

Svein Brurås:

**Obligation to authorize interviews and freedom of speech.
A Scandinavian perspective.**

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*Svein Brurås
Associate Professor
Department of Media and Journalism, Volda University College
P.O. Box 500, N-6101 Volda, Norway
E-mail: sb@hivolda.no*

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1. Introduction

The press in Scandinavian countries - Norway, Sweden and Denmark - is subject to two sets of rules that have a different status. On the one hand, there are statutory provisions in the form of laws that are laid down and enforced by the authorities, and on the other hand, there is a code of ethics¹ adopted and enforced by the press itself. The issue of sources' rights and control over given statements is not regulated by law in any of the Scandinavian countries but is subject to more general legal provisions regarding freedom of speech and editorial responsibility. In the press code of ethics, however, the topic is addressed, both in the form of ethical rules and by pronouncements from the press's own professional committees.

There are great similarities between the Scandinavian countries with regard to both the legal and ethical regulation of press activities. But differences do exist. In this article, I shall focus in particular on the situation in Norway. I shall present the current regulations and guidelines, explain their background, and discuss practice and experience.

2. The legal foundation

The fundamental framework for press activities are to be found in the body of laws. The Norwegian constitution² stresses the overriding importance of the principal of freedom of expression and states that no person may be held legally liable for having divulged or received information, ideas or messages³. Nevertheless, the constitution does allow for legislation that involves legal responsibility for statements and utterances but only under certain specific conditions. The constitution expressly prohibits prior censorship, except where this may be necessary to protect children against harmful influences.

On the basis of the Constitution as "Lex Superior," the Norwegian legislative authorities have passed a succession of laws, which in various ways affect the work of journalists and editors. The most important are the criminal law provisions regarding defamation, the sanctity of private life and a ban on discrimination.⁴ In addition, individual acts exist to regulate areas such as copyright, access to matters of public administration, transparency in the legal system, the right to public broadcasting, etc.

No statutory provisions exist that specifically regulate sources' rights and the control

¹ http://presse.no/Spesial/Skjulte_artikler/CODE+OF+ETHICS+OF+THE+NORWEGIAN+PRESS.b7C_wtvG7V9hRzGXM.ips

² <http://www.stortinget.no/en/In-English/About-the-Storting/The-Constitution/The-Constitution/>

³ Article 100 of the Constitution.

⁴ The legal provisions on defamation and libel are at present under revision.

of interview situations. This is an issue that is part of the editor's responsibility, and he or she has the right to decide. In fact, the editor's responsibility and freedom is also guaranteed by law. The Norwegian national assembly, Stortinget, recently adopted an act regarding editorial freedom, which states that the editor is the person who makes decisions and has the final word in editorial issues, and not, for example, the owners / proprietors of the media company.

3. The system of media ethics

In the set of regulations concerning press ethics, however, we find a detailed account of the relationship between journalist and source. But before we look at this more closely, it is necessary to say something about the system of press ethics and its status.

The Norwegian "self-regulation" / "self-disciplinary" system rests upon two foundational pillars: The Code of Ethics and The Norwegian Press Council (NPC)⁵, which enforces the said code. The Code of Ethics⁶ was adopted for the first time in 1936 and has been revised on a number of occasions – most recently in 2007.⁷ The code has been drawn up and approved by the Norwegian Press Association, which is an umbrella organisation for all media organisations and which indirectly organises both journalists, editors and media companies of every size. The members of all the press organisations are bound by the Code of Ethics, including the vast majority of Norwegian journalists and editors, whether they work in daily newspapers, magazines or weekly press, specialist or trade press, radio, TV or online newspapers.

In order to monitor and maintain its ethical and professional standards in Norwegian media, the Press Association has established the NPC. The Council receives complaints from the general public regarding the press and decides whether the code has been violated or not. NPC has seven members – four members of the press and three lay members. In other words, the press considers it desirable that members of the general public participate in its own Press Council. But it is also worth noting that the non-professional members are appointed by the Norwegian Press Association and not by any external body.

