0

"Best Practices" in the Journalism Ethics Frame: A Comparative Study

Lawrie Zion Ph.D.

Associate Professor, Journalism Program

La Trobe University

Melbourne, Australia

Phone: 61 3 9479 2961

l.zion@latrobe.edu.au

http://.twitter.com/lzion

http://www.latrobe.edu.au/humanities/about/staff/profile?uname=LZion

Introduction

"I have started a blog and while i was researching some information for some of my posts i came across a youtube video on a site. It wasnt from the actual youtube site but it was a youtube video. i posted the video onto my blog. Is this alright?"

This email from a student arrived after a lecture on copyright in one of the subjects I teach. It may not be elegantly written, but it speaks volumes about the challenges we face as journalism educators when it comes to law and ethics curricula in journalism degree programs.

The proliferation of online media has complicated the practice of journalism ethics. While it can be argued that traditional ethical principles don't fundamentally change when information is disseminated online, the application of codes across a range of platforms is becoming increasingly challenging in a rapidly evolving mediascape — especially as new kinds of interactions develop between journalists and audiences. As a journalism educator, I am constantly struck by how traditional ethical codes, while essential for an understanding of the principles of journalism, are increasingly difficult to align with rapidly evolving media practices: this is one of the reasons that I named the aforementioned law and ethics subject "Dilemmas in Journalism".

The problem is well encapsulated in a discussion about technology and social media in a *Columbia Journalism Review* report on magazines and their websites:

Question: Is it true, as one respondent confidently asserted, 'If it's fact-checked, it's not a blog,' and is this an existential or a definitional question?

The issue is an important one because so many in the blogosphere insist that

blogs have (and are entitled to) their own rules of the road. Subject for discussion: Why have earlier attempts at standardizing the world of blogs and social media notoriously failed? Is it, at long last, possible to identify best practices for using the tools and techniques of digital journalism?" (Navasky & Lerner, 2010, p. 42)

This exploratory paper will examine how attempts to address this question are unravelling, both in Australia, where the discussions about online ethics has been infused by a lively debate provoked by a recent federal government inquiry into media accountability, and in North America, where the potential and pitfalls of online media have been explored with even greater urgency in response to the relatively rapid decline in the traditional business model for print.

It will be argued that the term "best practices" is emerging as an increasingly useful framing device for exploring and clarifying some of the strategies being adopted and adapted to address ethical complexities of digital media. Moreover, it will be suggested that ongoing discussions of emerging best practice principles are essential if traditional ethical norms are to be successfully extended and integrated into online media practice. While the details and nuances of the challenges vary, common questions underpinning all these discussions are: What are the limitations of traditional codes and standards for new media formats? How should ethics be understood in an environment where increasing numbers of content producers are not journalists? And who should be involved in developing ethical norms?

In some respects, these questions aren't new at all. As Ward notes, new publishing technologies have, in the past, helped to shape ethical practices and norms and will continue to do so in the future (Ward, 2006). Nevertheless, a seismic shift is underway. The expansion of technologies enabling anyone to publish, and the speed

of online publishing have created unprecedented challenges. And you don't have to be a journalist to be affected by the changes, as the examples above demonstrate. Journalistic content is increasingly being produced and disseminated by people who do not identify as journalists and whose practices often take place outside of the kinds of institutional and professional milieus within which codes of ethics were developed. Consequently, traditional journalism ethical codes often do not address the kinds of issues encountered when content is produced outside of the institutional norms, processes and structures of heritage media.

As American journalism professor Jay Rosen told a group of Australian journalism educators at Sydney University: "What we need to do is completely explode the question of ethics, so that it includes new actors like bloggers and citizen journalists" (Rosen, 2010). For Rosen, ethics are "the practices that lead to trust on the platforms where users actually are. That's what we should care about. How can we find them, and refine them and teach them to people?" (Rosen, 2010).

But how can such practices can best be identified and understood? It is one thing to acknowledge the traditional ethical imperative of correcting errors; quite another to gauge how this might be achieved across of a range of digital practices. Must every error be corrected, even minor ones, if technology permits? Who decides what's trivial and what's important? And how should amendments be displayed?

These are issues for journalism educators (see, for instance, Penenberg, 2007) as well as journalists, as "a once-dominant traditional ethics, constructed for professional journalism a century ago, are being questioned. Journalism ethics is a field where old and new values clash" (Ward, 2011a). In *The New Media Ethics,* (Ward, 2011c) Ward argues that the changes go to the core of media ethics:

The challenge runs deeper than debates about one or another principle, such as objectivity. The challenge is greater than specific problems, such as how newsrooms can verify content from citizens. The revolution requires us to rethink assumptions. What can ethics *mean* for a profession that must provide instant news and analysis; where everyone with a modem is a publisher? (p. 208)

These questions are emerging elsewhere: as the Australian Broadcasting Corporation's Director of Editorial Policies, Paul Chadwick, put it at the 2009 Melbourne Writers Festival:

Over, say, the past two hundred years or so we have fashioned notions of what it is to be an ethical journalist from the rather small and privileged group who had access to the presses and broadcasting spectrum necessary to practise journalism on a large scale. Not all members of the group necessarily share these notions, and there is a rich but repetitive debate about whether they adhere to the notions. The interesting question is whether, as the numbers and range of people practising journalism increase, these notions will survive as the markers of ethical journalism. What do they omit or mis-state about ethical norms to which a far larger number of practising journalists may be willing to subscribe?" (Chadwick, 2010)

Ward uses an even wider lens when arguing that:

We are in the middle of the fifth revolution in journalism ethics since modern journalism began in the seventeenth century. The rise of internet-based media is a revolutionary event because it substantially alters the prevailing professional model of the JCP [journalists-communication-methods-public]. The journalistic element of this relationship is transformed to include, for the

first time, ordinary citizens in great numbers. It becomes a sphere of

professionals and non-professionals of varying ability, training, and

motivation …. Increasingly citizens *are* the media. Journalism, therefore,

occupies an increasingly smaller portion of the public spheres which is being

enlarged by a chaotic and expanding media universe. This media universe has

led to a period of conflict, a clash of values between the professional and new

media models. (Ward, 2011c, p. 21)

So why "best practices"? The idea for this paper evolved from two

developments. The first is the observation that the term is being used — apparently at

least partly coincidentally — in a number of disparate initiatives involving the

application of ethical principles online, as well as in discussions of how to optimise

the capacities of technological innovations. The second development is the debates

that have evolved in Australia that culminated before, during and after the

Independent Media Inquiry that was held at the end of 2011 (Department of

Broadband Communications and the Digital Economy, 2011b).

This paper will argue that the development of best practices initiatives could

facilitate different way of thinking about media accountability in Australia that would

take current debates beyond toothless self-regulation on the one hand, and concerns

about heavy-handed state intervention to maintain standards on the other. While "best

practices" guidelines have long been commonplace in professional organizations, they

are not always used directly in relation to ethics. As discussed below, the term is

sometimes used in contexts that are concerned more with efficiency and expediency.

By contrast with these non-ethical accounts of best practices, in this paper I argue for

an explicitly ethical account of journalistic best practices that draws on Alasdair

MacIntyre's work on virtue ethics. In his most influential book, *After Virtue*,

MacIntyre defines a practice as:

> any coherent and complex form of socially established cooperative human
>
> activity through which goods internal to that form of activity are realized in
>
> the course of trying to achieve those standards of excellence which are
>
> appropriate to, and partially definitive of, that form of activity, with the result
>
> that human powers to achieve excellence, and human conceptions of the ends
>
> and goods involved, are systematically extended. (MacIntyre, 1985, p. 185)
>
> Also quoted in (Breit, 2004, p. 64).

The concept of practice and virtue ethics has been further explored in the

context of journalism by Sandra Borden. In *Journalism as Practice* she contends that

MacIntyre's ideas about virtuous practices "provide a useful framework for thinking

about journalism as a cooperative endeavour guideded by a sense of moral purpose"

(Borden, 2007, p. 21).

One of the functions of virtues, she concludes, "is supporting the practice's

regenerative capacities" (p. 78). Her focus here is on "intellectual accountability and

intellectual modesty as the virtues needed to support a discipline of confirmation

characterized by accessibility, transparency, and tentativeness. Conducted in

cooperation with non-journalists, this discipline can provide a system for the practice

to continually improve itself and extend its conception of ends and means" (p. 139).

To this end, Borden stresses the importance of an interactive feedback process

"characterized by accessibility, transparency, and tentativeness in the spirit of shared

inquiry" involving " letting non-journalists interact with journalists on their turf; that

is, in newspapers, on news sites, and on news programs. Its function would be to

demonstrate openness to criticism, correction and comment – and to give such

feedback a wide hearing." (pp. 78-79). The internet, she adds "may increase participation and learning through interactive feedback" (p. 79).

Borden also emphasizes the characteristic of tentativeness "which simply acknowledges the interim nature of knowledge" (p. 79). "Accompanied with intellectual modesty, tentativeness also mitigates inequality and promotes a feeling of belonging in the public sphere, rather than of merely being tolerated" (p.80).

