

The liberal theory of press freedom

According to classical liberal theory, the freedom to publish in the free market ensures that the press reflects a wide range of opinions and interests in society. If a viewpoint is missing in the press, this is only because it lacks a sufficient following to sustain it in the marketplace. As the heroine puts it in Tom Stoppard's play *Night and Day*, 'The *Flat Earth News* is free to sell a million copies. What it lacks is the ability to find a million people with ... a conviction that the earth is flat. Freedom is neutral'.

The free market, it is also argued, makes the press a representative institution. 'The broad shape and nature of the press', proclaims John Whale, 'is ultimately determined by no one but its readers'. This is because newspapers and magazines must respond to the concerns of their readers if they are to stay in business.

Some liberal theorists view the market as an analogue of the electoral process. They claim that newspapers submit themselves to public judgement every time they go on sale, whereas politicians stand for election at infrequent intervals. Consequently newspapers are closer to the people than are their elected representatives.

The market-based press is independent because it owes allegiance only to the public. The press is the people's watchdog, scrutinizing the actions of government and holding the country's rulers to account. Its reporting of the news keeps readers abreast of important events and developments, and enables them to exercise informed judgements at election time. By providing a forum of public debate, the press also facilitates the formation of public opinion. This opinion is then relayed by the press – the people's tribune – to those in power.

There is thus a clear sequence of argument, which begins with the claim that the free market renders the press diverse, representative and independent. The press's autonomy enables it to fearlessly scrutinize government, brief the electorate, stage a national debate and relay public opinion to authority. To this are sometimes added ancillary functions such as expressing the shared values of the public, assisting society to adapt to change and exposing wrongdoing.

This classical liberal theory of the press has been repeated so often that it has acquired a seemingly unshakable authority. But its chain of argument contains a number of weak links. This will become apparent when we compare the reports of the three major inquiries into the British press and consider what ensued during the official silence that followed.

Freedom to publish

'Free enterprise', declared the first Royal Commission on the Press (1949), 'is a prerequisite of a free press'. Underlying this belief was a relatively untroubled conviction that the unrestricted freedom to publish produces a diverse and representative press. The Commission expected to find that 'the press as a whole gives an opportunity for all important points of view to be effectively presented in terms of the varying standards of taste, political opinion, and education among the principal groups of the population'. Wartime regulation was blamed for preventing new publications from springing up to meet changes in public demand. Anticipating deregulation, the Commission rejected proposals for assisting the launch of new papers as unnecessary. The natural creativity of the market, it assumed, would again make the press representative.

This assessment was queried by the next Press Commission (1962), and openly disputed by its successor (1977). The latter's blunt conclusion was that 'anyone is free to start a daily national newspaper, but few can afford even to contemplate the prospect'. It also noted that the national press was overwhelmingly right wing and manifestly unrepresentative. Indeed, 'in February 1974 ... the share of newspaper (national daily) circulation held by papers supporting the Conservative Party was 71% greater than Conservative votes as a percentage of the votes cast'.

High entry costs were found to curtail the freedom to publish in other sectors of the press. Even establishing a new local evening paper in a town with no direct competition would cost in 1977, according to the Commission, between £2 million and £3 million. The cost of launching a new magazine in the main consumer sectors was also found to be high. As for new paid-for weeklies, there are 'not many places left with the right conditions to provide a permanent market'.

The assumption that 'anyone' is free to start a new paper has been an illusion ever since the industrialization of the press. That it is an illusion was exposed in unsparring detail by the last Commission. In effect, it dislodged a key foundation stone of liberal theory.

Since then, the advent of the internet has enhanced the freedom to publish by lowering entry costs. But the list of the ten most-visited news sites is dominated by large news organizations like BBC News, the *Guardian*, *The Times*, *Sun* and *Telegraph*.¹ It is always possible to set up small websites, the equivalent of small corner shops. But this is not the same thing as publishing well-resourced news websites – the equivalent of supermarkets – which large numbers of people visit.

