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REGULATION OF THE MEDIA

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KEY TERMS

Fourth Estate

INTRODUCTION

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Initially prompted by the News of the World Hacking Scandal, the culmination of Lord Leveson’s Inquiry into the Culture, Practices and Ethics of the Press was a report which advocated an independent regulator of the press with statutory underpinning [Ref: [Guardian](#)]. Despite the seemingly voluntary status of becoming a member of this regulatory body, and the current vagaries as to whether Leveson’s proposals will become policy, the principled question remains whether the press should be subject to any kind of independent regulation at all, with or without statutory underpinning. Whilst some commentators say any state regulation of the press fundamentally undermines the right to free speech, lobbying groups such as Hacked Off [Ref: [Hacked Off](#)] continue to argue that mildly regulating the practices of journalists and the content they produce is not an unreasonable demand [Ref: [New Statesman](#)]. So does ‘Hackgate’ reveal there is something rotten at the heart of the media? Should a new licensing watchdog keep the ‘beast’ in check? Or are we in danger, as journalist Nick Cohen argues, of throwing the baby out with the bath water [Ref: [Spectator](#)]? Do we need to be reminded of the historic gains of the struggle for press freedom in the midst of what has become a moralistic frenzy?



How are the press currently regulated and what changes are proposed?

Since 1990 the British press has been regulated by the Press Complaints Commission (PCC), an independent watchdog which deals with complaints about the editorial content of newspapers and magazines [Ref: [Press Complaints Commission](#)]. The commission has no legal powers and relies on self-regulation. The Leveson Inquiry, however, has shown the PCC to be “Toothless” [Ref: [Economist](#)] and inadequate in challenging the misdemeanours of an all-powerful media. Following the hacking scandal, leaders from all three major political parties argued the PCC should be scrapped [Ref: [Independent](#)] and that a new independent supervisory body, with statutory underpinning, be erected in its place [Ref: [Spectator](#)]. But others suggest that a drive towards the external statutory regulation of the media is a grave mistake, leaving the press wide open to state control. Whilst many journalists argue that a model of self-regulation remains the most appropriate way to keep the media in check, some argue even the ‘self-regulation’ of the PCC has had a censorious impact on the media and breeds a powerful sense of conformism that needs to be challenged [Ref: [spiked](#)]. From this point of view, a defence of a free media, however raucous and indeed offensive, is what is really needed.

Does a free press guarantee a good press?

Press freedom has historically been held up as a cornerstone of a liberal democracy, where the fourth estate [Ref: [Wikipedia](#)] acts as a check against our elected representatives, acting independently from them and so free of any obligations and better able to reveal the truth. More recently, the historic role

of the press has been questioned, with some suggesting that an excessive freedom has given way to a different breed of journalist [Ref: [Week](#)] who are unable to distinguish between gossipy intrusions and investigations informed by the important journalistic principle of the ‘public interest’ [Ref: [Telegraph](#)]. The recent antics of ‘red top’ journalists, alongside a contemporary obsession with celebrity ‘tittle tattle’, has led some journalists to argue that an irresponsible culture of journalism has brought their trade into disrepute [Ref: [Huffington Post](#)]. What is needed, say some, is more drastic action and tougher regulation. But others detect more than a whiff of disdain in the criticism now being levelled at the tabloid press and their readers. Whilst few would defend the illegal methods of the phone hacking NotW journalists, some underline the important role played by ‘grubby’ hack journalists [Ref: [New York Times](#)], those who sniff around asking awkward questions and investigating dirty secrets. Let us not forget, say tabloid-defenders, it was also their ruthlessness that exposed the-then leading politician Jeffrey Archer as a perjurer [Ref: [BBC News](#)] or that helped to reveal the thalidomide scandal of the 1970s. Furthermore, it is argued that enforcing Leveson’s proposals undermines our ability to criticise other governments for not respecting press freedom when we might want to [Ref: [Guardian](#)].

What would tougher regulation mean for investigative journalism?

Some are worried tougher regulation would lead to journalists being wary of, or even abandoning, the pursuit of difficult stories in fear they might be punished for their actions. Breaking a big story can involve some rather underhand methods - sometimes



THE REGULATION OF THE MEDIA DEBATE IN CONTEXT CONTINUED...

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even breaking the law – and journalists should not feel unable to continue to do so simply because one paper abused the system [Ref: [The Sunday Times](#)]. To tar all journalists and publications with the same brush because of the deplorable actions of one paper would be a backward step for investigative journalists. One journalist asks whether any self-respecting journalist would not have hacked into the phone of former News International Chief Executive, Rebekah Brooks, if they knew they would find evidence proving senior staff knew about the activity at the NotW [Ref: [Fleet Street Fox](#)]. The importance of a free and independent press, not controlled by the state, outweighs even the upset and scandal caused by the actions of some NotW journalists [Ref: [spiked](#)]. However, others point out that the so-called ‘journalism’ that was going on at the NotW is evidence enough that what counts as investigative journalism today has been debased and needs reforming. Far from aiding investigative journalism, a lax system of regulation, epitomised in this instance by the PCC, undermines both free speech and high quality journalism. Creating a clear picture of what counts as acceptable and unacceptable journalism would lead to higher standards and consequently better stories and less corruption in the industry.



