

THE INDEPENDENCE OF MASS MEDIA – AT THE BORDER BETWEEN A STATED GOAL AND REALITY

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Abstract

Mass media independence is guaranteed by the laws and other national and international normative acts in order to ensure freedom of speech and to correctly inform the public opinion about the relevant aspects of the society. Mass media professionals accepted the conduct rules included in the deontological codes which ensure the independence of the means of communication as well as the objectivity, impartiality and accuracy of informing the public opinion. Mass media independence is violated by some politicians, businessmen and owners of mass communication means in order to influence the public opinion and to fulfil their personal goals and interests.

Keywords: *freedom of press, the journalists' codes of ethics, bias mass media, censor, self-censorship.*

1. INTRODUCTION

Mass media plays a significant role in the society because it contributes to the preservation and development of democracy by ensuring the right to free speech and to correctly inform the public opinion regarding the relevant aspects of the society.

By permanently monitoring the state institutions and public figures, the means of mass communication may find out in time and inform the public opinion of the slippages committed by them from the legal and moral norms. Therefore, they contribute to fixing some problems in the activity of the state's institutions and to the development of the citizens' civic spirit.

Fulfilling the self-accepted role by the mass media professionals assumes that they are free from any constraints and restrictions, either financial or of any other nature.

The high influencing capacity of the media represents the main reason why some journalists, politicians, businessmen and owners of mass communication means break the media's independence in order to fulfil some personal

goals which are in conflict with the legal and moral norms.

2. HOW ONE CAN UNDERSTAND AND ASSESS THE FREEDOM OF MASS MEDIA

2.1. How one should perceive the independence of mass media

Traditionally, mass media is considered independent when it acts according to the self-assumed principles and goals and when there are no limitations to the journalists' activity of collecting data and broadcasting them to the public.

There are some authors who distinguish between the independence and neutrality of mass media because, they consider that neutrality represents a limitation to independence, even if it is self-assumed. According to Katrin Voltmer, the same neutrality represents “the highest degree of political independence.” (VOLTMER, 1993)

Normally and in principle, media independence has to exist not only in respect to the political forces but also in regard to other forces, such as any kind of interest groups – political, economic, ideological, financial, cultural, ecological, military etc.. The Royal Charter of the BBC 2016, for example, states that „The BBC must be independent in all matters concerning the fulfilment of its Mission and the promotion of the Public Purposes, particularly as regards editorial and creative decisions, the times and manner in which its output and services are supplied, and in the management of its affairs” (BBC, 2016).

In a similar manner, the status of mass media in Norway states that: “NRK (Norsk rikskringkasting) shall have editorial independence. NRK should

guard its integrity and credibility in order to act freely and independently in relation to persons or groups who for political, ideological, economical or other reasons wish to influence the editorial content" (NRK, 2015).

Due to the previously presented conditionings, some authors consider that the independence of mass media represents a luxury that only the developed countries can afford from an economic point of view since the underdeveloped states as well as the emerging ones have to have among their priorities the economic development, the eradication of poverty, the improvement of education, social assistance and the ensuring of individual and national security (SHANTHI, 2011). This opinion is wrong and counterproductive in regard to the natural development of the human society towards democracy because it diminishes the role of media in promoting and supporting some economic and social goals. Therefore, the media's contribution to the general progress of society is marginalized and even denied, inclusively by preventing and revealing abuses, corruption and the political power's involvement in the editorial policy of the media.

The appearance and development of the Internet facilitated interpersonal communication using social networks, built the launching platform in the virtual space of the bloggers, independent journalists (the so-called "citizen journalists") and of other participants in the data and information flow. The digital era launched new forms of journalism, almost completely reduced their financial dependence in relationship to the sponsors, but it also altered the meaning of mass media independence. Many papers published so far mention the different perceptions of a number of journalists who are not part of the different existing associations in the field, but also of some of the professionals from the field regarding media independence. Therefore, James Bennett (2015, 2) argues, "media independence functions as a utopian vision of the media's role in society for those who regulate it, own it, work within it and even study it" (KARPPINEN & MOE, 2016).

Other authors like Kelly McBride and Tom Rosenstiel, for example, have explicitly argued for replacing "act independently" with "be transparent" as a guiding ethical principle of journalism (MCBRIDE & ROSENSTIEL, 2013).