After a procedure, during which both the plaintiff and the media company in question are given the opportunity to each explain themselves twice, the NPC arrives at a judgement as

⁵ http://presse.no/Spesial/Skjulte_artikler/CODE+OF+ETHICS+OF+THE+NORWEGIAN+PRESS.b7C_wtvG7V9hRzGXM.ips

⁶ http://presse.no/Spesial/Skjulte_artikler/CODE+OF+ETHICS+OF+THE+NORWEGIAN+PRESS.b7C_wtvG7V9hRzGXM.ips

⁷ "Vær Varsom-plakaten", which literally means "The be careful code".

to whether the editorial staff in question has breached the norms of “good press conduct”. The statement from the NPC is a public document, and the said editorial staff is obliged to publish the judgement in a conspicuous place, or broadcast it during appropriate broadcasting hours. The statement is to be published in its entirety.

The NPC has no other sanctions available, aside from what is discussed above. In other words, journalists, editors and media companies that are guilty of breaching of the norms of good press ethical conduct do not risk any form of punishment or fines. The majority, however, consider it to be embarrassing and not at all flattering to be publically criticised by the press’s own ethical “tribunal”.

In 2007 the NPC received a total of 314 complaints from the public concerning Norwegian press media. 165 of these complaints became the subject of a full procedure and resulted in a formal judgment. Roughly half of the pronouncements from the NPC come to the conclusion that the organ of the press, subject to the complaint, has breached good press ethics. The number of complaints about the Norwegian press that are sent to the NPC has increased in recent years.

Some of the cases that reach the NPC concern the interview situation and the relationship between journalist and source. Together with relevant regulations in the Code of Ethics, it is the judgements from the NPC in these cases that provide the guidelines for how journalists and editors are to behave in situations in which the source wishes to control the content and presentation of interviews. The detailed discussion of this issue that follows is then based on relevant rules in the Code of Ethics as well as relevant judgments from the NPC.

4. A closer look at the relationship between ethics and the law

For Norwegian press organisations it is important that the ethical system is not seen as the equivalent of a court of law. For various reasons there is a desire to strongly distinguish between the statutory provisions of the law and the profession’s own system of ethics. The former is an external system to which the press is subject and which is enforced by the prosecuting authorities and the courts. The latter has been developed by the press itself on a voluntary basis and is administered by the press itself.

The reason why the press has established and is continually developing its own set of rules, is to prevent a further extension of statutory legislation that may limit the freedom of

the press. This is important to the press for a number of reasons. One reason may be purely business interests. There is a strong desire to run one's own business activities in such a way that they become as profitable as possible. But there are also other and more principled reasons for the desire to keep the authorities' control of editorial activity to a minimum. A further extension of the legislation that gives stronger public control over the content of the media is in principle detrimental to the freedom of speech and the freedom of the press. In this context, the main issue is not consideration of the press itself, but rather the values for society at large that are in danger. Democracy is best served by allowing the press, to the furthest extent possible to set the limits for its own activities. It is in the best interests of society to have a set of laws that provide the greatest possible room for a free and critical press. What the media publishes and how journalists work, must, in principle, be determined by the press itself and not by legislators or judges in a court of law.

When politicians, lawyers and others from time to time speak up in favour of a stronger legislative control of the press, the press itself reacts negatively. On the other hand, the Norwegian press is eager and willing to continue working to improve its own set of rules and its self-justice – on the basis of a conviction that this is a far better way of guaranteeing the quality of journalism than with the help of even more new statutory provisions.

As an alternative to the system of law, the self-regulation system also has great advantages for the public in general. If people feel they have been unfairly treated, they are offered the opportunity of reparation without having to face a time-consuming, burdensome and risky trial in a court of law.