Diversity and chain ownership

The 1949 Commission argued that proprietors should be free to conduct their publications as they wished. This was justified partly on the grounds that proprietors had the right to safeguard their financial investments in a high-risk industry. The Commission also believed that publishers' freedom from restraint underpinned the diversity of the press.

This hands-off approach assumed that chain ownership would not develop into a major problem. 'There is no reason to expect', declared the Commission, 'that the aggressive expansion of chain undertakings [in the daily and Sunday press] which characterized the early period will be resumed. Neither in the local nor in the periodical press nor in the news agencies do we expect a significant trend towards further concentration of ownership.'

The 1962 Commission was obliged to revise this assessment. It found that the share of circulation controlled by the major chains had 'substantially increased' in all parts of the press. The leading three proprietors' share of the national daily press had soared to 89 per cent. There were, it added, 'spectacular movements towards concentration of ownership' in the periodical press. Only among local weeklies was concentration 'negligible'.

This latter conclusion had to be discarded. Acceleration of chain ownership since 1962 had been greatest, concluded the 1977 Commission, in the local weekly press. Unlike before, new acquisitions had also resulted in the same three proprietors dominating both the national daily and the Sunday markets. In addition, the Commission highlighted a phenomenon which had previously received little attention – the emergence of subregional monopolies in which all or nearly all 'competing' local morning, evening and weekly papers were owned by the same group.

These changes in press ownership led to a shift in perspective. Whereas the first two Commissions had taken for granted the right of proprietors to determine editorial policy, the third Commission talked of the need to 'protect editors and journalists from owners'. The exercise of proprietorial power no longer appeared to be legitimate as a basis for securing press diversity, at a time when only three men controlled over half of total daily and Sunday newspaper sales in Britain.

In the thirty years after 1977, there was a major expansion of local press concentration, but a small reduction in the dominant three groups' share of national press circulation. Overall, the level of press concentration remained especially high in Britain, much higher than in most European countries (due to the dominance of the British national press).

Loss of independence

Other changes contributed to growing misgivings. The first Commission had advanced as a subsidiary justification for proprietorship the claim that it

safeguarded the independent integrity of the press. 'It is undoubtedly a great merit of the British press', declared the Commission, 'that it is completely independent of outside financial interests and that its policy is the policy of those who own and control it'. The Commission thus invoked the classical liberal view of the press as an independent fourth estate, uncompromised by vested interest.

However, most of the British press was bought up by, or diversified into, interests outside publishing during the 1960s and 1970s. By 1977, all but one of the leading publishing groups in both the national and regional press were part of larger conglomerates with holdings in fields as diverse as oil, transport, mining, construction, engineering, finance or the leisure industries. 'Rather than saying that the press has other business interests', concluded the last Commission, 'it would be truer to argue that the press has become a subsidiary of other industries'.

This clearly undermined the case for proprietorial control as a guarantee of the press's independence, to which the first Commission had paid such full-some tribute. It also cast in a new light the Commission's contention, cited above, that proprietors had the right to exercise control over their investments in the high-risk press industry. If investigative journalists discover wrongdoing by a parent or sister company, should their employers have the legitimate right to suppress what they found? More generally, can the freedom of the press be equated with the freedom of conglomerates, owning much of the press, to promote their business interests? These questions clearly troubled the 1977 Commission, and partly explain why it was much less enthusiastic about 'the rights' of proprietors than were its predecessors.²

Since the Commission's report, most large press groups have refocused their activities on communications, though many still retain some non-media interests. However, this shift has compromised in a new way rather than restored the press's independence. Most major press groups have interests in other media (such as books, TV, film, magazines, radio or the internet), not merely in Britain but abroad. They are not subsidiaries of big business: they are big business. They are also active lobbyists of government, seeking to change public policy in their favour³ – something that is not consistent with the disinterested actions of an autonomous fourth estate.

