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# COMMUNICATION ETHICS: MONITORING AS A COMPLEMENT TO SELF-REGULATION IN THE PURSUIT OF TRANSPARENCY IN THE NEWS INDUSTRY

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**Abstract:** This paper reflects on the role of communication ethics in the search for solutions to some of the problems in the journalistic arena today. Specifically, the article first examines the importance of applying the principle of transparency in the news industry. It then analyses the potential complementary role that monitoring processes can play in consolidating this transparency in the mass media business model. The present article attempts to propose a communication ethics model grounded on defending the need to foster co-responsibility in which the media, the journalists and the public perform a fundamental role.

**Keywords:** *Communication ethics, Journalism, Codes of ethics, Audits, Monitoring, Principle of transparency.*

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## INTRODUCTION

In July 2011 the prestigious newspaper *The Guardian* publicly challenged journalistic malpractice in one of Britain's oldest and most widely read sensationalist tabloids, the *News of the World*. Following an investigation into the way the tabloid operated and obtained its information, *The Guardian* published its findings and a public scandal broke out. British and international public opinion was informed how the *News of the World*, part of the *News Corporation* group – one of the five large transnational conglomerates – had hacked into the telephones of approximately 4000 individuals, on whom they had spied with the aim of obtaining exclusive stories designed to secure large amounts of money. From celebrities and politicians to the parents of soldiers killed in Afghanistan, and even victims of crime; they all were prey to the newspaper's spying practices. Implicated in the scandal were private detectives, police and journalists, and in a question of days the tabloid was closed. The *News of the World* had unquestionably violated the basic editorial principles of journalism, overstepping the line of acceptability in the search for its news stories.

This case is an example of one news media monitoring another, exposing not only journalistic malpractice, but also widening the general debate on the *modus operandi* of some sensationalist tabloids. This is just one example of the many cases of media monitoring seen today, in which mass media operations and practices are brought under close scrutiny. In some cases, monitoring is undertaken by other media – both traditional and alternative – while in others it is instigated by the public through Web 2.0 technologies that, as the present paper attempts to argue, in today's digital context offer huge potential to complement self-regulation instruments in the challenge to improve the way the mass media operates.

This rest of the paper explores this idea in greater depth; it first discusses the role of self-regulation in attaining transparency in the management of news companies. The paper then argues that monitoring is a valuable way of exerting external pressure by scrutinising media activity and fostering transparency in the media industry.

## THE BASIC PRINCIPLE OF TRANSPARENCY

As a result of the digital revolution, modern journalism is undergoing a major transformation process and uncovering new possibilities, as well

as facing the problems and challenges posed by an increasingly competitive environment. Some of these problems affect the activity or structure of certain sectors of the mass media. These may be deficiencies associated, for example, with the lack of information rigour, the primacy of speed in daily journalism, the unbridled exploitation of sensationalist information, or the abandonment of investigative journalism (Restrepo, 2004, pp. 109-110; Echaniz and Pagola, 2004, pp. 96-98). All these trends lead to a degenerated final product – whether on television or radio, or in the press – and can undermine the shaping of healthy, mature opinion in society. It is therefore essential to identify the way (or ways) that these problems might be contained.

The proliferation of problems linked to day-to-day media operations has led to a growing demand for the mass media to recognise their core responsibility to improve the way they deal with a public good, namely information (Echaniz and Pagola, 2004, pp. 77-78; Linde-Navas, 2007, pp. 28-29). This demand obviously includes compliance with the minimum legal requirements, but also calls for the mass media to make greater efforts to meet society's expectations of them. It is precisely at this level that self-regulation has the potential to improve the media industry, through discipline based on promoting the internal good within the mass media, and that emerges from initiatives taken by the institution itself (García Marzá, 2004b). The normative shift does not, therefore, only come from the state and its legal system, but from the mass media themselves, which – as civil society players – voluntarily implement ethical norms that guide them in improving their mechanisms and operations (Conill and Gozávez, 2004; García Marzá, 2003, pp. 159-190; Cortina, 2004, pp. 11-31; Aznar, 2005).

The aspiration to improve mass media activity increasingly comes from journalism itself, which recognises its responsibility to society. There is a general awareness that citizens have certain expectations of news businesses, that without abandoning the profit motive, “are at the service of creating a good that is social and not private, of a fundamental right and not a commodity”, namely, information (García Marzá, 2003: 216). When these expectations are not met, confidence in the media is eroded since the public do not expect, for example, to be deceived, used or manipulated when they read the press, turn on the radio or watch the television (Restrepo, 2004, pp. 41-44).<sup>1</sup>

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<sup>1</sup> The concept of trust and trust management in institutions is extensively analysed in Domingo García Marzá (2004a).