In his discussion of best practice in journalism, Iyer (2010) suggests that the decline of print means that a best practice culture is more likely to evolve in an online environment:

> Best practice has a good reason to exist under normal circumstances, outside of the journalism of prize-winning efforts. It does not need the incentive of accolades to prevail. But it does need some groundwork: it can only survive within an organizational culture of excellence …. [Websites] …are benefiting from increased competition. It is quite likely that best practice definitions will emerge from them. (Iyer, 2010, p. 31)

It's not simply a matter of competition. An array of niche websites discussing the changing journalism landscape are constantly engaged with best practice issues. These include *MediaShift*, *10,000 Words*, *Reportr.net*, *Nieman Journalism Lab*, *Poynter*, and *Regret the Error* (now hosted on Poynter). The latter was launched in 2004 by Canadian journalist Craig Silverman, as a site focused on media retractions, apologies, clarifications and trends regarding accuracy and honesty in the press. "It was a combination of wanting to start a media blog and noticing that corrections in particular were a fascinating and un-mined part of journalism," he said in a 2007 interview (Scanlan, 2007). The virtue (quite literally in the sense that MacIntyre and Border discuss it) of Silverman's *Regret the Error* project, which includes a book of

the same name (Silverman, 2007), is that it is much more than a forum for sticklers, as he explains:

> Aside from being an essential nuts and bolts aspect of how we do our job, accuracy is a key that can unlock innovative, investigative journalism. It can help us forge a stronger bond with the public and with our sources. When we dedicate ourselves to preventing and correcting errors at the highest possible level, we open up the door to doing great journalism. If I can help spread the message about what accuracy can do, and why it is more important today than ever before, then I've done something good. (Scanlan, 2007)

The case studies in this paper have been chosen because, like *Regret the Error*, they too are attempts to be part of the process of the regeneration of journalism through engagement with issues relating to best practices. In so doing, they extend and expand practices that would be regarded as excellent.

Method

Drawing on Borden and MacIntyre's work, and Ward and Wasserman (2010), this paper provides a critical reading of several "best practice" developments, and analyses the extent to which initiatives that focus on emerging issues in digital journalism might be applied outside of the specific environments they were created for.

A common theme of many of these initiatives is their focus on addressing issues in journalism practice that have evolved as it shifts from a one-to-many form of professionally-presented authoritative knowledge, to a more inclusive, collaborative and community-orientated set of practices. The case studies focus on two reports from the Canadian Association of Journalists and two reports from the Center for Social Media in Washington DC, all of which specifically address online issues. The

final two cases studies will focus on collaborative projects undertaken in Australia between several institutions to develop new guidelines for reporting diversity and the reporting of suicide.

The discussion will consider what common principles these examples share in order to pose the question: what does best practices look like in an online context? The analysis will examine where the concept of best practices might achieve. It will do this by considering how debates about online standards and best practices have been part of a broader discussion about best practices generated by the recent Media Inquiry in Australia (Department of Broadband Communications and the Digital Economy, 2011b). One seam of these debates has been how best digital media practices can be identified and developed as part of the process of addressing how best "to achieve the degree of accountability desirable in a democracy" where "online news publications are not covered" within the self-regulatory framework (Finkelstein, 2012, p. 8).

Case Studies

In North America a number of separate initiatives have been undertaken to address the challenges that online practices poses for journalism. What they have in common is a mission to interpret ethical issues in the online environment by identifying emerging best practices in discursive and exploratory rather than overtly prescriptive ways. They have, to varying degrees, been the product of collaborations between working journalists, industry associations, academics, and as Jay Rosen famously put it; the people formerly known as the audience (Rosen, 2006).

The Center for Social Media at the American University in Washington DC has published a number of best practices reports (Center for Social Media, 2012). In this paper we will discuss two of these projects, both of which were led by Patricia

Aufderheide. The first, <u>Scan and Analysis of Best Practices in Digital Journalism In and Outside U.S. Public Broadcasting</u>, set out to "identify a set of best practices in digital new media journalism intended to guide planning and initiatives in this area specifically for the Corporation for Public Broadcasting (CPB) and more broadly for the Public Service Media community in the US" (Aufderheide, Clark, Nisbet, Donnelly, & Dessauer, 2009). According to the report, "best practices" is "more than a buzz phrase":

> In any professional sector or industry, researchers commonly identify a set of activities, principles, themes, norms, or routines that appear to aid industry members in meeting common challenges or achieving shared goals. Best practices are intended to be generalizable across organizations and settings, though the decision to adopt any recommended activity will depend on the needs, resources, and goals of a particular organization. (Aufderheide, et al., 2009)

> The best practice categories identified in this report are:
> - Involve
> - Go deeper
> - Reach new and non-traditional publics
> - Repurpose, remix, recycle
> - Collaborate
> - Enable media literacy
> - Play with form to innovate and integrate new technologies
> - Promote political discussion and participation

The report focused heavily on example-based discussion. Each category is outlined in brief in the executive summary, then "the specifics of how a particular

digital technology or medium achieves these principles are represented in the range of

contemporary examples that are provided in discussion. "Profiles in Practice"

spotlight innovative individual projects, illuminating trends and possibilities"

(Aufderheide et al., 2009). This point is reiterated by co-author Matthew Nisbet:

> Though the report is focused on journalism generally, each of the
>
> recommendations also applies to media projects in the areas of science,
>
> environmental, and health journalism. In fact, several of the examples that
>
> represent emerging best practices are drawn from these areas including a focus
>
> on *Yale Environment 360* and Seed Media Group's Scienceblogs portal.
>
> (Nisbet, 2009).

> It is a significant reflection of the definition of best practices offered by the

report that its findings were intended to be applicable beyond the practices of

traditional broadcasting, and that the report – while designed in part for a specific

organization – is also explicitly intended as a reference point for a broader public.

> In so doing, the report affirms the qualities of accessibility, tentativeness,

transparency, and intellectual modesty outlined by Borden as virtues required to

support journalism's regenerative capacities (Borden, 2007).

Fair Use

> The Center for Social Media has also developed an ongoing <u>Fair Use project</u>

that provides copyright information for media practitioners. In February 2012 the

Center launched the report <u>Copyright, Free Speech, and the Public's Right to Know:</u>

<u>How Journalists Think about Fair Use</u> (Aufderheide & Jaszi, 2012) that concluded

that the very fate of journalism hinges on establishing best fair use practices:

> Until journalists establish their own best practices in fair use, journalists and
>
> their institutions and gatekeepers will continue to be haunted by fear, letting

unfounded risk-management calculations substitute for a clear understanding

of what is normal and appropriate in employment of fair use. As new

opportunities develop with the evolution of digital culture, the very mission of

journalism is at stake. (Aufderheide and Jaszi, 2012)

While this report was not specifically focused on digital media practice

(previous reports from the Center for Social Media examined best practice for fair use

for online video (Center for Social Media, 2008b) and user-generated content (Center

for Social Media, 2008a)), it was informed by the observation that "social media,

video, and user-generated content pose new challenges and unfamiliar choices. Online

aggregators, bloggers and citizen journalists copy original material and further

destabilize business models." The report went on to examine specific copyright issues

that arise in social media and web-based situations, and included interviews with

bloggers who were "in the top tier of the online journalist's schema" and found that

they shared values with traditional journalists. "In fact, they said that blogging culture

replicates the collegial atmosphere of newsrooms in a different environment"

(Aufderheide & Jaszi, 2012).

In a post about this report in *MediaShift* Aufderheide (2012) elaborated on

how journalists could learn much from other communities of practice, such as

teachers, scholars, librarians and documentary filmmakers. "They have created codes

of best practices in fair use, which have expressed their interpretation of fair use for

specific types of situations that are most common in their professions. Their

professions have improved, without threatening the owners of copyrighted material

(which in some cases are themselves!)" (Aufderheide, 2012)

In other words, following best practices is, in part, a matter of professional

self-interest to journalists – not simply a moral requirement. This supports the

argument to be developed in this paper that the term "best practices" has the potential to help facilitate "ethics plus" rather than "ethics lite" – especially if embedded in a range of practices that apply ethical principles.

Unpublishing

The Canadian Association of Journalists has also been active in developing best practices initiatives in response to the evolution of digital media. In 2010 a panel headed by the *Toronto Star* 's public editor [Kathy English] published ["The ethics of unpublishing"] report which offered guidelines on the issues correcting online content and handling public requests to "unpublish" material (English, Currie, & Link, 2010). To study this issue, the panel drew on a research paper English completed for the Associated Press Managing Editors' [Online Credibility Project] (Associated Press Media Editors, 2012), co-sponsored by the [Ethics and Excellence in Journalism Foundation]. That research ["The longtail of news: To unpublish or not to unpublish"] (English, 2009) was based primarily on a survey of 110 North American news organizations to determine how the news industry is handling requests to unpublish digital content. The main issue in the CAJ unpublishing report was described as follows:

> For the media, requests to unpublish raise questions about accuracy and fairness, as well as trust and credibility with our readers and the communities we serve. Google says this is our problem. Those who approach the search engine to have content removed from search results are told that the information must be changed on the news site where it was published. "In order for information in Google's results to change, the information must first change on the site where it appears, and this is a change that Google is unable to make for you," says Google's online Webmaster Central: "If you contact

the webmaster, he or she has a few options. He or she can remove the concerning information, take the page down from the web entirely, or block Google from including the page in Google's index. This puts this issue squarely in the hands of news organizations. (English et al., 2010)

The report illustrates the issues by discussing unpublishing requests made to the *Toronto Star* from readers, before offering 10 recommended best practices for handling requests to unpublish digital content under these headings: We are in the publishing business and generally should not unpublish; ongoing accuracy is our responsibility; put a clear policy in place; unpublish for the right reasons; it's fair to be human; source remorse is not a right reason to unpublish; unpublish by consensus; explain your unpublishing policy; help sources understand the implications of digital publishing; and consider the implications of publishing before publication (English et al., 2010).