Competition, choice and new technology

The first Commission attached great importance to the role of competition in making the press responsive to the public. Due to competitive pressures, argued the Commission, 'whatever a paper's purpose and however it is owned, it cannot escape the necessity of offering the public what some at least of the public will buy'.

Although the Commission was troubled by the large number of newspaper closures during the inter-war period, it viewed this as a temporary lapse

caused mainly by publishers' extravagance and lack of adaptability. 'In the provincial press as a whole', it concluded, 'there is nothing approaching monopoly and we can see no strong tendency towards monopoly'.

The 1962 Commission introduced a Keynesian analysis which suggested that a trend towards contraction and monopoly was a built-in feature of the newspaper market. 'The natural tendency', concluded the 1962 Commission, 'of the economic factors affecting [newspaper] production and sale is to diminish the number of papers ...'. Successful papers are usually able to outspend their rivals because they have both greater sale and advertising revenues, and also lower unit costs, due to their higher economies of scale. In the long-term, this tends to result in weaker rivals going to the wall. The 1977 Commission broadly concurred with this analysis, adding two things. Economies of consolidation were enabling strong press groups to buy out rivals in the local press, at above the market rate.⁴ The large financial resources and accumulated expertise of leading press groups also equipped them to launch new publications more successfully than small independents.⁵

The 1977 Commission found some solace in the emergence of freesheets. However, the rise of local freesheets during the 1980s reduced the number of paid-for weeklies. It eroded local press autonomy by generating papers totally reliant on advertising. Freesheets also became organized increasingly into chains, many of them the same chains that dominated the local press. By 1988 the five largest publishers of freesheets were responsible between them for 338 free newspapers, and a further 243 paid-for papers.

The 1977 Commission also placed much hope in new technology. During the 1980s, new, computer-aided print technology did in fact lower entry costs, and enable the launch of new papers in the national press (though rarely in the local daily press). However, most of these new publications failed. Costs rose again when leading national papers greatly expanded their size, forcing their less well-endowed rivals to follow suit. Once again, entry into the national press became prohibitively expensive. The last new national daily to be launched was Eddy Shah's short-lived *Par* in 1988. With the exception of the *Star's* Sunday edition (launched in 2002), the last new national Sunday was the ephemeral *Sunday Correspondent* (1989–90). Computer technology did not ride to the rescue for long.

In the period 1948–2002, there was a reduction in the total number of paid-for newspapers in the UK from 1441 to 646. The biggest decrease was in paid-for weekly papers, and in local morning dailies, though there was a marginal increase in the number of national papers during this period (see Table 21.1). The result was a long-term weakening of competition, and spread of monopoly in the local press. Between 1921 and 2002, the number of urban centres with a choice of paid-for local morning papers fell from twenty-seven to none, and of paid-for local evening papers from fifteen to two.⁶

The rise of the internet seemingly offers a technological remedy to this contraction, since it extends choice. However, the benefit of this has been

Table 21.1 The number of newspaper titles, 1921 to 2002

	1921	1937	1948	1961	1976	1988	2002	% reduction 1921–2002
<i>National press</i>								
National daily	14	11	11	10	9	12	12	14.3
National Sunday	14	10	10	8	7	9	11	21.4
<i>Regional/local press</i>								
Morning	41	27	27	22	20	18	19	53.6
Morning freesheets	–	–	–	–	–	–	6	–
Evening	93	83	80	77	79	74	74	20.4
Sunday	7	7	6	5	6	8	11	(57)
Sunday freesheets	–	–	–	–	–	–	10	–
Weekly and bi-weekly	1485	1303	1307	1219	1072	801	509	65.7
Freesheets	–	–	–	–	185 ^a	896 ^b	640	–
Total ^c	1654	1441	1441	1341	1193	922	646	61.6

Sources: Royal Commission on the Press 1947–9 Report, Appendix 2, Tables 2–3; Royal Commission on the Press 1961–2 Report, Appendix 3, Tables 3 and 5; Royal Commission on the Press 1974–7 Final Report, Annex 3, Table 4; Press Council Annual Report 1988, Table 1 and Table A.

