The Swedish Press Ethics in a Changing Media Landscape

Jesper Falkheimer

The freedom of the press is one of the main foundations of democracy. In most countries this notion has led to the creation of a system where the press – and other mass media – is sheltered from political and judicial control. In Sweden there are two constitutional laws to guarantee the freedom of speech. At first, the press law that originally was created already in 1776, and in the second place, the freedom of speech law from 1992, especially designed for radio, television and other electronic media. The judicial system gives the publishers and journalists a large amount of freedom, and leaves citizens and organizations with limited rights to make formal complaints and hold the mass media responsible. This fact has, as in several countries, led to the development of an ethical professional code and system. The Swedish daily press were pioneers at this frontier. Since 1916 there has been a more or less active Press Complaints Commission in Sweden, and since 1969 there has been a Press Ombudsman linked to the commission. The system is totally self-regulating, governed by the press industry itself. Since the 1960s and 1970s the commission and ombudsman have been active in the debate, even if the rate of criticism has been rather

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low. During the 1990s the rate of complaints from private persons, who are the only ones that may use the system, have been stable, around 400 every year. But since 1997 the rate of criticism from the commission ceased to a level of 23 in year 2000. The following year the rate increased to 50.

The media development in Sweden, as in other European countries, has accelerated in the last decades. The introduction of commercial television and radio, the entrance of foreign and international media owners and channels, content convergence, new media, an increasing polarization in media use, and a fundamental commercialisation of the media industries, are some of the well-known trends which have had an impact at the Swedish media structure (Carlsson & Harrie 2002). The development challenges the ethical system of the press, which was founded in a stable and modern context. The late modernity is a more flexible, mobile and insecure context, where, among other trends: “Younger citizens are drifting away from the daily newspaper and more towards television, away from journalism and more towards entertainment. Also, there seems to be an increase in ‘surfing’ patterns: younger people are less prone to manifest a loyalty to specific journalistic outlets and instead use a variety of outlets, with sporadic patterns” (Dahlgren 2000:323).

The traditional press is still a very strong actor and part of the Swedish society, but the times may be changing the position of the press. The Swedish press ethics have become more liberal concerning publishing names of criminals and official persons involved in scandals, and the self-regulative system of the traditional press is having problems handling the new media (internet papers and free papers, for example).

In this paper the Swedish press ethical system is described, and comparisons to other national systems are made. A summary of a study of the Swedish press ethical system is the empirical foundation of the paper. The empirical qualitative study was done during 2001-2002, using interviews with publishers, editors and document analysis as main methods. The study shows among other things, that the self-regulation system of the traditional press has a firm position among publishers, but that the new media is seen as

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2 The study is published in a Swedish report by Sigfrid Leijonhufvud, editor and former publisher, and the author of this paper: see Falkheimer, J. & Leijonhufvud, S. (2002).
a major problem, and that the system may be questioned as being more of a PR function than a sound ethical practice. In the analysis the increasing homogeneity of the press is seen as a threat to a reflexive press ethics.

The Development and Main Content of the Ethical System

As mentioned earlier, the first Swedish Press Complaints Commission was created in 1916. The founding of the institution was motivated by a political debate concerning the publishing of a private letter in a daily newspaper (Börjesson & Weibull 1995). The main press ethical questions discussed in those days, are still here: How and when is it legitimate to publish names of criminals? How should victims of accidents and crimes be handled? How much exposure must a public person accept? Where is the limit between the public and the private spheres?

The first commission had a low profile among the public. One of the reasons may be that to make a complaint, you initially had to pay a fee. After the Second World War the winds started to blow harder. The development of a sensational press, an increased competition among newspapers and the introduction of television, positioned the mass media in the centre of public debate. During the 1960s Swedish parliamentarians and ministers increased the criticism of the press – some of them even suggested political control through new laws. The press industry and publishers reacted immediately, re-organized the system in some ways, and created a new position – a Press Ombudsman – in 1969. In several European countries there were similar debates during the 1950s and 1960s, and Press Complaints Commissions were founded.