The report also asserted three key principles about unpublishing which became the basis of a subsequent report on best practices in digital accuracy and correction:

- Published digital content is part of the historical record and should not be unpublished. News organizations do not rewrite history or make news disappear.

- Accuracy is the foundation of media credibility. Though we should resist unpublishing, we have a responsibility to ensure the accuracy of all published content. If we err, or if new relevant facts emerge, we should publish correctives and/or update online articles as soon as we verify errors and/or new information.

- Transparency demands that we are clear with audiences about changes that have been made to correct/amend or update digital content. We should not "scrub" digital content, that is, simply fix it and hope that no one has noticed. While these principles all reinforce normative ethical practices, they also raise some "relatively new issues":

- Is there a difference between corrections and updates to digital content in a 24/7 publishing cycle?

- When digital content requires an update, amendment or correction, should changes be made to in the article text and the content republished, or …

- Does transparency demand that corrections note are appended to tell audiences when content has been updated/amended/corrected?

- Should corrective notes explicitly acknowledge the changes made to content?

- Are varied measures of corrective action required, depending on the nature of the error?

- How do news organizations ensure consistency across publishing platforms as information is updated, amended and corrected? (English, 2011)

The preamble affirms that the changing mediascape requires engagement with the identification of best practices – in other words, that the application of an ethical issue, correcting errors, needed to be viewed afresh in the digital context.

"In recognition of the obligations of journalists to pursue accuracy and to be accountable for their work, the Canadian Association of Journalists' Principles for Ethical Journalism states: 'When we make a mistake, we correct it promptly and ungrudgingly, and in a manner that matches the seriousness of the error.' This is not a new idea, *but digital publishing raises new challenges for defining best practices in corrections*." (my emphasis) (English, 2011)

One of the online correction issues to be considered in a best practices framework is placement. As Silverman, who is one of authors of the report, explained to this author in a radio interview:

> There's an element of presentation here, and one of the standard that a lot of publications in the United States seem to be flowing to is that they will either add the correction at the top of the article, or they will put 'Correction appended' at the top of the article, and put the correction at the bottom. So that way it's not actually within the flow of text. And another thing that some of the United States news organisations are doing now is they will have set correction page on their website where everyday it's uploaded with the latest correction as well. And in fact some of them now even have RSS feeds. So that's again pushing those corrections out there. (Zion, 2011)

The tone here, as in both CAJ reports, is one of engagement and exploration: the priority is to identify and analyse emerging issues, but the approach is more "to be continued" than "shalt not". Silverman's post "Best practices for social media verification" embodies precisely these qualities:

> Whether you view it as long overdue or just in time, I believe we are starting to see the emergence of best practices for verifying social media content and citizen reports. Recent weeks and months have seen leading practitioners of social media verification and crowdsourced verification share tips and thoughts to help move the discipline forward. (Silverman, 2011)

Reporting Diversity

Two Australian projects share many of the characteristics of the North American best practices case studies. The Reporting Diversity project evolved from an earlier project called The Journalism in Multicultural Australia Project or JMA

(Department of Immigration and Citizenship, 2007b). This was a partnership project between Australia's Journalism Education Association (JEAA) and the Commonwealth Department of Immigration and Citizenship (DIAC) and incorporated a number of universities and other community organisations, the market research company Media Monitors, and the Special Broadcasting Service (SBS). The researchers received advice and feedback from both a Media Reference Group and a Community Reference Group.

The project's aims were to encourage the inclusion of multicultural content in pre-employment journalist education and training; improve in-service training and development opportunities for journalism/media professionals; encourage best practice in reporting that impacts on community harmony issues; highlight the impact that reporting can have on community harmony; and monitor and analyse the characteristics of reporting of multicultural elements of news and current affairs in Australia.(Department of Immigration and Citizenship, 2007b).

The mission of the subsequent Reporting Diversity project was to take these aims further. And while not specifically focused on developing best practices in digital media, the collaboration between academics, government, and media organizations involved extensive community consultation and produced a series of resources for use by journalism educators for the education and training of journalists in universities and newsrooms (Department of Immigration and Citizenship, 2007a).

Reporting Suicide

The final case study comes from the Australian Press Council. Established in 1976, the Australian Press Council describes itself "as the principal body that sets and monitors standards of good practice for the publication of news and comment in Australian newspapers, magazines and their associated websites. It is also the

principal body that considers complaints about reporting of news and comment across this range of publications" (Australian Press Council, 2012). It issues adjudications which papers are encouraged to publish.

"The council is largely funded by newspaper publishers. Its current annual budget is about $1 million, of which News Ltd provides about 45 per cent, followed by Fairfax Media (about 24 per cent) and Seven West Media (12 per cent). Its reliance on industry funding has partly sustained its reputation as a "toothless tiger" ' (Hyland, 2012), see also (Taylor, 2011). But since 2009, through its chairman, Julian Disney, the APC has endeavoured to extend its role from being primarily a complaints handler to playing a role in "revising existing standards and development of new standards, as well as improved communication of the standards to the media industry and the broader community, especially in the context of growing emphasis on electronic communication through the Internet and other means" (Australian Press Council, 2011b). As Disney told the Media Inquiry: "We have already had consultations in four States with about 100 community leaders to identify what they see as problem areas for developing standards, and then when we focus on a particular topic, such as suicide, we have round tables with media and community people to really talk detail" (*Independent Inquiry into Media and Media Regulation - Public Hearings*, 2011). Announcing the initiative in 2010, Disney wrote:

> The Council's jurisdiction includes both the print and on-line publications of
> its members. It is increasingly receiving complaints about on-line content
> which raise difficult issues about the extent to which existing standards and
> processes for print need to be adjusted or supplemented for on-line content.
> The assertion by many editors that the same standards should apply to print
> and Internet does not appear to be appropriate or realistic in all circumstances.

Certainly it is not always being applied in practice, even by some who espouse

it." (Disney, 2010)

These themes would go on to be widely discussed in the Australian media before and

during the subsequent Media Inquiry hearings (Holmes, 2011) (Burrowes, 2011)

(Dwyer & Martin, 2011) and (Martin, 2011c).

The first report from the APC's Standards project is the Press Council

guidelines on the reporting of suicide (Australian Press Council, 2011a). The

Standards relating to Suicide were developed:

through extensive consultation with the print and electronic media, mental

health professionals and service providers who offer support to those at risk of

suicide. The Standards cover general reporting and discussion, whether to

report an individual instance, reporting the method and location, reporting

with responsibility and balance, reporting with sensitivity and moderation, and

sources of assistance. (Australian Press Council, 2011a)

The report specifically addressed the reality that mainstream media no longer

controls the reporting of suicide. "'The likelihood that people will find out about a

suicide through social media is very, very high,' Professor Disney said. 'This

highlights the need for the mainstream media to be engaged in responsible reporting'"

(Griffin & O'Malley, 2011).

The release of the guidelines meant that "the journalistic euphemism for

suicide - 'police said there were no suspicious circumstances' - may fade away now

that the new guidelines acknowledge that reporting suicide can be of public benefit.

The guidelines, which are binding on about 98 per cent of Australian newspapers and

magazines … urge journalists and editors to publish only after seeking permission

from family or friends, and only in ways that do not encourage copycats" (Griffin &
O'Malley, 2011).

The next installment in the APC's Standards project will provide guidelines relating
to contacting patients in hospitals and nursing homes (*Independent Inquiry into Media
and Media Regulation - Public Hearings*, 2011).

