

# The German Council for Public Relations, its structure, its procedures, its public esteem

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## The author:

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## Abstract:

This is a general review of the German concepts and provisions for the self-regulation of PR practitioners which appeared in the *JOURNAL OF COMMUNICATION MANAGEMENT* (Vol. 11, No.2 / 2007). The purpose of the paper is a contribution to the actual debate about the most appropriate approach to tackle ethical problems of the guild.

The paper first describes the structure and the procedures of the German PR Council, outlining a number of peculiarities: This body censures not only members of the supporting associations but non-members and non-PR-professionals as well; it acts publicly; it pronounces and publishes verdicts and rebukes, and it issues specific rules of conduct in the case of uncertainties.

Consequently the paper deals with the methods of conceiving codes and guidelines. It explains the differences which German practitioners discern between ethical and quality provisions. Within this context it discusses the German reservations with regard to some of the proposals of the newly formulated "Global Protocol on Ethics in Public Relations".

This proposition induces a discussion about the ethical principles which guide the Council's endeavours. The paper proposes a shift in the moral assessment of the four Grunig models from dialogue to information activities as the prime moral challenges. As a result of these findings the paper states the Council's legitimacy.

Finally, the paper reports the various reactions of those who have been rebuked. It gives an evaluation of the Council's influence on the practice of PR in Germany based on new surveys and facts. The German experiences with the enforcement of codes are summarised as an ongoing process of self-assurance of the PR guild and its public esteem.

## 1. Introduction to the PR profession in Germany

In Germany Public Relations is, as is journalism, an open profession not subjected to external control. The practice of PR requires neither a university degree nor a certification by a professional association. However, in many companies, organisations, colleges, administrative bodies, parties, and churches PR is recognised as a profession. Their PR staff are graduates from PR training institutes or are qualified by way of their years of professional experience in the field. In other organisations the passing of information to the press and public is carried out by the management itself. They, too, are dealing with public relations.

Since there is practically no organisation that can do without at least occasional contacts with the public, the number of PR practitioners in Germany is conspicuously high. Such people exercising PR can be located on various levels of their organisations' hierarchy. Only a small fraction of them will be unionised in associations.

The four genuine PR communication organisations making up the German Council for Public Relations are the following: three professional associations, the German Public Relations Association (*DPRG*), the Federal Association of German Press Officers (*BdP*) with around 2500 members each, the German Association of Political Consultants (*DEGEPOL*), and the more exclusive Association of German PR agencies (*GPRA*) with only 25 members; this association explicitly limits membership access to selected companies, while the actual number of German PR agencies can be expected to be several hundred times higher.

In addition there is a number of PR-akin organisations. Thus, the two German journalist associations accommodate about 1500 “journalists active in organisations”. This refers to PR practitioners whose intention it is to preserve their former professional status. The guild of management consultants, too, needs to be classed to a large extent as communication consultants and, thus, as PR.

So who represents the interests of the PR profession? Who is entitled to judge, and if need be, pass sentence on PR conduct? The four aforementioned genuine PR communication organisations assign this job to themselves. To some extent, however, non-members refuse to accept their authority and prefer courts to judge their conduct. This is a struggle for representation and legitimacy – one that presently appears to be tipped in favour of the organisations and the PR council.

## 2. Development and responsibilities of voluntary self-regulation in Germany

All communication is vulnerable to dishonesty. Should the legislator intervene in such cases? In order to avoid state interference, two institutions were created in early post war Germany to support the voluntary self-regulation of those working in the communication sector: the Press Council and the Advertising Council. The Public Relations Council, the last of the three larger institutions and founded as recently as 1987, deviated from this pattern. It was established because of the notoriously bad reputation of the PR guild. However, today, even the Press Council claims the protection of the reputation of the press as an important reason for its existence.

These German councils monitor compliance with ethical standards. In this they are supported by professional associations and, depending on their respective composition, this has resulted in a number of peculiarities:

- The Press Council is supported by associations representing print journalists and publishers. Therefore, it may only deal with complaints about the print media and not about television. The topics the councils of German television companies deal with are only vaguely related with ethical self-regulations. “In Germany, the main problem is that ethical self-regulations on TV and on the Internet hardly exist,” wrote the German Press Council in its yearbook 2001 (*Deutscher Presserat* 2001:26).
- The Advertising Council (*Deutscher Werberat*) is supported by 41 economic associations representing advertising agencies, advertising companies, advertising professions, and advertising research. Therefore, it can deal only with commercial, but not with political, advertising and campaigning.
- The German Council for Public Relations (*DRPR*) is not encumbered by such structural restrictions. It is promoted by the four associations mentioned above (*DPRG*, *BdP*, *DEGEPOL* and *GPRA*). These four associations deal with all sorts of PR in all types of organisations. Therefore the PR Council can address all persons and organisations exerting influence on the public.

Consequently the PR Council monitors companies, unions, foundations, non-governmental organisations, political parties, the government and its authorities, as well as the press itself – in so far as it does its own PR work. Some of these organisations employ their own PR experts; in others the management itself carry out PR activity. In that event they would be summoned before the Council regardless of their rank. In fact, the very first public rebuke the Council had to pronounce was addressed to the head of the supervisory board of a large German company. He had paid a journalist a substantial amount of money for an interview which appeared in the magazine *Der Spiegel* in 1995.

