

OPERATING PROPERLY AND IN THE PUBLIC INTEREST?

**THE GREEN CASE FOR CHANGES TO
MEDIA OWNERSHIP AND CONTROL**



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INTRODUCTION

In the first paragraph of his report ('Culture, Practices, and Ethics of the Press' published as long ago as 2012), Sir Brian Leveson restated the importance of a free press as a 'fundamental principle of a liberal democracy' and few if any would argue with that statement. However, he also noted that the press should be 'operating properly and in the public interest' in order to justify its role as 'one of the true safeguards of our democracy'. It seems clear that sections of the British press are no longer either operating properly nor in the public interest. Concerns go far beyond the issues of media, police, and political collusion unearthed by the Leveson Inquiry.

The media monopolies represent a wider threat to the functioning of our democracy and a radical challenge to the nature of media ownership in the UK is long overdue. Only this, I believe, can protect our democracy against the propaganda that emanates from some sections of our print media and is one of the central causes of the loss of confidence in democracy.

The way that the Conservative government is backing off from implementing the recommendations of the Leveson Inquiry can be taken as an object lesson in how media power works. There is no need for a consultation – especially such a biased one – to rerun the Leveson Inquiry. That process was undertaken in full public view and its recommendations should be implemented. We have no idea what pressure is being brought to bear behind the scenes, but the suspicion is that those who exercise political power on our behalf are giving way to the shady and more insidious power of the media barons. The Leveson process was divided into two parts because of an ongoing legal action. Most important questions around collusion of police and press could not be addressed while courts cases were in process. It is essential these fundamental threats to the functioning of our democracy are examined fully now that the legal cases are concluded. The fading of memories over the exercise of vested interests in a way incompatible with a free society should not be allowed to prevent the vital changes we need to protect and enhance our democracy.

WHEN IS A FREE PRESS FREE?

Any attempt to open up a debate about the negative impact of the media is immediately shut down by those who defend the status quo by suggesting that freedom of the press is under attack. In the context of the current consultation about the Leveson Inquiry a recent blog by Fraser Nelson at the Spectator (owned by the Telegraph Group – see Table below) is a case in point. The blog is a kneejerk attack on the Section 40 process proposed by Leveson following his lengthy inquiry and his consideration of the statements of 184 witnesses. The inquiry itself is dismissed as ‘harassment of the press’. Five years have passed and the denizens of the Barclay Brothers assume it is time to forgive and forget. Hence they pay their house journalists to attack any continuation of the Leveson process.

Rather than using ‘freedom of the press’ as a weapon to close down debate, we need to take a step back and consider what we mean by freedom. Freedom is not licence. Freedom is about balancing the power and control of two parties. In the case of this discussion, the freedom we are concerned about is the freedom of ourselves, as citizens, to have reliable and true knowledge about the world and the freedom of those who control the media by which our knowledge is formed to convey information to us in a way of their choosing.

The philosopher Isaiah Berlin sought to explore the operational meaning of freedom in his famous essay ‘Two Concepts of Liberty’. He distinguished between negative and positive freedom.

When discussing negative freedom he wrote

‘I am normally said to be free to the degree to which no man or body of men interferes with my activity. Political liberty in this sense is simply the area within which a man can act unobstructed by others. . . . You lack political liberty or freedom only if you are prevented from attaining a goal by human beings.’ (p. 3)

And on positive freedom:

‘The freedom which consists in being one’s own master, and the freedom which consists in not being prevented from choosing as I do by other men, may, on the face of it, seem concepts at no great logical distance from each other – no more than negative and positive ways of saying the same thing. Yet the ‘positive’ and ‘negative’ notions of freedom historically developed in divergent directions, not always by logically reputable steps, until, in the end, they came into direct conflict with each other.’ (p. 8)

The essential distinction he was seeking to draw was between the positive ability to exercise one’s free will and the absence of restraint on one’s choice to act. Berlin was sceptical about the idea of positive freedom which he identified as being used by the Left as an agenda to force choices onto people and hence, ultimately, to actually undermine freedom. His fear was of a totalitarianism of the Left, which flourished when he was writing. However, today he might be just as concerned about the potential for totalitarianism from the Right.