Analysis

In light of the examples outlined in the case studies, what does "best
practices" look like? What common principles do these cases share? Although the
Australian case studies are limited in the extent to which they address digital media,
these "best practices" cases can be usefully seen, to varying degrees, as being part of
the development of an "open ethics". In "Towards an Open Ethics: Implications of
New Media Platforms for Global Ethics Discourse" Ward and Wasserman (2010)
discuss what they describe as a continuum between open and closed ethics (p. 278).
To decide whether the practice of ethics by a group is closed or open, they suggest
looking at three features: who are the intended users of the ethics, who participates in
ethical discourse and decisions, and who determines and modifies the content of the
ethic. "The evaluation of an open ethics is based not only on who participates but also
on the quality and meaningfulness of that participation (p. 277). The terms "closed"
and "open", they argue, "do not refer to the content of the ethics in question, for
example, the principles of a code of ethics. They refer to how principles are discussed
and who controls that discussion. "The distinction between 'closed' and 'open' marks
a difference in the ways of doing ethics" (pp. 276-277). A closed ethics, they contend:

> places substantial limits on intended users, non-member participation, and
> non-member influence on revision of content. A closed ethics may regard
> ethical discourse with non-members as not essential. An open ethic places

fewer and less severe restrictions on users. An open ethics seeks ever new

ways to enlarge and enhance meaningful participation between members and

non-members. (p. 278)

The best practice case studies discussed in this paper are all at the "open" end

of the Ward/Wasserman continuum in important respects. In the North American

cases there is an emphasis on identifying and discussing emerging practices rather

than with providing fixed and immutable rules. This acknowledges that the principles

and practices put forward are framed as part of an ongoing conversation, not simply

as edicts. Secondly, many of the best practices identified are designed to facilitate

enhanced interaction with readers and audiences. This is consistent with the virtues of

modesty and tentativeness that Borden suggests are crucial to support the regenerative

capacities of journalism (Borden, 2007, p. 78) And, thirdly, by citing specific

examples of how these practices are already being realised (as well as where they're

not), they are demonstrating, to restate Ward, "a method or model for applying these

aims and principles to concrete situations and issues" (Ward, 2011c, p. 68).

Take, for instance, the first of the emerging best practices identified by the

CAJ's digital accuracy and corrections report: "Helping Readers Report Errors":

Digital technology makes it easy to quickly update, edit and correct online

content. Digital technology can also be used to make it relatively simple for

audiences to report inaccuracies. To that end, Silverman is a co-founder of a

new organization called the Report an Error Alliance, which encourages news

organizations to create "Report an Error" links on all digital content. Giving

readers an easy way to report errors in effect makes every reader a fact

checker and far more readers report errors now than ever before. At the

Toronto Star, which has included a "Report an Error" link on all digital

content since 2006, dozens of reader reports of possible error are investigated daily by the public editor's office. (English, 2011)

Most of the case studies discussed here involve journalists in the process, if not in developing the guidelines themselves, then by providing a forum to react to them. For instance, the Reporting Suicide initiative received substantial media coverage, and raised discussion amongst journalists. It was also the subject of an ABC radio current affairs documentary feature. One concern expressed in this program by journalist Chris Uhlmann was that the report hadn't clarified some of the issues of reporting suicide: "I also think that there is confusion now among organisations about how we should report on it now and if there's confusion among you, well then there's going to be confusion among us about how we should respond to those things" (Metherell, 2012).

The discussion that the reporting suicide guidelines has generated is consistent with Ward and Wasserman's concept of "open ethics" and many of the attributes of "best practice" discussion as outlined in the Center for Social Media's Scan and Analysis project (Aufderheide et al., 2009). And while it's beyond the scope of this paper to fully assess the impact of the different case studies, it's worth noting how the Reporting Suicide report itself became a reference point in media discussions after news broke in late 2011 that former cricketer and broadcaster Peter Roebuck had taken his own life. The former leader of the New South Wales Liberal Party took exception to the reporting of Roebuck's suicide because the method of his suicide was discussed: "I don't know if it's because he's a high-profile person so there's a blood lust, but to publicly write and talk about the means by which he committed suicide, not the fact that he committed suicide, was an extraordinary breach of the guidelines the media have" (Metherell, 2011).

The (mostly) common characteristics, then, of the best practices initiatives discussed here can be summarized as follows. They:

- Identify emerging situations – in each instance the case studies are attempting to address moving targets.

- Share findings – The guidelines, and in all cases here, the rationale behind them, are accessible by the public.

- Foster collaboration – none of these projects could have been realized solely through the expertise of a single group.

- Suggest rather than prescribe – problems are being addressed and discussed rather than solved.

- Consultative – all of these projects use expertise and engagement with communities to develop guidelines.

- Enhance media literacy – the reports are designed to provide guidelines to journalists and other content producers that will improve interactions with their users/audiences.

- Regenerate – the case studies connect back to the practices linked to tradition by exploring emerging practices.

Discussion

So where might the concept of best practices get us? What is the potential application of the case studies as models for how journalism itself can regenerate? These are timely questions in Australia. At the time of writing, discussions about ethics, regulation and accountability have been brought to a head in the wake of the recently published Report of the Independent Inquiry into the Media and Media Regulation (Inquiry hereafter) (Finkelstein, 2012) that concluded that self-regulation wasn't working. To address this, it made the highly controversial recommendation to

establish a government-funded statutory authority to be called the News Media
Council with the power to enforce news standards across all news media outlets and
platforms, including online. "In appropriate cases, the News Media Council should
have power to require a news media outlet to publish an apology, correction or
retraction, or afford a person a right to reply. This is in line with the ideals contained
in existing ethical codes but in practice often difficult to obtain," the report stated.
(Finkelstein, 2012), adding that these proposals "are made at a time when polls
consistently reveal low levels of trust in the media, when there is declining newspaper
circulation, and when there are frequent controversies about media performance" (p.
281).

In Australia the discussion about best practices for journalism has often been
an internal, fragmented, ad hoc process involving only limited engagement with the
public or non-media stakeholders. But the Inquiry – perhaps inadvertently – has
provided precisely the right circumstances to stage a more open national debate.

In many respects the Inquiry is a product of, and an expression of the kinds of
challenges to journalism ethics that were outlined in the introduction. In particular, it
is about extending ethics to different platforms, while the proposal for a regulatory
body for all platforms is recognition of a crisis of journalism ethics.

The Inquiry was called by Australia's Labor government in September 2011
following revelations that journalists at the *News of the World*, a newspaper owned by
News International, the English subsidiary of News Corporation, had engaged in
phone hacking of politicians, murder victims, footballers and entertainers.

This provoked calls in Australia for the establishment of a wide-ranging
investigation into the media. It was not suggested that News Limited, the
Australian subsidiary of News Corporation, had engaged in similar practices.

But the leader of the Greens, Senator Brown, called for a general inquiry into the newspaper industry."(Finkelstein, 2012, p. 15)

Another rationale for the Inquiry was that it would support an independent Convergence Review, also established by the Australian Government, "to examine the policy and regulatory frameworks that apply to the converged media and communications landscape in Australia" (2011a). At the time of writing the final Convergence Review report had yet to be released.

This is potentially of interest beyond Australia not because of what was discovered (nothing as lurid as what has been uncovered by the Leveson inquiry), but because of the disconnects it revealed within a system that hasn't adapted to the transformative processes reshaping the media. The cracks were especially exposed when it came to discussions how accountability and standards might apply to online news media.

Some background: Australia's mediascape is "similar but different" to that of other English-speaking Western countries. News Limited is said to control around 70 per cent of the national newspaper market — though the precise figure is disputed in some quarters (Manne, 2011). Most of the other major dailies, including the Melbourne and Sydney broadsheets *The Age* and the *Sydney Morning Herald*, as well as the *Australian Financial Review* are the leading mastheads of the only other large print-based group, Fairfax. In an article in *The Australian*, the Federal Government's Chief Whip, Joel Fitzgibbon wrote: "Together News Limited and Fairfax hold 86 per cent of the daily newspaper circulation. This represents the highest level of market concentration in the developed world, dwarfing the situation in Britain, where the top two hold 54 per cent of the market" (Fitzgibbon, 2012).

The publicly-funded national broadcaster, the Australian Broadcasting Corporation (hereafter ABC) plays a role commensurate in many respects with that of the BBC in the UK and the CBC in Canada. It is consistently identified — including in the report of the Inquiry — as the most trusted media organization in the country (Finkelstein, 2012). The extent of this trust can be directly connected to the broadcaster's attempts to address issues of transparency and accountability. Under the stewardship of Managing Director Mark Scott, for instance, a Director of Editorial Standards has been appointed (Australian Broadcasting Corporation, 2006) and the organization's weekly "Media Watch" TV program that includes criticisms of the ABC's own programs in its coverage of contentious media issues (Brady, 2010).

Commercial broadcast media includes three commercial free-to-air TV networks, each of which have recently launched digital channels, the multicultural broadcaster SBS (Special Broadcasting Service), cable, and array of commercial and public radio stations. Online news media includes niche players such as the media, marketing and entertainment website *mUmbrella*, *The Conversation,* a not-for-profit which is "an independent source of information, analysis and commentary from the university and research sector — written by acknowledged experts and delivered directly to the public" (The Conversation, 2011), and Private Media, which publishes several daily news and business websites, including *Crikey, Business Spectator, The Power Index, and Smart Company*. In February 2012 the philanthropically-funded news and features website *The Global Mail* was launched with the mission of delivering deliver "original, fearless, independent journalism". But one concern voiced at the Inquiry is that the web in Australia is dominated by the brands of major print and broadcasts outlets (Dwyer, Martin, & Dunn, 2011).

While the code of ethics developed by the journalist's union (Media Entertainment & Arts Alliance) is intended to apply to all journalists regardless of platform, it hasn't been updated since 1998, and does not specifically address online issues. TV and radio are covered by the Code of Practice of the Commercial Television Industry the Codes of Practice and Guidelines of Commercial Radio Australia. Broadcasters are also regulated through the statutory body the Australian Communications and Media Authority, the Standards of Practice of the Australian Press Council currently apply to the online sites of newspaper mastheads, but until now, internet-only publications have not been members and therefore have not been bound by its standards. However, at the time of writing, it has been reported that Private Media has joined the Press Council (Davidson, 2012) and that one of the country's most popular internet sites, Ninemsn, is reported to be considering joining (Brook, 2012).

