

Promoting ethical standards

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PROMOTING ETHICAL STANDARDS

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MAKING CHOICES

The freedom of the press works in such a way that there is not much freedom from it.

Princess Grace of Monaco

As you consider this comment by Princess Grace you might agree with me that there is an obvious dichotomy in what we, the media, do. When we exercise our right to freedom of expression, we inevitably curtail the rights of someone else. Freedom **of** the press means that there is not much freedom **from** it. What this implies is that a choice has to be made which is fine in the sense that making a decision inevitably means making a choice.

But which freedom do we protect and which freedom do we choose to curtail?

In this case, for instance, of the former American movie star, Grace Kelley, whose marriage to the ruler of Monaco has created a media frenzy about her life – in this case, who do we think has a greater right to be 'free' – is the press entitled to report on her life with full freedom, or is she entitled to her privacy and freedom from the press?

Before you try to answer this question, consider a few more related questions.

Who makes the choice or has the right to make the choice:

The media owner...?

Government...?

The journalist....?

All of them...?

Is there any other body or methodology that can assist in making this choice?

What is the basis for making the choice?

Does one aim to make the 'better' choice and if so, how does one define 'better'?

Is it a choice that makes more money for the media?

Is it a choice that protects a person or an institution?

Is it a choice that benefits the community or society as a whole?

ANSWERS: AN IDEAL WORLD

A high-sounding lofty answer would be that choices ought to be made by the media in partnership with government and the community, in a rational manner, taking into account intellectual, moral and ethical standards.

In an ideal (media world), that would be possible. In an ideal world, every decision by the media would be made on the basis of this formula – collectively, in a reasonable, rational, ethical and practical manner.

In the real world, of course, things are not quite so simple. The media makes all kinds of decisions that the world interprets in all kinds of ways. In all kinds of **negative** ways, I might add. In fact, what Princess Grace said somewhat politely about the media, others have said in far more blunt and angry terms. For instance, look at some of these comments made about the media:

- ***In the old days men had the rack. Now they have the Press.*** Oscar Wilde
- ***The news is always bad, even when it sounds good.*** Aldous Huxley
- ***The most truthful part of a newspaper is the advertisements.*** Thomas Jefferson
- ***Media is a word that has come to mean bad journalism.*** Graham Green
- ***I always said that when we don't have to go through you bastards, we can really get our story over to the American people.*** John F Kennedy
- ***I could show you all society poisoned by this class of person – a class unknown to the ancients – who, not being able to find any honest occupation, be it manual labour or service, and unluckily knowing how to read and write, become the brokers of literature, live on our works, steal our manuscripts, falsify them and sell them.*** Voltaire

Voltaire, incidentally, was referring to publishers. Even John F Kennedy, whose private life and especially his relationships with women were never exposed by the media, appeared to have little regard for the profession. And if we look at the remark made by Oscar Wilde, a hundred years ago, it might still be regarded as valid. What these remarks demonstrate is that the media is perceived as an institution virtually devoid of ethical standards. No matter what it does or does not do, the world in general perceives the media to be fundamentally unreliable, self-serving, dangerous and prone to telling lies.

HOW BAD IS THE MEDIA?

But is the media really and so totally without virtue? Is journalism, by definition, an unethical profession? Is the term media ethics then something of an oxymoron?

Surely not. We cannot accept such an extreme and cynical point of view. And yet, we cannot also deny that it is difficult, virtually impossible to make the media conform to a code of standards or ethics. Why is this so? What is it about the media that makes this profession so different to regulate?

Everyone has his or her own perspective and expertise on this issue. I'm not an expert by any means, so there is no way I could answer these questions in any conclusive manner. All I can do and would like to do is share a few thoughts on this subject with you.

UNDERSTANDING THE MEDIA

I feel that the media is largely misunderstood and exploited. By this I mean that the world in general, and certain groups in particular, fail to appreciate the real pressures and constraints under which the media operates and often take advantage of the media while running it down at the same time. The media, on the other hand, (perhaps partly in response to the public's negative and stereotypical perception of it) tries to justify all its actions and finds an almost perverse pleasure in wearing its so-called shortcomings almost like a badge of honour.

What the world considers to be a failing in a journalist, the journalist often regards as a virtue.

I myself have no hesitation in admitting that in all my years as a journalist, the most wonderful moments have been when someone has called and said they want to get me fired. I have known then that I've done my job.

And my worst moments? When someone has called up and said that their company or chairman or MD is delighted with my article. I know then that I've started to go soft on the job!

Seriously, what I am trying to say is that an understanding of the media is key to our problem. If we are to develop any kind of workable code of ethics for the media, especially in the developing world, we have got to ensure that the media is directly involved in formulating such a code. In order to do so, we must find common ground with the media.

BANGLADESH MEDIA

Let me turn now to the situation in Bangladesh. I believe that much can be done to improve the state of the Bangladesh media, though as you will see this is not the easiest media situation in the world. But that is also the reason why it ought to be done – the circumstances are so bleak and so daunting that the need for ethical standards becomes that much more urgent and significant in Bangladesh.

