

Delivering Trust: Impartiality and Objectivity in the Digital Age

Richard Sambrook

July 2012



About the Author

Richard Sambrook is Professor of Journalism and Director of the Centre for Journalism at Cardiff University. He spent 30 years as a journalist and manager in the BBC, editing many major programmes and covering events from China to the Middle East, Europe, Russia and the United States. He was Director of the BBC's Global News Division, overseeing services for audiences of 240 million people each week.

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1. Introduction

From such crooked wood as man is made of, nothing perfectly straight can be built.

(Immanuel Kant, 'Idea for a Universal History')

Here is the fact of the age: People believe nothing. They think everything is spin and lies. The minute a government says A is true, half the people on Earth know A is a lie. And when people believe nothing, as we know, they will believe anything.

(Peggy Noonan, *Wall St Journal*, 11 May 2011)

Questions of truth, trust, bias, partisanship, and verification have been raised since the first steps in public communication. In today's environment of democratised mass digital media they are as important as ever.

However, the ideas of impartiality and objectivity – at the heart of serious news journalism for most of the last century – are now under pressure and even attack in the digital age. They emerged as journalistic norms to describe a professional editorial discipline that sought to avoid personal and political biases and to encourage trust in newspaper journalism. They were then adopted by regulators in the early years of broadcasting when limited spectrum conferred significant influence on those with access to the airwaves.

Although often used interchangeably, they mean different things. Impartiality relates to absence of bias and objectivity to identifying facts and evidence. In essence, impartiality and objectivity have been what separate journalism from propaganda, entertainment, or fiction.

Invented in an age of information scarcity, their relevance in an age of information abundance is now being questioned. Does a neutral voice hold the same value today as it did a century ago? Is the emphasis on impartiality in news actually an impediment to a free market in ideas? And with technological convergence is regulation of impartiality even achievable?

Today, in the digital age of plenty, notions of special responsibilities being placed on those with a public voice, and different approaches for print and broadcasting, are rapidly breaking down. Public attitudes to the media, and what they trust, are changing rapidly too. What is the role of regulation or professional codes in the age of social media when anyone can have a voice in the public debate? How do they fit with the modern focus on greater transparency?

In the US the broadcasting 'fairness doctrine' was abandoned 25 years ago and heralded a significant change in US radio and TV news. In the UK some are arguing for a similar relaxation of impartiality regulation – with a debate on what the consequences would be here.

As the disciplines of impartiality and objectivity break down, there are increased signs of propaganda, entertainment and fiction seeping into journalism.

With a public inquiry into the methods of the media in the UK, and debate about a 'post-truth' political environment in the US, the need for media that can be trusted seems as great as ever. Do we need different codes or journalistic norms for the digital age? Or, in a world where a torrent of information and misinformation make it harder than ever to know what is real, are impartiality and objectivity *more* important than ever to establish what is true and to raise the quality of public debate?

Broadcasters, regulators, politicians, and journalists are struggling to make the solutions of the last century fit the changed media characteristics and conditions in the new century.

For those seeking solutions to the trust-deficit in modern media, there is debate about a range of different solutions. These include:

- greater transparency,
- redefining objectivity,
- new codes of practice,
- new forms of regulation or kitemarking,
- technology solutions,
- greater emphasis on education and media literacy.

This paper is a brief review of the current arguments and some of the proposed solutions in the context of the US and UK market.

It proposes three principles to help retain the heart of these norms without being tethered to approaches now seen as anachronistic. These suggest a new premium on:

- evidence-led newsgathering,
- diversity of opinion,
- transparency about methods and values.

In the interests of transparency I should point out I spent 30 years producing news for the BBC – which is tightly regulated for impartiality – and found the requirement an aid to delivering high-quality journalism, never a hindrance.

2. Definitions

There is much confusion over terms. 'Impartiality' and 'objectivity' are used interchangeably, although they mean different things, and are used differently in the US from the UK. The debate about them has now become so knotted that the terms are sometimes used to describe precisely the problem they were designed to correct.

Impartiality is a term more often used in the UK; *objectivity* is a more common term in the US. Impartiality, the removal of bias, is the more complex of the two, although objectivity – a disciplined approach to isolate evidence and facts – is still far from easy to achieve. Former broadcast executive David Cox has offered this definition:

[Impartiality] is to be distinguished from balance (the allocation of equal space to opposing views) and objectivity (by which journalists usually mean an effort to exclude subjective judgement). Impartiality involves no more than the attempt to regard different ideas, opinions, interests or individuals with detachment. As the legal philosopher Ronald Dworkin says, everyone need not receive equal treatment, but everyone should be treated as an equal.¹

There is often confusion over how these terms are applied. In the debates to professionalise journalism a century ago, they were applied to the *process* of journalism – a discipline to which professional journalists submitted in order to produce news that would be recognised as trustworthy. The concern then was largely with the *inputs* to journalism. Modern critics, however, often attack the *output* of that process – the content – as being of less value in the digital age. They argue that impartiality strips news of key aspects of its provenance required to properly assess a report or even that it is dangerous or disingenuous in cramping a free market in ideas. Some suggest journalists simply need to be open about their biases or predispositions or interests and allow readers or viewers to take those into account. They see impartiality as a false construct – with no such thing as entirely neutral, objective, truth; they argue that the world is a collection of partial views.

The notions of impartiality or objectivity were never intended to suggest journalists had no opinions or biases of their own. On the contrary, they were professional disciplines or processes designed to acknowledge and counter any inherent bias in the reporter. They were intended to ensure consistent and transparent approaches to assessing information with the intention of achieving accuracy and fairness.

Most of the discussion is about the output of journalism – but the inputs matter too. They can be a crucial means of distinguishing between different standards of information. When professional norms are employed, looking at the *process* of journalism (the how) rather than just the *outputs* (the what) may be a significant way to differentiate between professional journalism, 'citizen' journalism, social media chatter, and the increasing range of corporate and government communications in the public sphere.

Questioning the value of an impartial or objective approach is not new. In the 1960s the 'New Journalism' of Tom Wolfe and others focused on the value of first-hand experience, placing the reporter, and their emotions and biases, centre stage. The growing cult of the star reporter placed emphasis on what they thought as well as on what they saw. This has fed into broadcast

¹ *Prospect*, Aug. 2007.

journalism to a degree where reporters sometimes deliberately channel the emotion of a tragedy on behalf of viewers or listeners. And in an age of specialist journalism, boundaries between professional judgement and personal opinion are often unclear.

A hundred years ago submitting to a code of ethics, or to the discipline of impartiality, reassured readers about the journalistic rigour which had been applied and therefore the standard of the content. Today, there is again concern over journalistic rigour and quality but disagreement about how it should be delivered.

With an exponential growth in sources of information in the digital environment, some now believe the responsibility for assessing the accuracy and quality of information should switch from the providers of news to the consumers; that in an age of plenty the consumer has a greater role to play and responsibility for what they consume or believe.

3. The History: The Emergence of Professional Norms

Comment is free, but facts are sacred.
(C. P. Scott)

In searching for the roots of impartiality and objectivity we could go back to ancient Greece, and the origins of rational thought. Thucydides, in his *History of Peloponnesian War*, employed methods which many would still recognise as sound journalistic practice:

With regard to my factual reporting of events ... I have made it a principle not to write down the first story that came my way and not to even be guided by my own general impressions; either I was present myself at the events which I have described or else heard of them from eyewitnesses whose reports I have checked with as much thoroughness as possible.²

We could certainly look to the Enlightenment of the 17th century in which reason was advocated as the primary source for legitimacy and authority and 'disengagement' as the first step in rational reconstruction of beliefs. From this stems the idea of objectivity as a quasi-scientific means of isolating evidence and fact from opinion.

By the 19th century the idea of value in a fair and unbiased report was recognised. As the novelist Anthony Trollope wrote in 1875 about his reports from around the world for the *Liverpool Mercury*:

by diligence I might be able to do something towards creating a clearer knowledge of these colonies, I have visited them all. Of each of them I have given some short account and have endeavoured to describe the advancing or decreasing prosperity of their various interests. I hope I have done this without prejudice.³

Michael Schudson suggests objectivity was established as a journalistic norm in the US first and only later reached Europe. He refers to familiar theories:

Some authors ... have stressed that the increasingly lucrative market for newspapers in the 19th century led publishers to seek out readers across political parties and so forced them to abandon strident political partisanship. Others have argued that technological change, specifically the invention of the telegraph, placed a premium on economy of style, brought about reporting habits that stressed bare-boned factuality rather than discursive commentary ...⁴

However, he concludes that modern analytical and procedural fairness dates from the turn of the century into the 1920s.

Objectivity seemed a natural and progressive ideology for an aspiring occupational group at a moment when science was god, efficiency was

² Quoted in S. Ward, *The Invention of Journalism Ethics* (2001), 40.

³ *The Tireless Traveller* (University of California Press, 1941), 5.

⁴ M. Schudson, 'The Objectivity Norm in American Journalism', *Journalism*, 2 (2001), 149.

*cherished and increasingly prominent elites judged partisanship a vestige of the tribal 19th century.*⁵

With the industrialisation of news, the establishment of popular newspapers, and the development of the public space came the idea of 'professionalism', including the adoption of codes and ethics.

