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Ethics codes in post-communist countries: The case of Bulgaria and Romania

Lada Trifonova Price

Abstract

This chapter summarizes the impact of a quarter of a century of democratization on ethical journalism standard setting in Bulgaria and Romania. It starts with a brief overview of the political, economic, and social context of both countries, followed by an assessment of media policy, regulation, ethics codes, and factors that have hindered the development of ethical journalistic practice. The media sphere in former communist bloc countries has been invariably described as a battleground between authoritarian and democratic forces where existing and emerging values in journalism have struggled for dominance. In the journalism profession, traditions of acting as a mouthpiece of the government clashed with newly discovered ideals for independent, responsible, watchdog journalism. In fragile democracies such as Bulgaria and Romania, the coexistence of these old and new norms continues to cause confusion, uncertainty, and conflicts among journalists. Competition, concentration of ownership and financial hardship are posing severe challenges to journalistic integrity, standards and ethical principles.

Introduction

With the collapse of communism and the disappearance of ideological education for journalists, new ethics codes were gradually introduced throughout the former Soviet bloc, consisting of “21 post–communist countries in Europe, which after the collapse of this regime in 1989/1991 made a more or less successful transition toward democracy” (Dobek-Ostrowska, 2015, p. 11). Despite historical, cultural, and linguistic differences, together all of these countries can be broadly distinguished

from western mature democracies by their lower level of democratic culture and weaker economic development. The ethics codes were born from the need of journalists to create a new professional identity that was different from the communist standards of conduct. Although codes varied from country to country, their overarching aim was to raise standards in journalism (Himmelboim & Limor, 2008). The emphasis in the codes was on universal principles for ethical practice that revolve around values such as accuracy, truth, objectivity, privacy, and freedom – values that had been almost completely disregarded during communism when the media were used as tools for political control (Stewart, 2013). The codes' most common functions were to demonstrate accountability to sources and the public, and to preserve the professional integrity of journalists from external influence and interference (Laitila, 1995).

Since the revolutions of 1989, Eastern Europe has experienced periods of unprecedented press freedom followed by extreme violations of media independence and disregard for journalists' rights to bring accountability into public life. The removal of state control and rapid liberalization of the media markets have contributed to advances in media pluralism, but competition, concentration of ownership, and market censorship are posing different yet serious challenges to journalistic integrity, standards, and ethical principles. Nowhere is this more visible than in Bulgaria and Romania, often described as two of the “laggards” in the process of democratization in comparison to “frontrunners” such as Poland, Slovenia, Estonia, and Lithuania (Balčytienė, Lauk & Glowacki, p. 13). Several of the transition “prodigies” who adopted post-communist media reforms swiftly and made substantial gains in creating new democratic media environments have been grouped together by

scholars as more advanced, while Bulgaria and Romania are both considered in the “early consolidation phase of democracy and in the secondary transition stage of media reform” (Dobek-Ostrowska, 2015, p. 18). Both have experienced periods of “counter-reformation” where important reforms have been reversed, abandoned or delayed (Balčytienė et al., 2014, p. 13). The consensus is that Bulgaria and Romania have struggled to embed constitutional stability, enforce the rule of law, and combat high levels of corruption, nepotism, and cronyism (Ganev, 2013). In the summer of 2020, the capital of Bulgaria Sofia drew thousands of anti-government protesters against endemic corruption affecting all spheres of life, including the media.

Throughout the process of transition to democracy, Bulgaria and Romania – neighboring countries – have endured numerous changes in media regulation and attempts at press self-regulation. Despite Romanian journalism being subjected to at least ten versions of ethics codes, Romanian journalists overall have failed to self-regulate, while the low quality of journalism has resulted in decreased trust in journalism by the public (Milewski, Barczynszyn & Lauk, 2014). A decline in ethical and editorial standards gathered momentum in the late 1990s due to the fact that Romanian media had their hands tied by powerful vested interests and failed to provide their audience with reliable and accurate information (Stewart, 2013).

In Bulgaria, the media environment is in a state of “normative confusion,” and media regulation is “at a loss in terms of guiding principles” (Smilova, Smilov & Ganev, 2011, p. 5). Likewise, several versions of an ethics code for media and journalists have been created since 1990. A big milestone for ethical self-regulation was the first ethics code adopted by the Union of Bulgarian Journalists in 1994. The code was

focused predominantly on the social responsibility role of journalists and emphasized the civic responsibility of the journalism profession to defend freedom of expression. Framed as “prohibitive rules” (Surugiiska, 2016, p. 47), the code recommended that journalists should not accept any tasks that were incompatible with their professional dignity, and, importantly, that journalists should not put themselves in the service of intelligence agencies. Given the fact that the first ethics code was adopted not long after the end of the communist regime, the unusual rule about the intelligence services stemmed from widespread suspicions that several journalists had secret service records and, in the past, were involved in intelligence-gathering activities rather than reporting. The suspicions were confirmed later in 2008 when the records of all journalists born before 1972 were disclosed, and many were exposed as agents or collaborators with the secret police (Trifonova Price, 2015).