Table 1. Foundations of Press Complaints Commissions (a selection).³

<table>
<thead>
<tr>
<th>Year</th>
<th>Country</th>
<th>Review</th>
</tr>
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<tbody>
<tr>
<td>1916</td>
<td>Sweden</td>
<td>1969</td>
</tr>
<tr>
<td>1927</td>
<td>Finland</td>
<td>1968, 1997</td>
</tr>
<tr>
<td>1928</td>
<td>Norway</td>
<td>1972</td>
</tr>
<tr>
<td>1948</td>
<td>The Netherlands</td>
<td>1960</td>
</tr>
<tr>
<td>1949</td>
<td>United Kingdom</td>
<td>1991</td>
</tr>
</tbody>
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³ For more information, see the data bank created by the Department of Journalism & Mass Communication, University of Tampere, Finland: www.uta.fi/ethicnet
<table>
<thead>
<tr>
<th>Year</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956</td>
<td>Germany (review 1986)</td>
</tr>
<tr>
<td>1961</td>
<td>Austria (review 1963)</td>
</tr>
<tr>
<td>1964</td>
<td>Denmark (review 1992)</td>
</tr>
<tr>
<td>1975</td>
<td>Portugal (review 1990)</td>
</tr>
<tr>
<td>1985</td>
<td>Belgium</td>
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<tr>
<td>1990</td>
<td>Rumania</td>
</tr>
<tr>
<td>1990</td>
<td>Spain</td>
</tr>
<tr>
<td>1995</td>
<td>Italy</td>
</tr>
<tr>
<td>1998</td>
<td>Russia</td>
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Most systems above are self-governed, but there are exceptions as in Denmark, Cyprus and India. In Denmark the self-governed system was replaced by a governmental organization in 1992. One of the main reasons for this solution was that the Danish press could not get along well enough, to create a common working system.

There are three ways to regulate the mass media, in a simplified division. At first, through judicial control and laws. In the second place, through ethical codes, agreements and control done by the media professionals themselves. Finally, by doing nothing and leaving the issues to be regulated through the market (if customers are not pleased with the ethical standard, they will not buy the media products). Most European nations have systems where these three mechanisms co-exist (Nordenstreng 2000).

The Swedish Press Complaints Commission and Ombudsman decisions and criticism is based on a written ethical code (Spelreglerna för press, TV, radio), which is common for all mass media, and well known and accepted among Swedish media professionals. The code is based on six principles:

- Publish only correct news
- Be generous with refutations and replies
- Show respect for the personal integrity
- Be careful with pictures
- Always listen to both sides
- Be careful when publishing names
The principles are as may be seen very vague, and give the Ombudsman and Commission wide interpretational possibilities. The first principle - to publish correct news - is clearly based on the classical journalistic belief in the possibility of an objective representation of reality.

Only private persons who are personally affected (not groups of people, organizations, corporations) are permitted to make a complaint to the Ombudsman, who is first instance in the process. There have been five Ombudsmen since 1969. The three first ones were all lawyers, but the last two Ombudsmen were and are former professional journalists and editors. The Ombudsman makes a judgement, and either sends the complaint further to the Commission Committee to make a final decision, or dismisses the complaint. The majority of the complaints are dismissed. The Commission Committee consists of partly publishers and journalists, and partly citizens from outside the media industry. A lawyer is chairman. If the commission committee finds that a publisher - only publishers, usually the editors-in-chief, may be found responsible, never single journalists - has violated some of the principles, there are give two sanctions. The newspaper must publish the judgement, and pay a minor administrative fee to the commission. Below are two graphs showing the quantitative rates of complaints from private persons, and criticism from the commission.

Table 2. Rate of complaints (0-500) registered by the Press Ombudsman in Sweden 1970-2001.
Table 3. Rate of criticism (0-80) made by the Press Complaints Commission in Sweden 1990-2001

A Changing Media Landscape: Shifting Pressures?
The ceasing level of complaints from the Commission by the end of the 1990s, gave motivation for a study of the legitimacy of the system among publishers, journalists and media users in Sweden. How come that the level of criticism ceased when the importance, role and effects of the mass media have become more and more emphasized among different publics? How come that the level of criticism ceased when the media development – with increasing competition, commercialization, speed – seems to expand the motives of crossing the ethical lines?

With these two main questions articulated, a study was conducted, that may give a platform for answering them from the perspective of the main decision makers in the process – publishers, editors-in-chief and ombudsmen. Earlier Swedish media research concerning journalist attitudes, based on quantitative surveys, show firm and even increasing support for the press ethical principles and system during the 1990s (JMG Granskaren 2001:38). But more theory-laden research, using ethnography and qualitative methods, have also shown that many journalists seem to be non-reflective when it comes to practice, and that conventions, habits and organizational
structures rule the professionals everyday life (Ekström & Nohrstedt 1996; compare to Tuchman 1980).

In the present study we made personal qualitative interviews with four of the five men (yes, they are all men) who have been Press Ombudsmen, including the present one. We also made interviews with nine editors-in-chief, representing national, regional, daily and sensational newspapers. Besides doing some shorter interviews with lawyers and other professionals, we used material and statistics from earlier research. The interviews were made face-to-face, taped and transcribed.

