

MEMORANDUM

To: The Leveson Inquiry

From: Prof. Ivor Gaber

Date: 5 June 2012

Phase 3 Questions

In the interests of brevity I have sought to keep my responses as succinct as possible but would be happy to expand on any should that be required.

As a preamble let me say that these answers are based (as per attachment) on my work as a scholar of political communications, my experience as a political broadcaster (one who has been particularly involved in innovation in this area) and by my more recent experiences in re-thinking these issues as a consultant and trainer for journalists and politicians in countries that are in transition from autocracy to democracy (mainly in Africa)

Question 1

*The Inquiry is interested in the extent of public knowledge and understanding of the relationship between the media and the politicians. Where does that knowledge come from? How is it tested? What use is made of publicly available information (for example about meetings between senior politicians and leading media figures)? Has the change to the Ministerial Code in July 2011 made a difference? (The Code now states: "the Government will be open about its links with the media. All meetings with newspaper and other media proprietors, editors and senior executives will be published quarterly, regardless of the purpose of the meeting". )*

In a society such as ours it is almost inevitable that the overwhelming source of public knowledge and understanding about the relationship between the media and politicians will be based on how the subject is reported, and perceived, by the self-same media. Certainly Parliament and other public bodies (including the Hansard Society) have made great efforts to increase their public dissemination activities, but these pale into insignificance, in terms of potential audiences and impacts, when compared to public perceptions garnered from the press, radio, TV and online. Perhaps the social media, and in particular the political blogosphere and Twitter, have played some role in demystifying the relationship – as has Parliament and the Inquiry itself – but since it is journalists and politicians who have the most blog and twitter followers, this does not take us much further. The change in the Ministerial Code in July 2011 could make a major difference, not just to how this relationship is perceived but how it is actually conducted, for example, the revelations about the intensity of the contacts between the Government and senior members of News Corporation in 2010 and 2011, revealed as a result of the Code, enabled the public to grasp the intimacy of this relationship. It was to be hoped that this level of transparency would continue, but since the initial publication some Departments have been using this new aspect of the code to deny Freedom of Information inquiries about ministerial meetings on the basis that details will eventually be published under the Code (this is based on the direct recent experience of this author who drew a blank when he sought to use an FOI request to investigate contacts between the Secretary of State for Education and Associated Newspapers).

Question 2

*The Inquiry would like to hear views on the specific benefits and risks to the public interest arising from relationships between senior politicians, at a national level, and the media. What does the public stand to gain from this relationship? What does it stand to lose? How can the gains be maximised and the risks minimised? Are there specific considerations the Inquiry should be aware of in the run up to general elections and other national polls?*

At the heart of this question is the notion of transparency. It is perfectly legitimate, indeed an essential part of the democratic system, for politicians to meet regularly with both journalists and media executives; but it is vital that in the case of the latter this is done transparently. The public should know when media proprietors and executives have met with politicians, what was discussed and with what result. This should not apply to journalists meeting with politicians because there is, or ought to be, a distinction between journalists meeting politicians - that is part and parcel of both their jobs – and meetings with proprietors and executives. This distinction should be kept clear. The public, for the most part understand that newspapers take political positions and hence it is not a matter of major concern if and when executives meet with politicians in the run-up to elections; it is only a matter of concern if these meetings are not made transparent. Similarly media executives lobbying politicians about policy matters is legitimate, but only if such activity is undertaken in a publicly accountable manner.

