Ethical Journalism: The case of the adherence to the Code of Conduct in the Kenyan Media

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Journalists are deemed as custodians of press freedom and it is their onus to feel ethically obliged to give their audiences information that is of public interest. In this study, we examined the extent to which journalists reflect on the code of conduct to make decisions on how to gather information, package information, publish and distribute stories in media. Investigations were made on which decisions were made when to select appropriate channels are used to break the story; if moral journalistic considerations were made before relying the information to the public and whether media practitioners upheld ethical journalistic actions that minimised harm to other parties.

The theoretical and conceptual Framework was derived from Social responsibility theory; Deontological; Teleological; Situation and Utilitarianism theories of media ethics. The Target Population comprised of Media practitioners in various Kenyan mainstream media houses who were selected using non-probability purposive sampling from three cadres of personnel, specifically news editors, sub-editors and reporters this was a field survey with interview schedules that
had predetermined set of questions and responses were voice recorded and transcribed for analysis

Key findings indicated that a section of Kenyan media practitioners appeared apathetic to adhering to the ethical principles contained in the Second Schedule of the Media Act 2007. This study recommended the revision of the Media Council of Kenya’s Code of Conduct in clearly defining ‘Public Interest’ and as well as making distinctions in other areas that journalists find unclear in forums that involve the relevant stakeholders. Further to, a revision of media houses’ in-house editorial policies that appropriately guide journalists in relation to areas that are not covered by the Media Council of Kenya’s Code of Conduct is in order.

**Key words:** Media ethics, social responsibility, moral and ethical considerations

**Introduction**

In the study of journalism, emphasis is placed on news values, promptness and stylistic elements. However, the shift from traditional media to a dynamic and interactive media has made media ethics a core subject of media studies and practice. Consequently, there is a lot of literature on the ethical principles that ought to guide media practitioners in their profession. Nonetheless, there is little research on the adherence to the ethical principles. This can partly be attributed
media institutions concentrating on the bottom line hence their reluctance to commission research on adherence to media ethics

Ethical Practices in the Media refers to the principles that regulate the activities of the media. The media is expected to operate within the ambit of a code of conduct as the practice is regarded as having an underlying mission: to serve and safeguard public interest. However, given the fact that freedom of the media and of expression, as well as the right to access information, are an essential prerequisite for democracy, ethical principles seek to protect the fundamental rights of individuals and ensure the maintenance of harmony.

There are multiple moral dilemmas that media practitioners have to grapple with in the process of publishing stories in the media. These include questions on whether journalism in modern times is a conveyor belt of information. Or does it solely report the facts? Should one present multiple angles? Is there a thin line between tendentiousness and interpretative journalism? In addition, there are intricate ethical decisions one has to ask media professionals / practitioners – how do you remain loyal to your employer yet also remain accountable to the public?

This research seeks to investigate the knowledge and adherence to media ethical principles in Kenya. It is a social responsibility audit in the ways that the media collects and publishes information. As in all professional endeavours, the
responsibility is assigned to individuals – not just to media houses- who then carry that responsibility day by day. It is the total of individual adherence that makes media a public interest and watchdog institution.

A free press is greatly intertwined with democracy and governance in a country, and is also a reflection of the citizenry. The media can, and do, provide information that citizens need to know - this aspect separates the Fourth Estate from other industries. The responsibility to provide information is accepted voluntarily. Voluntarily accepted social responsibility means that the media must meet certain expectations and ethical definitions. In keeping with its the solemn responsibilities, the media is tasked with maintaining the highest standard of professional ethics. This means that media practitioners ought to make decisions and take actions based on the best interests of society; in public interest.

The research will draw out the concept of social responsibility as it applies to media ethics through providing examples of how the media’s actions are viewed by audiences. This study seeks to determine the concision of practical application of the Code of Conduct to identify where there may be gaps in the adherence, and the role social responsibility can play in information professionalization of the media in Kenya.

Research approaches will include how audiences perceive ethics in various media production. Additionally, how practitioners analyze and evaluate media
content; the researchers will put suggestions and recommendations. Ethical principles are the framework upon which the media profession is built. Codes of ethics are written not because the media are “bad” but rather to guide conduct.

