful unit of analysis in this comparative study.

Chapter Two.

British and American Media Ethic Codes

Ethic codes as a unit of analysis

It is important to establish why ethic codes constitute as an important unit of analysis in comparative media studies. Within the field of mass communications in the Anglo and American tradition, Christians (2003) states, “self regulation is the only acceptable form of control mechanism according to classic liberalism” (p. 59). Hence, news companies adopt ethic codes as a means of improving company credibility. Some of these codes are enforced while others exist for the sake of appearances (Englehardt and Barney 2002). For example, violation of a code leads to banishment from professions such as law and medicine. White (1989) notes that ethic codes are symbols of the sacred trust that tells society and members of a profession that their expertise and service are important to the society (p. 53). He continues that these symbols also embody the highest professional ideals and values. Bertrand (2000) states that the responsibility of codes is to reinforce a profession’s moral conscience by making clear the values and principles (p. 42). He points out that codes also avoid state intervention (p. 42). Yet, Christians (2003) highlights that ethic codes are a double-edged sword. They either act a poor public relations attempt at ethics or as an effective way of institutionalizing ethical behavior. Nonetheless, he points out that they have a “systematic role in creating an organizational conscience” (p. 59).

History of British and American ethic codes

Professional British and American ethic codes for journalists did not emerge until the twentieth century. In America, the first set of formal journalism codes otherwise known as the *Cannons of Journalism* appeared in the early part of the twentieth century from the Kansas Editorial Association. During the twenties, the newly formed professional journalism

organizations such as the *American Society of News Editors* and *Sigma Delta Chi* (which later became the Society of Professional Journalists), adapted the *Cannons of Journalism* into their own codes of conduct, which set the precedent for the industry. These codes emphasized the importance of journalists adhering to values such as independence, objectivity and the truth, which raised the standards of the profession. News organizations have further adopted the cannons into their own codes of conduct. Industry codes have been revised according to the major events in journalism such as Watergate.

In Great Britain, it appears that the *National Union of Journalists*, which started at the start of the twentieth century, did not adopt its code of conduct until 1936. The code was implemented as part of the trade union's rules. However, in 1977, the Royal Commission for the Press demanded for a code of practice after ruling that the British Press Council was a shambles. This was met with resistance from the newspaper industry. The PCC set up its code of conduct for the entire industry in 1991, which was integral to the self-regulation of the British press. The code has been revised according to major significant events such as the death of Princess Diana and the phone hackings scandal. Since the enactment of the Human Rights Act of 1998, the *PCC Editors' Code of Practice* provides journalists a sense of the legal parameters that they should work within according to common laws on libel, contempt of court, privacy and freedom of expression (Crook 2010).

Philosophy of journalism ethics

Two decades ago, Altschull (1990) wrote that mass communication scholars are turning to questions of philosophy and ethics in an attempt to gain a better understanding of the role of journalism in contemporary society. The British phone hacking scandal resurrects the question of philosophy and ethics in journalism, in particular what external and internal factors drive a

journalist to make the ethical choice of resorting to the “dark arts” in daily newsgathering?

Philosophy and ethics is an important component in this study, as they provide the tools to dissect the differences and similarities between the British and American media systems and ethic codes. Fink (1988) highlights that it is difficult to pinpoint the exact philosophical origins of news media ethic codes. Mass communications scholars have traced their roots back to the moral philosophy and subsequent ethical systems that evolved in the Western tradition since the days of ancient Greece. Fink (1988) describes ethics as follows:

A system of principles, a morality of code of conduct. The values and rule of life recognized by an individual, group or culture seeking guidelines to human conduct and what is good or bad, right or wrong. (Fink 1988, p.5).

Crook (2010) defines this area of study as media ethicism, which “investigates the belief systems or doctrines of media communicators,” which are ideological, religious, philosophical and political (p. 155). The tenets of these ethical systems provide an insight into the ethical make up of a journalist, which determines how they should behave in society. This section attempts to identify the key philosophical and ethical systems that underpin British and America ethic codes. Mass Communications scholars such as Merrill (1997) and Crook (2010) identify Aristotle’s concept of the “Golden Mean” as pertinent to the journalist’s need for self-fulfillment and personal happiness in his role. Aristotle’s virtue ethics could be regarded as the antithesis of Plato, who is regarded as the founding father of authoritarianism.

Crook (2010) highlights that Plato placed social goals ahead of personal fulfillment. Scholars (Crook 2010, Merrill 1997) describe Aristotle as a “relativist,” who believes all truth is relative and subjective to the individual. In Book II of *Nicomachean Ethics*, Aristotle proposes the “Golden Mean,” which states that happiness is achieved from attaining a mean, which he describes as “moral virtue” between extremes. For example, he writes:

That moral virtue is a mean, then, and in what sense it is so, and that it is a mean between two vices, the one involving excess, the other deficiency, and that is such because its character is to aim at what is intermediate in passions and in actions, has been sufficiently stated. (Aristotle 350 BC, p.32).

Furthermore, he emphasizes that individuals can only achieve moral virtue, “ethike” from habit, “ethos,” as well as acquired knowledge. In other words, a journalist can achieve self-fulfillment if he or she can retain a balance between the extremes that can potentially appear in the newsgathering process whether it is partisan vs. non-partisan or recklessness vs. overcautious (Merrill 1997). This can be achieved if the journalist draws upon the ‘ethos’ and expertise of his or her profession.

German philosopher Immanuel Kant occupies an integral role in the discussion of journalism ethics as well as occupying an important place in modern philosophy (Altschull 1990). Mass communication scholars regard Kant as the godfather of deontological or rational ethics, which states that goodness can be achieved out of duty, universal maxims and “priori guidance” (Crook 2010, p.181). Kant’s conceptualization of the “Categorical Imperative” is essential to deontological and journalism ethics. He writes, “act always so that you treat humanity whether in your own person or in that of another, always as an end and never as a means only” (Immanuel Kant as quoted in Crook 2010, p.181). Kant is stating the opposite to pragmatic and moral consequentialist ethics, which believes that any action undertaken should be a means to an end. He is advocating that people should be treated as a means to themselves as opposed to mere devices that can achieve something. Furthermore, Kant writes in *The Formula of the Law of Nature*, “act through the maxim of your action were by your will to become a universal law of nature” (Crook 2010, p.181). In other words, individuals should act out of duty as if it were a universal law, as opposed to achieving a certain outcome. A journalist who follows

this principal and the “Categorical Imperative” would pursue news and truth out of his or her duty to society. It could be said there are deontological overtones to the Libertarian conceptualization of a journalist, which places an emphasis on watchdog duties and the pursuit of the truth for the greater good of democracy and public enlightenment.

The writings of twentieth century philosopher John Rawls could also fall under the category of deontological ethics. For example, he proposes the concept of the “Veil of Ignorance” in *A Theory for Justice*, which he describes as a fair example of “pure procedural justice “ (Rawls 1971 p.118). He essentially argues that fairness can result from people placing themselves behind a “Veil of Ignorance,” in which they erase all knowledge of themselves including their social status, profession, abilities and intelligence. As a result, “ they are obliged to evaluate principles solely on the basis of general consideration,” (p. 118). Within the context of journalism, the veil invites journalists to cast aside any preconceptions and place themselves in the shoes of sources that they come across in their newsgathering duties. This will guarantee fairness and protection from any potential harm that could arise from being featured in the media. Rawls (1971) cites Kant’s “Categorical Imperative” as a major influence behind his self coined metaphor, as he believes that when the German philosopher asks us to test our maxim, as it were a universal law of nature, “he must suppose that we do not know our place within this imagined system of nature” (p. 118). As a result, deontological ethics in journalism places an importance on journalists exercising caution, transparency, fairness, telling the truth, as well as protecting news sources out of duty toward the greater good of society.

Altschull (1990) declares about John Stuart Mill, “no philosopher has commanded a greater following in the United States among American journalists” (p.161). Nineteenth century English philosopher John Stuart Mill and his version of utilitarianism underpin what scholars call

teleological ethics. This type of ethics focuses on consequences that achieve the greatest amount of happiness for the greatest amount of people, unlike the Kant and deontological ethics, which believes that happiness, is achieved through duty and universal maxims. In his essay *Utilitarianism*, Mill defines his utilitarian doctrine “is that happiness is desirable, and the only thing desirable, as an end; all other things being only desirable, as means to that end” (Mill, 1879 p.38). In short, any action taken in the name of achieving happiness should be a means to an end. The harm principal is also central to Mill’s writings states that actions taken should be taken to minimize the least amount of harm to people. As result, utilitarianism relates to journalistic values such as pursuing news is specifically for the betterment of society which constitutes as public interest, ensuring that care is taken to minimize harm to individuals as well as giving voice to the minority groups and to those who are less fortunate.

Englehardt and Barney (2002) point out that John Stuart Mill also states that it is acceptable that few are harmed in the name of the greater good despite the overarching utilitarian principles on the minimization of harm. In other words, journalists will do whatever it takes to get the best story that they believe is in the public interest. Merrill (1997) and Crook (2010) highlight that the darker ethics of Utilitarianism overlaps with the consequential and pragmatic ethics of Italian Renaissance philosopher Machiavelli. Crook (2010) asserts that Machiavelli represents “the rational tradition of pragmatic ethics, where moral conduct in many respects is determined by the desire for success” (p.174).

In *The Prince*, Machiavelli advises rulers to resort to cunning in the form of “virtù,” to control “fortuna.” Merrill (1997) goes as far to define Machiavellian journalism, which is underpinned by the idea that if “journalists want to achieve a serious professional goal and to do this may on occasion resort to unconventional means” (p.59). In light of this definition, it could

be said that the phone hacking scandal is an example of journalists using “virtù,” to get the best stories that will yield the most profits and attract the most readers. As discussed earlier, the scandal reflects the corporate authoritarianism that exists in media conglomerates such as Murdoch’s News Corporation, which encourages Machiavellian methods in newsgathering for the sake of top selling headlines.

The question remains as to whether Machiavelli would approve of the motives of journalists using surreptitious means as a means of invading the privacy of an individual? In *The Prince*, Machiavelli makes a distinction between private morality and public success. Hampshire (1983) states that the Italian Renaissance philosopher believed that “it was irresponsible and morally wrong to apply to political action the moral standards that are appropriate to private life” such as retaining high moral standards in relations and friendships (p.122). In other words, Machiavelli advocated the necessity of immoral conduct within the political and public sphere. It is unlikely that he would have advocated the use of immoral behavior within the private sphere. Hence, he would not have approved of the intrusive methods of the phone hacking scandal, which invaded the private sphere of innocent individuals.

Twentieth century philosopher Sissela Bok echoes these teleological and pragmatist sentiments in her book *Lying: Moral Choice in Public and Private Life*, in which she asserts that numerous professions such as journalists “may find themselves repeatedly in straits where serious consequences seem avoidable only through deception” (Bok 2011, p. 120). She draws upon the example of Watergate, in which Woodward and Bernstein “came to tell more than one lie; a whole deception arose” (Bok 2011, p. 120). Bok is referring to the way in which both journalists either had to lie on the phone or pretend to be a certain individual in order to extract unobtainable information from hard to reach sources. As she correctly points out, such methods

resulted in one of the biggest exposés of government corruption in the history of American journalism. Hence, the Watergate scandal serves as a strong utilitarian example of how the end justifies the means especially if it is for the greater good of society and public enlightenment.