The Council deals with all forms of PR activity, even if their practitioners are organised in specific professional associations: press contacts and Public Affairs, lobbying and advertising assignments, crisis PR and PR campaigning, product placement and sponsoring. The Council also evaluates a defendant’s omissions, his concealments, and the consequences resulting from non-communication.

It should be added that the Council, as a matter of principle, evaluates only the behaviour of organisations, and not the actions of individual persons inside an accused organisation. The above mentioned case of the head of the supervisory board was exceptional because he had acted on his own behalf, and not that of his company. It is not the task of the Council to identify individual responsibilities within a group. It has no legal power to detect either the possibilities of self-interested behaviour or the obligation to follow strict orders. Therefore neither can it detect if such an action was done by a member of the *DPRG* or not.

The fact that accused parties do not have to be members of one of the promoting organisations to be brought before the Council has sometimes led to protests from those concerned. Would they be calmed down with a reference to principle no. 3 of the Council's statutes which says, "The PR Council will also deal with criticised PR events which were provoked or initiated by non-members of the promoting organisations and non-experts"?

This statutory statement derives from the value system in our society: anyone who expresses himself in public – or neglects to do so despite an ethical obligation – subjects himself to universally accepted rules of ethics. Their implementation has been consistently promoted over several decades by self-regulatory bodies developed by the professional associations responsible for communication activities.

Thus the jurisdiction of councils can be regarded as socially accepted. They also have legal force especially with respect to non-professionals and non-members of the organisations in charge. When rejecting a charge against the German Press Council, the provincial High Court of Cologne established as a last resort judgement on 11 July 2006 that the verdicts of councils are generally to be appreciated as freedom of expression following ethical standards and having appellative character and that the disciplinary jurisdiction exerted by councils is not only to be directed to their members. This verdict applies *mutatis mutandis* for the procedures of the PR Council.

### **3. Transparency of Council procedures**

By acting on behalf of a global public relations responsibility towards publics, the PR Council raises very high expectations. These expectations can only be realised if the Council acts openly, that is, if it allows publics to follow its proceedings and its reflections. Consequently, transparency characterises the work of the Council itself.

"As a basic principle, the PR Council acts publicly, as objectionable PR behaviour also takes place *vis-à-vis* the public. Its judgements are normally published," so it succinctly states in principle no. 7 of its statutes. If a final verdict is not reached unanimously, then any "dissenting opinions" are also published at length.

In addition to these forms of transparency, new demands were recently pronounced. In March 2004 an "Association for the Promotion of Self-Regulation" was founded by well-known German communication scholars. Their association expects a general transparency of all proceedings of a Council; this is intended to include not only its research and its investigations, but its internal deliberations as well.

As a fifth objective of its affiliation, the Association declared:

*It is not reconcilable with the principle of public access for self-regulating agents to deal with complaints behind closed doors. Complaints about misconduct of members of the press and public-related professions must be dealt with publicly. While public access of proceedings of complaint can conceivably lead to a reiteration of the misconduct, in case of doubt it is the exclusion of the public that needs to be explained, not their access. (Verein, 2005: 554)*

This proposal was strictly rejected by the German Press Council. In its annual report on the year 2003 the Press Council insisted on keeping the deliberations private, justifying its stance with the similar procedures of all German civil courts. German civil courts try their cases in public, deliberate in private, and deliver their judgements in public. The German Press Council added that it admits claimants and opponents to the proceedings. It said, however, that in most cases the Press Council deals with written petitions by the attorneys of the accused or by consumer councils. But such trials have never been published.

In contrast, the Council for Public Relations publishes many more details about its trials. Thus it once published its oral investigations and reported in detail the arguments put forward by the representative of a

company accused of a media boycott (see the corresponding section “*Spruchpraxis*” on [www.drpr-online.de](http://www.drpr-online.de)). Journalists who later did research about a similar case could consequently obtain information about a comparable boycott on the Council’s website. But the Council for Public Relations equally will not admit observers to its internal deliberations. Such brainstorming sessions can only function if participants feel free to express themselves openly without fear of being quoted.

Actually the PR Council consists of sixteen members. Each of the four supporting associations delegates up to four representatives. These include the presidents of each association plus one or three assessors elected by the general meetings for a term of three years. The Council may co-opt several advisors with full voting rights. It has always used this option to assure itself of the experience of a university professor, a lawyer, and one or two senior PR experts. Constituted in this way, the Council elects a chairman and two vice chairmen from its own ranks for a term of three years with the possibility of re-election.

If any of these members have personal or business connections with an accused party, they must declare a conflict of interest. They do not take part in the deliberations on this case, and they are excluded from the decision-making process.

Some of those who have been censured have alleged – often belatedly - that the Council as a whole is institutionally biased. One called the rebuke he received the expression of a “self-righteous institutional professional jealousy” (*Der Kontakter* 38/2003: 14). The Council publicly rejected this imputation. Before discussing this case it had given detailed consideration to the question whether Council members, who might have been regarded as competitors, would have to be considered biased. This was denied. It was pointed out that professional self-regulation cannot work whenever any potentially competitive situation becomes a reason for a lack of impartiality. The essence of voluntary self-regulation is judging one’s peers. This applies to all comparable institutions.

