



## Deontological codes of journalists: the romanian experience

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PAGE | 101

### Abstract

In this study, we follow the evolution of the effort of self-regulation of journalism in Romania, more specifically, the evolution of ethical and normative discourse. We propose a historical examination of the development of the concepts included in the regulating Romanian documents, since 1899 to the present moment.

Likewise, special mention is made of the various forms of the Journalists' association, whose mission has been the conception of a coherent set of professional claims. During the process of democratization that began at the beginning of the 90's, Romanian journalists have become ever more aware of the need for specific deontological rules to guide their professional activities.

Unfortunately, the concepts contained in the most recent deontological codes remain rather "metaphorical", which gives rise to misunderstandings in journalistic practices. In this respect, there are no clear stipulations about the penalties applied to journalists who violate the ethical norms inscribed in these codes. This article supplies numerous comments and examples of such ambiguous formulations.

**Keywords:** ethics, self-regulation, journalistic profession, rights and obligations

*Pre-text:* Romania, 1998. In the town of Buzau, a man is found dead in a well. Police, firefighters, prosecutors and the media arrive on the spot. The corpse is taken out of the well, television teams are filming, numerous photos are taken. Yet, one television are missing, the one that had an exclusivity agreement (concerning priority in announcing on the events occurring) with the police. This television will arrive later and will cause a short scandal. Consequently, the corpse will be submerged again and drawn out of the well, the television exclusivity being thus satisfied by this gesture of the Police. The deceased's family are shocked, the journalists present are stunned, the neighbours are indignant. Late in that evening, at the TV newsreel, audiences learn about this unfortunate happening. Can we call that journalism ...?

Ethical reflection ought to be more frequent and more intense in Romania, compared to other countries, because we have sad records - the greatest manipulation of contemporary history, as Timișoara diversion has been called (tens of thousands of

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imaginary dead, killed by Securitate – political police), which is why this city has recently hosted, the international days of misinformation ...

In this study we follow the evolution of self-regulation in Romanian journalism, more specifically, the evolution of ethical and normative discourse. The media in Romania has long evolved under the sign of paradox. For example, until 1927, when the newspapers in Bucharest published an international code of ethics, there had been no such code of professional conduct. There had been some discussions, even indignation against the performance of the journalists who defied the rules of good cohabitation, but no document had been adopted.

However, imitating the professional practices in the West, some self-regulatory bodies appear also in Bucharest; in fact, these bodies had the functions of trying and punishing disciplinary violations. In this context, we should mention the honorary jury of the Journalists' Syndicate in Bucharest, as well as the juries of the Professional Journalists' Union, and of the General Federation of Provincial Press etc. As a matter of fact, since its founding, the Press Society (1899) statute stipulated the creation of a jury of three people in charge of judging "incorrect", "unworthy" acts of some of its members<sup>3</sup>. The sanctioning of disciplinary offenses was performed by an honorary jury consisting of prestigious representatives of the profession, and judgement was based on the rules of common sense, so to speak, on what was believed that professional conduct ought to be.

During the communist administration there were no codes, but regulatory attempts which, understandably, bore the mark of the official ideology. Provisions assimilable with deontological norms were included in what was called the Statute of Journalists (1955), as well as in the drafts of statute of the Journalists' Union in the Socialist Republic of Romania (1970), which contained the phrase "the ethics of the Romanian journalist" (art. 12), and for whose infringement one could be liable to be excluded from the profession<sup>4</sup>. This used to be the responsibility of the "Jury of honor", referred to in art. 27. Such provisions were also included in the 1972 draft of statute of professional journalists; however, the political authorities rejected these proposals made by the journalists, preferring a specific law. That is why the Press Law, adopted in 1974, in Chapter IV: *The journalist profession*, Section 1: *The journalist's rights and obligations*, mentioned that professional journalists have the duty, among others, "d. to demonstrate high ethical and professional consciousness, objectivity<sup>5</sup> and sense of responsibility in performing their profession exemplarily, to observe the laws and the state secrets, to strive steadfastly in any circumstance for the triumph of the truth; e. To consistently respect the norms of socialist ethics and equity in their everyday life ...<sup>6</sup>". Since all journalists were members of the Romanian Communist Party, they were obliged to comply with the Code of socialist ethics and equity adopted by the political leadership of the country.