According to Schudson (1978), “objectivity is a moral philosophy, and a kind of thinking one should engage in, in making moral decisions” (p. 8). Objectivity is a professional ideal that has underpinned journalism in particular in America since the 1920s. However, Schudson traces the roots of this problematic and “peculiar” professional ideal back to the Jacksonian era in the early nineteenth century. Objectivity also pertains to the idea of facts being presented without bias, opinion and free from official viewpoints. It also carries connotations of truthfulness, fairness and accuracy. In British ethic codes, objectivity is packaged as impartiality in which journalists have to endeavor to capture all sides of the story as well as make that clear distinction between fact and opinion.

As discussed earlier, according to libertarian theory, the journalist acts as a watchdog of democracy, yet it is a role that is independent and unrestrained from any type of constraint whether it is government or society. The philosophy also places an importance on autonomy and individualism. A libertarian journalist would also be relentless in their support of the free market and freedom of the press.

Communitarian ethics called for greater emphasis on communal ideas as opposed to those of the individual. According to communitarian ethics, journalists should go beyond their duties of reporting mere facts and report news that promotes rich community dialogue as well as bring about civic transformation (Ward 2008). According to Merrill (1997), a communitarian journalist discards the libertarian notion of journalistic autonomy and gathers news for the benefit of the community.

Existing studies of ethic codes

The existence of ethic codes has caused considerable debate among scholars especially with regard to their effectiveness in holding the media and individual journalists accountable (Gordon and Kittross 1999). For example, Reuss (1999) states that media codes of ethics are impotent and merely adorn the walls of offices, newsrooms and mass communication textbooks (p. 57). More importantly, ethic codes are equally as self-serving, as they are protective of the rights and feelings of others. Furthermore, Reiss (1999) argues that the codes make the mistake of placing too much responsibility on the journalist as opposed to media owners and editors. She also states that ethic codes consistent stringent rules, which could potentially hinder the free-flow of information that is fundamental to a libertarian media system (p.58). She also identifies a potential weakness in ethic codes, as they are not particularly enforceable. This problem is inherent with professional codes such as the Society for Professional Journalists, which are voluntary yet generally unenforceable, despite the fact they may accompany literature on how to interpret and enforce the codes.

Company codes, which are set up specifically by media organizations, exercise more enforcement power, (Reiss 1999, p.59). Yet, there is the risk that managers can enforce such codes in an arbitrary manner. Furthermore, there is no agreement on how codes should be understood or accurately interpreted as a result of ambiguity and fuzzy, imprecise words. Meyer (1987) states that written codes are criticized for providing little help in making decisions (p. 17). He specifically refers to an incident in which the ASNE suspended F. G. Bonfils, the editor of the *Denver Post*, after his role in the Teapot Dome Scandal in 1926. As a result, the ASNE drafted a clause for the ASNE's statement of principles, which referred to Bonfils role in the scandal, in which he was alleged to have taken part in a blackmail payoff. Bonfils threatened the

ASNE with legal action for slander. The board subsequently offered a deal, which involved rescinding the said clause (p.18). After the scandal, the society's historian concluded, "the society did not have the muscle or the power to punish anyone" (p.18).

Christians (1989) takes the argument further and states that the problem lies in the overall parochial nature of communication ethics in the West as a result of being imprisoned by a strongly individualistic Libertarian ideology that underpins the Anglo America tradition (p. 6). As mentioned, both the American and British media systems are built on the Liberal foundations originating from the Enlightenment period during the seventeenth and eighteenth century. Christians (1989) contends that the Enlightenment mind placed too much emphasis on the individual autonomy and the right for self-preservation, which can be traced back to early philosophers such as Rene DesCartes and Thomas Hobbes. He also highlights the problematic nature of Western ethical theory, which is the result of libertarian philosophers Locke and Cato's negative conceptualization of freedom and liberty.

According to libertarians, the "concept of freedom" is an individual right hence the right to publish; and, freedom of expression is essential to the natural rights of man and his preservation of individual autonomy (Christians 1989, p. 7). As a result, Christians contends that this concept of individualism permeates into today's news culture and has guided the evolution of journalism ethics. This manifests in an emphasis on the individual reporter from their personal choices, and convictions (p. 10), which has led to self-serving pursuit of freedom of expression. Ethic codes should be grounded in norms of culture and history.

In light of these criticisms, it would be easy to assume that ethic codes are not worthy of analysis. However, Cooper (1989) believes that ethic codes are valid evidence of cross national patterns, hence a useful unit of analysis in comparative media studies. His justification is that

they are concrete – they are revised and fixed. Codes carry meaning, as they are symbolic, normative or inspirational (p. 30). The ideal code is representative of the norms, profession, and culture within which it resides. Finally, codes of ethics are intentional and written with purpose and conviction. He argues that ethic codes can serve as a unit of analysis as long as the researcher acknowledges their weaknesses.

The arguments from Christians (1989) and Cooper (1989) are part of their quest to find a global ethics code to cover journalists working across the global in lieu of the currently favored ethic codes rooted in the liberal values of the British and American media system.

Similarly, comparative studies of ethic codes over the past 30 years have focused on this particular goal of finding a universal ethic code, as well as establishing a theoretical framework for global journalism ethics (Jones 1979; Nordenstreng 1979; Bertrand 2000). White (1989) draws on a series of extensive studies conducted during the seventies.

In a later study, media ethicist Jean Claude Bertrand (2000) develops a complex typology, which comprises of different layers of macro and micro categories according to a series of principal professional codes from countries such as Britain, Japan, the United States and India. He puts together a synthetic code, in which he identifies the basic tenets of ethic codes including fundamental values (respect for life), fundamental prohibitions (not to lie, not to appropriate someone else's property and not hurt anyone needlessly) and journalistic principles, which covers competence, independence, accuracy and fairness. This is broken down further into categories including "according to the nature of the rules," "according to the media functions," and "scope of the rules according to the type of media" (Bertrand 2000 p. 46). He notes that most ethic codes, especially those in the U.S., are more than often applied to journalists as opposed to

media owners. This is because associations of journalists draft the codes and as a result pay little attention to the potential influences of media owners on news (Bertrand 2000, p. 51).

However, it is likely that some corporate codes may advise media managers to separate journalistic and business interests as well as to attract advertising that does not undermine the credibility of the news outlet (p. 51). Bertrand (2001) argues that most ethic codes emphasize that the media has duties towards the communities that they serve, and they must not offend the moral conscience of the public (p. 53) and should rigorously follow the law. Finally, Bertrand raises the important issue of interpretation and enforcement of codes, which he states are more than often vague and rarely absolute (p. 53). He says the solution is for further ethical education of journalists and a better understanding of media's role in society. Unlike other categories, Bertrand does not go into much detail about the levels of enforcement that exist within ethic codes. Meyer (1987) proposes that is because of the lack of examples of code enforcement in journalism, there is the need to look elsewhere (p. 23).

Meyer (1987) conducts an analysis of ethic codes within the context of U.S media in particular professional codes belonging to ASNE, SPJ/SDX and APME. He identifies two types of codes including those that are written and those that are not. He acknowledges that latter as the more difficult to describe and the more powerful of two. His analysis of the main American professional codes reveals the idiosyncrasies that can exist, which confirms Bertrand (2000) view that codes are thrown together in a "higgledy piggedly fashion" (Bertrand 2000, p. 45). Meyer's first criticism is the problem of ambiguity when ethic codes tell journalists to keep up appearances, which in itself suggest a cover up for deceitful behavior. Meyer (1987) notes that this "concern for retaining appearances" is result of an organization's "previous sins" to a point that journalism becomes a public relations exercise (p.19). He also points out that the problem of

ambiguity also looms under “conflict of interest,” in all three professional codes. Furthermore, the codes suggest that conflict should be avoided even where there is the “appearance’ of conflict” (Meyer 1987 p.19). He continues that this reflects the editor’s preoccupation with how the public may react to particular news stories and editorials. Nonetheless, he observes that all three codes offer a different variation of what constitutes conflict of interest.

APME and SPJ/SDX go to great lengths to describe the different situations that can potentially place journalists in compromising situations, including writing stories for the sake of winning awards or attracting further advertising. He observes that the ASNE principal of responsibility is grounded in the First Amendment, whereas the other codes state that the “public right to know” is integral to the watchdog duty of the press. The tenets of impartiality and fairness are extensively covered in all three codes and so is the right to reply. There are also differences in the way each code approaches handling confidential sources and privacy. More than often these codes will pertain to the same tenet but use a different term.

The above studies illustrate some pitfalls that can arise from analyzing codes. Bertrand (2000) warns that because of their idiosyncratic nature, experts can slip into confusion when they undertake comparative studies (p. 45). Cooper (1989) warns against oversimplifications and meaningless generalizations of universal tenets. Bertrand (2000) implies that an analysis of British and American ethic codes is a redundant exercise given the strong ideological and cultural similarities between the two media systems. However, as mentioned, the eruption of the phone hacking scandal warrants a nuanced examination of each country’s ethic codes in the hope that it can give an insight into the differences and similarities between American and British liberal media systems and a possible indication of why the hacking scandal happened in one country and presumably would not have happened in the other.

Chapter Three. Methodology

The eruption of the phone hacking scandal warrants a refreshed and nuanced examination of the differences and similarities between the American and British liberal media systems. This comparative study selects British and American ethics codes as the unit of analysis and conducts a qualitative analysis based on grounded theory. The objective of the analysis is to get a possible indication of why one journalistic culture transgressed more than the other.

Research questions and hypothesis

R1. What are the philosophical and ideological differences between American and British professional journalism ethic codes?

RQ2. What is the relationship between corporate codes and professional journalism codes in Britain and America?

RQ3. What is the relationship between corporate codes of media owners and chain news media outlets?

H1. American ethic codes will focus more on journalists avoiding conflict of interest than British ethic codes.

H2. Professional ethic codes in America and Britain focus on journalists retaining the integrity of the profession compared to corporate codes.

Methodology

A sample for ethic codes from the United Kingdom and United States were primarily searched on the Internet. The sample gathered for this study does not represent the entire universe of American and British ethic codes as a result of the limited availability of ethic codes in the public domain. First, seven codes were collated from the United Kingdom and split into categories including statutory, professional and corporate. The professional codes comprise the

National Union of Journalists, which has “set out the principles of UK and Irish journalism since 1936,” (NUJ website, 2011 paragraph one) and the *Press Complaints Commission’s Editors’ Code of Practice*. All print news media entities adhere to this code, which the PCC states holds editors to account. As a result, with an exception of a few publications, the majority of British newspapers and magazines do not implement their own ethic codes and follow the *PCC’s Editors’ Code of Practice*. For this study, the *Office For Communications* (Ofcom) is the independent regulator and competition authority and subsequently provides a principal ethics code for all the country’s broadcast media including radio, and television.

The remainder of British news media ethic codes in the sample falls under the category of corporate codes, which include satellite news station *Sky News*, which is owned by Rupert Murdoch’s *News Corporation*. The other codes include broadcast news media such as *Channel Four News*, which is owned by *ITN* (Independent Television News). *ITN* is the biggest independent news producer in the United Kingdom. These major broadcast stations also abide by the *Ofcom Broadcasting Code*, which is incorporated into their codes. The other two codes in the sample include *BBC Editorial Guidelines* and *The Guardian* newspaper that differ from the traditional corporate news models. The Guardian Media Group ethics code applies to journalists who work at *The Guardian* and *The Observer*. The Scott Trust Media was set up to safeguard the journalistic freedom and liberal values of *The Guardian* newspaper in 1936. The Trust still owns the media group and became a limited company in 2008. As a result, *The Guardian* assumes a liberal and socially responsible news model.

