**Media Activism: Media Change**

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Every once in a while something happens that causes such outrage and public consternation that it makes it impossible for politicians to avoid acting. Such events rarely occur in isolation but speak to a history that has been accumulating over time – rubbish that has been gathering in the streets until finally the stench is too overbearing to ignore and something has to be done to clean up the yard and made it habitable once more. The phone hacking scandal in the UK was one such event (Davies, 2014).

In the summer of 2011 the national daily newspaper, *News Of the World*, owned by Rupert Murdoch’s News International, stood accused of illegal, unethical behaviour through the systematic phone hacking of politicians, members of the royal family, celebrities, murder victims and their families. Murdoch subsequently closed down the *News of the World* and several ex-editors and journalists found themselves under criminal investigation. The Prime Minister, David Cameron, publicly embarrassed by his employment of Andy Coulson (a former editor of *News of the World*), as his director of communications, who was arrested by the Metropolitan Police Service in July 2011 for allegations of corruption and phone hacking, called for a public inquiry chaired by Lord Justice Leveson to investigate the issues involved. This very public shaming of certain sections of the media, combined with political circumstances, brought about a very public response from the prime minister, and sparked a reinvigorated approach to media reform in the UK led by two campaign groups: Hacked Off and the Media Reform Coalition (MRC). This chapter reflects on the author’s involvement in the Hacked Off Campaign (as vice-chair of the Board of Directors) and the MRC (as a founding member), and considers what we can learn from them practically as media activists, and how they can inform our thinking theoretically as media scholars.

The birth of a movement

Hacked-Off began in 2011 as a campaign that was initially part of the Media Standards Trust that first called for a public inquiry into press practices. In the summer of 2012 it became a separate campaign group by the same name and registered as a not-for-profit company. The then director of the Campaign, Professor Brian Cathcart, a former journalist, published a book *Everybody’s Hacked Off: Why we don’t have the press we deserve and what to do about it* (Cathcart 2012) and Hacked Off set about helping victims of press abuse tell their stories about the experience of phone hacking, stalking, bullying and harassment and campaigning to ensure that independent and effective regulatory mechanisms for dealing with such transgressions were put in place. It began as a group of people who through their work had reached the conclusion that the current system of press self-regulation was failing desperately: we were three media academics who had researched news and journalism over many years, media lawyers engaged in privacy and libel cases, representatives of civil society who were constantly trying to flush out errors in reporting and improve press standards as well as a celebrity victim of press abuse and a former Member of Parliament. The ambition of Hacked Off was (and remains) tightly focussed on processes of accountability. Its aim is to bring about an independent and effective mechanism of press regulation that holds the press accountable for unethical and illegal behaviour.

The Media Reform Coalition was set up in September 2011 to coordinate the most effective contribution by civil society groups, academics and media campaigners to debates over media regulation, ownership and democracy in the context of the phone hacking crisis and proposed communications legislation. It took advice from the media reform movement in the US and Canada and set about building an alliance of partner organisations and supporting individuals to produce research and to organise campaigning activities aimed at creating a media system that is more plural, more accountable and could better support investigative and local journalism in particular (issues deemed to be suffering the most in the struggling economic context of newspapers in the UK).

The work of the MRC began with three main strands of activity: plurality, ethics and funding. But after the Leveson Inquiry its main focus became plurality in terms of both media ownership and media content. This was partly because Hacked Off was focussing heavily on systems to underpin journalism ethics and standards but also because the research that became the Coalition’s main focus saw the constitution of media power as located in the concentration of media ownership (MRC, 2014). It is important to recognise that each campaign enabled and sustained the other: the sordid tales of abuses of media power that wreaked havoc in the lives of ordinary people and distorted the democratic process (Dean, 2011) allowed the constitution of media power – a more fundamental critique about capitalism and the distribution of cultural resources – to become a matter of public concern (Baker, 2007; Curran, 2011; Winseck, 2008). Addressing the symptoms of the problem in two contrasting ways also enabled different organisations and individuals with diverse interests and politics to take part. As such, a focus on plurality better suited one of the key players in the coalition – the National Union of Journalists – more at ease with a critique of corporate media power than one that criticised the practices of journalism per se (albeit in a corporate context). The ability to speak to cross-party politics was key to the longevity of the campaign and its parliamentary and public purchase.

