

## **FAIRNESS IN THE NEWS: A study of perceptions of fairness in political news**

By Fred Fletcher and André Turcotte

### **Key findings**

- Members of Parliament and parliamentary journalists agree on many elements of fairness in journalism
- MPs and journalists tend to agree on the importance of accuracy, balance and impartiality in fair reporting, but tend to disagree when it comes to the rules of engagement between journalists and sources: respecting privacy of public figures, using hidden cameras or tape recorders, reporting off-the-record conversations, quoting unnamed sources
- This difference emerges also in opinions about how political leaders should be treated in news reports, with MPs much more likely than journalists to regard media criticism as excessive
- Only half of the journalists and fewer than one in four MPs are aware of the existence of journalistic guides or codes; fewer than 20% of journalist report referring to such a code, though many news organizations have them
- Although more than two-thirds of MPs believe that Canadian news media live up to their role in the democratic process, only 16% believe that most stories present the news in a fair way
- In their assessment of journalistic practices, MPs tend to be more in tune with public opinion than are journalists
- MPs and journalists agree that 1) knowledge of the subject is an important basis for fair journalism and 2) most journalists are not as expert as they might be

### **Introduction**

In playing their respective roles in Canada's representative democracy, there is an inevitable tension between parliamentarians and the journalists who cover them. While this tension is healthy in a democratic society, competing perceptions of what constitutes fairness in the news create problems for those who produce and assess the coverage. Fairness has superseded 'objectivity' as the touchstone for good reporting, but both remain contested concepts.

This study of perceptions of fairness in the news held by Members of Parliament and journalists in the Canadian Parliamentary Press Gallery arose from concerns about

defining fairness and journalistic accountability expressed in recent court cases and in various journalistic forums. Although there are many codes of journalistic practice, a review of the various codes and commentaries suggests that journalism lacks a coherent and widely accepted standard of fairness that speaks to everyday journalistic practice<sup>1</sup>. While numerous studies have examined the gap between the perceptions of fairness held by journalists and those held by their audiences, few have looked closely at the perceptions of journalists and their sources / subjects. The goal of this study is to contribute to an ongoing conversation on this important subject.

The findings reported here are based on 61 interviews with MPs and 64 with members of the Gallery conducted on behalf of the Canadian Media Research Consortium earlier this year. In an elite survey, a sample of this size, selected to ensure a representative range of opinions, is appropriate for the purposes of identifying key opinion clusters. Only statistically significant differences are reported. (A full description of the methodology is available online. See below.)

## **Background**

The question of fairness in the news has been a major concern in several recent court cases. *Gilles E. Neron Communication Marketing Inc. v. Chambre des notaires du Québec* (2004 SCC 53) sparked debate about appropriate standards for assessing “fairness” in the news when the Court held that liability for defamation may arise from a report which, though both true and in the public interest, does not meet professional journalistic standards. More recently, the Ontario Court of Appeal articulated a “public interest responsible journalism defence” in libel cases (*Cusson v. Quan, Ottawa Citizen et al.*, 2007, ONCA 771). “The defence rests upon the broad principle that where a media defendant can show that it acted in accordance with the standards of responsible journalism in publishing a story that the public was entitled to hear, it has a defence, even if it got some of its facts wrong,” as the Court put it. In the Neron case, the Supreme Court ruled that while the report in question was true and likely in the public interest, the report was incomplete and misleading – in a word, “unfair” – and the claim was upheld.

These cases, and a number of others in various democratic countries, have moved the discussion from abstract legal tests toward general principles of journalistic ethics and standards of fairness. For example, in the British case, *Reynolds v. Times Newspapers Ltd.*, [2001] 2 A.C. 127 (further explained in *Jameel v. Wall Street Journal Europe Sprl*, [2007] 1A.C. 359), the decision set out some specific criteria of responsible journalism and, in effect, fairness (summarized in Appendix). These criteria remain somewhat abstract, however, and the standards of responsible journalism and of fairness remain difficult to apply to the everyday practice of journalism.

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<sup>1</sup> For example, the CBC’s *Journalistic Standards and Practices* lists three key principles: 1) accuracy: information reported “conforms with reality and is not in any way misleading or false” and backed by “thorough research” and careful presentation; 2) integrity: “the information is truthful, not distorted to justify a conclusion” and avoids “personal bias;” 3) fairness: reporting “reflects equitably the relevant facts and significant points of view; it deals fairly and ethically with persons, institutions, issues and events.” These principles are abstract and difficult to operationalize; however, the CBC document, like others, goes on to provide more specific guidelines and examples.

