



# INTERNATIONAL ANTI-CORRUPTION CONFERENCE (IACC)

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## 8th INTERNATIONAL ANTI-CORRUPTION CONFERENCE

### The Papers

#### **The Media - An Influential Force**

Lima Declaration In most countries the power structure of the 1700s and 1800s stares us right in the face when we look at a town plan. In the -middle of town, we see the church, the government palace, the court and the university. Social institutions had their own place, and the work they did furthered the nation's goals. In the late 1800s, big industry joined this inner circle, bringing with it its unmistakable landmarks - banks and stock exchanges. Secular and spiritual power now enjoyed the company of capital and money.

In the 1900s, these influential institutions have seen the addition to their ranks of the press, radio and television, whose job it is to reach large numbers of people through communications and entertainment. In the present decade, satellites have made it possible for the. media to go global, with their broadcasts no longer bound to national borders or decisions. Information networks allow private individuals to get information and to communicate directly with one another.<sup>1</sup> It is obvious that in the next century transnational media will be a major factor connecting people - but not one we can necessarily see on the town plan.

Although the media have a distinct presence in our homes today - providing us with a wealth of information on a multitude of channels - they are equally well established as parts of the social structures and world of values around us. This makes it imperative that we take an interest in the kinds of values the media promote in their work. It remains to be seen whether market forces can create the Information Society on a global scale without its ending. up as the province of selected citizens and selected states.<sup>2</sup> Teledemocracy cannot be implemented until most people have the possibility to exercise their civil rights over information networks.<sup>3</sup>

#### **The Publicity Value of Corruption Cases**

When the media are working well to prevent corruption, they employ investigative journalism to reveal inequities, and violations and, in an educational sense, reinforce social values that reduce the incidence of corruption in government and business. Relying on freedom of speech, the media perform their watchdog function in society as they curb and expose social injustice.

In an open, pluralistic, democratic and technologically developed society, the media are a particularly effective weapon for exposing and preventing corruption; they are successful at this, because, as Australian scholar Stephen J. Tanner told us in Peking in 1995, corruption cases usually make the news. These cases have interest, currency, and clarity. The economic consequences of corruption are generally severe; it tends to strike at the heart of the community; it involves a conflict which has been deemed a crime; and the suspects and guilty parties are often prominent figures in society.<sup>4</sup>

This has been the case in Finland, too, in recent years. We have also debated whether the media give fair treatment. to public figures suspected of crimes or immoral acts. During or after the trial these people have usually trained a variety of accusations at a media. they-were understood or treated wrongly in public; the press has blamed them deliberately; and they have received a sentence from the public which they cannot appeal.

It is here that the roles of the criminal justice system and the media differ. The justice system operates within the bounds and on the authority set by legislation, meaning that the final decision is usually years away. Contrastingly, the media, who deal with current events, prevent

corruption by stressing its immorality. Although it is not an explicit function of the media to prevent crime - corruption included - they do have an extremely important role in maintaining and activating anti-corruption values. In reporting on cases of corruption as well the media fulfil their social function in satisfying people's need for information.

### **The Media's Working Methods**

Although the media's role in preventing corruption is indisputable, it is not without its problems. In the best case, publicity and a fair trial go hand in hand, but conflicts may arise between the media's need for information and requirements of a fair, formal and objective criminal trial. The suspects and the accused have a right to a fair trial based on the presumption of innocence. Although public figures should have to put up with closer scrutiny of what they do than private individuals, their honour, too, and that of their families is still protected by law.

Competition on the media market favours speed, however, and this means that the information we get from the media tends to be fragmented. The hectic pace does not leave time for a comprehensive or in-depth analysis; the media process tends to follow a trajectory of its own -sometimes with side effects which were wholly unexpected at the outset. This might mean that in investigating one case of corruption, the media uncover other abuses. A corruption charge can also be brought by accident as the by-product of a different case, as happened in Finland in 1993, when a former minister was charged with receiving a bribe.<sup>5</sup> The entire case arose from a statement in the personal diaries of the former director of a failed group of banks when the diaries were published by a journalist. It was hardly the journalist's intention to initiate a bribery trial but only to provide an account of the process that led to the failure of the banks.

The media's role in preventing corruption is thus both a positive and a negative one, since the legal protection of those suspected of corruption is not uniformly good. For individuals and small businesses, premature public allegations of corruption by the media can prove fateful, since they do not have the option of hiring media consultants to handle their relations with the press. Often such suspects are dealing with the media for the first time and, unlike the more prominent and influential figures in our society, have no experience in dealing with the inevitable barrage of questions. Corruption charges also often contain juridical terms which are unfamiliar to journalist and suspect alike, and the misuse of terms may lead to confusion and misunderstandings that are difficult to eliminate later.

In reporting on investigations into corruption, the media unwittingly or deliberately affect the opinions formed in the courts and the decision-making process. One might of course argue that such influence prejudices the chances for an objective trial, but, in modern society, where the public has a right to know and where the media have the impact they do, it is probably impossible to prevent their having such influence. Under such circumstances, professional judges may stand up under the pressure better than their lay counterparts.

