

# FREE Press

No 189 September–October 2012

Journal of the Campaign for Press and Broadcasting Freedom

## PUBLIC BROADCASTING

# Tide to turn for the BBC

BAD NEWS for the Murdochs must be good news for the BBC.

The Murdoch press has led the persistent and pernicious attack on Britain's public broadcaster for 30 years and its stooges in the current government have put the attacks into practice.

They shared the two common aims of boosting the profits of the commercial media and undermining public service symbolised by the BBC.

Over the last year, with the scandals laid bare in the phone-hacking affair, things have changed.

The Murdochs are on the run. In August Rupert Murdoch resigned all his UK directorships as his family's grip on their worldwide media empire faltered.

News Corporation recorded a trading loss for the first time ever.

This has to mean a swing in opinion back towards public broadcasting, one that the campaigners must take advantage of. The tide will turn back towards the BBC.

Even Tory ministers have changed their tune. Lame duck culture secretary Jeremy Hunt – predicted to lose his job in an autumn reshuffle – has tried to distance himself from the Murdoch line on the BBC.

Just two years ago he was as his website proclaimed “a cheerleader for Rupert Murdoch's contribution to the health of British television.”

In 2009 James Murdoch gave a speech at the Edinburgh TV Festival in which he launched a brutal assault on the BBC. Three weeks



later Jeremy Hunt wrote an article for the *Sun* attacking the BBC's commercial activities and calling for a freeze in the licence fee. Tory leader David Cameron also wrote for the *Sun* to the same effect.

And of course Jeremy Hunt was shown in evidence to the Leveson inquiry to have backed the News Corp bid for BSkyB on numerous occasions.

But in his own evidence to Leveson he backtracked desperately. Asked whether he still agreed with the “cheerleader” tag he replied: “I would say it's not correct ... That

was a comment by a journalist from *Broadcast* magazine, but it's not how I would describe myself.”

Asked about James Murdoch's Edinburgh lecture, Jeremy Hunt said: “I disagree with the general thrust of his views on the BBC, in particular his description of the BBC as state-sponsored journalism.”

In May 2010 he became the cabinet minister responsible for broadcasting, and by October had secured the long-promised freeze in the licence fee with its dire consequences for the BBC.

It is also on record that he had two meetings with James Murdoch in opposition, and that in September 2009 he met News Corp executives in New York (though not the Murdochs).

**3 SO LONG RUPERT**  
Leave the papers as you found them

**4 SAVE THE BBC**  
New boss needs new approach

**8 HACKS IN THE DOCK**  
No way for media freedom

## NEW LOOK, NEW WAYS TO LOOK

WITH THIS issue *Free Press* is not just taking on a new appearance; it is offered in new ways. It will be available, via the CPBF website, to be read in full colour in an online page-turning version; to be downloaded as an indexed pdf; or a .mobi file that can be read on any Kindle device; or as an ePub file that can be read on almost any computer, tablet or smartphone.

This upgrade, by Alan Slingsby of Edition Periodicals, has been sponsored by the Andrew Wainwright Reform Trust.

**This has to mean a swing in opinion back towards public broadcasting, one campaigners must take advantage of**

# A million Europeans will be right



GRANVILLE WILLIAMS outlines a new Europe-wide campaign for greater media plurality — a campaign that he urges supporters to sign up to



**Neelie Kroes:** *We need to think seriously about whether the EU has sufficient powers to defend media pluralism*

CAST YOUR mind back to the announcement by News Corporation in June 2010 that it planned to take full control of the enormously profitable satellite broadcaster BSkyB.

James Murdoch's strategy was straightforward: get clearance from the European Commission first and then rely on close links with Conservative politicians to finalise the deal in the UK.

In December 2010 the Commission ruled the takeover would not "significantly impede" competition in Europe. The CPBF pointed out that this decision was short-sighted, since once News Corp had BSkyB it would then rapidly integrate its European operations, Sky Italia and Sky Deutschland, into an ever more dominant Europe-wide satellite broadcaster.

The Commission decision demonstrated the weakness of its powers to limit or curb excessive media concentration.