In this survey, we asked MPs and parliamentary journalists to comment on the role of the news media in a democracy, to define fairness, to assess the importance of various norms of journalistic practice, and to provide their opinions on some the challenges and constraints in political journalism in the Ottawa context, among other subjects.

### **Media and democracy**

Although more than two-thirds of MPs believe that Canadian news media live up to their role in the democratic process, only 16% believe that most stories present the news in a fair way. Nearly one in three MPs thinks that fewer than half of all news stories are fair. In contrast, not surprisingly, 44% of journalists believe most stories are fair and more than 90% considered a majority of stories to be fair (compared to 59% of MPs). Clearly, the two groups see the news differently. Here, as in other areas, MPs views are more in tune with the public than those of journalists.<sup>2</sup>

Nevertheless, most MPs think that the news media are doing a reasonable job in meeting the needs of citizens. In particular, many MPs noted the importance of a free press, even when its performance might be flawed. Several MPs commented that whatever its flaws the Canadian media come closer to the ideal than their counterparts in other democracies.

### **Media and fairness**

Members of Parliament and journalists generally agree about what constitutes fair journalism. Asked to define fairness, both MPs (72%) and journalists (64%) emphasize balance or getting “both sides” of the story. This standard was mentioned far more often than impartiality (about one in three) and accuracy (about one in four). Balance is seen as presenting all sides in an equitable way, while impartiality is seen as the absence of bias in terms of tone as well as selection of information.

Clearly, in the partisan context of parliamentary politics, balanced reporting is the most widely held criterion. Of course, defining it in practice is the challenge.

One of the central questions in the survey asked journalists and MPs to rate the importance of 15 attributes of good journalistic practice. Overall, there is consensus across the two groups on nine of the attributes. The two groups agree that the following elements are *very important* (in order of importance):

1. Placing information in context
2. Verifying information before reporting it

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<sup>2</sup> The most recent Canadian data, reported in the Canadian Media Research Consortium’s Report Card on the Canadian Media ([www.cmrccecm.ca](http://www.cmrccecm.ca)) in 2004 support a similar conclusion. About 60% of those surveyed perceived news reporting to be fair and balanced only sometimes. These data are based on a national survey of perceptions of the news media conducted by the CMRC (N=3011), reported in the Pollara Report as *Views of the Public*. The survey was conducted in late 2003 and the results reported in 2004.

3. Quoting sources accurately
4. Including all relevant facts
5. Not reporting accusations without giving those accused the opportunity to respond
6. Resisting attempts to spin the story
7. Avoiding obvious partisanship or bias
8. Including all legitimate points of view
9. Representing the broader public interest

There was near unanimity on the first three items and strong majorities in both groups for the others. These areas of agreement provide an important foundation for attempts to specify more clearly the notion of responsible journalism.

Other elements of professional practice are seen as important by both groups, but given a significantly higher priority by one of them. For example, journalists place more importance than MPs on protecting the confidentiality of anonymous sources. More than 86% of journalists regard this element of journalistic practice as very important, compared to 57% of MPs. With respect to the responsibility to question sources vigorously, 83% of journalists regard this as very important, compared to 69% of MPs.

In contrast, MPs place a higher priority on certain rules of engagement in their relationships with journalists. For example, they are more than three times as likely as journalists to regard the protection of the personal privacy of public figures as very important (62% compared to 19%). Indeed, nearly one in four journalists regard this issue as not important. MPs are also more concerned than journalists about the use of unnamed sources (51%, compared to 14% for journalists), the reporting of off-the-record conversations and the use of hidden cameras. Although a majority of journalists also acknowledge the importance of these issues, they give them considerably less importance than MPs.

On some of these key elements, the MPs are more in tune with public perceptions than are the journalists. The MPs and the public both tend to disapprove of use of hidden cameras and quoting unnamed sources, views not shared by our sample of journalists, and to be concerned about invasion of the privacy of public figures.<sup>3</sup>

### **Encounters with unfair reporting**

When asked about specific instances of unfair reporting, journalists were generally reticent but MPs reported many cases. Fifty-three of 61 MPs interviewed mentioned at least one case of unfair reporting. The most common reasons for regarding stories as unfair were: 1) unbalanced or one-sided reporting; 2) comments taken out of context; 3) inaccurate information; 4) “spinning” or exaggerating events; and 5) misleading or sensational headlines.

The most common themes in the cases cited were not being asked to tell their side of the story and being misrepresented or quoted inaccurately. In several cases, MPs claimed

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<sup>3</sup> *Report Card on the Canadian News Media* (2004).

their views had been misrepresented on the basis of claims by other sources, while they were given no opportunity to set the record straight. There was also concern about failure to put their views in context, especially when their views were nuanced.