A final sample of 48 American news codes were taken from the *American Society of News Editors’* (ASNE) website, which included mainly newspaper ethic codes as well as those belonging to non-profit models and professional organizations. Once again, these do not

represent the entire universe of American ethic codes. To add, the industry codes from the *Society of Professional Journalists* and the ASNE were also included in the sample. As with the British news codes, the codes were split into categories such as professional, corporate, and statutory. Furthermore, the owner of each news entity was also noted. For example, News Corporation owns the *Dow Jones*, while *Belo News Corporation* owns both the *Dallas Morning News* and *The Providence Journal*. The purpose of this exercise was to differentiate between the ethic codes of chain newspaper outlets and their newspaper owners. Some American news media outlets such as the *LA Times* feature more than one set of codes of ethics, such as a supplementary guidelines on social media. Hence, they were not counted as separate codes in the sample. For example, during the analysis process, the aforementioned guidelines on social media were coded as part of the *LA Times*.

Grounded theory v. content analysis

The analysis of this study primarily draws upon grounded theory while incorporating the structural components of traditional content analysis. According to Charmaz (2006), grounded theory involves the process of separating, sorting, and synthesizing data through qualitative coding. Stroud and Higgins (2009) describe content analysis as a method of quantitatively analyzing communication. The method relies on using numbers to describe communication messages (p. 123). It was established during the sampling process that the significant discrepancy in the sizes of both samples would not allow for a traditional quantitative content analysis. Furthermore, the content analysis serves as a useful methodology if the researcher is primarily looking at the frequency of messages over a period of time (Stroud and Higgins 2006, p.126). The authors state that content analysis is not well suited if researchers “are looking to evaluate something more complex in a communication message” and there is likely to

be significant disagreement between codes (Stroud and Higgins, p.126). In this instance, a part of the analysis will involve looking at the frequency in which certain ethical tenets appear across both American and British codes. However, this study also focuses on the philosophical, ideological and legal differences that underpin both systems of ethic codes.

A quantitative analysis of these tenets will not generate reliability nor capture the necessary patterns and detail that are essential to the query of this study. Furthermore, content analysis depends on reliable data based on mutually exclusive variables. In this instance, categories such as fairness and impartiality are not mutually exclusive, as some news media outlets will define fairness as giving a voice to all sides of a news story. Lindlof and Taylor (2002) state that grounded theory is one of the most influential models for coding qualitative data and is used in social sciences especially in the study of communication (p. 218). Charmaz (2006) highlights that grounded theory provides the tools for researchers to synthesize large amounts of data and text (p. 43). Coding is essential to this task, which Charmaz (2006) defines as “categorizing segments of data with a short name that simultaneously summarizes and accounts for each piece of data (p. 43).” In this instance, grounded theory allows an effective and systematic way of analyzing the ethic codes and subsequently naming segments of data with a label.

Within the context of ethic codes, Bertrand (2000) states that given “the higgledy piggledy nature of ethic codes, experts slide into confusion” when undertaking a comparative study (p. 45). This study is fundamentally a comparative analysis; hence qualitative coding enables the researcher to “compare each incident to other incident in order to decide in which categories they belong” (Lindlof and Taylor 2002, p.219). To add, systematic coding will help

explain the fundamental differences and similarities that exist between the two samples of codes as well as “grapple with the meaning” of data (Charmaz 2006, p. 46).

As discussed in chapter two, mass communications scholars have offered various typologies to assist researcher’s further study of ethic codes. However, these typologies are based on either small samples or a large selection of international codes. As a result, the researcher is focusing on ethic codes from the Anglo-American tradition and the study demands a more specific set of categories that can translate to both sets of codes. This analysis of the ethics codes began with an open/initial coding of both samples. Both Charmaz (2006) and Lindlof and Taylor (2002) state that open coding allows researchers to see the action in the data before categorizing. For example, this four-week process of open coding provided the opportunity to become familiar with the codes as well as come to grips with the parameters and content of the American and British sample of codes. The first round of open coding involved skimming through the sample and ascertaining the length of ethic codes as well as writing down any initial thoughts or reactions. The second round involved going through each code and paying attention as well as noting any potential and categories that became prominent as the process continued. The researcher went through the notes and subsequently identified a potential of 21 categories common to both British and American samples.

These categories included accuracy, fairness, impartiality, public interest, privacy, conflict of interest, independence, surreptitious recording, truth, and freedom of the press. To add, some categories such as accuracy and surreptitious recording were mutually exclusive and easy to code. However, categories such a minimization of harm and conflict of interest were spilt into sub- categories. For example, conflict of interest was split into categories such as declaring financial interests; do not accept gifts to no political involvement. A coding book was created

according to each research question to enable the researcher to elicit an accurate interpretation between the similarities and differences.

For example, RQ1 tackles the ideological and philosophical differences between the American and British professional codes. Hence, a coding sheet matched key ethic tenets with specific philosophies. RQ2 explores the relationship between American and British corporate and professional codes. Hence, a coding book was created specifically for the American corporate codes featuring the aforementioned variables including conflict of interest, public interest and minimization of harm. Afterwards, the researcher calculated percentages of each category to establish, which were the least and most prominent in the sample. The same procedure applied to RQ3, which compared and contrasted the codes of media owners with their local news companies. This question also required a more in-depth textual analysis. Meanwhile, the H1 and H2 were tested according to the results drawn from answers RQ1, RQ2 and RQ3.

Chapter Four.

Results and Analysis

Ideological and philosophical differences

The first research question asks what are the ideological and philosophical differences between American and British professional ethic codes. The analysis reveals that American professional codes are more deontological in their outlook given that they present a clear definition of a journalists' role in democracy, which is firmly rooted in the country's freedom of press tradition. The codes carry connotations of the First Amendment and the Enlightenment with their emphasis on "seeking the truth" and "enlightenment." The British professional ethic codes veer more towards teleological ethics, which focuses on making a journalist aware of the consequences of their actions and minimizing harm to those that are in the news. In contrast to American codes, British ethic codes carry legal and regulatory connotations. Nonetheless, both American and British ethic codes emphasize the importance of serving the public interest or the "public enlightenment," which touches upon libertarian notions of the free flow of information as well as Utilitarian principles that actions, such as the pursuit of news should bring "the greatest happiness to the greatest number of people" (Merrill 1997, p. 67).

As mentioned in Chapter 3, American professional codes from the *Society of Professional Journalists* (SPJ), *American Society of News Editors* (ASNE) and *The Radio Television Digital News Association* (RTDNA) were compared with British professional codes including the *National Union for Journalists* (NUJ), *Press Complaints Commission* (PCC) as well as the UK's *Office of Communication regulator* (Ofcom). Differences emerge in the way both sets of professional codes define the role of the journalist, and truth. Yet, there are overarching similarities between how the codes approach impartiality, fairness and minimization of harm.

The SPJ Code of Ethics and *ASNE Statement of Principles* presents a clear vision of what a journalist's duty entails, rooted in libertarian ideals as developed by philosophers John Milton and John Locke. The *SPJ Code of Ethics* states that a journalist's duty involves helping achieve the public enlightenment that is integral to the effective functioning of democracy. *The ASNE Statement of Principles* clearly defines the role of the press based on the First Amendment's concept of freedom of expression. It implies that the press is a constitutional right of the people. Hence, newspapers carry a particular responsibility. First Amendment drafter James Madison expresses these sentiments in the Virginia Reports of 1799–1800, that the press provides “powerful protections against the influence of oppressive and tyrannical factions” (Altschull 1990, p. 112). The *RTDNA Code of Ethics* describes journalists as “trustees of the public,” which involves “providing a full range of information to enable the public to make enlightened decisions” (*RTDNA Code of Ethics and Professional Conduct*, paragraph 2). So far, it appears that the aforementioned codes touch upon Kant's “Categorical Imperative,” which states, “what is ethical for a person to do is what the person would have everybody do” (Merrill 1997, p. 65). Hence, according to American professional codes, a journalist's duty is towards the absolute principles of truth and public enlightenment.

British professional ethic codes take a slightly different approach towards freedom of expression. The *PCC Editors' Code of Practice* defines sets out the framework for self-regulation of the entire British press. The preamble sets out the spirit of the code, which suggests that ethics should revolve around balancing the freedom of expression with the freedom of the individual (*PCC Editors' Code of Practice 2011*). Yet, it advises against the rigid application of the code should it interfere with freedom of expression and the public's right to know. The

balancing act pertains to Aristotle's golden mean, which suggests the idea that practical wisdom is achieved through the balancing of two extremes.

The *NUJ Code of Conduct* comprises of twelve bullet points and states that “a journalist defends the principles of media freedom, the right of freedom of expression and the right of the public to be informed” (*NUJ Code of Conduct 2011*, bullet point one), which touches upon the deontological themes in the American professional codes. The *Ofcom Broadcasting Code* is aimed primarily at broadcasters including news journalists. Yet, unlike their American counterparts, there is a lack of context with regard to a journalist's role in society. To add, there are significant differences in the way in which American and British ethic codes approach the issue of independence and conflict of interest. American ethic codes appear to define conflict of interest as a transaction or activity undertaken by a journalist that potentially undermines his or her duty to democracy. It is reflection of the libertarian ideal that the press as watchdog of democracy needs to be free and independent from all forces. Within the context of deontological ethics, it could be said that independence and integrity are part of the journalist's unconditional moral obligation to society. Although, British professional ethic codes do not go into extensive detail about conflict of interest and completely avoid mentioning activities such as free travel and gifts, which American ethic codes regard as detrimental to a journalist's sense of impartiality and independence. This lends further support to the notion that American professional ethic codes present a more ideologically grounded role of the journalists. British professional codes focus on making the journalists aware of the consequences of their actions.

This section addresses how the examined codes examine truth and impartiality. The truth is the real facts about something (Merriam Webster, 2014). Merrill (1997) states that the main problem of ethic codes is that “they never get around to saying just what the truth is” (p.114).

He argues that variables such as accuracy do not necessarily equate truth. He identifies five levels of truth, which include transcendental and audience perceived truth that journalists cannot obtain. However, the most relevant concepts of truth in his proposed typology includes “potential truth,” – what the journalist can get, ‘selected truth,’ what the journalist does get, and ‘reported truth,’ what the journalist uses” (Merrill 1997, p114).

American ethic codes such as the *SPJ Code of Ethics*, *ASNE Statement of Principles* and *RTDNA* approach truth from a deontological perspective. For example, the *SPJ Code of Ethics* states that it is imperative “journalists seeks the truth and reports it” (*SPJ Code of Ethics* 1996). This is followed by a description of what constitutes truth, which includes the right to reply, attribution of sources, as well as avoiding over-simplification and surreptitious methods of gaining information. Meanwhile, the *ASNE Statement of Principles* covers truth and accuracy under Article IV of the code. However, they are defined within the context of impartiality, in that truth means freedom from all bias and all sides are represented. Similarly, *RTDNA* emphasizes that journalists have a duty to pursue the truth aggressively and not report any known falsehoods. It could be said that these codes touch upon Merrill’s concept of “potential truth,” which suggest that if the journalist is diligent and persistent enough, he or she can obtain potential truth, or portions of it (Merrill 1997, p. 114). This relates to both libertarian and deontological notions that a journalist’s obligation is to seek the truth for the overall benefit of society.

American codes also focus on “selected truth” and “reported truth,” but within a deontological framework. Corporate codes provide more specific examples of what could constitute as “selected truth” and “reported truth.” For example, Hearst Statement of Professional Principles places an emphasis on ‘reported truth’ and advises journalists to immediately correct errors contemporaneously. Whereas, the *LA Times* touches upon “selected truth,” when it states

that reporters should seek out intelligent, articulate views from all perspectives covering controversial issues such as abortion and gun control (*The Los Angeles Times Ethics Guidelines*, paragraph two).

