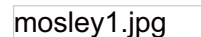


# Max Mosley: a bad day for good journalism?

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 Max Mosley's [victory](#) in his action against the [News Of The World](#) over the allegations of a 'Nazi-style' orgy is good news for Max but is it bad news for good journalism?

Mr Justice Eady seems to be single-handedly creating a de-facto privacy law in the UK made up of interpretations of the [Human Rights Act](#). Media lawyers have told me they think it could have a serious chilling effect on good journalists. This judgement edges that process forward, although one has to be careful to draw too strong a precedent from this particular case.

The News of the World has got off lightly because only general not punitive [damages](#) were awarded. £60,000 is a lot more than [Naomi Campbell](#) got off the Mirror (and the legal costs could reach £1 million) but it may be a price worth paying in commercial terms for the massive publicity this case has given the newspaper. But what about the principles at stake?

I disagree with [Roy Greenslade](#) on one aspect of this. Roy argues that Mosley was not a public figure and there was no public interest. I can't see how the boss of Formula One isn't a public figure. If he had been someone who enjoyed Nazi 'culture' then I think that's a story. In Germany it is pretty much illegal. But as Roy Greenslade correctly [details](#), the point is that the News of the World got that aspect of its story wrong:

*"Firstly, it failed to have the German dialogue in the S&M orgy translated. Why not? Potentially that might have provided better "evidence" of a Nazi theme than the English speech. Second, Myler admitted having seen little of the video himself. Surely an editor about to publish a sensational story should have concerned himself with every possible detail in advance of publication? Third, Myler expressed surprise that his reporter had failed to obtain a signed statement from Woman E before printing her story. Should he not have known that from the beginning? Fourth, the inbuilt, old-fashioned anti-German prejudice of the staff meant that they confused German play-acting for Nazism. To speak in German or with a German accent does not make a person a Nazi."*

[The News of the World](#) is clearly relaxed about the result and some of its readers are expressing their support. They are worth reading because there is a tendency among some people – including judges – to assume that if they find a story distasteful then no-one else has the right to read it. [Here's](#) the views of the News of the World's readers:

*"Maybe the NOTW went over the top, but as a reader, I enjoyed every last word of this particular story. Hope it doesn't frighten the tabloids from printing similar stories.. it's what we expect !!"*

*"This case is just another example of the sick state of the ruling class in this country, and as such I applaud the News of the World for blowing the whistle on Mr Mosley. The fact that this case was won with the help of the "human rights" (human wrongs?) law is yet another nail in the coffin of that insidious beast, the European Union, that is interfering with British justice on every level today."*

So the issue is should a newspaper be punished for getting something wrong? Yes. But should it be punished purely for invading someone's privacy? No. Will it effect investigative journalism? I think it might.

I am sure well-funded national papers won't be greatly put off by this. And no harm will be done if they are much more careful in the future. But those journalists who seek to hold public figures to account are finding it increasingly

difficult if celebrities and other public figures can insist on prior injunctions to protect their 'right to privacy'. The News Of the World can afford the legal fees to contest injunctions but many other outfits can't.

This week a journalist told me that they had abandoned investigations simply because of the possibility of injunctions on privacy grounds. Rather than spend a lot of time and effort standing up a story to make it legally water-tight they were simply dropped. At a time when editorial budgets are tightening I fear that the News Of The World's blunders may have allowed to courts to strengthen the hands of the rich and powerful.

If that means one less medacious story then that's no bad thing. But do we really want to end up with the kind of tepid, consensual, deferential news media that they enjoy in France?

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