#### **4. Sanctions, penalties, and the reactions of the censured**

Many discussions and comments on the function of councils end with sceptical, if not even derogatory, questions about their ability to impose sanctions. This is the most discouraging part of the discussion. The term “sanctions” generally leads us to expect painful penalties such as occur in normal legal proceedings: the payment of fines, revocation of benefits, or imprisonment.

In contrast to such measures, what effect are merely verbal rebukes likely to have? People, so it is said, deride these as mere talk land hot air. And indeed, these are the reactions of some of those who have been censured. For example, the rebuked head of an agency once remarked in a research interview done by a university student that he had become known just because of the rebuke. “This has caused a stir. I’m receiving an increasing number of inquiries” (Braun 2000: 72). Another, quite well-known head of an agency reacted in a similarly eccentric way. After a rebuke he told the media that he would be laughing about it: “I don’t care. And my staff don’t care either. They are dying of laughter.” The German news magazine FOCUS published only this statement – “as sound bite of the week” (FOCUS 16.09.02: 176).

It may have been this kind of bad experience that motivated American colleagues to abolish any sort of punishment. In an official letter introducing the new PR Code in 2001 Robert D. Frause, Chairman of the Board of Ethics and Professional Standards (BEPS) of the Public Relations Society of America (PRSA) stated as a first of “three powerfully important differences” to the previous code: “First: Emphasis on enforcement of the Code has been eliminated. But, the PRSA Board of Directors retains the right to bar from membership or expel from the Society any individual who has been or is sanctioned by a government agency or convicted in a court of law of an action that is in violation of this Code.”

The German PR Council abstains from dealing with charges which are simultaneously put on trial in a court of law. Persons who have been convicted in such a court may be expelled from their professional association. But “to bar from membership or expel from the Society” is not a penalty that the German PR Council could impose, for the reason that it also passes judgements on defendants who do not belong to any association. The announcement-effect of a council’s rebuke consists of a temporary public call to order. It makes it possible to expunge a breach of the code, and it gives a chance to those who are rebuked to return to the fold. Nobody should be regarded as a sinner forever.

Nevertheless, some of those rebuked by the Council have experienced hard times later on. The once laughing agency head lost several contracts and eventually his agency, and this development was partly a

result of his public ostracism after the trial. This fate was not intended by the Council. However, although it has happened only once, it may work as a general warning of ultimate consequences.

Therefore the German PR Council shall continue with its penal measures. And there have been favourable reactions, too, registered upon the announcement of rebukes. For example, a high ranking manager in the marketing of sporting rights remarked regarding the PR-REPORT: "It was a shock for every one in charge. It's true, that in due course everybody got over it. However, nobody wants to make another mistake and prefers to keep a low profile" (PR-REPORT 2.6.00: 8). This statement came from a person that was not member of any of the four associations that support the Council.

One reprimanded organisation even publicly accepted the Council's verdict in their statement after the announcement on 9 May 2006: "We accept the animadversion on account of product placement established by the German Council for Public Relations against our input towards the *ARD* television series *Marienhof*. We regret this mistake ..."

Once the Council published a defendant's threat to take legal action against the council "in case of the latter making in any way negative or reproving remarks about his company." Undeterred by this gesture the council announced in the same report its censure against this corporation. However, the defendant refrained from raising charges despite the heightened public attention.

The PR Council differentiates between acquittals, warnings, and rebukes. Warnings are pronounced and published when the circumstances of the case are not sufficient for a rebuke, or if the accused organisation corrects its behaviour after the admonition by the Council. These warnings are addressed to all organisations, which, because of their structure, may be inclined toward behaviour not unlike that of the particular incident.

## 5. Quality and moral standards: The Council's criteria

When giving its verdict, the PR Council adheres above all to the codes of its own profession. There are two international codes: the *Code d'Athenes* – an ethical code – and the Code of Lisbon – a code of conduct. At national level, there are the Seven Self-commitments of a PR practitioner plus several guidelines.

With respect to these texts a critic once pointedly remarked, "PR people virtually enjoy a free choice between diverse, sometimes internationally vagrant sets of ethics" (Baum 2005: 322). But the provisions of the described regulations are widely consistent. Some of the texts are based upon one other. In some cases, they are supplemented. In some cases, they apply in detail to specific PR activities such as press work, product placement, or public affairs.

An example of the aforementioned intertwining of texts is the Code of Conduct of the ECC Group, adopted in 2001. In this code the KohtesKlewes PR agencies, now Pleon, expressly determined that the existing codes of their own profession and the Bordeaux code of ethics for journalists were part of their own moral identity. Their code "was compulsorily recognised by the partners and managers as well as each individual employee. All employees of the Group are aware that infringements of this code of conduct can have disciplinary consequences leading up to termination of employment."

