Literacy not the law: bondage and the bloggers

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carnival.jpg "What changes will need to be made in national and international legal systems to help the digital age, and especially journalism in the digital age, flourish?" This is the latest question for the monthly Carnival of Journalism, a network of journalism/academic bloggers in the UK and US. You can see the other articles here.

When it comes to the Law, Internet News Media is no different to any journalism. It purports to be a reliable version of reality that is broadcast one to many. If it is going to be read and to be reliable and relevant than it has to be trusted to a higher degree than 'normal' online discourse. As societies we can make up laws to govern that.

But imposing universal legal standards will tend to reduce the diversity, creativity, speed and interactivity of Online journalism. This tension in journalism between openness and protection from harm is not new. But digital communications have transformed the reality of the debate.

In the UK the two regulators for media (Ofcom – does all broadcast media apart from BBC and the PCC is a self-regulating council made up of newspapers) are both keen to get in on the Internet. The PCC already has an agreement to cover newspaper websites while Ofcom has defacto oversight of ITV, Channel 4 web presence. They see it as a logical extension of their powers to a new area.

Yet at the same the law is finding it harder to impose norms of privacy and contempt. Rumour, slander and abuse can go online and beyond national boundaries. That means it is harder in practice to insist on tight interpretations of the law for mainstream media. mccanns.jpg Other pressures meant that privacy and contempt were on shakier ground anyway.

24 Hour News has made it harder to enforce British legal limits on publication when someone is arrested and before they are charged for example. International media means that speculation around the McCanns, for example, was recycled through the British press. Where it went too far it did result in a massive punishment for The Express newspaper. But a lot of murky stuff went unfiltered.

mosley.jpg The current climate in the UK is in favour of greater restrictions on mainstream media. The case currently going through the courts of Formula One chief Max Mosley is significant. He was caught on video by the UK tabloid News Of The World in a S&M session with some prostitutes. What made it 'news' was the allegation that it was 'Nazi-style'. This, rather than the bondage raise allegations that he was morally unfit to run a major business.

If the courts interpret the European Human Rights Act on privacy as preventing this kind of publication then not only is mainstream media in trouble, but so are the bloggers.

The peculiarly ad hoc and assymetric nature of regulation and media law in the UK means freedoms are easily lost (and gained) for offline as well as digital media. There is no appetite here for an Internet First Amendment. Frankly, I am surprised at how much of a desire there is for control of the Web.

The Government's children and the Internet by Tanya Byron was a fairly toothless affair in the end suggesting voluntary codes and self-regualtion by the ISPs. I think this was realistic. It is tanyabyron.jpg up to parents to use the available technology to protect their children and give them media literacy rather than a whole set of rules which won't work in practice. But I am told that Tanya Bryon is now going around saying that she was forced to tone down her personal desire for much more Internet regulation.

My colleague Professor Sonia Livingstone is one of the world experts on children and the Internet. Her study of European children online is the most recent and comprehensive of surveys in this area. Sonia is a believer in regulation but her approach focuses as much on behaviour. She calls for the authorities to:

- develop children's critical evaluation skills

- encourage more parental trust in children

- improve levels of internet safety awareness

- maximise opportunities for participation and creativity

- overcome the digital divide by ensuring children without access at home don't feel excluded

I think that approach works better than a legalistic approach to controlling Online journalism. Digital media changes the facts of communication. Stuff sticks around longer. It is accessible by everyone via links. So I think that rather than trying to control everything you can extend those ideas of media literacy to tackle the wider problems of legality and Online journalism.

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