Notes: ^a This relates to 1975. ^b In addition, there was one local daily and one Sunday freesheet. ^c Excluding freesheets.

diminished by two things. Newspapers have poured money into developing news sites, thereby pre-empting the rise of rivals. And, as mentioned earlier in this book, the press is now reeling from the loss of advertising. Advertising expenditure on the internet overtook that in the national press in 2006, and in the regional press in 2007.⁷ Press advertising is not relocating in the main to newspaper websites, but to other parts of the web. The business model for delivering news – based on a large advertising subsidy – is beginning to break down. The result will be editorial budget cuts and cumulative newspaper closures, for many years to come, that will bite into the national as well as regional press.

In short, the *deus ex machina* of classical liberal theory – free market competition that is supposed to render the press diverse and representative – has fallen into disrepair in the regional press, and is threatened in the national press.

Reappraisal

The standard themes of liberal theory are open to more far-reaching objections than that provided by the Press Commissions. The press is not representative, because it is owned and controlled by the powerful.⁸ Newspapers do not 'represent' their readers' views in a literal sense, because readers buy papers partly to be entertained: thus, survey research shows that only a

minority of the *Sun*'s readers actually voted the same way as their paper in the four general elections of the Conservative ascendancy (1979–92). And a narrow focus on the alleged representative role of the press ignores the far more significant source of representation provided by civil society.

But the Press Commissions represent, nevertheless, staging posts in a journey of disenchantment with traditional liberal theory. In particular, what had seemed plausible to the first Commission seemed increasingly implausible to its two successors. They drew attention to four underlying problems. High entry costs render the press less accountable; the growth of chain ownership limits press diversity; wider business entanglements weaken the press's claims to disinterest; and the recurrence of market failure undermines those processes which are said, in liberal theory, to make the press the servant of the people.

These long-term problems are not specific to Britain, but are manifested all over the world. One response to them has been to promote the ideals of social responsibility and objective journalism among journalists as a way of ensuring that the press serves the public. It is a strategy that has been pursued vigorously in the United States, partly as a way of mitigating the consequences of increasing press concentration and monopoly in the decentralized American press. It has also become, in practice, a way of delegitimizing the market system. However, in a British context it has radical implications, since it upholds professional autonomy and impartiality in a way that challenges the partisan, hierarchical character of the national tabloid press.

The alternative route is the social market strategy pursued particularly in northern Europe. This has taken various forms: general press subsidies, selective grants to minority papers, aid for the launch of new publications, and press-specific anti-monopoly measures.⁹ This approach seeks to sustain diversity and competition through public intervention, and is also a way of delegitimizing the market system. However, even this option has radical implications in Britain, because it means deviating from the traditional British press policy of having no policy.

In the event, the last two Royal Commissions dithered between these two strategies without fully backing either. Their indecision was the root cause of their ineffectiveness.

Social market flirtation

Perhaps the closest the Press Commissions came to following a social market strategy was to advocate special anti-monopoly measures for the press. This was tentatively initiated by the 1949 Commission, which proposed that the Monopolies Commission should monitor changes in press ownership with increased vigilance. This proposal had no discernible effect.

In 1961 its successor recommended the setting up of a Press Amalgamations Court. A variant of this proposal was adopted in 1965. It required all

large press groups to obtain the permission of the Secretary of State before they were allowed to purchase a newspaper. The 1977 Commission demonstrated that this approach had failed: all fifty press acquisitions between 1965 and 1977, falling within the terms of anti-monopoly controls, had been allowed. The Commission argued that anti-monopoly legislation needed to be strengthened in five ways. Its advice was ignored.