5. The ethics of dealing with sources

The Code of Ethics consists of four chapters. The whole of chapter three is devoted to the journalistic research-phase and the relationship to sources. Here the principles of the journalistic code of ethics are laid down in 11 points. Among other things, the code emphasises that the journalist should have a critical attitude to his or her sources, and, moreover, ensure breadth and relevance in his or her choice of sources. But journalists are also to show consideration to their sources and show particular regard for inexperienced and vulnerable sources that are, perhaps, not aware of the full effect of their statements. The Code of Ethics also contains rules regarding the use of hidden methods (hidden identity, concealed camera and microphone), and it also contains a categorical requirement not to reveal the

identity of sources that have been promised anonymity. Finally, there are a number of points that, in particular, mention the opportunity of a source to steer or control interviews and given statements. It is these points we shall now look at in more detail. The first one concerns the agreement that is entered into by the journalist and his or her source.

6. Agreement regarding interview or contribution/participation

Code of Ethics sub-section 3.3:

Good press conduct requires clarification of the terms on which an interview is being carried out. This also pertains to adjacent research.

An important principle is established here; namely, the journalist must make sure that the source is aware that he/she is talking to a journalist, and have knowledge that what he/she says will be made public. It must be made quite clear that an interview is currently taking place. It is a breach of good press conduct to begin a conversation with a person with the intent to collect information or comments for publication without informing the person being interviewed of this intent. The journalist bears full responsibility for ensuring that the source knows that he/she is now talking to the public via a journalist.

It is, of course, entirely possible that the journalist makes contact with a source without the intention of publishing the statements made by the person in question. Perhaps the journalist requires background information for his own benefit; he wishes to check a relevant piece of information or have information confirmed without any intention of making the conversation public. In that case, the journalist must make it quite clear that this is the point of the conversation. It is the responsibility of the journalist that the situation is not misunderstood, that the source knows what is going on and is aware of the terms on which the conversation is taking place.

Journalists are not to contact a source and pretend to be anything other than a journalist. In many cases it may be tempting to do so. A journalist may want to introduce him/herself as a customer, a sympathiser, or just interested in the matter, etc. – in the hope that the source will then say more, be more open-hearted and provide more information than if the journalist introduced him/herself as a journalist. But good press ethics include being truthful to your source. There may, however, be exceptions to the rule; occasions where the use of hidden methods and “wallraffing” are justifiable. This applies in cases in which the use

of such methods are the only possible way of revealing circumstances that are essential for society to be made aware of. But these are exceptions; such work methods should not represent the norm among journalists.

The point regarding making the terms perfectly clear also involves being careful about letting the camera or the tape recorder run before and after the actual interview. The person interviewed may very well be more relaxed and open before and after the interview, making it possible to register a good point or picture on tape, but in that case the interview situation has not been clarified well enough. If one publishes recordings made before or after the actual interview, the source has good reason to feel cheated or tricked.

It must be possible for the person being interviewed to discuss the interview situation, perhaps provide background information, ask questions and speak to the journalist without risk of this becoming part of the interview.

7. In what context?

The expression “to clarify the terms of the interview” must also mean that the journalist informs the source about why the publication wants an interview, about the background for the matter and in what context the statements/information are to be used.

Persons who take part in TV or radio programmes often have a greater need to prepare for interviews and debates than those who make statements to the written media. Even so, it will be natural and correct for newspaper journalists also to inform the source about the background for making contact and in what context the interview is intended to be used.

It must be added here that in practice there will always be a scale with regard to how thoroughly an interview object is to be informed of the background and context of the question. Both the content of the matter and the identity of the source will be significant. In certain special cases the journalist may well have good reason to keep back information regarding the reason for and the purpose of the questions. We can, for example, imagine a situation where the journalist is faced with a person who is very experienced in being interviewed, a person of some influence, who has deliberately tried to avoid information being revealed regarding an important social issue, and who will more than likely do all he can to prevent the information becoming public knowledge. In that case, it must be possible for the journalist to “make detours,” to attempt to get answers to questions without the source being fully aware of journalist’s real intention.

Such tactics should not be adopted with the less experienced interview objects and “normal” people who do not enjoy a position of power. In that case it would be easy to exploit and misuse the trust of people who cannot be expected to understand the situation and the consequences of what they say.