The array of codes for Australia's media espouse many common principles, as academic and former journalist Dennis Muller (2011) noted in his submission to the Inquiry. These include:

- Honesty in obtaining and presenting material;

- Fairness in dealing and in portraying;

- Independence, expressed as fidelity to the ideal of publishing without fear or favour;

- Integrity, for example in avoiding or declaring conflicts of interest;

- Respect for confidences, privacy and grief;

- Respect for all people regardless of race, ethnicity, gender, colour, religion or political belief

- Transparency in dealing with people and in disclosing the origins of material

- Responsibility in protecting freedom of expression and in using the freedom for good.

"In these respects, the Australian codes are not dissimilar to the journalistic codes developed elsewhere in the Western democracies over the latter half of the twentieth century" (Muller, 2011). But "one of the weaknesses in Australia's media codes is that "there is no specific application to online platforms other than those operated by media organisations that one way or another are party to one of the existing codes".

Although the Inquiry's main focus was the Australian press, it also raised issues relating to online media. The Issues Paper (Department of Broadband Communications and the Digital Economy, 2011a) circulated ahead of the Inquiry in September 2011 set the scene for the ensuing discussion by raising a series of questions about standards and regulation. Those relating to online media included:

3 - Is it appropriate that media outlets conform to standards of conduct or codes of practice? For example, should standards such as those in the Australian Press Council's Statements of Principles (1999) apply to the proprietors of print and online media?

6 - To what extent, if any, does the increased use of online platforms affect the applicability or usefulness of existing standards of conduct or codes of practice?

7 - Can and should the standards of conduct or codes of practice that apply to the traditional print media also apply to the online media?

9.1 - Is there effective self-regulation of (a) print media and (b) online media by the Australian Press Council?

9.2 - What are the Australian Press Council's strengths and limitations as a regulator of those two forms of publication?

These issues were distilled especially in the first of the four terms of reference for the Inquiry:

(a) The effectiveness of the current media codes of practice in Australia, particularly in light of technological change that is leading to the migration of print media to digital and online platforms (Department of Broadband Communications and the Digital Economy, 2011a).

A number of submissions addressed perceived systemic shortcomings. One commonly-expressed view was that a non platform-specific set of guidelines was necessary. In his submission, Professor Mark Pearson pointed to:

"the confusing array of self-regulatory and co-regulatory documents guiding ethical standards of journalists and their outlets in this country. No single journalist could possibly be expected to understand and operate effectively within deadline, paying heed to all that might apply to him or her, including the MEAA Code of Ethics, an in-house code, an industry code and the related laws and formal regulations that might apply … a single ethical principles document should be developed in collaboration with the existing co-regulatory and self-regulatory bodies to provide an agreed professional platform for Australian journalism." (Pearson, 2011)

These points were amplified by Muller's submission, which also stressed the fragmentation and irregularity "of the entire media accountability system" (Muller, 2011).

While many espoused the importance of a uniform cross-platform code, a submission from the University of Sydney's Media Studies department also argued for more focus on online practices. While "the [Press] Council's Statements of Principles could usefully apply to both print and online, it needs specific guidelines

formulated to clarify the new relationship between media outlets and their users in online publications" (Dwyer, et al., 2011). It suggested that these new guidelines could usefully address:

a). The outlet's responsibilities and obligations to correct, amend, retract or otherwise modify online content, where that material is persistent, inaccurate and damaging to the subject.

b). The outlet's responsibilities and obligations to user-collaborators whose comments, photographs or other creative works are published online. At present these relationships are largely defined by Terms of Service (ToS), which set out exclusive company rights to use and reuse material willingly submitted to the service. These often inadequately describe users' moral rights to be named as authors, or to negotiate conditions for reuse. ToS do not cover instances of re-publication of social media content that is not willingly submitted to the outlet.

c). The outlet's responsibilities and obligations to moderate online discussion, and publish codes of contribution, to ensure civil communication between user-collaborators." (Dwyer, et al., 2011)

But one of the authors of the above submission argued that the onus was also on online publishers themselves to develop "best practices" policies. In a commentary piece published during the Inquiry she wrote: "While Justice Finkelstein ponders whether self-regulation is the best option for a digitizing print media, there are three obvious things that online publishers could do right now to improve media accountability – beyond a greater institutional investment in self-monitoring": facilitate greater transparency, develop more responsive interactions with users, and develop better moderation policies. "The codes of conduct and standards that govern

the print industry haven't been updated to respond to the era of interactivity and user generated content" (Martin, 2011b).

In a report written for the APC investigating operational, legal and ethical trends in convergent and online news production and consumption Martin and Dwyer suggest why this is so problematic:

> It is unclear how standards, principles and guidelines developed for print regulation can be applied to online publishing contexts, where content production is intensified and diversified, and news is more rapidly modified and re-circulated, as well as archived and searchable. The increased volume and speed of publication that is enabled online, alongside the competitive pressure to publish more rapidly, can adversely impact on the accuracy and depth of online news. Online-only publishers, bloggers and news aggregators have not been part of a comprehensive media content regulation environment and thus their journalism has not been subject to consistent oversight. Yet their work appears in online formats otherwise indistinguishable from that of Council members. (Martin & Dwyer, 2012)

The Inquiry's call for a statutory body to deal with problems of self-regulation is a pertinent illustration of Ward's contention that we are living in the middle of a revolution in journalism ethics. On the one hand are those who believe the inquiry has diagnosed a genuine problem in media standards, even if they don't accept that a government-funded statutory body might be the solution (Holmes, 2012, Burrowes, 2012, (Morton, 2012). On the other hand are the proponents of the current system who see no crisis in accountability and ethics - of the 17 media editors and proprietors that made submissions to the inquiry, only one, Eric Beecher, a co-owner Private Media, advocated substantial change to the media (Beecher, 2011).

Negative reaction to the recommendations for systemic change were voiced both at the Inquiry and after the report was released. "On day one of the inquiry, editorials were calling it 'unnecessary and ill-conceived' (Fairfax) and a potential 'echo-chamber of its instigators' paranoia' (News Limited)" (Martin, 2011c). At the Inquiry hearings, Fairfax CEO Greg Hywood said that the Press Council was "adequately funded" and argued against further funding or enforcement power arguing instead that there are no systemic problems of accountability or diversity with the Australian press that warrant further industry regulation." (Martin, 2011a). Meanwhile Fairfax Company Secretary Gail Hambly criticized the Press Council's spending on media industry research, such as its now discontinued State of the News Print Media reports. "She told the inquiry that Council should abandon its interest in research and use its funding more effectively on complaints" (Martin, 2011a).

In response to the Inquiry report, an article 'Naïve hubris pervades media inquiry' by Paul Kelly (Kelly, 2012), editor-at-large at the Murdoch-owned *The Australian* began as follows:

> Australia is now on the threshold of enforced statutory regulation of all media justified in a 470-page report that proposes a new body to adjudicate on media performance and fairness with power to order remedies enforceable by courts and punishable under contempt of courts provisions. This report is a watershed in Australia's political history. The anger of the Gillard government towards media criticism has resulted in a blueprint for enforced media regulation never before seen in Australia. (Kelly, 2012)

But it's not just the press that have taken exception to the idea of a government-funded News Media Council. The blogosphere has also been up in arms about the prospect of falling within the same regulatory arrangements as large print

and broadcast organisations (see, for instance, Holmes, 2012) following Finkelstein's proposal that if "a news internet site has a minimum of 15,000 hits per annum it should be subject to the jurisdiction of the News Media Council" (Finkelstein, 2012). This "absurdly low figure" (Holmes, 2012) turned into a lightning rod, attracting criticism from even some of the more positive appraisals of the report. Finkelstein "clearly knows nothing about new media", said journalist and academic Margaret Simons (Simons, 2012).

Others have been more blunt in their assessment of the Inquiry's actual understanding of how new media works. In a letter to the ABC program *Media Watch*, blogger Shane Dowling, author of the blog *Kangaroo Court of Australia*, commented:

Finkelstein refers to 15,000 hits, but what does that mean? Is he talking about page views or unique browsers? Either way it's a very low number and it's fairly stupid in that it's going to encapsulate tens of thousands of bloggers. What happens if someone makes complaint against a high school kid who writes a blog? Are they going to end up in court? The other thing is that the complaint will go straight to the regulator, so bloggers wouldn't get a chance for a fair hearing. You can't help but think that this is set up to help politicians. A lot of blogs are fairly brutal in what they write, and I guess mine falls into that category, so without a doubt sites like mine would be targeted. One thing that's for sure is that if they bring in a News Media Council and tried to go after us there would be an online Armageddon like you've never seen before. If they're going after bloggers then what's next? Facebook and Twitter? (Dowling, 2012)

At the time of writing, less than a month after the Inquiry report was delivered, little public enthusiasm has been voiced for the implementation of the proposed statutory body. The government has yet to officially respond, though its Chief Whip, Joel Fitzgibbon, has described Finkelstein's proposals as "modest and sensible" (Fitzgibbon, 2012) and media organizations, clearly alarmed by the prospect of the News Media Council, are rallying to support a stronger Press Council (Simpson, 2012).