The objective of this study is to explore ethical dilemmas that media practitioners face in the profession in the application of ethical principles as contained in the Kenya Second Schedule of the Media Act 2007. Although ethical principles for media practitioners have been available by The Media Council of Kenya, which is the media’s self-regulatory body, conformity and adherence is problematic across various platforms. The print media is particularly culpable to violating these guidelines due to its non-transient nature. More recently, questions of ethics and ethical practice(s) have become of substantial concern to professional practitioners, audiences, media students and scholars.

The assumption is that the journalists, reporters and editors are considered to be knowledgeable thus expected to adhere to the principles as outlined in the code of conduct. Ethical media. Based on the Ad Hoc Balancing theory of the First Amendment suggests there needs to be a balance between freedom of speech and other values. As such, there is an ethical obligation on the media to balance the public’s right to know with citizens’ right to privacy.

Research on media ethics exposes the media’s freedom to maximize their bottom line through malpractices. However, it could be argued that the research
and call to adherence is of public benefit. If the practitioners are not up to task of adhering to the code of conduct and are exposed as such, then their claim to public trust is at peril. The study was intended to study to what extent media practitioners are aware of the principles in the Code of Conduct and utilize these principles in the decision making process of publishing stories.

The research objectives in this study were:

1. To examine to what extent journalists as custodians of press freedom feel ethically obliged to give their audiences information of public interest
2. To examine the extent to which journalists reflect on the code of conduct to make decisions
3. To investigate how decisions to select appropriate channels are used to break the story
4. To explore if moral journalistic actions bring about greater good
5. To analyse whether ethical journalistic actions can uphold the responsibilities of the mass media while minimising harm to other parties

The Code of Conduct for the practice of journalism in Kenya

The Media Council of Kenya works to promote ethical standards among journalists and in the media. And similarly, the Code of Conduct for the Practice of Journalism as entrenched in the Second Schedule of the Media Act 2007
governs the conduct and practice of all media practitioners in the country. Among
the items it discusses are accuracy and fairness, independence, integrity,
accountability, opportunity to reply, unnamed sources, confidentiality,
misrepresentation, obscenity, taste and tone in reporting, paying for news and
articles, covering ethnic, religious and sectarian conflict, and recording interviews
and telephone conversations.

Pivotal is that the fundamental objective of a journalist is to write a fair, accurate
and an unbiased story on matters of public interest. All sides of the story should
be reported, wherever possible. Comments should be obtained from anyone who
is mentioned in an unfavourable context. Journalists should present news fairly
and impartially, placing primary value on significance and relevance. They should
treat all subjects of news coverage with respect and dignity, showing particular
compassion to victims of crime or tragedy.

In addition, journalists should seek to understand the diversity of their community
and inform the public without bias or stereotype and present a diversity of
expressions, opinions, and ideas in context.

**Public Interest rationale**

During the Leveson Inquiry, which is discussed later in this paper, the term
‘public interest’ was frequently used as a justification for the alleged wrong doing
by the press. In Kenya too, journalists, particularly investigative journalists, use the same term as a defence of justification. The Code of Conduct for the practice of journalism in Kenya mentions ‘public interest’ in four ethical principles. Namely: Misrepresentation, Privacy, Protection of Children, and Obscenity, Taste and Tone in Reporting.

In misrepresentation, the Kenyan Code states in part “Subterfuge can be justified only in the public interest and only when material cannot be obtained by any other means.”

In the Privacy subsection (c), it says “Intrusion and inquiries into an individual’s private life without the person’s consent are not generally acceptable unless public interest is involved. Public interest should itself be legitimate and not merely prurient or morbid curiosity.”

