

Revenge of the Evil Empire and why I'm backing Darth Vader: my case against statutory newspaper regulation #Leveson

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[we have set up an 'objective [LSE Leveson blog](#) with lots of links to articles and research on the Inquiry, the politics and the regulatory policy – references welcome]

It seems that like cockroaches, British newspapers can survive the nuclear explosion of phone-hacking, plummeting sales, vapourised advertising revenue, a variety of police investigations leading to multiple arrests, and the most searing, gob-smackingly revelatory investigation of their practice, ethics and purpose by a judge.

Luckily a scandal at the BBC, a moment of madness on the ITV breakfast sofa, and a howl-around of defamatory tweeting has given them back some confidence. Now they are fighting back.



They have united around a [crusade led by Paul Dacre](#) from his eyrie in south Kensington with killer dogs fanning out across Westminster, including Conservative ministers suddenly anxious about how liberty is being threatened by [a conspiracy of the liberal elite](#). Telegraph Chairman [Lord Black has re-raised the flag of self-regulation](#), but with a stronger watchdog which papers sign up to with a contract enforceable in civil law.

Yet funnily enough I find myself on their side. When it comes to the statutory element of press regulation I simply don't feel comfortable. I find myself in disagreement with [my journalists' union](#) and with [42 Tory MPs](#) who recently indicated that they want the underpinning of law for press regulation.

Pernicious Politics

This is odd. I spent almost all of my career happily making good journalism in the statutorily regulated broadcasting sector. The BBC is ultimately answerable to government through the Charter and ITN, though a private company, must abide by Ofcom, a regulator set up in law. So why do I think newspapers should be regulated differently?

Perhaps I am overly influenced by what I see as the pernicious influence of governments and party politicians in just about every other media market in the rest of Europe. Public service broadcasters are certainly compromised, but increasingly newspapers also find themselves besieged. Outside of Sweden, Germany and the Netherlands it's hard to find independent press that has any critical credibility let alone any spirit.

Certainly, the debate is distorted in this country by the volume and strength of our tabloid tradition [something I analyse [in this blog post](#)]. It's hard to cite much of their work as cast-iron cases for the defence of unfettered journalism. However, we've seen recently how elite media can also make ghastly mistakes. Remember, fellow liberals, it's the Guardian's Alan Rusbridger, who man led the charge against Murdoch on phone-hacking, who is [against statutory regulation](#), as well as the editors of the 'quality' conservative press.

Partisan or Principle?

So at times I find it difficult to have to defend the profit pursuing, partisan and prying press in practice. But in principle I am convinced.

I want much stronger regulation: more independent, more transparent with tougher penalties and easier access to support for complaint. Legal redress needs to be cheaper. I want a right of reply that will really embarrass offenders. And of course I want laws on harassment, deceit, etc to be more strictly enforced by the police and other authorities. They chase footballers for racism but leave tabloids untouched. MPs should demand more regular appearances from editors in front of their committees.

Contract or Licence?

I want a much more binding [contract between papers and the public](#). But I do not want any system that, in effect, licences journalists or newspapers. This is because I am convinced that politicians and the rest of the establishment will seek to restrict press freedom further over time. Not just on the big issues or major scandals, but in a creeping way over coverage of the courts, the civil service, political parties and corporations. I have never met a single powerful person who truly embraces abrasive accountability.

Many of the worst cases highlighted during the Leveson Inquiry were illegal breaches of privacy that should be dealt with under existing law. But the bulk of the everyday faults of the newspapers are largely about stupidity and bias, and law won't stop that.

The virtues of our free, raucous and imperfect press are easily forgotten. Yes, if you're a left liberal you might hate the Mail but no-one's stopped from buying the Mirror or Guardian. We have the bulwark of Public Service Broadcasting but as recent events have shown it is vital that we have competition from these 'rougher' voices and the resource that they still have to induce debate, argument, revelation and engagement.

