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## **CAN WE TRUST THE MEDIA?**

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## **Trust and the Media**

The SCRIPT Centre, sponsored by the Arts and Humanities Research Council, located within the School of Law at the University of Edinburgh hosted a one day workshop on 'Trust and the Media' on Friday 25th November 2011. The workshop was the second workshop organised by the SCRIPT Centre on the topic of 'Trust and the Media', the previous one having taken place in February 2010.

The recent phone-hacking revelations have shaken public trust in the media and placed the future of press regulation within the public focus. With the Leveson Inquiry into the culture, practice and ethics of the press now underway this is an important time to consider the legal, social, economic and technical factors that shape the ethics of the press and the communications sector more generally.

The workshop explored a number of issues surrounding trust and the media by considering three broad inter-related themes: press standards and press regulation; commercial and political influences on the media and consumer access to information about the media. Dr Rachael Craufurd Smith opened the meeting and welcomed all participants to Edinburgh.

### **Press standards and press regulation**

Professor Thomas Gibbons (School of Law, University of Manchester) noted that an appeal to be trusted by someone entails a request for that person to suspend critical engagement. For this to be successfully accomplished, there need to be sufficient indicators to justify reliance on the trusted party. While trust in institutional arrangements functions much the same as trust in personal relations, in the case of the media, the value of freedom of expression adds a further dimension to the benefits of autonomy. Further complexity is created when the media are expected to act as trusted intermediaries themselves, to enable citizens and consumers, in turn, to trust government and other organisations or business. Discussion of media regulation tends to focus on mechanisms that enable reliance on trust and regulatory proposals should consider how trust can be supported and re-established. This will require mechanisms which enable journalism to demonstrate values and engage in practices that are worthy of trust.

Professor Jacqueline Harrison (Department of Journalism Studies, Centre for Freedom and the Media, University of Sheffield) argued that the terms of the Leveson inquiry do not adequately recognise the necessity of an independent press in civil society. The inquiry involves itself in the relationship of the press to the government, politicians and the police, which opens up the possibility of the stipulation of news journalism standards. This remit may be too broad, as it allows it to scope and ultimately define good and bad journalism and how and under what regulatory circumstances, statutory or otherwise, the behaviour and content of the press should be controlled. It neglects to consider the press explicitly as a civil institution, and as such, risks the diminishment of civil society through the neglect of readers' civil role and their relationship to the press, based as they are on trust and the exercise of distrust.

Dr Rachael Craufurd Smith (SCRIPT Centre, University of Edinburgh, representative in the EU funded Mediadem project) pointed out that the remit of the Leveson Inquiry

extends across the print and audiovisual sectors. This draws attention to the question whether the differing regulatory regimes applicable to the press and audiovisual sector can be justified both in relation to their regulatory techniques and substantive rules. Regulation of on-demand and other online media services and the introduction of ATVOD have, in particular, complicated media regulation. The complexity of the current regulatory structure creates uncertainty and is unlikely to engender public trust in the media environment. A central question for Lord Justice Leveson is thus whether the existing regulatory system is coherent; whether it leads to unnecessary duplication of control; whether there are any 'gaps' in the regulatory framework; and whether the framework is effective in realising the specified regulatory objectives.

Mr Martin Moore (Director, Media Standards Trust) spoke in defence of Leveson. He argued that the breadth of the enquiry is indeed wide, but this is necessary to ensure a full enquiry into the subject matter. One of the issues with the Hutton enquiry was that not all information that should have been looked at was considered, as some fell outside the scope of the enquiry. The breadth of the Leveson enquiry should be able to avoid this pitfall.

### **Political and commercial influences on the media**

Professor Natalie Fenton (Co-Director of Goldsmiths Leverhulme Media Research Centre and the Centre for the Study of Global Media and Democracy) discussed the balance that must be realised between a regulatory framework for the UK media that fosters a greater sense of public responsibility and a regulatory framework that does not limit the essential freedom of journalists to investigate wrong-doing. Proposals to accomplish this include: the strengthening of the public interest test; a more robust approach to media concentration in order to secure media pluralism and diversity; as well as a range of alternative models, both in terms of organisational structure and revenue generation, that will help to sustain news in the public interest.

Professor Lorna Woods (The City Law School, City University London) considered issues of editorial independence that arise as a result of the liberalisation of product placement. Consumers should be able to differentiate between advertising and editorial content and previous restrictions on product placement offered a degree of protection from latent commercial influence on editorial content. The current regulatory changes have blurred the boundaries between commercial and editorial content and the safeguards put in place to address concerns regarding these boundaries have focussed on informing the consumer rather than protecting authorial or editorial independence. The concerns surrounding product placement in the audiovisual media raise the question of how well these concerns are recognised within the press, whether these concerns are in fact dealt with, and the extent to which regulatory techniques used in the broadcast context can be appropriately applied to other media.

Professor Justin Lewis (School of Journalism, Cardiff University) discussed the distinction between viewing news as public information and viewing news as a commodity. News is generally valued for its currency and the idea of 'disposable news' has become a core journalistic value. Simultaneously, we value news for the role it plays in the democratic process; it is a practical means to create a well informed public sphere. While both the commodity value and the information value are simultaneously assigned to news these days, we should not lose sight of the fundamental distinction between them. Now may be the time to rethink the purpose

of news and we should view it less as a commodity form and more as a public good. The 'slow food' movement, which values quality over spend, has grown in popularity over recent years and we may similarly need consider how best to create a 'slow news' movement, in which information is enduring rather than disposable.

### **Consumer access to information about the media**

Professor Lilian Edwards (Chair of Internet Law, University of Strathclyde) considered trust in online information and the influence of user-generated content. Consumer sites have become an important feature of the 'interactive web', with user-generated websites, such as TripAdvisor, now having a marked commercial influence on businesses. Should such rating sites carry responsibility and police content posted by users in order to create some guarantees for the reliability and the trustworthiness of information found online?

Professor George Brock (Head of Journalism, City University London) considered the influence of transparency on the news media and whether this can lead to greater accountability and consumer trust in the news. The internet has brought the practice of news stories that copy from a single source or each other, mostly without attribution, into the spotlight. This lowers the value of these news stories and has compromised verification of news stories by the public, as stories may unknowingly be checked against a copy of the same story, rather than an independent source. Regulation may be called for to enforce transparency upon editors and publishers in order to increase and renew trust in the media. It is, for example, conceivable that in the future the strength of a 'public interest' defence for a piece of reporting may be linked to the quality of a newsroom's transparency.

### **Looking ahead**

The workshop served to emphasise the wide range of trust related issues that are relevant to the present debates over media standards and regulation. Improving trust in the media may be accomplished by addressing issues such as transparency, media plurality and independence. We will have to wait to see which of these are reflected in the recommendations resulting from the Leveson Inquiry.