

Responsiveness and legitimacy in the regulation of the press



Last night Sir Alan Moses delivered a speech at the LSE on the Independent Press Standards Organisation (IPSO) and the future of press regulation. In it he cited the work of LSE's Pro Director for Research, Julia Black. Here she argues that Moses and IPSO need to remember their role is to protect the public, not the regulated.

Sir Alan Moses' impassioned speech on the role of IPSO sets out clearly that in order to succeed IPSO will have to gain the trust of those it regulates, the Press.

In so doing, he employs the work of myself and colleagues at the LSE, both past and present, to argue that in order to succeed, regulation has to be responsive to the dynamics and incentives of those being regulated. That is so. However, what he does not acknowledge is that, as we also argue, in order to succeed regulators also need to be responsive to a number of other elements of the regulatory system itself and the broader social, political and legal infrastructure in which regulators operate.

Critically, regulators need to gain the trust not only of those that they regulate, but of those on whose behalf they are meant to be regulating, ie the public, or certain sections of it. Whilst understanding and being responsive to the operational dynamics and incentives of those being regulated is an important element of successful regulation, it is not sufficient. In order to be successful a regulator has to be seen as legitimate and trusted by those on whose behalf it is regulating – the public. That requires it to uphold the public interest even when, and indeed, especially where, doing so goes against the demands of those being regulated.

Understanding how regulated organisations work is important for developing strategies to regulate them, but the important element in regulation is to change behaviour, not provide a veneer of justification for behaviour to continue just as before. In order to be trusted by the public, a regulator has to be independent, both from its political overseers and from those it is regulating. Most importantly, it has to be seen to be independent. That will involve acting in ways which may irritate both the regulated and politicians, but as long as the regulator is doing so in pursuit of its mandate to protect the public interest, however that is articulated, it is doing its job.

Regulation is a tough job – it is not a popularity contest where the voters are the regulated. Those who take on the job of regulation have to be sufficiently tough and robust themselves to maintain their independence if they are to survive. If IPSO is to succeed, and there are many on both sides of the argument who hope it does not, Alan Moses will have to demonstrate that it can be effective in striking out the intolerable behaviour of the press which so many abhor.

This article gives the views of the author and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics and Political Science.

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