Making News

As a former TV journalist I am conscious that most of the heavy journalism lifting in this country is still done by newspapers, though as [Nick Davies has charted](#), that balance keeps tilting as newsroom budgets shrink. The exclusives as well as the drudgery of journalism are still generally produced by the papers and associated agencies. TV and radio tend to cover, not make the news.

A Swedish visitor recently surprised me by saying how much she liked our newspapers. They want to be read, she said, they want to make the news exciting and important. They are rude and they speak out. You may not always like what they say but these are all good things for wider democracy.

It is interesting that the people who don't like this newspaper culture tend to be politicians and judges (or academics...) – honourable and important people – but also people who believe in the reason of their own cause and who are not patient with query and the awkward, messy, nature of human reality.

Vibrant Journalism

Newspapers have also been much better at creating vibrant and engaging journalism online than the broadcasters. It may be that other sources of journalism spring up digitally, but meanwhile newspapers are still the hubs around which the best online material is originated. We absolutely trust BBC online, for example, but for agenda making journalism it is the paper websites, blogs and correspondent twitter feeds that make the running. It's great to have bloggers like Guido Fawkes but he's exceptional. It's marvellous to have Twitter, Facebook and YouTube as platforms for the public, but most conversations still swirl around mainstream media content.

Of course, newspapers are not so fragile that they couldn't bear more regulation. I don't think this is a Magna Carta moment either way. I suspect things won't change so much whatever is decided.

Murdoch Lackey

I think it is a shame that this issue has become so polarised that I might be derided in some quarters as a Murdoch

lackey. In fact, it would be laws on media plurality that would do far more to restrain his power than statutory regulation of the journalism itself. Ownership is a much more important issue in the medium term than oversight of content.

Meanwhile, newspapers are in serious decline. This is partly why they are lashing out. They are soooo jealous of all those tweeters who can say whatever they want. They are so angry that the broadcasters are generally keeping up their ratings and safeguarding their revenues.

That financial pinching is another reason why the papers are desperate to keep their freedom. The British public is hypocritical. They were quite rightly sympathetic to Milly Dowler's parents but generally they see newspapers' victims as the necessary collateral in the war for sensation. So as public attention wanders, papers want to keep the weapon of outrageous behaviour in their arsenal.

Wrong Motives

So I am arguing against statutory regulation but not for some of the wrong motives that drive the paper boys and girls into such a fury. I find the tone and arguments put forward by people like [Tim Luckhurst](#) overly strident, complacent and simplistic. Journalists can't hide behind sententious quotes from Orwell or Jefferson. Newspapers are just as responsible to the public as any other part of society. They should be subject to laws such as libel and the public should insist on journalists exercising responsibilities as well as their rights. But I would insist that one of those rights is to take risks and make mistakes. Regulation should be tough and independent but avoid statutory underpinning.

I only pray that the newspapers realise that the tide of history is against their arrogance. They can't just shout 'freedom of the press' and then carry on with the casual nastiness and misrepresentations.

Their best hope is to stand by higher standards. This might sounds like a leap of faith, but newspapers should pin the badge of ethics to their chests. They need to draw a bigger distinction between their own output and the large amount of nonsense and rancour to be found online.

They should revel in a reputation for being on the side of the public against power. But that means not abusing the citizen – including asylum seekers – and not straining truth to the point of breaking. We are now in an age of much greater transparency combined with much greater public scepticism. In exchange for this After Hours last drink in the last chance saloon, we expect the papers to sober up.

[I should point out that while I am currently Head of the Department of Media and Communications at the LSE, I doubt if many of my colleagues will be with me on this one. Like all the posts I have written on this blog, it's a personal view.

The admirable [Dr Damian Tambini](#) should be consulted for an authoritative, informed and nuanced opposing view and you will find out much more in detail about the regulatory issues by checking out my Department's [Media Policy Project Blog](#).

When Brian Leveson reports on Thursday 29th we will be providing in-depth coverage and analysis from a range of people with different views at a special blog – sign up to our newsletter for regular updates polis@lse.ac.uk or follow me on twitter [@CharlieBeckett](#)]

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