In 1903, Joseph Pulitzer endowed the Columbia Journalism School to train the profession, saying journalists must 'see themselves as working for the community not commerce, not oneself, but primarily for the public'.

In the early 20th century, the virtues of objectivity were pitted against the Yellow Journalism – aggressive and dramatic – of the press barons: the 'jazz' journalism of the 1920s, with tabloid excesses of invented confessional stories, faked photographs, media frenzies. Journalism became big business as newspapers consolidated and commercial groups formed. And so arose concern about their impact on the public sphere – including the 'Lippmann–Dewey debate'.

Walter Lippmann, in his book *Liberty and the News* and then in *Public Opinion*, raised the concern that the public may be unable to discern objective truth – arguing that people understand ideas through stereotypes, struggling to see the world from behind a veil of ideas, emotions, and interests. He advocated assigning the analysis of important issues to 'intelligence bureaus' whose conclusions would be relayed to the masses by the press, with the media as translator between policy and the public – an elite interpreter.⁶

John Dewey replied to Lippmann in the 3 May 1922 *New Republic*, and later in a book called *The Public and its Problems*, published in 1927. He took issue with Lippmann's argument: 'Vision is a spectator. Hearing is a participator ... The basis of democracy is not information, but conversation – and the cultivation of what might be called a "culture of communication."' More than specialist, inside knowledge, Dewey argued, democracy required 'certain vital habits: the ability to follow an argument, grasp the point of view of another, expand the boundaries of understanding, debate the alternative purposes that might be pursued'. In other words he offered an argument for popular participation in public debate. For Dewey, both media and politicians shared the responsibility to engage the public – and the public had a responsibility to engage in that debate.

The need for news you could trust was reinforced by the great ideological struggles and propaganda of the 20th century. With national survival at stake, people needed reliable information.

The norms of professional journalism were established. Impartiality, and objectivity, growing out of these debates, became accepted journalistic practise, designed to deliver trusted information and debate. The American Society of Newspaper Editors formed in 1923 adopted a code of ethics at their first conventions which included Sincerity, Truthfulness, Accuracy, and Impartiality: 'News reports should be free from opinion or bias of any kind'.⁷

They became professional disciplines, to which journalists subscribed, to deliver fair and balanced reporting that could be relied upon by the public.

⁵ Ibid.

⁶ Fifty years later in the UK a similar idea was proposed by John Birt and Peter Jay in their 'Mission to Explain' for television journalism, advocating specialist correspondents and experts to interpret complex issues for the public. *The Times*, 3 Sept. 1976, p. 6.

⁷ P. Pratte, *Gods within the Machine: A History of the American Society of Newspaper Editors, 1923–1993*; quoted in Schudson, 'Objectivity Norm'.

They became translated into granular practice: get both sides of the story, the right to reply, check the facts, accuracy and fairness, and news pages distinct from editorial or opinion pages. These professional norms became culturally institutionalised in American print journalism – to a far greater extent than in the UK for example – and largely remain in place to this day.

In the UK, the ‘cult of amateurism’ continued to inform newspaper practice where there was resistance to the idea of it as a ‘profession’ with regulated standards. The British press developed with a wide range of styles and biases and a pugnacious character. As the *Sunday Times* reporter Nicholas Tomalin famously remarked: ‘The only qualities essential for real success in journalism are rat-like cunning, a plausible manner, and a little literary ability.’⁸

The ideas were established in the UK during the 1930s and 1940s. In print, it was the National Union of Journalists that introduced the first code of practice in the UK in 1936. The BBC’s wartime broadcasts which, perhaps surprisingly, established the importance of reporting even uncomfortable truth as a means of nurturing trust left it with a post-war legacy of objective reporting.

As broadcasting developed, regulators built upon the principles of impartiality and objectivity. In the US, the Fairness Doctrine was introduced by the Federal Communications Commission (FCC) in 1949 when they became concerned that by virtue of their near-stranglehold on national TV broadcasting, the three main television networks — NBC, ABC, and CBS — could misuse their broadcast licences to set a biased public agenda. The Fairness Doctrine, which mandated that broadcast networks devote time to contrasting views on issues of public importance, was meant to level the playing field. Congress backed the policy in 1954, and by the 1970s the FCC called the doctrine the ‘single most important requirement of operation in the public interest — the sine qua non for grant of a renewal of license’ – and it sat alongside the First Amendment as a constitutional foundation of free speech. It stayed in place until it was repealed by the FCC, under the free-market climate of Ronald Reagan’s presidency, in 1987.

During a period of broad deregulation, Reagan made clear that he saw no place for legal intervention of this kind:

*This type of content-based regulation by the federal government is, in my judgment, antagonistic to the freedom of expression guaranteed by the First Amendment. ... In any other medium besides broadcasting, such federal policing of the editorial judgment of journalists would be unthinkable.*⁹

In the UK, the emergence of the BBC as an independent but publicly funded broadcaster acting in the public interest established a framework for impartial news. This was built upon in 1954 with the Television Act establishing the Independent Television Authority (ITA) which licensed commercial TV companies and placed upon them a responsibility for ‘due impartiality’.¹⁰ In

⁸ N. Tomalin, *Reporting* (1975) 77.

⁹ http://articles.latimes.com/1987-06-21/news/mn-8908_1_fairness-doctrine.

¹⁰ Ofcom’s Director of Standards, Tony Close, recently defined ‘due impartiality’: ‘It means adequate or appropriate to the subject and nature of the programme. When we judge these cases we take account of a range of factors, including audience expectations. For example, the audience’s expectations of a mainstream UK broadcaster such as the BBC or Sky will differ significantly from the audience’s expectations of a satellite service based in the UK but broadcasting outside the UK (or to an expatriate audience within the UK).’

Professor Steven Barnett's words, this

*coerced reluctant commercial contractors into providing what British regulators – and British viewers too – regarded as an essential ingredient of a balanced television service ... a high-quality news service that combined the democratizing, popularizing and accessible vitality of a new commercial service with the trustworthy, informational and analytical reliability of the BBC legacy.*¹¹

However, conditions today are very different. Education levels are higher in the US and the UK, the public are better informed. The internet has brought down the barriers to entry to the public sphere and the risk of dominating public debate is less. The media are less formal, and more open in both production and consumption.

Dewey's views about public participation seem more comfortably aligned with modern participation in public discussion through social media than Lippmann's more patrician model. One consequence of the 'democratisation of the media' through the internet is that news organisations, having lost their core gatekeeper function, are having to develop new roles based upon curation, aggregation, and verification. News providers are no longer managers of a scarce resource, they are struggling to sustain a business and a role in an environment of information overload. The professional methods that developed a hundred years ago may seem less relevant in this new environment.

Eric Schmidt, chairman of Google, has estimated that every two days the world produces more data and information than had been produced from the dawn of civilisation until 2003.¹² In these circumstances, many question the relevance or practicality of a self-imposed or regulated standard of impartiality or objectivity on professional media producers. For many people, social media or citizen journalism is increasingly a source of news and information. But there can be no professional code or effective regulation of the live conversation underway on multiple sites on the internet – with no geographical or legal boundaries recognised.

As print and broadcast increasingly compete on the internet, and as the internet starts to feed video and text into our homes, indistinguishable from traditional media distribution, the regulators themselves are struggling to see how the dyke can hold. In these circumstances, what can be done to help the consumer identify what to believe and what not to believe? And what happens when information providers no longer care about truth or accuracy?

www.guardian.co.uk/theobserver/2011/dec/11/observer-letters-ofcom-due-impartiality.

¹¹ S. Barnett, *The Rise and Fall of Television Journalism* (2012), 61.

¹² <http://techcrunch.com/2010/08/04/schmidt-data>.

4. The View from Nowhere – Objectivity in Print Journalism

Everyone is entitled to his own opinion, but not his own facts.
(Daniel Moynihan)

In the US, the debate is mainly about journalism ethics: the principle that reporters should strive to give all sides of a story and discount their personal biases. The case against objectivity is eloquently put by Alan Mutter – a former newspaper executive, Silicon Valley CEO and academic at Berkeley Journalism School:

It's time to retire the difficult-to-achieve and impossible-to-defend conceit that journalists are now, or ever were, objective. Let's replace this threadbare notion with a realistic and credible standard of transparency that requires journalists to forthrightly declare their personal predilections, financial entanglements and political allegiances so the public can evaluate the quality of the information it is getting.¹³

He is essentially arguing, as David Weinberger of Harvard's Berkman Center put it, that 'transparency is the new objectivity'.¹⁴ In other words, as objectivity was once designed to engender trust in news, now transparency is the means to achieve that – openness about sources, means, and interests. In particular, it's held that knowing the personal views of the reporter helps the reader discern bias and take account of it.

Jay Rosen, Professor of Journalism at New York University, holds a similar view.