In other words, there are differences between issues and interview objects, which means that the ethical guidelines of the press must not be interpreted too strictly or literally. In radio and TV interviews, the journalist must be even more careful. All forms of “surprise attack” are more significant in such a context.

8. “Off the record...”

The American expression “off the record” means that information is given in confidence, on the condition that it is not to be published. If the journalist agrees to receive information on these terms, he is naturally bound by such an agreement and cannot then make such information public.

If the source, *after* the information has been given, says that “this was off the record,” then the journalist is not obliged to respect this in the same way. The source cannot then suddenly and unilaterally demand that the information not be made public; he or she may do so only when the journalist has agreed to this in advance.

Many journalists are sceptical of accepting facts and information “off the record” under any circumstances, because they believe that this can create difficulties, for example, in looking for or receiving similar information from other sources. Other journalists will quite happily enter into such agreements, because the information they then receive can provide useful background detail, even though it cannot be used directly for publication. Moreover, it must be possible to use the information if another source can be found who will openly confirm the facts.

9. Editing and correct quotes

An interviewee has no right to demand that everything he or she says is published in full and word for word. The editorial staff must retain the full right to edit the material, to prioritise freely in accordance with their own evaluations and to omit parts of the material that are considered to be irrelevant or uninteresting. Editing is a professional skill that should be left

to the professionals – and not to the sources.

The condition is, of course, that the interviewee's opinions and statements are not distorted and/or manipulated. It is not at all difficult to quote statements that in their entirety are authentic, but which are edited in such a way that the meaning is completely different from that intended by the person being interviewed. This is naturally a breach of good press conduct. It is the journalist's and the editor's responsibility that what is published really reflects what the source means and wishes to say.

On radio and TV there is a particular danger of, what is known as, cross-clipping. In principle this is a fully acceptable method of editing, but it can be unfortunate if you, for example, construct a form of duel or juxtaposition which is completely contrary to the intention of the interviewee in the studio.

One thing which the interviewee can demand, however, is to be quoted correctly.

Code of Ethics sub-section 3.7:

It is the duty of the press to report the intended meaning in quotes from an interview.

Direct quotes must be accurate.

The way in which journalists quote and indicate direct quotes varies from country to country, according to various genre conventions and practice. The statement above reflects the Norwegian tradition whereby journalists enjoy a relatively large degree of freedom to abbreviate, simplify and make explicit a given statement. Improving quotes linguistically is permitted; this is often also something that the interviewee will appreciate. But what is required of the journalist is that both the meaning and the emphasis must be done while still maintaining loyalty to the statement of the interviewee. The significant words are to be quoted correctly.

In Britain and the USA, quotation marks are used in all types of quoting, and the level of accuracy in the quotes is higher than is the case in the Scandinavian tradition.

10. When the interviewees change their minds

Can an interviewee withdraw a statement? Can the source change and modify given statements when he or she has had some time to think about them? Can he or she withdraw an

entire interview? Can one quite simply change his or her mind?

These questions have been the topic of a broad and comprehensive debate in Norwegian press circles over the last 15-20 years. The understanding of what constitutes good press ethics was in fact turned upside down during the 1990s.

The issue of deciding proper conduct at this point may be difficult. There are good arguments for different and conflicting solutions. On the one hand, it is a question of the source's legitimate wish to be quoted in a correct and adequate way and to have control over one's own statements. On the other hand, the issue concerns the journalist's right to prioritise and edit freely and journalistically, without the source exercising control and perhaps even authorize and approve the journalistic product.

In the case of simple "safe" matters, this issue seldom comes to the surface. It is the controversial matters that can become difficult, when the journalist and the source have opposing interests and when the source would have perhaps preferred that the matter was not discussed at all.

Until a few years ago it was generally accepted in the Norwegian press that an interviewee "owns" and thereby has full control over his or her statements until the moment when they appear in print or are broadcast. In that case, the interviewees could also change or withdraw their statements – as long as it was possible "with regard to the technical production process."

