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Media Ethics Essay

Do the public have a 'right' to know? Provide an argument either in favour or against the right of the press to invade the privacy of a public figure.

The private life of the public figure is something that has been given a great deal of coverage in recent times. Should the public have a 'right to know'? It must exist to some degree, otherwise freedom of information would not subsist, limited as it is. An examination of the 'right' should not concern its existence but it's extent. It must be looked at in the context of what the public has the right to know; whether something is within the 'public interest' (PI). If it is, then publication could occur on the grounds of a superior aim.

What is a 'public figure'? This term is somewhat hazy. Are celebrity figures public ones? A public figure surely must be those in a position of power, including politicians and top businessmen due to potential ability to take advantage of their position. With celebrities, it could be argued that those who use the 'oxygen of publicity' should expect to be public figures. Even then, do they automatically forego rights to privacy? Surely it is embodied in Western culture that every human has the right to privacy. Yet this is what a 'right to know' breaches. Privacy itself is a key element of secrecy, here concerning facts kept from public knowledge.

Cram (1992) says that in liberal thinking, safeguarding an individual's autonomy is paramount, including '*a protected sphere of private life*' (ibid. p.98) free from interference and free to decide who is allowed 'access' to personal information and when. Belsey (1998) argues that the media fails to distinguish between secrecy and privacy. Indeed, it is important that this distinction is made. Secrecy exists more in a political sphere, the '*...concealing of information by those public individuals and organisations with power*' (ibid. p.7). On the other hand Belsey says privacy is '*something that only individual persons can have*' provided that they are engaged in '*private and not public activities.*' Belsey (1992) also mentions Sissela Bok's theory that (p.80) the 'core' of secrecy is '*intentional concealment.*' Simply this says that many experiences in daily life are not *intentionally* concealed but are just '*maintained in the personal domain,*' similar to Cram's notion. Bok says that privacy requires a specific object, whereas secrecy does not. Belsey suggests that privacy '*...is a psychological requirement for a satisfactory life*' offering '*self protection.*' Cram makes a similar point that secrecy is one of the '*conditions needed for personal flourishing*' and that anything else may diminish the ability to play a normal part in society. Importantly, he states that privacy is not an '*absolute value*'. Indeed this is a key idea. This means that there must be circumstances in which invading privacy can be justified.

Though what does the PI actually cover? The Press Complaints Commission (PCC) provides a definition in their Code of Practice. Justification of publication includes the '*...detecting of a serious crime or misdemeanour...protecting public health and safety...*[and] *preventing the public from being misled by some statement or action of an individual or organisation.*' The statement also demands that the editor

explain how the PI was served. In the case of a child, there must be *'exceptional'* justification to *'override the normally paramount interests of the child.'*

Kieran (1998) says that there is justification under the PI, saying (after Archard [1998]) that *'…where the right to privacy is trumped by considerations of public welfare, it is far from clear that a right has been infringed at all.'* He believes that where there is no direct PI, most people think there is no justification for intrusion. However Archard holds the interesting viewpoint, that highlighting celebrities dissipates their enigma preventing abuse of their position. Similarly a rapist should be exposed to show unacceptable behaviour.

The Mirror recently caused a furore over their wish to publish a story about Prince Harry. In November 1998 Prince Charles wrote to the Mirror to prevent publication of a story about the Prince being injured at Eton. The Mirror devoted many pages arguing against the letter, which said the story, was not in the PI. In the issue dated 26th November, the Mirror published reader's responses on Charles' 'gagging' of the paper. Unsurprisingly, the letters printed were mostly one-sided, but the paper did print some that did not agree with it. A headline proclaimed "How dare Charles muzzle the Mirror" under which various readers said that '*the public has a right to know*' and '*it is in the public interest.*' Another branded Charles' tactics 'ridiculous.' Harry must be a public figure, and though the press should respect the Prince's privacy, surely an injury to a prospective heir is in the PI.

Some sections of society say that Britain should have a privacy law. McNair (1996) states that past bills have failed because of *'...longstanding resistance in the United Kingdom to anything resembling state intervention in, or censorship of, the press.'* This followed the rise of 'bonk jounalism' in the early 1980's when the Sun began moving downmarket for commercial gain. This caused an eventual backlash of opinion against the press and in 1988 Home Office Minister Timothy Renton threatened statutory regulation to little effect. So in April 1989 he announced an official committee, chaired by David Calcutt QC. Kelvin MacKenzie, Editor of the Sun, said that '*tabloid journalism cannot be condemned simply because it is brash…. It must only be called to order if it is false, irresponsible, or reports untruths*' (ibid. p.7). The findings rightly stated that '*...additional constraints upon the press should be limited to the minimum necessary to tackle any genuine abuses*' (ibid. p.5). McNair says the committee accepted there was '*a wide public aversion*' to the necessary evil of intrusion but asserted '*a preference for reform by self-regulation.*' Hence the PCC replaced the outdated Press Council. Calcutt did warn that (from McNair) *'...if they failed to…prevent further unjustified infringements of individual's privacy, statutory powers would be introduced…'* (ibid.). The press had to behave better else their rights were at risk.