It is clear that if we have a false understanding of how the world really operates then we cannot be truly free. It is for this reason that demagogues like Putin and Trump rely so heavily on the manipulation of ‘news’. Isaiah Berlin was alert to this risk and makes it clear that freedom is impossible without a full grasp on the reality within which is operating:

‘To be ruled by myths, whether they spring from the vivid imaginations of unscrupulous charlatans who deceive us in order to exploit us, or from psychological or sociological causes, is a form of heteronomy, of being dominated by outside factors in a direction not necessarily willed by the agent.’ (p. 15)

We contend that the creation of an artificial reality is increasingly impeding our ability to act as free citizens. Those who value freedom as an essential value of democracy need to consider how the

construction of a false reality by those who own the media outlets through which people form their view of the social and political world they are operating within is limiting freedom. Freedom of the press is meaningless unless it enhances, rather than undermining, the freedom of the citizen.

In spite of the fact that lies are routinely printed in some of our more scurrilous but best-selling newspapers I am not arguing for control of the content of print or broadcast media. Rather, I would suggest that we move on to a third stage of Leveson: one which considers how the ownership of media in the UK is influencing the effectiveness of our democratic political structures and processes.

The case for an inquiry into media activity with renewed vigour is based on concerns not about what is said, written or printed but who controls the organs through which this information reaches the public. And perhaps particularly why they choose to invest large public fortunes in owning these vehicles. This is a question of power rather than knowledge and a question of ownership rather than freedom.

THE GROWING CONCENTRATION OF MEDIA OWNERSHIP – AND POWER

Whenever media regulation is discussed we hear a great deal from powerful proprietors as well as journalists about the threat to the freedom of the press. Bizarrely, the loss of freedom as ownership of media becomes more and more concentrated is much less frequently discussed. There is a self-referential quality to these discussions and for those, like myself, who are so heavily dependent on journalists for news of my work to reach those I represent, making any criticism of the functioning of the media feels very risky. I know that I risk biting the hand that feeds. Given the year we have all just lived through, this risk seems to be worth taking in 2017.

Britain has one of the most concentrated media environments in the world, with three companies in control nearly 70 per cent of national newspaper circulation and five companies in command of 81% of local newspaper titles. NewsCorp owns a third of Weekly (Daily plus Sunday) national newspapers. (These data come from the Media Reform Coalition on which this section relies heavily.) Around a quarter of local communities have no daily local newspaper at all while in 35 per cent of communities, a single title has a 100 per cent monopoly. A single news provider (Sky) provides news bulletins for the vast majority of commercial radio. The biggest broadcaster in terms of revenue, by some distance, is Sky. The BBC is the largest of the PSB broadcasters with £5.1bn, of which around £3.7bn is provided by the licence fee.

Thus, for most people there is very little choice about how they receive their information about the world they live in. This not only limits perspectives, it also enhances the power of those who are owners or editors of these outlets, as those who are seeking to draw attention to their political views or issues of importance are forced to court a shrinking number of powerful gatekeepers.

Table 1 (overleaf) provides data on the market share of our leading newspapers. Murdoch's News Corp has a market share of nearly a third, with the Rothermere DMG media controlling another quarter. The Barclay Brothers' Telegraph group trailing in third place with 11%. I note these media moguls by name since it is worth considering the political impact of having two-thirds of the newspapers read in the UK owned by people who have no stake in our democracy. Murdoch is based in the US, Rothermere declares his residence as Jersey for tax purposes, while the Barclay brothers float between Monaco and Sark for the same reason. We believe it is long overdue to have a full public inquiry into exactly why these powerful men choose to dominate our print media and whether this has a positive or negative impact on the health of our democracy. In our view, this structure of ownership cannot be considered compatible with a media system 'operating properly and in the public interest'. The Media Reform Coalition found a similar situation when they analysed ownership of broadcast media:

TABLE 1 MARKET SHARE OF NATIONAL NEWSPAPER PUBLISHERS BY TURNOVER (MOST RECENT ACCOUNTS)

| COMPANY | TURNOVER (NATIONAL PAPERS) | MARKET SHARE | CUMULATIVE SHARE |
|----------------------------|----------------------------|--------------|------------------|
| News Corp UK & Ireland Ltd | £836.5m | 29.3% | 30.1% |
| Associated Newspapers Ltd | £679.3m | 23.8% | 51.7% |
| Telegraph Media Group Ltd | £318.1m | 11.2% | 63.1% |
| The Financial Times Ltd | £296.4m | 10.4% | 73.8% |
| MGN Ltd (Mirror Group) | £256.7m | 9.0% | 83.0% |
| Guardian News & Media Ltd | £210.8m | 7.4% | 90.6% |
| Express Newspapers | £197.0m | 7.2% | 98% |
| Independent Print Ltd | £55.3m | 1.9% | 100.0% |
| TOTAL | £2,850m | 100% | |