While the Press Council appears keen to nurture this development, its capacity to extend its role is constrained by its lack of resources – it currently employs just four staff - which limits the extent to which it can conduct industry research.[1] The issue, however, is not just a matter of resourcing the Press Council. In her Inquiry submission, Simons argued that there was a more general problem with the framing of the issues of new media:

> Other submissions and evidence at public hearings have focused on the risks posed by new media technologies, particularly abusive comments threads and the dangers of instant publication. While not wanting to deny the force of those concerns, I am concerned by the tendency, both in the inquiry's issues paper and the majority of submissions, to frame new media as the source of all evil and entirely a threat to standards, rather than exploring the potential

---

[1] Compare this to the Online Credibility project conducted by the Associated Press Media Editors, whose goal "was to help newsrooms create standards and new and better policies and practices in the rich and expanding world of news coverage online. To that end they "enlisted six newsrooms around North America to create or further develop online policies and practices supporting excellence in journalism while also tapping the Web's potential for public involvement". That project was funded through grants from the Ethics and Excellence in Journalism Foundation and APME Foundation, and also was supported by the Center for Advanced Social Research at the Reynolds Journalism Institute, University of Missouri, and the Poynter Institute's NewsU"APME. 2012. *Online Credibility* [Online]. Associated Press Media Edtiors. Available: http://www.apme.com/?page=OnlineCredibility [Accessed 21 March 2012]..

positive impact on transparency, accountability and media diversity.(Simons, 2011)

This view has since been advanced with even more vigor in the British context. As Media Standards Trust Director Martin Moore put it: "Mainstream media should learn lessons on standards on openness and transparency from digital publishers including key industry bloggers, tweeters and citizen journalists … UK journalism needs to see various structural crises as an opportunity to rebuild itself from the ground up"'(McAthy, 2012).

Whether or not the proposed News Media Council is realised, or the Press Council revamped, or some other form of self-regulation is fashioned, a more coherent process for identifying online best practices in Australia will need to be addressed both by industry bodies and media institutions.

The North American "best practices" case studies discussed in this paper all have potential application the Australian context. To quote from the 'Scan and Analysis' report:

> While many of the best practice examples reviewed in the body of this report are targeting audiences at the level of the local community or those aligned around niche interests and identities, these practices can be used by traditional news organizations and others to engage publics at a national level, or even across national and cultural boundaries. Transnational and global online journalism projects can serve as both partners and models for public broadcasters." (Aufderheide et al, 2009)

And it's potentially a two-way street. Though not intentionally global, the case studies on reporting diversity and reporting suicide could prove to be useful reference points for similarly-themed projects in other countries.

Ward has acknowledged the desirability of a global goal with his proposal for a theory of global media ethics: "my theory operates deliberately at this high level of generality so as to be a theory with a chance of crossing borders. The theory is designed to be tolerant of differences in ethics, in culture, and in media systems" (Ward, 2011b, p. 745).

A potential concern for the term "best practices", though, is that like "ethics" – perhaps more than "ethics" in some circumstances – its meaning is highly contingent on context. What might be a useful framing device in one country, or even the West in general, may not work elsewhere. In the abstract for his book *Best Practices of Journalism in Asia*, Eric Loo writes:

> While journalism adheres to an assumed universal ethical code and methodology, its goals and functions are essentially framed by local factors, and to an extent, existential imperatives. Discussions on what constitutes 'best practices' of journalism in the Asian context are ideologically polarized. For instance, governments in newly industrialized countries, such as Malaysia, and socialist bloc such as in Indochina and Myanmar, see the media more as a state apparatus and a prime mover of national development … 'Best practices' is thus perceived and understood according to divergent expectations of what functions the media ought to serve in different societies." (Loo, 2009)

This doesn't mean, however, that "best practices" is a framing device that won't travel – especially in the increasingly porous digital world. A version of Ward's call for an "ethical flourishing", driven in part by cosmopolitanism, appears to be unfolding at both ends of the Pacific.

Another concern with "best practices" has recently been put forward by Carrie Lozano. Discussing the recently released report "Collective Work: Best Practices for

Collaborative Investigative Reporting" that she co-authored in a post in *MediaShift* she states that "best practices"

> is a highfalutin' term we used in our proposal to the Knight Foundation just as our office, the Investigative Reporting Program at U.C. Berkeley's Graduate School of Journalism (IRP), was about to launch into "Post Mortem," a collaboration about death investigation in America with PBS Frontline, ProPublica and NPR. In retrospect, "blueprint" would have been a better term to use than "best practices," since we all know that there's rarely one draft of a blueprint." (Lozano, 2012)

While Lozano may have a point, in another sense her implication that identifying "best practices" is a complex and ongoing process is consistent with the point emphasised in the North American case studies that there's an element of "work in progress" when identifying best practices in an emerging contexts – in other words, to return to Borden, the characteristic of tentativeness "which simply acknowledges the interim nature of knowledge" (2007 p. 79) .

Another possible objection to the term being deployed as a framing device is that it "best practices" is simply another way of talking about ethics. As Ward has argued: "Ethics is sometimes identified with an inflexible set of rules and self-righteous moralizing. It is said that rules are rules — an action is either right or wrong. It either breaks a rule or it doesn't. This view over-simplifies ethical thinking" (Ward, 2010).

True, but perhaps one advantage of "best practices" is that it circumvents this potential misconception. It implies the uncertainty surrounding ethical behavior and that there is a strong communal element to ethical practices, while avoiding a decline

into instrumental consequentialism. Tonally, "best practices" is normative without being rigidly prescriptive.

Even if the meanings and connotations of "ethics" and "best practices" overlap, the case studies presented in this paper support the contention that "best practices" may provide a more productive way to frame the debates that appear to be out of control in Australia, and suggest a more coherent way of thinking about some of the issues raised by Australia's Media Inquiry.

In any event, the ambiguity of the term might not be a bad thing. The web is crawling with sites claiming to provide lists of "best practices" that don't necessarily imply ethical behaviour or ethical content – the term can relate to questions of efficiency, expediency, and commercial considerations of market share - see, for instance, Facebook's best practice guide for journalists (Lavrusik & Cameron, 2011), or "6 Best Practices for SEO" (Everhart, 2011), which, like many other posts on the popular site *Mashable*, points users to what are claimed to be the most effective ways to enhance their visibility online.

Yet the content of these posts isn't necessarily incompatible with the quest to enhance ethical practice. Indeed there may be some synergies at play. Think of a blogger publishing material about how best to attribute sources. Won't she be more effective in sharing her views with a broader audience if she understands which keywords to embed in her URL, or what hashtag to include with her tweet about the article, what tags will enhance searchability?

The blurring between the different meanings of the term, in other words, could help synergise elements of ethics and efficiency. While it's beyond the scope of this paper to provide a systematic study of how the term "best practices" is used in association with journalism, most of the main listings found in the first results page of

a [Google search of "best practices journalism"](#) lead to items that discuss "best practice" in a context of ethics and excellence. For bloggers and other content producers who are not professional journalists, the term "best practices" may be more tangible than "ethics" – providing a situation comparable to the scenario presented in a [1990 Australian television commercial](#) for the cereal known in Australia as Sultana Bran, where a young man derides "health food" not realising that the cereal he's devouring is, you guessed it, Sultana Bran. "Kellogg's Sultana Bran – don't mention it's healthy and they'll eat it by the boxful", is the ad's tagline.

It might seem crass and patronizing to apply this "spoonful of sugar" principle to a cohort of journalists working for a large media organization. But this isn't a call to dumb down ethics: rather, what's being suggested is exploring the potential utility of a term affirming the qualities associated with ethics at a time when most people publishing content online have no training in or professional experience of mainstream journalism. Writing about ethics codes and privacy in the digital media age, Ginny Whitehouse concludes that:

> Citizen journalists, bloggers, and even those making comments on mainstream news pages do not have the same expectation to follow journalism ethics codes. However, if these standards can be imbedded into journalism practice, then expectations about privacy and nonmainstream digital forums might be strengthened." (Whitehouse, 2010, p. 324) also quoted in (Lazaroiu, 2011)

As already argued, even professional journalists must grapple with the fact that traditional codes often lag behind media practices, especially when content is produced outside of the institutional norms, processes and structures of traditional media. Therefore, notions of "ethics" become difficult to operationalize without ongoing exploration of best practices.

CONCLUSION

The Center for Social Media team are right: "best practices" really is "more than a buzz phrase" (Aufderheide, et al., 2009). A greater focus on identifying and developing best practices could be productively deployed to step around and even resolve some of the debates recently seen in Australia around press freedom and regulation. The debate has at times been couched in absolute terms: on the one side advocating unfettered freedom of the press, and on the other, calling for regulation of the press because self-regulation hasn't worked. This is a false opposition — partly because this is not really what is at stake. The discussions about best practices developed in North America and, to a lesser degree in Australia, suggest a different approach; one in which the industry, in association with the public, works to develop an open ethics as part of its own housekeeping and to ensure the relevance of these ideas to new and emerging platforms and practices.