British ethic codes do not relate to this concept of the truth and focus on what Merrill describe as the “selected truth,” and “reported truth.” The *PCC Editors’ Code of Practice* avoids any direct mention of the truth and advocates the right for a partisan press. Instead, under the headline of “accuracy,” the code focuses on the “reported truth.” It advises against distortion, plagiarism and the importance of making a clear distinction between “conjecture, comment and fact” (*PCC Editors’ Code of Practice*, 2012, paragraph one - “Accuracy”). The *Ofcom Broadcast Code* is underpinned by legislation. It does not mention the truth but explicitly states that the news in whatever form must be represented with “due impartiality” and “due accuracy.” The manner in which British ethic codes approach the truth reflects their emphasis on pragmatic and consequential ethics as opposed to duty and ideology.

The above suggests that impartiality; truth and fairness are not mutually exclusive concepts in American and British professional codes. Both sets of codes do not present an absolute or universal definition of impartiality. Impartiality means not partial and without bias (Merriam Webster dictionary, 2014). At the most, ethic codes tend to touch upon the concept with a degree of vagueness. For example, the *RTDNA Code of Ethics* puts impartiality under the headline of “fairness,” and states that reporting should be free from professional bias, as does the *SPJ Code of Ethics*. The *ASNE Statement of Principles* states that impartiality involves making a clear distinction between news reports and opinion as opposed to being completely free from editorial expression. British ethic codes follow a similar pattern and provide similar definitions apart from The *Ofcom Broadcasting Code*. Section five of the code is specifically devoted to

explaining “due impartiality,” and “due accuracy,” according to the impartiality requirements of Section 320 of Communications Act 2013. This piece of legislation more or less states that television and radio services should not reflect “the expression of the views or opinions of the person of providing the service on any of the matters mentioned in subsection (2)” (Section 320 of Communications Act 2013). Furthermore, section five of The *Ofcom Broadcasting Code* defines “due” as providing adequate or appropriate coverage according to “the subject and nature of the programme” (Section Five: *Ofcom Broadcasting Code*).

The “minimization of harm” principal takes root in various Western philosophies. Libertarian philosophers such as John Locke advocate that, “all human beings have the same basic nature and deserve to be treated as equals” (Englehardt and Barney 2002, p. 21). This is prevalent in the *Declaration of Independence*, in which Jefferson writes that “all men are created equal and that they are endowed by the creator with certain inalienable rights, among which life, liberty, and the pursuit of happiness” (Englehardt and Barney 2002, p. 21). Similarly, utilitarian philosopher John Stuart Mill states that the individual is sovereign, which is absolute (Crooke 2010). This set the basis of the harm principal, which Mill outlines in *On Liberty*. Twentieth century philosopher John Rawls states that every person has an equal right to basic liberties (Englehardt and Barney 2002). As mentioned, in chapter two, the metaphor of the “Veil of Ignorance,” suggests people achieve a better understanding of the plight of others from erasing all knowledge about themselves and their status in society. Within the context of ethic codes, journalists should place themselves in the shoes of those who are less fortunate and featured in the news.

Both American and British professional codes touch upon the same principles, yet it appears that British codes provide more extensive guidelines on how journalists should minimize

harm and exercise responsibility and fairness. For example, the *PCC Editors' Code of Practice* devotes twelve sections to the minimization of harm, including respect for people's privacy and reporting on victims of sex crimes. For example, the *PCC Editors' Code of Practice* states that respect should be given to an individual's private and family life. This involves not photographing someone in his or her private property without consent. This pertains to Article 8 of the Human Rights Act. The fundamental premise is that the PCC places "an extra burden of responsibility" on journalists that goes beyond "the requirement of the law" (*PCC Editors' Code of Practice* 2012). The *Ofcom Broadcast Code* takes the same approach and provides extensive guidelines on protecting children under the age of 18, including harm and offences in relation to sex and child abuse. These clauses are very much based on British laws such as the Sexual Offences Act 2003 and the Contempt of Court Act 1981. As a result, British ethic codes provide an ethical framework, which places an emphasis on the journalist adhering to common laws, which protect the vulnerable and the rights of individuals.

American professional ethic codes also approach the concept of minimization of harm from a utilitarian perspective. For example, the *SPJ Code of Ethics* advises journalists to be cautious and judicious when identifying juvenile suspects and victims of sex crimes. Journalists should also be sensitive to news sources that are vulnerable such as victims of tragedy. The *ASNE Statement of Principles* covers "minimization of harm" under Article VI titled "Fair Play." In this instance they touch upon the libertarian notion that all individuals are equal hence journalists should respect the rights of news sources. This involves providing a right to reply to those who are accused. *RTDNA* veers towards social responsibility, when it advises journalists to represent the diversity of their community. The Hutchins Commission advised that the media should accurately represent diversity in society. It also touches upon utilitarian principle of the

minimization of harm and states that caution should be exercised towards subjects such as children and victims.

The section examines how the ethic codes approach the subjects of surreptitious recording, public interest and privacy. The phone hacking crisis resurrected the long running argument “over what means are justifiable to reach worthwhile ends” (Fink 1988, p. 49). Within a philosophical context, Englehardt and Barney (2002) point out that John Stuart Mill also states that it is acceptable if the fewest are harmed in the name of the greater good despite the overarching utilitarian principles on the minimization of harm. Merrill (1997) and Crook (2010) highlight that the darker ethics of Utilitarianism overlaps with the consequential and pragmatic ethics of Italian Renaissance philosopher Machiavelli as discussed in chapter two.

British professional ethic codes touch upon consequential and pragmatic principles more than their America counterparts. However, they are also quick to reinforce that the use of clandestine means to get to the truth are kept within the confines of the law and within the boundaries of what constitutes public interest. For example, the *PCC Editors’ Code of Practice*, which was revised in 2012, features the journalist’s use of subterfuge and clandestine devices, within the context of balancing the need for the public’s right to know and the freedom of the individual. It also directly refers to the hacking of phones. However, the code also attaches the condition that undercover methods are only justified in the public interest and there are no other means of obtaining this information. The code devotes a section defining public interest as detecting or exposing a crime or serious impropriety, protecting health and safety as well as preventing the public from being misled by an action or statement of an individual (*PCC Editors’ Code of Practice 2012*). It also includes a strict test for editors to prove that this information was not already in the public domain (*PCC Editors’ Code of Practice 2012*).

The *NUJ Code of Conduct* invokes the same public interest argument and states that material should be obtained by honest means. However, there are exceptions when investigations in the public interest cannot obtain information by “straightforward means” (*NUJ Code of Conduct* 2011). The *Ofcom Broadcasting Code* covers a broadcaster’s use of undercover recording, under a section on “fairness.” It touches upon the same arguments as the *PCC Editors’ Code of Practice* and *NUJ Code of Conduct*. It goes further to explicitly state that while material involving celebrities and those in the public eye does count as public interest.

American ethic codes such as the *SPJ Code of Ethics* briefly touch upon surreptitious means of obtaining information. The *ASNE Statement of Principles* does not make any mention. The *SPJ Code of Ethics* argues that such methods are only justified if there is no other means of getting that information to the public. However, it does not go into the detail and context in the same way as British ethic codes about public interest and privacy. This reflects the journalistic culture of the British press, in which the use of surreptitious means of obtaining information has become more of an issue with the emergence of the paparazzi press in recent years and the endemic of phone hacking which violates privacy in the name of public interest. As a result, the self-regulatory body of the PCC has to ensure that such methods are exercised legally with respect to British laws on privacy that involve a clear definition of public interest.

To sum up, the above analysis reveals that the American professional codes are written within a deontological framework, which places a strong emphasis on the journalist’s duty towards democracy as the watchdog of the press and as seekers of truth in the name of public enlightenment. The codes use language that invokes the principles of the Enlightenment and libertarian ideology, which form the basis of the American Constitution.

Yet, within this deontological framework, American ethic codes revert to more pragmatic and teleological principles using very pragmatic language that is pertinent to journalistic routines and norms. Meanwhile, British professional ethic codes, place little emphasis on deontological ethics. They focus on teleological/utilitarian principles, which focus on how journalists can minimize harm to individuals as they pursue news in the public interest. British professional ethic codes such as PCC and Ofcom are also strongly based on laws such as the Contempt of Court Act and the Sexual Offences Act. It appears that the British ethic codes have evolved in response to the numerous public inquiries that have occurred as a result to the reckless behavior of the British press. Nonetheless, both sets of codes draw upon philosophical foundations of utilitarianism and John Rawls on how journalists can minimize harm and exercise responsibility to members of the public who become sources of news.

Relationship between professional and corporate codes

The second question asks what is relationship between journalism professional and corporate codes in American and Britain? This part of the analysis involved examining 48 corporate American codes against the *SPJ Code of Ethics* and the *ASNE Statement of Principles*. In Britain, the *Press Complaints Commission Editors' Code of Practice* is the blanket ethics code for the entire industry. As a result, the ethic codes of broadcasters such *Sky News* and *Channel Four* were compared against the *Ofcom Broadcasting Code* and the *NUJ Code of Conduct*, which covers both print and broadcast journalists. The *Guardian Editorial Code* was compared against the *PCC Editors' Code of Practice*. As mentioned in the methodology section, the content was first coded according to categories such as the role of the journalist, independence, conflict of interest, minimization of harm, impartiality, fairness, accountability as well as enforcement.

As mentioned in the analysis to RQ1, both the *SPJ Code of Ethics* and the *ASNE Statement of Principles* clearly define the duties of a journalist within the context of libertarian ideals. The American section of the sample consists mainly of ethic codes belonging to newspapers and newspaper groups. A majority of these codes are designed to ensure that journalists do not compromise the integrity, credibility and independence of the organization in the eyes of the community or the market. It is also worth noting that few of these codes mention the *Society of Professional Journalists*. As a result, the finding shows only 10 out of the 48 codes referred to the role of the journalist in a similar libertarian context as the *SPJ Code of Ethics*. For example, *The Journal Gazette (Fort Wayne, Ind.) Ethics Policy* states that the paper's guidelines are developed to "the dual responsibility journalists have to themselves and to the public they serve. (*The Journal Gazette Ethics Policy*). The *Washington Post* and *Associated Press* focus on defining their role as news organizations within democracy, which pertains to the same liberal sentiments expressed in the *SPJ Code of Ethics* and the *ASNE Statement of Principles*. The *Gannett Newspapers Division Principles of Ethical Conduct* uses exactly the same language and connotations as the American professional codes.

Newspapers including *The News Gazette* in Champaign, Ill. and *The News Journal* in Newcastle, Del. as well as Hearst Newspapers emphasize the importance of the newspaper's credibility to the community. As an employee, a journalist's duty is to retain the credibility of the organization by exercising a degree of integrity in his or her pursuit of news. *The Los Angeles Times Ethics Guidelines* states that a journalist's duty is to remain above reproach as means of retaining the integrity of the paper.

Some American corporate codes place integrity and credibility in a more corporate context. For example, Murdoch-owned *Dow Jones* and the *Wall Street Journal* emphasize the

importance of employee professional conduct as integral to retaining that business integrity. It is worth noting that a majority of these corporate codes refer to journalists as merely “employees,” and subsequently omit any reference to the profession. The codes of the *Chicago Tribune*, *The Dallas Morning News* and *E.W. Scripps Company* act as prime examples in which journalists are referred to as just staff or employees. British ethic codes correspond strongly with the professional codes, which emphasize that a journalist’s duty and integrity is about staying within the confines of the law. For example, news broadcasters such as Murdoch’s owned *Sky News* emphasizes journalists should “respect and abide by the law and the obligations imposed upon us under *The Ofcom Broadcasting Code*” (*Sky News Editorial Guidelines* 2013/2014, p2). This includes balancing the right to privacy with that of freedom of expression. The *Channel Four Producers Handbook* is also aimed at all programme makers and news journalists who work for the station’s flagship news programme. It emphasizes that the broadcaster’s role is to exercise responsibility in following principles and complying with the rules in *Ofcom’s Broadcasting Code*. *The Guardian Editorial Code* serves the purpose of protecting and fostering the bond of trust that exists between the paper and readers. Interestingly, unlike other British and American news media ethic codes in this sample, *The Guardian* states that the code also provides protection for a journalist’s individual independence, standing and reputation and those of their colleagues. *The Guardian* also acknowledges the *PCC Editors’ Code of Practice*, which is the overarching ethics code for the entire British Press. It is also featured within the editorial code.