Silvio Berlusconi's long dominance of Italian politics through his media power is the prime example. In Hungary a media law passed by Viktor Orban's Fidesz party concentrated

excessive power in the hands of the government.

The Hungarian experience prompted European Commission Vice President Neelie Kroes to say: "We need to think seriously about whether the EU has sufficient powers in this area to meet public expectations about the defence of media pluralism."

Now an important European citizens' initiative, the European Initiative for Media Pluralism, is under way to remedy these deficiencies.



European Alternatives ([www.euroalter.com](http://www.euroalter.com)) is organising this and planning is now at an advanced stage. The CPBF has supported this work from the beginning.

The policy aims of the media pluralism initiative are:

- ③ To protect media pluralism through the harmonisation of transparent national rules on media ownership across all member states
- ③ To prevent political conflicts of interest and ensure the genuine independence of media regulatory bodies

The current state of play is this. The proposal was submitted to the Commission on August 9 and a response will be made by October 7. Once the proposal's scope and validity is officially registered the process of collecting a million signatures for the ECI can start. It will be a big but realisable objective.

The committee overseeing the project has members from France, Italy, Hungary, Bulgaria, Romania, Belgium and the UK. When the signature collection goes live a number of public events across Europe will launch it but the preparatory work to publicise the initiative needs to gather pace now. If you can help in any way with this work in the UK please contact the CPBF national office.

**Full details of the Media Pluralism initiative are at [www.mediainitiative.eu](http://www.mediainitiative.eu)**

**Join** the **campaign** for press and broadcasting **freedom**

**Join online at [www.cpbp.org.uk](http://www.cpbp.org.uk)**

**MEMBERSHIP RATES PER YEAR**

- a) Individual membership £15
- b) Unwaged £6
- c) Supporting membership £25 (includes free CPBF publications)
- d) Institutions (eg libraries) £25 (includes 10 copies of FREE Press)

**AFFILIATION BY ORGANISATION**

- f) Fewer than 500 members £25
- g) 500 to 1,000 £30
- h) 1,000 to 10,000 £50
- i) 10,000 to 50,000 £115
- j) 50,000 to 100,000 £225
- k) Over 100,000 £450

I/We want to join the CPBF and enclose a cheque/PO for £ \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Postcode \_\_\_\_\_ Tel \_\_\_\_\_

Email \_\_\_\_\_

Organisation (if applicable) \_\_\_\_\_

Return form to CPBF, 2nd floor, Vi and Garner Smith House, 23 Orford Road, Walthamstow, London E17 9NL tel: 07729 846 146, email [freepress@cpbf.org.uk](mailto:freepress@cpbf.org.uk)

## OWNERSHIP

# Would the last Murdoch to leave please turn out the lights

FOR THE FIRST time in 43 years there is no-one called Murdoch on the board of any British newspaper publisher. The 81-year-old Rupert followed his discredited son James and resigned all his News International positions in July.

The US-based News Corporation said the move was a "corporate house cleaning exercise, part of the preparation of the business for the upcoming restructure into two companies" – a TV and movie entertainment company and a smaller one publishing newspapers and books.

James Murdoch, one-time chief executive of BSkyB, is still a (non-executive) director of the satellite TV network and his sister Elizabeth is CEO of the TV

production company Shine, which News Corp bought up last year.

There has been speculation that their older brother Lachlan, currently heading the Australian publishing arm, might become boss of the newspaper company, but

major American investors, who have been pushing the group to dump the UK papers, registered big votes against both brothers at last year's New Corp AGM.

The Fox TV and movie operations and the Sky TV channel make all the big money for News Corp and Americans investors have little interest in – indeed,

are thoroughly exasperated by – the London newspapers, which in recent years have brought nothing but trouble.

There is little doubt that the four London titles – the *Sun* and *Sun on Sunday*, the *Times* and *Sunday Times*, will be sold off, if buyers can be found who will guarantee the survival of the loss-making *Times* papers. It is unlikely that existing publishers would be allowed to take them over.