In the protection of children ethical principle, the code says “Children should not be identified in cases concerning sexual offences, whether as victims, witnesses or defendants. Except in matters of public interest, for example, cases of child abuse or abandonment, journalists should not normally interview or photograph children on subjects involving their personal welfare in the absence or without the consent, of a parent or other adult who is responsible for the children.”
Obscenity, Taste and Tone in reporting is one of the three ethical principles that are also grounded in the Penal Code. The others two are Hate speech and Opportunity to Reply. The code reads in subsection (c) “…publication of photographs showing mutilated bodies, bloody incidents and abhorrent scenes should be avoided unless the publication or broadcast of such photographs will serve the public interest.”

Notably, the definition of public interest is not given in the Code of Conduct. What then is public interest? Is interpretation on the meaning open to media practitioners?

The British Press Complaints Commission’s Code of practice defines public interest as to include “detecting or exposing crime or a serious misdemeanour, protecting public health and safety; preventing the public from being misled by some statement or action of an individual or organisation.”

According to Harding (2012), a former controller of Editorial Policy at the British Broadcasting Corporation (BBC), public interest is not what the public is interested in, neither is it national interest nor the unfortunate practice of the media satisfying the curiosity of the audience / public.

These definitions of what is and what is not ought then to guide the media in carrying out their professional duties while at the same time guarding the ethical
principle of independence. With this in mind, the researchers are easily able to deduce from the responses of the respondents’ whether the Kenyan media practices in public interest or of public interest.

The state of Kenya’s media industry

According to the *African Media Barometer — Kenya* (2012), generally, people in the country tend to watch TV news along ethnical and political lines, especially since the post-election violence ended in 2008. This positive interest in media is marred by the increase in the level of corruption within the media sector. Media organizations have spoken out against corruption but in practice, bribing journalists is such a common practice that it has been coined “grassroots editing”.

Grassroots editing is a practice whereby Kenyan journalists receive money to run stories that are biased in favour of the person who has paid the bribe. Even senior editors have been implicated and many of them are suspected of being on a retainer for personalities in positions of power. Media houses have no moral high ground to punish corrupt journalists because even senior editors are corrupt.

Kenyan media reflects the Kenyan society, which means there is little space for the voices of women or stories that tend to show women in a positive light. Stories about women often centre on issues like domestic violence in which
women are portrayed negatively. Women from minority and conservative groups like Muslims often come under intense scrutiny and are criticized about how they dress or talk in public.

The media practice high levels of professional standards. They follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public. Media houses in Kenya tend to have their own editorial policies with clear cut rules and regulations addressing ethics and standards with some of the media houses instituting their own complaint mechanisms.

For instance, The Star Newspaper has a Complaints Editor and they encourage the public to report professional lapses by the paper or its journalists. The Daily Nation runs an advertisement informing the public that its reporters cannot accept money from news sources and that the paper does not pay for stories. The advert includes a number that readers can use to make complaints.

On a national level, there is a voluntary self-regulatory body even though it is instituted through legislation. The Media Act of 2009 establishes the Media Council of Kenya (MCK) which is then responsible: “for the conduct and discipline of journalists and the media; for the self-regulation of the media and for connected purposes.” The same Act allows the MCK to set up the Complaints Commission (CC).
Any member of the public, who has a complaint against a journalist, publication or a media enterprise, can write to the Media Council of Kenya about “the nature of the injury or damage suffered and the remedy sought.” Kenyan media reporting is considered acceptably accurate but not always fair. Unfair reporting is influenced by politics, ethnicity and advertising. The media will rarely ever report negatively about an advertiser and give less space to businesses that are not regular advertisers.

There are many examples that demonstrate sloppy reporting in the media. A court had to stop *The Star* from reporting a murder case after the paper revealed the picture of the underage suspect, who allegedly killed her father. The media also ignored some facts of the story, including allegations that the father tried to rape the girl.

In a separate story, the media reported a teachers’ strike even though the teachers’ union had clearly stated in a statement that their line of action was still being worked out. There have been cases of misinterpretation and misrepresentation of public declarations by officials, including those made on live television. Increasingly, newspapers try to remedy cases of inaccuracies by running corrections, clarifications and apologies—even though they are often hidden in difficult to spot corners.

