

Seminar 3 : Supporting a free press and high standards - Approaches to Regulation – 12th October 2011

Defending freedom of Expression

Presentation by Professor James Curran

Last Thursday, we were told that Britain has the most competitive press in the world. We were informed by a distinguished editor that ‘the freedoms won here became the model for much of the rest of world’. A positive comparison was also made between the rough and tumble of British journalism and the muzzled, supine journalism of France. From this it seems reasonable to conclude that Lord Justice Leveson, and his minders mostly drawn from posh rather than media, should leave well alone.

But missing from this eloquent testimony was crucial, and rather perplexing, evidence. Although the British press has an exceptionally high number of competing national titles (10 in all), the degree of press concentration – judged in terms of leading groups’ share of *total* daily circulation – is high in Britain, much higher for example than in Germany or America; and the degree of cross-media concentration in Britain is in comparative terms very high.

This concentration of communication power distorts British public life. It creates a situation in which the forging of an alliance between even a couple of press oligarchs and government can profoundly influence the nature of contemporary journalism. Critical attention has been given to Tony Blair’s courtship of – and subsequent close relationship to - Rupert Murdoch as if it was exceptional. In fact, it was merely one variant of a recurring phenomenon. During part of the 1980s, a large segment of the national press developed an almost cheerleader relationship to government. Indeed, the Thatcher cabinet minister, Ian Gilmour, wrote that the press during this period could ‘scarcely have been more fawning if it had been state controlled’. The word ‘fawning’ I associate with a gazelle, and somehow I cannot quite picture Kelvin Mackenzie, a key editor of the time, as a dancing gazelle. The truth was more complex than Gilmour conveyed. A large section of the press went into coalition with the Thatcher government because they were both committed to a shared project of regenerating, as she saw it, British society. Similarly a large part of the press went into coalition with the Chamberlain government in the late 1930s in support of appeasement as a way of averting war. This resulted, as Richard Cockett shows, in extensive distortion of press coverage.

The problem with our high degree of press concentration, in other words, is that it encourages the periodic erosion of press independence through the forging of high level alliances between press oligarchs and government that can be tacit or

explicit, pragmatic or ideological. This gives rise to what can be termed 'coalitional journalism' that weakens the role of the press as an independent watchdog, and distorts the press as a medium of debate.

So, one issue that needs to be addressed is how to tackle media concentration. Lord Justice Leveson, with a broad remit, has a number of policy choices. He can advocate anti-monopoly controls more effective than the ones that we have now. Or he can seek to limit publisher power within media organisations by supporting the autonomy of editors, involving journalists in their appointment and introducing a conscience clause in journalists' contracts of employment. Or he can foster increased press diversity through a limited right of reply or the development of alternative centres of net-based journalism. These choices are not necessarily mutually exclusive.

The second key issue, I suggest, that the Leveson inquiry needs to address is the culture of British journalism. This culture is anchored by righteous libertarianism, inclined to be self-congratulatory, and is tenaciously hostile to external proposals for improvement. Thus, the first Royal Commission on the Press Report, which proposed setting up the Press Council, was excoriated by national newspapers in 1949; the second Royal Commission Report, which advocated anti-monopoly controls, was widely condemned in the national press in 1962; and the report of the third Royal Commission, which proposed strengthening monopoly controls, was derided in 1977 by national papers across the political spectrum (with the *Daily Mirror* being as dismissive as the *Daily Telegraph*). To judge from this historical record, if the forthcoming Leveson report recommends any substantive reform, it will be denounced as an attack on press freedom; and if it fails to recommend a substantive reform, it will be judged a waste of time and money. This prompts my private thought: how wonderful it is not to be Lord Justice Leveson. But perhaps Paul Dacre's encyclical will make the writing of the report, and its reception, easier.

The British press tends to take refuge in what might be called First Amendment fundamentalism: it proclaims that the only objective of public policy should be to keep the press free from government. It also tends to brush aside criticism by asserting that, unlike critics, the press is answerable every day at the newsstand, and knows what people want.

It is of course centrally important that the press should be independent from government: indeed, my concern is that the press, as presently constituted, is not independent enough. However, discussion should not be limited only to defending freedom of expression. The press has an obligation to serve the public good, and it is legitimate to discuss how this objective can be secured.

In this discussion, the public should be allowed to speak for itself rather than be spoken for solely as satisfied customers. In 2010, 79% of British adults said that they tended not to trust the press. This was a higher proportion than in any of the 28 countries that were surveyed – in some cases twice as high. This is consistent with other surveys over many years: for example, the Eurobarometer survey in 2003 also found that, in Europe, the British press was the least trusted by its public.

It seems therefore that there are two perceptions of the British press on offer: one of superlative journalism that is a model for the world, and another of the press as untrustworthy. One version comes from journalists, and the other from the public. One thing the Leveson inquiry should consider is the creation of an institutional space where these, and other, contrasting perceptions can be productively discussed. The present system of self-regulation is too narrow because it is centred on social worker mediation of individual grievances. What is needed is a more imaginative form of self-regulation which includes, among its objectives, the fostering of a more self-reflective press culture. This new regime could establish at the heart of the press a centre that regularly evaluates, on the basis of informed research, the performance of print and net journalism. This centre would honour great reporting, and condemn shoddy journalism. Its objective would be to promote an informed, evidence-based discussion about how best the press can be both free and advance the public good.

I would have liked to have said something about the possibilities and limitations of the internet, and the crisis of local journalism. But in the time available, I have confined myself to making just two points: the Leveson Inquiry needs to address the issue of press concentration and the periodic erosion of press independence from government, and it needs to identify ways of modifying the culture of British print journalism.

Thank you for listening.