CHAPTER 2

The Press Reform Debate

Issues relating to press freedom, the public interest, privacy and media ownership feature regularly in debates about press standards. That is because these issues can be linked to laws and policies that have been put in place to promote peaceful co-existence, prevent anarchy in society, uphold human rights and sustain democracy. For instance, privacy and press freedom relate to Articles 8 and 10, respectively, of the Human Rights Act 1998. Where they are violated, the structures that hold a democratic society together are weakened and the impact can be disastrous ranging from the press losing its ability to hold power to account to citizens committing suicides because of the pressures emanating from invasion into their private lives by journalists. Poor handling of any of the issues mentioned can result in the demise of democracy and peaceful co-existence. It is, therefore, not surprising that these themes are recurrent in debates about media standards. Because they were significant in the media policy debate that followed the NoTW phone hacking scandal, this chapter provides background knowledge on these key issues. The concept of political economy is used to explain the debate on the issue of concentration of media ownership. All these will equip the reader with the information needed to understand my analysis of how journalists covered the media policy debate that arose from the NoTW phone hacking scandal and the Leveson Inquiry. I will begin with the issue of press freedom.

Press freedom refers to “that degree of freedom from restraint which is essential to enable proprietors, editors and journalists to advance the
public interest” (Royal Commission of the Press 1977, cited in Frost 2007, p. 43). It is essentially the creation of an enabling environment for the media to express opinion or publish articles without censorship. The history of press freedom in the UK is largely linked to the struggle against state suppression (Curran and Seaton 2010, p. 1). Significant among the steps to press freedom in the UK were the abolition of the Court of Star Chamber in 1641, the end of press licensing in 1694, the Fox’s Libel Act of 1792 and the repeal of the “taxes on knowledge” (tax on advertising, stamp duty, tax on paper) in the period 1853–1861. Some analysts claim that the press became free only at the tail end of these reforms (ibid.). However, there are still debates about whether the British press is truly free from both state and corporate influence. At the time of writing, press freedom in the UK was based on the human right to free expression. The right to free expression in the UK as spelt out in the Human Rights Act of 1998 was derived from the European Convention on Human Rights (ECHR). Article 10 of the ECHR states:

> Everyone has the right to freedom of expression. The right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

> The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society in the interest of national security, territorial integrity or public safety.

> This Article protects the right to express as well as receive opinions and information. Freedom of expression is the foundation of a good number of democratic rights. For instance, it empowers the public to express their views in debates that could influence policy decisions. Freedom of expression, and by extension freedom of the press, also enables journalists to investigate and expose corrupt practices by the powerful in society. Examples are the BBC’s Panorama exposure of abuse of patients at Winterbourne View in Bristol, UK (BBC News 2011), and the role played by Guardian newspaper in exposing the extent of phone hacking at the News of the World (Davies 2014). Thus, freedom of expression is integral to the sustenance of democracy and good governance.

> As shown in Article 10 (2) of the Human Rights Acts 1998, freedom of expression comes with responsibilities for all concerned. For democracy to thrive, each beneficiary must not overstep his or her bounds in freedom of
expression. The state must not censor the press needlessly and must pro-
tect the right to freedom of expression by the media. This is very impor-
tant if the media is to fulfil its role as the watchdog of society (checking on
the powerful to ensure they are accountable to society). The media must
be free to access relevant information from public office holders, private
organisations and other people in positions of authority, and should dis-
seminate the news gathered to members of the public (Frost 2007, p. 40).
The right of members of the public to express their views on this matter
should also be protected. Protection of press freedom by the state must be
accompanied by a commensurate protection of the right to freedom of
expression by individuals. The press, for its part, must respect the citizens’
right to privacy.

However, as mentioned earlier in this book, the press has often been
accused of abusing its freedom by way of invasion of privacy and defama-
tion of character. Many have asked whether “the media have gone too far,
too often” especially since the death of Princess Diana in August 1997
(Sartore 2000, p. 49) and, more recently, with the hacking of the phones
of some members of the public by the News of the World. There are laws in
place for the protection of the freedom of others. For example, the law on
defamation allows the award of compensation if a person’s reputation has
been dented (e.g. Lachaux v Independent Print [2019] UKSC 27). The
law on defamation was reformed, resulting in the creation of the
Defamation Act 2013. There is also a law against the interception of pri-

date communication through covert means such as hidden cameras and
computer hacking (Regulation of Investigatory Powers Act 2000). These
laws, though not solely for the press, are being used to ensure that the
media do not overstep their bounds in the exercise of their freedom.
However, the media can be exempted from obeying these laws when their
actions are in “the public interest” (Editors’ Code of Practice 2016, Clause
10). This is where the controversy lies: what constitutes the “public
interest”?

