

LAW AND ETHICS IN MASS COMMUNICATION

MASTER PROGRAMME

SCHOOL OF JOURNALISM

UNIVERSITY OF NAIROBI

CODE KCS 603 (DR. PETER ONYANGO ONYOYO (PhD) – COMM. LAW DEPARTMENT)

DESCRIPTION:

Law and Ethics in Mass Communication: The course examines the bases of mass media law and looks at legal, social and ethical obligations of journalists and media institutions. The role of codes of conduct and practice of journalism and the obligations of media practitioners in the promotion of individual and collective good is explored. Key philosophers: Ludwig Wittgenstein, John Stuart Mill, Johann Gutenberg, Noam Chomsky...

Key Documents:

1. The Constitution of Kenya
2. Code of Conduct
3. Kenya Communications (Amendment) Act
4. Media Bill 2010
5. Independent Communications Commission of Kenya
6. Media Act 2007
7. The Kenya Communications Act 1998

1. COURSE OVERVIEW (WEEK 1)

1.1. PRESENTATION

1.1.1. COURSE HOURS (60)

1.1.2. SELF-INTRODUCTION

1.1.3. TIME-TABLE

1.1.4. TEACHING, CAT, RAT, EXAMS/ ELECTING CLASS REPS

1.2. GENERAL OVERVIEW (WEEK 2)

1.2.1. JOURNALISM ETHICS

1.2.1.1. PHILOSOPHY OF LANGUAGE

1.2.1.2. TRENDS OF INFORMATION AND COMMUNICATION

TECHNOLOGY – NEW MEDIA / DIGITAL MEDIA

1.2.2. ETHICS IN GENERAL (WEEK 3-5)

1.2.2.1. RIGHTS AND DUTY

- 1.2.2.2. ETHICAL DILEMMA
- 1.2.2.3. DEONTOLOGY
- 1.2.2.4. TELEOLOGY
- 1.2.2.5. UTILITARIANISM
- 1.2.2.6. PROFESSIONAL ETHICS / MEDIA ETHICS
- 1.2.3. WHY ETHICS FOR JOURNALISM? (WEEK 6)
- 1.2.4. MEDIA AND THE ARMED CONFLICTS
- 1.2.5. SUGGESTED READINGS

2. MEDIA LAW AND ITS TENETS (WEEK 7-8)

2.1.1. LAW IN GENERAL

- 2.1.1.1. THEORY OF THE FREEDOM OF EXPRESSION
- 2.1.1.2. CONSTITUTIONAL RIGHTS & FREEDOM OF MEDIA AND LIMITS
- 2.1.1.3. REGULATED MEDIA / UNREGULATED MEDIA
- 2.1.1.4. GOVERNMENT RESTRICTING CIVIL RIGHTS
- 2.1.1.5. MEDIA LAW & ITS SOURCES
 - 2.1.1.5.1. THE CONSTITUTION OF KENYA
 - 2.1.1.5.2. LEGISLATION / STATUTES (THE MEDIA ACT & KENYA COMMUNICATION ACT; MEDIA BILL 2010;)
 - 2.1.1.5.3. ENGLISH COMMON LAW
 - 2.1.1.5.4. JURISPRUDENCE
 - 2.1.1.5.5. GENERAL PRINCIPLES OF THE INTERNATIONAL LAW – HUMAN RIGHTS LAW – FREEDOM OF EXPRESSION
 - 2.1.1.5.6. CUSTOMARY INTERNATIONAL LAW ON JOURNALISM
 - 2.1.1.5.7. JUDICIAL AUTHORITIES
 - 2.1.1.5.8. SOME ACTS OF PARLIAMENT FROM ENGLAND & INDIA
 - 2.1.1.5.9. AFRICAN CUSTOMARY LAW
- 2.1.1.6. CONSTITUTIONAL ORGANS
 - 2.1.1.6.1. THE EXECUTIVE – LAW ENFORCER
 - 2.1.1.6.2. THE LEGISLATURE – LAW ENACTING BODY (MAKING, AMENDING & UNMAKING THE LAW)

- 2.1.1.6.3. THE JUDICIARY – LAW INTERPRETER & ENFORCER
(ADMINISTRATION OF JUSTICE) (WEEK 9-10)
- 2.1.1.7. JUDICIAL PROCESS & SYSTEM IN KENYA
- 2.1.1.8. CASE LAW
- 2.1.1.9.
- 2.1.2. LAW OF TORT (WEEK 11)
 - 2.1.2.1. DEFAMATION & THE LAW
 - 2.1.2.2. LIBEL & SLANDER
 - 2.1.2.3. INTELLECTUAL PROPERTY / COPYRIGHT / PLAGIARISM
- 2.1.3. FREE SPEECH & DEFAMATION
- 2.1.4. THE CONCEPT OF PUBLIC INTEREST
- 2.1.5. THE CONCEPT OF THE DUTY OF CARE
- 2.1.6. REGULATORY AUTHORITY OF THE ICT IN KENYA
- 2.1.7. COMMUNICATIONS AUTHORITY OF KENYA (AMMENDMENT
ACTS) / REGULATORY AUTHORITY
 - 2.1.7.1. STATE CONTROL
 - 2.1.7.2. FREEDOM OF EXPRESSION / OPINION
 - 2.1.7.3. BILL OF RIGHTS
 - 2.1.7.4. READINGS OF JOURNALS ON THE SAME
- 3. WHAT IS ETHICS? DUTIES / OBLIGATIONS/ LIABILITY (WEEK 12)**
- 4. THE ROLE OF CODE OF CONDUCT (SUMMUM BONUM)
- 5. UBUNTU PRINCIPLE OF THE AFRICAN MEDIA ETHICS
 - 5.1.1. CODE OF CONDUCT / CODE OF ETHICS / PRINCIPLES
 - 5.1.2. CORPORATE SOCIAL RESPONSIBILITY (CSR)
 - 5.1.3. PROFESSIONAL ETHICS FOR JOURNALISTS
 - 5.1.4. DUTY OF CARE / COMMUNITY ABOVE INDIVIDUAL RIGHTS
 - 5.1.5. WESTERN CIVILIZATION AND INDIVIDUAL RIGHTS
- 6. THE KENYA COMMUNICATIONS ACT 1998 (WEEK 13-14)**
 - 6.1. CRITICAL ANALYSIS OF THE ACT
 - 6.1.1. CONSTITUTIONALITY OF THE ACT
 - 6.1.2. CONFORMITY WITH HUMAN RIGHTS PRINCIPLES
- 7. CASE STUDY OF SOME LEGAL PROBLEMS INVOLVING MASS
COMMUNICATION IN KENYA
 - 7.1. DIGITAL MEDIA AND ITS NEW CHALLENGES

7.2. CYBER-SPACE

7.3. CYBER WARFARE

7.4. IHL AND ITS STAND ON THE MEDIA LAW

8. FINAL EXAMINATION (WEEK 15)

9. THE COURSE SHALL ENCOURAGE READINGS, BLOGGING, ONLINE TEACHING/ RESEARCH AS PART OF THE COURSE WORK

10. READING OF TEXTS BOOKS, JOURNALS, PEER REVIEWED PAPERS AND ONLINE ARTICLES IS INDISPENSABLE.