

## **Regulation is Freedom: phone hacking, press regulation and the Leveson Inquiry – the story so far.**

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### **Introduction**

In March 2018 the culture minister Matt Hancock announced the government's response (DCMS 2018) to the public consultation on the Leveson Inquiry and its implementation. The government declared that it will repeal Section 40 of the Crime and Courts Act 2013 and will not continue with the Leveson Inquiry Part 2 that was supposed to consider corrupt relations between police and media and was unable to proceed at the time because of court cases that were ongoing. It was an announcement designed clearly to put the Leveson recommendations to bed once and for all. This article recounts the twists and turns of recent history in relation to press regulation in the UK. Tracing back seven years ago to when the Hacking scandal first broke, and the Leveson Inquiry was launched, it considers how the relationship between press and politicians has developed, how the relationship between freedom of the press and press regulation has been defined and what lies ahead.

### **Phone Hacking**

In the summer of 2011 the *News Of the World*, owned by Rupert Murdoch, 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*: 2003-2007), as his Director of Communications, who was arrested by the Metropolitan Police Service in July 2011 for allegations of corruption and phone hacking, then called for a public inquiry chaired by Lord Justice Leveson to investigate the issue.

Hackgate, as it became known, revealed in full technicolour through live web-streaming of courtroom evidence, the mechanisms of a system based on the corruption of power – both of governing elites and of mediating elites and the relations between them. During the Leveson Inquiry it was revealed that a member of the Cabinet had met executives from Rupert

Murdoch's empire once every three days on average since the Coalition was formed<sup>1</sup>. The Inquiry also heard that on 7 October 2009, the day before David Cameron addressed the Conservative Party conference, Rebekah Brooks, then chief executive of News International (2009-2011) and former Editor of *News of the World* and *The Sun*, sent Cameron the following text message:

‘But seriously I do understand the issue with the *Times*. Let's discuss over country supper soon. On the party it was because I had asked a number of NI [News International] people to Manchester post endorsement and they were disappointed not to see you. But as always Sam was wonderful – (and I thought it was OE's [Old Etonians] that were charm personified!) I am so rooting for you tomorrow not just as a proud friend but because professionally we're definitely in this together! Speech of your life? Yes he Cam!’<sup>2</sup>

The Brooks-Cameron relationship was seen as indicative of a culture of press-politician mutual interest in which media executives and party leaders work together to ‘push the same agenda’, in Cameron's words. The inquiry also revealed the systematic invasions of privacy by headline hungry journalists that wrecked lives on a daily basis (Cathcart, 2012); the lies and deceit of senior newspaper figures; and a highly politicised and corrupt police force. Rebekah Brookes admitted to paying police for information in a House of Commons Select Committee in 2003 but denied it in 2011 (BBC News UK, 15 April 2011) and we discovered that over a quarter of the police public affairs department were previous employers of the *News of the World* (Warrell, 2011).

The reasons phone hacking took place are complex and emerge from a myriad of issues that have been documented over many years by studies of news and journalism but brought into shocking close-up with this scandal. Phone hacking did not happen just because those who did it knew they could get away with it and editors thought on balance it was a business risk worth taking (in other words, that any subsequent payouts to victims would be easily offset

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<sup>1</sup> 20 Cabinet ministers met senior Murdoch executives 130 times in the first 14 months of office. See the full list on Number 10's website: <http://www.number10.gov.uk/transparency/who-ministers-are-meeting/>

<sup>2</sup> *Transcript of Morning Hearing 14 June 2012*. pp. 82-83. [pdf] Available at: <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/06/Transcript-of-Morning-Hearing-14-June-2012.pdf> >

against increases in sales). Many editors denied that they had any knowledge of illegal practice occurring. The problem reaches much broader and deeper than any slippage in ethical practice would seem to suggest and rests not simply with the individual journalists but with the system of news production they are part of. The reasons hinge on the increasing entanglement of political and media elites as news coverage has taken on an ever more important role in policy making and elections (Davis 2002; Coleman, 2012) and (on the whole) less and less people vote; the failure of the Press Complaints Commission (the newspaper industry watchdog) to uphold ethical standards and enable adequate self-regulation of journalists (CCMR, 2011; Phillips, Couldry and Freedman, 2010); alongside the broken business model of newspapers with plummeting circulation and readership figures and the migration of classified advertising to online sites such as Craigslist in the US and Gumtree and eBay in the UK (Fenton, 2010; Levy and Nielsen, 2010).