Since its report, nothing has happened to suggest that feeble anti-monopoly legislation has had any significant influence on the press. Out of 172 transfers of newspaper ownership to major press groups between 1980 and 2000, only three applications (all involving minor papers) were refused, and a further five were approved subject to conditions.¹⁰ All major acquisitions – including Murdoch's purchase of *The Times* and *Sunday Times* in 1981¹¹ and the Guardian Group's acquisition of the *Observer* in 1993 – were allowed.

The last two Commissions placed enormous faith in the power of legislation to restrain the growth of press concentration. They rejected proposals for divesting the major press groups – originating from the centre as well as from the left of the political spectrum.¹² They also opposed the introduction of selective press subsidy systems, now operating in a number of Britain's neighbouring countries. In effect, they put most of their weight behind one particular strategy. It failed.

Restriction on joint media ownership

The Press Commissions had slightly more success in seeking to keep the press and broadcasting industries separate, in the interests of maintaining media pluralism. However, this success came late and proved to be short lived.

Against the prescient advice of the first Press Commission, newspaper owners were allowed to be investors in commercial television when it was launched in 1955. The second Press Commission was critical of this involvement, but was prevented from making an explicit recommendation by its terms of reference. Contrary to the spirit of its report, press groups continued to retain shareholdings in commercial television. Indeed, they were even given a prescriptive right to participate in setting up local commercial radio stations in their circulation areas when independent radio was introduced in 1972.

This prescriptive right was ended by the 1981 Broadcasting Act, on the recommendation of the 1977 Press Commission. The IBA also adopted a policy of reducing substantial press interests in commercial television and radio in response to the urging of both the 1977 Press Commission and the 1977 Annan Committee on Broadcasting. This was codified in the 1990 Broadcasting Act, which prevented any press group from having a controlling stake in a television franchise.

However, the tide turned during the deregulatory 1990s. The 1996 Broadcasting Act partly reversed previous policy by allowing most news-paper groups (with less than a 20 per cent share of the national market) to expand into terrestrial television, and by relaxing the rules about cross-ownership of local press and local radio. The New Labour administration indicated its willingness to go further down this path in 2001, after protracted public soundings dominated by self-interested media lobbying. The Communications Act (2003) opens the door to Murdoch's acquisition of Channel 5, if it becomes available for sale.

This was preceded by the adoption of more liberal rules governing the development of satellite and cable television (and later digital multiplexes), allowing extensive cross-ownership to develop. The key turning point was 1990, when Rupert Murdoch, controller of the largest press group in Britain, was allowed to dominate British satellite television by retaining control of the merged satellite broadcaster BSkyB.

Self-regulation

If the Press Commissions' flirtation with social market policies was a relative failure, the tentative steps they took to promote the professionalization of the press were scarcely more successful. The most concrete reform to emerge from their efforts was the establishment of a self-regulatory agency. This was conceived by the 1949 Commission as a well-funded and widely respected public body concerned not only with investigating complaints against the press but also with such matters as the recruitment and education of journalists and the promotion of substantial research into the press. The 'General Council of the Press', envisaged by the Commission, would be similar to the General Medical Council. It would embody and promote a professional culture among journalists.

The Press Council was reluctantly set up by the industry in 1953, in an enfeebled form, following the threat of statutory regulation. The Press Council's shortcomings were roundly condemned by the 1962 Commission, which urged government legislation if there was no improvement. This produced some reforms – notably, the appointment of an independent chairman and the annual publication of press concentration statistics. However, these reforms failed to impress the third Commission. 'We hope', concluded its scathing report, 'that in future the Press Council will be more vigilant in demonstrating the independence and impartiality to which it lays claim.'

The 1977 Commission made twelve recommendations for a complete overhaul of the Press Council's organization and procedures. Nine of these (including most of the important ones) were rejected. However, the fresh threat of legislation, with all-party support, led to another round of reform in 1989 to 1990. This included, after twenty-seven years of foot-dragging, the formulation of a code of conduct for journalists. However,

these reforms were judged to be too little and too late by the Calcutt Committee, which recommended that the Press Council be disbanded and replaced by a more effective agency.