Des Lynam pointed out on television recently that the PCC could be seen as toothless. Members were the actual offending newspapers- a conflict of interest which may not have been ideal for many, but for the press it was. The PCC was 'championed by its advocates as the '*last chance saloon...others regarded…*[it]…*as a cosmetic exercise by the…Government, intended to head off public concern while not antagonising newspapers which were key political allies*' (McNair, p.170). This could hold truth, but it is juxtaposed to the Government's secrecy interests. Whatever, it maintains freedom in the public interest.

However in 1992, the PCC was tested when the Sunday Times' serialised Andrew Morton's Princess Diana book alleging unhappiness and suicide attempts. This led to '*...a period of several weeks in which the private lives of the Prince and Princess of Wales were debated and dissected…*' (ibid, p.73). The PCC released a statement slamming '*...the most recent intrusion and speculative treatment...*[which]…*is an odious*

exhibition of journalists dabbling their fingers in the stuff of other people's souls in a manner which adds nothing to legitimate public interest….'

Some journalists agreed with the PCC but some thought these problems were in the PI due to *'important constitutional issues'* at stake (ibid.) and indeed, again, there surely are. This came at the end of Calcutt's 18-month probationary period for the press. Therefore most thought that David Mellor; Heritage Minister would announce statutory provision but instead announced Calcutt II which concluded that '*self-regulation was now working effectively*' as complaints were low, (now 3,000 a year [PCC, 1998]).

Belsey and Chadwick (1992), published during the PCC's first period of probation, interesting says that the press *'...has attempted what was probably intended all along: to behave better.'* It has, or at least been more careful. Could the law really act as '*a mechanism for quality control?*' (ibid. p.6) British journalists are more restricted than in most democratic countries.

The first Calcutt report suggested that phone tapping and trespass become criminal offences. The PCC Code encourages respect for property and other rights. Harris (1992) says that (p.72) the code specifically that personal privacy be respected. After actor Gordon Kaye was injured in 1990, the Sunday Sport photographed him in a private hospital room. Thus section nine of the code dictates that Journalists '*making enquiries at hospitals and similar institutions should identify themselves and obtain permission before entering non-public areas.*' These measures have not been implemented, but they would form the likely basis of a prospective privacy law.

This would certainly create some large questions regarding press freedom. Calcutt's recommendation concerning an independent press tribunal is more preferable, making the press more self-conscious without putting undue restriction on them. Belsey and Chadwick say that this still too restrictive as (p.8) *'...any legal restriction on the press, in the absence of a constitutional guarantee of press freedom...is a one-sided detraction, preventing the press from fulfilling a proper democratic role.'* The reason that Calcutt gave in his first report is as good as any: that legislation is unenforceable. Princess Diana's car was followed by paparazzi before her death in August 1997- France has a privacy law yet they were undeterred.

Probably the best argument is that is open to abuse. Belsey (1992) concludes that *'the press has a difficult course to steer between privacy and publicity. But any suggestion that it should be forced into line by a statutory right to privacy would have...disastrous consequences. The British press is already too restricted...'* (p.90).

The press and indeed the public do have the right to know, but it has to be said there is some room for improvement. Greenslade (1998) says that '*…getting at the truth requires sometimes dubious methods. If the story itself is in the wider public interest, then that is fair enough*'. This refers to the recent treatment of Peter Mandelson, wrong in not declaring a loan of £373,000 from Paymaster General Geoffrey Robinson. This story is clearly within the PI. Greenslade stresses it is '*…important not to blame the press for exposing…*[the]*…financial arrangement….*' He speaks out saying '*…we need a free press, to make all politicians and…business people accountable for their actions.*' Greenslade is clear the main story is worth '*sometimes dubious methods*' saying '*the story behind the story*' is generally irrelevant. We should not blame the '*messenger for the message.*'

The public certainly must have a 'right to know.' This 'right' includes the invasion of a public figure's privacy when it is within the public interest. Going beyond ethical considerations of privacy is *essential* to newsgathering. What exactly

constitutes the PI, however, can be unclear even though the PCC have defined it- the public wants to know about celebrity lives. But though not entirely within the PI it could be said that as celebrities thrive on the 'oxygen of publicity' they must live with the consequences. Mostly invasion of privacy is legitimate, a means to an end. As Greenslade says, the Mandleson story, though using 'dubious methods' stands '*as an end itself.*' After all '*that is why we* [the press] *exist: to tell the public what other people don't want them to know.*'

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