The holding in BSkyB, significantly, will be in the entertainment division. This could well lead to a renewed bid to buy up the whole of the company – a goal from which News Corp was thwarted last year by the newspaper scandal.

In August News Corp reported

a loss in its quarterly results, for the first time ever. The loss was \$1.6 billion for the three months to the end of June, compared with a profit of net income of \$683

million dollars for the same period last year.

The company said it was facing charges of \$2.8 billion over the spin-off plan, but profits from publishing halved during the quarter (to \$270 million), and the total cost of "Hackgate" to cover the year has been \$224 million – including the closure of the *News of the World* and launch of the *Sun on Sunday*.



The Sun's front page the day of the 1992 election



## NOT MY DEPARTMENT, SAYS THE MINISTER

CONFIRMATION THAT the government is not planning any positive legislation on media ownership has come directly to the CPBF from a minister.

The campaign wrote to culture secretary Jeremy Hunt to ask what steps he would take to save local newspapers, following reports that one of the biggest groups, Johnston Press, was to close some titles and merge editorial offices over large areas.

Culture department junior minister Ed Vaizey replied: "Businesses have to make a commercial decision on which titles are viable and the Government is doing what it can to ensure an equitable operating climate," and added:

"As you know, the Leveson Inquiry is now well under way and it will be for Lord Leveson to make specific recommendations on future regulation.

"The Government is not going to pre-judge what those recommendations might be but it will of course listen carefully to any recommendations made

by the Inquiry before making any final decisions on regulation."

In other words, the government does not plan to tackle the monopolistic control of the local press, or any other media, in the forthcoming Communications Bill. It is



Ed Vaizey: leaving it to Leveson

leaving it to the Leveson Inquiry.

But, as reported in the last issue of *Free Press*, Leveson is also ducking the question. Although the remit originally set for the inquiry included "how future concerns about press behaviour, media policy, regulation and cross-media ownership should be dealt with by all the relevant authorities", the subject has

disappeared completely from the areas listed for Lord Justice Leveson's final report – expected at the end of October.

It was also missing, as *Free Press* reported, from the discussions in the invitation-only industry seminars staged by the DCMS in preparation for the Communications Bill.

But it was the excessive size and power of Rupert Murdoch's media holdings that led to their baleful influence over British political life and to the corruption and malpractice in their conduct.

The CPBF has maintained all along that any solution to the problems of the media and any guarantee of greater plurality of ownership must depend on breaking up or regulating the Big Media companies.

It is highly convenient for them that both government and the Leveson inquiry, set up supposedly to eradicate the wrongs in media practice, are wilfully allowing the crucial issue to fall down the crack between them.

# SAVE THE BBC, ITS OWN WORST ENEMY

Get ready for the next big media battle. When regulation and ownership have been settled after the Leveson inquiry the fight will be on to save the BBC as a truly independent public broadcaster.

It's been under heavy political fire for 30 years. Every ten years when its charter and licence fee are renewed by Parliament the fight gets tougher.

Next time is 2016 but as the BBC gets a new boss the debate starts now. *Free Press* sets out the arguments



PANHARD/WIKIPEDIA

## Stop the ro

PATRICIA HOLLAND says the systematic dismantling of the public service is already well advanced

THE BBC is "a force of optimism amidst any gloom", declared Lord Chris Patten, the Chair of the BBC Trust, earlier this year. His reasons were, in order: the quality of its escapism and entertainment; that it remains a trusted, democratic, national institution; that it takes the UK to the world; and that it carries ideas and ambition to many millions of people.

Putting "escapism and entertainment" first made a welcome change from those solemn commitments to the Corporation's "core purposes" so often trotted out by BBC dignitaries to placate critics and

detractors. Here, apparently, was a more generous view of what the BBC is about.

Perhaps the mood is changing. Perhaps the Chair of the Trust and the new Director General, George Entwistle, will begin to talk up the benefits of a strong publicly-funded broadcaster, instead of apologising for its existence. But they have a tough task ahead if they are to reverse the effect of decades of attacks and demoralisation to which the BBC has been subjected.