Self-regulation therefore emerges as a way of improving some of the problematic symptoms that affect journalism, and is increasingly gaining ground due to the expressed desire of some media institutions to improve their mechanisms and reputations in the eyes of the public. It remains to be seen, however, which specific self-regulation instruments can channel these improvements.

Strategies designed to foster self-regulation can be implemented or developed in a variety of ways, although one of particular note is the “principle of publicity” – understood as the principle of transparency – put forward by García Marzá (2003; 2004a; 2004b). This author argues that transparency can be used to manage mass media activity, and that two self-regulation mechanisms – codes of ethics and press council – are particularly valuable: codes of ethics as a public expression of commitment from the media industry, and the ethics audit as a mechanism that verifies and controls ethical commitment.<sup>2</sup>

Codes of ethics are one of the most rapidly growing self-regulation mechanisms in media institutions, originating from a desire to redress the widespread loss of media credibility. Through this mechanism, the company makes a series of ethical commitments to guide and enhance its activity (Restrepo, 2004, pp. 36-37 and 129-130). These codes, drawn up and approved by the media companies themselves, are mechanisms typically used by civil society agents to satisfy and respect certain moral conditions and norms. They do not regulate through external coercion, as in the case of legal mechanisms, but through moral mechanisms of coordination based on free, publicly made commitment (García Marzá, 2003, p. 207). Codes of ethics have two basic functions. First, as an internal function, codes of ethics are established to define certain guidelines and principles that must regulate the media’s information activity. Second, from an external perspective, they present society with a public charter of their activity and the actors involved in them (Hirst and Patching, 2005, pp. 83-84).

The code of ethics structure generally covers three key aspects. First, it should define the media company’s project, with express reference to the ethical principles that govern its information activity. Second, it should explicitly outline the criteria or mechanisms the company intends to follow in order to incorporate values into the culture of the organisational

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<sup>2</sup> Ethics audits, although carried out by an external organisation, are self-regulation tools in that they are initiated by the mass media company itself.

structure, by defining for example, increased journalist participation, or the figure of the press ombudsman or ethics committees. Third, it requires specific, detailed policies that must be followed to ensure the viability of the proposed objectives (García Marzá, 2003, p. 218)

In addition to this charter and public commitment from the media company, however, other fundamental self-regulation mechanisms are needed to complement the process by enabling the effective introduction of the commitments set out in the code of ethics. Although these codes are a necessary condition in the process of increasing transparency in media activity, they must also be verified by ethics audits, which review and control the ethical commitments the company has made (García Marzá, 2003, p. 219; Camps, 2004, pp. 232-251).

Ethics audits are control mechanisms whose function is based on the public evaluation of the daily activities of the media, and of the degree to which they comply with the ideals defended in their codes of ethics. One of the most widely used models for ethics audits is that of the press council. These are independent bodies that examine the public's complaints about media actions, and where appropriate, issue a public ruling in which the action is judged from a deontological perspective (Aznar, 2005, p. 261). Hence, whereas the code of ethics makes public the norms that should guide the media company's activity and the values to which it has committed, press councils publicly judge its actions, and resolve specific cases or conflicts that emerge in its daily activity in a self-organised and transparent manner.<sup>3</sup>

The complexity of these self-regulation mechanisms is not covered in this brief explanation of codes of ethics and control audits. However, what is relevant in this reflection is that proposals for self-regulation mechanisms show recognition by the mass media that their responsibility extends beyond just economic survival, as this responsibility is also defined in terms of society. The media can make a commitment with regard to their activity and their public. They can adopt policies designed to nurture and fine-tune the public good they manage, without renounc-

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<sup>3</sup> Hugo Aznar provides a detailed study of existing self-regulation mechanisms, in which he analyses the function of editorial principles, deontological codes, the ombudsman and the press council. He suggests that each one contributes a series of positive aspects, and that complementarity among various mechanisms can lead to an improvement in the media arena as a whole, although he recognises at the same time the central role of control mechanisms such as the press council (Aznar, 2005).

ing the profit motive, while at the same time gaining society's recognition. Self-regulation mechanisms foster and channel this type of commitment and reveal that, in addition to state policies, societies also need mass media that are aware of their responsibility in shaping public opinion.

At the same time however, there are other valid ways to foster – and on occasions to demand – greater responsibility from certain media companies. Alongside the code of ethics and audit mechanisms, the application of which depends on the initiative of each company, situations may arise in which citizens or other media organisations initiate actions to demand efficient compliance with commitments set out in the codes of ethics or to directly denounce journalistic malpractice, errata or media indoctrination. In this way, internal self-regulation mechanisms can be accompanied by external forms of verification and control of journalistic activity that is not caught by the media's own control system, with the potential to ameliorate certain problems affecting journalism and reinforce the efficiency of journalistic self-regulation.