From a negative perspective, some journalists think that the phrase "media independence" is utopian and impossible to reach. That is why Kari Karppinen and Hallvard Moe conclude by saying that "media independence is a concept that does not have a universal meaning. Instead, it can signify radically different, and often contradictory, ideals" (KARPPINEN & MOE, 2016).

2.2. The need for mass media independence

Mass media has to be independent because this is the only way in which it can contribute to the development of the people's civic spirit or fight against power abuses and corruption committed by the state's institutions or by politicians in public offices. Also, only the independent mass media can fully ensure the citizens' right to free speech and their correct and proper information.

In the spirit of the aspects mentioned above I think that it is important to know Amartya Sen's opinion. He considers that: "A free press and the practice of democracy contribute greatly to bringing out information that can have an enormous impact on policies for famine prevention (...) a free press and an active political opposition constitute the best early-warning system a country threatened by famine could have" (KUMAR, 2016).

James Wolfensohn, former president of the World Bank, expresses his sustainment for a free press saying: "A free press is not a luxury. A free press is at the absolute core of equitable development, because if you cannot enfranchise poor people, if they do not have a right to expression, if there is no searchlight on corruption and inequitable practices, you cannot build up the public consensus needed to bring about change" (SHANTHI, 2011).

2.3. Means of assessing mass media independence

There were also some attempts to establish some algorithms and methods to assess the independence degree of mass communication means.

One of these assessment methods applicable to a single mass communication mean is presented by Katrin Voltmer and consists in (VOLTMER, 1993):

- identifying the formal and informal connections between the media and the political parties;
- identifying the support that the media offers to some political parties;
- identifying the opinions and political orientations of the subscribers, respectively of the newspaper readers and of the listeners and viewers of radio and TV channels and broadcasting these opinions to the public by means of articles, reportages, videos etc.

Another method used to assess the independence of mass media in a state was proposed by the 2011 World Bank report (SHANTHI, 2011) and consists in:

- self-sustainability of the means of communication from a financial point of view;
- transparency of the media market in that particular state;
- the development level of the advertising sector from that particular state;
- the training level (expertise) of the employees (journalists, editors, technicians, photo reporters, managers etc.) from the media sector;
- the harmonization level of the national legal framework from the media sector with the international one, and also that of telecommunication and of other related fields that can negatively influence the content and functionality of the national mass media;
- the existence and quality of the activity of associations and of the mass media employees' union.

The assessment of the national mass media is also performed by the "Reporters without borders" and "Freedom House" associations, as well as by other nongovernmental organizations and by UNESCO. The results of these assessments are made public annually.

3. THE *DE JURE* INDEPENDENCE OF MASS MEDIA

In democratic societies the independence of mass media is guaranteed by regulations, self-regulations and co-regulations (RADU, 2015), both at a national and international level.

3.1. Regulations

Generally, the legislation establishes:

- a) the boundaries of the professional activity;
- b) the activities which are considered to be dangerous and which are therefore forbidden;
- c) the punishments for those found guilty of dangerous activities;
- d) the institutions which judge and the institutions which punish a behaviour which is considered to be unacceptable" (RADU, 2015).

At an international level the mass media regulations derive from *The Charter of the United Nations* and *The Universal Declaration of Human Rights*. These documents contain recommendations and standards which are, subsequently, detailed in conventions, treaties and agreements which are presented to the states in order to be ratified (CORNELL LAW, n.d.). Article 19 from *The Universal Declaration of Human Rights* states that: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (UNITED NATIONS OF HUMAN RIGHTS, n.d.)

In principle, the international legislation "defines the legal responsibilities of the states in their behaviour towards each other and also the way in which they have to treat the citizens within their borders" (UNITED NATIONS, n.d.). The responsibilities of the states towards each other and towards their own citizens are presented in conventions, treaties and agreements which establish "orientations regarding norms, methods, mechanisms and the conceptual language that has to be used among international actors - sovereign states - and also among international organizations and some individuals" (SHAW, n.d.).