In democratic societies, the duty of the press is often articulated in
terms of “the public’s right to know” (ibid.). For instance, if government
officials are misappropriating funds under their control or a business outfit
defrauding its customers, the press has an obligation to let the public
know about it. If the only means of getting this information is through
covert means, then the media would not be considered as having broken
the law by using such means. That is because the news gathered was in the
public interest (for the benefit of the public). Journalists are, by the
Editors’ Code of Practice and by law, allowed to indulge in some otherwise unlawful acts when they are being done in the public interest. However, this “public interest” clause that journalists fall back on has often been “used and abused” (Leveson Inquiry 2012). Over the years, the public interest has come to mean things that are of interest to the public; in other words, things that satisfy the public’s prurient interests and thereby boost the sales, viewership or readership of the news product (Frost 2007, p. 37). The debate is on where to draw the line in the public interest defence. So, what is the public interest? The meaning of the term has been the focus of a good number of journalistic debates. Some attempts have been made towards making the term clearer in order to prevent its abuse.

The *Guardian* updated its editorial code in the aftermath of the phone hacking scandal and came up with a list of principles on what can be classified as being in the public interest. The list which was drawn up by Sir David Omand, the former head of security and intelligence at the Cabinet Office, states thus:

There must be sufficient cause—the intrusion needs to be justified by the scale of potential harm that might result from it.

There must be integrity of motive—the intrusion must be justified in terms of the public good that would follow from publication.

The methods used must be in proportion to the seriousness of story and its public interest, using the minimum possible intrusion.

There must be proper authority—any intrusion must be authorised at a sufficiently senior level and with appropriate oversight.

There must be a reasonable prospect of success; fishing expeditions are not justified. (Guardian Media Group 2011, p. 4)

The guideline acknowledges that much of journalism is essentially intrusive and urged its staff to avoid invading people’s privacy unless there is a clear public interest in doing so. The newspaper stressed that “proportionality is essential, as is proper prior consideration where privacy issues may be involved” (*Guardian* news and media editorial Code, August 2011, p. 4). The lists of guidelines on the public interest by the press, though helpful in checking the abuse of the public interest, still leave a lot of room for controversy. It is not in all cases that a journalist can correctly ascertain “the seriousness of story”. For example, while the use of long focal lenses to take shots of a topless princess in a private holiday
environment is obviously not a serious story (and not in the public interest), it is not that clear to ascertain whether a journalist ought to be prosecuted for hacking the phone of a Member of Parliament, if he claims that he had strong reasons to suspect that the MP was involved in a criminal offence but only found out his suspicions were wrong after intercepting his phone messages? Similarly, while hacking telephone messages is a criminal offense, the public interest defence would have protected a journalist if, for example, Milly Dowler was found alive through information received from hacking into her voicemail.

Although it would be reckless to suggest that all covert investigations carried out by journalists should be excused based on claims that they are in the public interest, it is worthy of note that some stories of major public interest have been exposed by means of long focal lenses, deceit, bugging devices, false identities, trickery and even computer hacking. An example is the exposure of patterns of serious abuse at the Winterbourne View care facility which was revealed through secret filming by BBC Panorama (Panorama 2011). The public interest clause exists to make room for such coverage.

The version of the Editors’ Codebook that was in operation at the time of the phone hacking scandal stated, “the public interest is impossible to define (Beales 2012, p. 86). So, the code does not attempt to do so”. What it did instead was to list out what it described as “a non-exhaustive list” of what is in the public interest. A later version of the Editors’ Code of Practice (2016) which came into effect in July 2019 also pointed out that there may be exceptions to specified clauses in the Editors’ Code of Practice, where it can be demonstrated that they are in the public interest. It stated:

1. The public interest includes, but is not confined to:
   - Detecting or exposing crime, or the threat of crime, or serious impropriety.
   - Protecting public health or safety.
   - Protecting the public from being misled by an action or statement of an individual or organisation.
   - Disclosing a person or organisation’s failure or likely failure to comply with any obligation to which they are subject.
   - Disclosing a miscarriage of justice.
• Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.
• Disclosing concealment, or likely concealment, of any of the above.