The Press Complaints Commission (PCC) was established in 1991. When it was investigated by Sir David Calcutt in 1993, it was also found to be failing the public:

The Press Complaints Commission is not ... an effective regulator of the press. It has not been set up in a way, and is not operating a code of conduct, which enables it to command not only press but also public confidence ... It is not the truly independent body that it should be.

This indictment led eventually to the appointment of a new chairman, Lord Wakeham, in 1995. Once again, the cycle of public scrutiny and condemnation, followed by contrition and the promise of reform, was resumed. Once again, minor improvements were made. The PCC became a more user-friendly, efficient, publicity-conscious organization. The backing of key figures in the industry ensured that it carried more clout than the 1980s Press Council had done. Wakeham proved to be adept at courting the powerful, until he resigned his PCC chairmanship in 2002 in order to spend more time with his lawyers, as a consequence of his alleged entanglement (as a non-executive director) in the Enron fraud case.

However, despite some improvements, two fundamental problems besetting press self-regulation were not resolved. The PCC was not fully independent of the industry which funded it. It was also not very effective. It had no power to command evidence, award fines or order the payment of compensation. It also lacked moral authority, because it did not enjoy the wholehearted consent of the press industry, and was only accepted as a 'lesser evil' to statutory regulation. Its main function was to assist informal conciliation between outraged members of the public and the press. The PCC made much of the fact that its adjudications were published in the offending paper, and that this was a powerful deterrent against abuse. What it omitted to point out was that in its first ten years (1991–2001), the PCC upheld only 1.5 per cent of the complaints it received.¹³

The deficiencies of the PCC have now been brought into sharp relief by the establishment of the Irish Press Council in 2008. This last, unlike the PCC, has a vigorous and effective Press Ombudsman; reaches conclusions on the 'balance of the evidence' rather than being reluctant to judge; and accepts third party complaints, subject to certain conditions. The difference between the two bodies was highlighted when they assessed the same racially offensive article (published in both countries in July 2008).¹⁴ The complaint was upheld in Ireland, and rejected in Britain.

However, the principal shortcoming of British press self-regulation is not its lack of independence nor even its dismal record in judging complaints,

but its dearth of ambition. It does not publish substantial research; it does not stage formative debates about press ethics; it does not honour great journalism; and it makes no significant input into journalism education. Indeed, it does not embody in any meaningful way a professionalizing project. Unwanted by the press, it has settled for being a customer complaints service.

The first Press Commission had pinned its hopes not only on the creation of a Press Council but also on education as a way of fostering a public interest culture among journalists. It wanted the content of journalism education to be broadened, and its organization streamlined nationally – objectives ardently sought also by the third Commission. In the event, journalism training continued to impart a narrow range of skills and knowledge, and to foster an unquestioning attitude. Its organization, always piecemeal, became more fragmented in the 1990s. The National Council for the Training of Journalists (NCTJ) qualification never became, as the third Commission hoped, a respected yardstick of professional competence. It is possessed by only a minority of journalists.¹⁵

While narrow vocational training was overtaken by the student-led expansion of media studies in British universities during the 1980s and 1990s, this was neither anticipated nor desired by the first and third Commissions, which echoed the industry's hostility towards undergraduate media degrees. This hostility turned into angry denunciation when the press experienced the novelty of being subject to watchdog scrutiny. 'This paper regards a degree in media studies as a disqualification for the career of journalism', thundered one respected daily (*Independent*, 31 October 1996), a view echoed by other papers. A major investment was thus made in media education without British universities acquiring an accepted role in supporting and interpreting the ideals of professional journalism, in the way that it did in the United States and elsewhere.

