



Representation of Media Policy

The term “media policy” as used in this book refers to “all law and regulation dealing with an information production chain that includes information creation, processing, flows and use” (Braman 2004, p. 153). Media policies in modern democracies are diverse with a single nation having different media policies for different sorts of media. For instance, in the UK, policies for the broadcast media differ in some ways to those for newspapers, and policies for newspapers differ from those for social media and so on (Freedman 2008, p. 15; Psychogiopoulou 2012, p. 231). Since this book deals with the printed press, my focus will be on media policies in relation to newspapers. As stated earlier, newspapers in Britain are self-regulated. The Editors’ Code of Practice sets guidelines that the press is to adhere to and failure to do so attracts penalties (see section on press regulation earlier in this book).

There are also policies such as the competition rules instituted by the government to check for unfair competition in media ownership (see earlier in this book). All these policies are put in place to ensure that the press fulfils its function in society which, as explained in Chap. 4, includes ensuring an informed citizenry, providing a democratic forum for public debates, introducing relevant topics to the public sphere for deliberations and by so doing sustaining democracy. The potential of the press to either sustain or destroy democracy makes the development of media policy that can guarantee an accountable press vital to every democratic society. That is why when there is perceived abuse of press power, calls are made for

inquiries or commissions to be set up to investigate the press practices with the purpose of calling the press to order where necessary. As discussed in Chap. 3, attempts to call the press to order often result in public debates about how to create or reform media policies.

The coverage of debates about media policy presents a unique situation in which the media has the responsibility of managing debates on their policy. In Western democracies, it is widely accepted that what legitimates the media is its claim to the protection of democracy (see Chap. 4). In debates about media policy, the media is, therefore, expected to serve as a democratic public sphere (see Chap. 4). The normative expectation in a democratic society is that during such debates, the media should give access to all parties in the debate irrespective of whether the party advances arguments different from the position of that media organisations in the debate. If this does not take place, any view different from that of the press will not be given access into the media's public sphere. If the media must serve as a free marketplace of ideas (Mill 1966; Curran and Seaton 2010), then the various arguments and issues of concern during media policy debates will need to be accorded equal priority in the press. Was that the case in the coverage of the debate that followed the *NoTW* phone hacking scandal and the Leveson Inquiry? The answer is no. My investigation revealed a serious shortcoming in the coverage of media policy debates, a situation where the media gives quality space to arguments it considers to be in its favour while discourses calling for stringent reforms are either left out or given less quality space in media narratives on press reform.

REPRESENTATION OF MEDIA POLICY: HIERARCHY OF IMPORTANCE

The inverted pyramid style of news writing suggests that journalists would often put the issues they consider to be most important at the top of the narrative (Pottker 2003, p. 501; Franklin et al. 2005, p. 122). Though this style of writing news is being contested, it is still the prevalent form of news writing. As such, it was the method used in this book, to measure the importance accorded to different arguments in the press reform debate. Table 10.1 presents the arguments that emerged at the top position in the narrative structure of articles in the coverage of the media policy debate that arose from the *NoTW* phone hacking scandal and the Leveson Inquiry.

Table 10.1 Hierarchy of importance: frequency of arguments at the top position in the narrative

<i>Issues of concern</i>	<i>Guardian</i> (%)	<i>Daily Mail</i> (%)	<i>Daily Mirror</i> (%)	<i>Daily Telegraph</i> (%)	<i>Daily Express</i> (%)	<i>The Sun</i> (%)	<i>Total</i> (%)
Against press laws and statutory regulation/underpinning	6.0	24.5	41.7	26.5	23.5	24.3	19.3
Press freedom	21.6	26.5	25.0	33.3	23.5	25.7	25.9
Public trust	1.8	0.0	4.2	5.9	0.0	0.0	2.1
Against politicians' Royal Charter	9.6	9.2	4.2	2.9	5.9	6.8	7.3
Against self-regulation	1.8	0.0	0.0	0.0	0.0	0.0	0.6
Against the Leveson Inquiry	3.6	14.3	0.0	2.0	11.8	18.9	7.9
Support for press laws and statutory regulation	3.0	2.0	0.0	2.0	0.0	0.0	1.9
Privacy	14.4	7.1	4.2	8.8	5.9	1.4	8.9
Public interest	8.4	7.1	8.3	18.6	23.5	8.1	10.8
Against new press regulatory system formed by the press	5.4	0.0	0.0	0.0	0.0	0.0	1.9
Support for politicians' Royal Charter	10.2	1.0	8.3	0.0	0.0	0.0	4.1
Support for the Leveson Inquiry	10.8	1.0	0.0	1.0	5.9	2.7	4.8
Other	5.4	7.1	4.2	1.0	0.0	17.6	6.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