*We could do without the view from nowhere (he said she said) and ... journalists should tell us where they are coming from because that is more likely to lead to trust ... it has unearned authority in the American press. If in doing the serious work of journalism – digging, reporting, verification, mastering a beat – you develop a view, expressing that view **does not** diminish your authority. It may even add to it. The View from Nowhere doesn't know from this. It also encourages journalists to develop bad habits. Like: criticism from both sides is a sign that you're doing something right, when you could be doing everything wrong.*

But if he favours transparency over strained impartiality, Jay Rosen strongly defends what I would call objectivity – evidence-led journalism.

'Grounded in reporting' is far more important than 'cured of opinion.' What editors and news executives should worry about is whether the news accounts delivered to users are well grounded in reporting. That's the value added. That's the sign of seriousness. That's the journalism part. Original reporting and the discipline of verification – meaning, the account holds up under scrutiny – should be strict priorities. Whether the composer of the account has a view, comes to a conclusion, speaks with attitude (or declines these things) is far less important.¹⁵

¹³ <http://newsosaur.blogspot.com/2010/12/objective-journalism-is-over-lets-move.html>.

¹⁴ <http://www.hyperorg.com/blogger/2009/07/19/transparency-is-the-new-objectivity>.

¹⁵ <http://pressthink.org/2010/07/objectivity-as-a-form-of-persuasion-a-few-notes-for-marcus-brauchli>.

One might suppose that verification, at least, in a print culture with long-established professional norms would be uncontroversial. It seems not.

The public editor of the *New York Times*, Arthur Brisbane, recently canvassed views from the paper's readers on whether they expected journalists to clarify when sources were probably lying.¹⁶ Was it the role of newspapers to be a 'truth vigilante'? It led to lively debate among media pundits, many of whom took the question to ask whether the newspaper should do any fact-checking at all. His point, however, was subtler. His question was inspired by *New York Times* columnist Paul Krugman's assertion that US politicians were engaged in a 'post-truth campaign', identifying candidate Mitt Romney making assertions about President Obama which were untrue – but largely unchallenged.

The question for the *New York Times* was whether its readers expected them to accurately report what Mr Romney alleged in a political speech, or whether they had an additional responsibility to call out the lie:

perhaps the next time Mr. Romney says the president has a habit of apologizing for his country, the reporter should insert a paragraph saying, more or less: "The president has never used the word "apologize" in a speech about U.S. policy or history. Any assertion that he has apologized for U.S. actions rests on a misleading interpretation of the president's words."

Reaction to the column suggested most readers expected the *Times* to identify lies in public debate.

This brings out an important distinction between objectivity and impartiality: that the public are concerned with *verification*, but perhaps less concerned with *opinion* based upon accurate (as opposed to deliberately misleading) information. Too much of the debate has been about impartiality and the attempt to eliminate bias; more stress should be on objectivity and the need for factual, evidence-based, journalism as a foundation. If the public are less concerned about impartiality, they may still be keen to preserve objectivity – defined as accurate reporting – as a firm foundation on which to base opinion.

2012 has provided other examples of confusion between journalism and advocacy. *This American Life*, an NPR programme, broadcast an entire edition retracting a story it had run ten weeks earlier based on the work of performer Mike Daisey about the conditions in Chinese factories manufacturing goods for Apple Computers.¹⁷

Daisey is an actor who has toured with a monologue performance highly critical of Apple and offering apparent eyewitness accounts of factory workers and appalling conditions – some of which he later acknowledged were fictional. The NPR programme broadcast his performance in the belief that all the accounts were factual.

The retraction became the most-listened-to edition in the programme's history. The host Ira Glass confronts Daisey about many of his assertions being made up. He says:

I have such a weird mix of feelings about this. Because I simultaneously feel terrible for you, and also, I feel lied to. And also, I stuck my neck out for you. I feel like I vouched for you with our audience based on your word.

¹⁶ <http://publiceditor.blogs.nytimes.com/2012/01/12/should-the-times-be-a-truth-vigilante>.

¹⁷ www.thisamericanlife.org/radio-archives/episode/460/retraction.

Later in the programme, Daisey replies:

everything I have done in making this monologue for the theater was bent toward that end, to make people care. I'm not going to say that I didn't take a few shortcuts in my passion to be heard. But I stand behind the work. My mistake, the mistake I truly regret, is that I had it on your show as journalism. And it's not journalism. It's theater. It uses the tools of theater and memoir to achieve its dramatic arc.

Also this year, a viral video campaign was launched by a pressure group, Invisible Children, called Kony2012.¹⁸ It was designed to raise awareness of international war criminal Joseph Kony, and the plight of children in northern Uganda. The video attracted 100 million views in six days. But it was heavily criticised by other campaigners for oversimplifying a complex situation and misrepresenting the current situation in Uganda to gain more support for their cause. The defence was that it was advocacy not journalism and that advocacy to a wide public audience requires simplification of complex issues. The question was whether the average viewer understood the degree to which simplification may have compromised accuracy.

The need for simple, easily understood, public narratives around complex situations causes confusion between advocacy and journalism, argument and truth. It sits behind accusations of a 'post-truth' political environment in the US. It is not confined to America either – at its heart, the public arguments about the use of intelligence by the UK government in the run-up to the Iraq war in 2002 comes down to the legitimacy or otherwise of an over-simplified narrative about intelligence against 'verifiable truth'. As the Butler inquiry concluded, too great an emphasis was placed upon 'unreliable' intelligence in the interests of public advocacy.¹⁹ And as the need for multiple inquiries into that issue has illustrated, confusion between 'verified truth' and advocacy undermines public trust.

It is a challenge that many different players face: media, governments, advocacy groups, corporations, and more. The need to communicate to a broad public requires a simple and compelling narrative. But the underlying issues may be far from simple, and presenting them as such risks being misleading. It is not surprising that complex issues, like the Middle East, climate change or European integration, attract the most controversy over the way they are reported.

It was a point understood by Dr David Kelly, the BBC's source for their story accusing the British government of misleading the public in a dossier on Iraq's weapons of mass destruction (WMD) published in September 2002. BBC reporter Susan Watts recorded a conversation with Kelly in which he said:

The word-smithing is actually quite important, and the intelligence community are a pretty cautious lot on the whole. But once you get people putting it/presenting it for public consumption then of course they use different words. I don't think they're being wilfully dishonest I think they just think that that's the way the public will appreciate it best. I'm sure you have the same problem as a journalist, don't you? Sometimes you've got to put things into words that the public will understand ... in your heart of hearts

¹⁸ www.youtube.com/watch?v=Y4MnpzG5Sqc.

¹⁹ www.archive2.official-documents.co.uk/document/deps/hc/hc898/898.pdf.

*you must realize sometimes that's not actually the right thing to say, but it's the only way you can put it over if you've got to get it over in two minutes or three minutes.*²⁰

This difference in interpretation led to a major confrontation between the BBC and the government in the course of which David Kelly killed himself. The argument escalated to such damaging levels because at its heart was the question of trust and integrity for both institutions.²¹

There are many less acute examples every day of journalists or government spokesmen attempting to communicate a complex situation in simple compelling terms. But even if well intentioned, these requirements of modern media communication can entail a loss of nuance which risks misrepresentation.

²⁰ www.the-hutton-inquiry.org.uk/content/bbc/bbc_1_0058to0063.pdf.

²¹ I was Director of BBC News at the time.

5. Who Can You Trust? Different Kinds of Journalism

Journalism has fragmented into different approaches and standards of information – ill-understood by the public and often overly influenced by self-interest. Ignorance about different journalistic purposes leads to confusion about standards and undermines public trust.

Bill Kovach and Tom Rosentiel of the US Center for Excellence in Journalism set out in their book *Blur* a range of new kinds of journalism that in the digital age we now encounter:

Journalism of verification – the traditional model that puts high premium on accuracy and context

Journalism of assertion – a newer model that puts the highest value on immediacy and volume and in doing so tends to become a passive conduit of information (e.g. news channels)

Journalism of affirmation – the new political media, particular in US – that builds loyalty less on accuracy completeness or verification than on affirming the beliefs of its audience and so cherry picks information that serves that purpose

Interest group journalism – funded by special interests, not always transparently, and designed to look like news.²²

In addition they outline powerful players within the media with no pretence towards journalism:

Government institutions capable of inserting information into the public stream to create a conditioned response to government actions and proposals – information that has been shaped by the deepest and most sophisticated computerised profiles of intimate details about our behaviour to be presented in its most appealing form.

Social institutions that become more politicised as they use their communicating power to create new realities based not on communities of tolerance but on encouraging conflict between belief and the independent pursuit of knowledge.

Entertainment interests that rival all others in creating a popular culture of a passive public, not the informed public democracy requires.²³

Doubtless there are more – including perhaps the new internet corporations tailoring their services around user data generated by online behaviour. Clearly these different kinds of media – if that's the right word for all of them – have different purposes and require a different kind of response from the public. However, the difference between them is little understood by the public and little discussed.

In recent years, the *journalism of verification* has been in retreat as business models have broken down, traditional media have closed, and those that survived fought harder for a share of public attention. These conditions have encouraged the *journalism of affirmation* and *assertion* to maximise impact, leading to increased partisanship.

At the same time technology has allowed new players greater direct access to the public through digital media – corporations, governments,

²² B. Kovach and T. Rosentiel, *Blur* (2010).