Some Views and Attitudes of the Publishers and Ombudsmen

The first Ombudsman, Lennart Groll (1969-1980), explains that his mission was very vague. The possibility for the Ombudsman to take his own initiatives was, and still is, very small. There must be a correct complaint from a private person, or a formal approval from this person, to make it a valid case. The fact that groups of people, organizations and corporations are not allowed into the system (but they are sometimes assisted by the Ombudsman in getting an non-formal reply in the press), is supported by all Ombudsmen except the mentioned pioneer Lennart Groll. The other Ombudsmen believe that if organizations and corporations would be let into the system, the publishers and journalists would lose their trust to the Ombudsman.

– In Sweden the judicial system is constructed in the same way. If corporations would be allowed to charge the press with financial calumny, the journalists and newspapers would become dangerously careful, says the former Ombudsman Pär-Arne Jigenius.

When it comes to the level of complaints and criticism, the Ombudsmen have three major explanations. At first, that some complaints are solved at an early stage through contact between the Ombudsman and publisher, and therefore not registered and included in the statistics. In the second place, that the subjective position of the Ombudsman has importance (for example, if he is fresh in the position, or retiring). Finally, that the press itself is behaving more or less badly because of business or organizational reasons.
The Ombudsman and Complaints Commission have moved closer to the press institution, which they always have been a part of, but more or less visibly. The fact that the two latest Ombudsmen are former journalists, and that the criticism have been rather low in the last five years, may be evidence for this thesis.

The publishers who were interviewed have a very homogeneous view when it comes to their ethical system. The increasing professionalism may support this mainstreaming trend.

- When it comes to ethical values and attitudes, journalists have never ever been so close to each other as today. We have become a fraternity, a fact we also have been accused for. News journalists values seem to be identical nowadays: there are no differences if you work with a left-wing newspaper in the North of Sweden, or a right-wing paper in the South. The Ombudsman and Commission is a part of the same value system, reflects one of the publishers.

When it comes to the ceasing trend in complaints until the year of 2000, the publishers mainly have optimistic interpretations. The standards of the traditional press have improved, and there are fewer mistakes made. The poor ethics of Internet papers, free papers, commercial television and radio is in opposition to the press, the publishers mean.

The non-ability to reflect upon possible ethical problems inside the press institution, may be a methodological problem. Interviewing professional communicators about their work, easily leads to them making rationalizations and “moral storytelling”, to present themselves as role-models (Alvesson 2001).

Comparisons to other national systems – the Danish governmental version, for example – scare most of the publishers. Most of the publishers also support the low level of name-publishing in Sweden when it comes to victims and private persons, but find that the increasing name-publishing of criminals and public persons involved in scandals, is positive.

When it comes to trust in the ethical system, the support is massive. The publishers have a firm belief in the system and principles, but reflect upon
the matter that new media - “the wild-west-media” (internet papers, free sheets) - seem to neglect the system.

The objective view on journalism is solid, and the possibility to measure news journalism as representations in correlation to reality, has a strong support.

A Final Reflection

The need of ethical reflection, or meta-ethics, by the professionals in the media industries, may easily be neglected in the contemporary world. The present study gives an insight into the views on the matter of publishers and Ombudsmen. The interviews show that the views are homogenous, and that the publishers have a firm belief in the system. The publishers working in the traditional press in Sweden, seem to recognize themselves as belonging to another ethical code than other media professionals. The status of the ethical system is solid among publishers and journalists.

If one considers the media development, the ethical dimension has become more important. The speed, competition and commercialization are all trends that demand an increasing meta-ethics among media professionals. Increasing the judicial control and making new laws would not gain the freedom of speech, but there is a risk for such ideas to grow, when the ethical system is not working well. The present study gives no evidence for the thesis that the system has lost the legitimacy among the professionals. Another important question is how legitimate and well known the system is among the public? There are no valid investigations of this question so far, but the Ombudsmen and publishers all guess that many Swedes believe that the Press Ombudsman is a governmental institution.

The fact that the Ombudsman and Press Complaints Commission have become a more visible part of the press industry may be considered as a problem. To keep the status of the institution, it is important to emphasize as much autonomy as possible. The forms of the system and the principles also demand a revision and debate: today the system may be seen as to narrow, and the principles as to vague.

International comparisons show that several new press complaint commissions have been born in the latest years, as a part of democratization and the development of a free press. The free press demands a constitutional
right of free speech, which in turn is best handled through the development of a working and legitimate ethical code and system among media professionals.

**Literature**

Alvesson, Mats (2001). Beyond Neo-Positivists, Romantics and Localists - a Reflexive Approach to Interviews in Organizational Research, Working Paper; School of Business Administration, Lund University