In my analysis, “the top” is regarded as the first position in the narrative structure of a news article.

The top three in the hierarchy of importance were arguments relating to press freedom (25.9 per cent), press law and statutory regulation or underpinning (19.3 per cent) and, interestingly, the public interest (10.8 per cent). The least in the order of importance was “against self-regulation” (0.6 per cent). Arguments relating to “press freedom” featured more prominently in the sub-interpretive sphere made up of *The Sun*, *Daily Mirror*, *Daily Express*, *Daily Mail* and *Daily Telegraph*, appearing as the

first subject of discussion in 33.3 per cent of *Daily Telegraph*; 25.7 per cent of *The Sun*; 26.5 per cent of *Daily Mail*; 25 per cent of *Daily Mirror* and 23.5 per cent of *Daily Express* compared to 21.6 per cent of *Guardian* (see Table 10.1). Arguments related to press freedom in *The Sun*, *Daily Mirror*, *Daily Express*, *Daily Mail* and *Daily Telegraph* warned that statutory underpinning of a new press regulatory body, as proposed by the Leveson Inquiry and subsequently applied to the Royal Charter on press regulation, was a threat to press freedom. The *Guardian*'s discourses relating to press freedom were mostly counter-arguments to the position of the other newspapers, as explained in previous chapters.

Some issues received no mention at the top of the narrative structure of some of the newspapers. This trend of giving prime place in the narrative structure to arguments perceived to be in their interest, with little or no mention of opposing views within that sphere of importance, was identified in the sub-interpretive sphere comprising *The Sun*, *Daily Mirror*, *Daily Express*, *Daily Mail* and *Daily Telegraph*. In both *The Sun* and the *Daily Express*, identical issues received no mention in this sphere of importance. They include "public trust", "against self-regulation", "support for press law and statutory regulation/underpinning", "against new press regulatory system formed by the press" and "support for politicians' Royal Charter". For the *Daily Mail*, it was "public trust", "against self-regulation" and "against new press regulatory system formed by the press". Similarly, the *Daily Mirror* kept out of this quality space arguments "against self-regulation", in "support for press laws and statutory regulation/underpinning", arguments "against new press regulatory system formed by the press" and, interestingly, arguments in "support for the Leveson Inquiry" and arguments "against the Leveson Inquiry". The same trend was identified in the *Daily Telegraph* which did not include at the top of the narrative structure arguments "against self-regulation", in "support for politicians' Royal Charter" and "against new press regulatory system formed by the press". This affirms that the commercial press used their gatekeeping powers to accord more importance to arguments or issues they considered to be in its favour during the media policy debate.

The Sun gave prime place (at the top of the narrative structure) to arguments that warn of threats to press freedom (25.7 per cent): "against press laws and statutory regulation/underpinning" (24.3 per cent) and "arguments against Leveson Inquiry" (18.9 per cent). A similar trend played out in other newspapers in this sub-interpretive sphere. However, in the *Daily Express* "public interest" featured prominently at the top of its

narrative structure (23.5 per cent). Though this is commendable, the interpretation of what constitutes the public interest raises questions which will be examined more closely later in this chapter. It is worthy of note that in the sub-interpretive sphere comprising *The Sun*, *Daily Mirror*, *Daily Express*, *Daily Mail* and *Daily Telegraph*, arguments against the new press regulatory system formed by the press did not feature at all in this sphere of importance.