### **Journalistic Codes of Ethics**

The media have been regulated in different countries both through legislation and their own ethical rules, the oldest of which were laid down one hundred years ago. International organisations and conferences such as the UN, WO, UNESCO, ECOSOC and CSCE (The Conference on Security and Co-operation in Europe) also have formulated journalistic codes of ethics. Moreover, different countries have their own ethical conventions.<sup>6</sup>

Ethical codes contain not only norms safeguarding free communication but frequently also a list of the values the media is to promote, such as democracy and human rights. Ethical guidelines also generally declare that it is a journalist's duty to<sup>7</sup>

1. tell the truth without malice or prejudice,
2. use honest methods,
3. show respect for professional integrity and responsibility,
4. exercise discretion,
5. work for the solution of economic, social and humanitarian problems,

10. help to strengthen respect for human rights, and
11. assist in the maintenance of international peace and security.

These procedures and goals should of course be observed in corruption cases as well, and the majority of reporters and other representatives of the media probably in fact do so.<sup>8</sup> However, where the media violate people's rights, for example, by publicising allegations or suspicions of corruption that later prove false, the conventional means of legal protection cannot repair the damage done. The accused can, of course, demand compensation for damage and a retraction, but one's reputation is like a match which is gone once struck.

### Conclusions

The legal system cannot at present guarantee legal protection of the individual against unfounded allegations of corruption. Now that communications are becoming increasingly global, the opportunities of the national legal system are even more limited than before. On the international level means must be found for better protecting the individual, and a balance must be struck between free communication and legal protection of the individual.

Where media corporations compete with one another, we can of course expect a richer variety of communications services than where they are concentrated. As on the market place in general, large monopolies are not good, for although one might idealistically think that the media in a democratic society function as a neutral and impartial watchdog, cannot deny that symbiosis exists between the media and the power elite. Politicians in particular need and thrive on publicity, and the media need the material that politicians produce. Notes

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### Notes

[1] **Herbert I. Schiller**, The Infrastructure of the "Information Society". p. 183-194. In: Media, Knowledge and Power. (Ed.) Oliver Boyd-Barrett and Peter Braham. 1990.

[2] One example is the division of society in the Philippines into those making use of telecommunications and those living below the poverty line. **Gerald Sussman**, The Transnationalisation of Philippine Telecommunications: Postcolonial Continuities. p. 125-149. In: Transnational Communications. Wiring the Third World. (Ed.) Gerald Sussman - John A. Lent. 1991.

[3] According to Graham Murdock, there are "three important ways in which the communications system is implicated in the constitution of citizenship. First, in order for people to exercise their full rights as citizens, they must have access to the information, advice, and analysis that will enable them to know what their personal rights are and allow them to pursue them effectively. Second, they must have access to the broadest possible range of information, interpretation and debate on area that involve public political choices, and they must be able to use communications facilities in order to register criticism and propose alternative courses of action. And third, they must be able to recognise themselves and their aspirations in the range of representations on offer within the central communications sectors and be able to contribute to developing and extending these representations". **Graham Murdock**, Citizens, consumers, and public culture. p. 21. In: Media Cultures. Reappraising Transnational Media. (Ed.) Michael Skovmand and Kim Christian Schroder. 1992.

[4] **Stephen J. Tanner**, Friend or Foe? Understanding media attitudes towards corruption. p. 92-94 The Seventh International Anti-Corruption Conference. Oct. 6-10, 1995. Beijing. China.

[5] Finnish High Court of Impeachment 29 Oct 1993. Parliamentary Ombudsman Jacob Söderman vs. MP Kauko Juhantalo.

[6] Ethical codes have been analysed in order to determine common factors for the purpose of developing universal codes. Yet studying the codes in itself is fraught with methodological and linguistic difficulties. Moreover, cultural differences mean that realities will differ even where codes of ethics appear to be linguistically equivalent. See **Thomas W. Cooper**, The Ethics Behind the Effects. A Comparison of National Media Codes of Ethics. p. 229-243. In: Mass Media Effects Across Cultures. (Ed.) Felipe Korzenny, Stella Ting-Toomey with Elizabeth Schiff. 1992.

[7] **Xauli Juusela**, Journalistic Codes of Ethics in the CSCE Countries. p. 7-11. Department of

Journalism and Mass Communication. Series B 31/1991. University of Tampere.

[8] The media, understandably enough, fear unreasonable control which hampers free communication. Or, as **Ithiel de Sola Pool** states in Technologies of Freedom, "Historically, the various media that are now converging have been differently organised and differently treated under the law. The outcome to be feared is that communications in the future may be unnecessarily regulated under the unfree tradition of law that has been applied so far to the electronic media. The clash between the print, common carrier, and broadcast models is likely to be a vehement communications policy issue in the next decades". Ithiel de Sola Pool, On free speech in an electronic age. Technologies of Freedom. 1983. p. 7-8.

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