Over the last two decades there has been a tremendous growth in the number of news outlets available including the advent of, and rapid increase in, free papers, the emergence of 24-hour television news and the popularization of online and mobile platforms. News is produced and distributed at a faster rate than ever before and often takes place on several platforms at once. This has provided the newspaper industry with some real challenges. In a corporate news world it is now difficult to maintain profit margins and shareholder returns unless you employ fewer journalists. But fewer journalists with more space to fill means doing more work in less time often leading to a greater use of unattributed rewrites of press agency or public relations material and the cut and paste practice that is now commonly referred to as churnalism (Davies, 2008). Churnalism does not lend itself to transparency and accountability.

Combine the faster and shallower corporate journalism of the digital age (Phillips, 2014) with the need to pull in readers for commercial rather than journalistic reasons and it is not difficult to see how the values of professional journalism are quickly cast aside in order to indulge in sensationalism, trade in gratuitous spectacles and deal in dubious emotionalism. This is complicated yet further by news intermediaries such as Google and Facebook who soak up global advertising spend and distort the distribution of news through algorithms that personalise news feeds and prioritise size and scale (Fenton and Freedman, 2018). These economic drivers cannot be underestimated but they don't tell the whole story. Rather, the concerns spring from a thoroughly marketised and deregulated newspaper industry; many

parts of which have long since relegated the motive of the press as fourth estate holding truth to power to the sidelines.

As Trevor Kavanagh, Associate Editor of the *Sun* noted in his own evidence to Leveson:

‘...news is as saleable a commodity as any other. Newspapers are commercial, competitive businesses, not a public service.’ (6 October 2011):

<http://www.guardian.co.uk/media/2011/oct/06/trevor-kavanagh-leveson-inquiry-speech>.

News in these formulations is primarily for profit – a marketplace that operates on market principles. Treating news in this way is part of a much broader political shift in focus from citizenship to consumerism and from states to markets. But of course, news is no ordinary commodity – it offers the possibility of directing the public conversation and hence is of relevance to politicians keen to convince voters of the benefits of their particular policy formulations.

### **Leveson reports**

After an 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 was clear to emphasise that his recommendations were about enshrining press freedom and ensuring that any subsequent regulatory system was independent from government, albeit underpinned by statute. 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 while ensuring that the press could not, as was popularly remarked, mark their own homework.

Yet still the press industry objected with a simplistic response to so-called government interference in the workings of the press. This prompted the then 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 quickly became the default position of the press lobby. A common response from the news industry itself has been to direct responsibility for phone hacking towards the law and inadequate policing, claiming that it was not the concern of the media industry but rather a result of failures in criminal investigations and prosecutions. The solution must lie therefore with the police and the enactment of the law and not through further regulation of the profession or industry which should remain ‘free’ to do effectively, as it pleases. ‘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 organisations 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.<sup>3</sup>

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 are still trying to preserve: freedom to print whatever they like and, in the process, run roughshod over people’s lives causing harm and distress for the sake of increased sales and revenue.

## **Freedom of the Press**

Freedom of the press has always been associated with the ability of news journalists to do

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<sup>3</sup> It is interesting to note that the UK newspaper industry has never once referred to the extensive state subsidy in terms of VAT exemption as state interference and has been happy to accept the subsidy for local news journalism from the BBC licence fee

their job free from interference from government (Muhlmann, 2010). Clearly this is crucial for independent news production and a healthy public sphere. Consequently, self-regulation has become the sacred mantra associated with the freedom of the press — the only means to ensure governments cannot interfere in, dictate the terms and thwart the practice of journalism. But this denies the influence and power of a corporate culture that wreaks its own havoc and sets its own agenda often far more blatantly than any democratic government would ever dare. Furthermore, if you are relatively powerless (say a journalist in relation to an editor) then self-regulation can be meaningless, especially when the person in power does not share your views. When journalists at the *Independent* newspaper were threatened with redundancies, Michelle Stanistreet, General Secretary of the National Union of Journalists commented that a workforce that is paid “bargain basement salaries [...] is fearful and compliant” (Press Gazette, 2 August 2013).

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. ‘Freedom of the press’ as an ethical practice does not somehow magically transcend the market it is part of. Rather, it has become embroiled in a neoliberal 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. 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). In neo-liberal democracies the power of the market is just as significant as the power of government. In the UK, there is certainly no rush to regulate for a healthy relationship between news media and democracy, yet there is plenty of urgency about the need to deregulate media for the benefit of the market.

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.

Freedom works both ways and freedom of the press must be balanced by freedom of the

public to assess and challenge the nature of that communication: freedom shared not power abused. In other words, 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. 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.