In a pronouncement by the NPC in 1954, it states that "*An exposed card need not be played. The person who makes a statement must be allowed full access to take back what he or she may perhaps have said without giving the matter due thought.*" This view that the interviewees have a full right of disposition over their given statements represented the accepted press ethics right up until the 1990s. Both in 1978 and in 1981 the NPC issued pronouncements that confirmed that interviews are not to be published against the stated will of the interviewees, and the sources must have the right to change their minds.

However, an ever increasing number of editors and journalists questioned this principle. They believed that it was not at all obvious that a source almost automatically ought to have the right to change the given statements. Journalists felt it was unsatisfactory when, for example, a leading politician made a sensational statement, only to be persuaded by his or her advisors to withdraw it immediately afterwards. Is it then reasonable that the journalist should fail to reproduce what the politician had originally said – and in all probability *actually* believes?

Many also pointed out that in other countries there are fewer opportunities for sources

to withdraw statements than was normal practice in Norway.

As late as in 1992, however, the NPC withstood the wish for change and confirmed in a statement of principle the traditional view: *“The general rule is that the interviewee has full right of disposition over his or her own statements and must be allowed to change these up until the point when for reasons related to the production process it is impossible to edit the text.”*

But another paragraph in the same statement seems to indicate that the NPC is now in the process of reconsidering its standpoint on the issue:

“The editorial desk has in given situations the right to make an exception from the general rule if the interviewee at later date actually changes the factual content of the interview to an essential degree. Important criteria are that this involves an interviewee with routine whom one must assume to be aware of the effects of his or her own statements, that it concerns information of significance to society at large and that there is a correct reproduction of what the person interviewed actually said.”

Just two years later, however – in 1994 – the Code of Ethics is revised, and for the first time, a separate sub-section in the code is devoted to the issue of the sources’ right of disposition. And now a new standpoint is expressed:

Code of Ethics sub-section 3.8:

Changes of a given statement should be limited to corrections of factual errors. No one without editorial authority may intervene in the editing or presentation of editorial material.

The principle has been reversed. Now it is the norm that statements cannot be altered, but with an opening for exceptions to that rule. We can say that the right of disposition over given statements has been transferred to the journalist and the editorial desk. The interviewee’s “right to edit” has, in a way, been revoked.

In practical terms it will, however, still be necessary to assess each individual case and situation. No two cases are alike, and both the content of the matter, the statement in question and who the source is are all significant factors.

There is a difference between the “professional” sources that ought to understand the consequences of their statements to the press, and the “man in the street,” who is inexperienced at dealing with the media. Politicians, civil servants, the leaders of organisations and professional communicators enjoy no automatic right to withdraw

statements if the journalist believes they ought to be published. They have no “cooling-off period” to change their minds. The press does not accept that such sources shall have a mandate to give their approval of journalistic products. As is well known, journalists and sources do not always share the same terms of reference when it comes to what is important and how a matter should be made public.

The average man or woman, who perhaps is giving a statement to the media for the first time, ought to, on the other hand, be met with understanding if, after the interview, he/she realises that something was said that he/she really should not have said. Such a consideration is implicit in the following turn of phrase in the Code of Ethics chapter on sources: “*In particular show consideration for people who cannot be expected to be aware of the effect that their statements may have*”. (Sub-section 3.9)

Every source should, however, be given the opportunity to correct factual inaccuracies and obvious misunderstandings.

11. The right to read, hear or see reports, or copy in advance of publication

We have now looked at the issue of the source’s right to withdraw or alter statements. Another closely related question is whether the source has any right to read a copy before it is printed and/or to hear or see a radio or TV report before it is aired publicly.

We can say that a source’s control of statements consists of two dimensions: *the right of inspection* and *the right to edit*. Above we discussed the latter; we shall now comment on the former.

Many interviewees ask to read a copy when they have allowed themselves to be interviewed by a newspaper. Particularly professional sources and others who have taken courses in “dealing with the media” have learnt this lesson. On radio and TV, participants sometimes ask to hear or see a report before it goes on air. Sometimes the source puts this forward as a requirement for agreeing to be interviewed. On other occasions the question or demand concerning inspection is raised after the interview has been completed.