The cases of unfair reporting cited by journalists most often involved the omission of information they regarded as important or stories reflecting partisan spin without balancing information. The Maher Arar case was cited as an example where unnamed sources used the media to spin a story.

### **Codes and Guides**

It will no doubt come as a disappointment to those who have laboured over the various codes of ethics and guides to journalistic standards to learn that only half of the journalists and fewer than one in four MPs are aware of their existence. Fewer than 20% of journalists report referring to such a code, though many news organizations have them. Indeed, 60% of those who are aware of such codes say they seldom or never referred to them. Professional practice appears to be more important than any code for most journalists. A few MPs noted the absence of an “ethical watchdog” for the Canadian media: “The media holds everyone else’s feet to the fire except their own,” according to one MP.

### **The issue of bias**

When considering the Canadian news media in general, more than 60% of MPs characterize the media as demonstrating a political or partisan bias, while less than one-third believe that Canadian news organizations are careful to avoid such bias. Here, there is a sharp difference between Anglophone and Francophone MPs. While 72% of English-speaking MPs consider news organizations to have a political bias, only 27% of French-speaking MPs do so. A majority of Francophones (53%) perceive news organizations as generally “careful that their reporting is not politically biased.”

More than 90% of MPs think reporters’ own political preferences influence the way they report the news – and 43% think this happens often. About one-third of the journalists admit their own news stories are sometimes influenced by personal views, but only 6% believe it happens often. Members of the public are, it appears, more inclined to agree with the MPs; 79% perceived that reporters’ political preferences influenced their coverage at least some of the time (31% often)<sup>4</sup>.

The journalists who report being aware of the influence of their personal preferences generally take the view that it is impossible to avoid such influence, implicitly rejecting the old concept of objectivity. Indeed, many of those who report that their personal

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<sup>4</sup> *Report Card on the Canadian News Media* (2004). There is no reason to believe that these numbers have changed significantly. In the 2007 Pew survey, some 55% of Americans reported believing that news organizations are politically biased in their reporting; only 31% agreed that news organizations are “careful that their reporting is not politically biased.” Pew Research Centre for The People and The Press ([www.people-press.org](http://www.people-press.org)).

views seldom have influenced their reporting comment that it is a challenge to avoid letting their views creep in, saying that they rely on professionalism to avoid bias. Some say they avoid all political involvement to insulate themselves from such influences.

## **Challenges**

Journalists identify a number of challenges they face in doing fair reporting. Most often mentioned are: 1) access to information and sources (45%); 2) time constraints and deadlines (28%); and 3) getting past spin / verification (20%). Also noted are space and format limitations (11%) and removing personal bias (5%). While these challenges are common to most journalism, access and coping with spin are most likely more of an issue for parliamentary reporters than for others.

In terms of being most susceptible to unfair news reporting, MPs mention a wide range of media, but are most likely to mention television (39%) and newspapers (38%). Journalists are twice as likely to mention television (38%) as newspapers (19%), presumably because of time constraints. It is worth noting that 11% of both groups mention the Internet, an area of concern that is likely to grow.

Asked where they would look for fair reporting, the sources most often mentioned by MPs were the CBC (25%) and *The Globe and Mail* (23%). Journalists did not focus on any particular news outlet, but many cited government sources or documents (29%), such as Statistics Canada and other government agencies.

## **Treatment of political leaders**

Many MPs (41%) take the view that media coverage of the personal and ethical behaviour of political leaders is excessive, a view held by only 11% of journalists. The public (52%) was even more likely than MPs to think such coverage tends to be excessive<sup>5</sup>.

MPs are also more likely than journalists to think that media criticism of the policies and proposals of political leaders is excessive (21% v. 5%), but the majority of both groups think that policy-oriented criticism is appropriate. In fact, the public (32%) is more likely to think criticism of policies and proposals is excessive than either politicians (21%) or journalists (5%). French-speaking MPs are more closely aligned with the public, with 40% perceiving that such criticism is excessive.

## **Outside influences**

There is fairly broad agreement that outside groups influence the news. The sources of influence most commonly mentioned are lobby groups (cited by 55% of journalists and 49% of MPs), government (27% of journalists and 16% of MPs), and the business / corporate sector (17% of journalists and 15% of MPs). Francophone journalists (43%) are much more likely to mention public opinion as an influence. The public ranked

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<sup>5</sup> *Report Card on the Canadian News Media* (2004).

government / politicians (42%) and business/corporations (27%) as the most important influences on the news.<sup>6</sup>

When asked specifically, twice as many MPs (46%) as journalists (22%) report believing that corporate control of the media often influences the particular news stories that are presented. Francophone MPs are most likely to perceive corporate influence in the news. However, a majority of both journalists (81%) and MPs (61%) do not regard outside influence as a serious problem. MPs are more likely than journalists to express concern, however.