When the previous Director General, Mark Thompson, came to the hasty agreement in 2010 that entailed draconian cuts across the board in what he called "the most far-reaching transformation in our history", he was simply carrying on a relationship with government established in the late 1980s. It meant suspicion of public service principles on the part of government, and cringing apology and insecurity on the part of the Corporation.

"The BBC should not attempt to do everything. It must listen to legitimate concerns from commercial media players more carefully than it has in the past and



*The BBC its Television Centre in west London to property developer Stanhope plc, for £200m in July. Director general Mark Thompson (below) said the deal “represents another milestone in the way the BBC is changing”.*

# t before it is too late

act sooner to meet them,” Mark Thompson submitted in the consultation document *Delivering Quality First*. The Corporation must “define its boundaries” and “know its limits”. It seemed that the BBC itself had accepted that the interests of commerce should dominate those of public-service.

Mark Thompson’s BBC that had to “know its limits” was already a very different organisation from the one Margaret Thatcher sank her teeth into in the mid-1980s.

We talk of the BBC as a single public institution, but huge chunks have already been sold off, services and programme making have been outsourced, and a substantial part of the Corporation is run on commercial lines. The argument has been that if more of the BBC’s income comes from its commercial activities, that will justify a reduction in the licence fee.

The changes began in the early 1990s with the introduction of an internal market and a split between “broadcast” and “production” departments. This enabled competition with outside providers for services such as the provision

of studios, and for programme production itself. It also meant that BBC services could act like commercial companies and tout for business across the sector.

The logical development was for the BBC to set up its own commercial enterprises, for resources, marketing and technology. In addition, the television *World Service* is a

**The BBC needs to re-assert the principle of a universal service funded by a universal payment**

commercial channel, funded by advertising. In the 2000s both the BBC Broadcast and BBC Technology units have been sold on to private enterprises.

The BBC must commission 25 per cent of its output from independent production companies, and a further 25 per cent must be open for competition between inhouse

and independent producers. These “indies” are no longer the small, artisanal outfits of the 1980s, but large-scale businesses, often internationally based. Major series are virtually impossible without co-production money.

In 2010 the BBC spent £1.3 billion with third party suppliers, many of them large and profitable companies. In effect, licence fee money is transferred to the private sector.

The *Daily Telegraph* already speaks of the BBC’s “public service arm” as if its commercial activities were more important. The BBC is becoming a brand – not a single entity but a front for numerous commercial activities. Within this complex it has been a struggle to protect the shrinking space devoted to public service – the BBC’s supposed “core purpose”.

Governments have begun to treat the licence fee as if it were part of general taxation and not the exclusive preserve of the BBC. Licence fee money has been earmarked for digital switch over, broadband roll-out and to subsidise commercial local television – while the BBC’s own local services have

been cut. In many ways the BBC is no longer a public institution in charge of its own affairs.

Its non-commercial status and its independence from government have both been undermined. Further amputations are taking place that will be impossible to reverse. In addition there has been no political ground on which the BBC could – even if it were willing – mount a campaign to reassert the value of licence-fee funding and point out that the licence fee is extraordinary value for money.

Political parties pay lip service to the Corporation, but none is willing to put its weight behind the principle of public funding, the value of an output which is not interrupted by advertisements, which can treat its viewers and listeners as citizens rather than consumers, and which encourages the BBC to expand its activities in, for example online media, instead of the constant pressure to cut back.

What is needed is more than just damage limitation but a re-assertion of the principles of a universal service funded by a universal payment.

# Hidden hand of Murdoch at work

DAVID CAMPANALE

demands that we see the evidence that the Conservatives and News International agreed to undermine broadcasting competition

THE SENSATIONAL revelations at the Leveson Inquiry have masked proper examination of the Murdoch empire's dual commercial broadcast strategy: not just to advance its control of the market by taking over satellite broadcaster BSkyB, but also to hamstring its most powerful competitor, the BBC.

The collusion was deep and went on for many years, with the suggestion that the Conservatives' entire media policy was being run to advance the interests of News Corp. The Murdochs' bid for BSkyB may have faltered, but the second strategic aim, to cut back the BBC, has been an unshamed success.

