

NEEDED

a broader view of accountability

By Steven Friedman

Political journalists and judges might be offended by claims that they have much in common. But the commonality exists nonetheless. Both media and courts insist that their independence is crucial to a democratic society. Both see themselves as a vital check on the power of government. And both therefore resist calls that they should be accountable to society. Criticism of judges and political journalists, even when accompanied by no demands that they be forced to do anything differently, are often rejected as an assault on the independence of both.

Even purists who protect the media and courts from most attempts to hold them to account, would acknowledge that neither can simply do as they please. Judicial independence zealots would surely agree that we are entitled to know whether judges are freelancing on the side just as their equivalents in the media agree that we need to know if anyone accepts money to write a favourable report. But accountability is viewed narrowly. The public, in this view, is entitled to know if judges or journalists are taking bribes or arriving at work drunk, but is expected to stay out of judging whether they are adequately serving society.

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Accountability is meant to be the business of the profession, not the public. Judges can be held to account by other judges and lawyers, journalists by each other. The public is meant to stay out of the discussion: if they enter it, independence is at risk.

This is a popular view among influential sections of South African society. It is also deeply undemocratic. A core democratic principle is that holders of power ought to account to those over whom they wield it. And both courts and the media exercise power.

In both cases, independence is important. Judges will not dispense justice fairly if they are told by power holders how they should find. Media cannot inform people accurately if they are ordered what to say. But both fulfill a crucial social function and both therefore wield power.

So purist demands for media freedom or judicial independence are not likely to protect democracy. On the contrary, they undermine it by placing important social functions beyond debate. Democracies and democrats do not close down debate. Purism also threatens democracy by endangering the freedom it claims to promote. If the media or courts insist that what they do is none of society's business, it is likely



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that, sooner or later, powerful interests in society will make it their business. Why should anyone support the independence of an institution which refuses to show that it is of use to them?

If media are to serve democracy, we need a much broader view of accountability than one which restricts it to not breaking the law. Before we discuss that, a brief comment is needed on why it makes sense to talk of media and the courts in the same way.

Another form of power

Independent courts and media are both key to a democratic society. The core democratic principle is that everyone is entitled to an equal share in the decisions which affect them. This requires that everyone's rights be respected; only the courts can ensure this. It also cannot happen unless we have enough information to decide and the media can help ensure that.

There are obvious differences. The courts are part of the state, independent media are not. And so we have one court system, but many media outlets. Non-state media are not funded by taxes and those who control them are not appointed by government. Why then insist that they be held to account? Why is this not simply an infringement of the right of private citizens to exercise their freedom?

Those who own and work in the media believe they are playing a vital public role. Constant references to their "watchdog" role confirm this, as do references to the "fourth estate", which implies that, like the estates of 18th century France, media play a key role in the social and political order.

They are right. Media coverage of politics and society plays a key role in shaping what we are or are not told and therefore in deciding whether we have the information we need to exercise our rights. This means that private media are power holders, despite the fact that they are not part of the state.

An obvious objection is that media, unlike courts, compete. If you don't think one is informing you, you can switch to another. But often the choice is mythical: powerful media companies muscle smaller voices to the margins. Italy, where Silvio Berlusconi used control of media to entrench himself politically as well as commercially, may be an extreme case, but it illustrates the point: even in a competitive market concentration of ownership is likely and this will ensure that the "free market of ideas" is not nearly as free as its admirers claim. The sovereign in a democratic society is the citizen, and most citizens cannot assert their right to information simply by switching from one media organisation to another.

Like the courts, therefore, the media are essential to democracy. Both wield power and both offer most citizens few options if they don't like the way the institution is conducting itself. And so both are required to account if democracy is to be served – not only for whether they obey the law but for the degree to which they wield their power in the interests of citizens and the extent to which they strengthen democracy. What does that mean for the media?

A wider ethic

Journalists who cover politics and social issues need to see their independence as a means to an end, ensuring that citizens are able to take informed decisions.

Many journalists who cover politics and society would respond that they do this, it is common to claim that media freedom is demanded not for its own sake but in the interests of a broader public. But in reality, recognising journalists' role in underpinning democracy would require a major shift in how many see themselves and their craft, their chief professional relationship would be not with their employers or colleagues, but their public.