2. There is a public interest in freedom of expression itself.

The public interest clause also states that “the regulator will consider the extent to which material is already in the public domain ... or will become so” and that “editors invoking the public interest will need to demonstrate that they reasonably believed publication ... would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time”. To give the Editors’ Code of Practice the benefit of the doubt, these are measures aimed at ensuring that the press does not abuse the “public interest” defence. However, the inexhaustible list as well as the scope of “reasonable belief” makes the meaning assigned to the term very broad such that the term remains fluid. The statement that “the regulator will consider the extent to which material is already in the public domain” has proven to be problematic, especially as the internet can make materials available across geographical locations even when such materials are restricted by law in other locations. For instance, if a story on the private life of an individual has been published in another country’s media, does that make it acceptable for the same material to be published in UK’s mainstream media since it is already in the public domain?

An example is the 2019 case of the English cricketer Ben Stokes and The Sun, which belongs to News Group Newspapers (NGN), where Ben Stokes and his mother sued the paper for publishing in England and Wales what the newspaper described as Ben Stokes’ family tragedy. NGN anchored its argument on the fact that the information had been widely published in New Zealand 31 years earlier—before the birth of the player. Nonetheless, UK’s Supreme Court ruled in favour of Ben Stokes on the grounds of damages caused by further intrusion into the English cricketer’s family’s privacy, thus stirring up a debate about the “availability in the public domain” aspect of the code’s public interest guideline. The case of PJS v NGN [2016] UKSC 26 is similar to Ben Stokes’ where information in the public domain (published in the USA and internet sites) was insufficient reasons to publish in the UK, and The Sun lost the case. The focus of this chapter is not to analyse the impact of internet on the “public interest” defence but to show how definitions of the “public interest” have
been ambiguous in the practice of journalism and this ambiguity has made room for its use to defend kiss and tell stories. Scholars have queried the fluidity of the press’ definitions of the public interest, arguing that it is designed to make room for the use of this privilege for self-interested purposes such as intruding into the lives of members of the public (Petley 2013; Harding 2012). Many references to the “the public interest” were made in the journalistic metadiscourse on the media policy debate (see Chaps. 9 and 10).

Much of the debate on the public interest relates to invasions of privacy. How to strike a balance between protection of privacy and journalism in the public interest is one of the controversial issues in debates about media policy. Since the death of Princess Diana in 1997, there have been arguments in the UK about the extent to which the press report on the private lives of people (Petley 2013, p. 59). Aggravated by the News of the World phone hacking scandal, these arguments sought to answer the question, “how far can the press go in publishing private information about individuals and how far can the individual go in claiming the right to privacy”? Privacy is recognised both legally and philosophically as a basic human need (Barendt 2002). In the words of Barendt, privacy is important because:

It provides a space for individuals to think for themselves and to engage in creative activity, free from observation and supervision … personal relationships could not develop if the participants felt that every move was watched and reported … Privacy is an aspect of human dignity and autonomy. It enables individuals to exercise a degree of independence or control over their lives. Privacy therefore entails rights to be alone and to keep confidential correspondence and other documents, and to ensure that intimate activity is not filmed or reported. (Barendt 2002, pp. 14–15)

Human dignity requires the ability of people to control information about themselves (Frost 2015, p. 93). If individuals are to have a right to dignity, then they will need a right to respect for privacy. Respect to privacy is a fundamental human right that is guaranteed by Article 8 of the Human Rights Act (1998). The Article states:

Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of national security, public
safety or economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedom of others. (Human Rights Act 1998, Chapter 42, Schedule 1, Article 8)

This means that a person whose privacy is invaded has the legal right to sue the culprit for invasion of privacy. Invasion of privacy refers to an intrusion into the private life of another person, without a justifiable reason (Human Rights Act 1998). Invasion of privacy can be applied to different forms of private information dissemination including internet privacy, data collection and workplace monitoring. Although there is no clear-cut privacy law in the UK, there are ways in which privacy is protected (Fenwick et al. 2007, p. 171; Hoffman 2011, p. 148). The most popular is the law of breach of confidence, which allows for the protection of confidential information (Kenyon and Richardson 2006, p. 154). Other laws used to protect privacy include laws on defamation, malicious falsehood, trespass and nuisance.

