

Phonehacking and Press Reforms: Beware Dangerous Dogs

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A watch-dog?

Back in 1991 a Conservative government rushed out legislation in response to a sudden spate of Pit Bull attacks on people. 20 years on and there are more dodgy canines than ever and regular incidents of children mauled by these 'pets'. Are we about to make the same mistake with the press watchdogs?

Few people doubt that British newspapers have a series of problems in terms of trust, quality, ethics and their role in our politics. The phone-hacking scandal is an extreme symptom of deeper issues. But let's try to match solutions to problems and not make bad law from hard cases.

Labour leader Ed Miliband is now seeking to capitalise on the political profile he got for his brave decision to speak out forcefully

against Rupert Murdoch. He has made the running on this issue with the Prime Minister – like NewsCorp itself – struggling to get a grip on the narrative, let alone show real understanding of the public disquiet at the burgeoning list of mind-boggling, stomach-churning revelations. But Miliband should beware crying out for action without thinking through consequences. [As for Nick Clegg's attempt to get on his moral high horse – what if there was a PCC for politicians who lie to the electorate?]

By this I am not just talking about the risk of losing media freedom in the rush to protect the public, though that is at the heart of the dilemma. For example, say you wish to reduce Mr Murdoch's media holdings. So you force him to offload the Times. But what if no-one wants to buy it and we end up with fewer media outlets. Is that a victory for plurality?

Bear in mind, for example, that it was Rupert's millions that were invested in the very risky venture of creating the pay-TV market in the UK. It transformed the coverage and income of our national sport and provided us with Britain's first (and still-excellent) rolling news channel. That is something that the well-endowed BBC failed to do until Murdoch provided the competition.

Six months ago, in the build-up to the BSkyB merger [I set out both sides of the arguments](#) around Murdoch's media power. At the time I couldn't see an argument in law that allowed a block on the deal. But the politics has changed and the whole point of democracy is that you can change the rules. So let's try to at least list the issues that this whole phone-hacking scandal has raised and consider different approaches.

I: Phone-hacking itself is illegal and covered by criminal law. No journalist or media executive has an excuse there, but I can't see what new regulation is needed. The problem was also corrupt police prepared to sell information and a failure to investigate. That's a police management issue. (And in the Met's case – which it usually is – one for the Mayor).

II: Phone-hacking was rife in News International. Again, it's a criminal matter and if the executives didn't deal with it then that's a matter for a) the police (see above) and b) corporate governance. The latter is mainly a subject for the NewsCorp board but it becomes a matter for external regulators when there is a merger bid, for example.

This is a matter for the Secretary of State and he is accountable to parliament. Should the Competition Commission have a more pro-active role? Is it also arguable that a press regulator should also consider the 'fit and proper' test as a context for press complaints from the public?

III: Press Regulation: The Press Complaints Commission has improved recently but is still hopelessly underfunded, underpowered and restricted in its remit. Yes, we want a better-resourced, independent body with some statutory powers as well as the confidence of the public and industry.

But what will it be able to do that the PCC can't do now? Pre-publication oversight? Fines? And who will select it's boss? Perhaps that will be decided by the same MPs who were so keen to avoid publishing details of their expenses? What will it do that is not already possible through our rather extensive defamation and contempt laws? If it's quasi-judicial, then why not leave it to the courts?

IV: Media Ownership: Phone-hacking has nothing directly to do with media plurality. Ed Miliband is raising a separate issue here from the question of standards. In terms of PCC complaints, for example, the Murdoch papers are no worse than any others. So this is about how one group has excessive power to dominate news-gathering and shape the news agenda.

Yet even if Murdoch was forced to reduce his holdings, it would do little or nothing to alter the fundamental problem in UK newspapers which is the almost complete absence of non-Conservative titles. The broadcasters provide balance, of course, but anyone who thinks that restricting News International will mean a less right-wing press is going to be sadly disappointed.

V: Media Standards: Lurking behind the phone-hacking scandal is the sense that our journalists spend too much time chasing stories based on sensational narratives with little basis in factual reportage or serious analysis. Recycled celebrity PR ('Churnalism') fills pages that should be full of the economy, politics and international affairs. This is a massive issue, blighted my myth, wish-ful thinking and hypocrisy. Bear in mind that the paper with perhaps the biggest budget for investigative reporting has just been closed down. It was read by more affluent well-educated AB1s than any other. It had probably broken more stories of serious political corruption than any other. It was, of course, the News of the World.

I don't think either laws or tougher regulation is going to do much to foster quality journalism in an age of convergence and business crisis. As Paul Dacre has pointed out, you need the 'entertaining' journalism to fund the accountability work. Look how much lifestyle nonsense there is the Guardian, for example, to pay for Nick Davies' investigative work. And they are losing money, of course. As it happens, the top end serious journalism is doing rather nicely (see: The Economist or Huffington Post).

VI: Media and Politics. Newspapers still have a lot of influence. Despite falling sales and the rise of social media they still set the mainstream political agenda. Er..not entirely. It is actually politicians who set the agenda (and especially Number 10). But apart from the balance of power, is there a problem of the plurality, culture and diversity of press reporting of politics? Certainly, changes in rules on ownership and even regulation might have an impact on this but I wonder if the real solution is about changing broadcasting regulation to allow for greater partiality and diversity on TV?

VII: Ethics, accountability, and the citizen

Phone-hacking has got a lot to say about how British journalism (it wasn't just News International who were at it) has lost its ethical bearings. It shows graphically how one company in particular displayed over-weening amorality and a dysfunctional corporate culture. But those traits are not exclusive to Mr Murdoch's titles by any means. Laws and a change in the regulatory system may help prevent this kind of abuse and even improve the news media overall.

Certainly, journalists should not use the media-freedom excuse to stymie a proper debate about this. As I travel around the world I see a lot of good journalism that exists under different regulatory regimes. But we have a special settlement here that has a virtue that lies in custom and practice rather than law. That does not mean it can't be improved – and new rules, laws or regulatory bodies might be needed. But don't make the dangerous dog mistake and bring in legislation that ends up irrelevant or even harmful.

A relatively unfettered press that does have the option of taking risks, making mistakes and breaking the law even, in the public interest, is still a valuable freedom in a world where the desire of those in power to control information and thus politics, is stronger than ever. The problem is not whether the balance of power is right between newspapers and politicians, but whether the British press can still truly claim to be acting on behalf of the citizen.

We need a new sense of ethics in British journalism. This might involve new codes or rules, but [as I explained in this lecture](#) I think that ethics can be good for journalism as a practice and also as a business. We live in an age where a sceptical public expect greater transparency. In a digital information age journalism must also be accountable if we are to get the support and resources to do our job of holding others to account. Oddly, this is pretty close to the phrase used by Murdoch in that not entirely convincing [newspaper apology](#):

“The News of the World was in the business of holding others to account. It failed when it came to itself.”

My Colleague Damian Tambini has written an excellent counter-argument to much of the above [here](#)

Watch the video or listen to the audio of the podcast of our public debate: [Phonehacking – Is It Time To Get Tough On The Press?](#)

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