Some developments in the media environment in the last three years include:
Many politicians took over media houses in order to gain mass prominence and promote their agendas. This infringes on the ethical principle of independence as outlined in the ASNE Code because proprietors not conversant with the code of Conduct are bound to subtly or blatantly seek to influence editorial decision-making processes in their favour. Some of the publicly known media owned by politicians are One Fm which is owned by Henry Kosgey’s family, Ali Mwakwere’s Kaya FM and President Kenyatta’s MediaMax Kenya, which includes a TV station, several radio stations and a newspaper.

Media houses have also openly taken partisan positions on major political and national issues. The best example is Royal Media Services chairman, S.K. Macharia, who endorsed a presidential candidate and took part in active campaigns for the candidate.

It can also not be forgotten that to some extent, the media is on trial with the ICC post-election violence case. Joshua Arap Sang, Head of operations at Kass FM, was indicted at The Hague on 23 January 2012. Mr. Sang is charged with using his position in the media to call for crimes against humanity, namely: murder, deportation or forcible transfer of population and persecution.

**Media Ethics**
Exhibiting ethical behaviour enhances the spirit of the Fourth Estate (Albarran 2009). In other words, in order to earn public trust and play the watchdog role effectively, journalists require and must adhere to ethical judgment; ethics enhance credibility of the Fourth Estate. The fourth estate refers to the media collectively and encompasses editors, photographers, reporters, television broadcasters, and radio announcers, among others. Media ethics are the guarantor of professional journalism, adherence to the ethics is a benchmark for an institution that values its role.

In the Kenyan, ethical principles commensurate to the practice of journalism are outlined in the Second Schedule of the Media Act 2007. This Act plays a pivotal role in establishing the rule of law as applies to journalists. This pivotal role is a refinement of benchmarks that seek to professionalize the media.

Regardless of the existing code of conduct, unethical media practices in the recent past have been noted. This has presented an opportunity for researcher to observe, audit and gather information on malpractices, controversial issues as well as best practices, thus necessitating this study.

Internationally, incidences such as the “royal prank” by an Australian radio station that resulted in the suicide of a UK nurse call into question global media ethics. In December 2012, Australia’s 2DayFM radio hosts Mel Greig and Michael Christian called London’s King Edward VII Hospital where Catherine Middleton –
the Duchess of Cambridge was admitted for a pregnancy related ailment. Pretending to be Queen Elizabeth II and Prince Charles, the radio hosts asked for medical progress on the Duchess. Nurse Jacinta Saldanha answered the phone put them through to the ward where the radio duo were able to receive confidential information on the duchess’ condition.

The duo aired the conversation on their radio show. After this media indiscretion was widely captured in international media channels, nurse Saldanha was dead several days later after apparently committing suicide. The ‘Hot30 Countdown’ radio show was suspended temporarily after the prank and was taken off the air for good in January 2013.

Another international ethical breach is the telephone hacking scandal by a British newspaper, News of the World. The 168 publication was exposed in July 2011. Victims of the hacking included the royal family, celebrities and families of crime victims and soldiers killed in Iraq and Afghanistan. Though top executives of the publication tried to deny the said allegations, the newspaper was found culpable and chose to close down operations. British Prime Minister, David Cameron, announced two inquiries into the Ethics of the press.

Lord Justice Sir Brian Leveson who led the independent inquiry the publication and press in general displayed reckless disregard for accuracy and respect for individual privacy. The Leveson Inquiry called for more ethical grounding in the
practice of journalism. Both of these issues are addressed in the Kenyan code of conduct and may in fact be locally perpetrated though not at a large scale.

Theoretical Framework

The Social Responsibility Theory advocates for press freedom that comes with media practitioners and institutions taking responsibility. Hence, the ethical principles grow out of a responsible media. Ward (2011) says that affirming responsibility does not eliminate ethical perplexities; rather a responsible media is neither reckless nor egotistical. Here ethical perplexities refer to inability to deal with value-based situation hence exhibiting reckless and egotistical unprofessional behaviour by a media practitioner’s or institution.