Source: Media Reform Coalition, [Who Owns the UK Media](#)

‘while the majority of these broadcasters are owned either by UK-based companies, or are publicly owned in the case of the BBC and Channel Four, there is growing encroachment of large US-based corporations into UK Television ownership. Rupert Murdoch’s 21st Century Fox (2014 revenue: \$31.8bn) owns 39.1% of Sky plc (previously BskyB)’

The report was written before Murdoch – judging that the phone hacking scandal had been forgotten - renewed his bid for the remaining share of Sky.

The Media Reform Coalition has not reported on the ownership of social media. Here we think the issues are slightly different. As conventional media channels have become closed and exclusive, many have sought freedom through a range of other channels, either alternative media channels like Al-Jazeera and Russia Today or their own social media sources. This has led to the problem of the media ‘echo chamber’, where we only hear views consistent with our own, reinforcing our own view of a particular reality.

Democracy is built on the mediation of opposing views to achieve a shared view of the best future for society as a whole. The Habermasian concept of the public sphere is useful here: a shared societal space in which all citizens’ are able to come together freely to identify problems, discuss views and ideas and influence political action deliberatively. Mass media is an imperfect approximation of such a public space so vital to democracy, but it is the closest approximation we have. The abandonment of shared media channels for personalised worldviews is thus itself a threat to democratic values.

MEDIA AND THE HEALTH OF OUR DEMOCRACY

There are several ways in which the current operation of our media undermines the proper functioning of democracy in the UK.

The most obvious way, and that to which the first Leveson Inquiry came closest, is in the relentless and cruel attacks on figures who seek to serve their country by entering the realm of public service. It is no coincidence that media attacks are more savage against those who challenge the status quo and the vested interests of the rich and powerful than those who defend or reinforce these interests..

In his evidence to the Leveson Inquiry, former Prime Minister Gordon Brown describes the ‘very difficult and painful intrusion’ into his family’s personal life on two occasions: the death of his daughter and the revelation that his son suffers from Cystic Fibrosis. His own personal records on private matters concerning property and taxation were illegally hacked, as were his family’s medical records. This is what you must self-consciously submit your family to if you are to seek to serve in high political office, and for many the price is just too high. In May 2015 the prominent Labour MP, Chuka Umunna, withdrew from the leadership race stating that he was not prepared to tolerate the ‘pressure that comes with being a leadership candidate’. We are losing talented politicians because of the actions of the media, whether intended or accidental.

It might seem controversial to include Jo Cox MP in this list, but I think we should consider the extent to which the nationalistic frenzy of the referendum campaign was responsible for her death. The politically motivated murder was committed following months of tabloid headlines demonising migrants and immediately after the launch of UKIP’s neo-Nazi ‘Breaking Point’ poster. The focus of many tabloid stories was that those who argued for the UK to remain in the European Union were traitors, exactly the words used by Thomas Mair during his committal hearing. Brendan Cox has been outspoken in his view that the murder was a political assassination that was covered up to protect the political establishment. The refusal by the Mail to deal with the story of Mair’s conviction until p. 30 reinforces the view that the paper was implicated in manufacturing the atmosphere of hate and intolerance within which an attack on politicians was normalised, with eventual fatal consequences.

What is not visible in this debate is the many thousands of good and true citizens who have eschewed the public realm because of fears about their own reputation and safety, or the reputation and safety of those close to them. As an elected politician I am aware of many people who, when we suggest they might become the politicians of the future, tell us politely but firmly that this is not the way for them. And while we have to acknowledge that many politicians have deserved criticism and have fallen below the standards we should expect in public life, the relentless denigration of democratically elected representatives inevitably limits the pool of those prepared to weather this onslaught and hence diminishes the quality of our politicians.