After the collapse of the communist regime, a real explosion of information takes place in Romania, given the fact that no law and no professional norm was observed, while the access to the profession of journalism was freer than ever. The quick

<sup>3</sup> Statutes of the Press Society (Statutele Societății Presei. Asociațiune a ziaristilor, oamenilor de litere și de artă din România), Tip. Corpului Didactic, București, 1899, pp. 13 and 19.

<sup>4</sup> Although "the ethics of Romanian journalists has never been defined – *our note*.

<sup>5</sup> Communist legislation abounds in metaphorical formulations – "ethical and professional consciousness", "objectivity", "sense of responsibility" etc. – *our note*.

<sup>6</sup> Press Law in the Socialist Republic of Romania (Legea Presei din Republica Socialistă România, *Buletinul Oficial*, Part I, No. 48 from 1 April 1974, p. 12.



liberation from under the political control made possible new forms of press associations. The first congress of creation of the Federation of the free Trade Unions of journalists and printers took place on January 5, 1990; the participants decided "the creation of a Council of honor meant to judge litigations between journalists and cases involving the loss of the quality of journalist<sup>7</sup>". Not even this time we got a set of professional norms, but rather a list of professional claims. On September 19, 1990, the Association of the Journalists in Romania – the Federation of Trade Unions of all the press adopt an important document for the democratization of the field - Press Freedom Charter<sup>8</sup>. At art. 8, the representatives of the journalists inscribed the following: "The deontology of press works is conceived by the professional organizations. They, as guarantors of the quality of the press, have the right to set rules for qualification and practice known by the entire population (...). The State recognizes the rights of journalists at least those related to the relevant professions<sup>9</sup>"; here they claimed the need to be recognized as a profession with its own rules, like in the case of various liberal professions. The document will be drafted in a final form, on 20 September, publicized and submitted to the attention of the legislative power. Soon, the Association of the Journalists in Romania (Societatea Ziariștilor din România: SZR) will include about 100 unions, representing as many older or newer newsrooms.

There follows a succession of groups, of unions and an ideological clarification, we can say, when the new political power proposes a new press law. To be more specific, in the 1990-1998 period, 11 draft press laws were proposed. Their initiators were journalists (five projects), government members (two projects), political parties (two projects). The projects were rejected by Parliament, but even so they show a certain professional immaturity: there was no need of new laws, but of self-regulation.

The deontological codes would have been a way to deter politicians to propose new laws for journalists. Yet, during the above mentioned period, only three codes of conduct were adopted, including an "organizational" one (the editorial office code of *Tineretul liber*, adopted in 1995). As a proof of non-professionalism, we mention the three bills (1992, 1994, 1996) issued by the Union of Professional Journalists (!); they referred to "the profession of journalist<sup>10</sup>" and included deontological codes. In other words, the ethical norm was seen as juridical norm, which would have annulled the right of journalists to regulate their activity independently.

Other press law drafts will be submitted to Parliament by groups of journalists supported by certain political groups, in 2008, 2011 and 2012; probably, there will be more similar initiatives.

There followed a series of discussions about the need for professional training, of seminars, conferences etc. Two moments were of great interest, from our point of view – the adoption of the Code of Deontology and of the Journalist's Statute by the Convention of Media Organizations (2004) and the adoption of the Code of Deontology by the Romanian Press Club (2003).

<sup>7</sup> The Daily *România liberă*, year XLVII, new series, No. 12, from 6 January 1990, p. 3.

<sup>8</sup> The Daily *Adevărul*, year I, No. 227, from 21 September 1990, p. 2

<sup>9</sup> Ibidem.

<sup>10</sup> Marian Petcu, "La législation des médias en Roumanie", *The Global Network. Communication and Society in Eastern Europe*, No. 9-10, 1997, p. 121.



Serious talks have appeared quite late, if we judge by what has been happening in the media: a great economic crisis during 1993-1994 (in Romania, there was an inflation of 280%, a context in which numerous publications disappeared, while those that remained on the market have turned into tabloids), a stronger politicization of public television and radio stations, lack of professional cohesion, a credibility crisis crossed by the press.

