

(UN)ETHICALLY REPORTING THE CASE OF ARRESTED PUBLIC OFFICIALS. A CASE-STUDY

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ABSTRACT. The current research reflects upon one of the most well-known and ethically and legally challenging for the media case in Romanian politics: former minister Elena Udrea's arrest. The authors intend to verify the two dimensions (ethical and legal), in order to confirm or infirm the main research hypothesis that the monitored Romanian media outlets violated the ethical and legal the right to privacy of politicians, as well as their right to dignity and public image.

Keywords: *public interest, intrusion into privacy, fairness and accuracy of reporting*

1. Romanian Ethical Standards on Reporting About Politicians and Persons Accused of Committing Offences

The Romanian Journalist's Ethical Code was initially adopted in 2004, during the Media Organizations Convention. The provisions of the code were consented to by journalists, members of the professional, patronage and trade union organizations signatory to "The Journalist's Statute". The code was revised in 2009.

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For the purpose of the current research, we will initially direct our attention to both versions of the Code, in order to identify the ethical standards on reporting about politicians, public officials and persons accused of committing offences, and then we will focus on the provisions of the 2009 version of the Code, more relevant for this particular case's time-frame. The reason for which we chose not to exclude completely the provisions of the 2004 version of the Code of Ethics is that this version included a series of definitions and clarifications that are relevant for the chosen case-study, but are absent from the 2009 version of the Code, like, for example, the notion of public interest and its limits.

The preamble of the 2004 Code defines the "public interest" as "any matter affecting the existence of the community"³ and clarifies that it is not limited to the political aspects but may also include any other circumstance which could be of any interest to the community. The preamble includes examples of what is considered "of major public interest": the manner in which the government, the authorities, the public institutions and any entities that use public funds act and function as well critique brought against a particular administration, considering the contribution of the authorities to the proper administration of power and of public services. Following the same principle, the preamble stipulates that "All words spoken, actions, omissions or gestures made by the dignitaries, politicians and other public officials with relation to the fulfilling of their duties are of major public interest."⁴

However, within the same preamble, two hard limits of the "public interest" are clearly drawn. One regarding the extent of the acceptable intrusion into privacy and its motivation, namely a politicians' private life can be considered of major public interest only when they are relevant to the fulfilling of their duties"⁵, and another one considering the protection of other fundamental rights, that stipulated that "when

³ Code of Press Ethics, established by the member organizations of the Media Organizations Convention and adopted in 2004, <http://www.mediawise.org.uk/romania-2/>, accessed on 2nd of November 2016

⁴ Ibidem

⁵ Ibidem

there is no clear public interest at stake, freedom of speech can only be limited by the interest of protecting another fundamental right.”⁶.

We find the definition and the subsequent clarifications essential, and we regret the fact that they haven’t found their way, even if only as application guidelines, into the newest version of the Ethical Code. The clarifications regarding the necessity of a clear link between the exercise of the public function and a politician’s private life are extremely important due to the precision with which they set the reasonable limits for intrusion into privacy of public figures. Since usually the journalist or the editor have to put into balance the interest of the public to know and the right to access relevant information regarding public officials, with these persons right to dignity, honour, public image and private life, as well as the right to image and private life of the persons with whom they associate that don’t hold any public office, the advice to actually take into account other (for example, the above-mentioned) particular set of fundamental rights, as it is stipulated in the last paragraph, is compelling.

Whilst bearing in mind the definition, clarifications and limits provided by the 2004 version of the Ethical Code, we focused our attention on the provisions enshrined in the 2009 version of the Code that might prove to be relevant with regards to reporting the arrest, detention period and release of a political figure. We have identified primarily the articles five, six, eight and nine of the 2009 Ethical Code as potentially being the most relevant for the research case.

Article five, titled “Fairness”, defines, in its paragraph, as “professional transgressions of maximum gravity”, attempts to “deliberately distort a piece of information, make ill-grounded accusations, or plagiarizing, use photographs or audio-video recordings without copyright or committing slander”⁷ and advises the journalist to “quote in an accurate manner.