Overall, American professional codes present a pure vision of a journalist’s duty to democracy with an emphasis on credibility, integrity and independence in his or her efforts to seek the truth. However, the American corporate codes examined place an emphasis on journalists as employees or members of staff without any reference to the profession. On the

contrary, the British ethic codes correspond strongly with the professional codes, which state that a journalist's duty and integrity is about adhering to the law and guidelines from regulatory bodies such as the PCC and Ofcom.

The *SPJ Code of Ethics* covers conflict of interest under a section called "Act Independently," which states that journalists should be "free of obligation" to "any interest other than the public's right to know" (*SPJ Code of Ethics* 1996, paragraph 3). This includes remaining free from associations and activities, refusing gifts, favors, fees, free travel, no involvement in public office or anything that can be seen to compromise a journalist's integrity. The *ASNE Statement of Principles* under Title III expresses a similar principal. The analysis reveals that the American corporate codes place the most emphasis on conflict of interest compared to other variables such as impartiality, enforcement, attribution, fairness and accuracy. Ninety-three percent of the American codes examined feature conflict of interest in their codes. The analysis also focused on examining the varying degrees of conflict of interest that feature in ethic codes. Eighty-six percent of American corporate codes warns against a journalist accepting gifts, as well as reviews or comp tickets to shows. Eighty-two percent of American corporate codes warn journalists against financial investments and political involvement. For example, the *Associated Press Statement of News Values and Principles* warns against employees who specialize in certain areas from owning stock, equities and financial investments in companies.

Similarly, the code stipulates that employees need to be aware that the financial interests of spouses and family members could compromise the undertaking of certain assignments. The only exception to the rule is news organizations such as Murdoch's *Dow Jones*, which actually encourages employees to become long-term investors in company stock, whether through various employee benefit plans. Furthermore, bigger news companies such as *Dow Jones* also

run strict policies on securities transactions, in which employees who have access to non-public information are not allowed to reveal that information to the public or sell securities.

Similar rules apply to journalists getting involved in political movements or running for public office. Employees are also expected to be transparent if family members are running for office. Furthermore, 74 percent of American corporate codes advise against employees from taking membership with organizations, should it compromise their position on reporting stories. Some codes actually state that employees can join organization on the provision that they make their editors aware or if it should compromise their position on reporting on a story.

Other results show that 73 percent of American corporate ethic codes warn journalists about using their status or profession as a means of obtaining personal advantage, including acquiring free tickets to see a concert for personal enjoyment. Seventy eight percent also advise against employees undertaking freelance work or moonlighting with other organizations. Meanwhile, less than half of ethic codes advise against or at least checking with their editors in regards to taking awards or taking part in public speaking engagements. Less than half of the corporate codes examined mention the conflict of interest that can arise from a journalist succumbing to advertisers.

The analysis shows that British professional codes do not significantly pertain to conflict of interest as much American professional codes. However, it appears that corporate codes define conflict of interest according to the goals of their organizations, which is evident with the *BBC*, *Sky News* and *The Guardian*. *Sky News* does briefly touch upon tenets, which come under “conflict of interest,” such as “public speaking,” and “payments.” *Sky News* is more lenient in its policy towards payments than most American codes. It actually states that it is everyday business, to make payments to interviewees. However, decisions need to be referred up to senior

management if the request for payments extends to individuals such as criminals. Once again, this pertains to the balancing act that exists between public interest and integral journalism ethics.

British broadcaster *Channel Four* states that it is also normal to pay a fee to an expert or an interviewee. The *BBC* is a public broadcaster funded by the British taxpayer, hence the editorial guidelines emphasize the organization's integrity is rooted in remaining impartial and objective at all times. This is based on the *Ofcom Broadcasting Code's* conceptualization of "due impartiality" and "due accuracy." As a result, conflict of interest occupies an integral point in the guidelines. It states that the audience should be confident that *BBC* editorial decisions are free from outside interests including commercial and non commercial. There are accompanying notes, which state that all staff including freelance are required to declare any personal interest, which may affect their work with the organization (*BBC Editorial Guidance– Conflicts of Interest, Personal and Outside Interests* 2011). Furthermore, as with most American corporate codes, journalists should register their shareholdings and declare all financial interests.

To summarize, British professional codes do not cover conflict of interest as much American professional codes. However, it appears that the aforementioned corporate codes in both countries define conflict of interest according to the goals and ethics of their organizations. The *SPJ Code of Ethics* and the *ASNE Statement of Principles* advocate that "sources should be attributed properly and pledges of confidentiality to news sources must be honored at all costs" (*ASNE Statement of Principles* 1975, Article IV). Seventy percent of American corporate codes devote sections of their code towards providing guidelines how journalists address the issue of sources who request to remain anonymous. Many of the American ethic codes analyzed in the sample go to great lengths in outlining a series of procedures to ensure that the journalists handle

a confidential source appropriately and responsibly. In most codes, the handling of confidential sources also comes under the headline of attribution. For example, the *Washington Post Standards and Ethics* like many codes states that the integrity revolves around the thorough attribution of sources. However, it stipulates that if a journalist agrees to protect the source's identity, it will not be disclosed outside of the confines of the *Washington Post*. The *Los Angeles Times Codes of Ethics* states that protection should be given to a source, if they only reveal information that is essential to the public's right to know. To add, they exercise caution and note that protection of a source may mean journalists could be subject to subpoenas; hence, the situation should be discussed with editors. One ethic code suggests that journalists must be prepared to go to jail for the sake of protecting the identity of their source. British professional ethic codes also touch upon the journalist's imperative to protect confidential sources. *The Guardian Editorial Code* covers anonymous contributions under "attribution," which requires journalists to be honest about their sources. However, it states that confidentiality can only be granted to sources if the journalist's safety or privacy is at risk.

As with most British and American ethic codes, it states that readers should be made aware when a source is kept confidential. The *BBC Editorial Guidelines* covers anonymous sources under "fairness," which states that contributors should be treated with respect at all times. However, this refers more to ensuring that full informed consent is gained from contributors including from those who are vulnerable. Similarly, the *Sky News Editorial Guidelines* emphasize the importance of honoring confidentiality within the context of exercising fairness and respect towards contributors and sources.

Overall, both American and British corporate codes have a similar relationship with professional ethic codes with regard to handling anonymous sources. Both sets of professional

codes pertain to the same principle on the handling of confidential sources. Meanwhile, corporate codes draw upon the same principles yet provide their own guidelines on how their employees should deal with confidential sources. It also confirms Meyer's (1987) analysis that codes of conduct refer to the same thing but are expressed in different words. As discussed in the analysis to RQ1, British professional codes extensively cover the issue of surreptitious recording especially in the public interest. The *PCC Editors' Code of Practice* and the *Ofcom Broadcasting Code* go to great lengths to describe what constitutes as public interest. The *Channel Four's Producer Handbook* extensively covers secret or surreptitious recording under a section on "Factual Programme" guidelines. It touches on the same principles outlined in *Ofcom's Broadcasting Code* and the *NUJ Code of Conduct*. However, it puts forward a policy, which requires the programme maker and the journalist to refer up the editorial hierarchy for permission to undertake such a task. Both also clearly state that methods such as phone hacking are in clear breach of the law.

The *BBC Editorial Guidelines* do not directly mention secret/surreptitious gathering of information. However, they do provide extensive guidance in accompanying notes. For example, they put forward a two stage process of approval, which involves the production of "prima facie" as well as evidence of the alleged wrong doing to justify the use of such methods (*BBC Editorial Guidelines Issues, Secret Recording Summary*, 2011). Once again, the BBC emphasizes that such methods require a strong justification for public interest and even hint at the Machiavellian notion that "the ends should justify the means" (*BBC Editorial Guidelines Issues, Secret Recording Summary*, 2011).

Murdoch's *Sky News Editorial Guidelines* also pertains to the notion that the "end should justify the means" in regards to surreptitious recording, misrepresentation and deception under

the heading of “fairness.” It states that there has to be a strong argument for public interest and that there are no other means of obtaining information. *Sky News Editorial Guidelines* explicitly states that journalists are expected to abide by the law and *Ofcom’s Broadcasting Code*. As a result, public interest and surreptitious recording is defined according to U.K. laws in a more rigorous manner than the professional codes. Sky defines public interest according to the guidelines set by the Director of Public Prosecutions.

Fifty seven percent of American corporate codes provide guidelines on the use of surreptitious methods of obtaining information, whereas 47 percent directly refer to the public interest or public trust. The *SPJ Code of Ethics* refers to surreptitious recording only if there is no other way of releasing that information to the public and if it is part of a story. The *ASNE Statement of Principles* makes no mention. Some American corporate codes place surreptitious recording and misrepresentation of identity under the same headline. For example, *Hearst Newspapers: Statement of Professional Principles* asserts that staff should not misrepresent their identity to as they go about the daily business of newsgathering. *The Journal News (White Plains, N.Y.) Ethics Code* includes a section titled “deception,” which prohibits journalists from posing as someone else, and that “going undercover,” requires approval from an editor (*The Journal News Standards of Professional Conduct for News employees*). Furthermore, as with the majority of codes, which feature guidelines on surreptitious recording, this code also pertains to state and federal laws on participant monitoring. The American corporate codes examined in this instance either fit the description outlined in the *SPJ Code of Ethics* or define public interest within the context of respecting the communities, which they serve or under the banner of “truth” or “fair play.”

Impartiality, fairness and truth are pertinent values in British and American journalism. As mentioned in the analysis to RQ 1, the *SPJ Code of Ethics* indirectly refers to impartiality in a section titled “Seek Truth and Report It.” It states that journalists should “distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context” (*SPJ Code of Ethics* 1996, paragraph one). The *SPJ Code of Ethics* section on minimization of harm touches upon what the ASNE Statement of Principles defines as “fair play.” Similarly, the *ASNE Statement of Principles* specifically refers to impartiality in Article V, which states that journalists need to make a clear definition between news reports and opinion. Fair play is considered respecting the rights of people involved in the news (*ASNE Statement of Principles* 1975). Yet, the ASNE refers to truth as content that is accurate and free from bias, which some codes would call impartiality. As mentioned, truth, fairness and impartiality are not mutually exclusive concepts in ethic codes.

Just fewer than 50 percent of American corporate codes directly refer to truth, and 36 percent directly refer to impartiality. However, 61 percent of corporate codes directly refer to fairness. There is a degree of variation in how these variables are defined or categorized. For example, *Gannett Newspaper Division Principles of Ethical Conduct* defines truth similar to that of the professional codes, especially the *SPJ Code of Ethics*. It states that as a company they are committed to “seeking and reporting the truth in a truthful way” (*Gannett Newspaper Division Principles of Ethical Conduct*, paragraph one). They also indirectly refer to impartiality as the *SPJ Code of Ethics* under the guise of “seeking truth.” The first point in the introduction to the *New York Ethical Guidelines* emphasizes that the importance of the newspaper covering the news impartially as possible “without fear or favor” and within the same line mentions the

importance of fairness to news sources. *The Lincoln Journal Star (Nebraska) Ethic Code* defines “fairness and right to reply” as getting all sides of the story.