POLITICAL ECONOMY & THE MEDIA

Bangladesh is a least developed country that some say is poised on the threshold of an economic breakthrough that will allow it to make the transition to a middle income country. A deciding factor undoubtedly is the present political situation that has been marked by a long and bitter fight of feud-like proportions between the prime minister and the leader of the opposition. The animosity between the two leaders has done little to strengthen a weak political tradition.

EARLY DAYS

When Bangladesh came into being after a nine month civil war with West Pakistan in December, 1971, it was a country in ruins. It had been economically dominated and exploited by the rest of Pakistan and the civil war had destroyed and damaged its infrastructure and considerably disrupted normal trade and economic activities. Rebuilding the nation was a daunting task and external assistance became a lifeline which Bangladesh came to depend on, more and more, earning itself that infamous epithet of being "an international basket case", by US Secretary of State, Henry Kissinger, in the early 1970s.

But on the political front, the country got off to a good start. A democratic system was introduced through a written Constitution and by ensuring the independence of the judiciary and the supremacy of Parliament, elected by the people. This was done under the leadership of the country's first prime minister Sheikh Mujibur Rahman, who as head of the Awami League had spearheaded the movement for Bangladesh, and earned for himself the title of father of the nation, Bangabandhu.

The term of the first Parliament was from 7 March, 1973 to 7 November, 1975 but on 25 January, 1975, this sovereign Parliament ceased to exist. Just two years after the enactment of the Constitution, in a hurriedly introduced Bill known as the Fourth Amendment, the structure and character of Bangladesh was changed by Sheikh Mujibur Rahman himself, and the country became a one-party monolithic state.

All political parties were dissolved, including Mujib's own 25-year old Awami League, and it was replaced by the only national party allowed to remain, with Mujib as Chairman, called BAKSAL.

All newspapers were banned except four that were retained and controlled by the state, thus bringing the media completely under the control of the government. These newspapers were The Bangladesh Times, The Bangladesh Observer, Dainik Bangla and The Daily Ittefaq.

All fundamental rights were suspended. The judiciary, stripped of its independent status, was reduced to a subservient agency of the executive branch of the state.

I won't go into the question of why this happened. Those were undoubtedly trying times and Sheikh Mujib's government had been challenged by economic problems of a massive nature, compounded by pressures from political factions competing for power in a post-liberation political scenario not all that different from what other Third World emerging nations have experienced. It was a situation that required immense political maturity and tolerance fostered by a fundamental commitment to the democratic process. This meant adherence to the rule of law, protection of fundamental rights and freedoms and the continuity of a representative government.

Unfortunately, these qualities were in short supply and the still fragile democratic tradition in Bangladesh was shattered by the person who himself had lead the fight to win it. This event had far reaching repercussions – an impact that few could visualize at the time. For one thing, it arrested the growth of a process that would have given Bangladesh, undoubtedly among other things, a free and healthy press. For another, the change in Constitution gave rise to authoritarianism even after Sheikh Mujib was no longer alive. He was killed, along with his family, including his wife and three sons, on August 15, 1975. His daughters were out of the country at the time and thus escaped alive, but spent the next decade or so in exile, while the country went from one authoritarian rule to another.

Successive military rulers, Ziaur Rahman (who was assassinated in May 1981) and H M Ershad simply took advantage of the amended provisions in the Constitution to maintain a one-man autocratic rule in the country. Although Ziaur Rahman democratised the Constitution by

re-incorporating fundamental rights, freedom of political parties, freedom of the press and the judiciary, the power and function of the chief executive remained in the hands of the President.

In other words, in the early Bangladesh, a sovereign Parliament functioned for less than two years – from March 1973 to January 1975. Martial Law was imposed twice in the country: in 1975 and 1982. Parliaments under the military rulers had no popular support and undermined rather than improved the democratic tradition.

GROWTH OF THE MEDIA

In such an environment, the Bangladesh media had little chance to establish itself as an institution. Mind you, there was a sound basis upon which the media could have evolved in Bangladesh, for there had been a strong literary tradition in Bengal and it was in Calcutta, now in West Bengal, India, that the first Indian newspaper, the Bengal Gazette was founded by James Hickey in 1780. In the colonial years, the tradition rested on an elitist perception of journalism no doubt, but it was also driven by a strong sense of social commitment and nationalistic aspirations. Editors were almost like social reformers and their integrity was unquestioned. Their devotion to ethics – such as was known and practised by the class to which they belonged – was also regarded to be of the highest standards, though undoubtedly they subscribed to a form of interventionist journalism that, as I have said, advocated their commitment to and involvement in a cause.

After the British left India in 1947, what is now Bangladesh (then known as East Bengal) became East Pakistan. Amidst a series of political changes and reversals, with the imposition of martial law and restrictions on the press, the East Pakistani journalistic tradition took root in an adversarial and anti-establishment stance that soon grew into a full-fledged movement, often forced to go underground, against the government of Pakistan. The tradition of government control of the media was thus known already, and so was the tradition of the media fighting back -- challenging authority and championing the rights of the weak.