²³ *Ibid.*

NGOs – who have their own agendas which may or may not be obvious to the audience. When one kind of media is judged by the standards of another, confusion and error arise.

6. Process and Output: The How versus the What

In the UK, the questions of standards and of accountability of the press have been raised by the News International phone-hacking case and the consequent Leveson Inquiry into the media, with a brief to recommend 'a new more effective policy and regulatory regime which supports the integrity and freedom of the press'.

Integrity is of course essential to sustaining public trust and is in large part what the professional code of impartiality of the last century was designed to support. However, the British press has long been anything but impartial in its output – and appreciated by the public for its mischief, spirit, and partisanship. Newspapers have been quick to offer freedom of the press as a defence against any suggestion of statutory regulation. However, a catalogue of intrusions into privacy has revealed a culture of newsgathering which at times was criminal and at other times unreasonable and corrupting.

In her Reuters Memorial Lecture in 2011, Onora O'Neill raised the question of how to balance freedom of the press with the privacy and other rights of the individual and made the distinction between inputs and outputs. She asked: 'Can we regulate media processes without censoring media content?'

She also suggested that an individual's rights may be different from an organisation's rights – with organisations carrying a greater weight of responsibility because of their access to the public space. It is a view Lord Justice Leveson seems sympathetic towards as he suggests no form of regulation need apply to views expressed by individuals on social media, saying that is the equivalent only of 'pub talk'. Mainstream publishers carry greater public responsibility. Onora O'Neill suggests that responsibility requires greater transparency:

Journalists, editors and proprietors could be required to declare their interests (like others in positions of influence). They could be required to list payments made to informants and payments and favours received in relation to specific stories (where relevant without naming recipients or sources). They could be required to make such transactions explicit in company accounts. The media have often been keen on transparency for others with power or influence, and what is sauce for political geese is surely also sauce for media ganders.²⁴

It is hard to argue against the view that the media should live by the standards to which they hold others to account.

In the wake of the phone-hacking issue, she suggested the public has called for 'something to be done' but warned 'that "something" is still in question', concluding that central to any serious efforts must be the consideration of how to legally monitor *how* information is obtained – to protect the privacy rights of individuals – without restricting *what* news is reported or threatening the principle of a free press.

Of course process concerns more than privacy. It is core to accuracy and fairness as well. But concerns with infringement of privacy have led the Leveson inquiry and others into looking at the standards and ethics of the press more broadly. By February 2012 there were, it seems, 13 different

²⁴ <http://reutersinstitute.politics.ox.ac.uk/about/news/item/article/watch-again-reuters-memorial-lect.html>.

inquiries of some form into aspects of the UK media underway, with the Leveson inquiry at the head of them. As Lara Fielden put it:

*The golden thread of journalistic standards runs through each of these separate investigations, consultations, scandals and inquiries; but pull the thread and the whole fabric of media regulation is in danger of unravelling ... Put most simply, converging media content is in conflict with static standards regulation, and unless the two are reconciled public trust across media will be put at risk.*²⁵

None of this is directly related to questions of impartiality other than that they share an interest in defending standards of journalism and strengthening public trust.

What the phone-hacking issue and Leveson inquiry have highlighted is that the rights of media institutions and the rights of individuals reported upon may easily conflict. And when a professional code²⁶ is perceived to lack force, government and the law are inevitably drawn in.

With the freedom of the press built into the First Amendment of the US constitution there is no possibility of regulation being openly considered there. (Although this does not give the media a free hand – they are as subject to the law as any individual.) But there is a rapidly growing view in the US that the professional codes of the last century are no longer relevant or effective in dealing with issues of trust in the media in the digital age. The free-market approach favours increased transparency as conduit of trust rather than an imposed discipline of impartiality.

However, as journalism and media fragment, and different kinds of public information are available, with different purposes and variable standards, there is public appetite for greater scrutiny and testing of public information, particularly in an era of ‘post-truth politics’. In 2009, the Pew Research Center reported that public trust in the US media had fallen to its lowest level on record, with views of the media as inaccurate, biased, and shaped by special interests held by a majority of those polled.²⁷

²⁵ L. Fielden, *Regulating for Trust in Journalism* (2011), 2.

²⁶ www.pcc.org.uk/cop/practice.html.

²⁷ www.nytimes.com/2009/09/14/business/media/14survey.html.

7. The UK Debate: Broadcast Regulation

In the UK, the debate about impartiality and objectivity has centred principally on broadcast media which have been closely regulated, particularly around news and current affairs. However, the multiplication of channels and technology convergence are straining the current regulatory frameworks. The major players in UK broadcasting have all recognised that the status quo is unsustainable – in one way or another. There are essentially two arguments in favour of changing, relaxing, or abandoning impartiality regulation in the UK.

The first is a free-market argument: that government legislation imposed on media institutions is now an unwarranted, and potentially dangerous, infringement of the right to free speech and inhibits a plurality of opinion on radio and TV.

The second is a technological argument: a response to the exponential growth of electronic information and to convergence. This argument suggests it is both inconsistent and increasingly anachronistic to apply impartiality rules to broadcasting institutions, and not to newspapers and magazines or online news sites or social media. How can rules be confined to broadcasting when converging technologies mean it may become impossible to differentiate between a TV screen and a computer?

In 1949, with the growth of broadcasting, the US government introduced the 'Fairness Doctrine' to regulate broadcasting. This required the holders of broadcast licences to present controversial issues of public importance in a manner that was, in the Federal Communication Commission's view, honest, equitable, and balanced.

The Fairness Doctrine had two basic elements: it required broadcasters to devote some of their airtime to discussing controversial matters of public interest, and to air contrasting views regarding those matters. Stations were given wide latitude as to how to provide contrasting views: it could be done through news segments, public affairs shows, or editorials. The doctrine did not require equal time for opposing views but required that contrasting viewpoints be presented.

However, the proliferation of cable television, multiple channels within cable, public-access channels, and the internet eroded this argument, and the doctrine was abandoned in 1987, although it sat on the statute books until 2012. As *The Hollywood Reporter* put it:

While the Fairness Doctrine was designed to ensure equal sides of controversial issues were discussed over the airways, its effect was to discourage the discussion of politics entirely on the radio because executives were unsure as to how a vague standard of 'fairness' would be applied by regulators. When the Fairness Doctrine went away for all practical purposes in 1987, it paved the way for Rush Limbaugh and a flood of conservative talk radio hosts who came after him, much to the dismay of some on the other side of the political spectrum.

'The elimination of the obsolete Fairness Doctrine regulations will remove an unnecessary distraction,' FCC Chairman Julius Genachowski said. 'Striking this from our books ensures there can be no mistake that what has long been a dead letter remains dead. The Fairness Doctrine holds the

*potential to chill free speech and the free flow of ideas and was properly abandoned over two decades ago.*²⁸

Critics trace the deterioration of standards in US broadcast news to the loss of regulation. Although there have been attempts by Congress to reintroduce the doctrine, it now seems unlikely to revive.

The UK broadcast regulator Ofcom has in the past floated the idea of relaxing some of its impartiality constraints – largely adopting the technological as opposed to the free-speech argument. Its content code calls for ‘due impartiality’ in news and current affairs programmes.

Stewart Purvis, then Content and Standards Partner at Ofcom, in his RTS Fleming Memorial Lecture in 2010, called for the end to what he called analogue regulation. His proposal was to focus where statutory powers are really needed – laws of the land, incitement to crime or racial hatred, protection of children – and create a flexible framework to allow the rest to move over time to self-regulation. He also proposed distinguishing between publicly owned media and privately owned media – with different standards of expectation.

His predecessor, Tim Suter, has also argued that the differences between print and broadcast were disappearing and that continued regulation of a converged space would prove impossible:

*With some 750 or so channels broadcasting under an Ofcom licence, the regulator’s ability to monitor output, even if it wished to, would be severely limited. Furthermore, that output includes a large number of channels, properly licensed by Ofcom but targeting either non-UK audiences or specific linguistic and ethnic communities within the UK.*²⁹

He added that an understanding of ‘due impartiality’ for such non-UK channels would require a sophisticated understanding of the political and cultural debate behind them.

Many observers have argued that Ofcom has effectively operated a two-tier regulation in any case with a primary tier for UK broadcasters and a more relaxed secondary tier for foreign broadcasters, therefore allowing the distribution of right-wing Fox News and, for a period, Iran’s Press TV.

The BBC’s Director General, Mark Thompson, surprised many by agreeing that, although the BBC would never abandon impartiality, there were grounds for relaxing regulation more broadly. His was more of a free-market argument:

*Why shouldn’t the public be able to see and hear, as well as read, a range of opinionated journalism and then make up their own mind what they think about it? ... The BBC and Channel 4 have a history of clearly labelled polemical programmes. But why not entire polemical channels which have got stronger opinions? I find the argument persuasive.*³⁰

Nobody argues that Public Service Broadcasters (PSB’s) shouldn’t be required to be impartial, but that they might sit as an objective cornerstone amongst a

²⁸ www.hollywoodreporter.com/news/fcc-eliminates-fairness-doctrine-rules-225933.