In principle, the PR Council observes "the professional codes and guidelines of other communication associations and institutions", as well, as stated in its statutes. Once it published a compilation of all texts that could be relevant to German communicators in respect of their global contacts ("The Ethical Standards for PR Practitioners", Avenarius 1998). In addition to the three codes mentioned above, this publication also included the Austrian and North American codes, as well as the international *Code de Bordeaux* for Journalists, the German Press Code together with its guidelines, the European Charter for Consumer Relations, the guidelines of the German Advertising Council, the ephemeral Code of Ethics of the Association of German Communication Scientists, and extracts from the European Television Directive, from the German broadcasting directives, and even from *Communio et Progressio*, the pastoral instruction of the Catholic Church from 1971.

The Council discerns some differences between moral codes and codes of conduct. Moral codes – generally designated as codes of ethics - govern interpersonal relations. Therefore, they must be universally applicable "in the light of the sacred character of Man" (Matrat 1986: 17). The *Code d'Athenes*, drawn up by Lucien Matrat, ought to be applied worldwide. It is based on the "ethical principles" of public relations,

referring to the Declaration of Human Rights. These principles concern the dignity of man and the respect which hence forward must be paid to him.

Codes of conduct such as the European Code of Lisbon of 1978 are concerned not with the dignity of the individual but with the specific standards of behaviour of the PR profession with respect to principals and employers, to the media and publics, and to their own profession. Such codes of behaviour are important complements to moral codes with their more fundamental proclamations. These codes are not fixed for eternity but can be adapted to new developments as necessary over time and thus be changed, as they are shaped to correspond to the customs and traditions of the respective countries.

Thus, for example, one of the provisions of the Code of Lisbon was amended in 2001. Paragraph 11, which prohibited the honouring of PR professionals dependent upon their success, was abolished throughout Europe on the suggestion of the German PR Council. This suggestion was made to the European national associations after long and intense discussions in PR media and after a hearing in Bonn organised by the Council, during the course of which arguments of both advocates and opponents of the deletion were heard.

Some codes of conduct contain sentences which fundamentally serve to improve one's reputation, such as: to be competent, to expand one's knowledge continuously, and to adhere to generally accepted standards of good taste. The Council does not regard such provisions as moral standards.

Applying moral principles, in contrast to practical rules of conduct, can be like biting off more than one can chew. "Thou shall not lie" can serve as an example for that. In contrast, "the mastery of particular intellectual skill through education and training" or the pledge "to conduct ourselves professionally", "to improve our individual competence", to advance "knowledge and proficiency" – all singled out in the "Global Protocol on Ethics in Public Relations" (Skinner 2003: 18) – are recipes for success. They are reasonable patterns for behaviour, stemming partly from principles of contract and partly from educational curricula. Ethically, however, they are rather irrelevant. The most professional and the most successful are not always the most irreproachable.

It is an honour for every profession if quality standards are observed and efficiency standards are matched by its individual representatives. The achievement of this is a primary strategic task of any professional association. However, moral aspects must be separated from it. This is, admittedly, not easy for PR professionals. Thus, the former Ethics Committee of the German *DPRG* was combined with its Strategy Committee for two legislative periods (1991-1997). Ethics became a part of association-related strategic considerations.

Even in the PR guild's handbooks, chapters on the ethics of public relations, if they existed at all, were in the context of profession-related strategic considerations. In 1984, James Grunig and Todd Hunt, for example, dealt with the "Codes of professional ethics" in a chapter on "Professionalism in Public Relations" (Grunig/Hunt 1984: 72). For the new edition they plan an independent and comprehensive chapter on "Ethics and Social Responsibility". They also intend to place this chapter at the beginning of their handbook "to emphasize the crucial role of ethics and social responsibility in public relations and its contribution to management decision making" as it states in the as yet unpublished manuscript.

## **6. How rules are devised**

The quoted examples raise the question of how to create moral rules for professions. Many professions have formulated their specific moral principles. Normally, this is done through their associations. Their members link different expectations to these texts. Some will look for ethical standards for their profession, others for image assuring standards as described above, and some want to combine both aims. Obligations and recipes for success are thus mixed.

The German Society of Public Relations founded an Ethics Commission in 1988. Its task was a radical revision of the existing regulations, especially as the two PR codes had been harshly criticised in those days for being too abstract, too unspecific, practically meaningless and unsystematic (Bentele 1992: 159). As a result of its deliberations, the Ethics Commission issued in 1991 the "Seven Self-Commitments" expected of all members of the German Society of Public Relations (*DPRG*), later on extended to every person working in PR, whether as a professional or not. Before formulating these commitments, the commission had discussed the premises upon which the ethical standards of the profession would be based.

- First, it dismissed the integration of quality standards with ethical standards.
- Second, it dismissed the often-demanded “shift in paradigms” from publicity to dialogue as the only correct and morally sound way of communication. It recommended “an ethic for everyday life” and for all ways of communication.
- Third, the ethics commission should not pay too much attention to so-called “descriptive ethics”. An advantage would surely be to find out via polls where the guild’s problems lie. Then, instead of the question: what should be, we can more conveniently ask: how would we like it to be?
- Fourth, the commission did not want to tolerate in any case references to the wickedness of others or to allow exceptions due to general circumstances.