The corporation is now preparing to carry the burden of a series of major new funding commitments, including the BBC World Service and the Welsh channel S4C, all paid from a licence fee that is fixed at £145.50 for six years, a 16 per cent cut in real terms. Services are being cut and management have admitted to the NUJ that they don't know what the impact will be on the quality of programming. The Murdochs must be delighted.

The Conservatives may say there was no deal with them and of course the Murdochs agree. In his oral evidence at Leveson Rupert Murdoch denied discussing the BBC licence fee with David Cameron. But in his written evidence to the inquiry he admitted: "I have recently been told that my son James discussed certain BBC issues with Jeremy Hunt, both before and after the 2010

general election". Those issues have never been specified.

The Leveson website published messages and details of meetings between James Murdoch and Jeremy Hunt on the BSkyB takeover. But no such similar record is available on the BBC. No ministerial minutes are available – because none were kept (as far as we know) but there must be an electronic trail between Jeremy Hunt, his advisors and James Murdoch and his operatives on their discussions on the BBC.

Thankfully, we don't need to rely on Leveson to help us. The mutual back-scratching has worried even seasoned Tory insiders. Writing in July 2011 in the *Daily Telegraph*, Tim Montgomerie of the ConservativeHome website baldly stated that Conservative policy on the licence fee was directly determined by James Murdoch.

He said that in 2008 the Conservative front-bench wanted to "top-slice" the licence fee – to allocate BBC income to other media policies. However, following Murdoch's intervention, David Cameron dropped the plan – because it didn't suit the commercial objectives of News International. Tim Montgomerie wrote: "The policy actually died at the hands of James

Murdoch. He saw top-slicing as the beginning of a third or even fourth broadcasting power in Britain. His plan was for a duopoly between the BBC and BSkyB."

It's a matter of record that David Cameron had 26 meetings with executives from News International after becoming Prime Minister.

Two of these involved James Murdoch. The Prime Minister can't avoid accusations that he was intimately involved in his government's media policy.

George Osborne's involvement shouldn't be ignored either. We know from Leveson that the Chancellor played a key behind-the-scenes role in the government's handling of the BSkyB bid. And it was Osborne who delivered the announcement of the licence fee freeze in his CSR Autumn Statement in 2010, rather than, as would be normal, the hapless Jeremy Hunt.

There's something a little too neat about how the licence fee came to be frozen as half a billion of extra cost was simultaneously loaded onto

PRIME MINISTERS OFFICE



David Cameron had 26 meetings with executives from News International after becoming Prime Minister

the BBC, that delivered News Corp's demands, while at the same time also allowing Osborne to cover the whole project in the robes of national austerity.

If Leveson can publish 140 pages of texts, emails and other messages relating to the BSkyB takeover, what is to stop it revealing those it holds in its possession relating to the BBC licence fee negotiation? Then there are the iPhones held by the police as part of the phone-hacking enquiry at the *News of the World*, including one used by James Murdoch; any texts relating to the BBC must be sent on to Leveson before he publishes his conclusions.

With the commercial interest of News Corp and the party interest of David Cameron driving the Coalition's media policy, it's easy to forget that the BBC is not just another department of Whitehall, to be pushed around at the whim of whoever sits in Downing Street. Ever since the inception of the BBC, the corporation has served a public purpose that transcends these considerations.

It must now be freed from further political and commercial interference. A firm statement from the BBC Trust asserting the importance of the BBC's independence is required the moment Leveson publishes his recommendations – and Leveson should release the evidence on how it has been undermined.



How Free Press reported the crippling licence fee settlement in October 2010



David Campanale is Chair of the NUJ's BBC London Branch and a member of the union's national executive

# How the 'uppity' BBC is being cut down to size

A union rep at the BBC tells the story from the inside

SINCE 2004 the BBC has been at war with itself. With round after round of Orwellian-titled programmes of job and budget cuts – the latest being “Delivering Quality First” – staff have become accustomed to the continued assault. Those who remain on the payroll now operate with a wary eye trained behind them at all times, all too aware that they could be next for the chop.