There are also statutes that protect privacy in certain situations. These include the Protection from Harassment Act 1997, the Data Protection Act 1998 and the Regulation of Investigatory Powers Act 2000 (Joint Committee on Privacy and Injunctions 2012, p. 10). Many scholars have argued that there may be a need for an outright privacy law in the UK but the courts appear to be reluctant to create one based on the argument that existing laws would suffice (Hoffman 2011, p. 137). Supporting this view, the report of the 2012 Joint Committee of the House of Commons and the House of Lords on Privacy and Injunctions states:

A privacy statute would not clarify the law. The concepts of privacy and the public interest are not set in stone, and evolve over time. We conclude that the current approach, where judges balance the evidence and make a judgment on a case-by-case basis, provides the best mechanism for balancing article 8 and article 10 rights. (Joint Committee on Privacy and Injunctions 2012, p. 5)

Celebrities are not often granted privacy protection because they are considered to have voluntarily placed themselves within the public eye (Frost 2007, p. 91). For instance, in the case of Ferdinand v. Mirror Group Newspapers, Rio Ferdinand, a one-time captain of the England national football team, took legal action against the Sunday Mirror for infringing
his right to a private life and misusing his personal information. In this case, Ferdinand’s public image and role model status meant there was a public interest in the newspaper’s disclosure, sufficient to justify the publication, and Ferdinand lost the case. However, between 2017 and 2020 a good number of celebrities won their claims for privacy (e.g. Ben Stokes v *The Sun* [2019]; PJS v NGN [2016]). Much earlier in 2004, Naomi Campbell won her privacy case against Mirror Group Newspapers (MGN). The judgement left the Mirror facing a total legal bill of more than one million pounds (*BBC News* 2004; Gibson 2004). The European Court of Human Rights later ruled that the legal cost *Daily Mirror* had to pay was too high and that a balance be struck between privacy and press freedom (Halliday 2011).

One of the contentions on the issue of privacy is that high legal costs of privacy cases are an impediment to freedom of expression. The argument is that it could impede investigative journalism and restrain the press from fulfilling its watchdog role in society (Joint Committee on Privacy and Injunctions 2012b, p. 5). The Joint Committee on Privacy and Injunctions stated, “excessive costs limit the ability of newspapers and broadcasters to respond to threatened legal action and can result in them not challenging an injunction on the ground of cost” (Joint Committee on Privacy and Injunctions 2012, p. 36, para. 138). In relation to members of the public who need to claim their right to privacy, the argument is that only the rich, including celebrities and political office holders, have access to privacy protection because of the high legal costs involved (Equality and Human Rights Commission 2012, p. 332). The question is, “what is the best action for the government or other relevant authorities to take (or not take) to protect both the individual’s right to privacy and freedom of the press?” The Leveson Inquiry discussed high legal costs on the part of both journalists and citizens. Its proposals on these costs formed part of the issues of contention in the press reform debate. The press reform debate

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1 *Campbell v. Mirror Group Newspapers*: Miss Campbell sued MGN for a breach of her privacy after it published a report about her drug addiction with a photograph of her leaving a Narcotics Anonymous meeting in King’s Road, Chelsea. In March 2002 (a year from the month of publication), the model successfully claimed breach of privacy and the High Court ordered £3500 damages from the *Mirror*. Though an Appeal Court judgement overturned the High Court ruling in October 2002, ordering her to pay the paper’s £350,000 legal costs, in May 2004 the House of Lords overturned the Appeal Court’s decision, reinstating the High Court judgement and damages, based on breach of confidentiality and breach of duty under the 1998 Data Protection Act.
also featured arguments on the impact of media ownership on press standards, particularly its effect on the press’ ability to fulfil its role in a democracy. The following section x-rays key arguments on the relationship between media ownership and the sustenance of democracy. Media ownership is one of the issues discussed during the media policy debate. Its impact on the coverage also makes it one of the key issues examined in this book.