Of the four theories of the press, the Social Responsibility theory is the only one that calls for a trajectory towards ethical principles. This is because in this theory, it is where ethics come into play by the fact that media is controlled by community opinion, consumer action and professional ethics. Media ethics is at the core because the press is free to serve its purpose for the public, as opposed to interest groups. Media practice ought not to be dependent on individuals or groups that may encourage bias and unethical practices in exchange for preferential support. Additionally, the Responsibility theory takes the philosophical view that a practitioner is rational and can discern between right and wrong.
McQuail (2005) summarizes the tenets of this theory as follows: Media acceptance to fulfill certain obligations to society; setting high or professional standards of access to information, truth, accuracy, objectivity and balance; media should be self-regulating within the framework of law and established institutions; avoid offensive content triggering crime, violence, or civil disorder or harm to minority groups and lastly the media as a whole should be pluralist and reflect the diversity of their society, giving access to various points of view and rights of reply.

Deontological theory asserts that a professional must use media ethics principles in their obligation to society and that upholding one's duty is what is considered ethically correct. In deontological ethics, certain kinds of actions are intrinsically right and others are intrinsically wrong. Therefore, this theory assumes that journalists are charged with the duty of making ethical decisions. Deontological ethics were developed by Philosopher Immanuel Kant, who emphasized on the ethics of duty.

Under this form of ethics, a media practitioner cannot tweak a story in order for it to produce good consequences. For this reason, deontology is sometimes referred to as regardless of the good or bad consequences that may be produced non-consequentiality. It is important to note that a free media guarantees freedom of expression, which is a fundamental civil right. However, as advocated for in deontology, media practitioners must bear in mind that exercising this
freedom entails being duty-bound. One of the most contentious issues of adherence to ethics is presentation of images. Journalists, reporters and editors have been accused of manipulating images to suit a story or removing it from its original context with stating so. This is a failure of duty.

The Teleological theory assumes that the end justifies the means. It stipulates on the ability to make the best possible decision based on consequences. That is, ethically correct decisions are those that produce the best consequences. Though teleological theories do not ignore the decision making process, they emphasize on the best possible decision and its impacts. In journalism and media practice, teleology means that ‘act ethical not because of act itself because of consequences of act’. For example a publication may run controversial photo to serve the watchdog function or inform public. Teleological theory exalts the role of a journalist (Moore & Murray 2008). The teleological theory therefore is primarily about bringing about common good.

In the situational ethics, Situation theory of media advocates that there is no , right and wrong depend upon the situation. There are no universal moral rules or rights - each case is unique and deserves a unique solution. It rejects 'prefabricated decisions and prescriptive rules'. While teaching that ethical decisions should follow flexible guidelines rather than absolute rules, and be taken on a case by case basis (D'Urance, Michel, 2005). Approaches to journalism thus demand observation of particular situations, rather than fixed adherence to a set principles.
So a journalist who practices situation ethics approaches ethical problems with some general moral principles rather than a rigorous set of ethical laws and is prepared to give up even those principles if doing so will lead to a greater good. Since 'circumstances alter cases', ‘situationism’ holds that in practice, what in some times and places one journalist calls right is in other times and places wrong to another group.

Utilitarianism is a theory holding that the proper course of action is the one that maximizes utility, specifically defined as maximizing happiness and reducing suffering. Therefore, the moral worth of a journalist’s action is determined only by its resulting outcome, although there is debate over how much consideration should be given to actual consequences, foreseen consequences and intended consequences.

In A Fragment on Government, Jeremy Bentham says, "it is the greatest happiness of the greatest number that is the measure of right and wrong". Utilitarianism has often been considered the natural ethic of a democracy operating by simple majority without protection of individual rights. Ethical decisions are a typical part of a journalist’s career, and he or she must choose actions that uphold the responsibilities of the mass media while minimizing harm to others.
**Research methodology**

This was a Field survey with a predetermined set of questions was given to respondents in order to gather their thoughts and opinions from media practitioners in Kenya media houses. The respondents are selected from the top five media houses in Kenya, namely: Nation Media Group, The Standard Group, Media Max Kenya, Royal Media Services, and Radio Africa Group.