Despite its importance to democracy and the sustenance of newspaper readership, the issue of “public trust” was among the subjects that received the least attention in the journalistic metadiscourse. A closer look at the context within which the issue of public trust was used by the press revealed that they rarely discussed their own need to build public trust but instead turned its readers’ attention to other institutions facing the same challenge. The journalistic metadiscourse contained instances where institutions other than the press were criticised for the lack of public trust on their operations. An example is this article from *Daily Telegraph*:

NEW Labour’s policy of “spin” and media “manipulation” has damaged democracy and undermined public trust in politics, Lord Leveson said. (Ross 2012, p. 10)

Here, the Labour Party rather than the press received the blame for the public’s lack of trust. Only few stories touched on the need for the press to build public trust (Huhne 2013, p. 28). The implication of this manner of coverage for democracy is that the problem of lack of public trust is not addressed and as such is not tackled. The need to pay more attention to the issue of public trust is given credence by the results of a survey carried out by YouGov which shows that only 7 per cent of the public trust newspapers to behave responsibly (Media Standards Trust 2009) while as much as 75 per cent believe “newspapers frequently publish stories they know are inaccurate” (Ibid., n.p.). Such a high level of lack of trust in the media can result in a breakdown of effective communication between the media and the public.

As discussed in Chap. 2, the media plays a very important role in modern democracy. It serves as a medium for information dissemination and mobilisation to many in society. Where trust between the press and the public becomes eroded, people may lose faith in deliberations in the media’s public sphere, no longer depend on the press for information or not take the content of their productions seriously. This can impact

negatively on effective governance as well as on the political, economic and social wellbeing of any society. If citizens are no longer interested in debates within the public sphere, this will of course impact on their participation in debates about media policy. One of the consequences is that they would neglect their role in ensuring effective media reform. Unlike “public trust”, the issue of the “public interest” was given substantial space at the top of the narrative structure of stories on media reform, making it the third issue of concern in the hierarchy of importance. It was surpassed only by “press freedom” and “arguments against press law and statutory regulations”. Overall, it appeared at the top of the narrative structure in 10.8 per cent of the issues at the top.

As discussed in Chap. 2, the press had often used the public interest defence as an excuse to invade the privacy of people with a public profile and indulge in other clandestine activities. The controversy in defining what constitutes the public interest is what prompted Lord Justice Leveson to propose an optional pre-publication advice service for newspaper editors (Leveson 2012, para. 62, p. 15). Ironically, the journalistic metadiscourse on the coverage of the inquiry and the ensuing debate on press standards also faced the controversy of what exactly constitutes the public interest; even conflicting arguments were said to be in the public interest. Both sub-interpretive spheres of discourse (*Guardian* versus *The Sun*, *Daily Mirror*, *Daily Express*, *Daily Mail* and *Daily Telegraph*) stressed the importance of journalism done in the public interest. Newspapers in both spheres laid claim to practising journalism in the public interest. Such claims were usually made when they felt the need to repair their crusader image.

For instance, when the *Guardian* newspaper discovered it was wrong in accusing the *News of the World* of deleting messages from the voicemail of the murdered school girl, Milly Dowler, the story that attempted to acknowledge its mistake had as its headline: “Leveson report: Judge addresses *Guardian*’s story on hacking of Milly Dowler’s phone: Report praises paper’s public interest journalism NoW probably did not delete voicemail messages” (Booth 2012, p. 15). *The Sun* did the same when some of its staff were arrested for allegedly making payments to public officials for stories (Kavanagh 2012a, p. 12). Similarly, *Daily Mirror* while trying to promote the press’ Royal Charter on press regulation, which was later rejected, said: “The *Daily Mirror* is committed to high-quality journalism in the public interest, giving the working people of Britain a voice in the corridors of power” (Daily Mirror 2013, p. 8). Journalism done in

the public interest is one of the normative expectations of journalism in a democratic society. The use of “public interest” as a defence and image repair strategy explains why it emerged as one of the key subjects of the debate even though it received far less attention than the issue of press freedom (see Table 10.1). Indeed, the subject of “public interest” served different purposes in the journalistic metadiscourse of the press reform debate that followed the phone hacking scandal. One way it functioned was as a reason for the press’ opposition to statutory regulation. For example, an article in *The Sun* stated:

But let’s not bring good journalism to its knees in the process by introducing state regulation that can and would be used by those seeking to stifle genuine wrongdoing that is firmly in the public interest. (Moore 2011, p. 13)

The statement is one of many comments made to drive home the point that statutory underpinning would endanger public interest journalism. It was used by *Daily Express* when it rebuked the National Union of Journalists (NUJ) for allowing itself to be “brainwashed by Leftist dogma”:

Shamefully, it [the NUJ] has joined the calls for statutory press regulation, arguing that the “right to free expression cannot be absolute” but must be “balanced by the public interest”. To a Left-winger the “public interest” means the suppression of unacceptable opinions. (*Daily Express*, 29 November 2012, p. 14)

The Sun advanced the same argument in an article with the headline “Regulating the press is not in public interest ... it’s in the interests of politicians; 300 years of freedom under threat this week” (Hodges 2013, p. 10). The article debunked claims by politicians on the left that their argument for the Royal Charter on press regulation to be underpinned by statute was because it was in the public interest. It stated:

And ask yourself if they really are pressing for media regulation because they think it’s in the “public interest”. The answer, of course, is it is nothing to do with the public interest. It is all about their interests. This week 300 years of Press freedom is in the balance. And it could end because our politicians want it to. (ibid.)

The press also debunked claims by campaign organisations that their call for press laws was in the public interest. It then went on to promote

the discourse of the British press as an architect of “journalism in the public interest”, each paper or class of paper promoting itself as working in the interest of the public. *The Sun* quoted Tim Luckhurst, a Professor of Journalism at Kent University, as saying: “Popular newspapers are bold defenders of the public interest. It protects our liberties and holds power to account. MPs should search their conscience and vote for freedom of expression unlimited by state intervention” (Dunn 2013, pp. 6–7). The press debunked the claims of all other parties in the debate to the pursuit of a form of journalism that would be in the public interest while maintaining that the journalism being practised by the British press was in the public interest. It can be argued that such arguments sought, amongst others, to maintain the status quo in press standards (Beckford 2012, p. 21). In summary, the emergence of high mentions of the “public interest” at the top of the narrative structure on the press reform debate did not reflect concern for the public; it was instead used for self-interested purposes such as protecting the crusader image of the press and arguing against statutory regulation or underpinning of press regulation. One area where the “public interest” clause is often quoted by journalists is in defence of invasion of privacy. When can privacy invasion be in the public interest?

It is worthy of note that one of the major contentions in the press reform debate was how to strike a balance between the protection of press freedom and the protection of privacy. While campaigners for victims sought to protect privacy (O’Carroll 2013, n.p.), much of the press channelled their resources towards the protection of the neoliberal concept of press freedom (Forsyth 2013, p. 15). All newspapers examined appeared to have been against more privacy laws (Roberts 2011, n.p.; Embley 2012, pp. 8–9; Forsyth 2012, p. 12; Kampfner 2012, p. 29; Moir 2012, n.p.). Instances where this was demonstrated include the coverage of the invasion into the privacy of the Duchess of Cambridge in France (Greenslade 2012, n.p.; Kampfner 2012, p. 29) and the response of the French press to ex-IMF (International Monetary Fund) boss Dominique Strauss-Kahn’s alleged sexual escapades (Forsyth 2012, p. 12; Kavanagh 2012b, p. 10). Newspapers in both spheres pointed to these as proof that proper self-regulation, not more privacy laws, was what the British press needed as can be seen in the *Guardian*’s article with the headline “Proper self-regulation works better than the law to protect privacy”. The article stated:

The court victory secured on behalf of Prince William and his wife certainly doesn't prove that the French privacy law is so good that we should have one here. Just the opposite. (Greenslade 2012, n.p.)