The Commissions' professionalizing project failed also because it was overwhelmed by stronger forces than it was able to command. Powerful commercial pressures were unleashed in the national press after 1956, when newspaper rationing was lifted, and again in the 1980s with the introduction of new technology. In the national press, this led for a time to a decline in standards of accuracy, notorious cases of chequebook journalism, more prurient intrusions into private grief not justified by the public interest, the parading of imaginary folk devils, and outbreaks of sadistic bullying of sad people. In the regional press, a tendency towards lazy, public relations-led journalism was reinforced by editorial cost-cutting, falling sales and the consolidation of the freesheets.

However, it was tabloid excess which most outraged public opinion. By 1993, only 10 per cent of the public believed that journalists could generally be trusted to tell the truth. This was a drop of almost half by comparison with ten years earlier, and placed journalists at the bottom of fifteen groups in terms of public credibility, below even politicians.¹⁶ In 2002, a

reformulated question elicited another damning response: 75 per cent in the UK said that they 'tended not to trust' the printed press – a much higher proportion than in any other country in the European Union.¹⁷ There could scarcely have been a more telling indictment of the Press Commissions' professionalizing strategy for reforming the press.

Uneasy ambivalence

Press Commissions have also advocated other reforms – that newspapers should display prominently the name of their owner, that they should declare an interest when reporting on topics in which their parent or associated companies are financially involved, and that the press should abide by a Charter of good practice drawn up by the last Commission, which would be policed by a reformed Press Council and, if it proved necessary, by statute. All these proposals were ignored.

However, the last of these is worth examining briefly because it highlights the uneasiness, borne of misgivings about the liberal inheritance, that informed the work of the last Commission. At first glance, its Charter reflected a completely traditionalist position. It had been inspired by the publishers' campaign against the union 'closed shop', and contained detailed prohibitions against union influence. The Charter was prefaced by acceptance of the newspaper publishers' argument that 'in reality editorial and managerial decisions were inseparable'. The publisher's preogative was also justified by an idealized image of the free market as a guarantor of 'the right of a man to express what he believes'.

However, another part of the Commission's report had questioned whether the market really functioned in the freedom-enhancing way in which it was supposed to. The Commission was in fact more ambivalent than it appeared to be at first sight. Press freedom, it suggested, should not only be equated with publishers' freedom from restraint; it also had something to do with the freedom of people who edit and work in newspapers. This approach was reflected in the clauses of its proposed Charter which upheld the freedom of conscience of individual journalists, and the right of the editor to accept any contribution 'notwithstanding the views of his proprietor'. However, the Commission then found itself in deep waters because the strengthening of staff rights is advocated by some as a way of securing the independence of the press. Internal democracy, it declared hastily, is 'a complex and disputed subject' about which it was unable to 'express a view'.

This dalliance with reformism ensured that the proposed Charter was quietly buried at the behest of publishers. The same kind of reformist ambivalence is to be found elsewhere in the Commission's report. Newspapers, it declared, should behave 'with proper restraint'; the press should recruit, like broadcasting, more graduates; young journalists should attend improving courses and 'learn about society'. Indeed, the Commission seemed

intent, at times, on transplanting the public service rationale of broadcasting to the press, but its moves in this direction were hesitant and contradictory. It wanted a public service orientation, but not the framework of public regulation underpinning it. It favoured a more balanced, responsible approach, but saw merit in the free market tradition of outspoken comment. Unable to define precisely what it meant by professionalism, the Commission was not very successful at promoting it. But its flirtation with the idea of public service was nevertheless revealing: it was an attempt to co-opt a different theoretical tradition in a bid to bolster the increasingly threadbare classical theory of press freedom.

Weak reformism

The three Commissions were sharply critical of the press, yet failed to come up with solutions to the problems they identified.¹⁸ The sum total of their efforts was failed anti-monopoly legislation and ineffectual self-regulation. No major reform of the press was attempted after their appointment.

