

Professional Self-Awareness and Professional Standards

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Self-regulation and application of self-regulatory mechanisms in the media is an issue that periodically appears in the professional debate in Bulgaria, although real progress towards professional self-regulation is not only slow, but painful as well. Even now, when a PHARE project on professional standards in the media is being implemented in Bulgaria with the purpose of drawing up an ethical code and establishing a self-regulatory body /equivalent to a press council or complaints committee/, the people are more than skeptical as to whether a code or self-regulatory body, established with “outside” help, will be operational.

Usually, the discussion of voluntary acceptance and adherence to deontological standards has been met with strong opposition for more than a decade now. Opponents either “detect” censorship in the ethical standards and self-regulation or even quote arguments, such as the one that journalists... could not but receive bribes and presents, given that... they are underpaid... Even when ten principles of the professional journalist were offered to the attention of the journalist community and recently adopted by the Bulgarian Media Coalition assembly, certain opponents protested a generally-accepted principle such as *“gathering of information through fair and lawful methods without hiding professional identity”*. Of course, given that other means could also be used in some particular circumstances ./

In Bulgaria, efforts to draft an ethical code began almost immediately after the changes in 1989, particularly after the congress of the Union of Bulgarian Journalists /UBJ, the only journalistic organization at the time/ in 1990, when a newly-elected ethics commission with UBJ drafted an ethical code. Eventually, the code was accepted by the UBJ congress in 1994 and has been “proudly” posted on the websites of a number of international organizations, although it has never been applied and a substantial part of the journalist guild is not even aware of it.

The debate on the need for ethical standards in the media and the building of a self-regulatory system, not only in terms of compliance with deontological principles and adherence to intra-editorial rules of professional operation, but also as a system of

media accountability, becomes particularly topical in a situation of crisis, grave encroachment on freedom of speech or media failures.

Political pressure and censorship in the national media (Bulgarian National Television and Bulgarian National Radio) during the developments at the beginning of 1997 gave a major impetus to this debate. It was then that journalists of Bulgarian National Radio (BNR) stated the need for drafting an ethical code and norms of intra-editorial relations. Discussions on the code were joined by representatives of Bulgarian National Television (BNT) and a number of private media. The question regarded a situation in which the guiding role was assigned to the view that adherence to ethical standards and self-regulatory mechanisms may counter outside pressure, i.e. that they could be used to protect the independence of journalism and freedom of speech. The drafting of an ethical code and self-regulation were accepted as a means of countering the pressure of excessive statutory regulation. This resulted in the drawing up of a code for electronic media. Meanwhile, several other codes were drafted, but none were affirmed by the whole media community.

The hitherto debate on the need for adherence to ethical standards – sometimes more active, sometimes subsiding – fits in the system of deontological values, accepted by developed democratic countries. Based on the high diversity of ethical codes, it can be said that there are about ten principles of ultimate importance in them: freedom to make commentaries and criticism; precision and fairness of information; correction of errors and right of reply; keeping a professional secret; respect for privacy of personal life; ban on discrimination on grounds of race, ethnicity and religion; ban on discrimination on grounds of gender, social status and sexual orientation; denial of bribery and other benefits; non-acceptance of external interference in journalist work. Almost the same matters are regulated by the legal framework in the field of the media. The problem, however, is who tackles these problems: the legal system or the profession itself.

In modern democratic media practice, freedom of media and legislation in the field of the media are somehow opposed in terms of principles. As one of the most famous French experts in media self-regulation and media systems of accountability Claude-Jean Bertrand said, laws are passed by politicians and, quite often, serve the ruling elite, and even directly the government. At the same time, Bertrand draws attention to the fact that holding journalists legally liable for libel, when there is no operational media accountability system, may turn into a “golden mine” for certain people. Given

that Bertrand refers to developed democratic societies, such tendencies are particularly relevant to countries with fragile democracies, like ours: no matter that every new government vows to respect freedom of speech. If we are to “adjust” these problems to Bulgarian reality, we can say that local law-makers countered the efforts of several non-governmental organizations to remove the Penal Code texts concerning slander and libel, citing protection of the individual as the motive. These texts are still contained in the Penal Code, but a provision envisaging imprisonment for these offences was dropped. There are many other examples of how violation of ethical norms creates preconditions for attempts by the incumbents to restrict freedom of speech under the pretext of protecting the dignity of the individual. However, there is one circumstance that cannot be neglected: action orientation and sensationalism often rearrange and even replace the news in terms of importance, creating possibilities for misuse of the media impact on the public.

Freedom of speech and media independence became a goal and a cause due to the possibility to use them for exercising control over the political and economic system in general and the branches of power, in particular. However, already at the time when the liberal theories formulated the metaphor of the “watch dog,” there were temptations by the incumbents to “tame” the dog and even turn it into a “lap dog.” Media regulation in modern practice is a delicate sphere of balances. Every modern constitution guarantees freedom of speech, freedom of expression and bans censorship. This is also postulated by every modern media law. However, these freedoms are continuously attacked through various forms of covert or overt pressure. Media practice in Bulgaria provides sufficient examples to this effect: ways of formation of so-called regulatory bodies or inclusion of biased and politically dependent people in media managements. There are enough mechanisms for limiting the possibility of exercising media control over government institutions. At the same time, however, the very spectrum of freedom of speech offers opportunities to misuse it.

A tendency has been established in modern media practice to extend the possibilities for professional self-regulation. At the same time, occasional media cataclysms, particularly at BNT and BNR, reveal from time to time a part of the reasons for the non-implementation, at least for the time being, of self-regulation.

Ethical standards and self-regulation turn into an instrument of freedom of speech and countering excessive legal regulation and external pressure only if there is professional self-awareness and awareness of the common problems of the whole professional

community. The smaller or bigger media cataclysms over the past few years, however, show that there is no such self-consciousness – not only in the whole professional community, but also in the individual media. Occasional tension, particularly at BNT and BNR, shows that the disunited “rebels” are united only in their individual efforts to defend their own program during program changes. There is no common platform in terms of proposals, requirements, principles and concepts. In the presence of various opposing professional organizations, it is not surprising that there is no representation body that would express common interests, conduct dialogue or exert pressure on media managements. In such situations, a principled professional message can hardly be voiced. Now there is a similar situation after the scandalous election of a new BNT Director General by the Council of Electronic Media – a 75-year old professor in communication technologies who is supposed to be economically dependent or, at least, totally subdued to certain corporate circles.

The conclusion is always the same: lack of professional self-consciousness and self-regulatory mechanisms results in stronger regulation and external interference and bigger restriction of freedom of speech. Recently, a Bulgarian MP voiced the idea of a press law. /Eventually, she said this was an accidental proposal./ It was then that the need for the functioning of an ethical code and adherence to ethical norms was clearly stated for the first time. Maybe we are gradually advancing towards a situation in which a serial threat to freedom of speech would provoke a natural counter-reaction that would result in reaching consent regarding adherence to ethical norms and establishment of self-regulatory professional mechanisms.

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