Concentration of Media Ownership

Concentration of media ownership refers to a situation in which the bulk of the mass media is increasingly being controlled (in terms of shares) by a small number of persons or organisations (Curran and Seaton 2010, p. 75). There are increasing levels of concentration of media ownership in most Western democracies (Baker 2007, p. 3; Media Reform Coalition 2019). This is the result of big media industries buying up smaller and weaker ones who are unable to survive the economic downturn in the media industry (Bagdikian 2004). The aim was often to take over their resources and thereby increase financial gains, readership/viewership and, invariably, power. From about the twentieth century most Western democracies began to identify the growing media concentration as a threat to democracy and a number of them adopted policies to check the trend (Baker 2007, p. 3). These policies, which were aimed at supporting press diversity, took the form of competition laws or subsidy arrangements for weaker/potentially viable media (ibid.). This was, however, insufficient to stop the trend in concentration of media ownership. A look at the ownership of the newspapers examined in this book will give us a picture of the level of media ownership concentration in the UK.

The Sun newspaper is owned by Rupert Murdoch’s News UK which also owns The Times, The Sunday Times and The Sun on Sunday newspapers (News UK 2015). The Daily Mail is owned by Viscount Rothermere, owner of DMG Media (formerly Associated Newspapers), a subsidiary of DMGT (DMG Media 2017). DMG Media also owns the Mail on Sunday, Metro, Wowcher, Jobsite and Jobrapido (DMG Media 2017). Though the owner of Daily Mail delegates substantial management of the paper, including the management of its content, to an editor in chief, who at the time of my research was Paul Dacre, the paper has not functioned much differently from newspapers without that level of apparent detachment in terms of commercialisation (Cole and Harcup 2009, p. 85). The Daily
Telegraph belongs to the Telegraph Media Group (formerly, the Telegraph) which is owned by the Barclay Brothers (Telegraph Media Group 2017). The Barclay Brothers—David and Fredrick Barclay—also own the Sunday Telegraph (Telegraph Media Group 2017).

At the time of the debate that followed the phone hacking scandal, the Daily Mirror was owned by Trinity Mirror. As of 2017, Trinity Mirror was Britain’s largest newspaper group with more than 150 newspaper titles across the UK and Ireland. Its portfolio of newspapers included the Sunday Mirror, Daily Record, Sunday People and Sunday Mail (Trinity Mirror 2013). During the period covered in my investigation (2011–2013—the peak of the debate), the Daily Express belonged to Richard Desmond’s Northern and Shell company which also owned Sunday Express, Daily Star and Daily Star Sunday alongside three magazines: OK!, New! and Star (Northern and Shell 2017). It is important to note that by 2018, Trinity Mirror had bought Richard Desmond’s Express titles demonstrating that the issue of media ownership concentration heightened even after the Leveson Inquiry. The purchase of the Express titles led to Trinity Mirror’s change of name to Reach PLC. As of 2019, Reach plc was “the largest commercial national and regional news publisher in the UK”. Reach owned the Daily Mirror, Sunday Mirror, Sunday People, Daily Express, Sunday Express, Daily Star, Daily Star Sunday, Daily Record, Sunday Mail, OK! and New!, amongst others. However, in this book, my analysis will be based on how Trinity Mirror and the Express newspapers were constituted at the time of my research.

The Guardian is funded by the Scott Trust Ltd, owners of Guardian Media Group (GMG). During the period covered by my study, they owned Guardian newspaper and its Sunday title, the Observer. Though Guardian Media Group sold its regional media business to Trinity Mirror in 2010 (Davoudi 2010), it still has “a diverse portfolio of business investments” (Guardian Media Group 2015). The Media Reform Coalition summarised media ownership figures in the UK:

Just three companies (News UK, Daily Mail Group and Reach) dominate 83% of the national newspaper market (up from 71% in 2015). When online readers are included, just five companies (News UK, Daily Mail Group, Reach, Guardian and Telegraph) dominate nearly 80% of the market, slightly up from our last report. In the area of local news, just five companies (Gannett, Johnston Press, Trinity Mirror, Tindle and Archant) account for 80% of titles (in 2015, six companies had the same share). Two companies
have 46% of all commercial local analogue radio stations and two-thirds of all commercial digital stations. (Media Reform Coalition 2019)

Surprisingly, despite the increasing rate of concentration of media ownership, it did not take a prime position in the debate at the Leveson Inquiry, leading to it being described by the Media Reform Coalition as “the elephant in the room” (Media Reform Coalition 2014). It is widely acknowledged that concentration of media ownership is dangerous to the health of democracy because it can result in “abuse of political power by media owners or the under-representation of some significant viewpoints” (Doyle 2002, p. 6). The impact of media ownership concentration on democracy can be understood through the political economy of the press. The following section provides a synopsis of key arguments on media ownership advanced by proponents of political economy and neoliberal theories of the press. By comparing the two perspectives on media ownership, the section seeks to acquaint the reader with the major ideological divides that featured in the media reform debate that followed the NoTW phone hacking scandal.