*The Guardian's* denouncement of malpractice at the *News of the World* is one example of a trend to scrutinise the activity and modus operandi of one mainstream media company by another. But the watchdog function has been extended through the Web 2.0 context to include citizens and journalists who participate and create alternative media, in such a way that both can now closely observe mainstream mass media and act as external monitoring agents of journalistic activity.

## MASS MEDIA MONITORING

The spread of “monitorial citizens” (Schudson, 1998, pp. 309-312; Schudson, 2004) as attentive observers of centres of power appears to be one of the most notable characteristics of media-saturated democracies (Keane, 2009; Feenstra, 2012). Monitoring entails the public scrutiny of an issue of public interest, and is carried out through the use of a wide range of monitors (screens), combining traditional media and new communication tools. Monitoring implies the public denouncement of malpractice, manipulation or concealing of information, through which it aims to promote transparency across a wide range of institutions, including the mass media as central players in the democratic system.

Monitoring can be done by other journalists working in mainstream and alternative media as well as by citizens using the potential of Web

2.0, or indeed, by a combination of the two. In the Spanish context one of the clearest examples of this phenomenon was the reaction to the manipulation of information on the TV programme *El Círculo*, broadcast on the public regional channel *Telemadrid*. In June 2011, its presenter, María López, tried to discredit the 15-M movement by showing the supposed violence of the protests. She argued that the public needed to judge “for itself” the violence of this social movement and broadcast three images of young people armed with sticks and stones. However, these images were in fact taken from a news story covering demonstrations in Greece. The reaction to this manipulation of information was immediate. On the same day the *Salvemos Telemadrid* (Save Telemadrid) platform condemned the channel’s ulterior motives in broadcasting the images. Newspapers like *El País* and *El Mundo* reported the story, while criticisms and demands for rectification and apologies from the TV company abounded on the social networks (Casero/Ripollés-Feenstra, 2012, p. 72).

This type of external monitoring process is increasingly seen in media-saturated societies, but rather than carrying out an in-depth analysis of these processes, it is essential to observe how these media monitoring phenomena can play a key role in verifying journalist activity and demanding, from the outside, responsibility and transparency (Sunstein, 2007, pp. 191-194). In this way, monitoring can be understood as a necessary complement to self-regulation, where the public play a vital part in verifying whether codes of ethics are being respected, and in pointing the finger at malpractice, manipulation, the silencing of news, errors in news reports, or lack of plurality, as well as recognising media companies that do work responsibly.

As mentioned above, monitoring can come from the mass media themselves by extending their investigative and surveillance work to cover professional colleagues and their activities, and also by correcting information errors in other media. The emergence of Web 2.0, however, also opens up new opportunities for direct citizen action to monitor the mass media, using the new communication channels to denounce or warn of malpractice, errors or cases of news manipulation.

In this vein, authors such as Kellner have analysed surveillance of corporate mass media through blogs in the United States since the 2004 election results (Kellner, 2005). Kellner’s study concludes that control and criticism of the dominant media and the way they report the news has increased in a range of spaces on the Internet. The errors, lack of information, incomplete news and lack of journalistic skills of various

news reporters are criticised in many virtual spaces that are now widely known amongst the public and that influence the dominant media, obliging them in some cases to rectify erroneous or falsified information.<sup>4</sup>

In addition to citizens' capacity to monitor mainstream mass media, the new communication channels can also be used to redress the omission of certain news stories or the absence of investigation into specific issues. Citizens and active civil society players are potentially capable of investigating and spreading information on the "forgotten news". Portals like *Periodismohumano.com* or *Bottup.com* (*Tu noticia es la noticia – Your news is news*) extend the number of stories reported by the large news agencies by publishing news written by citizens or independent journalists, thereby consolidating an alternative public information space.

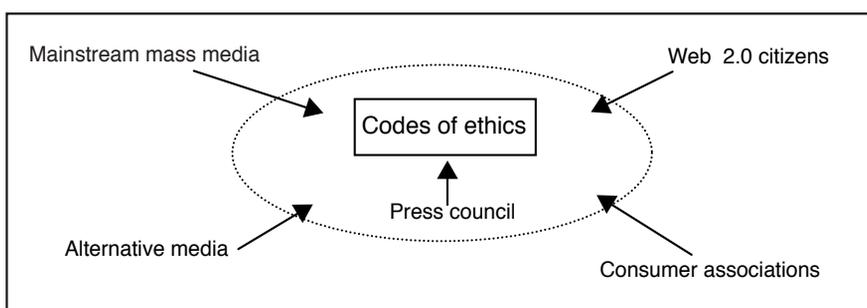
The emerging Web 2.0 therefore opens up a raft of possibilities to monitor the news processes of the mainstream mass media, as well as augmenting the number of voices and news stories broadcast to the public. The effective use of these tools by journalistically active citizens serves both to clarify or correct errors in the way information is dealt with in the mainstream mass media, and to some extent, ameliorate the deficit of voices and opinions that accompany the phenomenon of media concentration (Herman and McChesney, 1997: 227-318; Hirst and Patching, 2005, pp. 58-60).