Question 3

*The Inquiry is interested in hearing views on the conditions that are necessary for a free press in a democracy to fulfil its role in holding politicians and the powerful to account. What is the nature of that role? What is the public entitled to expect of the press in fulfilling it? How can the public see for itself that the press is taking this role seriously and going about it responsibly? Are there some good examples?*

This is a question that I have given a great deal of thought to in the context of my working with journalists and politicians in societies moving from autocracy to democracy (mostly in Africa). In my experience the single most important factor enabling the media to undertake its proper democratic role, lies in the existing political culture. For the media to be able to hold the Government properly to account requires an acceptance, by the political class, that democracy entails the media being enabled to play such a role. It also requires a recognition by the governing party that the opposition has as much right of access to the media as do they; in particular this relates to empowering state broadcasters to be free, particularly during election times, to enable alternative party positions to be advocated and for the Government to be subject to examination and criticism. (To do this effectively usually requires the transformation of state into public broadcasters). However, the media is also required to act with responsibility. This involves recognising the right of all democratic parties to have their undistorted voices heard. In the British context this can be interpreted as meaning that whilst it is accepted that newspapers do have particular political allegiances, in their news coverage they should strive to be fair, even if in their comment and editorial pages they do not. Also required, and this is clearly at the heart of the Inquiry's concerns, are effective laws both guaranteeing media freedom and the independence of journalists; and a sine qua non of this requires the protection of journalists who refuse to report unethically and, as a result, face sanctions by their employers (a strong journalists' trade union is essential to facilitate such protection). In such circumstances the

media will not only achieve transparency in their dealings with politicians but will be seen to have achieved transparency, and thus enable the public to be satisfied that they are being receiving a fair reflection of the ongoing political narrative. However, it is important to recognise that there is no golden age of political communications, no perfect state of balance in the relations between politicians and journalists; the relationship is dynamic and often strained – that is as it should be. In other words there is no steady state for which to strive but a continuous interaction that results, in a something that approximates to a balance between the media and the political class.

#### Question 4

*Is there a perception that political journalism generally has moved from reporting, to seeking to make or influence political events? How far is there evidence for that, and should it be a matter of public concern or not? Does the press have a legitimate function in fulfilling a political Opposition role?*

On one level sections of the media have always sought to influence events – one thinks, for example, of the Beaverbrook newspapers' campaign for Empire Free Trade in the 1930s – and today newspapers continue to have their own political agendas. However, a new factor has entered the equation. For in an age in which the news media have become globalised and virtually ubiquitous, it has become increasingly problematic for daily newspapers to provide the 'breakfast table reader' with major breaking news that hasn't already been seen, heard or read elsewhere. In these circumstances newspapers have reduced the amount of straight reporting and substituted it with comment – and comment usually that has a political perspective ultimately intended to influence public opinion and political events. Many local and national newspapers have discovered that a campaigning stance, on a range of issues, is good for sales and also for the perceptions of importance by their readers. For example the *Sun* recently claimed that it secured the Government's U-turn on the 'pasty tax', it was irrelevant whether it had or had not, the perception that it had was more important than the reality, and indeed who is in a position to say that they had not?

#### Question 5

*The Inquiry is interested in the nature of media influence on public policy in general (for example in areas such as criminal justice, immigration or European policy). Do you have views, or any specific examples, about how that influence is exercised and with what effect? How transparent is the process? Is the public well served by it?*

It is indisputable that the media does have an impact on public policy, although tracing that influence, and being able to state categorically that A led to B, is also impossible. However, this author can quote two examples from the area of social work and child protection that the Inquiry might like to consider. As a member of the Government's recent Munro Report into Child Protection, it was not difficult to trace the impact media reporting of child protection issues has had on both public policy and social work practice. One example is the successful campaign launched by the *News of the World* for the so-called 'Sarah's law' - a law that many practitioners in the field of paedophilia see as a backward step, in that by allowing public access to the child protection register encourages offenders to 'go underground' to avoid being 'named and shamed'. The other example is the sacking of the former Head of Haringey Children's Services, Sharon Shoemith, following a campaign by the *Sun* which held her personally responsible for the death of Baby P. in 2007 - within

days of meeting with Rebekah Brooks, the then Education Secretary, Ed Balls, peremptorily sacked Ms. Shoosmith (a sacking later found by the courts to be unlawful). The issues surrounding child protection are enormously complex; in neither of these two campaigns were the public well-served.