**MEDIA OWNERSHIP: NEOLIBERAL AND POLITICAL ECONOMY PERSPECTIVES**

In media studies, political economy refers to a critical approach to media analysis that investigates “how media and communication systems and content are shaped by ownership, market structures, commercial support, technologies, labour practices, and government policies” (McChesney 2008, p. 12). The key focus of the political economy analysis is to ascertain whether media structures serve to promote or undermine democracy, and to explore and recommend ways of ensuring a media structure that enhances democracy (Hardy 2014). Lazarsfeld and Merton ([1948] 2004, p. 236, cited in Freedman 2014, p. 50) emphasised the importance of investigating the media through the lenses of their economic structures. The authors were of the view that the “the social effect of the media will vary as the system of ownership and control varies” (ibid.). The political economy critique theorises that democracy is threatened where there is concentration of media ownership (Freedman 2014, p. 50). It argues that when only a few people own much of the media, it could result in the dominance of a few voices in debates in the media’s public sphere.
(Freedman 2014, p. 51). The media content could be tailored to suit the ideology of the owner and where the owner has a high percentage of the media, his or her views become the most heard, giving his or her perspective undue advantage over others (McChesney 2004, p. 224).

An example is the case of Italy’s former Prime Minister Silvio Berlusconi (Baker 2007, p. 18). Without any connection to organised political parties in Italy, Silvio Berlusconi, one of Italy’s richest individuals at the time, formed his own party—Forza Italia—and used his massive media power (his media at the time controlled about 45 per cent of national TV along with important print media) to propel himself into the position of Prime Minister in the 1994 and 2001 elections, heading what was, at the time of writing, Italy’s longest-lasting government since World War II (Ginsborg 2004; Baker 2007, p. 18). In terms of debates on media policy, the political economy critique would argue that concentration of ownership could limit the chances of having a democratic public sphere because the perspectives of the few owners may dominate the news.

On the other hand, neoliberal analysts argue that though media ownership is oligopolistic, the quest for profit will compel media owners to target diverse consumers and, as such, one owner may not necessarily transmit the same perspective via all his media outlets (Doyle 2002, pp. 12–14). Neoliberal analysts contend that diversity of ownership will not axiomatically translate into diversity of media content (ibid.). This is because where different media organisations depend on the same source for their news content, the perspectives may be from a narrow spectrum of sources. For example, where many media organisations depend on copy from news agencies, press releases and public relations material for news, they end up churning out the same messages, making news content from diverse media very similar (Davies 2009, pp. 58–60; Harcup 2014, p. 53). Their argument here is that emphasis should be placed on ensuring diversity of media content, not ownership.

The political economy analysis sees as anti-democratic the increasing media ownership mergers and convergence in most liberal democracies, such as in the USA and the UK. Media convergence refers to a situation in which one media group operates different forms of mass media, for example, broadcast and print, through either cross-media ownership acquisitions or other forms of expansion (Doyle 2002, p. 3). The political economy critical tradition argues that these mergers could result in conflicts of interest because some news organisations may find it difficult to give a comprehensive and fair report about a media outfit that it is
affiliated to (Allan and Zelizer 2010). For instance, my investigation revealed that *The Sun* newspaper found it hard to report freely about the *News of the World* phone hacking scandal because Rupert Murdoch owned both titles.

Conflict of interest resulting from concentration of ownership can also result in large sections of the press using their gatekeeping powers to limit or exclude from journalistic metadiscourse issues that they consider to be against their owner or his interest. As we shall see in Chap. 7, the issue of concentration of media ownership receive minimal attention from debates on media policy because it is often perceived as being against the corporate interest of media owners (McChesney 2008). This agrees with Mill’s (1959, p. 18, cited in Freedman 2014, p. 33) argument that [media] power can be exhibited not only in action, but also in failure to act. The issue of concentration of media ownership has remained off limits in journalistic metadiscourse (McChesney 2008; Freedman 2014, p. 73). This may be a ploy to maintain the status quo in the concentration of media ownership.

