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Memorandum by Professor Angela Phillips, Goldsmiths, University of London

SECOND CALL FOR EVIDENCE

This evidence relates to question four, part two, in the second call for evidence: "Are there any desirable reforms that would improve the effectiveness of the regulatory regime?"

Angela Phillips has been a practicing journalist for over thirty years and has worked for a range of newspapers, magazines, TV, radio and the Internet. She has been teaching journalism for half that time on a part time and more latterly, full time, basis. She is currently part of the Leverhulme funded research group working on "Spaces of the News" which is looking into journalism and "new media".

Journalism, ethics and codes of conduct—why journalists need a "conscience clause"

1. The delicate task of making journalism more ethical without damaging its freedoms is one that has so far eluded policy makers. The period since the first Royal Commission into the press and the establishment of the first Press Council has demonstrated that voluntary codes of conduct have little or no impact against the far more powerful pressure of circulation increase and profit maximisation. Editors are after all employed for their ability to get people to read the paper. Sex, scandal and celebrity, sells newspapers as does the ancient art of whipping up prejudice and stirring dissent.

2. Any attempt to legislate a fairer and more considered journalism runs into the problem of implementation. Laws that seek to protect one group of people will always be used by others, whose behaviour really should come under scrutiny, but who have the power and the money to use the courts to protect them.

3. The journalists themselves could perhaps effect change and re-focus the news media on the fundamental tasks of informing citizens and encouraging debate, but only if they are given the power within their news organisations to act according to their own consciences, rather than always to follow editorial orders.

4. In debates about ethics the role of the ordinary journalist is too often subsumed within that of the editors and proprietors as though those people who work for the news media always have exactly the same interests, and the same power to protect their interests, as do those who employ and direct them. This fundamental error applies to the teaching of ethics on journalism courses in colleges and universities just as much as it has always applied to the policy makers who have attempted to legislate or regulate the media.

5. The reality is that journalists are what Bourdieu refers to as "weakly autonomous" (Bourdieu in Benson 2005: 42). As individuals, their autonomy is circumscribed by a steeply hierarchical employment structure, with an editor at the top who is under constant pressure to chase audience ratings or circulation.

6. The degree of autonomy experienced by the individual journalist varies according to the type of publication or broadcasting outlet and the level of their own influence (cultural capital). Those journalists working for the "elite" press have more autonomy than those who are at the mass-market end.

7. Amongst mass market journalists it would probably be true to say that only the highly paid columnists, who are rarely chosen for their ethical standards, have any real autonomy—and they are subject to summary termination of contract if they should displease.

8. Ordinary working journalists are subject to the orders of editors and can expect to find that their work is heavily re-written by sub-editors under instructions from editors. Those who find, and write, exclusive stories, which fit well within the ethos of the news organisation, will be preferred over those who stick to bread and butter, diary stories:

9. Successful journalists are those who, over a period of time, internalize the requirements of the editors and who then move into more powerful and more (apparently) autonomous positions—the rest move on into other jobs.

10. Those working in television have more protection from these pressures due to regulations requiring "balance and/or impartiality" which counteract, to some extent, the pressures to maximise profit that are experienced in newspapers.

11. How then can these "weakly" autonomous agents be the key to improving ethical standards?

12. Some have suggested making them responsible for their work by embedding ethical codes into their contracts of employment. But this would be like holding private soldiers responsible for the direction of a war. Nothing gets into the paper without the say-so of an editor and nothing gets onto the front page of a daily tabloid without the active involvement of the editor. The bi-line over an article may not indicate who is responsible for the slant and emphasis (and often it is the slant and emphasis which creates the ethical problem).

13. Making individual journalists legally responsible for what goes out in their name would often be unfair and would almost certainly have the effect of decreasing autonomy and giving editors an opportunity for scape-goating individuals when more often it is editorial decisions which are at fault.

14. A more useful strategy would be to increase the autonomy of journalists by giving them some recourse against editorial edicts.

15. Journalists at the Daily Express provided an object lesson in how much, on the one hand, their work is directed and controlled by editors and how little, on the other hand, they are supported if they decide to act ethically.

16. On two occasions, in 2001 and 2004, journalists at the Express complained collectively to the Press Complaints Commission about being forced to write what they believed to be "racist" articles. (Harcup 2005) Having failed with their first attempt to get a PCC ruling, the journalists then took a different tack: "The chapel wrote to the PCC asking it to insert a 'conscience clause' into its code of practice, whereby journalists who refused unethical assignments would be protected from disciplinary action or dismissal." (Harcup *ibid*)

17. The idea of a conscience clause is something that the National Union of Journalists raised when giving evidence to the Commons Select Committee on Privacy and Media Intrusion in 2003. The committee recommended such a clause (Hagerty Bill 2003) but it was rejected out of hand by the PCC.

18. Robert Pinker, acting Chairman of the Press Complaints Commission, defending this position at an NUJ

conference said: "It is not our job to be involved in disputes between employers and staff." He also suggested that such a clause would affect sales by making newspapers: "So sanitised people will not want to read them". (Pinker 2004)

19. This view underlines the difficulties faced by journalists who wish to speak out against what they see as unethical standards. On the one hand they are assumed to have the power to act ethically, on the other hand they are denied, by the very body which is there to police ethics, the right to act autonomously.

20. To act ethically absolutely requires the exercise of autonomy. As things stand, the only realistic recourse open to a journalist who disagrees with an editorial decision, is to leave. This is not a decision that a young journalist, with a reputation to build, is likely to take lightly. Nor, on the other hand, would such a person be likely vexatiously to report editorial decisions to the PCC because that would also impact on their careers.

21. A conscience clause might not often be used but it would operate as a means of providing journalists with a small degree of individual power. It would also serve to remind both ordinary journalists and editors that individual conscience remains a very useful steer in a world in which maximising profits has become the over-arching goal. It would certainly make a lot more sense to those who teach journalism if they could say to their students: "Commit the code of conduct to memory because it will protect you from being forced to do something you believe to be wrong." That small safe guard alone would be worth having.

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