Using the purposive non probability sampling method to select news editors, sub-editors and reporters as categories of respondents were selected from the top five media houses in Kenya. With three respondents per media house, a sample size of fifteen was interviewed in this study. The data collection tool was a predetermined questionnaire that was recorded in audio form without lending to further reactions or counter opinions.

The data is collected and coded into the SPSS software for tabulated for analysis, the descriptive nature of the research only allows for the conclusion of the situation as it is in regards to adherence to media ethics in Kenya. Data analysis was done through the use of descriptive statistics of mean and standard deviations which were used to allow for interpretation.
Findings

The interviews examined how different respondents feel about tweaking a story to elicit response from the public. All Category 1 (reporters and writers) respondents disagree with this. Though majority say it is unethical to do so, from their interviews, the researchers deduced that it is more of an ‘ego’ issue rather than a public interest issue. This category sees sub-editors as the worst offenders in injecting their own content in what the reporters collect in the field. On the other hand, sub-editors see it as their responsibility to make ‘a few changes’ so as to suit the house style of the media house as well as their target public. Like the reporters, editors are of the opinion that what the reporter puts together is factual and should be left as is unless only the angle is being changed.

On the issue recently concluded general elections where peace were constantly played and published in the media. All categories of respondents agree that though it was paramount to spread a peace message; thus deviating from the core responsibility of the media. Though the respondents did not say it out rightly during the interviews, which were conducted soon after the elections, they may have been impressed upon by proprietors, commercial interests and government to take this route. From their body language, the researchers concluded that were it up to them, all respondents would have reported the good, the bad and the ugly of the elections. Instead, they were co-opted into what they term as ‘preaching’ peace.
As discussed previously in the literature review chapter, the principle of public interest is unclear in the Code of Conduct. Majority of the respondents seem to have their own personal opinions on what the term means. For instance, many interpret national interest as a synonym for public interest. Also, in responding to other questions, the respondents seem to think that as long as it is of public interest, then it is in public interest.

All respondent categories are equally aware of the ethical principles as contained in the Code of Conduct. The difference is exhibited where editors take a high road by terming the Code as not targeted as them. Though they respondent that journalists are targeted, the editors do not view themselves as ‘mere’ journalists despite meeting the condition of what the Code defines as a journalist. During the interviews, we inferred that editors and see themselves as administrators in the newsroom rather than what one may term as ‘newsmen’. Perhaps this is because they chair departmental meetings and often have a say in hiring. We noticed that in majority of the newsrooms, reporters and sub-editors are the ones who deal with that actual News process while the editors are only consulted on matters that the sub-editor needs input on.

Also, at the Media Council of Kenya (MCK), editors (particularly senior editors) are represented by a different party from the reporters and sub-editors. While the latter two are represented by the Kenya union of Journalists, the former is represented by the Editors’ Guild.
Similarly, the respondents seem to interpret the MCK representation as tantamount to putting a cadre level on media practitioners; that is, MCK makes the different categories view themselves as belonging to a lower or upper cadre of media professionals. For example, in the news rooms, editors feel that the reporters have or should possibly have lesser input on policies and ethical principles. However, the reporters feel the Code is not much imposed as it is the same thing they learned in journalism school, though in terms of actual practice, if affects them most and hence the need to be consider their input more.

Sub-editors, perhaps as the people who check copy and News before dissemination, feel very in touch with the Code of Conduct. Notably, this category are the first line gate keepers to ensure that any content that does not meet the ethical principles or media house editorial policy is rectified or in some cases, does not see the light of day.

The researchers interviewed the respondents on how they perceive the traditional media vis-à-vis dissemination of information online, and how ethical principles apply to both channels. Reporters and sub-editors were of the opinion that anyone who publishes online ought to be regulated by the same ethical principles that regulate traditional media. However, they also argue that not all persons who have access to online publishing platforms are journalists are defined by the Code of conduct. This brings about the question of the often thin
line that exists between amateurs and professional whose job is to disseminate information to the public.