No staff benefit or practice is safe: our jobs (at least 6,000 lost since 2004, with another 2,000 job losses in the pipeline), salaries (real BBC wages have fallen an average 8 per cent since 2006), pensions, allowances and even the way we are annually appraised – all are fair game for savage “reform”. We are continually told that we cannot be immune from austerity.

What is this austerity for? It is not always clear that the living-within-our-means rhetoric managers use to justify these cuts is actually borne out by reality.

The savings created by cutting jobs and programme budgets are frequently offset by huge capital expenditure projects themselves often rendered a waste of money by an overarching plan which is constantly changing.

The BBC’s Media Village at White City is to close along, with the Television Centre, a short eight years since the expensive complex opened. Nearly £1 billion has been spent relocating large chunks of the BBC to Salford, in what the *Telegraph* dubbed a “vastly expensive exercise in geopolitical correctness”. The refurbishment of Broadcasting House in central London – again costing over £1 billion – is predicated on the loss of more staff jobs, as managers admit at we cannot all fit in the building. Since 2004 6,024 permanent staff jobs have been lost.

At the roots of these attacks is the replacement of Greg Dyke with Mark Thompson following the Hutton report in 2004. Thompson’s mandate was to cut an uppity BBC down to size. His cuts programmes have succeeded in seriously demoralising many staff and in 2010 – with no public consultation – he struck the devastating deal with the Conservative government to freeze the licence fee until 2017 (an effective budget cut of up to 20 per cent).

For all the lip service paid by BBC managers

to the hallowed “audience” (licence-fee payers), the BBC is quietly orienting itself to a new paymaster: commercial revenue.

Staff who fought against the imposition of ads onto international users of the BBC News website five years ago were repeatedly assured that no commercial imperative would be allowed to infect the editorial side of the BBC News operation. But that is exactly what is happening.

The news operation is being beefed up in parts of the world where opportunities for making money are seen as ripe – the already crowded North American market and Asia. Meanwhile, regions such as Latin America are being allowed to languish with few resources or editorial attention.

A powerful new BBC company, Global News Ltd, is bringing together the international web operation, BBC.com, with the similarly commercial TV station, BBC World, in an explicit move to maximise commercial revenue. Ads are creeping onto World Service output after it was tasked with raising £3 million in commercial revenue by 2013. Staff are subjected to presentation after presentation exhorting them to think commercially.

For all this effort, the rewards are underwhelming. Ad revenue was peanuts in 2011, yet managers tasked with minting gold from the BBC’s international reputation insist that such revenue will be “ploughed back into programme-making”.

Could it be that BBC executives have decided not to fight for the retention of the licence-fee, but to aim eventually to substitute it with commercial income? If so, this is a strategy that will critically undermine the BBC’s purpose as a public service broadcaster. The success of this strategy in such a crowded marketplace seems highly improbable.

Two factors are key: public awareness and staff organisation. Media campaign groups need to press home the point that only concerted action to save public service media will guard against the spread of corrupt and shoddy practices unveiled at the Murdoch titles (and elsewhere).

BBC staff may be demoralised, but with the right union leadership many are still prepared to fight – and when allowed to fight, they often win significant concessions. The unions need to do or die and to take the fight to BBC management. It’s a fight the public need us to win.



## POSTCARDS TO GEORGE

**BBC unions have launched a national campaign – There Is An Alternative – to resist the cutbacks. The campaign, launched at an event in Parliament in May, is asking supporters of public broadcasting to**



**send pre-printed postcards to the new Director-General, George Entwistle (above).**

**The postcards conclude:**

**I am deeply concerned for the future of the BBC if cuts of 20% are made to budgets as proposed by your predecessor.**

**I am urging you to put pressure on the government to review the licence fee settlement.**

**The BBC is a national asset. It is your job to defend it.**

# No media freedom with journalists in the dock

Calls for state-backed media regulation carry big risks for press freedom, says TIM CROOK.