The new communication channels therefore allow citizens to acquire a significant role in defining or modifying the communication arena by participating in what some academics have called citizen journalism. It is not the aim of this paper to analyse the wide variety of interpretations and the complexity of problems that surround the notion of citizen journalism, but it is vital to observe in this final point, the critical role of citizens themselves, not only in politics but also in the media structure and the harmful symptoms that affect it.<sup>5</sup> Turning audiences into users

<sup>4</sup> Among the most outstanding examples Douglas Kellner mentions is Bob Somerby's blog, <http://dailyhowler.blogspot.com> now widely read in the United States (2005, pp. 232-233).

<sup>5</sup> The conceptualisations of citizen journalism are rooted in the development of the new media and, in general, defend the value of citizen participation in the journalistic process. Theories on this type of journalism are not without their critics: some scholars defend the specific language of professional journalism (Real Rodríguez et al, 2007, pp. 189-212). Other scholars note that this type of citizen journalism theory is covered by a wide range of nomenclatures: "community journalism", "public service journalism", "public journalism" and "civic journalism", that are all part of the same

and taking the opportunity not only to “receive truthful information, but also to broadcast it” – and to demand it – could be a further step towards achieving a news environment with fewer of the problematic symptoms affecting journalism today (Llop, 2007). Monitoring of the mass media by the media themselves or by citizens could, in sum, be another step in the pursuit of possible solutions to the threats that currently beset journalism. But for this to work, an active citizenship that reinforces self-regulation and external monitoring activity is essential.



Media monitoring process

## CONCLUSIONS. THE ESSENTIAL ROLE OF ACTIVE CITIZENS IN REINFORCING SELF-REGULATION AND MONITORING

Fostering responsible mass media by promoting the internal good they manage demands, in sum, active citizens: citizens who know their rights, who are aware of the core role the media play in defining public life, and who have a critical capacity and ability to mobilise against the negative symptoms of journalism. Clearly, these symptoms are not easily halted and future measures and policies must be both varied and complex. However, together with political measures, and voluntary self-regulation measures introduced by the mass media themselves, what is also required are responsible, critical and vocal mass media consumers.

Citizens and consumer associations are therefore the final key component. Public debate in a complex society requires, as an indispensable condition according to Cortina, the creation of consumers who actively

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phenomenon linked to the alternative use of new technologies by citizens active in public affairs (Traquina, 2003, pp. 10-17).

express their opinion (Cortina, 2004, pp. 28-29; 2003); active citizens willing to participate in the arena of debate on the structure or workings of the mass media; citizens who are aware of the commitments media companies have made, and of their own potential to influence them. The efficient working of self-regulation mechanisms depends to a large extent on citizens. The effectiveness of a code of ethics, for instance, will be very limited if the public do not know about it, since this lack of knowledge precludes any demand for public accountability when the media company breaches a clause covered in the code. Neither can the press ombudsman help to make changes if the public does not bring any complaints, questions or suggestions concerning the activity of the media he or she represents. Other self-regulation mechanisms, such as systems to regulate advertising, are also weakened if the public remains silent about possible advertising malpractice (García Marzá, 2004c). To a certain extent, the effective introduction of self-regulation means that the ball is in the public's court. Media commitment to a code of ethics gives the public a 'weapon' that it must use effectively to demand compliance whenever the case arises.

Likewise, the way mass media users consume their products is also significant and cannot be regarded as neutral. The scant variety in the programme content of mainstream mass media – particularly television – can preclude any free choice for the media consumer, but this does not imply that an individual's media consumption does not also have its own essential influence. A television, radio or newspaper's audience or readership is reflected in its advertising income, which accords the public certain power, not easily channelled, but real.

This consumer power can be compounded when citizens organise together, and it is here that the Internet provides a new, central tool. The new communication tools allow society's voices to be amplified, and bring an end to the soliloquies of the mainstream media. They also provide the means for citizens to organise their demands and claims against the media, and enable media monitoring to be extended to include monitoring by other media, as well as through alternative media and active citizens on Internet. The power of citizens to monitor powerful actors like the large media corporations, and to organise together, is a sign of today's democracies. But ensuring that citizens assume, on a wide scale, their own responsibility for the media is a challenge that is yet to be met, and is essential if monitoring is to emerge as a complement to self-regulation in the pursuit of transparency in the media sector.

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