There were, however, some differences in the depth and treatment of the issue of privacy among the papers. *Guardian's* treatment of privacy consisted of analyses of academic works on the issue of privacy, news on incidents of invasion of privacy by the press, critical analysis of the Leveson Inquiry's proposals on privacy and discussions on regulations on privacy as contained in the Royal Charter on press regulation. Like all other papers in the study sample, *Guardian* newspaper was against the proposal of exemplary fines for papers who refuse to sign up to the new regulatory body even if the paper wins the case as can be seen in its article headlined "Tory and Leveson plans for exemplary privacy damages 'may be unlawful' " (O'Carroll 2013, n.p.) but its opposition to it was not as intense as that from other papers. It argued that the printed press could overlook that flaw in the Royal Charter and still sign up to it. One key distinguishing feature between *Guardian's* treatment of the issue of privacy and that of some other papers was that it rarely used the platform of discussions on privacy to criticise campaigners for tighter privacy laws.

The *Daily Telegraph's* treatment of the subject of privacy was closer in form to that of *Guardian* newspaper in that its opposition to tighter privacy laws was not as intense as those of *The Sun*, *Daily Mirror*, *Daily Mail* and *Daily Express*. This may not be unconnected to the fact that *Guardian* and *Daily Telegraph* are both quality newspapers. However, there was not much in-depth analysis on the issue of privacy in *Daily Telegraph*. Most of *Daily Telegraph's* articles on privacy were in its news section (Adams 2011, p. 17; Rayner 2012, p. 7) as if it deliberately avoided giving opinion on the issue of privacy. The few discussions on privacy were mainly warnings that privacy invasion by the internet was a bigger problem than that done by the printed press (Johnson 2012, p. 24).

The Sun, *Daily Mirror*, *Daily Mail* and *Daily Express* were not that cautious in their approach to the coverage of privacy. The bulk of their stories on privacy were attacks against those who campaigned for tighter privacy laws, both celebrities and representatives of campaign organisations. Unlike the *Guardian* and *Daily Telegraph*, they minced no words in expressing their revulsion against tighter privacy laws and the people who propagate such arguments, as can be seen in this article from *Daily Mail* newspaper:

Sienna Miller is on the cover of *Vogue* this month and, if not actually invading her own privacy, then at least tiptoeing across it over five gorgeously scrumptious pages inside ... In the accompanying interview, Sienna talks about being the subject of sustained paparazzi interest ... 'Miller said; That level of scrutiny has a massive effect on me personally It was just a fishbowl.' Yet isn't it laughably hypocritical of her to dive naked into that very same fishbowl when it suits? ... Don't make me laugh. Sienna is handled with the kiddiest of kid gloves the interviewer wonders if Miller will marry fellow British actor Tom Sturridge, the father of her four-month-old child, but refrains from asking. She doesn't want to pry! Is this really what the British press has come to? What a joke. (Moir 2012, n.p.)

Though as tactless with words as the other three (if not more), *The Sun* gave privacy minimal attention (see Table 10.1). On all four fronts, there was little or no in-depth analysis on privacy protection. The stories centred on their campaign against tighter privacy laws and news narratives on incidents of privacy invasion which, it can be argued, served as entertainment to their readers. In summary, the treatment of the issue of privacy in the journalistic metadiscourse on the debate that followed the phone hacking scandal was largely shallow and characterised by a lack of self-appraisal. This finding confirms the claim by previous studies which say the press avoids or gives limited coverage to criticisms against themselves and that journalistic metadiscourse is characterised by a lack of self-critique (Eason 1988; Haas 2006, cited in Carlson 2015, p. 9; Alexander et al. 2016). A similar argument posits that alternative views are marginalised and/or silenced in debates about the media (Casey et al. 2008, p. 194; Savigny 2016, p. 12). The next section discusses alternative views in the journalistic metadiscourse on the press reform debate and the implication of such manner of coverage.