After an exhaustive inquiry lasting nearly a year and a half, Lord Justice Leveson delivered his recommendations in November 2012. The report discussed in detail how the newspaper industry had become too powerful and that meaningful reform was needed to restore public confidence in the press. Leveson also needed to convince the industry that his recommendations had taken account of their concerns – that this was about enshrining press freedom and ensuring that any subsequent regulatory system was independent from government. He also had to satisfy the many victims of press abuse that his recommendations would bring about an independent regulatory system with teeth that could hold the industry to account when necessary. And he needed the recommendations to be politically palatable so that the Prime Minister would not be pressurised by the press into brushing it off as unsustainable and fatally flawed. Leveson did this in two ways: first by focusing largely on journalism and developing a system for complaints against transgressions in journalistic practice. This was a response to the immediate concerns of the victims of press abuse but one which lacked any systematic attempt to redress more structural inequalities in influence and power through tackling issues of ownership concentration and media plurality (House of Lords Select Committee on Communications, 2008). Second, Leveson located his recommended system in independent self-regulation underpinned by statute thereby responding to the industry’s concerns over governmental interference in press freedom yet still ensuring that the press could not, as was popularly remarked, mark their own homework (Eberwein et al., 2011; Fielden, 2012).

Thus, the framework for reform was clearly established around a narrower set of issues than previous academic analyses had assessed as vital for substantive change to take place (Curran et al., 2012; McChesney, 2008). Notably, media plurality was sidelined and the funding of news all but ignored in favour of a rather more modest focus on a mechanism for complaints (albeit an effective and independent mechanism that had never before existed). Instead Leveson called for further development of a new system for measuring and tackling media concentration of ownership (Leveson, 2012: 1461-1476) that included online publications, acknowledging that unchecked media concentration over several decades had allowed some media groups to accumulate vast amounts of revenues and influence with adverse consequences for media and democracy. He noted that one such consequence had been the development of intimate relationships between political and media elites in a way which “has not been in the public interest” (Leveson, 2012: 1956). Although the Leveson Report suggested certain approaches for dealing with concentration of ownership (e.g. that triggers for intervention should be “considerably lower” (p.1470) than those appropriate to ordinary competition concerns and address organic growth within media markets), the exclusion of explicit recommendations for addressing media plurality was seen to be a missed opportunity. This was either too complex for the inquiry to deal with or they took a political decision that the press may be more inclined to come on board if the market was left well alone.

Nonetheless, the focus of the Leveson report spoke directly to the concerns of both media reform groups and most forcefully to the work of Hacked Off who then set about campaigning in support of the Leveson recommendations. This involved making the case for the implementation of Leveson’s proposals amongst the wider public as well as within parliament by ensuring that key politicians understood the issues, were aware of strong public feeling and had the means and tools to implement Leveson. This work involved a combination of parliamentary drafting, public polling and then highlighting public opinion, lobbying and persuading politicians and parliamentarians, media monitoring and rebutting, mobilizing supporters and supporting victims of press abuse, persuading and debating with journalists and the public, and then briefing and reporting on all aspects of this work. They worked closely throughout with victims of press abuse in the face of relentless and often bitterly hostile resistance from leading national newspaper groups who initially appeared to be sympathetic to at least some of Leveson’s recommendations but over time repudiated most of them.

Media reform was suddenly a big political issue and the public wanted change. The core strength of the campaigns was firmly lodged in the public support behind them with constant polling showing high levels of support for media reform and a firm rejection of press manoeuvring. A poll undertaken by YouGov for Hacked Off in January 2017, after an onslaught of anti-press regulation coverage across all news media, still showed that 73 per cent of the public thought press behaviour had either got worse or not changed since the Leveson enquiry. Consistent surveys (e.g. Park et al., 2013, Media Intelligence Service, 2016) also revealed that the public did not trust the press.

