

Conference 2000: Ethics

The development of print media codes of ethics in New Zealand: A presentation of some MA research findings with comparisons to the British experience. By Nadia Elsaka

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OUTLINE:

1. The nature and scope of the study
2. Journalism union codes
 - The New Zealand Journalists' Association
 - Parallels with the British National Union of Journalists
3. The British Press Council and the development of ethical guidelines
 - A frame of reference for the case of the New Zealand Press Council
 - Some related developments
4. Some concluding remarks

Introduction:

The nature and scope of the study

First of all, to offer you some idea of what my research is about -- my research topic is a comparative study of the evolution of print media codes of ethics in New Zealand and Britain. I've called my thesis 'The politics of voluntary restraint', a title which relates to my main findings general.

First of all, I thought that I'd give you some indication of where my research fits in, in terms of some of the previous research into journalism codes of ethics.

Although the topic of journalism codes of ethics hasn't been widely attended to in the past, there have been some studies conducted more recently that have been concerned with journalism codes in one way or another, which you're probably mostly familiar with. I am aware of two studies firstly that were conducted in the 1980s -- Clement Jones' 1980 study of journalism codes and media councils -- and Kaarle Nordenstreng's 1984 work looking at journalism codes within the scope of the mass media declaration of UNESCO. Both have provided inventories of the journalism ethics codes existing in a variety of countries world-wide, as their basis.

Other studies have been narrower in their focus, looking at the journalism codes of a certain group of countries, and analysing the codes themselves in terms of their common themes and functions. A study undertaken in Sweden in 1995 of European codes by Tiina Laitila for her MA research at the University of Tampere, is an example of this type of approach that I'm aware of.

There have been studies that are narrower in scope even still, having looked at one ethics code in particular. In the 1990s, the code of the Australian Journalists' Association has received quite a bit of attention by researchers who have documented the history and development of the code, as well as analysing the content of the code itself. The work by Michael Hirst, Paul Chadwick, David Bowman and Lawrence Apps, among others, has meant that the AJA code is now quite well documented.

My research draws on elements of these types of approaches, although there are some differences in the scope of the study as well as the overall framework from within which codes are looked at in particular.

My study looks specifically at print media codes. The development of journalism codes is assessed in the broader context of how press self-regulation has evolved in terms of its ethical structures and guidelines. The study takes more of a 'press policy approach' in relation to most of the other studies of journalism codes that I have sighted. The main aim here was to explore the historical factors and processes that have led to the development of ethics codes by the print media in a non-statutory context.

Relatively more has been documented about the history and development of press self-regulation in Britain

than in New Zealand. As you may be aware, the New Zealand model of press self-regulation was derived from that of Britain, and so the British case was used as a point of comparison in exploring the development of press self-regulation in New Zealand in its ethical guidelines.

So, what I have aimed to do is to look at the development of print media codes in terms of quite a broad theoretical framework of social responsibility theory, theories of professionalism, and more specific arguments and ideas about the role and value of ethics codes for journalists as self-regulatory mechanisms. I haven't utilised a rigid methodological approach here and given the nature of the study, this has worked out relatively well. Going through collections of old records, and trying to track down people who have been involved in the industry has generally been the basis of how I have gone about the research element of the study.

Because New Zealand journalism codes have yet to find a definite place in the existing body of work on codes, and because of the paucity of research into New Zealand print journalism more generally, it is the New Zealand case that I am going to focus on today. It is my hope that my findings, with some comparisons with the British experience, will prove useful to those of you involved in the teaching of journalism ethics in New Zealand.

Some Findings about the development of print media codes

A central part of the study included exploring the regulatory history of the New Zealand press in relation to that of the British press. A parallel between the two cases was the regulatory role performed by each of the journalists' unions - the New Zealand Journalists' Association, and the British National Union of Journalists, before formal systems of self-regulation were established in each of the two countries.

Both were formed fundamentally as trade unions with industrial concerns of the working journalist as their main objective. Interestingly, both unions moved to embrace professional concerns, which resulted in each adopting an ethics code.

Both unions at one stage commanded the membership of the majority of working journalists in each country and for a considerable period played a central role in the regulation of professional standards of journalists. It was in view of this that the development of the two respective journalists' union codes was looked at first of all.

Upon approaching my research, I found the history of particularly the Journalists' Association code to be quite a mystery. It was only after a degree of 'digging around' and a visit to Victoria University (where the full archived collection of the association's records are held), that I have been able to fill in some of the gaps in knowledge about the code's history and development.