²⁹ Tim Suter, ‘Impartiality – the Case for Change’, in Tim Gardam and David Levy (eds), *The Price of Plurality* (2008).

³⁰ www.guardian.co.uk/media/2010/dec/17/mark-thompson-bbc-fox-news.

range of more partial channels.

It was a view supported by veteran BBC broadcaster Sir David Attenborough:

I think that the multiplicity of channels makes a quite totally fundamental difference to the sort of television I went into which was a monopoly. If you are a monopoly, you have to be unbiased. But if you have 50 channels then maybe there should be areas where people should say, not exactly what they like, but at least be biased.³¹

James Murdoch is his 2009 MacTaggart Lecture at the Edinburgh Television Festival was more forthright and combined both free-market and technology arguments:

We should be honest about this: it [impartiality] is an impingement on freedom of speech and on the right of people to choose what kind of news to watch. How in an all-media marketplace can we justify this degree of control in one place and not in others? ... [The free press] is driven by the daily demand and choices of millions of people ... why do we continue to assume that (a different) approach is now appropriate for broadcasting: especially as one communications medium is now barely distinguishable from another?³²

There are clear attractions, in a country which supports free expression, to allowing a plurality of opinion-led TV channels and as technology develops it is less clear why what applies to print should not also apply to broadcasts. However, there are a number of concerns that, whether relaxed for technological or free-market reasons, loss of impartiality regulation could have a dramatic effect on UK broadcasting.

As Richard Tait, a former BBC Trustee and broadcast executive put it:

I believe that once television as a culture turns its back on a wholehearted commitment to impartiality, the likelihood is that something really important could be lost. Take the example of the United States, where the regulators twenty years ago abandoned the fairness doctrine which from 1949 had placed obligations of impartiality on broadcast news. One analysis of the US television's coverage of the Iraq War found in a three-week period at the start of the conflict in 2003, when polls suggested 27% of US citizens were opposed to the war, just 3% of US interviewees on American TV news coverage expressed any opposition.³³

Paradoxically, relaxing regulation may not help support a plurality of views. It is hard to see how, in an unregulated environment, the richest voices would not simply become the loudest. Although the costs of entry to the public space are negligible on the web, it is hard to build an audience of scale. Small and marginal voices would find it hard to be heard, affecting the broader diversity of opinion represented.

³¹ www.telegraph.co.uk/culture/tvandradio/bbc/8212616/Television-news-should-no-longer-be-impartial-Sir-David-Attenborough-says.html.

³² www.broadcastnow.co.uk/comment/james-murdochs-mactaggart-speech/5004990.article.

³³ Gardam and Levy, *Price of Plurality*. Analysis of coverage of Iraq War from S. Rendall and T. Broughel, 'Amplifying Officials, Squelching Dissent', www.fair.org (2003, accessed Mar. 2008).

In addition, it is possible that PSB's would, in a competitive environment, be pulled towards attempting to achieve greater impact alongside unregulated channels, undermining their editorial standards.

Steven Barnett from Westminster University has identified six main arguments against impartiality and offered counter-arguments:

(1) 'Freedom of expression' and 'choice'

This holds that impartiality is both undesirable and unenforceable in a world where politics has moved beyond the binary left versus right incarnation of the Cold War era to a more complex and multicultural set of competing ideas and political priorities. But research shows that the public respect impartiality. An Ofcom survey (2007) suggested that the proportion who regarded impartiality as important on TV and radio had fallen slightly to 87%, thus maintaining a massive endorsement for the status quo amongst viewers.

(2) The 'crisis' in political engagement

Concerned about declining levels of political interest and participation, (some) have attempted to link this to impartiality restrictions in broadcast journalism. Barnett suggests there is no evidence that a highly partisan and committed media would automatically increase voter interest or participation in public affairs.

(3) Relevance of television news

The argument that certain groups – in particular the young and ethnic minorities – find television news unengaging and irrelevant for their own needs. Barnett suggests there is no logical reason why removing impartiality requirements should make the slightest difference to those demographic or ethnic groups who currently feel alienated.

(4) Diversity of news agendas

A related argument is that television news agendas are almost indistinguishable, demonstrating an unhealthy homogeneity of issues and approaches. Again, he suggests there is no evidence that removing impartiality restrictions will suddenly transform editorial agendas.

(5) Ambition and innovation in editorial approaches

Some practitioners are convinced that impartiality requirements impose a constraining straitjacket on innovative journalism and that their removal will unleash a creative torrent of new ideas. Barnett suggests innovation in TV has been enabled – rather than encumbered – by a regulatory framework which mandates both space and investment for television news. He questions how 'an opinion-driven free-for-all news culture stripped of traditional editorial values of accuracy and fairness' will suddenly generate ideas or approaches undiscovered for 50 years.

(6) Technological preclusion

The final argument: that in the multi-channel, multi-platform world of digital broadcasting, any attempt to restrict the flow of feisty, opinionated TV channels is doomed to regulatory failure. Since the current regulator Ofcom responds to complaints about breaches of its codes rather than relying on round-the-clock monitoring, there is no technological reason why such complaints relating to impartiality cannot be scrutinised ex post facto.

(Barnett, 'Broadcast Journalism and Impartiality in the Digital Age: Six Fallacies and a Counter-Factual', <http://ripeat.org/wp-content/uploads/tdomf/1928/Barnett.pdf>)

These arguments will be rehearsed further as the UK debates a new Communications Bill which will specifically consider the case for deregulation.

8. Impartiality and Moral Relativism

There is another argument against impartiality regulation concerning moral relativism. This was heard in the aftermath of the 9/11 attacks in the USA in particular. It asks how news organisations – like the BBC – which uphold free speech can be neutral in face of extremists who wish to destroy such liberties? It argues that the values of reporting democratic politics cannot be applied to reporting organisations, movements, or individuals which seek to destroy the very system of values by which you exist: that you cannot be neutral in a situation of national or democratic survival.

The response to this argument, difficult to make in heightened circumstances, is that if you espouse freedoms and tolerance you have to embody them and that in the longer term will win greater respect for doing so than for engaging in short-term partisanship. That was the view taken by the UK government in the run-up to the Second World War when it recognised that the voice of the BBC would be stronger for being objective amongst a cacophony of propaganda from other countries. Society is strengthened by its openness towards, and recognition of, a broad range of viewpoints. To listen to your enemy is not necessarily to embrace them.

The concerns about moral equivalence predate the explosion of news on the internet. For example, in the 1990s during the Bosnian war, the BBC's foreign correspondent, Martin Bell, argued for what he called a 'Journalism of Attachment' – an engaged journalism, which bears witness to horrors and deliberately stirs the conscience of the public and those with the power to intervene. It was an argument against moral equivalence and against what he called 'bystander reporting'.

You can be fair to everybody, but you can't stand neutrally between good and evil. You can't say well, Hitler killed six million Jews, but my word he made the trains run on time, because you are not dealing with moral equivalents.³⁴

He says he was brought up in a tradition of objective reporting but no longer believes in it.

Again there seems to be confusion here. Objectivity, the identification of facts and evidence, seems to be exactly what Martin Bell supports. Impartiality – the absence of bias or opinion about those facts – is what he is concerned about because he suggests it produces a *value-free* moral equivalence between good and evil.

The BBC for which he worked, a highly regulated and scrutinised broadcaster in terms of journalistic impartiality, certainly has values which even its critics would be unlikely to attack: for example, it is in favour of democracy, in favour of free speech, it is against criminal activity, and is certainly against genocide.

Much of Martin Bell's reporting from Bosnia was a model of how to avoid moral equivalence in journalism that was still framed by objectivity and impartiality. Take for example this report from an ethnically cleansed village in Bosnia where he is clearly objective, but far from morally neutral:

It's hard to look at some of these pictures. Harder to tell the story of Ahmici without them. What happened here can frankly not be shown in any detail. But the room is full of the charred remains of bodies and they died in the

³⁴ www.pressgazette.co.uk/story.asp?sectioncode=1&storycode=36243.

*greatest agony. It's hard to imagine in our continent and in our time what kind of people could do this.*³⁵

Impartiality does not have to strip reporting of professional judgement (as distinct from personal opinion) as long as there is evidence to support it. That judgement may include a moral assessment based on what has been witnessed, and as long as the connection between eyewitness evidence and the conclusion drawn is clear, it is unlikely to offend the audience. Independence of mind, clear sourcing and evidence, accuracy, openness, and honesty are all characteristics of impartiality as well – and none of these qualities necessarily require a report to be morally agnostic.

In the circumstances of genocide, or a climate of hate speech, it might be argued that the discipline of objectivity (if not impartiality) becomes even more important. For example, a study into the role of the media in the tribal violence that followed Kenya's elections in 2007 concluded that a stronger public service media – with values of objectivity and impartiality – would have done much to encourage free debate and hinder the hate speech that took hold on the unregulated media.³⁶

The arguments for a 'journalism of attachment' and against the 'view from nowhere' are arguments against a hollowed out and devalued sense of impartiality or objectivity rather than against the original core purpose of those disciplines. The question is whether there is any value left in these ideas as we confront the problems of the new information age.

³⁵ BBC News 1993.

