



Press Freedom and Leveson
by **Denis Joe**

With the publication of 'An inquiry into the culture, practices and ethics of the press' [The Leveson Report] last Thursday, the apparent unanimity that appeared to be maintained throughout the 16 month inquiry seems to have evaporated.

There are splits within the coalition over the recommendation of the report for statutory regulation, especially the proposal to allow the quango OFCOM to act as a 'backstop regulator' with powers to punish newspapers who refuse to join a proposed regulatory body.

The Prime Minister has announced his concerns over statutory regulation, saying that he was not prepared to 'Cross the Rubicon' in undermining the concept of a free press. The Deputy Prime Minister Nick Clegg is at odds with the Prime Minister and is expected to join forces with the labour opposition in backing new press laws.

But the Labour leader Ed Miliband has also been wrong-footed when he initially said that he embraced the 92 recommendation of the report. He has since voiced concerns over the recommendations to tighten up the Data Protection Act, making investigative journalism much more difficult. Labour have also raised concerns over their leader's initial recommendation to endorse OFCOM, which one Labour MP said that it would invite "political interference" [Times 1/12/12]

Perhaps the biggest surprise came from Shami Chakrabarti, director of the civil rights group Liberty and one of the six 'assessors' who helped guide the inquiry. In an interview with the Mail on Sunday [2/12/12] she raised doubts about the legality of OFCOM being used as a 'backstop regulator', saying that such a move would contravene Article 10 of the European Convention On Human Rights.

What was also interesting was that Chakrabarti criticised the Hacked Off group. In the previous day's Times columnist Matthew Syed raised concerns over the role of the 'victim' in the enquiry rightly pointing out that although they may have been at the receiving end of press intrusion it did not mean that they had any particular insight into the running of the press just as the parents of a hit-and-run victim could have no say in rewriting the road laws.

Yet a sign of the moral 'authority' that victims and support groups have assumed, came in the fact that an online petition calling for the UK's three main party leaders to bring in a new press watchdog backed by law has received more than 70,000 signatures since its launch on Friday.

The Foreign Secretary William Hague has raised concerns that any regulatory restrictions on the press would make it difficult for the British Foreign Office to 'preach freedom' to those less liberal countries in the Arab and African world as well as in East Europe. Even The New York Times, a long standing critic of Rupert Murdoch, have raised concerns over where the British press is heading saying that the Leveson proposals 'seem misplaced, excessive and potentially dangerous to Britain's centuries-old traditions of a press free from government regulation.' It concluded that although there was a great deal of concern over the News of the World's phone hacking, laws already existed to bring those guilty of such behaviour to justice.

With all this apparent division of opinion it would seem that the British press can breathe a sigh of relief. But there is one thing that everyone does seem to agree on and that is that the press, particularly the tabloid press, need to be tamed. The differences of opinion that have been raised since the publication of the report have only been about how that can be achieved. Most opponents of a statutory approach to press regulation, favour a professional body along the lines of the British medical Council or Office for the Supervision of Solicitors. But as Kenan Malik points out in a recent essay, *The Wrong Solution To The Wrong Problem*, journalists are not like any other profession. Their work cannot be seen as offering a service to the public:

"The relationship between journalists and the public is very different from that between a doctor and a patient or a lawyer and a client. It is not experts or the state who are the ultimate judges of whether a piece of journalism is good, or a journalist ethical, but the public itself."

And this is a very important point. From the very start the notable absence in the recent debate over the role of the British press has been the very people who have the greatest stake in a free press. Celebrities and high profile victims have dominated the discussion, arrogantly believing that they spoke for us all. Even before the Leveson enquiry began Murdoch, rather than trust the millions of readers of the News of the World to make their position clear, by not buying the paper, for example, instead buried it.

As has been made clear throughout the Leveson enquiry by writers of Spiked and a few other publications, there has never been a free press in Britain and that the future of the British press should not be about how to muzzle it's more boisterous elements but how to make the press in Britain really free. And that means no legal or 'self-imposed' restrictions.