Therefore, the Ethics Commission of the *DPRG* formulated ethical principles which can apply to all PR practitioners at all levels of hierarchy and for all feasible PR “models”. Even the most sophisticated activities were reduced to seven very simple norms. The text was passed under the author’s chairmanship in Gravenbruch near Frankfurt/Main on 16 January 1991. Later on it was adopted in the official *DPRG* papers as one of the ethic standards of the profession (see Appendix).

What happens if there are no provisions for a particular misconduct? Is it admissible for the PR council to break new ground in such a case? On the one hand, according to the well-known principle “*nulla poena sine lege*” the question would have to be denied. But on the other hand, comments and judgements by the three German councils are frequently determined by the imponderables demanded by common decency. Indeed, the councils sometimes refer to such criteria. The German Advertising Council, for example, regards “the current opinion on customs, manners and morals in society” as one of the “four central pillars” of its decisions. This includes, according to this Council, “not only people’s behaviour in public life but the way reality is shown in the editorial parts of the media” (*Deutscher Werberat* 2003: 64).

However, common decency is sometimes a delicate criterion. It opens the floodgates of public resentment regarding unconventional ideas and projects. Such a general mood led to the verdict passed by the Advertising Council on the Benetton advertisement. This verdict was met with broad popular approval. But no matter how up-to-date and in tune with predominating attitudes on common decency the Council’s opinion may have been, the German Federal Constitutional Court (*Verfassungsgericht*) reversed the Advertising Council’s judgement. The judges considered a company’s freedom of expression in launching its messages with stirring photos as more important than a generalised notion of decency (Avenarius 2001: 39).

## 7. Adapting standards through guidelines

The moral concept of PR work, on which the activities of the PR Council are based, should not rely only on venerable but vague texts and actual decency. A far better way than judging moods is issuing specific rules of conduct in the case of uncertainties. This task of the PR Council and of the two other Councils as well, is even growing in scale. Moral standards have to be developed in line with the development of communication techniques. Such guidelines are of the same binding effect as the codes.

Thus, for example, the PR Council issued a guideline concerning interaction with journalists; this deals specifically with gifts, invitations, and PR assignments and, moreover, corresponds to a guideline of the German Press Council about the acceptance of gifts and invitations by journalists.

Another example is the guidelines for PR contacts with the political sphere. These were formulated in 2002, when the case Moritz Hunzinger caused a stir in the German public. The name of this PR man was linked to two affairs in which a former minister of defence and an ecologist member of the German parliament were involved. Both men had to resign. A cartoon of the German newspaper SZ showed a strange „seating“ of the Bundestag: the few independent members contrasted with a huge number of lobbyists. The state seemed to be dominated by them, and the German PR guild appeared in an unfavourable light.

The case was taken to the German PR Council which – after detailed research and hearings – pronounced a public rebuke against Moritz Hunzinger. In the view of the council Mr. Hunzinger had caused considerable damage to the reputation of the PR profession. The Council based its evaluation on Clause 18 of the code of Lisbon, which states that the PR practitioner must refrain from any conduct which may prejudice the reputation of his profession.

This clause could be applied to the effects of Mr. Hunzinger's behaviour. However, it could not be applied to his deeds. No single article was applicable to Hunzinger's behaviour itself. His violation could not be determined from any particular rule. *Prima vista* it was hard to understand, why he should not be allowed to grant a small credit of € 6.000 to a member of the parliament.

This gap has been closed by the new guideline on PR contacts with the political sphere. The provision is explicitly and clearly fixed in § 2.7: „Personal allowances granted to politicians are inadmissible. Allowances are all forms of financial benefits exceeding the refund of plausible expenses.“ Moreover, § 2.8 deals with material benefits in the form Mr. Hunzinger granted to the defence minister.

The new guideline on all PR contacts with the political sphere contains two high ethical demands put on all persons involved in lobbying: first, absolute transparency of their contacts with politicians and civil servants and, second, resolute honesty in contact with politicians and civil servants. Honesty in this context means: no corruption and no intrigue.

## **8. The ethical principles of PR work**

As a consequence of the problems and experiences described above, all persons entrusted with the further development of ethical guidelines are advised to look into the basics of communication ethics.

What are the ethical principles of PR work? If this question is addressed to PR scientists, the answers are controversial. In Germany such principles were discussed in a rigorous and scientific manner for the first time in Munich in the spring of 1993. On the initiative of the Herbert Quandt Foundation, American and German scholars met there to discuss the “normative aspects of public relations”. These “aspects” turned out to be rather deceptive: we learned contradictory assessments of the current situation and many controversial issues, but no single systematic presentation of communication ethics (see Armbrecht / Zabel 1994).

More recently one critic of the PR Council's endeavours denied any fundamental ethical principle applying to PR. He referred to their pursuit of special interests as contrary to a high ethical standard (Baum 2005: *passim*). But who does not pursue his own interests? Virtually everyone who addresses publics advocates special interests to a greater or lesser extent, deliberately or otherwise.