However, since December 2002, based on some funding programs from the U.S. and from the EU, there have been debates on a code of ethics to which most editorial offices could adhere. The initiative of the newly established Convention of Media Organizations has had an echo among the journalists, so that, on 11 July 2004, the Journalists' Deontological Code was adopted. The novelty is that the document has clarified some concepts that were frequently used, but about whose content each person understood what he thought. For example, it clarifies the significance of the concept of *public interest*<sup>11</sup> and especially that of *the role of journalists*, on which we will insist further on. According to the document, the journalist "has obligations" and "enjoys" certain rights ensured by the law, which journalists themselves decide to nuance. The journalist is obliged "to exercise the inviolable right to free speech by dint of the public's right to be informed" and "enjoys greater protection in order to exercise this right, through the vital role of defender of democratic values, which the press fulfills in society"<sup>12</sup>. Beyond metaphors - *inviolable right, vital role* - the essence of this statement is that journalists claim what they deserve in liberal regimes: free exercise (we would say even privileged) of their profession.

For example, the document proclaims the duty of every journalist "to look, to observe and to communicate the facts - as they can be known through reasonable search - by dint of the public's right to be informed". This is a formulation that avoids the supreme value of journalism, namely *the truth*, but does not protect journalists against all vulnerabilities: from the public's point of view, they will never seek enough. They will never respect the facts integrally, because in the journalistic approach, they mobilize all their subjectivity; they are not devices for detecting outstanding facts in the presence of available evidence. Never will the public be informed enough, because there are but few people who know and accept the limits of journalistic knowledge. Another element that makes the journalist vulnerable is the concept of *fact*: it is as unclear, as the concept of event. An action, the same as an inaction, is a fact. "The government have decided ..." is a fact. "The government failed to react ..." is also a fact. Hence the difficulty of conceiving rigorous standards.

To persist in tough normativity, the authors declare no more, no less than the following: "a journalist has to express opinions based on facts. When relating facts and opinions, the journalist will act in good faith "(art. 1.3.)"<sup>13</sup>. Here, again, there are difficulties in clarifying and implementing some rules. A legitimate opinion relies on knowledge, on a "factual basis", as the document indicates. What penalties will be applied if the journalist relies on emotions, on appearances, in expressing his/her opinions? We have no answer to these questions. What about the phrase "good

<sup>11</sup> Alina Hoge, Raluca Radu, "Autoreglementarea presei în România – Statutul și Codul deontologic al jurnalistului", *Jurnalism & Comunicare. Revista română de științe ale comunicării*, year IV, No. 1 (10), 2005, pp.3-11.

<sup>12</sup> <http://www.paginademedia.ro/2010/05/codul-deontologic-al-jurnalistului-elaborat-de-conventia-organizatiilor-de-media> / consulted: 21/ January / 2013.

<sup>13</sup> <http://www.paginademedia.ro/2010/05/codul-deontologic-al-jurnalistului-elaborat-de-conventia-organizatiilor-de-media> / consulted: 21/ January / 2013.



faith"? How can it be proved in a court? According to a widespread practice, "good faith" is based on: 1. neutral language, 2. absence of personal animosity 3. legitimate journalistic endeavour.

The document does not mention anything about this interpretation.

Further on, the journalist is assigned some universal attributes - "to expose negligence, injustice and abuse of any kind" (art. 1.4). Once again, we remain in the metaphoric zone, even in the fictional one. How could a journalist reveal all the authorities', citizens' etc. weaknesses? How can he/she punish injustice and abuse, without having legal culture and means other than publishing what seems to be outside the norm? Attention, we used "seems", because he/she is not asked to supply unequivocal material evidence of illegality!

Now we enter a zone of ridicule that can rarely be found in official documents of journalists. For example: art. 1.5. states that "... a journalist is in duty bound to reflect society as a whole and in its diversity, allowing access of individual and minority opinions to the media". There follows an untranslatable paragraph even into Romanian: "The public is entitled to know not only the information and ideas that are favourably received or regarded as inoffensive or indifferent, but also those that offend, shock or disturb. This is the exactingness of pluralism, tolerance and broadmindedness, compared to which there is no democratic society ". Finally, in this area of the "role of the journalist", another empty remark is worth mentioning: the practitioners of the profession have no "rights and obligations, freedoms and responsibilities"? So it makes no sense to comment on such statements.

In relation to the "professional conduct", specifically "the respect of human rights", we learn that the journalist is obliged to comply with - another metaphor - "the presumption of innocence". This "presumption" is a fake – it does not exist; the proof of the falsity of this concept is precisely the presence of the defendant before the court. We should treat this aspect seriously! Actually, there is no "presumption of innocence"! In the series of the values that journalists must respect, the next value discussed is "privacy". This is another elastic concept, which each person interprets ad libitum – we can see a gesture of seriousness in the British journalists' union. In the context of Princess Diana's death, of the arrest and interrogation of some of the journalists who were taking photos of the tragedy, the British leaders of the journalists gathered and decided that interference with someone's private life is not only justified by "public interest", but by "major public interest". Unfortunately, too little was learned from this episode, that we could call an ethical lesson ... Neither in Bucharest nor in other capitals of the world...