Whereas the MCK regulates the professionals, the reporters and sub-editors suggest an equally stringent body to regulate amateurs and all who publish online unless it is the digital editions of the media houses, which are within regulations of the media house regardless of the platform. The editors on the other hand perceive online media, mainly bloggers, as a form of alternative press which should be left with minimal if any regulation. This is because the fact that they cannot be traced for action such as libel, they serve a purpose of uncovering what the traditional (regulated) media would dare not.

All but one respondent view the current situation of online regulation as being non-existence. The respondent who said that the online publishers are already regulated sees them as part of the ‘alternative press’ which is one of the parties represented in the formation of MCK. This differs from the other respondents who view online publishers without being components of a traditional media as being ‘unjournalistic’ in their practice. This is because they are vetted to establish they fulfill the requirements to be journalists. Also, more often than not, online publications thrive on slander and rumours. The differing respondent argues that online publishers ought to be self-regulating and exercise their own editorial judgment to filter (or not to) information before dissemination.
Reporters see true journalism as a key component to the greater good of a society. While this is so, the concept should be taken with a pinch of salt when making decisions in the profession. Hence, it not a greater good that matters but a ‘balanced good, that includes both the majority and minority in society. This view tallies with the popular saying that thought majority may have their way, the minority must also have their say.

Once again, sub-editors being the custodians of the Code of conduct and editorial policy in the media houses are less interested in the greater good and more interested in the components of journalism. Interestingly, the top tier of the respondent categories, overwhelmingly support the concept of greater good. This is perhaps because they take a holistic perspective at the media industry. It was not certain to the researchers whether this holistic approach includes the bottom line.

On the ethical principles of Obscenity, Taste and Tone in journalism. All respondents agree that in practice, the greater good of this principle is actually the citizenry with no exception. They agree that in situations where the government seems to lax on service delivery such as security, then by all means the media is justified to depict the magnitude of the situation. All respondents hold an almost similar opinion when it comes to justifying an action as being for the greater good. The middle tier consisting of sub-editors chooses to stick with the laid down procedures.
According to our observation and interaction with reporters, some of the ethics they subscribe to paper are discarded as soon as they exit from the media house into the field for their daily work. They work under tight schedules and often times, for minimum wage. To survive in the Darwinian industry, sometimes the privacy and rights of individual is disregarded and information paid for in search of a scoop. They record sources secretly as a possible defense in case the reporter is sued, and if they are offered the proverbial ‘brown envelope’ and other perks in the line of duty, they may be forced by circumstances such as their own needs and those of their families to accept.

Sub-editors will often take the greatest journalistic responsibility in the news room. However, they agree with invasion of a person’s privacy in order to access information, after all, they will share in the prestige of an exclusive. Almost in a contradictory tone, the sub-editors do not support secret recordings of events. To them, it is better to pay for the information than obtain it underhandedly.

As the most likely to be included in policy making, editors see a great correlation between the Code of Conduct, editorial policy and actual practice. They do however feel proprietors should not be party to formulation and implementation of the principles. The editors would more often than not feel no qualms about privacy invasion though they completely disagree with secret recording because ‘journalists are not spies.’ But as a last resort and within the limits of the provisions contained in the Code of Conduct, they would resort to subterfuge.
Additionally, they are against paying for information because this would compromise the media.

It is obvious that editors have the greatest personal responsibilities of a journalist though in earlier responses, they distance themselves from being journalists. Their heightened ethical conscience and is informed by experience, learning from past mistakes and having developed an easier way to get what they want without interfering with ethics. It can also not be ignored that being at the top of the hierarchy, they are obligated to set a good example for their juniors.

All the respondents agree that irrespective of diverse opinions on ethical matters, the media has made great strides as dynamic and ethical institution. For instance, the Kenyan media have been vocal in raising issues of good governance such as corruption where they have gone so far as to fearlessly highlight corruption in the society as well as dissemination to the public of useful anti-corruption material such as The Anti-Corruption and Economic Crimes Act, The Public Officer Ethics Act, and progress reports on corruption in Kenya.

Through the new Constitution, MCK and in-house editorial policies, the Kenyan media has laudably progressed in their right of self-regulation, access and dissemination of information which has furthered the Fourth Estate’s transparency and accountability. The few hitches are attributed to unregulated entry into the professional especially the hiring of non-professional by media
proprietors. This constitutes proprietorial interference in the independence of the media which remains an impediment to full professionalization of the media.