As mentioned, the British professional codes from the PCC and NUJ codes do not directly refer to impartiality, but impartiality is defined as either fairness or accuracy, which often means distinguishing between fact and opinion. The *Ofcom Broadcasting code* includes a clause on “due impartiality” and “due accuracy” according to the Communications Act of 2013. As a result, the *BBC*, *Channel Four* and *Sky News* offer definitions of due impartiality according to the requirements of the *Ofcom Broadcasting Code*. These broadcast ethic codes also incorporate the Ofcom guidelines on “due impartiality” into their guidelines. As a public broadcaster, the BBC has to also adhere to the tenet impartiality according to the requirements of a Royal Charter. This forbids the public broadcaster from expressing opinion on issues pertaining to public policy and current affairs (*BBC Editorial Guidance* Section Four, 2011). The guidelines state that impartiality lies at the core of the organization’s commitment to its audience, which means reflecting the diversity of opinions that exist in its audiences. It acknowledges Ofcom’s conceptualization of “due impartiality” and states that it extends beyond maintaining a balance retaining a level of neutrality (*BBC Editorial Guidance*, Section Four 2011).

The Guardian’s Editorial Code features a paragraph on fairness, which emphasizes the importance of giving all sides the chance to be heard whether they are opponents or friends. The guidelines also include the *PCC Editors’ Code of Practice*, which features a loose definition of impartiality under the headline of accuracy. In short, it appears that there is no uniform way in which American and British professional ethic codes approach impartiality, truth and fairness. This could reflect the way in which the profession of journalism grapples with the professional ideal of objectivity in both countries.

Both American and British professional codes do not refer to social media. It is assumed that universal tenets such as fairness, truth, minimization of harm and conflict of interest apply to online broadcast and print journalists. Only 18 percent of American corporate codes include or produce guidelines on journalists using social guidelines, which applies to personal and professional use. The bigger newspapers such as the *LA Times* and *The New York Times* actually produce a separate set of codes specifically dealing with social media and blogs. For example, *The New York Times: News Blogs and Online Columns* emphasize the aforementioned point that the same standards on integrity, fairness and tone also apply online journalists. The guidelines are set up to ensure that staff have clear idea of what types of blogs exist on *The New York Times* website. This involves defining the different type of blogs that exist on the website including a reporter's notebook, memo, journal and appraisal.

The *Los Angeles Times Social Media Guidelines* focuses on providing guidelines that advise journalists on how to manage their personal and professional online lives. The principal message is that a journalist's professional and personal online presence merge. Hence, employees are advised not to post anything that will embarrass the *LA Times* or compromise their ability to do their job. They also advise staff to exercise caution when choosing to friend someone on social media and to use privacy tools. In short, this code is set up to ensure that staff online activities within and outside the office do not undermine the integrity or embarrass the standing of the *LA Times*.

British professional and corporate ethic codes display a similar relationship. Neither of the professional codes refers to social media specifically. However, news media companies provide their own guidelines. The *BBC Editorial Guidelines* do not feature tenets that touch upon social media. However, the accompanying guidance notes features a section, which outlines the

organization's policy on social media. This includes providing guidelines on how staff should handle and publish material from other third party websites as well as using the *BBC* brand guidelines. It also advises staff on how they should manage their personal and professional online presence. *Sky News Editorial Guidelines* devotes one section on social media in light of high profile cases, which highlight that this is an increasingly important area of media that requires caution. It states that the tenets of impartiality, fairness and accuracy apply and that staff should accept full responsibility for what they choose to publish without undermining the work of their colleagues and the company.

Overall, it appears that the majority of American and British professional ethic codes do not contain guidelines on social media. Once again, this is based on the assumption that the tenets of fairness, impartiality, accuracy, and conflict of interest equally apply to those who work online as well as print. This assumption could explain why American corporate codes have not adapted their codes to digital operations. However, it appears that companies either adopt social media guidelines if online news is a big component of their operations and as a means of minimizing any potential damage that can arise from a member of staff maintaining a social online presence.

This part of the analysis explores if the sample of codes included a policy on enforcement or compliance. The SPJ states that its code of ethics is not legally enforceable under the First Amendment. Meanwhile, the *ASNE Statement of Principles* emphasizes that the code strengthens the trust and respect between journalists and the American people. Forty percent of American ethic codes include some sort of enforcement guideline. Codes such as the *Dow Jones Code of Conduct* and the *Los Angeles Times Ethics Guidelines* emphasize that all employees should comply and stress the importance of asking questions if there is doubt. However, they do not

include punitive measures, which relates back to the *SPJ Code of Ethics* statement on enforcement. Some codes state that staff should directly refer to management if they feel the code has been violated.

British codes of conduct, such as the *PCC Editors' Code of Practice*, also do not include an enforcement clause. However, it does state that editors across the country should ensure that the code is rigorously followed. The *BBC Editorial guidelines* do not refer to any punitive measures but emphasize that a suspected breach of the code should be referred up to the editorial chain. *Sky News Editorial Guidelines* advise that the code should be rigorously followed to avoid any potential conflicts with the law. It also outlines a referral process should journalists find themselves in a conflict of interest or in a legally precarious situation. The *Channel Four Producer Guidebook* has a section on compliance procedures, which also outlines a referral process. It emphasizes that it is mandatory for staff to familiarize themselves with compliance procedures as well as the *Ofcom Broadcasting Code*. The findings verify Bertrand's (2000) earlier observation that the enforcement of codes remains a fuzzy area in media and it raises questions about their effectiveness in retaining journalistic standards.

Relationship between media ownership and local news codes

The final research question enquires about the relationship between ethic codes of the news media owners and their local news organizations. There is the assumption that overarching corporate codes are somewhat divorced from the ethics of their local news organizations. This part of the analysis primarily focuses on the codes of American newspaper companies and their news media outlets including *The Tribune*, *Hearst*, *McClatchy* and *Dow Jones*. Unfortunately, a similar analysis could not be undertaken taken of British ethic codes as a result of the limited size of this part of the sample.

First, the analysis reveals that while newspapers capture the spirit of their parent company's ethic codes, they also use codes as a means of defining their own brands according to the communities that they serve. This is indicated in the preambles of each code. For example, Hearst Newspapers owns 15 dailies and 34 weeklies. This sample examines codes from Hearst-owned newspapers including the *Houston Chronicle*, *San Antonio Express* and *San Francisco Chronicle*. Hearst Newspapers sets out a communitarian goal to be the most trusted newspaper sources to their communities and they adhere to the principles of truthfulness, fairness and independence. *The Houston Chronicle's Newsroom Ethics* echoes the core principles of *Hearst Newspapers' Statement of Professional Principles* that a newspaper's credibility is based on public trust. Yet, it starts with a statement from the papers' original publisher, Jesse H Jones. *The San Antonio Express* echoes the core principal of the *Hearst Newspapers' Statement of Professional Principles* that a newspaper's credibility is based on public trust. On the contrary, the preamble to the *San Francisco Chronicle's Guide to Ethical News Gathering* seems divorced from the spirit of the *Hearst Newspapers' Statement of Professional Principles*. It emphasizes that the code is designed to help journalists achieve their best.

A similar relationship emerges with other major media companies such as the Tribune Company and Gannett Newspapers. The Tribune Company owns *Los Angeles Times*, *Chicago Tribune*, *The Baltimore Sun*, *Sun Sentinel*, *Orlando Sentinel*, *Hartford Courant*, *The Morning* and *Daily Press*. This study only has access to the ethic codes of the *LA Times*, *Chicago Tribune*, and the *Orlando Sentinel*.

The preamble of *The Tribune Code of Editorial Principles* states that their name represents the "integrity, courage and gathering in news," and "professionalism" as well as "wisdom," which is integral to retaining the public trust (*Tribune Code of Editorial Principles*

2010, paragraph one). The *Chicago Tribune* puts an emphasis on journalists avoiding conflict of interests at all costs as a means of retaining credibility. The Tribune-owned *LA Times* touches more on the idea of integrity. It says that the goal is to produce a paper of the highest quality that is the product of principled journalists. Meanwhile, the *Orlando Sentinel* is faithful to the Tribune Company's preamble and emphasizes that the role of the journalist is essential to the credibility of the organization and integral to public service to the community.

Meanwhile, the *Gannett Newspapers Division Principles of Ethical Conduct for Newsrooms* does not produce a preamble per se, but directly launches into its key principles, which are faithful to those embodied in professional codes such as the *SPJ Code of Ethics*. The key headlines are "seeking and reporting the truth in a truthful way," "serving the public interest," which involves upholding First Amendment principles, fairness, and acting with integrity. Once again, the Gannett-owned newspapers in the sample such as the *Asbury Park Press* and *Arizona Republic* differ significantly in how they correspond to the preamble of their parent company Gannett. As with other newspapers in the sample, neither refers to Gannett. The *Asbury Park Press* ethics code is in keeping with *Gannett's Newspapers Division Principles of Ethical Conduct for Newsrooms* as it emphasizes a journalist's duty is to serve the truth, which is essential to freedom of the press. *The Arizona Republic* produces a more pragmatic preamble, which states that the principles provide guidance on how journalists can approach their routines and norms, such as sources, privacy and avoiding conflict of interest. The code touches upon the same themes as its parent company ethic codes, yet it does not carry the same Enlightenment and freedom of the press connotations as *Gannett Newspapers* and the *Asbury Park Press*.

It appears that the ethic codes belonging to parent companies such as the *Tribune*, *Hearst* and *Dow Jones* provide an overarching framework for the codes of their news media. These

companies also use codes as a means of setting the culture and values of the organization. For example, Hearst and *Dow Jones* include guidelines on business practices, employment, freelance and business relationships as well as covering generic yet short guidelines on newsgathering and conflict of interest. The question remains as to what extent do the local news media outlets adopt their parent company's principles and values into their own codes?

This analysis identified two emerging trends from the codes. Local news media ethic codes either complement or elaborate further on the framework provided by their parent companies or they develop their own guidelines, even adapting from other newspaper groups. For example, *Hearst's Statement of Professional Principles* is broken into sections including newsgathering, conflict of interest, confidentiality, business practices, and workplace. Under newsgathering, Hearst warns against newspapers presenting false information, acquiring information with deceitful means such as the misrepresentation of identity as well as avoiding plagiarism at all costs. This is all covered within one paragraph. The *Houston Chronicle* devotes a section to each of these points including fairness and corrections, plagiarism, fabrication, deception, and payment of information to obey the law.

The *San Antonio Express* is also faithful to its owner's code of ethics, and briefly touches on some of Hearst's newsgathering rules in a section titled "truthfulness and accuracy." Interestingly, *Hearst's Statement of Professional Principles* includes a clause, which allows local newspapers to add other principles that they feel are pertinent to their news operations. This reinforces the spirit of their code that Hearst newspapers should be truthful to the communities that they serve. It reflects the communitarian vision that newspapers are the epicenter of local communities. As a result, Hearst-owned newspapers should develop a brand according to the communities that they serve.

The *Tribune Company's Code of Editorial Principles* is extensive at nine pages and covers sections including truth and integrity, conflicts of interest, manipulation of photography, handling of anonymous sources, decency, fairness and privacy, online journalism and social media, as well as objectivity, opinion and accountability. Both the *Orlando Sentinel* and the *LA Times* touch upon these themes, but differently. For example, the *LA Times* conceptualizes fairness as content that is non ideological. The paper defines objectivity as news that is free from ideological constraints. However, The Tribune Code of Editorial Principles and the *Orlando Sentinel* conceptualize fairness as exercising caution when reporting on vulnerable individuals in the news, such as victims of sexual crimes and children.