Drawing moral distinctions between any form of PR in terms of their noble or mundane tasks is therefore of little use in identifying ethical principles. Should we refer instead to the American distinction between different forms of communication? “American research was eagerly absorbed in Germany in order to catch up with the international scientific community”, reported Winfrid Schultz at the 1<sup>st</sup> European Communication Conference in Amsterdam in November 2005 (Schultz 2006: 93).

James Grunig became the grand authority for German PR scholars, and his four basic models of communication were largely adopted. Even his conception of ascribing to each of them distinctive moral values was commonly approved. He considered three of these models – publicity, information activity, and persuasion – as morally contestable. Only symmetrical two-way communication contained within itself the requisite respect for the communication partner and could thus be morally justifiable. Consequently PR practitioners attributed a high degree of significance to dialogues. They praised the two-way symmetrical model of communication in their official statements and interviews.

In their major trilogy on “Excellence in Public Relations and Communication Management”, James and Larissa Grunig at last made the remarkable attempt to represent this most ethical of communication methods as also the most effective. However, their evidence “that the two-way symmetrical model is both more ethical and more effective” (Grunig/Grunig 1992: 309) may be of only limited validity according to the reports they delivered to German audiences about their case studies. The authors found symmetrical communication to be linked with asymmetrical findings; when applying both models, their research focused more on (noble) motives than (specific) actions, and consequently they used the Murphy formula of “mixed-motive models” to describe their findings (Grunig/Grunig/Dozier 1996: 201ff).

Presumably, this was the only possible outcome. A dialogue has its value; it improves the mutual understanding between counterparts. However, Vincent Hazleton was right when he stated at a conference of the Herbert Quandt Foundation that at the end of a dialogue, there are always two processes that are less communicative than commercial or political: “bargaining and negotiation” or “problem-solving” (Hazleton

1992: 42). We may add to his conclusion: there is a decision-making process that does not always end in the win/win zone of both dialogue partners – power comes into play.

If dialogue, discourse, and debate are the appropriate rules of our democratic system – and their outcome is often a ballot, i.e. a power issue – then transparency is the lifeblood of our information society. Modern societies thrive on transparent information. In Germany three significant phenomena have marked the beginning of increased transparency. It started in the field of financial PR. Even if there are still some attempts at concealment in this sector, in most cases these cannot deceive the eyes of the analysts. Stock market activities demand transparency. Meanwhile this requirement has also spread to the non-financial business segments of companies listed on the stock exchange. Global governance is the rubric for some newly adopted provisions in this respect.

A second field in which PR professionals are urged toward transparency is critical situations or catastrophes. Crisis-PR has become the field of uncompromising, even “most brutal transparency”, as a German prime minister has recently promised. The same applies to the landscape of political parties, administrative authorities, or industry. Many will still be tempted to conceal grievances. But most of them will remember the old PR rule which says, “Whoever tells only half the truth will be confronted with the whole truth sooner or later and will then face a bigger problem.”

A third field in which PR professionals are and will be bound to transparency without any reservation is in the accounting of past events involving the misconduct of an organisation. Indeed, German enterprises had to learn a bitter lesson. It will no longer be possible for them simply to conceal their behaviour in connection with forced labour during World War II or the expropriation of Jewish possessions. As far as the history of companies and organisations is concerned, German PR people had to learn that witnesses for all past incidents may be found who at any time will be able to contradict euphemistic self-portrayals.

No form of dialogue is discernible in these three fields of PR activity. What is to be found is one-way information according to Grunig’s second model of PR: public information. This model escaped the ethical verdict of the American scholars, who for a long time mainly centred on the power and propaganda factor of public information: according to Cutlip/Center/Broom, organisations, above all, public agencies and authorities, benefit from being better informed and make use of this advantage to the detriment of those who are governed. As Cutlip/Center/Broom wrote in Chapter 15 of their handbook “Effective Public Relations”, “Beyond these conflicts is the inevitable association of government information programmes with the word propaganda” (Cutlip/Center/Broom 2000: 500).

This raises the question whether propaganda should be condemned. After the release of the Bush administration’s “government information programme” on the reasons for the Iraq war, the authors may in the next edition go back to insert a word they had used in the seven preceding editions: “the *dirty* word propaganda” (Cutlip/Center/Broom 1985: 513). This inconsistent swaying to and fro round the qualification of a term mirrors the fickle position of communication studies towards propaganda.

According to Grunig’s first model of PR, propaganda is a form of one-way-communication which is condemned no less frequently than publicity. But there is propaganda fidei, election propaganda, and political campaigns – and PR professionals are essentially involved in these. Are rage and verbal attacks permissible in this context? By citing the bible and Thomas Aquinas the author of this paper once answered this question in the affirmative (Avenarius 2002: 54). However, there is considerably more potential for ethical contestations in propaganda than in pure information activity.

The latter is expected to bring forth more comprehensive elucidation, and is, thus, associated with high ethical requirements, too. A shift in the moral assessment of the four Grunig models therefore guides the judgments of the council. Its prevailing dictum is more or less: everyone who provides information and thus creates transparency acts in a morally impeccable manner. And as far as our notorious “special interests” are concerned, the council adds: the credible, plausible, and open representation of own interests is one of the stringent conditions for transparency. Honesty regarding own motives is as essential as truthfulness in respect of disclosed facts.