This would be a significant shift for some. Reporting on society is often incestuous and self-absorbed, at least since someone in America coined the term "pack journalism", it has been understood that reporters and commentators often talk to each other and a fairly small group of sources but no one else. Reality then becomes a product of what a small group of people tell each other and the information which reaches citizens is distorted. An appreciation that journalists are meant to engage with the society, not simply with a closed group, would alter the way in which many operate.

But more is needed. "Society" and "the public" are vague terms; professional relationships are built with people, not concepts. One block to accountability is that journalists claim a relationship with an abstract "public" which exists purely as a slogan: anything can be justified by insisting that it serves the "public" because a vague and abstract concept cannot answer back, and anyone who does answer back can be stigmatised as a non-member of the "public" (by, for example, labeling anyone who criticises your work as a lackey of government).

The way out is offered by sociologist Michael Burawoy, who suggests that people who deal in information and ideas engage with specific "publics" rather than a vague and general public. The journalist who writes about politics and society is in a professional relationship with specific groups of people, politicians, political commentators, politically-aware citizens. These "publics" comprise real people and organisations that are indeed capable of answering back.

So far, this is an expression of reality, not an ethical point. Whether or not they wish it, journalists have to take seriously the responses of politicians, business people, trade unions and those citizens who have the power to convey their sense of whether they are being accurately portrayed.

The ethical challenge is to move beyond these obvious "publics", who call or write to complain (or simply yell the next time they encounter a journalist), to broader "publics". And that requires journalists to extend their horizons.

Ideally, this would mean a willingness to envisage who the journalist is talking to and what they want to know: journalists should have a very clear sense of their audience and should bother to find out what it needs to know. But, if this sounds too difficult, a simple willingness to acknowledge that public information is an important resource in a democracy and that the

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journalist has a crucial responsibility as a guardian of that resource, could make a huge difference for many practices we see today.

From theory to practice

To illustrate, consider the standard approach to covering politics and society right now.

Information comes from speeches, media releases and confidential sources. There is no attempt to test the information beyond the standard call to “analysts” (such as this one) invariably chosen on criteria other than a sense that they have expertise which would make the report accurate. Particularly desirable are the confidential sources, one recently-promoted political journalist confided recently a fear of taking over the post because “I don’t have the sources my predecessor had”. This way of operating appears to win enthusiastic approval from employers and peers. It is a betrayal of the journalistic mission: it ensures that the information which reaches citizens is shaped by what the politicians or other authority figures want them to hear, not what is accurate.

Usually absent from this approach is the obvious assumption that public figures tell journalists what they want people to know and that what they say is invariably self-serving. So operating in this way ensures that journalists obstruct rather than advance democracy by telling citizens only what the connected want us to know. Journalists who don’t have the sources their predecessors had are better able to inform people because they are able to look beyond that which the inner circle wants them to know.

How do journalists break this pattern? Fortunately there are basic remedies which enable reporting to fulfill its democratic function. No one has to become a crusader or an egghead or spend their days outside the office talking to people in townships (although it would be nice if they did). All they need do is apply the common sense tools of the craft.

This means: checking leaked claims with other sources so that spin is not passed off as news; eliciting comment on speeches from people with opposing interests or opinions so that both sides are conveyed; and, where claims are made about policy documents, taking the trouble to read them. This includes finding out what an organisation’s constitution says before you allow its spokesperson to claim it says something else. (If all this sounds basic, examine the media and see how much of it actually happens).

Ideally, it would be useful if journalists went the extra mile and bothered to give those to whom they talk some context. This would mean reading some history to get a sense of why people are doing what they do or checking on recent policy moves so that what is old is not presented as new. And for some it might even mean keeping in touch with researchers who may have information citizens might find useful.

But isn’t this a call for competence rather than accountability? Yes and no. All these basic suggestions are designed simply to ensure that reporting is accurate. But it is a question of accountability too: anyone in the media who accepts that they are meant to be informing citizens so that they can make the choices which democracy allows them is acknowledging a responsibility. Accepting that responsibility will ensure that what they transmit to the citizenry is as accurate as they can possibly make it.

If journalists want to show they are indispensable to democracy, and so persuade others to defend their independence, they need only do their jobs. It is a symptom of the state of our media that this would require almost a revolution in the way our society is covered.



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