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What are the ethics of a platform?

Keeping our standards in the time of social media

Summary

For the first 15 years of its existence, the internet has suffered from an ethical and judicial deficit. Old regulations, be they statutes of law or codes of conduct, were not seen as relevant to media platforms where everyone and their sister could be editors, where information not only travelled in two-way streets, but were dispersed across the big open plains of the brave, new digital world. Who could uphold the law in the age of Facebook, Twitter, celebrity-stalking web sites and viral distribution of intimate photos, slander and hate speech?

What we're looking for, is actually a Roy Bean of the digital age.

Key Words: Media, Internet, Ethics, Standards, Social Media

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Kakav je etičnost platforme?

Zadržavanje naših standarda u vrijeme društvenih mreža

Sažetak

Prvih petnaest godina svog postojanja, Internet trpi nedostatak etičnosti i sudske odgovornosti. Stara pravila, bilo da se radi o zakonskim odredbama ili pravilima ponašanja, nisu bila prepoznata kao relevantna za suvremene medijske platforme gdje svatko može biti urednik, gdje informacije nisu samo putovale dvosmjernim ulicama, već su se raspršile po velikom otvorenom polju neustrašivog, novog digitalnog svijeta. Tko se može držati zakona u doba Facebook-a, Twitter-a, web stranica slavnih ličnosti i virusne distribucije intimnih fotografija, kleveta i govora mržnje?

Ono što mi tražimo je u stvari Roy Bean digitalnog doba.

Ključne riječi: mediji, Internet, etika, standardi, društvene mreže

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On the other side of the Rio Tecos, which run for almost 1500 kilometres through New Mexico and Texas, lay the real wild-west. Those who crossed the river knew that they were on their own, the long arm of the law could reach no further than the east river bank. The first settlers who forced their ox-carts over the Tecos and into the Chihuahua desert on the other side, obeyed no other rule than those which could be enforced by a Colt or a rifle.

But in August 1882 the colourful saloon owner Roy Bean was appointed Justice of the Peace in Pecos County. He immediately enlisted his most faithful customers as jury members and smacked his gavel in the bar to indicate that the court was in session. During the breaks the jury, counsels for both sides – and frequently also the defendant, drank together, served by the judge himself. The little old shack that suddenly had become a bar in more than one sense, was decorated with big signs that said: “The law west of Pecos – cold beer”.

This summer the Norwegian government appointed a commission that was given the task of studying how editorial responsibility and privacy legislation may be enforced across all media platforms, including internet discussion forums and social media.

And in a totally unprecedented move, Donal Blaney, an English conservative Member of Parliament, and an avid blogger, obtained an High Court injunction against an anonymous person who had set up a twitter account in his name, and twittered things like: “Now Obama, who the eurofederasts love, is happy to leave us to the mercy of the mad mullahs.” And what’s even more surprising: The High Court notified the false twitterer through a tweet that said: “You are hereby ordered by the High Court of Justice to read and comply with the following order.” This was accompanied by a link to a web page containing the command to desist from the misleading tweeting. Justice executed in less than 140 characters.

In the course of the last few weeks two of the most prestigious newspapers in the world, and the world’s leading broadcaster have introduced strict guidelines for their employees’ use of social media.

The law is finally arriving west of the Pecos.

Only those who seriously underestimate the complexity of the new media scene and the pace with which it’s developing, can assume that it will be an easy task to regulate it, be it through laws or self-regulatory systems. But the time of lawless anarchy is coming to an end.

The situation in Norway, and most other countries, has been one where the mainstream media followed the rules, only to find the ground they were standing on, effectively being undermined by new players, which often proved to be the public itself. One example:

Two years ago a famous Norwegian actor, and close friend of the royal family, had his mobile phone stolen. The phone contained pictures of himself and his girl friend, pictures of an intimate, and in at least one case, extremely embarrassing, nature. The thief sent the pictures by e-mail to a few friends. But, by the mathematics of the pyramid game, they soon became everyone's secret.

When the mainstream media broke the story, none of them published the pictures, thus respecting both the Code of Conduct and probably also criminal law. But being alerted by the media sites as to the existence of the pictures, every peeping Tom in the country could easily find them on blogs and web sites outside the jurisdiction of the Press Council. You would have to be a complete computer illiterate not to find the pictures, even if repeated threats of litigation made most bloggers eventually remove them.

In the opening stages of what somewhat loosely is termed Web 2.0, where everyone is a press photographer, journalist and editor, both Swedish and Norwegian media discussed how to edit or moderate user generated content. The Swedish debate changed when Aftonbladet.se, the largest news web site in Scandinavia, was convicted in criminal court for publishing a small number of racist remarks from participants in one of their discussion forums. Aftonbladet was charged and convicted for breeching Sweden's law against hate speech. It then became obvious that although Sweden has a specific constitution protecting the freedom of speech, it also holds those who control the platforms upon which this freedom is exercised, responsible for what is being said or written.

I have been part of the commissions in charge of the two latest revisions of the Norwegian Press Code of Conduct, which regulates all media; print, broadcasting and online – but only those publications that has an editor or journalists who belong either to the Editors Association or the Journalists Union.