Initially, it looked like the press lobby were willing to accept this (it was, after all, devised in response to their concerns), but when their own version of the Charter was not accepted, 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 to fully control. Instead they revamped the discredited Press Complaints Commission and called it the Independent Press Standards Organisation (IPSO) – an organisation run by the industry, that meets less than half of Leveson’s recommendations. 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.

This brings us to Section 40 (remember – the government is now set to repeal this part of the Crime and Courts Act). A crucial part of the new Royal Charter 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: providing 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 know it. Consequently, even after Section 40 had become law (but had not yet been commenced) much of the Press went on a propaganda offensive to try to ensure it never saw the light of day. Karen Bradley, then 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 that has since been flouted again by Matt Hancock's March announcement).

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 over the full implementation of the Leveson recommendations 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.

It is worth considering in more detail the government's reasoning for repealing S40 and abandoning Leveson Part 2. First, it claims that IPSO is doing a good job. On February 20<sup>th</sup>, just over a week before the government's announcement in response to the consultation on the implementation of the Leveson recommendations, the Home Affairs Select Committee met to discuss the role of the press in spreading 'hate crime and its violent consequences'. In October 2016 a few months after the Brexit campaign, the European Commission against Racism and Intolerance Report on the UK (ECRI, 2016: 9) stated: 'Hate speech in some traditional media, particularly tabloid newspapers, continues to be a problem, with biased or ill-founded information disseminated about vulnerable groups, which may contribute to perpetuating stereotypes.....It is no coincidence that racist violence is on the rise in the UK at the same time as we see worrying examples of intolerance and hate speech in the newspapers, online and even among politicians.'

One of the witnesses to the Select Committee was Sir Alan Moses, Chair of IPSO. The Committee heard that according to IPSO's own data it had received 8,148 complaints in a single year relating to discrimination but that only *one* of those had been upheld. Moses said that this figure reflected the nature of Clause 12 of the Editors Code that only allowed complaints of discrimination to be upheld when they are made against individuals and not a group of people such as Muslims, LGBTQ+, migrants, refugees, women etc. In other words, it effectively enables general discrimination by explicitly excluding it from its definition (Moore and Ramsey, 2017). The practical consequences of this are that invoking Nazi rhetoric by talking about "the Muslim problem" as Trevor Kavanagh did (who was then on IPSO's Board) in his column in *The Sun* is, according to IPSO, perfectly legitimate. The Editors' code committee (chaired by the editor of the *Daily Mail*, Paul Dacre – the newspaper which has consistently been found to have committed the most breaches of the Code) revised the Code in 2015 and knew precisely what it was doing. And so, it is perfectly happy to consider 8,148 complaints relating to discrimination and say that there is not a problem. IPSO is working just fine (if you happen to be a newspaper editor).

Second, the government argued that the media landscape has changed. On the face of it this is

of course irrefutable – news now comes to us in many different ways. But the response to the government consultation pegs its argument on the claim that ‘the percentage of adults reading online news, newspapers or magazines has tripled from 20 per cent in 2007 to 64 per cent in 2017’ (DCMS, 2018: 8). It then cites Ofcom research that the percentage of adults who read newspapers (excluding online versions) has fallen from ‘40 per cent in 2013 to 21 per cent in 2016’ (p.8). The argument put is that the power of the press is diminishing rapidly in the digital era and we should no longer be worried about it.

But if many more people are reading news online why exclude that readership from any analysis of the power of the press? Ofcom (2016) also notes that in 2016 just over 60 per cent of consumers relied on just one or two wholesale news sources (regardless of which platform), less than they did in 2011 and that the combined print and digital readership of the *Daily Mail* and *Mail on Sunday*, *The Sun* and *The Sun on Sunday*, *The Times* and the *Sunday Times*, and the *London Evening Standard* increased between 2015 and 2016. As noted above, online intermediaries (such as Facebook and Google) most often amplify the voice of dominant news brands because their algorithms prioritise mainstream news content. Ofcom refer to data from Newscorp showing high levels of consumption of their content through third-party platforms and note that according to comScore’s News/Information category 68 per cent of the total digital audience access the Mail Online/the Daily Mail and 64 per cent access The Sun Online. The 2017 (p.19) Digital News Report from the Reuters Institute also states that ‘[o]ur research suggests that the vast majority of news people consume still comes from mainstream media and that most of the reasons for distrust also relate to mainstream media.’