At a national level, in the majority of democratic states the legislation according to Katrin Voltmer, (VOLTMER, 1993), refers to:

- the freedom of speech for the citizens and the freedom of mass media, as an institutional protection measure for it;
- the freedom to access information for citizens and journalists as well as the freedom to

preserve the secret of the source for the journalists, until the law forces them to divulge the source;

- restrictions which derive from: the right to personal image, to private life, moral norms (the freedom of religious convictions and sexual orientation, the absence of discrimination under any form etc.), preventing monopoly on mass media, ensuring internal and external security etc.

In Romania, the activity of the mass media is regulated by the Constitution and by the Audio-visual Law.

Article 31 (4) from the Romanian Constitution states that: "The mass, public and private information means are obliged to correctly inform the public opinion" and (5) states that: "Public radio and TV services are autonomous. They have to ensure aerial right for the important social and political groups" (CONSTITUȚIA ROMÂNIEI, 2007).

The Audio-visual Law no 504 from 22.07.2002, constantly updated until 2018 states that: "Art. 3. (...) upholding the freedom and the fundamental rights of the individual (...) the objective informing of the public by correctly presenting facts and events and to favour free development of opinions. (.....) Art. 6. (1) Any type of censorship on the audio-visual communication is forbidden. (2) Editorial independence of broadcasters is acknowledged and guaranteed by the present law. (3) Any type of interference in the content, form and presentation manner of the broadcasters by the public authorities or by any other Romanian or foreign person or entity is forbidden." (LEGE 5, 2018).

3.2. Self-regulations

Self-regulation in mass media refers to the way in which ethics is understood and applied in this field of activity. From a conceptual point of view, ethical norms are included in the Deontological Codes of the journalists, editors or of the mass communication means. These Codes present the principles and standards (APME , n.d.) that have to be applied in the relationship with the readers, listeners and viewers.

Every publication, every media trust makes a point of honour by establishing and using a

personal code of ethics. Here are some examples of the most well-known existing codes - that of the Radio and Digital Television Association (RTDNA, 2015), that of editors, that of the American Professional Journalists' Society (SEAMAN, 2018) that of the Romanian journalists (ANDRONACHE, 2010), that of the New York Times newspaper etc. All existing ethical codes contain two sets of principles: one that is accepted by the large majority of mass communication means from all over the world and one specific to each publication/media trust.

The common principles are: the veracity of the information broadcasted to the public, the accuracy of the data used in developing the news (articles, editorials and reportages), the objectivity in presenting the news (data), impartiality on behalf of the journalists, collecting data from reliable sources, transparency, the integrity of the journalists and the avoidance of conflicts of interests.

Another largely respected and accepted principle by the deontological codes of mass communication means is that of limiting the negative effects through the presentation manner of some events or by not publishing some photographs or films. For example, the European mass media ethical codes include, according to Resolution 1003 from 1993 of the Parliamentary Assembly of the Council of Europe, referring to the journalists' ethics (PARLIAMENTARY ASSEMBLY, 1993), recommendations such as that of upholding benefit of the doubt and respectively of carefully using the data referring to race, religion and sexual orientation in order to prevent discrimination reasons.

Investing the mass communication means with the title of "guard dog of democracy" or of "the forth state power" or of "power vector" includes supplementary responsibilities for those who chose to become journalists in written, audio or visual media. Journalists, editors and owners have to respect their condition of integer professionals who will always write/say the truth and will not alter facts in order to influence or manipulate the public opinion. This is why self-regulation is necessary. They consciously and responsibly accept the role of "guard dogs of democracy," signalling any side-slip of the

political decision makers and also of the governmental and nongovernmental institutions and organizations that do not uphold the national and international laws.

In case journalists deviate from the self-imposed principles and included in the "Deontological Code," then they may be investigated by the existing organisms in their community, respectively - The Council of the Press, The Journalists' Associations etc.

If mass media professionals break legal provisions, they will be punished as any other citizen. In other words, they are not above the law but, on the contrary, they deliberately and consciously accept supplementary limitations since they are opinion makers and through their conduct and especially through the opinions broadcasted to the public (viewers, listeners) they may trigger behaviours contrary to the legal and moral norms.