A proposed research project would extend the discussion developed into this paper into a blog that chronicles best practices initiatives in emerging media – one possible model for this is *MediaShift*'s recently launched *Collaboration Central*, which is billed as an online resource to help journalists work together better in the digital age (Gahran, 2012).

There is also an opportunity for journalism educators to develop new strategies for instilling ethical values by emphasizing excellence through practice. Ward usefully addresses this by suggesting five main principles for teaching journalism ethics in the digital age: start from the students' media world; assist students with reflective engagement; insist on critical thinking, not what is fashionable; be transitional; and be global in your teaching (Ward, 2011a).

Our experience at La Trobe University confirms that it is especially important that the curriculum of journalism degrees engages with how students produce and consume media in and outside of the classroom. What we've also realised is that this is often best realised in subjects where "ethics" is not the explicit focus, and where the teaching method is collaborative, not instructional. For instance students who enrol in our new final-year subject Online Editing and Publishing, where they take on roles in the editorial team of the site *upstart,* develop (and bring to the group) a grasp of best practices issues not through formal classes, but in their daily collaborations with their classmates and academic staff in a practicum.[2]

In other words the ethical instincts we want to instil in our students are often forged by activating and embedding ethical principles into the routine questions that come with daily digital publishing. Should we have run the comment from a reader who called the author of a post about Lady Gaga a "massive douche"? Yes, as it happened:[3] the post and subsequent exchange were published in early 2010 and are now discussed with each semester's students as a model of what issues should be considered when moderating comments from readers.

To return to the question raised by my second-year student at the start of this paper. She'd posted a YouTube video that wasn't from the actual YouTube site on her blog and wanted to know if this was all right. I couldn't answer her directly because I didn't know the answer, or even if there was one single answer. It depended on the context. (As it happens, the Center for Social Media's Fair Use report points to widespread uncertainties amongst the sample of journalists surveyed on the use of video on the web) (Aufderheide & Jaszi, 2012)..

---

[2] I say more about this *upstart* and it's impact on our curriculum in (Zion, 2010)
[3] The author, Matt de Neef, responded with "Hi Georgina. Thanks for taking the time to leave your thoughts. I'm interested to know exactly what it was that evoked such a strong and, some would say, rather personal reaction to this piece?"

Perhaps what we have really learnt is that it's only by engaging students - and staff - in a reflective process to identify the best practices of journalism that you get the best questions.

Lawrie Zion, March 2012

BIBLIOGRAPHY

Associated Press Media Editors. (2012). Online Credibility Retrieved 21 March, 2012, from http://www.apme.com/?page=OnlineCredibility

Aufderheide, P. (2012, 15 February). Journalists Should Learn Best Practices for Fair Use in Digital Age. *MediaShift* Retrieved 16 February, 2012, from http://www.pbs.org/mediashift/2012/02/journalists-should-learn-best-practices-for-fair-use-in-digital-age046.html

Aufderheide, P., Clark, J., Nisbet, M. B., Donnelly, K., & Dessauer, C. (2009). Scan and Analysis of Best Practices in Digital Journalism In and Outside U.S. Public Broadcasting, from http://www.centerforsocialmedia.org/future-public-media/documents/white-papers/scan-and-analysis-best-practices-digital-journalism-and-o

Aufderheide, P., & Jaszi, P. (2012, February). Copyright, Free Speech, and the Public's Right to Know: How Journalists Think about Fair Use Retrieved 2 February, 2012, from http://www.centerforsocialmedia.org/fair-use/best-practices/copyright-free-speech-and-publics-right-know-how-journalists-think-about-fai

Australian Broadcasting Corporation. (2006, 20 December). ABC Director of Editorial Policies Appointed. *Media Room - Media Releases* Retrieved 13 March, 2012, from http://www.abc.net.au/corp/pubs/media/s1815753.htm

Australian Press Council. (2011a, 2 August). Standard: Suicide reporting Retrieved 1 March, 2012, from http://www.presscouncil.org.au/document-search/standard-suicide-reporting/

Australian Press Council. (2011b). Standards project - Australian Press Council Retrieved 10 December, 2011, from http://www.presscouncil.org.au/standards/

Australian Press Council. (2012). Submission to the convergence review in response to its interim report: Australian Press Council.

Borden, S. L. (2007). *Journalism as Practice; Macintyre, virtue ethics and the press*. Aldershot: Ashgate.

Brady, N. (2010, 1 July). Valid critique of ABC comes from inside. *National Times* Retrieved 13 March, 2012, from http://www.smh.com.au/opinion/politics/valid-critique-of-abc-comes-from-inside-20100701-zpr9.html

Breit, R. A. (2004). Towards a theory of journalism as practice. *Australian Journalism Review, 26*(2), 63-85.

Brook, S. (2012, 12 March). Ninemsn backs press council in bid to avoid regime proposed by Finkelstein inquiry *The Australian* Retrieved 16 March, 2012,

from http://www.theaustralian.com.au/media/thefinkelsteinreport/ninemsn-backs-press-council-in-bid-to-avoid-regime-proposed-by-finkelstein-inquiry/story-fncl2wuo-1226296420893

Burrowes, T. (2011, 22 September). Press Council boss in push to regulate reader comments and sign up 'serious bloggers'. *Mumbrella* Retrieved 11 December, 2011, from http://mumbrella.com.au/press-council-boss-in-push-to-regulate-reader-comments-and-sign-up-serious-bloggers-58681#more-58681

Center for Social Media. (2008a). Best Practices in Copyright and Fair Use for User-Generated Content Retrieved 3 April, 2012

Center for Social Media. (2008b). Code of Best Practice in Fair Use for Online Video Retrieved 3 April, 2012, from http://www.centerforsocialmedia.org/fair-use/related-materials/codes/code-best-practices-fair-use-online-video

Center for Social Media. (2012). Best Practices home page Retrieved 22 March, 2012, from http://www.centerforsocialmedia.org/fair-use/best-practices

Chadwick, P. (2010). *Threads*. Paper presented at the Melbourne Writers Festival. http://www.abc.net.au/corp/pubs/documents/20110408/Threads-NewNewsConf-MelbWritersFestivalSPE2010.pdf

Davidson, D. (2012, 22 March). Net publishers on line to join Press Council *The Australian* Retrieved 22 March, 2012, from http://www.theaustralian.com.au/media/thefinkelsteinreport/net-publishers-on-line-to-join-press-council/story-fncl2a7c-1226304552785

Department of Broadband Communications and the Digital Economy. (2011a). *Independent Inquiry into Media and Media Regulation Issues Paper*. Canberra: Australian Government Retrieved from http://www.dbcde.gov.au/__data/assets/pdf_file/0004/139837/Independent_Media_Inquiry_Issues_Paper.pdf.

Department of Broadband Communications and the Digital Economy. (2011b). Independent Media Inquiry home page Retrieved 14 December, 2011, from http://www.dbcde.gov.au/digital_economy/independent_media_inquiry

Department of Immigration and Citizenship. (2007a). Reporting Diversity Learning Resources *Reporting Diversity*.

Department of Immigration and Citizenship. (2007b). Reporting Diversity Project History *Reporting Diversity*: Australian Government Department of Immigration and Citizenship.

Disney, J. (2010). Chairman's Foreward, Australian Press Council Annual Report no. 34. Sydney: Australian Press Council.

Dowling, S. (2012, 3 March). Letter to Media Watch. *Media Watch* Retrieved 7 March, 2012, from http://www.abc.net.au/mediawatch/transcripts/1205_dowling.pdf

Dwyer, T., & Martin, F. (2011). The online test for media inquiries. *The Conversation* Retrieved 15 December, 2011, from http://theconversation.edu.au/the-online-test-for-media-inquiries-4100

Dwyer, T., Martin, F., & Dunn, A. (2011, November). Submission to the Independent Media Inquiry November 2011 Retrieved 16 March, 2012, from http://www.dbcde.gov.au/__data/assets/pdf_file/0005/143258/Department-of-Media-and-Communications,-University-of-Sydney.pdf

English, K. (2009). The longtail of news: to publish or not to unpublish *Online Journalism Credibility Projects*: Associated Press Managing Editors.

English, K. (2011). Best practices in digital accuracy and correction *Canadian Association of Journalists* Retrieved 2 December, 2011, from http://www.caj.ca/?p=1866

English, K., Currie, T., & Link, R. (2010, October). Ethics of unpublishing paper. *Canadian Association of Journalists* Retrieved 5 March, 2012, from http://www.caj.ca/?p=1135

Everhart, E. (2011, 9 November). 6 Best Practices for Modern SEO *Mashable* Retrieved 11 March, from http://mashable.com/2011/11/08/seo-best-practices/

Finkelstein, R. (2012). Report of the Independent Inquiry into the Media and Media Regulation Australian Government.