In another milestone, in November 2004, the Bulgarian Union of Publishers launched a new voluntary ethics Code of Practice for media professionals. Initially it was adopted by a significant number of media outlets, but since 2005 extensive media wars have led to a split within the publishers’ union (RWB, 2018), resulting in a refusal of a large number of media outlets to sign the code. In 2013 a new code, almost identical in format and content (Surugiiska, 2016), was adopted by the journalists of New Bulgarian Media Group (NBMG). The group is owned by a local oligarch and member of parliament Delyan Peevski, described as the “Murdoch of the East” (Štětka, 2012, para. 4), who controls a substantial number of electronic and print outlets as well as the main print distribution house in the country (Wehofsits, Martino & Vujovic, 2018). The introduction of the alternative code by the Bulgarian Media Union and the outlets belonging to Peevski demonstrated the strong

polarization of the media community in Bulgaria and its unwillingness to unite behind common ethical standards (Zankova & Kirilov, 2014). Despite the existence of two codes of ethical practice, self-regulatory mechanisms of the Bulgarian media are very weak and do not address problematic practices such as selling content to the highest bidder (Smilova & Smilov, 2015). Similarly, in Romania it is common for media outlets to accept substantial advertising and paid-for press trips in exchange for positive coverage (Boros & Cusick, 2017).

Journalism ethics and values during communism

In order to understand the situation regarding media regulation and ethics codes in both countries, some context is essential. The emergence of codes of journalism ethics is predetermined by different historical and socio-political conditions (Bykov, Georgieva, Danilova & Baychik, 2015). Before democratization began, journalism education in communist Bulgaria and Romania was mostly theoretical, since its purpose was to serve the ideological goals of the communist party (Gross, 1999). Both educators – and, to a large extent, journalists – acted as ideological gatekeepers and agents of the communist party and government. For example, the most desirable professional qualities of journalists were firm adherence to the party’s ideological dogmas and skills to disseminate information aimed at educating a wider audience about communist values. Journalists were writers engaged in literary pursuits and “creative activity” (Vasilendiuc, 2010, p. 6). Media activity was regulated generally by resolutions or decrees issued by the communist party or government bodies. At the same time, there were strict limits on those practicing journalism – very restricted access to information, inability to freely express views and opinions that differed from the official prescribed party line, and the necessity of building a parallel career as a

member of the party cadre in order to advance professionally. Many journalists were coerced into acting as spies or informers for the secret services (Hall, 1996; Trifonova Price, 2015). Less severe but nonetheless oppressive constraints on journalism included practicing self-censorship, toeing the line, and being part of the well-oiled propaganda machine in order to remain working as a journalist. In that sense, journalism ethical values were closely aligned with party principles, and the consequences for Bulgarian and Romanian journalists for breaking the rules could be severe – from losing their jobs to never being allowed to work in the media again.

Post-communist media landscape and ethics

The transformation of journalism in Bulgaria and Romania has been characterized by turbulent developments in their media markets, a distinct struggle to establish professional norms, and a lack of commonly recognized ethical norms and practices. Democratization brought new sets of principles for practicing journalism that differed significantly from the old ones (Laitila, 1995). With the collapse of communism in Bulgaria and Romania, most state-controlled and sponsored media ceased to operate. This was followed by a large influx of privately owned outlets and ideas regarding the implementation of western professional journalistic standards. The liberal model of journalism was lauded by scholars as detached, neutral, and objective, and as a check on those in power. In order to implement this model, in the early period of democratization, vast sums of money were invested in media development and training of local journalists by visiting journalists and experts from Western countries (Foley, 2006; Stewart, 2013). Efforts to educate journalists into conforming to so-called western journalism – a type of professional ideology generated and formulated within the framework of Anglo-American journalism – continued for a number of years (see Mancini, 2000; Lauk & Høyer, 2008; Lauk, 2009). In

Romania in the 1990s, more than 500 young radio and TV journalists received training designed and carried out by the BBC and its Bucharest School. The school received close to one million pounds by the American financier George Soros and the British government (Stewart, 2013).