We found broad dissatisfaction with the Ottawa-centric nature of the news among both MPs and journalists. Nearly half of the journalists and just under two-thirds of the MPs report dissatisfaction with the variety of regional viewpoints in the news.

### **Other issues**

The results also speak to two traditional questions: 1) the extent to which parliamentary journalists can or should have subject specialties and 2) possible differences in journalistic practices and perceptions between the English and French media.

### **Expertise**

With respect to subject expertise in the Press Gallery, most MPs (84%) and a majority of journalists (69%) agree with the proposition that it is very important for journalists to be knowledgeable about the topics they cover. Indeed, nearly all of those interviewed agree that subject expertise is at least somewhat important. This view is held most strongly by Francophones in both groups. However, only 11% of journalists and 16% of MPs perceive journalists as “very knowledgeable” about topics covered, though most believe them to be somewhat knowledgeable (70% of MPs and 86% of journalists). There is general agreement that a reasonable degree of expertise is desirable, though a number of journalists (22%) note that it is impossible to be an expert on everything that must be covered. Nevertheless, journalists under 40 (39%) are more likely than older reporters to emphasize doing research and being informed as key elements of fairness in journalism. It is reasonable to conclude, however, that many parliamentary journalists would like the opportunity to develop more subject expertise.

### **French and English media**

With respect to the French and English media, nearly one-third of respondents in both groups were unable to offer an opinion, primarily Anglophones who do not follow the French media. Many journalists and MPs note that the French media primarily focus on Quebec and its relations with the rest of Canada. In substantive terms, however, opinions

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<sup>6</sup> In our public survey (N=3014), 76% of Canadians reported thinking that news organizations are “often influenced by powerful people and organizations.” *Report Card on the Canadian News Media* (2004).

were much more varied. The following observations were each made by several MPs and journalists (there were no significant differences between MPs and journalists on this issue):

- French media are more “aggressive,” “sensationalistic,” and “animated” than English media;
- French media define politics more broadly to include a range of social issues;
- French media provide more in-depth coverage, especially of international issues.

In terms of standards of fairness, there were some consistent differences between English and French respondents. Francophone journalists place more emphasis on impartiality, while Anglophones are more likely to stress balance and accuracy.

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Detailed findings and methodology, prepared by Pollara, are available on the website of the Canadian Media Research Consortium ([www.cmrc CRM.ca](http://www.cmrc CRM.ca)). These findings include analysis of differences within the MP and Press Gallery samples in terms of age, gender, experience and other demographic variables that are not reported in this paper.

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## Appendix: Criteria for the responsible journalism defence

Excerpt from: *Reynolds v. Times Newspapers Ltd.*, [2001] 2 A.C. 127

Depending on the circumstances, the matters to be taken into account include the following. The comments are illustrative only.

- 1) The seriousness of the allegation. The more serious the charge, the more the public is misinformed – and the individual harmed – if the allegation is not true.
- 2) The nature of the information and the extent to which the subject-matter is a matter of public concern.
- 3) The source of the information. Some informants have no direct knowledge of the events. Others have axes to grind or are being paid for their stories.
- 4) The steps taken to verify the information.
- 5) The status of the information. The allegation may have already been the subject of an investigation which commands respect.
- 6) The urgency of the matter. News is often a perishable commodity.
- 7) Whether comment was sought from the plaintiff. He may have information others do not possess or have not disclosed. An approach to the person suing for libel, however, will not always be necessary.
- 8) Whether the article contained the gist of the plaintiff's side of the story.
- 9) The tone of the article. A newspaper can raise queries or call for an investigation. It need not adopt allegations as statements of fact.
- 10) The circumstances of the publication, including the timing.

## Appendix: Methodological Note

### **Methodology**

The survey was conducted on behalf of the CMRC by Pollara, Inc. Results are based on 64 one-on-one telephone interviews with Members of the Press Gallery in Ottawa (64) and with MPs (61). Interviews with journalists took place between March 21 and April 18, 2007. Interviews with MPs took place between March 21 and June 13, 2007.

Interview subjects were drawn from the full lists of MPs and members of the Press Gallery. An attempt was made to ensure that the sample reflected as closely as possible the composition of the two groups, on the basis of age, years of experience, gender and, in the case of MPs, party affiliation.

Due to the small sample sizes and corresponding margins of error (journalists, +/-12.4%; MPs, +/-12.8%), it is important to treat the findings with caution. Only statistically significant findings have been reported. In a few cases, results are compared to *Views of the Public, 2003*, a report based on *A Report Card on the Canadian News Media*, a previous CMRC study published in 2004.