It is not merely a question of personal safety; as a result of relentless smear campaigns by the media politicians are held in very low esteem. What was once, as Polly Toynbee notes, regarded as ‘no ordinary calling’ has now become debased in the public mind to a grubby, self-serving occupation. Interestingly, most people do not view their own MP – the only politician they are likely to have personal contact with – in this way. It is a false narrative in whose creation most people wittingly or unwittingly collude but which is undermining the power of democratic politicians.

There is another, more insidious and more damaging, way in which democracy is being undermined by the creation of false media narratives. Democracy relies on voters having a clear understanding of what they are being offered by different parties and choosing the party that best matches their preferences. If the policy platforms of the different parties are not clearly reported then voters repeatedly choose a party which operates against their interest. Over time they feel disappointed and disillusioned. They come to believe that voting never changes anything and this undermines their confidence in democracy as a political system that works for them.

A stand-out example of this is the longstanding tabloid campaign against inheritance tax. It is a fundamental British value that you should have the right to pass on the fruits of your hard work to your children, and up to a point the Green Party agrees with this. But the point at which inheritance moves from being naturally just to becoming a support for growing inequality is the subject of political debate. J. S. Mill famously believed that inheritance encouraged a rentier economy and that all wealth should revert to the

state on death. The Green Party would choose to have a lower threshold than the current one for the state to intervene and to make inheritance tax relate to the wealth of the inheritor rather than the inheritee. But the important point is that the vast majority of estates do not, and never have, been subject to inheritance tax (HMRC figures show that 'approximately 3.4% of all deaths in 2013-14 led to an IHT charge').

When the tabloids whip up frenzy against inheritance tax they are working in the interests of their wealthy patrons, not their loyal readers. When working people incline towards the Conservatives rather than Labour on the basis of the unfairness of inheritance tax they are being swayed to vote against their own interests by the wealthy proprietors and shareholders who should be required to share their wealth on their death but refuse to do so.

Many people voted Conservative at the last election because they believed in the message of economic competence that the Conservatives made central to their election campaign, and which was broadcast for them by the many newspapers who tend towards the Conservative Party. This opinion is propagated by tabloids and causes people to vote against their own interests. In fact the Tories increased the national debt by 50%, and performed paying off the debt while actually following first Darling's and then Balls's economic plans. This inability to match your interests with the political party you choose to vote for undermines democracy.

Five years ago, when Lord Leveson began his inquiry, few of us understood that we needed to be concerned not only about the publishing of lies to defame the character of public figures but the actual construction of false realities to distort the public realm. Yet it is now becoming clear that deliberate strategies to undermine a shared view of reality by creating false stories were influential in both the Brexit debate and the election of Donald Trump to the most powerful position in the world. One EU government – that of the Czech Republic – is sufficiently concerned about the way this is destabilising their democracy as to create a specialist unit to fight fake news.

In 2017 I believe that we need more of the Leveson Inquiry, not less. We need an Inquiry that explores how people form their view of reality based on which information sources. How narrow they are. How they deal with multiple news sources. To what extent the information they receive enables them to make informed democratic choices.

CONCLUSION

The Media Reform Coalition believes that media plurality is not a luxury in the digital age but an essential part of a media system in which vested interests are not allowed to dominate. The Green Party agrees. We want to see independent media that are able to hold power to account and to serve their audiences and the public in general as opposed to shareholders, proprietors or politicians.

The Green Party policy is to tighten the rules on cross-media ownership and ensure that no individual or company can exercise excessive power in any media market. However, it seems that this is no longer enough to protect our democracy against deliberate distortions and we believe that we need proposals for a fully functioning and truly free media environment which can gain the confidence and support of all citizens of the UK.

For this reason I am proposing the establishment of a new judge-led inquiry to complete the work of Leveson. This builds on and extends the call in the original Leveson Report for the development of a new system for both measuring and reforming media concentration and ownership (pp. 1461-76).

The questions for the Inquiry should include:

- **Is the increasing concentration of media ownership compatible with a healthy democracy?**
- **Are voters able to make informed choices based on the information available to them through media outlets?**
- **How does the relationship between media barons and politicians undermine the free working of our democracy?**
- **Should those owning a significant media outlet be required to be resident in the UK?**
- **How can we protect our democracy against the manipulation of people's view of reality including by the creation of fake news?**
- **How can we ensure a shared understanding of reality in an era of social media?**