⁶ Code of Press Ethics, established by the member organizations of the Media Organizations Convention and adopted in 2004,
<http://www.mediawise.org.uk/romania-2/>, accessed on 2nd of November 2016

⁷ 2009 Code of Press Ethics,
<http://www.mediasind.ro/comunicate-1/coddeontologicunic>, accessed on 2nd of November 2016

Quoting must be precise, and in the case of partial quoting, the journalist takes it upon himself to preserve the message of the quoted person.”⁸

The condition of intent, expresses throughout the provision with the aid of words like “deliberately” and “ill-grounded” for an “incorrect” reporting to take place, is an extremely delicate one. Subjective reporting is almost inherent, and choice of vocabulary will contribute to distortion sometimes regardless of the intent of the journalist who is reporting. However, leaving room for subjective interpretation of the ethical norm will prove challenging for our research as well, because it will be difficult to create an indicator to assess independently whether there was an intent to distort the information from the journalists’ part. Since we are fully aware of this limitation arising directly from the way the ethical norm is formulated, we will choose to monitor, during the research, beyond explicitly defamatory content, only if the intent to distort correlates with a second indicator (the photographs accompanying the article and/or the general tone of the reporting). Therefore, we will observe indicators independently (for example, by choice of words and choice of subject) but give them “value” only if they correlate. An example being a correlation between inaccurate quotes, or partial quotes that disregarded the presumption of innocence and the photographs associated to the article that would include Elena Udrea wearing handcuffs.

Article six, stipulating the necessity to properly verify the information, states that “The journalist shall pursue reasonable courses of action in order to verify the accuracy of the information before publishing it.” and advises to withhold from publishing “false information or pieces of information thought to be false based on sound reasoning”⁹. Once again, the Ethical Code leaves room for interpretation, since the reasonableness of a specific course of action depends on several factors difficult to verify and quantify, including journalists’ access to basic resources (time, documents, relevant secondary sources etc.). We intend to monitor, under this provision, the articles published regarding intimate relationships, family and private life as well as information regarding personal hygiene and health, because

⁸ Ibidem

⁹ 2009 Code of Press Ethics,

<http://www.mediasind.ro/comunicate-1/coddeontologicunic>, accessed on 2nd of November 2016

information regarding these aspects cannot be objectively verified, unless the person in cause or specialists directly involved with the case are interviewed.

Article eight, complementing article six, advises the journalist to “act in good faith when reporting facts and opinions” therefore endeavouring to separate facts from opinions and to express opinions that have a factual basis. We notice the same standard of “intent” that creates subsequent difficulties in the creation of objective indicators that could be monitored. “Good-faith” is hard to quantify, just as the notion of “endeavours” raises automatically questions regarding the sufficiency of the attempts, in order to be qualified as “endeavours” made in “good-faith”.

According to the ninth article of the Ethical Code, the journalist “must respect the right to privacy and persons’ dignity (including any family, address and email information). Revealing aspects of one’s private life is only allowed when public interest prevails over protecting one’s image. In said cases, the journalist is allowed to make public facts and information related to it.”¹⁰ In this particular case of the ninth article of the Ethical Code, clearly, the 2009 version of the Code would benefit tremendously from the clarification regarding public interest, and the public’s right to know, balanced against the right to privacy and dignity of public officials. We intend to analyse the respect afforded to this standard by observing the written articles, as well as the attached photographs.

For example, considering the case we intend to study, while details of Elena Udrea’s private life appeared in previous articles, as a former minister she has always maintained an impeccable look, building up the reputation of being an elegant woman who pays attention to her appearance, especially in public. When studying the photographs associated with the articles, we will consider an intrusion into her privacy and her right to image any photographs that would focus on signs of detention, including wrinkly clothing, lack of make-up or different way of arranging her hair than usual.

¹⁰ 2009 Code of Press Ethics,

<http://www.mediasind.ro/comunicate-1/coddeontologicunic>, accessed on 2nd of November 2016

2. The Researched Case: Elena Udrea's Arrest

Research has concluded that "When the voters form a final conclusion regarding a politician, one can say that the person gains a definitive branding image. After that, it is very difficult for a political personality to modify its image fixed in the collective consciousness."¹¹ Since it is known that it is easier to relate and reason within known parameters, it comes with no surprise that the political scene is populated, sometimes artificially, by the media, with familiar stereotypes.

We chose to focus our research on Elena Udrea's arrest due to the fact that we assumed to encounter the sum of the stereotypes associated with female politicians correlated with the stereotypes associating with corrupt public officials and the manner in which they approach the imprisonment. Like any other politician, Elena Udrea's image can be characterized by a series of features that define it in the eyes of the public and that place her into a certain typology. Throughout her political career, Elena Udrea was particularly appreciated for her projects as Tourism Minister (2008-2012), but also for her public appearances: always dressed in expensive clothes, makeup and impeccable hairstyle. Her brand-image has been built around these elements to highlight the characteristics of the successful woman on a male-dominated political scene. Her most successful moment in Romanian politics, so far, has been placing fourth out of fourteen candidates on the 2014 presidential elections. She has proved to be a strong and vocal candidate, which has strengthened her image of a strong woman in Romanian politics.