**‘Freedom of the Press’ or Freedom of the Powerful over the Powerless’?**

Yet still the press industry objected with a simplistic response to so-called government interference in the workings of the press. This prompted the prime minister, David Cameron who had initially said he would implement the Leveson recommendations unless they were ‘bonkers’, to state that even statutory underpinning – a law to enact the costs and incentives of a new system with no interference whatsoever in the actual running of, or decision making of the new self-regulatory body – would be ‘crossing the Rubicon’. In other words, the sacrosanct position of a free press in a free society would be irreparably undermined, there would be no going back.

Invoking the language of free speech became the default position of the press lobby (Fenton, 2014). Of course, nobody would dispute the freedom of the press to hold power to account but this does not put the press themselves beyond accountability. Freedom without accountability is simply the freedom of the powerful over the powerless which, arguably, is precisely what the press were trying to preserve: freedom to run roughshod over people’s lives causing harm and distress for the sake of increased newspaper sales. Furthermore, freedom has always been enshrined in law. The press, for example, is protected by the right of freedom of expression under Article 10 of the European Convention of Human Rights. Article 10, however, is not absolute but conditional and qualified by article 10.ii:

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions of penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. (ECHR, n.d.: 11).

Article 10 is also subject to Article 8 of the Convention which covers the right to privacy.

Media reformers hit back arguing that freedom works both ways and that freedom of the press had to be balanced by freedom of the public to assess and challenge the nature of that communication: freedom shared not power abused. In other words, they argued that democratic practice requires protective and enabling legislation and that is why it exists in other areas of public life. But with a general election creeping ever closer, Cameron bowed to the rhetoric of ‘press freedom’ and opted for setting up a new press self-regulatory body not by statutory underpinning but by Royal Charter – a process that nobody seemed to fully understand. This created a political dilemma. A Royal Charter could deliver a new system of self-regulation that was independent and effective, in other words Leveson-compliant, but it was by via a circuitous route that appeared less democratic. At a point when it seemed like this was the only offer on the table and it looked like the press lobby were willing to accept it (it had after all been devised in response to their concerns), Hacked Off decided to support the Charter that was sealed on the 30 October 2013. This was a major concession. Powerful press interests soon backtracked and found excuses to repudiate this mechanism making it quite clear that they had no intention of ever agreeing to a system that they were not able fully to control.

It is worth reflecting on the history of failed press regulation (Curran, 2011). The first Royal Commission on the Press (1947-49) led to the press industry creating the General Council of the Press (1953). Dissatisfaction with its practice led to the second Royal Commission on the Press and to the General Council being replaced by the Press Council in 1962. In 1972 the Younger Committee report on Privacy was critical of the Press Council who rejected their concerns. In 1974 a third Royal Commission on the Press looked into editorial standards and freedom of choice for consumers. It suggested a new written Code of Practice. The Press Council again rejected the Commission’s suggestions. In 1990 the Calcutt Committee was established to look into press intrusion. Calcutt recommended replacing the Press Council with a new Press Complaints Commission (PCC) and a new Code of Practice. In 1993 Calcutt reported on the progress of the PCC. He determined that sufficient progress had not been made and recommended the introduction of a Statutory Press Complaints Tribunal. Once more the press industry objected and the government failed to act on the recommendation. In 1995 the National Heritage Select Committee published a report on privacy and press intrusion and made recommendations on a new Statutory Press Ombudsman. The press objected and yet again the government yielded and rejected the recommendations. In 2009 the PCC published a report in response to the Guardian phone hacking investigation ‘*Phone Message Tapping Allegations*’ (that was subsequently withdrawn on 6 July 2011). In July 2011 the Leveson Inquiry was announced. The discredited PCC was replaced by the Independent Press Standards Organisation (IPSO) and the majority of the mainstream press signed up to it. A cross-party agreement resulted in a Royal Charter designed to bring about independent and effective self-regulation of the press. However, IPSO refused to be part of the system of press regulation under the Royal Charter.

What this history tells us is that the press have consistently promised to self-regulate adequately and consistently failed to do so. The government, keen to maintain good relations with the press, has consistently bowed down to industry pressure.

