

December Leveson Round-Up: The End of Press Freedom?

Just as every Christmas Panto has featured at least one character shouting ‘he’s behind you!’ every debate about press regulation has featured at least one editor shouting ‘press freedom!’. We have not got there yet in the **Leveson Inquiry**, but recent evidence heard by Leveson raises some fundamental questions about how this touchy issue should be addressed.

During a debate on Privacy and the Press at the Hay Festival in 2002, Alan Rusbridger spoke about the shock he felt on first becoming an editor of a national newspaper. The main issue for Rusbridger was the “unaccountable, unchecked power” wielded by the editor of a national newspaper: to raise issues, to ruin lives and to influence decision-makers.




Leveson Inquiry hearings continue in the new year.

The powerful rarely campaign for checks on their own power, but almost ten years later, as the Leveson Inquiry finds its stride, it is worth asking whether Rusbridger and his colleagues are going to enter a new world in which the work of newspaper journalists, like that of their broadcasting colleagues, is more tightly regulated.

This phase of the Inquiry has been a rollercoaster on the specifics of “what went wrong”, and “who knew what when”. After the shock of acknowledging that the specific matter of deleting **Milly Dowler’s voicemails** may have been misunderstood or exaggerated, Leveson discussion has returned to the more familiar question of how far up the management of News International knowledge of phone hacking went? Whilst **newly released evidence** points the finger ever closer at James Murdoch himself, he continues to deny knowledge.

But what fundamental principles should underpin proposals for media reform? And should we worry about placing too many checks and balances on media power? Leveson has heard in this first module from victims of phone hacking and from editors and journalists, and also from some of the leading academic experts. Media coverage has focused understandably on celebs, editors and Murdochs, but this humble blog can do its best to rebalance that by focusing on academic input.

Many of the 7 academics that gave evidence focused on whether journalistic education in the UK adequately covers ethics. On that simple point Leveson has received a resounding ‘yes’ from the academics that gave evidence. This may not stop him asking for more, and better, formal professional training when he comes to preparing recommendations in the middle of 2012.

But what of the fundamentals? Are there any big new ideas on the table? Perhaps the most refreshing evidence from academics was from **Professor Julian Petley**. Predicting perhaps that at some point in the proceedings, newspapers will shout ‘Press Freedom!’ in their defence, he attempts to inject some subtlety and scepticism into the debate by citing Laura Stein, Cass Sunstein, Onora O’Neil and others in an analysis of what press freedom is. Whilst in the UK we sometimes entertain a rather simplistic notion of press freedom, Prof. Petley and co. undermine this notion by arguing that press freedom is not an absolute right, but one balanced by the rights of others. They unpack the notion of press freedom to show that it should not be understood merely as a negative right (‘freedom from’) nor as one enjoyed only by the owners of presses. To sum up this position, press freedom is therefore: 

- a means to the end of freedom of expression – not an end in itself;
- enjoyed not only by editors and owners, but by journalists and readers;
- not necessarily related to free markets;
- not necessarily restricted to the print periodical sector, but to be enjoyed also by news providers and broadcast platforms and the web.

I wonder whether Justice Leveson will take these arguments into account when designing his module 4 “Recommendations for a more effective policy and regulation that supports the integrity and freedom of the press while encouraging the highest ethical standards.”

Another key area for debate is of course the notion of the Public Interest (how to decide, and whom), which Professor Barnett covers in [his evidence](#). He and others argue for a clear statutory definition of the public interest that could be invoked in the defence of journalists that infringe privacy.

One notable omission from the Leveson debates so far has been the web and convergence. A few of the witnesses – notably Prof. Barnett – have spoken of the need to develop a cross media approach, but there is little acknowledgement of the nature of the challenge, and indeed the fact that convergence undermines notions of ‘the press’ as a distinct sector. In the UK we have evolved a media system in which a free independent printed media sector has contrasted and complemented more regulated broadcasters. But will the increasingly important and less regulated blogosphere increasingly take the free-wheeling role formerly taken by the ‘free press’?

Towards the end of the Leveson process next summer, the issues that were discussed in the launch [seminars](#): – the role of self regulation and its likely future form – will have to take the web into account. None of the international models of press regulation described by Open Society Foundation’s Mark Thompson to Leveson take web content into account. So Leveson may have to be creative when he comes to module 4.

We are still waiting for a full timetable and consultation questions for the remaining modules, but for planning purposes, module 1 will continue until the end of Jan, and evidence on module 2 (the press and police) is due by Jan 18th.

- Module 1: The relationship between the press and the public and looks at phone-hacking and other potentially illegal behaviour
- Module 2: The relationships between the press and police and the extent to which that has operated in the public interest
- Module 3: The relationship between press and politicians
- Module 4: Recommendations for a more effective policy and regulation that supports the integrity and freedom of the press while encouraging the highest ethical standards

Meanwhile the [Coordinating Committee for Media Reform](#) will launch recommendations from academics and civil society organisations in the New Year. Have they found a solution to the problem of providing Rusbridger’s untrammelled press power with accountability whilst protecting freedom of expression and a qualified press freedom? We will have to wait and see.

*In the meantime, Merry Christmas, Happy Holidays and have a good break!
-from the LSE Media Policy Team.*