The process of the NZJA' code was quite a long and drawn out one. The eventual adoption of a code by the Association in the 1960s had in fact been preceded by the odd suggestion that a code be adopted, particularly around the time the Australian Journalists' Association was progressing towards the adoption of its own code in the early 1940s. These suggestions never made it to the agenda of the union's national meetings until after 1960, when a motion put that the NZJA consider the possibility of implementing a code of ethics was accepted. Even after this it was another seven years before a code was actually adopted. Although by 1961 a code (based on the Australian Journalists' Association's version) had been drafted with a series of recommendations for its enforcement circulated to the provincial unions for comment, there was an overall lack of feedback. This meant that by the time the most recent official history of the union was published in 1962, little progress had been made with the code. It was after this that the draft code was distributed a second time, which resulted in a great deal more response from union members. The response to the idea of a code of ethics received was quite mixed. Some members of the union argued that a code was an unnecessary initiative in itself. Part of this was based on the idea that the journalistic abuses noted of countries such as Britain, that called for such a code of ethics were comparatively absent here. Some commentators also pointed to the existence of a 'strong unwritten code' of the New Zealand press which contributed to the 'air of respectability' that the NZ press enjoyed. So at this stage, there appeared to be something of a 'don't fix what ain't broke' attitude within the Association towards the idea of implementing ethical guidelines.

There was further debate within the JA about the perceived 'practical value' of an ethics code. Bearing in mind the industrial objectives of the NZJA, a code of ethics was seen by some as having the potential to

increase the professional status of journalism and thus the economic rewards for journalists - some members felt that a professional code of behaviour would increase their worth for industrial bargaining purposes. This was a central factor driving the idea to adopt a code in both the NZJA as well as the NUJ in Britain. This deliberating continued for quite some time against a background of increasing pressure on the NZJA to implement a code of ethics for journalists.

Perceived threats to press freedom came in the form of two parliamentary bills in particular – the Indecent publications bill of 1963 which the NZJA, as the main advocate for press freedom at the time, saw as unduly restrictive and sought to have amended.

The News media ownership bill of 1964, which aimed to restrict foreign ownership of New Zealand media, was another issue that occupied the resources of the union at this time.

While these concerns seem to have meant that the issue of a code was temporarily side-lined, there is also the possibility that they underpinned an increased interest within the union to show that journalists could regulate themselves internally, with their own internal guidelines in place.

There was also increasing public agitation in the 1960s for the professional regulation of journalists. Not long before the first major calls for a press council were heard in NZ, there were indications that the public were wanting to see the NZJA adopt a code with some sort of disciplinary committee open to the public. Evidence of this can be found in some of the New Zealand magazines and periodicals published at the time that were concerned with social and political issues and criticism.

Also motivating the adoption of a code by the union later in the 1960s was the perception that if journalists did not produce their own effective guidelines, then there was the risk of them being externally imposed. New Zealand journalists only had to look at the turbulent experience of press regulation in Britain by this time to find out what the consequences of inaction could hold.

So as a result of these sorts of factors, by 1966, the NZJA had set up a new committee to further investigate the issue of adopting a code. It was at the Annual Conference of the union the following year - in September 1967 - that a code of ethics was adopted.

The idea of an ethics Committee with disciplinary powers, which had been mooted earlier, was a hot topic at the September conference. A number of members disputed the idea and in the event an Ethics Committee without such powers was agreed upon. So the code was operated as a voluntary one from 1967 until 1974 when the provincial unions, (apart from Auckland), merged to become the New Zealand Journalists Union. The code was then incorporated into the Union's rules. So a breach of the code meant a breach of the union's rules and carried with it the ultimate sanction of expulsion from the union. And of course in those days, this wasn't something a journalists wanted to have happen to him- or herself, given the advantages of union membership once upon a time. But this is another story...

A main difference between the development of the NZJA code and the British NUJ code is in the time each took to implement their respective ethics codes. A code was first proposed within the NUJ in 1934 and was adopted two years later. While there was some opposition within the union on similar grounds to that which was expressed in the New Zealand case, these contentions were overcome comparatively rapidly. There much concern within the NUJ that professional standards of journalists were deteriorating in the broader context of circulation-wars between major newspapers around this time. There was a perceived 'crisis of ethics' brought about by increasing competition for readership. This motivated the union's adoption of an enforceable code of conduct comparatively quickly.

This was not so much the case in New Zealand, although like in the New Zealand context, an increasing concern about the possibility of external interference provided further grounds for the NUJ to adopt a code.

In each of the two cases, a code was developed just prior to the establishment of formal systems of press self-regulation. In the 1940s, the NUJ actively campaigned for the establishment of an industry-wide system of self-regulation presumably to give more expression to the professional standards of its code.

In a similar manner, it was the NZJA which took the first steps towards having our Press Council established by the press industry in New Zealand.

So while both unions had professional codes of behaviour in place, there were obviously questions whether either of the union's codes were sufficient regulatory mechanisms in themselves. In both cases, there was obviously a perceived need for a more extensive self-regulatory regime that offered readers a forum to air their complaints about press performance.