Once again, conflict of interest and the handling of sources feature extensively in the majority the codes of parent companies and their local news media outlets. *Hearst Newspapers' Statement of Professional Principles* states that all employees should make a concerted effort in avoiding the appearance of conflicts and actual conflicts. This section briefly warns journalists against accepting anything of value as well as using their position to seek benefits or getting involved in partisan politic, which could undermine the organization's commitment to objectivity.

As mentioned, Hearst's local news outlets such as the *Houston Chronicle*, *San Antonio Express* and *San Francisco Chronicle* elaborate further on these points. They add further detail from other ethic codes. For example, *Houston Chronicle* extensively covers gifts, freebies and review items, travel, awards, as well as providing guidelines on staff accepting fellowships, speaking engagements, freelance work and moonlighting. Both the *San Antonio Express* and *San Francisco Chronicle* also adopt a similar stance in that they provide a more extensive description of what's constitutes as conflict of interest than their parent company.

Dow Jones is very corporate orientated code in comparison to the other codes. It does not mention sources. However, it warns employees about the dangers of getting involved in political and civic activities that could undermine their performance and create a conflict of interest.

The *Wall Street Journal* takes the baton from the *Dow Jones Code of Conduct* and elaborates further on conflict of interest as well as providing series of guidelines on how journalist should handle awards, making public speeches, writing books as well as making television and radio appearances.

Gannett Newspapers Division Principles of Ethical Conduct use the analogy of the United States Constitution to illustrate how fundamental principles to journalism such as seeking the truth, acting with integrity, and maintaining independence potentially conflict. Hence, it provides recommended practices with a view that they will prevent a conflict of interest in arising. These include a series of short and long imperatives on how journalists should handle unnamed sources, fairness and retaining independence. The *Arizona Republic* Ethics Code covers conflict of interest alongside a series of journalistic goals such as right to reply, photography, and accuracy. It seems very divorced from *Gannett's Principles of Ethical Conduct*. *Asbury Park Press* ethic code emphasizes *Gannett Newspaper Ethic Code's* themes of truth, integrity and independence. It also provides more extensive guidelines on avoiding conflict of interest such as accepting gifts, or special favors as well as exercising transparency about financial interests.

Overall, the above analysis shows there is no uniform pattern to how the ethic codes of local news media outlets respond to the ethic codes of their parent companies in the sample that is examined. The distinct patterns that emerge include newspapers using codes to add policies that are not covered in the ethic codes of their media owners. This is apparent with newspapers

owned by *Gannett* and *Dow Jones*. Alternatively, on a local level, it appears that news media outlets uses ethic codes as means of establishing their identity and values according to the communities and markets that they serve. This is apparent with the Tribune newspapers such as *The LA Times* and Gannett owned newspapers such as *Asbury Park Press*.

Chapter Five. Conclusion

The eruption of the British phone hacking scandal and the subsequent conviction of *News of the World* editor Andy Coulson raises the question of the impact of media ownership and the corporatization of news on journalism ethics. Both America and Britain media systems are built on the same libertarian and free market foundations and home to the world's largest media conglomerates. The British phone hacking scandal calls for a revised and nuanced look at the differences and similarities between both media systems as means of examining why one identical journalistic culture transgressed more than the other. This study draws upon a comparative analysis of British and American news media ethic codes, which reveals some key insights into the journalistic cultures that prevail in both countries and why the scandal happened.

First, the analysis reveals that ethics codes are essentially products of the norms, culture and history of the media systems within which they reside. However, despite their higgledy-piggledy and idiosyncratic nature, codes reveal a lot about the media framework within which they operate. American ethic codes project a strong sense of a journalist's duty accompanied with an emphasis on integrity, and independence based on avoiding conflict of interest. They project a deontological outlook that requires a journalist to carry out their duties as if they were universal maxims. This could be attributed to a strong sense of freedom of the press, which goes back to the inception of the First Amendment as well as the result of significant efforts to raise professional standards of American journalism at the turn of the twentieth century. This sense of professionalism probably incurs a greater respect for accountability including codes of conduct compared with the British press. The phone hacking scandal is an indication of how staff at Murdoch's organizations such as *News of The World* granted themselves immunity from any

form of accountability to even that of the law. This was led by the belief that they were providing stories that the public really wanted as a result of mass sales.

It is worth noting that the corporate codes define a journalist's duty as an employee either serving the company or helping the newspaper's mission to serve the community. Hence, the emphasis on conflict of interest suggests that the employees should avoid anything that can potentially compromise their duties as an employee and subsequently undermine the company's credibility in the face of the community and the marketplace. It as though the company requires the journalist to carries out such duties as universal maxims.

Both British professional and corporate ethic codes are more teleological in their approach. The codes focus on journalists minimizing harm such as respecting an individuals' right to privacy as well the rights of vulnerable news sources. British ethic codes are pragmatic and do not use libertarian terms such as "seeking truth," or "enlightenment." Instead, they focus on defining public interest and balancing freedom of expression with the individual's right to privacy according to the Human Rights Act of 1998. To add, British professional codes highlight the legal parameters within which journalists should work. This is in response to section 12 of the Human Rights Act, which states British judges can examine codes of conduct in court cases pertaining to conflicts between privacy and freedom of expression (Crook 2010).

Furthermore, the origins and evolution of the *PCC Editors' Code of Practice* is rooted in the history of the modern British tabloid press, which tells the story of how media ownership has taken root in the country media's system in a manner that permeates British democracy and the public sphere. The code has been revised over the past 20 years in response to various crises regarding the reckless behavior of the press from the paparazzi's role in Princess Diana's death to the unscrupulous press intrusion on the private lives of public figures. If anything, the PCC's

emphasis on journalists adhering to legal and ethical standards reflects the strong adverse influence of British tabloid culture on the journalism profession. The codes reflect efforts to minimize the harm of tabloid journalists. The lack of emphasis on values such as conflict of interest, and public accountability suggests that British newspaper journalism is still a trade in comparison with America.

On another note, this analysis also revealed findings that give further evidence of the difference and similarities between the American and British media system. Jaehnig (1998) remarks that British national media is primarily based in London as a result of economics, culture and politics. The London media dictate the content and style of the rest of the nation's media (Jaehnig 1998, p. 98). He also observes that "localism" is the hallmark of American journalism. The analysis to RQ2 and RQ3 verify Jaehnig's observations. There are differences in the way both British and American corporate codes relate to professional codes. British corporate codes demonstrate a close relationship with professional codes as result of the requirements of the law. For example, the broadcast codes of conduct of *Channel Four*, *Sky News* and the *BBC* either directly refer or feature links to *The Ofcom Broadcasting Code*. *The Guardian* presents a nuanced and socially responsible code of conduct, yet it also includes the *PCC Editors' Code of Practice*. To an extent, the relationship could be indicative of a centralized media system is rooted in London.

The analysis to RQ2 reveals that a small number of American corporate codes in the sample refer to the *SPJ Code of Ethics* and the *ASNE Statement of Principles* or directly adopt their tenets. The analysis also examines the relationship between the codes of corporate media owners and their local news outlets. It reveals variations in the codes from companies that belong to the same parent companies. This suggests that the corporate companies provide the autonomy

for their local news media outlets to define their own brand according to the communities that they serve. To add, throughout the twentieth century, American corporate media companies are aware of the lucrative nature of the local markets (Jaehnig 2012). However, recent times have shown an ailing local newspaper market in the United States and so far, the ethic codes examined in the sample do not appear to reflect the changes in the economic circumstances of journalism that have taken place in the past decade. Yet, they do reflect how localism has influenced the “operating philosophies of American news organizations” (Jaehnig 2012, p. 98).

The findings also support the second hypothesis, which states the American and British professional codes place emphasis on retaining the integrity of the profession. Yet, British professional codes suggest that journalist’s integrity is rooted from staying with the confines of the law and establishing a clear understanding of what constitutes as public interest. The American professional codes suggest a journalist’s integrity stems from respecting Enlightenment values such as independence and truth. Both British and American codes adhere to the same universal tenets such as fairness, impartiality and accuracy, which reflect the similarities in the ethical traditions of both countries. For example, both British and American media systems nod to the ethical traditions of ancient Greece, libertarianism, and utilitarianism.

This returns to Clifford Christian’s question, if ethic codes can effectively function as the moral conscience of a corporate media company or even of the profession of journalism? The phone hacking scandal exposed the ineffectualness of the *PCC Editors’ Code of Practice* as well as the country’s media accountability system. However, the findings hint that the issue of enforcement of codes of conduct is unresolved on both sides of the Atlantic. Currently, the British media is in a dilemma on how to balance press freedom with new statutory regulatory system that revolves around a code of conduct. The PCC has not extensively revised the *Editors’*

Code of Conduct Practice in light of the phone hacking scandal and trial, preferring to develop accompanying guidelines as a means of providing clarity on the existing code.

Further Research

The uneven sample of codes is a major drawback of this study, as it does not feature the entire universe of American and British ethic codes, in particular from broadcast channels such as *CNN* and *Fox News*. The sample could benefit from a more homogeneous set of codes. A comparison of codes of conduct between American and British news broadcast stations or America and British non-profit funded media organization would produce further interesting and more accurate empirical evidence. This study also calls for further analysis exploring how laws and ethics intersect in American and British ethic codes. This will give further insight into the differences and similarities between British and American media jurisprudence. Overall, this study highlights that ethic codes do serve as an important unit of analysis in comparative analysis despite their peculiarities and idiosyncrasies. They ultimately tell the story of how the profession of journalism has evolved within a country's media system.

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Appendix 1. Sample of Ethic Codes

Ethic Codes	Type	Owner
The Ofcom Broadcasting Code	Regulatory	Office of Communications
National Union of Journalists Code of Conduct	Professional	National Union of Journalists
Press Complaints Commission Editors Code of Practice	Professional	Press Complaints Commission
BBC Editorial Values	Public	BBC
Channel Four Producers Handbook	Public	Channel Four
The Guardian's Editorial Code	Public	Guardian Media Group
Sky News	Corporate	Sky News
American Codes of Conduct		
Society of Professional Journalists Code of Ethics	Professional	SPJ
ASNE Statement of Principals.	Professional	ASNE
The Arizona Republic, Phoenix:	Corporate	Gannett
Asbury Park Press, Neptune, N.J.	Corporate	Gannett
Associated Press Statement of News Values and Principles	Corporate	Associated Press
Cedar Rapids Gazette: Code of ethics	Corporate	Source Media Group
Chicago Tribune: Editorial Ethics Policy	Corporate	Tribune Group
Dallas Morning News: Ethics Code	Corporate	Gannett (as of June 2014)
Deseret News, Salt Lake City: Ethics Code	Corporate	Deseret News Publishing
Dow Jones: Code of Conduct	Corporate	News Corporation
E.W. Scripps Co: Statement of Policy on Ethics and Conduct.	Corporate	E. W Scripps Company
Gannett Company, Inc. Ethics Policy.	Corporate	Gannett
Gannett Newspapers Division	Corporate	Gannett
Hearst Newspapers Statement of Professional Principles	Corporate	Hearst
The Herald Times Bloomington Newsroom Code	Corporate	Schurz Communications
Houston Chronicle Newsroom Ethics Policy	Corporate	Tribune
The Journal Gazette, Fort Wayne Ind. Gazette Ethics Policy	Corporate	Journal Gazette
The Journal News, White Plains, N.Y. (formerly Gannett Suburban Newspapers): Ethics code	Corporate	Gannett
The Kansas City Star: Code of Ethics	Corporate	McClatchy
Knight Ridder Code of Business Ethics	Corporate	McClatchy
Lincoln (Neb) Journal Star Ethics	Corporate	Lee Enterprises
Los Angeles Code of Ethics	Corporate	Tribune
Los Angeles Times Social Media Guidelines	Corporate	Tribune
Milwaukee Journal Sentinel: Ethics Policy	Corporate	Journal Communications
Newport News Daily Press: Statement of Journalistic Ethics	Corporate	Tribune