A succession of prohibitions that the journalists assumed (but never observed) contain the identity and the interests of minors, the identity of the victims of various disasters - accidents, natural calamities, delicts, sexual assault etc. The journalist is forced to study ethical treaties for taking the right decision - when and how we ought to reveal the victim's name, and when we ought not to do it. The agreement of the victim or that of his/her family is difficult, perhaps even impossible to obtain, under the circumstances of an accident, for example. Journalists know this very well, but the Code fails to supply clarifications.

Another series of prohibitions ("the journalist is in duty bound to...") refer to discrimination - the journalists will be specially concerned with the implications of



ethnicity, race, religion, sexual orientation, disability and so on, lest they should incite to hatred or violence. Of course, the major principle in the profession of journalism is to do no harm. It is obvious that harm can be done by discrimination. Therefore, the Code warns the professionals against that danger.

The same code of the Convention of Media Organizations includes some chapters on "Writing Rules" (to reasonably verify the authenticity of information, to publish the opinions of both parties involved, not to distort one person's message), on "Sources Protection" (to preserve confidentiality of sources ...), on "News Gathering" (to obtain information in an open and transparent way). Another chapter entitled "Abuse of Status" contains provisions regarding the journalists' personal benefits, the prohibition of accepting gifts, conflicts of interests. If we refer to the journalists' "independence", we should mention the article that stipulates that the journalist "will practice his/her profession according to his/her own conscience and in accordance with the principles laid down in the Journalist's Statute, as well as in the present Code of Deontology"<sup>14</sup>.

The formulation of "personal conscience" is sufficient to generate rule infringement – we should wonder whether there are differences between the professional conscience of a reporter in the editorial office of a tabloid and that of a reporter working for a quality newspaper. In theory, there are no such differences. But in practice, there are different ways of producing a profit for the newspaper or the television for which you work. That is why we warn against the excessive use of metaphors, of inaccuracies in the journalists' codes of conduct.

With the repair gestures (error correction and right of reply) we are passing on to the rights of journalists, which, from the perspective of the journalists in Bucharest include: protection of the law, refusing censorship, protection of sources, conscience clause, refusal of contracting advertising, if you work in the editorial sector, intellectual property protection, the protection of the media organization for which you work (professional solidarity).

The document summarized here was approved by 30 associations of journalists (at local, regional and national levels). As one can see, there is not even one provision concerning punishments, which makes this Code invalid both *de jure* and *de facto*. We consider that it is one way of exposing oneself to ridicule.

A document discussed *in extenso* in 2003, when the code analyzed in this article was adopted, was the Code of Deontology conceived by the Romanian Press Club. This institution was a creation of some media owners; its initiator was the journalist Mihai Tatulici. The institution also has an Honour Board (a book might be written about the honorability of the members of this Board ...). This club presents itself as being composed of 20, or, of 40 publishing houses (mass media institutions - press, radio, television, press agencies) and as representing 20,000 journalists (never have so many journalists worked in Romania – our note). For the present research, the composition of this institution matters less; we are mainly interested in its Code of Professional Conduct.

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<sup>14</sup> Alina Hogeia, Raluca Radu, "Autoreglementarea presei în România – Statutul și Codul deontologic al jurnalistului", *Jurnalism & Comunicare. Revista română de științe ale comunicării*, year IV, No. 1 (10), 2005, p. 9.



In this Code, we can find some provisions inspired from Romania's Constitution, as well as provisions that are common to all the existing codes in the democratic countries. Obviously, there are the already familiar metaphors; for example, the journalist has the "paramount duty to tell the truth ...<sup>15</sup>". This "primordially" is quite questionable. Just as questionable as the following assertion "journalists have the civic responsibility to act for the establishment of justice and social rightness" (art. 7), which gives the impression of a court outside the legal system. What is "social rightness"? Moreover, the "most serious" deviations as defined by this Code are: to deliberately distort information, to make unfounded accusations, to plagiarize, to make unauthorized use of photos or TV shots or slanderous sources. This proves an incomplete understanding of professional responsibility. There are no remarks here about blackmail, commonly practiced in our country, the undeclared political commitment and other illegal practices to obtain funds or other advantages.