3.3. Co-regulations

Co-regulations are normative acts commonly established by the representatives of mass media professionals and experts of state institutions, respectively of national and international governmental and nongovernmental organizations. Most of the times, the results of this collaboration lead to amendments to the existing normative acts (the Romanian law of the audiovisual was adopted in 2002 and it was updated 10 times up to 2018 both at the initiative of the media experts and of the political people) or to new normative acts, respectively in conventions, declarations, etc. at an international level.

4. DE FACTO INDEPENDENCE OF MASS MEDIA

The real degree of traditional mass media independence is difficult to assess both from objective and subjective reasons. In order to identify possible problems in the editorial policy of the media means on behalf of some political parties, groups of interest, politicians or rich businessmen it is necessary to long term monitor the communication means, an activity which requires the use of important human, financial and material resources which, most of the times,

are not possessed by the means of communication. The assessors' honesty and professionalism, the methods used in collecting and interpreting data and the quality of the resources at their disposal are some of the factors which lead to a higher or lower degree of accuracy in the result of the assessments.

When it comes to the New Media the situation gets even more difficult because the ones who practise journalism "on their own" act "without rules, regulations, or even a Code of Conduct except for some that are self-imposed" (HALL, 1997).

Aner Fog considers that the factors with the highest degree of independence on the media are the following (FOG, 2013):

- the owners of communication means who develop the editorial policy;
- the companies which pay in order to get advertising and orient (recommend or even impose) the fields that have to be approached in articles, reportages, clips and advertising films etc.;
- data or information sources - open or undercover - that may misinform or alter the truth about certain events (the desire to be in the public eye, to get a prize or to get promoted) either out of bad intent, incompetency or negligence, because they are manipulated or sponsored to distort the truth etc.;
- the media professionals whose personal interests are opposed to the principles in the deontological code, interests that they support or promote in the way they develop (or better said) alter the information that they broadcast to the public;
- the political leadership of the state which can impose some provisions in the content of the laws which regulate the media field and in the ones connected to it (for example, the existence of the laws against the media group which do not allow the concentration of more than one media means in the ownership of a single individual or group of interests, or the non-existence of these provisions, a situation that allows the building of some media holdings and a reduction of competition and of market pluralism in the field, reducing the independence of the means of mass communication);
- technology may limit, through performance, the format of the data and the number of communication channels etc.



Fig. 1. Freedom of expression concept as barbed wire transforming to an ink pen as a metaphor for media freedom and journalism liberty or the power of creativity and the arts with 3D illustration (SHUTTERSTOCK, n.d.)

The most well-known methods of altering the media independence are censorship, self-censorship, the slips of the employees and mass media owners from the provisions of the deontological codes and the interference, either direct, indirect or/and masked, of the political power in the editorial policies of the mass communication means.

4.1. Censorship

Censorship broke the independence of mass media both in the totalitarian and in the democratic states.

Censorship in democratic states was usually instituted during some armed conflicts with other states in order not to allow journalists to publish information that might have been used by the opponent or might have jeopardized their own actions from the political or military field or from other fields which contribute to supporting the war effort.

Censorship in totalitarian states (communist, fascist, autocratic etc.):

- Mass media was completely controlled by the state and censorship was very strict (in Romania the books, newspaper and magazine articles, the drama texts, the movie scenarios and song lyrics had to be supervised by a Superior Council of Dramatic Literature and Musical Creation (TISMĂNEANU et al., 2007).
- The inconvenient truths were silenced ("Zero tolerance for negative coverage" CPJ (2006) or modified in order not to offend the single

- party and its leaders (no news was published about the Soviet-Chinese ideological disputes, nor about the Romanian-Soviet disputes);
- the cult of personality, the praises to the single party and its accomplishments (AIOANEI, & TRONCOTĂ, 1993).
- the factioneers were quickly annihilated on a physical plan (suppressed, sent to camps or prisons) or on a media plan (a story was invented about them seriously breaking the law) etc., they were rarely expelled, usually at the request of organizations such as Amnesty International, Doctors without borders, International Red Cross etc.;
- there was a subversive, but uncoordinated resistance which edited newspapers, books or manifests under the name of "samizdat" ("The sam part of the new word means "self." The whole samizdat - translates as: "We publish ourselves" – that is, not the state, but we, the people." (PARRY, 1970), in which the authors wrote under a pseudonym or anonymously; the circulation of the publications was restricted (limited only to trustworthy people) and the content of the articles was directed against the regime or it signalled disorders, media lies etc.; under "samizdat" Natalia Gorbanevskaia published „*The Chronicle of Current Events*”, completed by "Tamizdat" (tam = there) Western editorial literature smuggled into the Eastern bloc states, especially **Soviet Union** and "Magnitizdat" - audio cassettes, recorded in the West and smuggled into the Eastern bloc states, especially in SSSR.