To give an example: Any PR agency would be well advised to add a disclaimer naming the client when making commissioned press releases. The code of conduct of the KohtesKlewes agencies, now Pleon agency, states succinctly: “Our sources are accessible to review at any time and declared in the information processed by us.”

Everyone involved in PR work has to consider that particularly in difficult situations transparency presents a great moral challenge. In terms of axioms, transparency belongs to the first of the seven self-commitments of PR practitioners. These sentences, which may be irritating due to their absoluteness, are as follows:

*“By my work I serve the public interest. I am aware of the fact that I am not allowed to do anything that might lead the public to wrong conclusions and to wrong behaviour. I have to be honest and truthful.”*

This first of the seven self-commitments of PR practitioners is the supreme axiom of all those who address publics. Thus it is not merely an axiom for PR professionals. It emphasises the right of target groups, of publics, and of the societies at large to demand fully transparent behaviour of anybody addressing them. This axiom substantiates the legitimacy of the verdicts of the council and thereby answers the question, “What entitles the Council to pronounce its verdicts?”

On the other hand, this axiom highlights the socio-political role of the PR profession going far beyond every concrete target of organisations. As doctors while curing individual patients are inherently serving the health of mankind, and the legal profession by defending individual rights are serving the promotion of justice, and engineers by constructing concrete devices are serving technical progress, so do those who exercise PR: by informing publics they are serving public transparency. PR serves the transparency of all essential relationships in an ever more complex world. This is what society demands and expects from PR work in terms of ethical behaviour.

This prime ethical principle for all agents working in the PR sector can also be found in the aforementioned code of conduct of KohtesKlewes. Under the headline “Cooperation with the Media” it says again quite succinctly, “We represent the interests of our clients in the media, while at the same time committing ourselves to the preservation of the public interests.”

Just like the PR council, the PR agency stresses the dual obligations of the PR profession towards both particular and common interests (the term “dual obligations” was also used by the US American PR codex in 1988). Between the two sides of the obligation there is a tension. Conflicts and matters of conscience arising from them are consequently very common - a phenomenon quite typical for intermediaries. The temptation is widespread among businessmen, politicians, diplomats, and also PR professionals to take advantage of business or conversational partners for the benefit of one’s own organisation. Many occupational groups are familiar with dual obligations. Even the respectability of the merchant class is based upon it.

However, the axiom “By my work I serve the public interest” undoubtedly takes priority. This ought to be the PR profession’s conception of itself. PR officers are committed to the public just like lawyers, even those representing businesses, are to law, just like doctors, even factory medics, are to human health. That is the fundamental motive for their choice of profession, and thus their prime professional duty.

## **9. Perspectives**

Do Council proceedings, their statements and their references to codes, guidelines, and customs have a generally positive impact on the propriety of a profession? This is the somewhat mischievous question of whether the work of the Council has actually improved the ethics of the PR industry. Anyone wanting to answer “yes” might be disabused of this notion fairly quickly by the next spectacular incident.

Moral codes, behavioural guidelines, and judgements could provide guidance. Dean Kruckeberg of the University of Iowa once listed the practical advantages of codes of ethics (cf. Kruckeberg 1990: 29f.):

- they provide guidelines for practitioners;
- they furnish guidelines regarding what clients or supervisors ought to expect from practitioners;
- they provide a basis for charges that wrongdoing has occurred;
- they serve as a basis for defence against charges of wrongdoing.

To meet the first requirement, code texts must be simple and repeatable. This condition is met with the seven self-commitments for the German-speaking area. If they become accepted, the other requirements can also appear realistic. A recognised code, lived out many times, substantiated by published cases, with a text easily understood by non-experts, protects those who practice PR in the event of conflicts with clients or employers. Whether they belong to the profession or not, it gives them backup in the event of denials within organisations, which is currently the case only with in-house doctors and lawyers. What is

more, anyone who is harmed by malicious PR knows to make specific mention of the misconduct of which they have been a victim.

All this is not yet a reality. It must also be asked what sort of high ethical awareness is most pressing in an industry: knowledge of a list of transgressions or fear of a court.

The first supposition is that all depends on the level of knowledge of the regulations or even the reciting of individual contents. We are familiar with the scornful conclusion that some critics draw from scientific surveys: because no-one is familiar with their codes, the industry lacks moral judgement. However, who can reel off all Ten Commandments or the by no means extensive German Unfair Competition Act? And yet our normal everyday behaviour is measured by the former and the respectability of the business community by the latter.

It is not necessary to know the regulations of the PR industry by heart in order to be guided by the standards that they represent. Even if these texts resulted from the experiences of those who wrote them, they are based on cast-iron, initially unwritten principles of sound communication. They have been followed or ignored – probably with a guilty conscience – ever since public relations came into existence.

Nowadays, as the activities of public communicators are more widely and critically discussed in the press, reflection on communicative ethics is gaining in profile. Writings on the ethics of PR are filling bookshelves. The range of lectures on this subject is becoming increasingly diverse. Indeed, greater attention is even being paid to surveys on the moral orientation of the industry.