³⁶ http://downloads.bbc.co.uk/worldservice/trust/pdf/kenya_policy_briefing_08.pdf.

9. Some Proposed Solutions

It is clear that the digital age presents significant challenges to the century-old norms of journalistic objectivity and impartiality. Yet abandoning the standards they were designed to support is also clearly dangerous and may encourage a 'post-truth' environment. There are a number of approaches being proposed to resolve this, including:

- greater transparency,
- redefining objectivity,
- new codes of practice,
- new forms of regulation or kitemarking,
- technology solutions, and
- greater emphasis on education and media literacy.

Greater transparency

Transparency is offered as 'the new objectivity' as a means of encouraging trust through openness. As David Weinberger, who coined the phrase, explains:

What we used to believe because we thought the author was objective we now believe because we can see through the author's writings to the sources and values that brought her to that position. Transparency gives the reader information by which she can undo some of the unintended effects of the ever-present biases. Transparency brings us to reliability the way objectivity used to.³⁷

He goes on to suggest that transparency subsumes objectivity. Where once an 'objective' news account of an event or a story was perhaps seen as the final word closing the matter, in today's environment, particularly online, an account is the start of a debate. And only by being open about sources, biases, and opinions can the participants in the debate be trusted.

There may be some practical hurdles to overcome as former BBC editor Kevin Marsh has suggested:

Think about it: let's say I'm a reporter at the recent London student fees demo. I see and speak to some peaceful students; some who are less so. I see and chat with some relaxed police; I see the mounted police ride into action, paint thrown etc. What do you need to know about me? What level of transparency do you need to judge my account? Where I stood, where I walked and why? Who I didn't speak to and why not? What I didn't see and why not? Whether I was a student myself? Whether I have kids currently paying fees or about to? Who I voted for at the last election and whether I'm getting the policies I thought I would? Whether I'd have to pay higher taxes if the fee hike was abandoned? Whether I'd mind? Why I just used the word 'hike'? Whether I've ever had a brush with police? Whether I'd been mugged last week by someone looking just a bit like that chap over there? Am I cold and want to file my copy quickly? In just the same way as there's no real stopping place for an objective account – or even an impartial one – there's no real stopping place for a journalist's transparency. No end to what could be relevant.³⁸

³⁷ www.hyperorg.com/blogger/2009/07/19/transparency-is-the-new-objectivity.

³⁸ <http://storycurve.blogspot.co.uk>.

Interestingly, attempts at radical transparency have not been hugely successful. Partly, of course, the consumer simply wants 'the story' and is less interested in the journalist's personal backstory getting in the way. A number of broadcasters and newspapers have attempted to open up their editorial meetings to the public.³⁹ But although these have had a novelty interest, there has not been sufficient public participation to justify continuing them. Editors' blogs and ombudsmen as a means of openly arbitrating between the organisation and the public have been more successful.

It is usually suggested that transparency should operate at a higher level, as Onora O'Neill outlined; that news organisations should be open about political affiliations, corporate interests, and that journalists should operate a register of interests accessible to the public. In terms of everyday news consumption, this does not guarantee high-quality, evidenced information, although it may provide a means of holding newsrooms to account.

Transparency also depends on the reader's or viewer's ability to interpret what is offered. As Stephen Ward puts it:

Transparency refers to a news organisation's readiness to inform readers on how it put stories together. Transparency can also mean 'let the audience decide' about the credibility of information. Some newsrooms provide the audience with available information before they verify it. They say how they obtained information – for example a video clip – and warn that the information may not be entirely reliable. They expect audience members to make up their own minds about the credibility of information. This new ethics of transparency and access is a response to changes within and outside journalism. It assumes that news consumers are media-savvy and it moves some of the burden of responsibility away from the journalist to the audience.⁴⁰

This raises the same dilemma faced by the *New York Times* readers' editor. Is it enough to be open about the source of a claim without making independent efforts to verify it? Judging by the reaction to that issue, verification is still expected – simple attribution may not be sufficient. Transparency alone demands a significant level of media literacy on the part of the consumer. Its advocates offer transparency as a complete solution to the problem of trust in journalism. However, it does not address the need to strengthen evidence-based reporting or the merits of a plurality of views, both of which are core strengths of the historic norms of impartiality and objectivity.

Redefining objectivity

If the traditional meanings of impartiality and objectivity are now so confused, might it be possible to reclaim them by redefining the ideas for the modern age?

The idea of radical transparency is one approach to this. Stephen Ward offers another with his philosophical approach to 'pragmatic objectivity'. This starts by acknowledging human failings and imperfection and offers the premise that everything we know is an interpretation of some aspect of our world. 'Pragmatic objectivity' offers a combination of three tests: *empirical standards* that test a report's accord with facts derived by careful observation,

³⁹ www.cbsnews.com/2100-500486_162-805566.html; www.bbc.co.uk/blogs/newsnight; www.guardian.co.uk/open-weekend/series/open.

⁴⁰ Ward, *Invention of Journalism Ethics*, 323.

controlled experiments, or statistical measure; *standards of coherence* that tell us how consistent an interpretation is with what else we believe; and *standards of rational debate* that include a commitment to rational persuasion and tolerance, and openness to rival views and counter-evidence. Ward believes this redefinition recognises the fallibility inherent in reporters' judgements while holding them to collective standards that support the aim of objective reporting.⁴¹ He says:

*Uncertainty about objectivity can lead to confusion in newsroom practice and the erosion of standards. Reporters and editors need a clear idea of what objectivity is and why it is valuable. ... A new theory of objectivity is needed because journalism is moving away from a rigid, traditional style of objective reporting that eliminates any judgment or hint of editorializing. More and more, reporters use a lively, opinionated style, or adopt an interpretive stance toward stories.*⁴²

Ward's theory has a scholarly, philosophical, grounding but is both complex and insufficient in addressing the range of problems it seeks to solve. Empiricism, coherence, and rationality are useful constituents for the journalism of verification, but of less use in confronting the issues raised by the journalism of affirmation or assertion or the swirl of opinion on social media.

One way of reinventing the relevance of impartiality in a more diverse world is to broaden rather than limit the range of voices. It is to interpret impartiality as extending opinion, not limiting it. In so doing, it is an echo of the early 'free market of ideas' arguments of Milton and Mill.

The Director of BBC Global News, Peter Horrocks, has spoken about what he calls 'radical impartiality':

*The days of middle-of-the-road, balancing left and right, impartiality are dead. Instead I believe we need to consider adopting what I like to think of as a much wider 'radical impartiality' – the need to hear the widest range of views – all sides of the story. So we need more Taliban interviews, more BNP interviews – of course put on air with due consideration – and the full range of moderate opinions. ... So get used to hearing more views that you dislike on our airwaves. This wider range of opinion is a worthwhile price to pay to maintain a national forum where all can feel they are represented and respected. ... A more wide ranging and radical definition of impartiality may help persuade those of strong views who are already engaged with the news to trust us more.*⁴³

This argument extends the one made in a study on impartiality for the digital age by John Bridcut for the BBC Trust. Called *From Seesaw to Wagon Wheel* it argues for impartiality through a wide range of views, rather than an attempt at a notional 'balance':

Impartiality involves a mixture of accuracy, balance, context, distance, evenhandedness, fairness, objectivity, open-mindedness, rigour, self-

⁴¹ www.hks.harvard.edu/presspol/publications/papers/discussion_papers/d37_ward.pdf.

⁴² *Ibid.*

⁴³ www.bbc.co.uk/blogs/theeditors/2006/11/the_future_of_news.html. Summary of St Anne's College/Reuters Institute Seminar, Nov. 2006.

*awareness, transparency and truth. But it is also about breadth of view and completeness. Impartiality in programme-making is often achieved by bringing extra perspectives to bear, rather than limiting horizons or censoring opinion.*⁴⁴

It is a perspective which perhaps reminds us that those who wish to abandon impartiality may be arguing, in the most literal sense, in favour of incomplete – ‘partial’ – news. This in some ways is what the *journalism of affirmation* amounts to: only those views with which you agree.

Certainly homophily – the echo-chamber effect where people tend towards the familiar or views they agree with – is an increased risk in the digital age. With an abundance of views and information it is easier than ever to seek refuge only in the familiar. This may be a key argument in favour of regulated broadcasters, particularly public-service broadcasters (PSBs), offering impartial programming which encompasses a wide diversity of views and opinion. Unless there are major outlets with significant reach committed to reflecting an impartial diversity of views (as opposed to partial, limited views), there is likely to be a polarising effect as the public limit their information sources to those with which they are predisposed to agree.

New codes of practice

In the late 1990s, a group of journalists in the US formed what was called the ‘Committee of Concerned Journalists’ and held a series of public forums, interviews, surveys, and discussions to examine what the public expect of journalism and journalists. The group developed into the Project for Excellence in Journalism, now part of the Pew Research Center in Washington.