Nowadays, China presents one of the most sophisticated censorship programmes in the world. "It includes some 30,000 censors as well as technology, often provided by foreign companies like Google and Yahoo who are required to censor their results or be censored themselves" (CS STANFORD, n.d.).

4.2. Self-censorship

During World War II, the president of the USA, Frank Delano Roosevelt, issued *The Code for Volunteer Self-censorship*, a regulation which offered mass media editors, leaders of state organizations and commanders of military units

and economic companies the responsibility to preserve the secret of the military actions and of those aimed at supporting the war effort (SWEENEY, 2001). Therefore, it stimulated the responsibility of article, reportage and radio authors towards the national security. There was at least one situation in which this regulation was violated in America from the *Chicago Tribune* newspaper. This newspaper was considered anti-governmental and it published details related to a number of battles in the Pacific, all won by the Americans, a fact which led to the conclusion that Americans decoded the Japanese messages encoded with the *Purple* device (SHULSKY & SMITH, 2008).

4.3. The side-slips of employees and media owners from the provisions of the deontological codes

There are different opinions when it comes to mass media independence and the way in which it is respected or not by journalists, editors and owners of communication means. Some journalists, such as John Swinton, consider that there is no mass media independence. He claims that: "There is no such thing, at this date of the world's history, in America, as an independent press.(...) The business of the journalists is to destroy the truth, to lie outright, to pervert, to vilify, to fawn at the feet of mammon, and to sell his country and his race for his daily bread. (...) We are the tools and vassals of rich men behind the scenes. We are the jumping jacks, they pull the strings and we dance. Our talents, our possibilities and our lives are all the property of other men. We are intellectual prostitutes" (BOYER & MORAIS, 2018). Swinton's point of view is partially confirmed by other journalists such as Samantha Asumadu, founder of Media Diversified ("I couldn't think of a more ideal time than now for a gathering of independent media outlets and creative thinkers. The behemoth that is the mass media has not served the people's interests for far too long.") and Jamie Kelsey-Fry, contributing editor to New Internationalist magazine ("The time is ripe for a new platform of credible alternative media outlets that can make the corporate owned mainstream obsolete and show it for what it is,

the servant to a system that is unjust, undemocratic, unsustainable and broken"), quoted by Drew Rose (ROSE, 2015).

Partisanship or the adoption of a supporting position, either declared or hidden, for a political party, ideology or self-declared apolitical movement was and still continues to be used by journalists, editors and media owners.

During highly significant events in the life of a community, such as armed conflicts between states, the majority of the mass communication means deliberately give up or are forced to give up their independence and become allied with the general effort of supporting the war. For example, "throughout World War I, journalists considered themselves part of the war effort, not independent observers. This pattern of press and military cooperation continued through World War II." (CRF-USA, n.d.)

Another way in which mass media independence is affected represents the concentration of a number of communication means in only one trust. Such a situation exists in the United Kingdom where 70 per cent of the UK national market is controlled by just three companies (News UK, Daily Mail and General Trust, and Trinity Mirror) This situation was the reason for Peter Osborne, former chief political commentator of *the Telegraph*, to resign stating "coverage of HSBC in Britain's Daily Telegraph is a fraud on its readers. If major newspapers allow corporations to influence their content for fear of losing advertising revenue, democracy itself is in peril" (ROSE, 2015).

Jennifer Dunham claims, in a 2017 Freedom House report regarding the freedom of press, that only 13% of the world's population enjoy a free press, whereas 45% lives in states where the media is controlled by the state or by owners who serve the power (DUNHAM, 2017).