There are many surveys on trust in news in circulation. Often, they are difficult to compare because they are not measuring like for like. Nonetheless, the general trend suggests that trust in national newspaper journalism in the UK, and in red-top journalism in particular, is low in comparison to other media and to other countries. In 2017 the Edelman Trust barometer said that trust in the media in the UK had plummeted to an all-time low of 32 per cent - this was repeated in 2018 with only 23 per cent of UK youth saying they trusted the media. The data from the 2018 Edelman Trust survey were largely reported positively in the press as trust in ‘traditional’ media was seen to increase by 13 per cent while trust in social media decreased. However, this is misleading as ‘traditional’ media was not disaggregated as a term and so included things like the BBC (which always scores relatively highly in trust terms) while

social media includes much content that comes from mainstream ‘traditional’ sources. More interesting is the 64 per cent of people who agreed that ‘the average person does not know how to tell good journalism from rumour or falsehoods’.

It is probably because most people’s news still comes from the mainstream news media that constant polling has shown 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.

So why did the government consultation on the implementation of Leveson claim that the vast majority of responses (79 per cent) favoured full repeal of Section 40? The government consultation chose to count only ‘direct responses’ to their survey – the total of 174,730 direct responses came in the form of emails, letters and online survey responses. They note that a large number of direct responses (although we are not told how many) came as a result of newspapers and their organisations encouraging their readers and members to respond directly to the consultation. Other organisations who encouraged members to respond such as Avaaz and 38 degrees with a combined total of 200,428 responses all supporting Leveson 2 were ignored because they were not considered to be ‘direct respondents’. This raises interesting questions about whose voices count most in government consultations. Different forms of submission may be welcomed but they are not treated equally (at least not when the nature of the response runs counter to a Minister’s or governments will).

Exactly one week after the government announced that it would repeal section 40 and abandon Leveson Part 2 because the first part of the Leveson Inquiry had done the job and the world had moved on, another story broke involving a whistleblower - John Ford. This was the first time a broadsheet paper, also from the Murdoch stable, faced serious allegations of illegal behavior on a grand scale. Ford revealed his work as a former “blagger” for the Sunday Times over a period of 15 years from 1995-2010, during which he says his activities included hacking, impersonation, fraud, deception and data theft relating to thousands of people including leading politicians, celebrities and hosts of ordinary people. In response several Members of Parliament immediately questioned the wisdom of abandoning Leveson 2. A Conservative MP, Kenneth Clarke, who was Justice Secretary when the Leveson inquiry

was established, queried whether Hancock could ‘really think that there is no longer sufficient public interest in new allegations of this kind or in knowing which newspapers were bribing which policemen because it was as long ago as seven years? Does he think that the best newspapers in this country would accept that judgment for a moment if it was applied to any other sector of the economy? We have public inquiries in hand at the moment looking into much older things—allegations of sexual abuse, the haemophilia tragedy, and others—so will he not wait until we have a new allegation that is post-2011 before at least thinking again a bit about his decision?’ (Hansard, 2018).

Although no-one mentioned the Hillsborough disaster and its coverage by *The Sun* in the discussion, it offers a good example of the time it can take for the truth to become established and the role the press can play in suppressing it. Beneath the headline ‘The Truth’ *The Sun* claimed that some Liverpool supporters urinated on police and stole from dead bodies causing tremendous distress and anger and contributing to the length of time it took to finally get the official verdict of unlawful killing and exonerate the supporters some 27 years later. The Minister’s reply effectively denied such hard-fought histories and was indicative of a long-standing refusal to shine a light on any potential wrongdoing in the newspaper industry: ‘I am concentrating on what we need for the future, not on what happened more than seven years ago’ (Hansard, 2018).

Of course, the history of failed press regulation goes back much further than 7 years. 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 which 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. But, IPSO refused to be part of the system of press regulation under the Royal Charter.

## **Conclusion**

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 response of Matt Hancock, the current Minister for the Department of Culture, Media and Sport has been to launch the Cairncross Review in to the sustainability of high quality journalism 'to safeguard the future of our free and independent press [...] and make sure we don't wake up in 5 years time to find that high quality journalism has been decimated and our democracy damaged' (Hancock, 2018). The remit of this review focuses almost entirely on financial sustainability and the state of the market; it is a response to industry concerns and commercial imperatives rather than those based around the public interest. Its terms of reference can do nothing more than prop up existing models of bad practice since it is assumed that a well-functioning market will automatically translate into a high quality product with little concern that the relevance of journalism extends way beyond its function as a commodity to be bought and sold. Without any hint of irony, the press and government alike appear perfectly happy to suggest that there is a need to consider further regulation regarding the role and impact of digital search engines particularly in relation to 'fake news', while refusing any adequate system of independent accountability that can call out their own misrepresentations, distortions and lies. The contradiction will not be lost on many.

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