This tradition was perhaps the most significant characteristic of the media in the days before Bangladesh came into being. Unfortunately, the tradition was never allowed to come of age. As we've seen, political development was unceremoniously subverted by the imposition of a one-party presidential form of government in 1975. Thereafter, political pressures, legal constraints and the absence of an encouraging socio-economic environment have stunted the media. Over the years, the Bangladesh media has adopted practices and traditions that have negated the fundamental values of freedom. Increasingly, the industry has become politicized and polarized. After the military ruler Ershad was forced to step down in 1991, elections were held and among other things, some press freedoms were reinstated but with this change came a new breed of media owners who, together with their publications, did not hesitate to be blatantly politically based.

Today, journalists in Bangladesh have clearly stated political affiliations which they propagate via their publications. The media is divided into those who support the BNP and those who support the Awami League.

What is disconcerting is that journalists work on the understanding that a BNP supporter will tailor his or her work to promote the BNP and an AL supporter to promote the AL, without any regard for their own integrity as professionals.

The media in Bangladesh has become a somewhat dysfunctional institution. It is largely ineffective as a watchdog or true representative of the people, and it is exploited by the party in power to propagate its viewpoint at the cost of its reputation, integrity and the cause of democracy in the country.

And example of just how ineffective the media has become as an institution can be assessed from the fact that when Bangladesh returned to the democratic fold in 1991, elections were held under a caretaker government. Again, in 1996, a caretaker government had to oversee the national elections. This is an alarming indictment of democracy and the watchdog role of a free media. Nobody will trust the government in power to hold elections because it is generally believed that the government in power will rig the elections and can get away with it.

A strong, independent and healthy media would be a major deterrent to poll rigging. It would be a permanent and legal institution that would support and strengthen democratic norms. After all, a caretaker government can only be a stop gap arrangement that avoids resolution of a fundamental problem which is that no party in power can resist the temptation to rig the polls – and no member of the media has the power or the resources to stop the party in power from getting away with it.

The weakness of the Bangladeshi media stems also from the fact that television and radio are still virtually under government control. There have been pledges – by the present government – that government controls would be lifted, but this has not happened as yet. A Commission for Autonomy of Bangladesh Betar and Bangladesh Television was set up in September 1996. It submitted a report in July 1997 that has never been made public and has been conveniently shelved by the government. The present government granted permission to a single private investor to set up the country's first private national television station. Ekushey TV started broadcast this year. It has considerable restrictions by way of news gathering and reporting and is largely an entertainment channel.

In such a scenario, the media cannot reflect the views of ordinary people and the concept public opinion becomes hollow and meaningless. Furthermore, the media becomes more and more susceptible to manipulation and corruption by powerful interests, lobby groups and the party in power. Over time, the media loses credibility and pride in itself as an institution, while individuals who try to retain their ethical values and reflect this in their actions, become disenchanted and bitter about the system. In such a situation, the media cannot be expected to forge ahead with optimistic and forward-looking codes of ethical conduct, leave alone attempt to put such a code into practice.

HOW DO WE PROMOTE ETHICAL STANDARDS?

We must try to evolve a code of media ethics. Some suggestions:

1. Recognise the importance of self-regulation, as opposed to statutory regulation. Imposing new laws or making the law more severe won't solve the problem. Implementation of a law requires commitment and motivation. In the Penal Code the provisions relating to defamation are enumerated in Section 499, 500, 501 and 502. These provisions are not adequate to deal with the complex nature of media ethics. The culture for a suit for libel or damages for defamation has not developed in Bangladesh in any branch of law, civil or

criminal. The process is long and expensive and is not given priority in the administration of justice and the victims of unethical media practice are not inclined to go to court because of the harassment and length of time involved in getting any substantive relief. Consequently, in the last 50 years, there has hardly been any major litigation in this field.

2. Launch campaigns to motivate particular segments and groups of society, journalists primarily, to improve industry standards. Work in partnership with NGOs to introduce good media practices at the grassroots/community levels.
3. Involve the media in each stage of the creative process. In order to endure, any initiative for a code of ethics must evolve through collective action by people for their mutual good. Media itself must feel the need to establish ethics.
4. Motivate the media to get involved. Build trust with the media; begin by trying to understand the problems that the media has to cope with on a day-to-day basis.
5. Undertake research on a more regular and focused basis.
6. Encourage training and education programmes, including internships with local and international media.
7. Promote understanding of the accepted norms for ethical decision making. More meetings and workshops to debate these and other issues with working journalists.

I must end by saying that since I began thinking about my presentation for this seminar, I have found myself reviewing some of my own decisions as a journalist and an editor and wondering what would have happened had I made a different choice, at a certain time.

We all make choices. Journalists are often forced to make choices that will directly and indirectly affect people in a very public way. Freedom of the press, as Princess Grace remarked, often means there is no freedom *from* the press. Is that always wrong? Or is it wrong under certain circumstances only?

Trying to understand how the media makes choices is the essence of understanding media ethics. I hope there will be more research and more debate on this topic. I thank you for giving me a patient hearing.