Elena Udrea's sudden change of image came with her arrest in the "Microsoft" folder on February 10, 2015. From that day on, the successful woman in politics began to be reflected in the Romanian press in a manner that differed fundamentally to the previous one. An Elena Udrea handcuffed, wearing no makeup and with occasionally uncombed hair, wearing the same clothes, more and more wrinkly was photographed and the "new" image was ultra-mediatized. Photography

¹¹ Parlagi, A. P. (2008). *Lideri și organizații politice*. București: Editura Economică, p. 39.

merely accompanied articles that, especially in the tabloid press, revealed intimate aspects of the period she was spending in jail, from the inside of her cell, to the closet facilities available, just to name a few of these.

3. Research Design

3.1 Research Questions

The current research intends to reflect upon one of the most well-known and ethically and legally challenging for the media case in Romanian politics: Elena Udrea's arrest. We intend to verify the two dimensions (ethical and legal), in order to confirm or infirm the main research hypothesis that the monitored Romanian media outlets violated the ethical and legal the right to privacy of politicians, as well as their right to dignity and public image. Deconstructing these dimensions on two research axes, the study will firstly investigate the respect afforded to the ethical provisions, and secondly the observance of the legal norms.

From the ethical standpoint, we will verify if the monitored media intruded into the privacy of the politician, by publishing details regarding personal hygiene, emotional relationships, intimate /sexual relationships, health status or other similar details, and whether information that was of no public interest was published, and thus, the public image of the person has been damaged.

With regards to the legal standpoint, that we will present and develop in a separate article, we intend to structure the analysis based on the chosen form of expression, and to analyse written articles as well as accompanying photographs or attached photo-galleries, in order to verify if, through their editorial decisions, the monitored media outlets disregarded the legal provisions regarding intrusion into privacy and the legal norms protecting a person's right to dignity, honour and reputation.

3.2 The Research Method

The chosen research method that was used was the content analysis, performed on three online publications *libertatea.ro*, *gsp.ro* and *mediafax.ro*, representative for three types of online media: tabloid, niche and mainstream. The monitoring period starts on 25th February 2015, the date of Elena Udrea's arrest and ends on the 7th of May 2015, the date when she was released from custody. During this period, the politician was investigated in three separate cases.

The research will focus strictly on the written and photographic content regarding Elena Udrea's situation that was published by the three monitored publications in the same days, within the above-mentioned monitored period.

After an initial assessment of the three online publications, we've reached the conclusion that the number of articles published surpasses several hundreds, with some media outlets choosing to publish as many as 20 articles per day. Observing repetitive content, we chose the selection criteria of concomitance as a logical one, assuming either all publications reported the same event, or at least covered a similar situation, in a competitive online environment.

The final sample-size, determined based on the criteria previously explained, comprised 78 articles and their accompanying photo-galleries. We've decided that the research methods that served best our research goals were a mix of quantitative and qualitative research methods, namely content-analysis and observation.

In order to perform the content analysis, we have transformed the relevant articles of the 2009 Ethical Code into indicators, indexed in the table below.

Table 1. Indicators based on the provisions of articles 5, 6, 8 and 9 of the 2009 Ethical Code

Article 5	Article 6	Article 8	Article 9
-accusations are not based on facts,	-absence of accuracy in the presentation of the information	- facts must be proved to be true, therefore statements must present clear	- the journalist published content obtained through intruding into

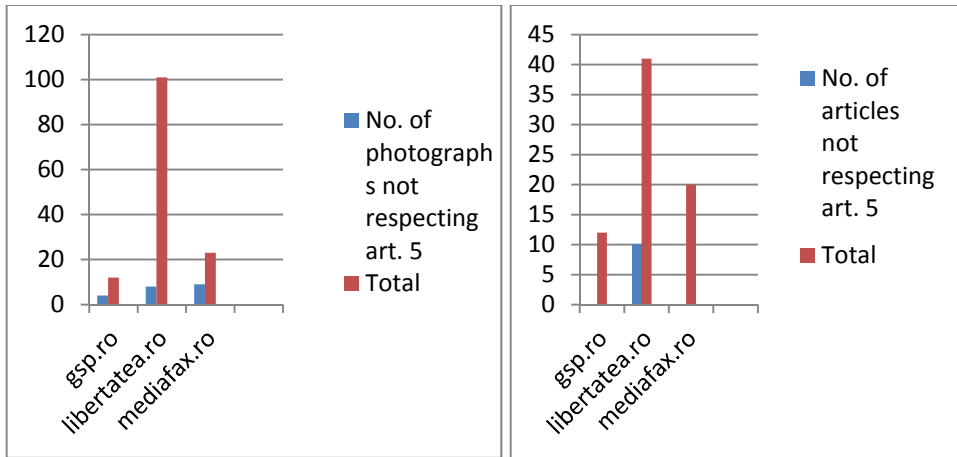
Article 5	Article 6	Article 8	Article 9
-photographs or text are used without copyright	-lack of real, original sources	evidence and must come from original sources.	privacy, and the content is of no public interest
-photographs or text is used to commit slander	-unclear, false information	-opinions: must rely on the facts.	
-the journalist misquotes or doesn't designate clearly the source of the quoted person.	-impossible to verify the accuracy of the information		
	-lack of details		
	-lack of evidence		