This being the case, both unions continued to operate their respective codes after such systems were formalised in each of the two countries.

In more recent times, industrial relations legislation has, in both countries, undermined the role of the unions and the regulatory force they may have once exerted over journalists. This has of course, placed increased responsibility on the formal self-regulatory bodies for implementing ethical guidelines and overseeing their adherence.

Taken together, the existing work on press self-regulation in Britain highlights a pattern that the development of press self-regulation in New Zealand was compared with. My study explored the idea that the internal reform of press self-regulation in Britain has been largely reactive with ethical guidelines being most commonly formed in circumstances of external pressure, most notably parliamentary pressure. It was in terms of this idea that the New Zealand Press Council's development of ethical guidelines was assessed.

So to elucidate this argument in terms of the British experience:

As it is quite well documented, the British Press Council was instituted as the General Council of the Press in 1953. Ever since this time, press self-regulation in Britain has been characterised by much uncertainty as to its effectiveness. The British Press Council became rather notorious for its lack of responsiveness to the recommendations from successive government-initiated committees and commissions inquiring into the press that it adopt a code of ethics.

Like in the New Zealand case, the British Press Council initially saw this unnecessary where the NUJ's code was already in place. So, this was said to be a main reason for its failure to develop and operate its own version.

However, as time went on there was increasing pressure on the Press Council to adopt some ethical guidelines for journalists of its own. Its compromise came in the form of its declarations of principle. These documents were devised after period of more serious criticism of certain aspects of press performance and of the effectiveness of the Press Council itself.

The first of these declarations was devised on the practice chequebook journalism. This followed controversy about payments to witnesses in the Moors Murder trial in 1965. The possibility that Contempt of Court laws would be tightened to cover chequebook journalism provided the main impetus for this development.

Another of the council's main declarations of principle was on the topic of privacy and press intrusion, which was formed in 1976. This followed the report of the 1972 Younger Committee on Privacy, which condemned press intrusion. The committee had further recommended that the Press Council adopt code of ethics to spell out what practices were undesirable in relation to privacy intrusion, and hinted at the possibility of statutory restraint in this area if the council failed to establish some effective form of voluntary restraint.

So, the development of the Press Council's declarations of principle was ultimately to pre-empt statutory regulation in the areas with which they were each concerned. However, they apparently did little in the longer term to appease external criticism, and the behaviour of sectors of the British press that this criticism was directed at.

The British Press Council continued without a formal comprehensive code of ethics until 1989 when circumstances forced a change of stance. The Calcutt Committee on privacy had been convened to consider the issue of press invasion of privacy, and the effectiveness of press self-regulation under the press council more generally. While the Calcutt Committee sat, the Press Council conducted an internal review, which resulted in its adoption of a code of practice after nearly 40 years of operation.

This coincided with the development of an 'editors' code' by a sub-committee of the Newspaper Publishers Association. Funnily enough, the NPA had never previously given much thought to adopting a code until by the late 1990s there was an unprecedented degree of pressure for reform.

This code, as well as that of the Press Council and the draft proposed by the Calcutt Committee, were merged into the code that was adopted by the Press Complaints Commission when it replaced the press council in 1991 as recommended by the Calcutt committee. The fact that the Press Council left developing a code of practice so long has even been located as a factor in its eventual demise.

Press self-regulation in Britain has continued in much the same pattern over the last decade with the Press Complaints Commission code being strengthened most commonly in a context of external criticism and pressure for reform and the threat of statutory intervention.

The development of self-regulatory codes in Britain is interesting because of the manifest similarities to the New Zealand case.

Since its inception in 1972, the New Zealand Press Council had (like its British ancestor), always stated its preference for a 'case law' approach, and had pointed to the Journalists union code of ethics in defending its failure to operate its own version. This remained the case until recently. The context in which the British Press Council eventually adopted a code before it was disbanded, and that which the New Zealand Press Council adopted its Statement of Principles more recently, are actually very similar.

Both initiatives were largely underpinned by the threat of privacy legislation for the press.

In New Zealand, - as you'll no doubt be aware - there talk of the print media's exemption from the provisions of the Privacy Act being removed - leading up to the Act's 1998 review. And underlying this was the broader global debate about privacy and press intrusion in the aftermath of Princess Diana which resulted in the code of the British press being tightened. While many New Zealand newspaper editors were quick to defend the ethical standards and degree of responsibility of the New Zealand press, Bruce Slane (the privacy commissioner) quipped that the editors of Britain's 'quality' newspapers could say the same thing, and then began urging the adoption of a comprehensive code by the New Zealand press.