On May 3, 2018, The World Press Freedom Day, UNESCO, published an article in which it reminded the world that "in dozens of countries around the world, publications are censored, fined, suspended and closed down, while journalists, editors and publishers are harassed, attacked, detained and even murdered" (LIBEX, 2018). This statement is supported by the statistics of *Freedom House*, *Reporters without Borders* and of other governmental and non-governmental

organizations. For example, in the EU, 3 journalists have been assassinated in the last couple of years - one in Malta (CARUANA, 2018), one in Slovakia and one in Bulgaria (PROTV, 2018a). In Mexico, a country seen as the second in the world, after Syria, from the point of view of the dangers for the journalist profession, from 2000 until September 2018 one hundred journalists were killed (PROTV, 2018b).

Philippe Perchoc presents this continuously deteriorating situation of the Turkish mass media which alerted the Parliament and the Council of the EU (details in fig. 2 below). In March 2018, the president of the EU Council, Donald Tusk declared: "we are concerned that some of the methods used undermine fundamental freedoms and the rule of law in Turkey" (PERCHOC, 2018).

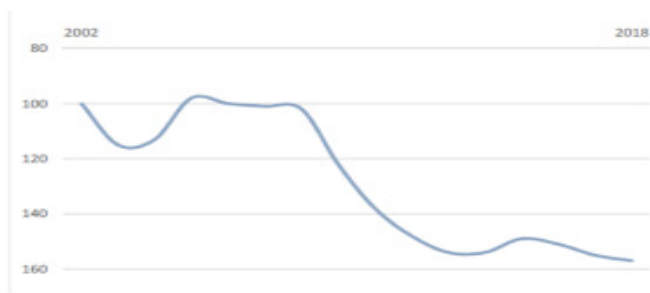


Fig. 2. Turkey freedom of the press ranking according to reporters without borders. Global rank (states)

4.4. The power's interference in mass media



Fig. 3. Press Freedom's Dark Horizon (DUNHAM, 2017)

The American president, Donald Trump, is accused by The Committee to Protect Journalists and the Freedom of the Press Foundation of having started a genuine war against journalists because, in his opinion, they broadcast fake news about himself and about his administration (CONLEY, (2017).

In Turkey, president Erdogan also started a war against mass media. It seems that he won this war by getting on his side one of the most important media holdings, Dogan Media, which owns the top-selling Hurriyet daily, broadcaster CNN Turk, TV channels and radio stations, situation assessed by Erol Onderoglu, the Turkey representative for media freedom advocacy group Reporters without Borders as "the death of pluralism and independent journalism in Turkey's mainstream media" (BUTLER & TOKSABAY, 2018).

In Malta, the president of the Maltese Institute of Journalists requested a debate in which both the political power and the opposition should participate in order to better regulate the control system of the balance of powers in the state and "to limit possible interference by the Prime Minister in the judiciary and the media" (CARUANA, 2018). This debate was organized after the killing of the journalist Daphne Caruana Galizia in October 2017, an event which made Mario Schiavone, the treasurer of the Institute to accuse the political leadership of the country of attacking the freedom of the press.

If you control public communication you can control the way people think and how they behave. It is no secret that every Chinese newspaper and television station is under the complete control of the Communist Party. And yet last year, when Mr Xi visited the People's Daily newspaper, Xinhua wire service and state broadcaster CCTV, he still demanded the absolute loyalty of reporters who should follow the Party's leadership in "politics, thought and action" (MCDONELL, 2017).

5. CONCLUSIONS

The independence and freedom of mass media seems more of a difficult desideratum to attain than a reality, including in some democratic

states. This conclusion stems out from the UNESCO, World Bank, Freedom House and Reporters without Borders reports and also from the opinions of professionals who work in the media or of experts from the field of communication.

Interference – either direct or indirect – of the state’s representatives in the editorial policies of the media presents an upward trend, whereas the freedom of the communication means presents a downward trend.

The financial pressures on the means of mass communication, the personal or group interests of politicians, businessmen, media owners and journalists represent the most important enemies of mass media independence and freedom.

All the principles and norms in the “Deontological Code of Journalists” direct journalists in their activity. Therefore, when extraordinary situation occurs, journalists should make use of that code and to reread the case studies on the violations of the principles in order to eliminate or solve the dilemmas they are up against.

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