4. The Results of the Research

The determination process of the sample-size revealed a total of 73 published texts: 12 by the website gsp.ro, 41 by the website libertatea.ro and 20 by mediafax.ro. The 78 initial articles included 136 pictures, some of them grouped in photo-galleries. 101 photographs were published by the website libertatea.ro, 12 by gsp.ro and 13 by mediafax.ro. The analysis of the photographs and texts, based on the above-mentioned indicators, revealed the following, per article.

4.1 Article Five of the Ethical Code Regarding Fairness

	gsp.ro	libertatea.ro	mediafax.ro
No. of photographs disregarding the ethical standards	4	8	9
No of articles disregarding the ethical standards	-	10	-



The table and diagrams above facilitate a clear assessment of the respect afforded by the investigated media outlets to fair representation. Unexpectedly, Mediafax surprised with the highest number of unethical photographs published when reported to the total number. The results obtained by the analysis of the articles published by the tabloid Libertatea.ro came as no surprise, since its usage of vocabulary tends to be consistent throughout the publication. The usual manner of composing titles and general content of Libertatea, with rhetorical questions intending to shock the audience and polarize the public's perception of reality to the extreme makes the online newspaper prone to ethical transgressions.

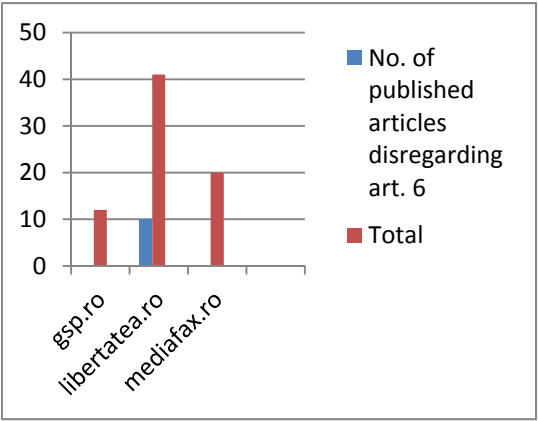
4.2 Article Six of the Ethical Code Regarding Accuracy and Verification of Information

The presence of absence of the indicators was verified strictly against the texts published, since our determination of the photographs sample-size did not reveal any photographs that might have been manipulated or altered to misrepresent the reality. Below, the table reveals, once again, the tabloid libertatea.ro disregarding the provisions of the Ethical Code.

	gsp.ro	libertatea.ro	mediafax.ro
No. of photographs disregarding the ethical standards			
No of articles disregarding the ethical standards	-	10	-

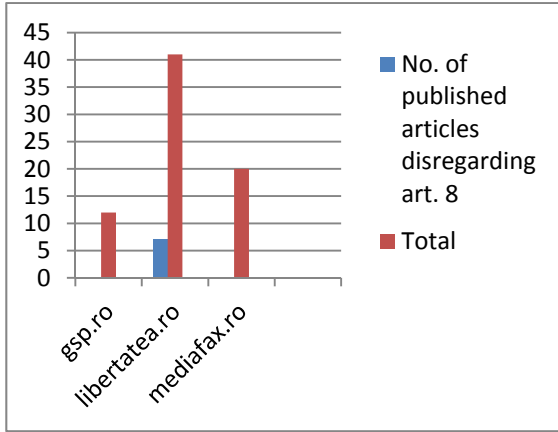
The chart showed a percentage of published articles that disregarded the sixth provision of the Ethical Code similar with the percentage of articles that disregarded the fifth provision of the Ethical Code.

As initially predicted, a correlation between indicators is present. The result came with no surprises, due to the fact that it is hard to imagine, and in our particular case proved non-existent, a situation in which journalists would report fairly without trying to verify the information and vice versa.