This appears to have been the immediate background to the Press Council's decision to adopt a Statement of Principles, which it did in August 1999. So eventually, the New Zealand Press Council acknowledged that it was an exception among press regulatory bodies in not having some form of written code, and that not having one undermined its credibility and effectiveness. A lesson was learnt from the British experience that some form of guiding document was necessary - whether the aim here was to promote the highest professional and ethical standards in journalism, or to subdue external criticism and threats of statutory intervention however, is the ultimate question however.

In many ways, the set of principles follows the looser format of the British press Council's declarations of principle, although covers a wider range of areas of press conduct. In this respect, it is more like the statement of principles of the Australian Press Council, which influenced the New Zealand version.

The Press Council's arguments for the form it was to take centred around the idea that a more rigid code wasn't necessary here and could prove too inflexible. However, the more cynical among us might not see this development as any less reactive and unconvincing as the efforts of the British press council during its existence. Of course, on the other hand, we might see this as a positive development in the 'right direction'. I guess only time will tell...

In the meantime, Independent Newspapers Ltd. had developed its own code of ethics. In doing so, INL set a precedent in this country as the first major newspaper and magazine publisher to adopt a code for its journalists.

Irrespective of this, this was a development that appears to be reminiscent of the British case when in 1989 a sub-committee of the British newspaper Publishers Association was formed to develop a code ahead of the British Press Council as I've said. And the basis for this decision in the New Zealand case was evidently similar - the perception that the press Council wasn't seen to be making much headway with external pressure - particularly from within the office of the privacy commissioner - increasing. So this provided the basis of INL's decision to go ahead to produce a code on its own.

Wilson and Horton, (the other main newspaper publishing group in New Zealand) reportedly mooted the idea of following suit however, my inquiries into this matter suggest that this idea never went much further than this.

Concluding remarks

So, by way of conclusion, there are clearly some interesting parallels in the New Zealand and British experiences in the development of print media codes of ethics.

Codes have been developed by the self-regulating print media in a non-statutory context - but they have often been driven by external pressure carrying implicit and not so implicit threats to the continuation of such a regulatory framework.

This is a pattern more characteristic more of the British case although, as I've pointed out, it seems to have been emulated in the New Zealand context more recently particularly with the Press Council's adoption of its Statement of Principles.

Overall, New Zealand has been much slower in the progression towards adopting ethics codes for print journalists. This is perhaps largely to do with the very different climate of practice that the New Zealand press has operated in relation to Britain. This has been employed both to defend the absence of a code of ethics for the New Zealand press, and the necessity of such in the British case.

Certainly, the degree of competition within the British press, which has been attributed to the maintenance (or otherwise) of professional standards, hasn't been so much of a problem here. This is, of course, much to do with our small population and patterns of newspaper reading, and the monopoly-type situation most major dailies have enjoyed here over the years.

The effectiveness of press self-regulation has always been a much bigger issue in Britain. The circulation wars and degree of competition between the major players in Britain's National press has tended to underlie the debate about the ethical standards of the British press and the professional guidelines it has to keep them in check.

A general pattern can be noted of the British press in its development of ethical guidelines, as I've mentioned:

External criticism of press standards occurs, particularly in periods of more intense competition, (and possibly accompanied by threats of statutory alternatives), which poses perceived threat to 'press freedom'. It is most commonly this sort of external pressure that precipitates action from within the press in developing or revising its ethical guidelines.

This pattern underlies the 'politics of voluntary restraint' in a market-dominated climate of practice, which I have assessed the New Zealand case in terms of also.

What will be interesting to observe from now on, is how the New Zealand Press Council's Statement of Principles fares as a self-regulatory tool in the future; whether new media technologies and new media forms, with inevitable change in the New Zealand media landscape, brings the need for stricter regulatory structures for the print media than those existing at present.

Whether the 'politics of voluntary restraint', characteristic of the evolution of press self-regulation in Britain over the twentieth century, will become so pervasive in the New Zealand context into the new century, and if so, what the outcomes of this will be....

Biography

Nadia Elsaka is a post-graduate student at the University of Canterbury (Christchurch, New Zealand). She completed a Bachelor of Arts in Linguistics in 1998, and a BA (Hons) in linguistics and journalism in 1999 and was awarded a first class honours. The receipt of a scholarship from the Centre for Research on Europe (an interdisciplinary unit established at the University of Canterbury at the beginning of 2000), and a University of Canterbury research award, encouraged her to undertake a Master of Arts in journalism in 2000. Her MA research topic incorporates some of her principal interests in journalism and the media developed during the honours year; including journalism ethics, media policy and regulation. Undertaking a comparative study of the evolution of print media codes of ethics in Britain and New Zealand thus served the dual purpose of integrating these interests, and of contributing to an area of enquiry that has not been widely attended to in previous research. Elsaka intends undertaking doctoral research which will explore the nature and development of professionalism in New Zealand journalism.