#### Question 6

*The Inquiry is particularly interested in the influence of the media in the content and timing of a party's media policies, and in a Government decision-making on policy or operational issues directly affecting the media. Do you have any personal examples of how this works in practice? Are the media effective lobbyists in their own causes? Do any risks arise from the Government's role in the determination of takeovers and/or mergers of media organisations? Is there a need for additional safeguards or limits on such involvement?*

The direct influence of the media on government media policy is difficult to definitively establish. However, during the 1990s this author served on a Labour Party Advisory Group which was looking at the media policy that an incoming Labour Government might follow. At a number of points during these deliberations the Labour front benchers who attended the Group made it unambiguously clear that the party leadership would not countenance any policy changes that could be characterised as hostile to the interests of News International. It is now not difficult to argue against the proposition that it would be sensible to remove politicians from having to play any judicial or quasi-judicial roles on issues surrounding media mergers and takeovers. From Mrs Thatcher, through Mr Blair to Mr Cameron it is clear that whatever the reality, the perception is that politicians' involvement in such processes works against the public interest.

#### Question 7

*Is there a need for plurality of voice in news providers within the press, in providers of other types of news media or across the media as a whole? How does access to news information through the internet affect the need for plurality? What level of plurality is required? Is plurality of ownership a sufficient proxy for plurality of voice?*

How to establish, and retain, plurality of voice – which is far more important than plurality of ownership – is the 64 dollar question. In a state controlled environment it is, in theory, possible (but never seen in practice). In a market economy it is far more problematic. One cannot force corporations to launch, or not to close a media outlet. The most constructive way forward is to recognise the importance of plurality of voice, as a public good, and then to seek through mechanisms of subsidy and top-slicing ways of funding unprofitable news operations. One route that needs to be explored in more detail would involve looking closely at the revenues now being earned by internet-based global corporations that exploit the news provided by other organisations to boost their own reach and profitability. A very small top slice of the profits of companies such as Google, Yahoo and others would provide significant funding for sustaining non-profitable news suppliers.

Question 8

*Is there evidence of media influence on public and political appointments (including the tenure and termination of those appointments)? The Inquiry is interested in examples, including of cases where the public interest was, and was not, well served by such influence.*

The most recent, and unambiguous case, has already been supplied to the Inquiry (see attachment) it relates to the blatant attempts by Associated Newspapers to block the appointment of Professor Les Ebdon, the Vice Chancellor of the University of Bedfordshire, to head OFFA, the Government's fair access regulator for higher education. In the wake of a recommendation by the Business Select Committee that his appointment should not be confirmed, the *Daily Mail* and the *Mail on Sunday* ran 25 articles, over a 25-day period, which sought to persuade and pressurise the Government to block Professor Ebdon's appointment. The articles were both personally insulting to Professor Ebdon and scornful of the University of Bedfordshire. The more detailed submission is attached to this proposal for convenience.

Question 9

*How far do you think politicians feel inhibited from acting in the public interest to ensure that the media's conduct, practices and ethics are themselves in the public interest? Why might that be? What would make a difference?*

In a democratic system politicians are required to win votes in order to get elected; and in order to do this they need to gain the widest media coverage of their views. Thus it is right and proper that politicians compete with each other for the most favourable media coverage. However the corollary of this is that most, if not all, politicians will think very carefully before deliberately incurring the wrath of any media outlet. There might well be times when the public interest requires this but it is highly understandable that many politicians decide that, in the circumstances, discretion is the better part of valour. This is a particularly acute dilemma when it comes to taking on the media about its own practices. This raises broader questions about the paradoxical relationship between politicians and the media and, what this author has described as 'a design fault' at the heart of democratic theory - explored in more detail in this author's article: "Exploring the paradox of liberal democracy: more political communications equals less public trust" *Political Quarterly* Vol. 80 No. 1 2009, (see attachment) Whilst politicians are dependent on the media for the majority of their contacts with the public, there will always be this tension between their political interests and the public interest. The only effective mechanism for ensuring that politicians, as much as possible, act in the interests of the public is to ensure that robust, fair and independent political reporting is not just permitted but is positively encouraged – and that comes back to regulation.