Fitzgibbon, J. (2012, 22 March). Finkelstein's media proposals are modest and sensible. *The Australian* Retrieved 22 March, 2012, from http://www.theaustralian.com.au/national-affairs/opinion/finkelsteins-media-proposals-are-modest-and-sensible/story-e6frgd0x-1226306612682

Gahran, A. (2012, 28 February). PBS MediaShift launches collaborative journalism resource. *News for Digital Journalists* Retrieved 22 March, 2012, from http://www.knightdigitalmediacenter.org/news_blog/comments/20120228_pbs_mediashift_launches_collaborative_journalism_resource/

Griffin, M., & O'Malley, N. (2011, 19 September). Reports on suicide fit to print. *The Age* Retrieved 16 March, 2012, from http://www.theage.com.au/national/reports-on-suicide-fit-to-print-20110801-1i8ar.html

Holmes, J. (2011, 21 November). Media Inquiry predictions and observations. *The Drum* Retrieved 15 December, 2011, from http://www.abc.net.au/news/2011-11-21/holmes-media-inquiry-predictions-and-problems/3683330

Holmes, J. (2012). Regulating all with one. *Media Watch*: ABC.

Hyland, T. (2012, 26 February). Not just a paper tiger. *The Age* Retrieved 26 February, 2012, from http://www.theage.com.au/national/not-just-a-paper-tiger-20120225-1tv7j.html

Independent Inquiry into Media and Media Regulation - Public Hearings, (2011).

Iyer, P. (2010). Commentary: The intellectual component in best practices of journalism. *Asia Pacific Media Educator*(20), 23-32.

Kelly, P. (2012, 7 March). Naive hubris pervades media inquiry. *The Australian* Retrieved 7 March, 2012, from http://www.theaustralian.com.au/news/opinion/naive-hubris-pervades-media-inquiry/story-e6frg74x-1226291112701

Lavrusik, V., & Cameron, B. (2011, 13 July). Study: How People Are Engaging Journalists on Facebook & Best Practices Retrieved 13 December, 2011, from http://www.facebook.com/notes/facebook-journalists/study-how-people-are-engaging-journalists-on-facebook-best-practices/245775148767840

Lazaroiu, G. (2011). The language of journalism ethics. *Linguistic and philosophical investigations, 10*, 162-168.

Loo, E. (2009). Best Practices in Journalism *Research Online* Retrieved 18 March, 2012, from http://ro.uow.edu.au/era/1313/

Lozano, C. (2012, 28 March). Best Practices for Collaborative Investigative Reporting. *Collaboration Central* Retrieved 2 April, 2012, from http://www.pbs.org/mediashift/2012/03/best-practices-for-collaborative-investigative-reporting088.html

MacIntyre, A. (1985). *After Virtue: a study in moral theory* (2nd ed.). London: Duckworth.

Manne, R. (2011, 9 November). Pitting the Press Council against Murdoch dominance *The Drum* Retrieved 6 March, 2012, from http://www.abc.net.au/unleashed/3654470.html

Martin, F. (2011a, 18 November). Better the devil you know: News Limited tells Media Inquiry they'll pay more to the Press Council. *The Conversation* Retrieved 28 February, 2012, from http://theconversation.edu.au/better-the-devil-you-know-news-limited-tells-media-inquiry-theyll-pay-more-to-the-press-council-4321

Martin, F. (2011b, 10 November). Media Inquiry day two: Embracing the cacophony. *The Conversation* Retrieved 15 December, 2011, from http://theconversation.edu.au/media-inquiry-day-two-embracing-the-cacophony-4234

Martin, F. (2011c, 9 November). Media inqury day one: Chicken Little takes the floor. *The Conversation* Retrieved 16 March, 2012, from http://theconversation.edu.au/media-inquiry-day-one-chicken-little-takes-the-floor-4209

Martin, F., & Dwyer, T. (2012). Addressing Convergence: operational, legal and ethical trends in online and cross-media news production University of Sydney.

Media Entertainment & Arts Alliance. Media Alliance Code of Ethics Retrieved 22 March, 2012, from http://www.alliance.org.au/documents/codeofethics.pdf

Metherell, L. (2011, 18 November). Brogen appalled by Roebuck death coverage Retrieved 21 March, 2012, from http://www.abc.net.au/news/2011-11-18/brogden-appalled-by-media-coverage-of-roebuck-death/3680960

Metherell, L. (2012, 12 January). Radio Current Affairs documentary: Suicide. *PM* Retrieved 18 March, 2012, from http://www.abc.net.au/pm/content/2012/s3406905.htm

Muller, D. (2011). Submission to the Independent Media Inquiry Retrieved 12 December, 2011, from http://www.dbcde.gov.au/__data/assets/pdf_file/0003/142932/Denis_Muller.pdf

Navasky, V., & Lerner, E. (2010). Magazines and their websites: a Columbia Journalism Review survey and report Retrieved 11 March, 2012, from http://cjrarchive.org/img/posts/CJR_Mag_Web_Report.pdf

Nisbet, M. B. (2009, 30 September). CPB Report on Best Practices in Digital Journalism: Implications for Science Communication Retrieved 15 December, 2011, from http://scienceblogs.com/framing-science/2009/09/cpb_report_on_best_practices_i.php

Pearson, M. (2011, 4 November). Submission from Professor Mark Pearson to Independent Inquiry into Media and Media Regulation Retrieved 5 December, 2011, from http://www.dbcde.gov.au/__data/assets/pdf_file/0005/142925/Professor_Mark_Pearson.pdf

Penenberg, A. L. (2007). Ethics, Law & Good Practice. *NYU Journalism Handbook for Students* Retrieved 3 April, 2012, from http://journalism.nyu.edu/publishing/ethics-handbook/

Rosen, J. (2006, 27 June). The people formerly known as the audience. *PressThink* Retrieved 23 March, 2012, from http://archive.pressthink.org/2006/06/27/ppl_frmr.html

Rosen, J. (2010, 12 August 2010). [Jay Rosen discussion with Australian journalism educators].

Scanlan, C. (2007, 3 March 2012). We Stand Corrected: When Good Journalists Make Stupid Mistakes. *Poynter* Retrieved 22 March, 2012, from http://www.poynter.org/how-tos/newsgathering-storytelling/chip-on-your-

shoulder/85908/we-stand-corrected-when-good-journalists-make-stupid-mistakes/

Silverman, C. (2007). *Regret the error : how media mistakes pollute the press and imperil free speech* New York: Union Square Press.

Silverman, C. (2011, 3 June). Best Practices for Social Media Verification: Some tips and thoughts from the experts. *CJR.org* Retrieved 27 January, 2012, from http://www.cjr.org/the_news_frontier/best_practices_for_social_medi.php

Simons, M. (2011). Submission to the Media Inquiry Retrieved 12 December, 2011, from http://www.dbcde.gov.au/__data/assets/pdf_file/0003/143418/Dr_Margaret_Simons.pdf
Useful analysis of Press Council's failure to embrace new media

Simons, M. (2012, 5 March). Simons: I don't like media inquiry's call on enforced self-regulation Retrieved 22 March, 2012, from http://www.crikey.com.au/2012/03/05/simons-i-dont-like-media-inquirys-call-on-enforced-self-regulation/

Simpson, K. (2012, 9 March). Publishers meet to strengthen council. *Sydney Morning Herald* Retrieved 22 March, 2012, from http://www.smh.com.au/business/media-and-marketing/publishers-meet-to-strengthen-council-20120308-1un5o.html

Special Broadcasting Service. (http://www.sbs.com.au/aboutus/corporate/index/id/25/h/SBS-Charter). SBS Charter Retrieved 14 March

Taylor, L. (2011, 21 September). Media regulator a toothless tiger. *Sydney Morning Herald*, from http://www.smh.com.au/national/media-regulator-a-toothless-tiger-20110914-1k9rj.html

The Conversation. (2011). About The Conversation. *The Conversation* Retrieved 22 March, 2012, from http://theconversation.edu.au/who_we_are

Ward, S. J. A. (2006). *The invention of journalism ethics: The path to objectvity and beyond*: McGill - Queen's University Press.

Ward, S. J. A. (2010). Ethics in a nutshell. *Center for Journalism Ethics website* Retrieved 11 March, 2012, from http://ethics.journalism.wisc.edu/resources/ethics-in-a-nutshell/

Ward, S. J. A. (2011a, 15 February). 5 principles for teaching journalism ethics in the digital age. *MediaShift* Retrieved 12 December, 2011, from http://www.pbs.org/mediashift/2011/02/5-principles-for-teaching-journalism-ethics-in-the-digital-age046.html

Ward, S. J. A. (2011b). Ethical Flourishing as Aim of Global Media Ethics. *Journalism Studies, 12*(6), 738-746.

Ward, S. J. A. (2011c). *Ethics and the media: an introduction*. Cambridge: Cambridge.

Ward, S. J. A., & Wasserman, H. (2010). Towards an Open Ethics: Implications of the New Media Platforms for Global Ethics Discource. *Journal of Mass Media Ethics, 25*(4), 275-292.

Whitehouse, G. (2010). Newsgathering and privacy: expanding ethics codes to reflect change in the digital media age. *Journal of Mass Media Ethics, 25*(4), 310-327.

Zion, L. (2010, March). (Up)start from scratch. *Scholastic Source* Retrieved 22 March, 2012, from http://www.upstart.net.au/wp-content/uploads/2010/03/SJD_Source-Zion-upstart.pdf

Zion, L. (2011). Interview with Craig Silverman. *Future Tense*: ABC Radio National.