The News Journal, Newcastle Code of Professionalism & Ethics	Corporate	Gannett
The News-Times, Danbury, Conn.: Ethics Code	Corporate	Hearst
New York Times Guidelines on Integrity	Corporate	New York Times Company
New York Times Code of Ethics	Corporate	New York Times Company
Online News Association	Professional	Online News Association
Orlando (Fla.) Sentinel: Editorial Code of Ethics	Corporate	Tribune
The Philadelphia Inquirer: Conflicts of interest	Corporate	Interstate General Media
Pittsburgh Post-Gazette: Statement of Policy	Corporate	Block Communications
ProPublica Code of Ethics	Non profit	ProPublica
The Record, Hackensack, NJ: An Ethics Code	Corporate	North Jersey Media Group
Richmond (Va.) Times-Dispatch: Guidelines For Professional Conduct	Corporate	Berkshire Hathway
RTDNA Code of Ethics and Professional Conduct	Corporate	RTDNA
The Roanoke (Va.) Times: News and Editorial Mission and Vision	Corporate	Berkshire Hathway
San Antonio Express-News ethics code	Corporate	Hearst
San Francisco Chronicle: Ethical News Gathering	Corporate	Hearst
San Jose Mercury News: Ethics Policy	Corporate	Media News Group
The Seattle Times: Newsroom Policies and Guidelines	Corporate	Seattle Times Company
Statesman Journal, Salem, Ore.: Newsroom Ethics Policy	Corporate	Gannett
The Tampa Tribune: Newsroom Ethics Policy	Corporate	Tampa Media Group
The Tribune-Democrat, Johnstown, Pa.: Code of Ethics	Corporate	Community News Holdings
The Wall Street Journal	Corporate	Dow Jones
The Washington Post Standards and Ethics	Corporate	Nash Holdings
Wisconsin State Journal: Code of Ethics	Corporate	Lee Enterprises

Appendix 2.

Selected British and American Codes

British Code of Ethics

National Union of Journalist Code of Conduct

NUJ's code of conduct has set out the main principles of UK and Irish journalism since 1936. The code is part of the rules of our union.

All journalists joining the NUJ have to sign up and agree they will strive to adhere to its professional principles.

We encourage people to read and support the code of conduct and we ask members to promote it in the media industry.

If you are a member and you have a query about the code and its practical application, contact the union's [ethics council](#).

A journalist:

1. At all times upholds and defends the principle of media freedom, the right of freedom of expression and the right of the public to be informed.
2. Strives to ensure that information disseminated is honestly conveyed, accurate and fair.
3. Does her/his utmost to correct harmful inaccuracies.
4. Differentiates between fact and opinion.
5. Obtains material by honest, straightforward and open means, with the exception of investigations that are both overwhelmingly in the public interest and which involve evidence that cannot be obtained by straightforward means.
6. Does nothing to intrude into anybody's private life, grief or distress unless justified by overriding consideration of the public interest.
7. Protects the identity of sources who supply information in confidence and material gathered in the course of her/his work.
8. Resists threats or any other inducements to influence, distort or suppress information and takes no unfair personal advantage of information gained in the course of her/his duties before the information is public knowledge.
9. Produces no material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, color, creed, legal status, disability, marital status, or sexual orientation.

10. Does not by way of statement, voice or appearance endorse by advertisement any commercial product or service save for the promotion of her/his own work or of the medium by which she/he is employed.
11. A journalist shall normally seek the consent of an appropriate adult when interviewing or photographing a child for a story about her/his welfare.
12. Avoids plagiarism

BBC Editorial Values

1.2.1 Trust

Trust is the foundation of the BBC: we are independent, impartial and honest. We are committed to achieving the highest standards of due accuracy and impartiality and strive to avoid knowingly and materially misleading our audiences.

1.2.2 Truth and Accuracy

We seek to establish the truth of what has happened and are committed to achieving due accuracy in all our output. Accuracy is not simply a matter of getting facts right; when necessary, we will weigh relevant facts and information to get at the truth. Our output, as appropriate to its subject and nature, will be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We will strive to be honest and open about what we don't know and avoid unfounded speculation.

1.2.3 Impartiality

Impartiality lies at the core of the BBC's commitment to its audiences. We will apply due impartiality to all our subject matter and will reflect a breadth and diversity of opinion across our output as a whole, over an appropriate period, so that no significant strand of thought is knowingly unreflected or under-represented. We will be fair and open-minded when examining evidence and weighing material facts.

1.2.4 Editorial Integrity and Independence

The BBC is independent of outside interests and arrangements that could undermine our editorial integrity. Our audiences should be confident that our decisions are not influenced by outside interests, political or commercial pressures, or any personal interests.

1.2.5 Harm and Offence

We aim to reflect the world as it is, including all aspects of the human experience and the realities of the natural world. But we balance our right to broadcast innovative and challenging content with our responsibility to protect the vulnerable from harm and avoid unjustifiable offence. We will be sensitive to, and keep in touch with, generally accepted standards as well as our audiences' expectations of our content, particularly in relation to the protection of children.

1.2.6 Serving the Public Interest

We seek to report stories of significance to our audiences. We will be rigorous in establishing the truth of the story and well informed when explaining it. Our specialist expertise will bring authority and analysis to the complex world in which we live. We will ask searching questions of those who hold public office and others who are accountable, and provide a comprehensive forum for public debate.

1.2.7 Fairness

Our output will be based on fairness, openness, honesty and straight dealing. Contributors and audiences will be treated with respect.

1.2.8 Privacy

We will respect privacy and will not infringe it without good reason, wherever in the world we are operating. Private behaviour, information, correspondence and conversation will not be brought into the public domain unless there is a public interest that outweighs the expectation of privacy.

1.2.9 Children

We will always seek to safeguard the welfare of children and young people who contribute to and feature in our content, wherever in the world we operate. We will preserve their right to speak out and participate, while ensuring their dignity and their physical and emotional welfare is protected during the making and broadcast of our output. Content which might be unsuitable for children will be scheduled appropriately.

1.2.10 Transparency

We will be transparent about the nature and provenance of the content we offer online. Where appropriate, we will identify who has created it and will use labelling to help online users make informed decisions about the suitability of content for themselves and their children.

1.2.11 Accountability

We are accountable to our audiences and will deal fairly and openly with them. Their continuing trust in the BBC is a crucial part of our relationship with them. We will be open in acknowledging mistakes when they are made and encourage a culture of willingness to learn from them.

American Code of Ethics

ASNE Statement of principles

ASNE's Statement of Principles was originally adopted in 1922 as the "Canons of Journalism." The document was revised and renamed "Statement of Principles" in 1975.

PREAMBLE. The First Amendment, protecting freedom of expression from abridgment by any

law, guarantees to the people through their press a constitutional right, and thereby places on newspaper people a particular responsibility. Thus journalism demands of its practitioners not only industry and knowledge but also the pursuit of a standard of integrity proportionate to the journalist's singular obligation. To this end the American Society of Newspaper Editors sets forth this Statement of Principles as a standard encouraging the highest ethical and professional performance.

ARTICLE I - Responsibility. The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time. Newspapermen and women who abuse the power of their professional role for selfish motives or unworthy purposes are faithless to that public trust. The American press was made free not just to inform or just to serve as a forum for debate but also to bring an independent scrutiny to bear on the forces of power in the society, including the conduct of official power at all levels of government.

ARTICLE II - Freedom of the Press. Freedom of the press belongs to the people. It must be defended against encroachment or assault from any quarter, public or private. Journalists must be constantly alert to see that the public's business is conducted in public. They must be vigilant against all who would exploit the press for selfish purposes.

ARTICLE III - Independence. Journalists must avoid impropriety and the appearance of impropriety as well as any conflict of interest or the appearance of conflict. They should neither accept anything nor pursue any activity that might compromise or seem to compromise their integrity.

ARTICLE IV - Truth and Accuracy. Good faith with the reader is the foundation of good journalism. Every effort must be made to assure that the news content is accurate, free from bias and in context, and that all sides are presented fairly. Editorials, analytical articles and commentary should be held to the same standards of accuracy with respect to facts as news reports. Significant errors of fact, as well as errors of omission, should be corrected promptly and prominently.

ARTICLE V - Impartiality. To be impartial does not require the press to be unquestioning or to refrain from editorial expression. Sound practice, however, demands a clear distinction for the reader between news reports and opinion. Articles that contain opinion or personal interpretation should be clearly identified.

ARTICLE VI - Fair Play. Journalists should respect the rights of people involved in the news, observe the common standards of decency and stand accountable to the public for the fairness and accuracy of their news reports. Persons publicly accused should be given the earliest opportunity to respond. Pledges of confidentiality to news sources must be honored at all costs, and therefore should not be given lightly. Unless there is clear and pressing need to maintain confidences, sources of information should be identified.

These principles are intended to preserve, protect and strengthen the bond of trust and respect between American journalists and the American people, a bond that is essential to sustain the grant of freedom entrusted to both by the nation's founding fathers.

Appendix 3.

Example of Coding Sheet

V1. Name of code

V2. Country

- 1. America
- 0. Britain

For each of the following variables, please note the code's definition, the level of prominence, type of philosophy and reference to any specific law.

V3. Minimization of harm

- 1. Yes
- 0. No

V3a. Identify if the following levels of minimization of harm are present:

- 1. Children in sex cases
- 2. Victims of sexual assault/trauma
- 3. Minority groups
- 4. Criminals (including relatives of criminals)

V4. Conflict of interest

- 1. Yes
- 0. No

V4a. Identify if the following levels of conflict of interest are present:

- 1. Accepting gifts/freebies
- 2. Financial investments/holdings
- 3. Political involvement
- 4. Family involved in politics
- 5. Outside work
- 6. Accepting awards
- 7. Public speaking engagements
- 8. Membership of organizations
- 9. Advertising
- 10. Use of connections.
- 11. Accepting or giving payment.

V5. Accuracy

- 1. Yes
- 0. No

V6. Fairness

1. Yes

0. No

V7. Impartiality/objectivity

1. Yes

0. No

V8. Truth

1. Yes

0. No

V9. What is journalist/ press duty?

1. Yes

0. No

V9a.1. Society/democracy

2. Community

3. Company

V10. Freedom of the press

1. Yes

0. No

V11. Independence

1. Yes

0. No

V12. Confidential Sources

1. Yes

0. No

V13. Public interest

1. Yes

0. No

V14. Undercover reporting/ surreptitious recording/deceitful practices

1. Yes

0. No

V15. Reporting/handling criminals

1. Yes

0. No

V16. Offensive /gratuitous language

- 1. Yes
- 0. No

V17. Accountability

- 1. Yes
- 0. No

V18. Enforceability

- 1. Yes
- 0. No

Note: type of enforcement.

V19. Right to Reply

- 1. Yes
- 0. No

V20. Attribution of sources

- 1. Yes
- 0. No

V21. Rules on photography

- 1. Yes
- 0. No

Vita

Paromita Saha is from London, England, and received her B.A. degree in English Literature with Public Media at Trinity and All Saints College, University of Leeds. She also graduated from Falmouth College of Art with a post-graduate diploma in broadcast journalism. She has worked as a journalist and producer for the BBC and leading British news broadcasters. She also worked as a political communications consultant for the British government and in the non-profit sector. She hopes to pursue a career in academia as a mass communications scholar specializing in comparative media law and ethics, as well as researching the impact of alternative forms of journalism on democracy. She will begin the doctoral program at the Manship School of Mass Communication at LSU in the fall of 2014 upon completion of her Master's in Mass Communication this summer.