PAGE | 107

A Code for the audiovisual media was adopted in April 2006. It regulates audiovisual program content; it is based on 29 codes, resolutions, statutes of journalists in Romania and other countries. It will be modified so that in 2011, a Deontological Code of the Romanian Association for Audiovisual Communication was drawn. This code resumes the provisions of Resolution 1003 of 1993 of the Council of Europe concerning the ethics of journalism, as well as local provisions, such as those of the Statute of the Romanian Television journalist etc. This document regulations are predictable and address certain editorial standards, rigour of information<sup>16</sup>, independence and impartiality, accuracy of opinion<sup>17</sup>, editorial responsibility, the public interest. The representation of violence is the longest chapter; it refers to the protection of vulnerable publics, in particular. There is no mention of an authority that will administer penalties for breaching the code. This Broadcasting Code would be taken over by some media groups such as those in Târgoviște, Turnu Severin etc.

The succession of such documents may continue, but we will stop here. What is worth mentioning is that not one journalist was penalized on the basis of the codes of ethics, which says a lot about professional seriousness and (in) consistency.

There are still professional issues that have been insufficiently debated so far and too little turned into ethical standards such as: obtaining and treatment of information, accuracy and verification of facts, separating facts from opinions and separating authentic events from commercial communication, conscience clause, protection of sources, conflicts of interests and so on.

The journalists' prestige, largely affected precisely by the deviations from the professional norms, has been the subject of several surveys. One of the largest was initiated in 2005 by the Center for Media Studies and New Communication Technologies<sup>18</sup>, the University of Bucharest. 1,005 journalists were asked about

<sup>15</sup> <http://blog.bitpress.ro/utilizatori/iulia/70-coduri-deontologice/566.html> /consulted: 24/ January / 2013.

<sup>16</sup> It is not the so much mentioned "objectivity". In this respect, it is worth consulting the work by the Romanian professor Tudor Căteanu : *Deontologia mass media*, Editura Universității din București, 2008, in which he promotes a new deontological concept, namely correctness.

<sup>17</sup> Here is the ECHR thesis according to which "value judgments should not be subject to the proof of veridicity", although opinions are free, they should be honest and ethical, based on "credible and sufficient factual support," which gives rise, in our opinion, to many excesses from the journalists.

<sup>18</sup> Dan Dragomirescu, "Aspecte ale identității profesiei de jurnalist- privire din interiorul breslei", *Jurnalism & Comunicare. Revista Română de Științe ale Comunicării*, year IV, No. 2 (11), 2005, pp. 3-13.



certain aspects of their work, including those related to their freedoms. 25. 6% of the journalists working in Bucharest and 25. 2% of those who worked in the counties declared that they were forced to speak against their own views in the last three years, which stands for a sign of concern. Out of the Bucharest journalists who confessed that their journalistic expression disagreed with their own views, 28.8% said that they did so under the influence of the editorial management, 14.7% because of the employer, 3.8% under political pressures; 4.5% because of economic reasons. Another major value of journalism, honesty, was the topic of investigation applied onto the same sample. The investigation results showed that 82. 2% of respondents said that media in Romania is corrupt. For example, 51. 4% of the journalists working in the public television answered that in their institution there are cases of corruption. As far as the remedies are concerned, such as error correction and right of reply, as provided in the Codes of Ethics, 5.2% of the respondents said they did not grant the right to reply to those affected. In addition to that, 43% of the journalists think that the correct information of citizens is "largely" performed, and 3.5% believe that this practice is rarely applied.

As we have shown above, journalistic ethics has an obvious national footprint; that is why we consider that comparative deontology would deserve special conferences, even books about this area.

Journalists remain the most common instance of judgment, due to their constant exposure. It is an additional reason to make more serious and deeper ethical reflection.

In Romania, the media are in a continuous loss of audience, the economic crisis that started in 2008 affecting numerous publications and some radio and TV stations. The crisis generated the phenomenon of media concentration, whose first effect was the reduction of the number of journalists, then another effect followed: their compliance with the economic objectives of their institution. The consequence was a certain intensification of tabloid offers (be they printed, tabloid TV or radio shows). This led to an accelerated lack of credibility of the journalists.

The debates within the professional community, as well as in the academic environment, indicate that there are many drawbacks in terms of the journalists' professionalism, their accountability; there is a certain culture of derision, a high share of mock events in the media offer, aesthetic mediocrity of many programs. Unfortunately, none of the above criticisms appears in any code of ethics.

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