In their book about this study,⁴⁵ Bill Kovach and Tom Rosentiel outlined nine principles of journalism which would ensure that the purpose of journalism, defined as providing people with the information they need to be free and self-governing, is fulfilled. These are:

- Journalism’s first obligation is to the truth.
- Its first loyalty is to citizens.
- Its essence is a discipline of verification.
- Its practitioners must maintain an independence from those they cover.
- It must serve as an independent monitor of power.
- It must provide a forum for public criticism and compromise.
- It must strive to make the significant interesting and relevant.
- It must keep the news comprehensive and proportional.
- Its practitioners must be allowed to exercise personal conscience.

These are essentially values, rather than guidelines or a code of practice or ethics. As such they help to define the core characteristics of serious journalism. Kovach and Rosentiel are clear about the need to do this:

One of the most profound questions for democratic society is whether an independent press survives. The answer will depend on whether journalists have the clarity and conviction to articulate what an independent press means, and whether, as citizens, the rest of us care.

⁴⁴ http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/18_06_07impartialitybbc.pdf.

⁴⁵ B. Kovach and T. Rosentiel, *The Elements of Journalism* (Crown, 2001).

As the Leveson inquiry illustrates, that is a question as relevant in the UK as in the US.

Serious news organisations, as opposed to those primarily interested in entertainment, increasingly need to develop new codes which capture their *values* as well as their *practice and procedures*.

In the wake of the *Hutton Report* – described by some as the biggest editorial crisis in the BBC’s history – the BBC commissioned a former Director of News, Ronald Neil, to produce a report on BBC journalism. Among its recommendations were a more open complaints process, an increased focus on journalism training, and a definition of the BBC’s editorial values – which drew on those offered by Kovach and Rosentiel. These are:

Truth and Accuracy – BBC journalism should be rooted in the highest possible levels of accuracy and precision of language, well sourced, based on sound evidence and thoroughly tested;

Serving the Public Interest – prioritising and reporting stories of significance and relevance to audiences, being well informed when explaining stories and robust, but fair and open-minded in asking searching questions of those who hold public office;

Impartiality and Diversity of Opinion – reporting facts in their context, not opinion, practising openness and independence of mind and testing a wide range of views with the evidence;

Independence – striving to be an independent monitor of powerful institutions and individuals, making judgements for sound editorial reasons, not as the result of improper political or commercial pressure;

Accountability – the BBC’s first loyalty is to its audiences and their continuing trust in the BBC’s journalism is a crucial part of the BBC’s contract with them. The BBC will be open in admitting mistakes when they are made, unambiguous about apologising for them, and must encourage a culture of willingness to learn from them.⁴⁶

These were offered as an open commitment against which BBC journalism could be held to account and in order to help retain public trust in the organisation.

Codes of practice are common – articulated editorial values less so. However, they are a means of defining the core elements of an organisation’s editorial culture and as such can fulfil the same purpose as the original norms of objectivity and impartiality.

New forms of regulation or kitemarking

In broadcasting, technology convergence and arguments for plurality of opinion on TV and radio are informing the debate in the UK about regulation. The US example, with partisan news having established itself following the abandonment of the Fairness Doctrine, provides a strong case study for the relaxation of broadcast regulation.

However, the free-market argument, and the technology hurdle do not necessarily mean broadcast impartiality must be abandoned. As David Cox argues:

⁴⁶ http://www.bbc.co.uk/pressoffice/pressreleases/stories/2004/06_june/23/neil.shtml

Arguably, the forces threatening broadcasting impartiality make its practice all the more necessary. The more society atomises, the more important a common thread of meaning becomes. The limitations inherent in the quest for impartiality need not be decisive. Complaints about bias and perspective can be acknowledged, debated and accommodated. In the process, they can themselves help reshape, enhance and enlarge the area of potential agreement.⁴⁷

The Murdochian, free-speech, arguments overlook the fact that regulated channels, as Mark Thompson said, are free to run strong opinion – as long as there is a wide range of it. There are multiple current affairs, documentary, debate, and panel programmes on which participants are encouraged to offer strong opinions and there are polemical programmes, but as part of a range of views. As a consequence, it could be argued there is no market failure in opinion. If the media faces a market-led crisis it is in robust evidence-led newsgathering.

So among the arguments in favour of maintaining impartiality regulation is as a safeguard for primary newsgathering resources that accurate, evidence-based journalism depends upon, and to ensure that a wide range of opinion is heard.

As business models give way, leading to extensive cost-cutting and redundancies in traditional media organisations, there is a greater dependency on news agencies and press releases. Original reporting, newsgathering, and fact-checking is an expensive process which requires time and investment. A regulatory requirement – or a strong professional norm or standard – raises quality by requiring original reporting and newsgathering to meet that standard.

The cheaper option is to fill airtime with debate and discussion – and, for impact, to ensure it is heated. The abandonment of the Fairness Doctrine in the US arguably led to the rise of Fox News and the journalism of affirmation that Kovach and Rosentiel identified. The prospect, then, as Barnett says,

is a television news culture increasingly given over to the voluble and the prejudiced, determined to make headlines rather than impart information ... The contrivance of hostile confrontation which features in so many partisan broadcast outlets is a different kind of communication altogether which makes no contribution to an enlightened citizenry.

The experience in the UK is that broadcast regulation has upheld journalistic standards, investment in news, and factual programming, and has limited the growth of partisan journalism of affirmation. However, going forward, it is not clear that it can continue to hold that line in the digital environment.

Some argue that a different framework can maintain the best of the old and be sufficiently flexible to meet the needs of the future. Former BBC editor Phil Harding, in an article for the *British Journalism Review*, suggests a form of 'kitemarking' through two tiers of regulation for factual or journalistic output: news and comment.

We must acknowledge that the current rules about impartiality need urgent reform. We should make explicit the two-tier approach which is already

⁴⁷ *Prospect*, Aug. 2007.

*implicit in Ofcom's approach to regulation. But rather than relying on the current fudge of 'due impartiality' there should be two clearly labelled and separate groups of News Channels and Comment Channels. In the world of the platform-blind consumer clear labelled is going to be all important.*⁴⁸

Lara Fielden, in her book for the Reuters Institute,⁴⁹ suggests a three-tier kitemark solution for electronic media:

- Tier 1: All public service content – broadcast, on-demand or online – with a compulsory requirement for impartiality. Non-PSBs could opt in as a mark of quality and excellence.
- Tier 2: Fewer rules than tier 1 but accuracy in news would be essential. Would apply to private media, print and online, non-PSBs video and audio on-demand providers and independent bloggers. Backed by statute and robust enforcement.
- Tier 3: Minimum statutory requirements agreed for TV and video on-demand on a European level in relation to child protection and hate speech.

Unregulated content would cover print and online and be governed by law with redress through the courts, with no standards kitemark. She explains:

*Consumers, particularly younger consumers, are engaging with content in new ways, not as passive recipients but as active participants. New media encourage professional and amateur journalism to meet in debate on websites, in blogs, through Twitter and in a myriad of ways to come. However, without a consistent, proportionate and transparent settlement for media regulation, receptive to new providers, the ability to discriminate between sources of content is wholly compromised. Consumer confidence and trust is put at risk, not just in content and its regulation but in the public space in which the democratic conversation is conducted and in which the right to receive as well as to impart information and ideas is exercised.*⁵⁰

Although more complex, it is clear there are options for preserving the virtues of impartiality regulation whilst recognising that a more liberal framework is appropriate for new and different voices.

Regulation can also offer a number of other protections – against proprietorial interference (for example, Berlusconi's media promotion of his own political interests) or against the contagion of bad editorial practice or illegal activity as may have happened within News International newspapers. It also protects a degree of plurality and against the risk of the richest voices automatically being the loudest.

Technology solutions

However, for many, there is a sense that regulation is an old-world solution ill fitted to the new digital world. In a recent speech, Simon Hampton, Google's Director of Public Policy for Northern Europe, suggested that policy-makers had not yet taken on board the 'transition from scarcity to abundance'. He suggested three basic principles for 'embracing abundance':

⁴⁸ www.bjr.org.uk/data/2011/no2_harding.

⁴⁹ *Regulating for Trust in Journalism*.

⁵⁰ *Ibid.* 117.

- Don't protect industries based on scarcity. Our legislatures have been mainly preoccupied with enabling the interests of the past to constrain the future.
- Work with crowdsourcing. Contrasting the way broadcasting regulators deal with unacceptable content compared with the way YouTube effectively crowdsources the detection of unacceptable content by inviting its users to flag clips that they think are offensive. Also the way eBay engenders trust with its reputation system; or the way TripAdvisor invites its users to 'rate the raters'.
- Reappraise the power of data. Mining the avalanche of data is, Hampton thinks, the beginning of wisdom in an age of abundance.⁵¹

These are all good points, but are of limited help. On his first point, it is as yet unclear that the future services can or will serve the same democratic and public function as the regulated services of the past. His second point may work in terms of taste and offence but may be less effective in self-policing issues of accuracy or transparency of bias. On his third, the science of data mining and its application to news is as yet in its infancy and it is not clear how it might support issues of quality or standards.

But there are a number of technology-led initiatives designed to deal with the issue of trust, accuracy, and reliability in the media. Websites are growing which seek to check assertions and facts. In the US one of the better known ones is PolitiFact.com, launched by the *Tampa Bay Times* and winner of a Pulitzer Prize, whose purpose, it says, is sorting out the truth in politics.