THE MEDIA POLICY DEBATE: ALTERNATIVE VIEWS

Aforementioned scholars have argued that alternative solutions that do not fall in line with popular views in the public domain receive minimal treatment thereby narrowing the options placed in the public sphere for deliberation. In this book, alternative views refer to all views in the debate that were not mainstream arguments. This comprised views that were not common, were different from popular opinion or only featured occasionally. After a preliminary study of articles on the coverage, I came up with

The next in line was the view “strengthen checks on concentration of media ownership”. This view followed with far fewer occurrences, with 14.4 per cent of alternative views. It was advanced in greater proportion by the *Guardian* newspaper, making up 24 per cent of its alternative views. It emerged as 16.7 per cent of the *Daily Mirror*’s alternative views, 14.5 per cent of *Daily Telegraph*’s, 4.5 per cent of *Daily Mail*’s, 3.8 per cent of *The Sun*’s and not at all in *Daily Express*’ alternative views. The results suggest this argument may have been stifled in the commercial press due to a conflict of interest caused by concentration of media ownership (McChesney 2008). The alternative views that received the fewest representations were “cultural revolution of journalists and proprietors is key” to media reform and “do not expect too much from the press” emerging as 5.1 per cent and 5.6 per cent, respectively, of alternative views in the coverage of the media policy debate.

One view that was not included in the list of alternative views but turned out to be an alternative view was that the process of getting a new press regulatory body was rushed and that with more time they could have arrived at a decision that was acceptable to all parties (Rusbridger 2013, p. 26). Though this call for more time was included in the dominant themes table, it appeared as the dominant theme, “more dialogue needed”, in only 0.6 per cent of the study sample and only in the *Guardian* newspaper. Another such theme was that press membership to the new press regulatory body should be made compulsory by law (Cathcart 2013, n.p.). Though this view had the potential to prevent the Desmond syndrome (a media organisation refusing to join the press regulatory body—Desmond 2015, p. 291), it was, apparently, nipped in the bud and was not developed by any of the newspapers.

CONCLUSION

The coverage of the debate that followed the *NoTW* phone hacking scandal demonstrates that during debates about their policy, the media allocate more quality space to arguments perceived to be in their interest than to those considered to be against their interest. For example, warnings of threat to “press freedom” featured more frequently than any other theme at the top of the narrative structure of news articles on the media policy debate while arguments against self-regulation and against the new press regulatory system formed by the press were among issues that had the fewest occurrences within this sphere of importance (the first two

paragraphs of a news story). The advantage of featuring more prominently within this space is that the views expressed at the top of the story would likely get more reads than others lower down in the narrative structure of the story because more people tend to read the first few paragraphs of a story even when they do not read the whole article.

The emergence of quality media reform would require robust debates on media policy within a democratic public sphere. There is need for equality in the representation of views on media policy. Views and issues of concern should be accorded priority in a news article not because they are the position of the media but because of the weight of their importance in the debate. Failure to do so will disadvantage ideas, some of which may contribute to the emergences of strong media reforms. My investigation revealed that though prominent space was given to the issue of the “public interest”, discussions related to the subject were aimed at asserting the importance of newspaper, each newspaper claiming that they practice journalism in the public interest. The various interpretations of “public interest” in the journalistic metadiscourse demonstrate that the problem of “what constitutes the public interest” is far from over. Considering the impact of irresponsible journalism on society, it is high time the public started playing an active role in defining what constitutes the public interest. For example, the public can become more vocal in criticising news publications that are not in the public interest, support newspapers that engage in public interest journalism and withdraw their patronage from defaulting newspapers.

This chapter also analysed alternative views; these are arguments expressed in the media policy debate which were given very little attention. The alternative views expressed in the debate that followed the *NoTW* phone hacking scandal and the Leveson Inquiry are “enforce existing laws on crimes such as phone hacking”, instead of the introduction of more stringent regulations; “strengthen checks on concentration of media ownership”; “avoid all forms of Royal Charter”; promote “cultural revolution of journalists and proprietors”; “people should not expect too much from the press” and the view that “some level of privacy invasion is a necessary hazard of a free press”. There was also a call for more time for dialogue towards arriving at a media policy reform acceptable to all parties involved. The manner of coverage of the press reform debate did not encourage the exploration of these and other alternative views to press reform. This agrees with the argument of Savigny (2016, p. 12) that alternative views are marginalised or silenced in debates about the media. The

coverage of the press reform debate facilitated a zero-sum game of “statutory” or “no statutory” regulation/underpinning. All other arguments fed these two positions. The debate was too narrow and lacked robustness such that other options, for example, public reformism, were not explored as a means of achieving press accountability. This manner of coverage is toxic to democracy.

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