Both committees suggested that the code should demand that all editorial material be edited *before* publication. The committees did not fear so much actors taking nude pictures of themselves in the mirror, as harmful accusations against individuals, threats against minors,

identification of people who should have their identity protected and other potentially harmful violations of the ethical code .

On both occasions, the proposals were successfully opposed by the editors of the largest web news sites. The next time a celebrity is being filmed by the growing number of mobile phone paparazzies, or have their pc with highly personal material stolen, it may be published on the largest web sites in the country for example by posting links that will only be removed after the moderators have been alerted by the public or the victim. We are effectively trying to transfer not only the journalist's work but also the editorial responsibility to our audience.

Let me return to Twitter and Facebook, the two most popular of the social media. More than half the Norwegian population has a Facebook account, and although Twitter is much smaller and may never be as popular as Facebook, it's still an effective way of distributing hard news, as we saw during the terrorist attacks in Mumbai, the plane crash into the Hudson river in New York and the protests following the recent election in Iran. But it is also similarly effective when it comes to the spreading of gossip, ill-based accusations, drunken diatribe and hate speech.

The traditional media, including some of the world's most prestigious news organisations are almost desperately searching for a policy on how to deal with this completely changed media landscape. The first, almost intuitive reaction, was to use Facebook, Twitter and similar services as just another way of distributing editorial content. The power of the so called viral distribution was seen by salivating editors and managers as a free, new way to reach the masses. But it soon dawned upon them that this time the masses didn't particularly like being treated as passive receivers of the wisdom of the powers that be. The masses wanted to talk back, to dissicate the material, to make mash ups of material from different sources, to challenge the former news monopolies and to circumvent the formerly hallowed journalistic process of fact checking, editing and packaging of all the news that's fit to print.

At the same time as traditional media are allowing, or even soliciting, their customers to participate in the editorial process through discussion forums, citizen journalism, embedded twitter streams and the like, professional journalists are at the same time playing an active role in the social media, often mixing private opinions with professional distribution of their material. Some news organisations like the New York

Times and the Washington Post have introduced in-house guidelines that restrict staffers' use of social media, also for private and personal purposes.

The Washington Post rules, leaked last month - through social media - states that:

“When using these networks, nothing we do must call into question the impartiality of our news judgment. We never abandon the guidelines that govern the separation of news from opinion, the importance of fact and objectivity, the appropriate use of language and tone, and other hallmarks of our brand of journalism.”

When these guidelines became public, Howard Kurtz, the Washington Post media columnist, joked – on Twitter – that he henceforth would restrict his tweets to two topics: The weather and desert recipes – as if there aren't different schools of thought on how to make a perfect creme brulee.

The new rules for social media adopted by the New York Times as recently as last month, is even stricter. Here is an excerpt:

“Be careful not to write anything on a blog or a personal Web page that you could not write in The Times -- don't editorialize, for instance, if you work for the News Department. Anything you post online can and might be publicly disseminated, and can be twisted to be used against you by those who wish you or The Times ill -- whether it's text, photographs, or video. That includes things you recommend on TimesPeople or articles you post to Facebook and Digg, content you share with friends on MySpace, and articles you recommend through TimesPeople. It can also include things posted by outside parties to your Facebook page, so keep an eye on what appears there. Just remember that we are always under scrutiny by magnifying glass and that the possibilities of digital distortion are virtually unlimited, so always ask yourself, could this be deliberately misconstrued or misunderstood by somebody who wants to make me look bad?”

Last week the BBC unveiled a set of new guidelines along the same lines, so there seems to be an emerging industry standard that requires the journalist to twitter as if they were presenting the ten o'clock news or writing an editorial. It remains to be seen how the institutions will enforce

these rules. Do they also apply in small, closed discussion forums, closed Facebook groups, group work on Google Wave for example?

This is just one of a myriad of new challenges facing us, both as journalists and as media ethics regulators in a multiplatform, social media landscape. I'll close up now by listing a few more. I phrase them as questions, because I believe that it would be either extremely arrogant or disturbingly naive if I – or anyone else - pretended to know the answers. But eventually we'll have to face these challenges, and a conference like this is an excellent venue for doing exactly that.

So here are my top questions:

1. To what extent should we include material from social media in our own reporting and embed social media on our own web sites?
2. What kind of moderating, editing, fact checking and proof of copyright ownership should we require from media organisations that choose to rely on social media in their journalistic endeavours?
3. To what extent should media organisations infringe on their journalists' right to participate in different social media as private individuals?
4. Should journalists be allowed to be social media "friends" with people they write about? May a political correspondent admit politicians as Facebook friends and a financial columnist join a Facebook group that has business executives as members?
5. Should the media treat all information published on social media, for example pictures or facts of a private nature, as already being in the public domain, and as such free for publication?

These are just a few of a long list of topics we have to address if we want to follow in the footsteps of Roy Bean, and establish the rule of law – or the value of professional ethics – in the new territories.