4.3 Article Eight of the Ethical Code Regarding the Separation Between Facts and Opinions

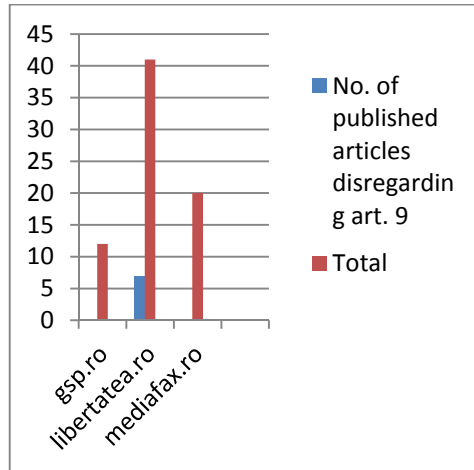
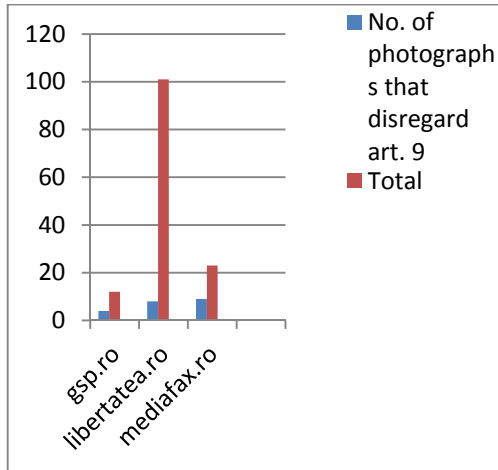
	gsp.ro	libertatea.ro	mediafax.ro
No. of photographs disregarding the ethical standards			
No. of articles disregarding the ethical standards	-	7	-



Our research found that the online media outlet Libertatea.ro disregarded the provisions of the Ethical Code regarding the necessary separation between opinions and facts in 7 published articles out of the total of 41, representing a percentage of around 17% of the total of articles published.

4.4 Article Nine of the Ethical Code Regarding Private Life

	gsp.ro	libertatea.ro	mediafax.ro
No. of photographs disregarding the ethical standards	4	8	9
No. of articles disregarding the ethical standards	-	9	-



Article nine regarding intrusion into private life was disregarded by all media outlets in various degrees, as our research showed. The tabloid *Libertatea* leads, once again, the top of unethical articles published and surprisingly, when analysing the accompanying visuals, we have discovered that almost 70% of the total number of photographs published by Mediafax violate the Ethical Code.

5. General Conclusions of the Performed Research and Recommendations

We have performed an over-all evaluation of ethical breaches, for all the publications monitored, in order to assess, within the limitations that our initial research design brought, what is the degree in which ethical standards are respected or disregarded.

Although, due to the relatively “tight-score”, a “definitive” top of the most frequently disregarded articles from the Ethical Code would be hard to compile, we note that, with an equal percentage of 14%, these are the provisions regarding fairness and accuracy of reporting, followed closely (on 12%) by the provisions regarding intrusion into private life. In the case of photography, article five regarding fairness and article nine regarding intrusion into private life are equally disrespected by the journalists in as high as 16% of the total of the observed sample.

We conclude by recommending relevant parties that, when the occasion of revising the Ethical Code will arise, they would consider reintroducing and clarifying the notion of “public interest” from the perspective of media ethics. As our research has shown, this notion, if explicitly included within the ethical provisions, can shape the interpretation given to the articles, thus having the potential to heavily impact the practice of ethical journalism.

BIBLIOGRAPHY

- Bălășescu, M., *Mass-media: reprezentări sociale și stereotipuri*. Tritonic. București, 2013
- Beciu, C., *Politica discursivă. Practici politice într-o campanie electorală*. Polirom, Iași, 2000
- Code of Press Ethics, established by the member organizations of the Media Organizations Convention and adopted in 2004
<http://www.mediawise.org.uk/romania-2/>, accessed on November 2016
- 2009 Code of Press Ethics,
<http://www.mediasind.ro/comunicate-1/coddeontologicunic>,
accessed on 2nd of November 2016
- Coman, C., *Sfera publică și imaginea politică*. C.H. Beck. București, 2010
- Deaver, F., *Etica în mass media*. Silex, București, 2004
- Ionescu, B., *Dreptul la propria imagine: o perspectivă practică*. Unviersul Juridic, București, 2013
- Onciu, A., *Probleme de etică în jurnalism*. Asociația Jurnaliștilor Profesioniști din Iași, Iași, 2001
- Parlagi, A.P., *Lideri și organizații politice*, Editura Economică, București, 2008
- Săftoiu, C., *Jurnlismul politic: Manipularea politicianilor prin mass-media, manipularea mass-media de către politicieni*, Editura Trei, București, 2003