There's a snobbery in official attitudes to journalism that threatens Britain's highly successful popular press

THE *NEWS of the World* was a great newspaper, valiantly serving its largely working class readership for 168 years, irreverently, scandalously and irresponsibly mocking the elite, whether vicars, bishops and aristocratic brothel and gambling consumers in the 19th and 20th century, or greedy, indulgent and egotistic celebocrats in the 21st.

It sold voyeurism, vicarious fantasy, schadenfreude, and exploited human dignity, pride,

honour, reputation, and notoriously trampled on human feelings. It insulted, entertained, informed, outraged and deeply offended. That is what a free press in a democratic society should be about.

The decision to shut it down was taken by a media baron domiciled abroad in the midst of a febrile moral panic inflamed by the *Guardian's* allegation that the paper had hacked a 14-year-old girl's mobile phone. This situation should offend anyone who values press or broadcasting freedom.

Furthermore, the engendering of political policing against journalists, which is what the multiple enquiries into criminal offences by "popular" journalists at News International and elsewhere actually are, should also be a matter for concern.

Meanwhile there has not been one prosecution for female genital mutilation, and multi-billion pound fraud in the world of finance, in league with organised crime and rogue terrorist states, is neither investigated nor prosecuted with adequate resources.

Equally the flawed inquisition into journalism led by Lord Justice Leveson, generally accepted as a trial of journalists, should be worrying. As it should be that a consensus of journalism academics would appear to back statutory underpinning of press regulation, along with the NUJ and campaign groups such as CPBF and the Co-ordinating Committee for Media Reform (CCMR).

It is in madness that these groups should advocate a statutory right to reply, and that the UK's largest newspaper groups support draconian self-regulatory measures such as licensing journalists by press cards, with a fining infrastructure for ethical transgression that

could penalties of up to £1 million.

It would not be so tragic were the context of declining media freedom in the UK not blighted by a relentless helter-skelter into authoritarianism. Media communication can never be free if the burden of defence against allegations of negligence falls on the communicator – unlike in any other field of negligence, in which victims of physical and financial harm have to prove there was a duty of care, actual damage, and an objective mistake measured by professional peers.

Similarly we can never be a democratic country when truth can be silenced by prior restraint and the quantifiers of a reasonable expectation of privacy and the public interest – boring *Guardian* and BBC style at the top, racy tittle-tattle by tabloid at the bottom – are decided by state officials and bodies recruited by a self-perpetuating elite.

We cannot have a democratic society with a free media when so many of the research and investigative tools of journalism have been criminalised with no public interest, and with state prosecutors defining and determining that public interest. It might not be as bad as Saudi Arabia, China and Russia, but we are getting there fast.

I do not believe the PCC failed in its job. The UK Editors' Code-book is an outstanding document and guide to ethics and standards. Any "bad culture" could have been changed by a commitment to first-base in-house readers' editors, restorative justice style conferencing and a more sophisticated and imaginative range of non-legal adjudicatory processes in a reinvented PCC.

A "conscience clause" in journalists' contracts could deal with bullying and galvanise and protect whistle-blowing everywhere. The

**We cannot have a democratic society when so many of the research tools of journalism have been criminalised**



Tim Crook is a lecturer in journalism at Goldsmiths College in London and a veteran radio reporter and commentator on media law.

industry needs everyone to be self-initiating, inclusive, participatory, plural and co-operative.

There is no comparative evidence that a statutory right of reply and regulatory legislation reduces libel litigation. And before we start copying and pasting media control measures from abroad, we should research properly with the application of caveats and controls to guard against legal tourism, ethnocentrism, moral relativism and particularism.

In the maelstrom that is Hackgate we need more proportionality, caution and respect for popular journalists, as well as an understanding that our society engages in a media freedom equation that extends in a much more complicated and raucous manner outside the cultures of our universities, the broadsheets and the BBC.

# 44

**JOURNALISTS HAVE been arrested in the various police probes into corrupt practices at News International: 23 for the alleged bribery and corruption of police officers and public officials; 15 for phone hacking and six for computer hacking and downloading information from stolen phones.**