As part of efforts to gain public trust and prevent further checks on concentration of media ownership, media magnates often advance the neoliberal argument that media owners are not involved in daily supervision of the content of their papers. For instance, *Daily Mail*’s owner claims that he “delegates substantial management of the paper, including the management of its content, to an editor in chief” (Cole and Harcup 2009, p. 85). However, studies have shown that newspaper proprietors do interfere with news content either directly or by employing staff they believe will toe their line of argument (Cole and Harcup 2009, pp. 27–28) or even by nominating their children as chair and members of the board. The level of treatment or lack of treatment of the issue of media ownership in journalistic metadiscourse may differ from media outfit to media outfit depending on their structure—their revenue or ownership model (see Chap. 7).

For instance, commercially owned press may respond to issues of ownership differently to non-commercial media. This calls for attention to be placed not only on the plurality of ownership but also on diversity in ownership structure. Media organisations who feel threatened by bigger media conglomerates could call for more robust policies to guarantee plurality in ownership. From a neoliberal perspective, the aim would be for government to intervene by ensuring fair competition among media owners. While this could be classed under social democracy because it attempts to
enhance democracy by ensuring plurality of media ownership, Freedman (2014, p. 72) argues that it can also be described as neoliberal when the aim is to protect business not democracy. This argument will be further developed in my discussion of the political economy of the Guardian’s coverage of the press reform debate that followed the phone hacking scandal in Chap. 7.

From the neoliberal perspective, the “lack of plurality” critique of media ownership has become obsolete with the coming of the internet (Compaine 2005; Benkler 2006, cited in Hardy 2014). Scholars with this perspective claim that “objectionable concentration” no longer exists because digital technology has made it easier for citizens to set up news websites, blogs, Twitter and other online platforms from which the public can source information (Compaine 2005; Jarvis 2009, cited in Freedman 2014, p. 6). In their view, regulation of ownership beyond what is currently provided is not necessary (Baker 2007, pp. 87–88). Those with this perspective reject worries about concentration of media ownership, contending that the internet will break it up and eliminate any need for regulation aimed at ensuring diversity in ownership (Compaine and Gomery 2000).

But political economy critics contend that even though the internet (social media, Twitter, Facebook, blogs, etc.) plays a role in promoting diversity in general media content, when it comes to news, people still rely more on mainstream media (Lee-Wright et al. 2012, p. 151). This argument supports data from empirical studies which reveal that readership of news on the internet is much higher on the mainstream media websites than on other websites (Ofcom Online Nation Report 2019, p. 27). For instance, Mail Online was the most visited website in the world in 2012, and its readership has continued to increase since then (Turvill 2016). It can, therefore, be argued that the “old” media owners are also very powerful in the “new” media. According to Baker (2007, p. 99), the contributions of the internet “are different from or are complementary to, and may often be in part dependent on the more traditional performance of the mass media”. There is a growing concentration in the ownership of corporate online websites, such as Google, Amazon and Facebook which gives credence to the fears that concentration of media ownership is being reproduced on internet platforms (McChesney 2008, pp. 18–19; Schlosberg 2017, p. 4). Freedman puts it this way:
Far from diminishing the importance of media moguls and tech giants, announcing the death of gatekeepers or lauding the autonomy of the public, we should be investigating the way the [media ownership] power is being reconstituted inside digital landscape. (Freedman 2014, p. 107)

Political economists contend that the internet does not eliminate worries concerning concentration of media ownership and that media-specific laws and regulatory policies are still needed to check ownership concentration (Baker 2007, pp. 99–101). Currently, in most Western democracies there are policies designed to promote plurality of media ownership but in some countries, such as the UK, critics argue that the anti-monopoly measures on media ownership are too weak to guarantee plurality of media ownership (Curran and Seaton 2010, pp. 328–338). They argue that British anti-monopoly rules would need to be further strengthened to enable plurality of media ownership (O’Carroll 2012a; Freedman 2013).