ESSENTIAL READING

Hacked to pieces

Economist 8 December 2012

Should the press be regulated by law?

Steve Vaughan *MSN News* 30 November 2012

Phone hacking: three weeks that made a revolution

Dan Sabbagh *Guardian* 22 July 2011

Don't punish innocent papers: it's the rogues that need to be regulated

Peter Preston *Observer* 10 July 2011

FOR

Leveson is being subverted by Cameron

Brian Cathcart *Guardian* 6 January 2013

Corporate power, lies about Leveson, and why the royals don't deserve privacy

Peter Wilby *New Statesman* 6 December 2012

Labour's Harriet Harman demands media regulation

BBC News 28 October 2012

Seize the chance for media reform

Martin Wolf *Financial Times* 14 July 2012

An in-depth look at the Leveson Inquiry

Lawrence Serewicz *Post Desk* 3 April 2012

AGAINST

Ditch Leveson - let's get back to first principles

Mick Hume *spiked* 13 December 2012

Lord Justice Leveson and the Baby Killers

Nick Cohen *Spectator* 12 December 2012

A Royal Charter for a regulated press is a terrible idea: either the press is free, or it is not

Iain Martin *Telegraph* 8 December 2012

Why the UK needs a self-regulated press

Sean Porter *Planet Ivy* 10 November 2012

Newspapers should NOT be state-regulated, says BBC Trust chairman Lord Patten

Louise Eccles *Daily Mail* 23 January 2012

IN DEPTH

The evolution of a weird super-story

Sean Bell *Culture Wars* 16 August 2011

Revenge is sweet for politicians as they hit back at newspapers

Andrew Grice *Independent* 23 July 2011

Secrets and lies: Why investigative journalism is a force for good

John Witherow *The Sunday Times* 17 July 2011

The Leveson Inquiry Official Website

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BACKGROUNDEERS

The Leveson Inquiry Up to Date

Guardian 5 December 2012

How Lord Leveson's proposed regulatory system would work

Tony Danker *Guardian* 29 November 2012

Leveson report: the speed read

Jane Martinson *Guardian* 29 November 2012

Phone Hacking Scandal

BBC News 25 November 2012

Stop the press: the media after Leveson

Battle of Ideas 21 October 2012

Media-bashing live!

Battle of Ideas 21 October 2012

How Should The Press Be Regulated In A Democratic Society?

Francis Harris *The Student Journal of Law* 3 January 2012

Shock! Horror! Tabloid hacks are the new paedophiles

Week 1 December 2011

The dangers of ranging too widely

Independent 22 July 2011

Investigative journalism and breaking the rules

Mark Thompson *BBC News* 22 July 2011

Why We Need the Tabloids

Ryan Linkof *New York Times* 19 July 2011

Time to give regulators teeth to take on the tabloid bullies

Richard Lambert *Financial Times* 15 July 2011

From the Gutter, Into the Sewer

A C Grayling *New York Times* 8 July 2011

Gulag, anyone?

Fleet Street Fox 5 July 2011

Key evidence heard by the Leveson Inquiry

Telegraph

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ORGANISATIONS

Hacked Off

Press Complaints Commission



IN THE NEWS

Hacking Claims to be settled by 22 victims

Financial Times 14 December 2012

Lord Justice Leveson calls for new laws to curb 'mob rule' on the internet

Telegraph 7 December 2012

Leveson report: Newspaper editors 'back' most proposals

BBC News 5 December 2012

Leveson report: Maria Miller says report a 'dark moment' for press

BBC News 3 December 2012

Leveson law would undermine Britain on world stage, says William Hague

Guardian 1 December 2012

Leveson Report: Nick Clegg backs statutory underpinning

Spectator 29 November 2012

MPs on Leveson Report: Press should not be regulated

Herts 24 29 November 2012

Jeremy Hunt's evidence reveals hidden depth of sympathies for Murdoch

Guardian 31 May 2012

Lord Hunt defends decision to scrap PCC

Independent 9 March 2012

Journalists can still use dark arts in public interest, says

Information Commissioner

Telegraph 26 January 2012

Paul McMullan shocks Leveson Inquiry over hacking culture

Huffington Post 30 October 2011

Hacking 'discussed' at News of the World, Clive Goodman letter says

BBC News 16 August 2011

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- I am interested in sponsoring/supporting Debating Matters
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