The most recent one dates from the end of the last century. Birgit Förg analysed 25 in-depth interviews with high-ranking German PR officers. The results paint a confusing picture. On the one hand, the author felt that "PR morals are only promoted externally for the purpose of image enhancement" (Förg 2004: 175). These findings suggest a certain absence of ethics. On the other hand, those questioned were surprisingly aware that "the level of recognition of the German PR codes should be increased" (160). Förg also stated that the PR Council "is widely accepted among most of my interviewees". (165).

Since the above-mentioned Hunzinger affair in 2002, the PR industry has probably become gradually more aware of its problems. At the time, PR people were thoroughly discredited. "Don't even tell my mother that I work in PR!" read the two-page banner headline in *PR REPORT* on 9<sup>th</sup> August, 2002. The cry for PR Council proceedings against the boss of this PR agency was heard nationwide.

Raising the level of recognition of the Council could therefore be sufficient to improve PR ethics. This leads to our second supposition: do PR ethics improve if a large section of the public learns what authority there is to publicly denounce misconduct? The days when misconduct never led to punishment or denunciation are gone. The PR Council, which led a shadowy existence in its first five years, has of late gained in attention and esteem. However, its effectiveness must be measured by two criteria: the number of complaints received and the number of cases completed.

The number of complaints is increasing significantly year by year, even though they are way behind the volume submitted to the Press and Advertising Councils (40: 400). This is primarily because of the different structure of those who complain. With advertising, it is the general public, and with the press it is also a very large group of outraged readers. With PR, it can only be media communicators who feel conned, corrupted, or deceived by the primary communicators, the PR people. However, journalists do not call on the PR Council if they have something to complain about; they write reports about it in their media. This is why the Council members pursue all the dubious events that they find out about through press reports.

There is another handicap, as a result of which the Council is sometimes described as a toothless tiger that cannot bring itself to issue a decisive denunciation: its council proceedings rarely have to do with palpable, clear misconduct. The Advertising and Press Councils can crack down on obvious communicative lapses and assess facts: defamatory advertisements, one-sided reports, malicious comments or propagandistic pictures. In contrast, in corruption cases, the PR Council is dealing with concealed actions; and in the event of threats and coercion, the instigators deny such motives. How can such misdeeds be uncovered without the submission of internal documents? So without the investigative powers of public prosecutors, the scope of the Council's action is restricted. Therefore of necessity, many cases end with no clear judgement.

"Sisyphus goes on!" was the headline of a respectful, balanced analysis of the Council's work in the *Wirtschaftsjournalist* journal of 04/2005. But Sisyphus does not need press applause. What he needs are press reports about his (in other words: the Councils) verdicts. The verdicts of the Council can only have a lasting effect if noticed by the press, and if a rebuked culprit is thus "pilloried". As the negligent reaction of the German news magazine *FOCUS* shows, this is sometimes a problem.

A public ostracism of PR-wrongdoers will only come about if the quality of critical journalism on PR activities corresponds to that of other fields of journalism. A qualified, critical PR journalism, comparable to German media journalism, is required in the daily and weekly newspapers. However, the press will probably only take the judgement of the PR Council seriously when PR people themselves take it seriously. As long as the PR industry only uses it for image enhancement, as described by Birgit Förg (see above), the press can hardly feel compelled to report continuously.

Sisyphus, therefore, continues his labours internally and externally, and at some point he certainly will manage to roll the rock over the hill. At least with respect to the forbidden practice of guaranteeing quantified results – article 10 of the Code of Lisbon – the continuous warnings and admonitions of the Council so far achieved an almost complete elimination of such behaviour in present Germany. And time and again the threat of an advocate to take the council members to court shows that rebukes have become a hard penance for those concerned, and they normally try to avoid them. Only a few are really indifferent to it.

The German experiences with the enforcement of codes can be summarised as an ongoing process of self assurance of the PR guild and its public esteem.

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## **Appendix:**

### **THE SEVEN SELF-COMMITMENTS OF A PR PRACTITIONER**

1. By my work I serve the public interest. I am aware of the fact that I am not allowed to do anything that might lead the public to wrong conclusions and to wrong behaviour. I have to be honest and truthful.
2. With my work I serve my principal or employer. I commit myself to act as responsible advocate of his interests and to keep him from harm.
3. By my work I am involved in the activities of an organisation. I am faithful to the targets and the policy of the organisation which I represent, as long as these are in line with the dignity of man and his basic rights and the resulting laws and rights.
4. If I should work for an organisation which in communicating with the public fails to respect the dignity of men and fairness against other organisations, I will use my best endeavours to encourage them to correct this behaviour. If necessary, I will give back the assignment.
5. I will be honest and accurate in all communications to the best of my knowledge and belief. In communicating with journalists and other bodies assuming public responsibility I will not use any unfair means. I will not induce them to accept any kind of advantages.
6. I will respect the independence and freedom of my interlocutors. Therefore, I will not apply any instruments of power against them. Above all, I will refrain from any coercion.
7. I consider public relations work as a necessary assignment to create trust, public interest and to review one's own behaviour. Therefore, I will not deliberately damage the reputation of my profession.