The Royal Charter sets out a mechanism for independent self-regulation of the press overseen by an independent body called the Press Recognition Panel (PRP). The job of the PRP is to ensure that any organisation that regulates the press and seeks recognition, is independent, properly funded and able to protect the public. Any recognised regulator must meet the 29 criteria listed in the Charter. These criteria were designed to secure press freedom and protect the public interest. In order to respond to criticisms of government interference in press regulation it was agreed that the Charter can only be amended by a two-thirds majority of each of the House of Commons, the House of Lords and the Scottish Parliament and with unanimous agreement of the PRP Board. IPSO has so far refused to seek recognition and only meets 12 of the 29 criteria (Media Standards Trust, 2013). But another press regulator IMPRESS, set up by a free speech campaigner Jonathan Heawood was recognised as an approved regulator on 25 October 2016. Finally, 5 years after the Leveson enquiry, a new system was in place…well almost.

A crucial part of this new system relied on persuading the press to join a recognised regulator. Leveson knew this wouldn’t be easy and so devised a system hinged on costs and incentives that sought to balance two key objectives: providng access to justice for ordinary people wronged by the press without the risk of huge legal costs; and protecting news publishers from wealthy litigants threatening them with financially ruinous court proceedings. Section 40 of the Crime and Courts Act does this through a system of carrots and sticks – if a news publisher joins a recognised regulator then access to low cost arbitration becomes mandatory. This removes the threat of potentially huge losses for both ordinary citizens who may be the victims of illegal journalistic behaviour and for publishers who may be threatened by a wealthy litigant who doesn’t like what they have printed. Only claimants with a genuine legal case can be offered arbitration thereby avoiding trivial and malicious claims being brought. In reverse, if a newspaper decides not to join a recognised regulator and thereby refuses to offer affordable access to justice then they will be liable to pay all costs of court action against them. The new system of regulation also includes protection for local and regional publishers to prevent causing them financial hardship.

Section 40 is integral to the success of the Royal Charter framework of press regulation and the press knew it. Consequently, even after Section 40 had become law (but had not yet been commenced) they went on a propaganda offensive to try to ensure it never saw the light of day. Karen Bradley, the new secretary of state for Culture, Media and Sport came under increasing pressure from both sides of the debate and capitulated by putting the commencement of Section 40 out to public consultation (giving herself powers of decision over the terms of press regulation that had already been agreed by Parliament and immediately flouting the principle of no government interference).

Herman and Chomsky (1988) evoke the idea of ‘manufacturing consent’ whereby propaganda is used to naturalise ideas of the most powerful groups in society and to marginalise dissent. Their propaganda model depends on five ‘filters’ working on the media that ensure a structural bias in favour of dominant frames: concentrated private ownership, the power of advertising, the domination of elite sources, the use of ‘flak’ (sustained attacks on oppositional voices), and the construction of an enemy, here – so-called liberal leftie luvvies/elites. Mainstream media perform an ideological role – none more so than the ‘liberal’ media who foster the greatest illusions precisely because their liberalism produces a deceptive picture of a pluralistic media system when, in reality, there is none (Fenton and Freedman, 2014). All media, whether ‘liberal’ or ‘conservative’, are tied to current relations of power and involved in distorting, suppressing and silencing alternative narratives to capitalist power – in this case represented by themselves. During the period of public consultation the press engaged in an industrial shutdown of debate over media reform. This was not a struggle for organisations whose fundamental mission is to hold power to account. Far from it. This was about hanging on to power without accountability.

Understanding the role of the news as an industry and news organizations as corporate entities is crucial to our understanding of how ‘freedom’ can be more easily claimed by some to the detriment of others. ‘Freedom of the press’ as an ethical practice does not somehow magically transcend the market or render invisible the power base to which it is connected. Rather, ‘freedom of the press’ is embroiled in a particular political-economic system. This is a system that tells us that productivity is increased and innovation unleashed if the state stays out of the picture and lets businesses get on with it (Fenton, 2015). This is particularly important for multinational corporations who do not want to be stymied by trifling national policies that threaten to scupper their growth. Productivity in the market and hence news as a commodity takes precedence over the social and political concerns of news as a mechanism of democratic process. In other words, the less ‘interference’ in the form of regulation, the more liberalised the market, the better the outcome (Jessop, 2002). What we are left with is what Victor Pickard calls corporate libertarianism – a market ontology that says anything less than complete deregulation is the ‘end of 300 years of press freedom’.

