


Dacre is right on privacy (even where he is wrong)

 blogs.lse.ac.uk/polis/2008/11/10/dacre-is-right-on-privacy-even-where-he-is-wrong/

2008-11-10

The Daily Mail editor Paul Dacre has [argued](#) in a [speech](#) to the Society of Editors that the judges are using the Human Rights Act to limit journalists' ability to report on 'private' issues such as Max Mosley's predilection for uniforms and spanking. 

It is an excellent and entertaining [speech](#) that ranges widely across his career, the nature of journalism, and the legal problems faced by popular newspapers such as the Mail.

His particular focus is on Justice David Eady who has been hearing some crucial cases on privacy. Dacre argues that Eady is effectively bringing in a privacy law via his interpretations of the Human Rights Act. Dacre [says](#) this is replacing a moral judgement with a rights-based one in the case of Max Mosley:

Recently, of course, the very same Justice Eady effectively ruled that it's perfectly acceptable for the multi-millionaire head of a multi-billion sport that is followed by countless young people to pay five women £2,500 to take part in acts of unimaginable sexual depravity with him.

"The judge found for Max Mosley because he had not engaged in a "sick Nazi orgy" as the News of the World contested, though for the life of me that seems an almost surreally pedantic logic as some of the participants were dressed in military-style uniform. Mosley was issuing commands in German while one prostitute pretended to pick lice from his hair, a second fellated him and a third caned his backside until blood was drawn. Now most people would consider such activities to be perverted, depraved, the very abrogation of civilised behaviour of which the law is supposed to be the safeguard. Not Justice Eady. To him such behaviour was merely unconventional".

I think that in this instance Dacre is wrong. Many people do not think S&M is depraved. But he is right that immorality should be admitted to be a legitimate basis for a story. But in the end you will always need a judge to rule upon the subjective view of a particular case.

I also think that Dacre has a point about the way that this issue is being dealt with. You should either have a privacy law or not. At the moment we have one creeping in without proper consideration. It's certainly not good enough to say that 'it will all come out on the Internet anyway'. Firstly, not everything does come out on the Internet. Secondly, the Internet should not be above ethical scrutiny either. Thirdly, why should newspapers be more restricted than a blog or a website?

There are ways that you can delineate privacy. Children should be protected from publicity. Your own home and holiday should be privileged spaces. But there will always be exceptions which is why judges will always be involved. Where I agree with Dacre is that Eady appears to be showing too much sympathy for the rights of wealthy celebs. He is not balancing that with the fact that those who make their living out of their public personae can't always use the right to privacy as a way of keeping unsavoury aspects of their lives out of the media.

I also agree with him that there needs to be a proper [public debate](#). Government doesn't want to be seen either to be limiting media freedom or failing to protect the citizen's right to privacy. But the fact that one judge seems to be making all the law on this is surely not the way to proceed.

- Copyright © 2014 London School of Economics and Political Science