The Code of Ethics offers no specific guidelines regarding how a journalist should handle such a demand. But on the basis of custom and press practice today, we can state that a source has no right to inspect the finished, but unpublished article or report, as long as no agreement has been entered into in advance. If the latter is the case, the journalist must respect the agreement.

Nevertheless, many journalists wish to accommodate sources who ask to inspect or have a copy read to them, even though this has not been agreed in advance. One reason may be the consideration that what is published should be what the source wants published and what he/she can accept. Perhaps on some occasions the journalist wishes to make sure that he or she has understood the source correctly.

But the source's possible influence on the interview is naturally restricted to those parts of the article or report that reproduce the source's own views and any facts of the matter. The source cannot demand any changes to the journalist's version or interpretation of the matter, the parts of the matter that are taken from other sources, etc. Nor shall the source have any say when it comes to headlines, the use of pictures, captions, layout, priorities in the matter, etc.

If the source does not ask to inspect the material, the journalist is not obliged to offer him or her the opportunity to do so. However, occasionally the journalist will nevertheless make such an offer, perhaps to build confidence in a source that is in doubt about whether to allow an interview.

If persons other than the source or the participants themselves ask to read the article, or see or hear a radio or TV report before it is made public – it may, for example, be the source's superior, the authorities – then the journalist will naturally reject the request. Anything like this can quickly be interpreted as an indication of censorship.

We stress the fact: if the source has been given a promise in advance of the right of inspection before publication, then the journalist and the editorial staff will make sure that this promise is kept. This also applies in cases when the matter is transferred to another journalist or another editorial team. Breaking a promise is a breach of good press conduct.

And if such an agreement has been made, this also implies that the source may be given the opportunity to rephrase his or her comments and “improve” his or her statement – even though the source has no unconditional *right* to do so.

12. A case study

A short time after the current provision had been incorporated into the Code of Ethics in 1995, the Norwegian Press Council received a complaint that was to prove to be an acid test of the new principle regarding the lost right of disposition of the source over his or her own

statements. The matter concerned a report in the newspaper *Arbeiderbladet* in Oslo (today the paper is known as *Dagsavisen*⁸).

Arbeiderbladet had a double-page spread reporting a case about the magazine "Familiemagasinet", which is distributed free of charge to most Norwegian homes. In the newspaper's report it is stated that the magazine is in reality an undercover advertising publication for a company producing health food. The Consumer Ombudsman claimed that the magazine was in violation of the Marketing Control Act.

While working on the case the journalist interviewed among others the director of the health food company. He asked to read through the quotes of his statements that were to be published. The director was sent the manuscript and returned it to the editorial desk with his corrections.

However, the journalist was of the opinion that it was not factual inaccuracies that had been corrected. "On the contrary he wished to add statements that had never been made during the interview, by demanding to be quoted on something that would appear to be pure advertising for a product, and cover other circumstances," stated the journalist, and told the source that this was unacceptable.

"In that case I withdraw the whole interview," said the director.

What does the newspaper do then? Well, it publishes the whole interview regardless, - and in addition informs the reader at the end of the text that the director had withdrawn everything he had said.

The NPC supports the way the newspaper handled the matter. In a pronouncement from the Council they say among other things: "Even though the plaintiff might have been given a promise that he could "give his approval" of the statements he was being quoted on, this cannot be understood to mean that the plaintiff has the right to have included additional statements, and especially not when the comments go further than merely to correct factual inaccuracies. On the basis of the Code of Ethics' sub-section 3.8, regarding limiting the right of disposition of a source over his or her given statements, the Council cannot see that the newspaper was obliged to respect all the plaintiff's requests with regard to corrections. Nor has the plaintiff put forward any complaint that the original interview contained any errors or inaccuracies." (NPC-case 019/95).

