BOOK REVIEWS

People Against The Press:
An Enquiry Into the Press Council

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Canada's experience with press councils is a comparatively recent phenomenon. The first was set up in Windsor, Ontario, in 1971. It was followed by the formation of the Ontario Press Council the following year -- a body that languished in Canada's richest newspaper province for 10 years with a membership of less than 10 dailies and a number of weeklies. During that same period, other press councils could be found only in Quebec and Alberta. In the wake of the Kent Commission and James Fleming's proposed Canada Newspaper Act, however, there has been a quantum leap in the membership size of existing press councils, and other provinces are expected to form new ones. Now that the idea has caught on, Canadians may have something to learn from the British lesson.

Now comprising 18 representatives from the public and 18 from the press, Britain's Press Council has had a less than reassuring career. In his concise study, author Robertson provides a comprehensive review and acute evaluations of
this highly controversial body. He deals with its history, its structure and operations, its adjudication policies, the ticklish questions of press freedom and media monopolies, and finally a series of proposals for improvements.

The council was set up in 1953, four years after the first Royal Commission on the Press recommended the establishment of a voluntary body "that would derive its authority from the press itself, and not from statute." From the start, however, it was structurally flawed: it had no lay representatives, and its chairman was none other than the proprietor of The Times. Understaffed and inadequately financed, it was too deferential to government and generally ineffectual. A second Royal Commission on the Press (1962) chastised it for failing to fulfill its mandate and recommended that the British press invest it with more funding and greater authority. Others complained that the early council was too preoccupied with press freedoms and not enough with public grievances. A third Royal Commission (1977) reiterated earlier criticisms. In particular, it criticized the Press Council for partisanship to newspaper interests, its failure to articulate standards, its tolerance of press inaccuracy and distortion, and its insistence that complainants against a newspaper first sign a legal waiver. Relatively few of the Commissions' recommendations have been implemented.

The Press Council was intended to demonstrate that voluntary self-regulation is better than statutory enforcements, yet subsequent Royal Commissions and other critics have felt it necessary to remind the council that improvements might have to be effected through statute.
Notwithstanding the spectre of government intervention, the council has continued to disappoint. It has been rigidly formal and slow in handling public grievances; and, according to complainants, uncooperative in representing their cases. Its annual reports appear three to four years after the period they review. While it has published major declarations of principle on the issues of privacy, cheque-book journalism and the right of the press to be politically partisan, it has been reluctant to codify its decisions in a way that would make clear to the public its operative principles and criteria. Since its inception, there has been an alarming increase in newspaper-ownership concentration, but the council has offered little by way of warning or condemnation. Not surprisingly, then, Britain's Press Council has been unable to win much respect either from the public or from the press. This was strikingly illustrated in 1980 when the National Union of Journalists (NUJ) withdrew from the council organization, saying that it was "incapable of reform". Mediating efforts by the British Trades Union Congress to heal this rift have failed; and again in 1983 the NUJ repudiated overtures to return to the Press Council.

Despite its defects, Robertson is unwilling to scrap the British Press Council. Without surrendering its voluntary status, he recommends instead a piecemeal process of arrangements -- involving legislation -- which will relieve the council from those functions it serves poorly and which would also free it to concentrate, as indeed it should, upon the adjudication of public complaints and the establishment of ethical standards. This reconstruction would entail (1) an office of Press Ombudsman, created by sta-
tute, to handle matters of libel, correction and reply; (2) a system of law reform to secure greater freedom for investigative journalism; (3) substantial reformation within the council itself. The council's persuasive authority should also be enhanced with binding contractual powers over newspapers to publish its findings more prominently. To those fearful of the legal or contractual component, a major premise in Robertson's counter-arguments is that "laws work for the press" just as well as they have against it in the past.

When Canada's Royal Commission on Newspapers recommended a federal Press Rights Panel, it was met with a one-sided chorus of howls and protests. The intent of the Commission to apply "the affirmative action of law" in order to promote and protect quality journalism was easily eclipsed in the press by an overlay of rhetorical and Orwellian bogeymen. Former minister James Fleming's diluted version of a national advisory press council fared no better. Publishers wanted no part of it, and late in the day beat a hasty path to the voluntary regional councils -- where they existed. But the authority and the effectiveness that these regional bodies will have in promoting self-regulation in the nation's press is still just as much an uncertainty as it is promissory.

As Geoffrey Robertson tells it, the longer and disappointing experience in Britain is that the purely voluntary model of adjudication in the "profession" isn't enough. A look at the history of the U.S. National News Council (founded in 1973) seems to confirm this. Any suggestion that self-improvement in the field of journalism with also require some nudging from
legislators or the implementation of binding contracts between councils and their constituents will still sound heretical to many; but Geoffrey Robertson provides a well documented and soundly argued case that if press councils are to serve effectively as public watchdogs, they require less bark and more bite.