‘Freedom’ in this sense becomes a narrative device to sidestep the deeper, systemic problems of the newspaper industry of which these ethical misdemeanours are but one symptom. Freedom of the press stands in for *all* activities of the press regardless of whether they have democratic intent or not. This kind of short-cut libertarian defence that aligns freedom with established and vested power interests’ ability to do whatever they like within the law means that any form of regulation that may encourage news organizations to behave in particular ways, is assumed to be detrimental to democracy and involvement of the state in any form whatsoever in relation to the press becomes nothing more than state censorship.[[1]](#endnote--1)

Understanding the role of the news as an industry and news organizations as corporate entities in these relations is crucial to our understanding of how ‘freedom’ can be more easily claimed by some to the detriment of others. The industry response to the hacking scandal in the UK largely conformed to this neo-liberal premise. Freedom of the press expressed purely as the need to get the state to butt out and give commercial practice free reign is about nothing more than enabling market dominance to take priority over all other concerns. Freedom of the press expressed in this way is not a precondition or even a consequence of democracy so much as a substitute for it.

**Conclusion**

It would be easy to surmise that the fledgling campaign for media reform in the UK has failed – afterall, there are still no major publishers signed up to a Leveson-compliant regulator. But this would be misplaced and play into the hands of those who would like to squash this movement once and for all. Rather, we can point to four crucial achievements:

1. It has made media policy a political issue that has made its way into the election manifestoes of some political parties and is a frequent subject of parliamentary debate. In the process the wily entanglement between media and political elites has been exposed such that it is much harder to insulate media reform from political reform because of the lack of autonomy of the media ‘field’ from the actions of the state and the market (Hackett and Carroll, 2006). I have no doubt that were the media reform movement to dissipate then media policy would also fall off the agenda and this is precisely what corporate media want.

2. It has reinvigorated the link between media and democracy putting citizens and the public interest back at the heart of the relationship (Barnett, 2012). At a time when market rationality has overtaken all others this is no mean feat. In his work on media reform movements McChesney (2008) argues that the contemporary US media reform movement was triggered by the anti-globalization struggles that took place from the late 1990s and which raised serious questions about the incorporation of the right to communicate within neoliberal frames and policies. Bringing the citizen back into a frame that has been dominated by a consumer rhetoric may well have repercussions beyond the objective of media reform.

3. The media reform movement has suggested to new players on the news scene that it can be done differently. By challenging the agendas of mainstream corporate press other start-ups and local/hyper-local ventures have found renewed justification in pursuing alternative models of ownership, from local co-ops like Bristol Cable to slow journalism such as ‘Delayed Gratification’. Such ventures put an increased emphasis on shared meaning making, participation and equality and seek to transform the dominant machinery of representation in the media.

4. And we have shown that despite its tentacles of power that reach far and wide, the media industry can be challenged and we should never let its power go unaccounted.

Media activism faces a particular challenge as no meaningful campaign for media reform is likely to be supported by the media itself or, indeed, by any people in positions of power. We need to create the conditions not simply in which we frame modest demands in the hope of them being accepted but to campaign hard for a shift in the public’s attitude to these issues precisely in order to apply pressure on the politicians and regulators who have the formal power to act. Confining reform demands to very modest and narrow proposals is unlikely to stave off opposition by the media or politicians. Indeed, the primary audience for media reform is not simply politicians and policymakers but publics: ordinary citizens whose needs are not being met and whose communicative rights are being undermined.

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1. Interestingly however, the UK newspaper industry has never once referred to the notable state subsidies to the press in the form of VAT exemption that total some £750m per year as state interference or censorship (Nielsen and Linnebank, 2011). [↑](#endnote-ref--1)