

Thoughts on phone hacking: yes we need urgency, but also caution and clear principles

Chris Bryant, one of the MPs leading a brave and principled charge against press excesses since he found his own phone was hacked, was 'outed' as gay amid a particularly humiliating press scandal in 2003. Bryant's baptism of tabloid fire blessed him with super powers of political immortality: despite the humiliation at the hands of News International outlets, he has been twice re-elected. And he is no longer afraid of the press.

The survival of such figures despite their own relentless criticism of Mr Murdoch has done a great deal to prick the bubble of press power in the UK. As has infighting. The Guardian calling for more accountability and higher standards and the Express and others rocking the PCC ship. But whatever the origins of the current rumblings within the Fourth Estate, it is now clear that reforms are inevitable. The support for PCC reform is now so broad that newspapers will not be able to pick off their critics.

There is no doubt that the current 'social compact' of press freedom in the UK is a messy compromise which has at times enabled the press to act with impunity. Judges, whilst occasionally critical, generally deferred to the PCC, and in many respects the press was left to look after itself. The deal was: the press should be free, as long as it is responsible. Who decides if it is responsible? The press, in the form of the PCC.

As the details of phone hacking continue to shock, there is a political consensus that the press has been worse than irresponsible and the PCC was not equipped to deal with it. The challenge now is how to maintain press independence whilst ensuring some kind of accountability and ethical oversight. Leaders of all major parties now agree that the PCC model had flaws. But when the Prime Minister starts designing self-regulation he ends self-regulation. The worst thing that could come out of this would be regulation by politicians.

For whatever reasons, politicians are beginning to shrug off the suffocating grip of the Murdoch press, and like a heavy overcoat, they suddenly feel that they didn't realise quite how constricting and uncomfortable it was until it was gone. It is shocking – but heartily welcome – to see politicians of all hues lamenting the intertwining of political and media power and wishing to do something about it. Clearly, cosyng up to Murdoch has been a bitter pill and whilst they see an important role for a robust media, they want to have a much clearer separation between it and them.

But there is a danger in swaggering politicians calling for more regulation of the press. If there is to be a full review of self regulation it is inevitable that it will go beyond the press to deal with cross media issues. This hands the Government, who will design the scope of the various inquiries and reviews a huge power to shape the future behaviour of the media that holds them to account.

There is an urgent need for clear guiding principles. In this convergent world we can no longer rely on a mixed ecology of regulation based on delivery technology (regulated broadcasters/ free press). We need one framework for all media, but this entails a danger of suffocating government oversight.

Our unwritten constitution should incorporate clear norms for maintaining the separation between media and political power. The media should be subject to law, and various forms of stronger accountability via the market and otherwise, but we need a consensus that they should be independent of those other powers, and that they are a key part of a system of checks and

balances. Parliament could set some of the standards for example, but they could be applied by a self-regulatory body.

We got in this mess because of a perception, amongst sections of the press of impunity among journalists and of subservience among politicians. The balance needs to be re-struck, but not by Parliament, nor by the executive. With the police, politicians and the judges each facing their own legitimacy challenges, it is essential that civil society – and the wider public – have a say in this process.

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