Publishers were the main cause of this cumulative failure. They opposed at every turn any statutory reform of the press. Apart from the *Guardian* management's brief apostasy in the 1960s when it lobbied privately for a press subsidy system, publishers on both left and right made common cause in resisting any public intervention in the press. Their opposition was fired by a righteous libertarianism which equated their freedom from restraint with public liberty. This became the central idea shaping the regulatory environment of the press.

This was partly because the press was an important disseminator of ideas about itself. Publishers draped the mantle of freedom around their shoulders, and created doubt and uncertainty about the desirability of reform. However, the main reason why reformism failed was that the press intimidated the political class. The political cost of 'doing something' about the shortcomings of the press was judged to be too high. For example, Clement Attlee, the astute prime minister of the first majority Labour governments (1945–51), was opposed to appointing the first Royal Commission on the Press on the grounds that this would upset the press.¹⁹ The Callaghan Labour government (1976–79) quietly buried the third Commission's proposals for tougher press monopoly legislation because it did not want to add to its political problems.

Politicians' loss of nerve was cumulative, and now seems unlikely to be reversed, at least in the short term. In 1931, Stanley Baldwin, leader of the Conservative Party, spearheaded a campaign against the 'power without responsibility' of the press barons. It was inspired by revulsion against the abuses of the press, outrage at the pretensions of a newly independent power, and above all a desire to save his career and strike back at his principal critics.²⁰ However, this campaign was followed shortly afterwards by the forging of an uneasy

rapport between the Conservative Party and the predominantly right-wing press, which persisted for much of the subsequent period.

The case of the Labour Party was more complex.²¹ It was traditionally critical of the 'millionaire press' but its antagonism mellowed a little in the 1930s when it became a publisher of a mass circulation daily. However, the labour movement ceased to be a major stakeholder in the press system when its newspapers closed down in the 1960s. Its alienation turned into mounting hostility when the trade union movement became the target of sustained press attack during the 1970s. The first sign of a political shift occurred in 1974, with the publication of the Labour Party Study Group report *People and the Media*, most of whose proposals became official policy. Rewritten versions of these, committing the party to curbing press concentration and promoting press pluralism, were incorporated into its 1983 and 1987 general election manifestoes. However, by the 1990s, the Labour leadership became increasingly mute on the subject of press reform. Greater priority was given to winning press support, symbolized by Tony Blair's 1995 trip to Hayman Island, Australia, to speak to News Corporation executives about the need for an 'open and competitive market'. This was followed by a sustained courting of right-wing newspapers after New Labour was elected in 1997 and twice re-elected. Legislative reform of the press dropped off the agenda because it threatened New Labour's fragile bonding with right-wing press tycoons.

The voices calling for change were thus marginalized. The Campaign for Press and Broadcasting Freedom (CPBF), established in 1979, continued to be an eloquent exponent of reform. However, its principal initial sponsors, the press unions, were crushed. The CPBF's thoughtful representations went largely unheeded by government, regardless of which party was in power. Its arguments tended not to get a hearing in the press it wanted to reform.

Public dissatisfaction with the press, registered periodically in opinion polls, continued to be high. However, this dissatisfaction was channelled by backbench MPs in the direction of limited proposals – in particular, private members' bills for privacy protection or right of reply – partly in response to their own concerns about shielding their private lives from critical scrutiny. There was thus no powerful force subjecting the press to sustained criticism, and building support for major reform.²²

However, the politics of radio and television proved to be different from that of the press. If reformers failed in the press, they had more success in broadcasting. This produced, as we shall see, a fundamental inconsistency at the heart of media policy.

Notes

1. *New News*, *Future News* (London, Office of Communications, 2007), figure 3.11, p. 34.
2. Colin Seymour-Ure (an academic adviser to the Commission) argued that the transfer of control of the press from political parties to unaccountable business conglomerates weakened the legitimacy of the press (see his 'National daily papers and the party system' in *Studies*