Neoliberals counter these arguments by insisting that an active audience plus press self-regulatory bodies would suffice to ensure that the media serve the public interest and are accountable to their readers. But as the Leveson Inquiry demonstrated, the then-existing press regulatory body, the Press Complaints Commission (PCC), was not living up to expectations in its role as regulator of press misconduct. Understanding both the neoliberal and political economy arguments on media ownership is essential for effective analysis of its representation in media reform debates. Contributing to the debate on how to better regulate the press, Freedman (2013) argues that changing the culture of the UK press requires much more than “better codes and a more forceful means of persuading newspapers to play by the rules … but will involve a challenge to an ownership structure that has placed the press in the hands of a tiny group of oligarchs and moguls”. Alan Rusbridger, the then editor-in-chief of Guardian newspaper, warned of the danger of not giving adequate attention to media ownership (O’Carroll 2012b). He advised the inquiry to consider the “significant dangers to democracy” of media power being concentrated in too few hands (ibid.).

This book takes the position that the structure of media ownership can impact on news content. The structure of ownership can determine what concerns are allowed in through the gates of the public sphere and what is denied access; who gets to speak and whose voice is marginalised; and how
issues are represented in debates about journalism. This argument will be backed up with empirical data in my analysis of how the debate on media ownership was covered by the press (see Chap. 7). I argue that debates about how to achieve plurality of news content ought to go beyond advocating plurality of owners and one pattern of ownership to diversity of ownership structure (e.g. diversity of revenue generation models). My investigation of how the media policy debate was covered by the press explored the impact of the structure of ownership on the way the debate was represented. Another major issue of concern in the press reform debate was the issue of how the press should be regulated. In the following chapter, I provide background information on what can be described as the foremost issue in the media policy debate that followed the phone hacking scandal—press regulation in the UK. This will provide information needed to understand arguments relating to press regulation in media reform debates.

**Conclusion**

This chapter explored key issues in media reform debates in order to highlight the recurrent issues in the journalistic metadiscourse on press reform. The issues examined include press freedom, the public interest, privacy and media ownership. Press freedom was defined as “that degree of freedom from restraint which is essential to enable proprietors, editors and journalists to advance the public interest” (Royal Commission of the Press 1977, cited in Frost 2007, p. 43). Journalists are, by the Editors’ Code of Practice, and by law, allowed to indulge in some otherwise unlawful acts when the acts are being done in the public interest. The problem is that this public interest defence has often been used to defend media coverage of kiss and tell stories, a situation which has led to calls for stricter definitions of the public interest than that currently provided by the Editors’ Code of Practice (Petley 2013).

Tensions between privacy and press freedom are also recurrent in debates about media reform. Privacy is recognised both legally and philosophically as a basic human need (Barendt 2002, pp. 14–15; Frost 2015, p. 93). This means that a person whose privacy is invaded has the legal right to sue the culprit for invasion of privacy. As explained in this chapter, invasion of privacy refers to an intrusion into the private life and family life
of another person, without a justifiable reason (Human Rights Act 1998). Most discussions on privacy in the journalistic metadiscourse on media policy relate to whether a media coverage that exposed the private life of an individual was in the public interest. Calls demanding for a fair balance between the freedoms of the press and those of individuals in society are on the rise. Such calls have been extended to privacy protection for celebrities who were once regarded as underserving of privacy protection because they willingly placed their lives in the public view.

Another issue that frequently shows up in debates about media reform is the subject of concentration of media ownership. I defined concentration of media ownership as a situation in which few individuals or organisations own the bulk of the mass media (Fourie 2001, p. 112). I pointed out that there are increasing levels of concentration of media ownership in most Western democracies (Baker 2007, p. 3; Media Reform Coalition 2019). It is widely believed that concentration of media ownership is dangerous to democracy because of its potential to result in the abuse of power by media owners (Doyle 2002, p. 6). The key arguments related to media ownership in the journalistic metadiscourse on media policy can be classified under two major perspectives: the political economy critique versus neoliberal perspectives, a variant of the libertarian theory of the press.

In media studies, political economy refers to a critical approach to media analysis that investigates “how media and communication systems and content are shaped by ownership, market structures, commercial support, technologies, labour practices, and government policies” (McChesney 2008, p. 12). The political economy critique posits that concentration of media ownership is detrimental to democracy because the owners’ views can dominate the news agenda. On the other hand, proponents of neoliberal perspectives on media ownership argue that diversity of ownership will not necessarily result in diversity of news content. This book takes the position that media ownership can impact on news content and that efforts to democratise news content should go beyond diversity of ownership to diversity of revenue or ownership model. Having provided insight into some of the key issues in the journalistic metadiscourse on media reform, the following chapter provides background information on the British press system and the debate on press regulation.
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