⁸ <http://www.dagsavisen.no/>

Surveys exist that have studied how Norwegian journalists behave in practice in connection with this issue, concerning control of statements. Here it is documented that the journalists in their daily work are more open and accommodating with regard to the source's right of inspection and control than is required by the provisions. Many journalists are willing to accept the wishes regarding inspection and changes, even though they are not obliged to do so. In practice, the journalists have a *pragmatic* approach to this question.

One explanation for this may be of a strategic nature: the offer of inspection and of reading a copy is used as a strong card to play in negotiations with a source that might otherwise not be as willing to make a statement. It is used by the journalist to establish a willingness, trust and confidence.

Another explanation, which certainly applies in some individual cases, is that the journalist wishes to make sure that he has understood the source correctly, and both the facts and the views have been reported correctly.

Both considerations may be justified and indicate that the source, in some cases, is given the right of inspection. A relatively pragmatic attitude to this issue can often be a common-sense approach. If an interviewee happens to get his words mixed up, it is in the interests of all concerned that he is allowed the opportunity to put things right. This also applies in the case of experienced professional sources. What is important is that it is the journalist who has the final say in deciding both the right of inspection and of any alterations made. The press must be on its guard about situations in which sources are allowed to authorize journalistic products. That right belongs entirely to the editorial staff and to no-one else. And then it is up to the journalist to be obliging in those situations in which *she herself* (and not just the source) believes that it is the correct thing to do.

Some journalists explain how they, at the end of interviews, usually give the interviewee a summary of what has been said and how it was recorded on the journalist's notepad. This is a useful practice which, in many cases, can make it unnecessary to read through the final copy and, at the same time, put the interviewee's mind at rest.

If parts of the manuscript are to be sent to the interviewee for inspection, the conditions must be clarified in advance. It may be a good idea to make an oral agreement (or comments in the margin of the manuscript) that it is to be sent simply for their information, but the journalist would appreciate being informed about factual inaccuracies and misunderstandings.

13. When the source wishes to choose a “friendly-disposed” journalist

A source cannot decide which journalist he wants to provide the interview. It is a breach of the ethical principles of the press and editorial freedom when sources of power try to appoint a journalist they assume to be friendly-disposed towards them to be responsible for the interview. This is a decision that must be left to the editor. Nor can an informant or source demand that a certain journalist, with whom they are dissatisfied, be replaced by another journalist when covering a certain case. Here, the principle applies that the source is dealing with an editorial desk and not with individuals.

Informants and other sources are free to criticise a journalist whom they believe to have done a poor job. They are welcome to inform the editor that this journalist, in their opinion, is not competent to cover the case in question. Then it is up to the editor to assess whether the criticism is justified, or whether it is because the journalist is too “critical,” not “friendly” or “understanding” enough. Which journalist is to cover a case is entirely a matter for the editor to decide.

14. Closing remarks

The relationship between journalist and source has been described as a dance, like a tango. It takes two to tango, and both partners are mutually dependent on each other. But who is to lead the dance? The journalist and the source also depend on each other. The journalist needs the source in order to have something to communicate, information or points of view, while the source needs the journalist in order to reach the public with his message. But who is to play the leading role? The journalist must be aware of this “dependency,” so that a situation does not arise in which the source is actually in control of the journalism.

A thriving democracy needs a free, fearless and independent press. The prerequisite for the press being in a position to fulfil its role in society requires it be able to act critically and work unfettered in relation to the influences of political, economic and other centres and sources of power. That is why the free media insist that neither sources nor any others, outside of the editorial staff, be allowed to authorize or edit journalistic products.

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References

Brurås, Svein (2006): Etikk for journalister (3rd ed.). Fagbokforlaget, Bergen.

Gans, Herbert J. (1980): Deciding What's News. Vintage Books, New York.

Michalsen, Bård (1998): Om kontrollen over utsagn gitt i intervjuer. Andøyposten AS, Andenes.

Norwegian Press Association (1936, 2007): Code of Ethics of the Norwegian Press.

Raaum, Odd (1999): Pressen er løs. Fronter i journalistenes faglige frigjøring. Pax Forlag, Oslo.