However, despite the large number of foreign media tutors brought in to teach journalists how to do their jobs in the new post-communist media, Bulgarian and Romanian journalists did not strictly or automatically apply ethical standards to their work. This continues more than thirty years after democratization began. Presently, most journalists are aware of and appreciate “the western values of the journalism profession without effectively putting them into practice,” indicating a discrepancy between professional ideology and day-to-day practice (Milewski et al., 2014, p. 108). There are fundamental differences between the reality of everyday practice that journalists in transitional democracies such as Bulgaria and Romania encounter and the exemplary behavior recommended in ethics codes. Research shows that when approaching ethical dilemmas, reasoning that works in a western context does not apply well to other countries. Societal factors and the larger structural system in which journalists operate have a profound influence on their ethical outlooks and the way in which they deal with ethical and moral dilemmas (Plaisance, Skewes & Hanitzsch, 2012). The early 1990s training courses were designed to bridge a gap between the scrapping of communist-type journalism degrees and the introduction of new journalism programs. Still, completing a short course was not a substitute for journalism ethics training, which most journalists were expected to gradually acquire on the job by a process of trial and error. The training was largely focused on promoting western journalistic standards with very little attempt at acknowledging local journalism traditions, norms, and journalistic cultures. The overall consensus is that the

attempted transplant of “liberal” professional journalism standards in the new democracies did not result in any “successful cases of replacing the communist model with a ‘western’ one” (Lauk, 2009, p. 71).

In the early years of the transition to democracy, journalists in Bulgaria and Romania mostly abandoned literary-creative activities in favor of fact-based reporting, discarding the elaborate language and style of the communist era. The regime change disrupted and altered the standards by which journalistic quality and performance were being judged (Voltmer, 2008), while also changing perceptions of professional and ethical behavior in the new media system. Nevertheless, the coexistence of old and new journalistic values caused confusion and conflicts among journalists about their roles in democracy. High-quality, public service factual reporting and investigative journalism could be found on the same page as advocacy or partisan journalism, which was very common during communism. Advocacy continued to spread in post-communist years when media began serving new private owners and their close networks of political and business associates. It is well known that high levels of advocacy in journalistic information can lead to a weak and confused professional identity for journalists and the absence of a shared code of journalistic ethics (Mancini, 2000). This phenomenon is clearly illustrated in Bulgaria’s case where some media adhere to the 2004 code of ethics while others have signed up to the new one adopted in 2013. Codes of ethics are usually constructed in relation to role expectations and linked to public interest demands, so when there is disagreement or confusion about roles, there are bound to be difficulties in standard setting (Laitila, 1995).

One of the main problems facing the media industry in Bulgaria and Romania is the inability of their respective regulatory systems to tackle effectively all of the issues related to media ownership and political and economic independence of the media. The lack of appropriate legal frameworks has allowed a very high concentration of media ownership in Bulgaria: first – beginning in 1996 – into the hands of foreign companies, and later – from 2010 onward – to local media barons like Peevski with “huge media empires not commensurate with the size of the country” (Zankova & Kirilov, 2014, p. 117). Concentration of ownership shapes and steers news in particular ways while reducing pluralism and the number of possible attempts to provide a truthful, accurate, and sincere account of events (Harrison, 2006). The media in Romania are owned by five conglomerates run by competing media owners, of which two have criminal connections, and most journalists have to toe the owners’ line (Stuart, 2013; RWB, 2018). In both countries, continued pressure on journalists and interference with their work distorts editorial and news content to suit political and corporate agendas. Post-communist media outlets are currently in the hands of a few politically motivated owners who regard the media as a tool for impact, control, and public influence (Wehofsits et al., 2018). This makes it almost impossible to have an institutional journalism ethos that serves the public good. When it comes to public TV and radio, both are directly dependent on the state budget and prone to regular government interference (Trifonova Price, 2018).

Attempts toward regulation, self-regulation, and ethics codes

Linked to the struggle to enact commonly accepted professional norms and ethical guidelines are numerous attempts to implement models of media regulation in Bulgaria and Romania. For example, an attempt was made to export prominent BBC

values such as accuracy, impartiality, and independence to Romania's newly established national broadcasters, which had very different journalistic traditions (Stewart, 2013). While the values looked great on paper, in reality, regulatory mechanisms that could aid the development of independent and professional media were not supported by either traditions of democratic journalism or adequate political culture in the transitional societies to which they were imported (Balčytienė, 2005). The majority of Eastern European journalists, including those in Bulgaria and Romania, have shown deep reservations toward all forms of public regulation of the media, and they insist on unrestricted freedom. For many years, any attempt to discuss the necessity of ethical standards to protect freedom of speech was rejected due to fears of new forms of censorship. At the same time, there was growing recognition that self-regulation of the press and the introduction of codes of ethics that apply to all media and journalists were needed to show the authorities that journalists are accountable, and no tighter regulation or surveillance was required.