CONCLUSIONS

i) The sub-editors however found it necessary to incorporate few changes in the stories posted by reporters as defined by the house style and to meet the needs of their audiences

ii) Proprietary interference, government and commercial interests during the Kenya elections (2013) appeared subtly influenced reporting of the event in the interest of the nation and not necessarily of the public interest. Peace messages dominated reporting in this period at the expense of actual happenings during the election

iii) All respondents exhibited awareness of the ethical principles articulated in the MSK code of conduct. It was notable that editors however did not feel bound by these principles as they were more than just ‘mere’ journalist but administration and gate-keepers within media organizations. Their role was to administer newsrooms not to be newsmen

iv) Industrial representation of reporters and editors differ as the journalist are members of the Kenya union of journalist while editors are members of the editors guild emphasizing the difference in status and hence influencing
v) News editors feel that reporters need to have less input on policies & ethical principles used to determine the final output in stores. Sub-editors as first line gate keepers find the conduct of code as an important tool to guide what is published.

vi) With the advent of online platforms, the mainstream media faces challenges in the span of control over information access to audiences with amateur online “citizen journalist”, who are not governed by the code of conduct.

vii) Whereas journalists believe in reporting the truth, the sub-editors thrive on ensuring the components of ethical journalism are depicted in published stories. They do not focus on the greater good principle.

viii) Tight schedules and minimal wages are likely to trigger the ignorance of ethical principals in search of the story that is a scoop. Other aspects like the ‘brown’ envelope bribe may influence their perception of what needs to be collected.
Sub-editors focus on responsibility in the newsroom and what is churned out as stories. They expressed the view that it would be prudent for those representing the proprietors or news editors, need to be less involved in the gate keeping process in the newsroom.

The vibrancy of the Kenyan media cannot be undiscovered especially in the fight against corruption. Efforts towards ensuring self-regulation have been enhanced by the elevation of the media council of Kenya as an independent government regulatory body guiding, monitoring and apprehending media house operations.

RECOMMENDATIONS

i. Even as the sub-editors adhere to the code of conduct, as the guiding principles to decisions made to publish stories, the need to meet the audience and house style needs should not overcast the need to tell the facts of the stories.

ii. The influence from proprietary, national and commercial interest need to be of lesser significance in the gate-keeping process of publishing stories of public interest. News editors who are senior decision makers should accept to be guided by the sub-editors opinions and perceptions of the nature, impact and outcomes of publishing certain stories.
iii. Albeit reporters (mainly correspondents) being the gatherers of facts, they need awareness and to be sensitization of the ethical principles articulated in the MSK code of conduct. In spite of the time constraints and poor remuneration, stories need to be prioritized based on what is of public interest and common good to the public.

iv. Self-regulatory guidelines for mainstream media are well articulated in the MSK code of conduct for journalists. However, with the loss of span of control of what information needs to reach audiences, there are proposals for regulatory frameworks for online journalists as they tend to play a role as the alternative press that is easier accessed by audiences.

v. The journalists in the mainstream media find themselves challenged in their work environment. Online ‘journalists’ have been viewed as alternative press governed by the publish then filtered principle vis-à-vis the filter then publish principles that guide mainstream media. With this uneven playing field of information gathering, production, and dissemination, self-regulation needs to be applied on both online, armature and mainstream journalism.

RECOMMENDATIONS FOR FURTHER RESEARCH
i. Implication of the inclusion of the Media Council of Kenya as a statutory regulatory body in the Kenya Constitution (2010)

ii. The implications of Media Bill (2010) and Media Bill (2013)

iii. There is need to conduct further research to find out the relationship between journalists who adhere to (and those that don’t) the Media Council of Kenya’s Code of Conduct and their level of Journalism training

iv. Exploratory research in government regulatory approaches and self-regulatory for Online Journalism

REFERENCES


Fackler Mark And Fortner, Robert (2011) The Handbook Of Global Communication And Media Ethics