Every day, reporters and researchers from PolitiFact and its partner news organization examine statements by members of Congress, state legislators, governors, mayors, the president, cabinet secretaries, lobbyists, people who testify before Congress and anyone else who speaks up in American politics. We research their statements and then rate the accuracy on our Truth-O-Meter – True, Mostly True, Half True, Mostly False and False. The most ridiculous falsehoods get our lowest rating, Pants on Fire.

Or there is Factcheck.org from the Annenberg Public Policy Center. Their aim is similar:

We are a nonpartisan, nonprofit 'consumer advocate' for voters that aims to reduce the level of deception and confusion in U.S. politics. We monitor the factual accuracy of what is said by major U.S. political players in the form of TV ads, debates, speeches, interviews and news releases. Our goal is to apply the best practices of both journalism and scholarship, and to increase public knowledge and understanding.

Or Aim.org:

Accuracy In Media is a non-profit, grassroots citizens watchdog of the news media that critiques botched and bungled news stories and sets the record straight on important issues that have received slanted coverage.

There are similar sites in the UK, including Journalisted.com and Churnalism.com from the Media Standards Trust, which help users research

⁵¹ Quoted at: <http://memex.naughtons.org>.

journalists and check the independence of what they write. Channel 4 has a fact-check blog which 'goes behind the spin to separate political fact from fiction' and there are media literacy tools for school such as digitaldisruption.co.uk which seeks to develop children's critical thinking about the media.

Of course all these sites require active engagement and participation from users motivated to check facts and sources – and as such are likely to have only marginal impact on the quality of the mass media.

There is a new category of technical solution in development at MIT and the University of Southampton's Web Science Centre which seeks to identify dubious claims on the web page. Dan Schulz, a graduate student at MIT, is developing what he calls 'Truth Goggles' – software which identifies suspicious claims in news articles and helps readers determine their truthfulness. He wants to embed critical thinking into news the way we embed photos and video today:

I'm very interested in looking at ways to trigger people's critical abilities so they think a little bit harder about what they're reading ... before adopting it into their worldview. I want to bridge the gap between the corpus of facts and the actual media consumption experience.

The Media Standards Trust, working with the Associated Press, has developed hNews under its transparency initiative as a means of providing more information about the provenance of news online – and the system has been adopted by more than 500 websites. When hNews is adopted it identifies per article:

- who wrote it;
- who it was published by;
- what source organisation it comes from, if any;
- when it was first published;
- where it was written;
- when it was changed since publication;
- what rights are associated with it;
- what journalistic codes of practice it adheres to, if any.

The Trust explains:

The general public, journalists and news organisations all stand to benefit from the distinct and consistent provision of basic information about online news articles. A member of the public has more information with which to search for news more intelligently and to assess an article's authority and credibility. A journalist, or someone producing journalism, can be sure their work is accurately identified on the web. News organisations can use the metadata to create new ways in which to access and navigate stories and unlock the value of their archive.⁵²

The mass adoption or broad acceptance of embedded technical solutions may be some way off and of course these only apply to certain forms of digital media. They also require a level of media literacy to understand them. However, these are representative of new approaches to dealing with the problems of quality of media and public trust.

⁵² <http://mediastandardstrust.org/projects/transparency-initiative/background>.

Media literacy

The media correspondent of the *New York Times*, David Carr, recently told an interviewer:

I just think people seem less and less concerned about where their information comes from at a time when I think they should be more and more concerned about it. I think the primary concern is consumer literacy. Over and over I think you should look at the source of information. There are lines sort of evaporating between what is marketing content and what is editorial content and what is government content – that it all gets flattened out on the web so it all sort of looks the same.⁵³

It is a perspective which seems to have more traction in the US than the UK. For Kovach and Rosentiel, too, the solution is in public education and greater media literacy:

It's critical we use the promise offered by emerging communications technologies to create a journalism that joins journalists and citizens in a journey of mutual discovery. Democracy stakes everything on a continuing dialogue of informed citizens. That dialogue rises or falls on whether the discussion is based on propaganda and deceit or on facts and verification pursued with a mind willing to learn.⁵⁴

Or as Dan Gilmor puts it:

We need, in America and the world, to ensure that children grow up with the kinds of mediaskills they mostly don't have today. Then we need to make them part of a general life-long learning process. ... Those skills should add up to something larger: critical thinking. That's the way to have an informed citizenry, by having citizens who think for themselves.⁵⁵

This is a recognition that in the digital environment, with a plethora of sources of variable quality, the focus inevitably moves from regulating (even with a loose professional code) the provider to educating the consumer.

As yet there is little discussion in the UK of the importance of media literacy for the consumption of modern journalism, although there are individual projects like the BBC's School Report⁵⁶ which are designed to engage children in the practicalities of news production. Even Ofcom which, like the BBC, has a statutory requirement to promote media literacy, seems more concerned with usage patterns than with levels of critical awareness.

The Higher Education Policy Institute says the number of universities offering media studies degrees has tripled in the last decade⁵⁷ – but the need must be for broad public education rather than specialised higher education. Just as we recognise the need to educate the public on nutrition, and on financial prudence, we may increasingly need to educate them too on the benefits of a balanced and judicious information diet and how to develop greater levels of critical awareness.

⁵³ www.theverge.com/2012/4/3/2912487/david-carr-interview-dnp.

⁵⁴ Kovach and Rosentiel, *Blur*.

⁵⁵ <http://mediactive.com>.

⁵⁶ www.bbc.co.uk/schoolreport.

⁵⁷ www.guardian.co.uk/education/2012/jan/26/number-universities-media-studies-up.

Many of the other solutions proposed for the problem of trust in the media depend on developed skills in media literacy. Greater transparency, whether offered as a code or through embedded technology, requires the skill to recognise what is being revealed; flexible regulation or kitemarking requires the ability to differentiate between different categories of provision. The age of information surplus has shifted the responsibility for trusted content more substantially towards the consumer – although they may not yet be equipped for the task.

10. Conclusion

Who ever knew Truth put to the worse, in a free and open encounter?
(John Milton, *Areopagetica*, 1644)

A lie gets halfway around the world before the truth has a chance to get its boots on. (Variously attributed to Mark Twain and Winston Churchill)

We are currently in transition from the old analogue world of limited supply, where professional codes and regulation were effective in ensuring quality, to the digital age of plenty where they are less practical or effective and where many argue they are unnecessary.

In the debate about how journalism is changing, the words impartiality and objectivity are becoming undermined and empty through misuse and abuse. Yet the problems they were designed to address are still with us.

The journalism of verification – the traditional model underpinned by a professional code of impartiality – is no longer the sole kind of journalism. As resources shrink, it may not even be the main kind of journalism. But the public are as yet ill equipped to deal with the changed information environment.

The daily journalism of assertion and affirmation has a corrosive effect on public debate and the public space – encouraging a ‘post-truth’ environment – and makes it essential to reclaim and strengthen journalism standards and discipline.

Confusion over terms has not helped reconcile the public need – and desire – for high-quality news and information with the age of digital abundance where the norms of the past have broken down. If the words ‘impartiality’ and ‘objectivity’ have lost their meanings, we need to reinvent them or find alternative norms to ground journalism and help it serve its public purpose – providing people with the information they need to be free and self-governing.

In the digital era, it is often suggested that Transparency alone helps resolve these problems. However that seems insufficient. I suggest it is one of three principles which help rescue the core of what impartiality and objectivity delivered in the past without tethering modern journalism to an anachronistic approach. We need to find new ways to place a premium on journalism which exhibits them:

1. *Evidence* is the heart of objectivity. As Jay Rosen put it, ‘grounded in reporting’ is more important than ‘stripped of opinion’. Audiences value facts and evidence more than they care about opinion or its absence. Evidence-led reporting should be at the heart of good journalism. Evidence allows the public to decide for themselves and grounds debate and discussion in verifiable facts. We are awash with opinion and swamped with information – but there is a fast-shrinking base of original newsgathering resources to find and verify facts. Yet without facts, and the evidence to support them, opinion is worthless.

2. *Diversity of opinion* is the heart of impartiality. The new forms of journalism and wealth of communication make homophily, the tendency to shelter in opinion that's familiar, a growing risk. The value of a breadth of opinion and views needs to be clearly articulated and supported. Without a diversity of opinion, social polarisation takes root. Diversity of opinion provides oxygen to rational debate.
3. *Transparency* – about sources, interests, and intent, about methods and affiliations – supports trust. There may be practical limits to its application in everyday news, but at a corporate level it is increasingly important – particularly for media espousing free speech – and as a principle it should be applied whenever reasonable. This should include transparency about values and codes of practice against which an organisation may be held to account.

Underlying these principles is a growing need to encourage critical awareness of the media among the public – to equip them with the knowledge and tools to understand what they are consuming. This could include kitemarking, tiered regulation, technical signposting, and a greater pedagogical emphasis on media literacy.

There are currently serious concerns about the quality and practices of news media and their impact on public debate. These principles, supported by greater media literacy, can help us navigate in the new digital world of information abundance and deliver journalism that is trustworthy and fulfils its public purpose.

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