An important distinction needs to be made: In both Bulgaria and Romania, broadcasters are regulated by law, while the press is not and is subject to self-regulation solely through ethics codes. For example, in Bulgaria broadcasting is regulated by the existing media law (Radio and Television Act of 1998),¹ while public TV's and radio's programs are approved by the broadcasting regulator, the Council for Electronic Media (CEM), also charged with awarding licenses to all broadcasters (see Antonova & Georgiev, 2013). Just like in all other post-communist states, in Bulgaria and Romania, the appointment of broadcasting regulatory authorities and governing bodies of public service broadcasters, including their top management, is often political (see Jakubowicz, 2007). As well as being legally regulated,

broadcasters have also chosen to abide by the general ethics codes in their respective countries.

Bulgaria provides a good example to illustrate the challenges of implementing self-regulation through codes of journalism ethics in transitional democracies. The current 2004 Code of Ethics is based loosely on the BBC's editorial guidelines, and development of the code was carried out and managed by the BBC World Service Trust (BBLF, 2004). Initially, more than 200 media outlets, including the two public service broadcasters, Bulgarian National TV and Bulgarian National Radio, and the main news agency, Bulgarian News Agency (BTA), signed the document.² The code is signed not just by individual media outlets but also by publishers, a union of publishers, owners of print and broadcast media, associations of regional and national media, thus effectively binding them together in committing to ethical journalism (Smilova, Smilov & Ganev, 2011). This distinguishes the code from previous versions, which were aimed solely at individual journalists. Two commissions on journalism ethics, for print and broadcast media respectively, were charged with monitoring implementation of the 2004 code, but both ceased their activities in 2013 because a number of broadcasters did not sign on to the Code of Ethics, nor did the outlets belonging to the media oligarch Delyan Peevski, which, as noted previously, launched their own code in 2013 (Zankova & Kirilov, 2014). Neither of the two competing ethics codes for Bulgarian media is particularly effective (Wehofsits et al., 2018), nor are there any significant consequences for breaches of the rules. In Romania, the situation is very similar. The self-regulatory Code of Press Ethics has neither enforcement nor sanctioning power (Popescu, Mihai & Marincea, 2016). Journalists often break ethical principles, and put organizational agendas such as

ratings, circulation, or advertising before professional obligations (Vasilendiuc, 2010; Milewski et al., 2014).

Factors that impact media standard setting and recommendations

The biggest impediment to media standard setting and regulation in Bulgaria and Romania is the dominance of political and business agendas, and informal networks of influence in all public spheres, including the media. This has, by and large, resulted in the subordination of journalism to political and corporate interests in both countries. In that sense, the post-communist landscape has become not all that different from the pre-communist landscape. Instead of communist party directives, the media are influenced or threatened through market mechanisms, advertising (state and private), public relations companies, or indirect political and financial pressure. In Romania, media politicization is very high with close links between media, journalists, and political parties. Journalism is seen as a substitute for politics, and journalists sometimes openly identify themselves with parties or politicians, which is not that different from communism. Journalists are not afraid to give politicians positive praise in exchange for rewards (Milewski et al., 2014). Lack of political independence poses the most significant threat to media pluralism in Romania, but the “dismal situation” of journalistic standards is of particular concern (Popescu et al., 2016, p.5).

The vested interests of media owners often override ethical norms in the existing codes of ethics, and ethical journalism has long been neglected. Financial insecurity and low or non-existent salaries often force many journalists, albeit unwillingly and as a last resort, into corrupt or unethical practices that can bring them much needed income (Trifonova Price,

2019). While journalists in Bulgaria and Romania enjoyed high levels of trust after the collapse of communism, since then, both have witnessed a sustained deterioration of working conditions, and a decline in the social prestige of the profession, which has hampered ethical standard setting. The advent of digital editions of traditional news media and the spread of native advertising have further compromised journalistic ideals, such as keeping editorial content independent from influences. The systems for regulation of media content and performance are dysfunctional, and ignoring journalism ethics has destroyed trust in journalism.

How can this state of affairs be overcome?

There are no easy solutions to the issues outlined in this chapter. The presence of ethics codes does not automatically raise the quality of journalism nor does it stop abuses of ethical norms. In order to serve society in an ethical and responsible manner, the environment in which journalists in both countries work requires major reforms. This involves the introduction of new regulatory models for the press and broadcasters, which support independent media and journalism and make them immune to interference from political, state, and corporate actors. Well-functioning, active bodies that closely monitor the implementation of rules set out in the codes are needed urgently so that ethical standards can take effect. At the same time, media communities need to bridge deep divisions and unite behind common ethical standards, in which they firmly believe and offer mutual support. Confusion and media wars only benefit those with power and money. Practicing ethical journalism will help raise much-needed trust in journalism. This is more important than ever in Bulgaria's and Romania's continued struggle to build functioning democracies.

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¹ The Law on Radio and Television applies to broadcasters only.

² For a full list of signatories see National Council for Journalism Ethics (NCJE), 2020. The list is in Bulgarian and was retrieved from the NCJE's website: <http://mediaethics-bg.org/м е д и и - п о д п и с а л и - к о д е к с а />