

**AUGUST 2008**

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**PRIVATE  
LIVES**

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DEBATING MATTERS  
**TOPIC  
GUIDES**

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**MOTION:**

**“THE MEDIA SHOULD  
BE PREVENTED  
BY LAW FROM  
INTRUDING INTO  
THE PRIVATE LIVES  
OF PUBLIC FIGURES”**

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# INTRODUCTION

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The intrigues and misdemeanours of celebrities and other public figures are rarely out of the headlines. Whether featuring stories of Liberal democrat MP Mark Oaten’s rent-boy scandal [Ref: [BBC News](#)] or Kate Middleton’s on-off relationship with Prince William [Ref: [Times Online](#)], juicy details about the private lives of public figures sell papers. But since the death of Princess Diana in 1997, when paparazzi were accused of chasing the Princess to her death [Ref: [Daily Mail](#)], the media have been widely criticised for aggressively intruding into the private lives of individuals in pursuit of a top scoop [Ref: [American Journalism Review](#)]. The recent High Court victory of Formula 1 boss Max Mosley against the News of the World for violation of privacy has again brought the question of privacy versus free expression to the fore [Ref: [BBC News](#)]. Whilst some argue that reporting on the private lives of public figures is the entitlement of a free press, others suggest that the media have overstepped the mark and need to be reined in.

## KEY TERMS

- [Human Rights Act 1998 \(c.42\)](#)
- [Public and Private sphere](#)
- [Public Figure](#)
- [Public Interest](#)



### PRIVATE LIVES:

“The media should be prevented by law from intruding into the private lives of public figures”



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### A need for privacy?

Privacy has long been regarded as a need and right in a democracy [Ref: [Stanford Encyclopedia of Philosophy](#)]. In his seminal essay *On Liberty*, John Stuart Mill emphasised the importance of a private sphere that is protected against incursions by the state and the interference of others. But more recently commentators have argued that privacy is also under attack from other quarters. Citing examples of the paparazzi news mob [Ref: YouTube], critics argue that people now need protecting from a media that poses a significant threat to privacy and personal autonomy [Ref: [Guardian](#)]. Whilst many argue that celebrities who use the media to further their careers are fair game, some draw a distinction between the media's interest in celebrities on the one hand and 'serious' public figures, such as politicians, whose private lives should be off limits. But others suggest that times have changed. Politicians are increasingly using the tactics of celebrities, revealing details of their private lives for public relations purposes. Defenders of the media continue that the media remains the 'public watchdog' of democracy. Laws concerning privacy were never intended to protect citizens from the media. Scrutinizing the private lives of public figures is an important and necessary part of holding powerful figures to account.

### Free expression vs. privacy?

Both sides in the privacy debate recognise the role that free expression plays in a democratic, free society. Facilitating a free flow of information and ideas and holding public figures to account, the media helps to create and sustain that democratic culture. However, in recent years concerns about protection of

individual privacy have complicated the media's commitment to free speech, expressed in the old adage 'publish and be damned!' [Ref: [Guardian](#)] The Human Rights Act, which came into force in 2000, incorporated the European Convention on Human Rights into British law [Ref: [Office of Public Sector Information](#)]. It contains both a right to privacy (article 8) and a right to free expression (article 10) and has introduced the idea that these rights need to be balanced against one another. Whilst some commentators have argued that this 'privacy law by the back door' will have a detrimental impact on investigative journalism [Ref: [Telegraph](#)], others suggest that this balancing will help to create a more responsible media committed to the idea of the 'public interest'.

### Is what interests the public in the public interest?

Both the professional principles drawn up by both the National Union of Journalists (NUJ) [Ref: [NUJ](#)] and the Press Complaints Commission (PCC) [Ref: [PCC](#)] emphasise that journalists should not intrude into the private lives of their subjects. However, both codes also contain 'public interest' clauses that can justify the publication of sensitive material. Increasingly the caveat of 'public interest' has been the deciding factor in whether the balance is tipped in favour of free expression or privacy. But whereas the decision as to what can reasonably be called 'public interest' was once in the hands of editors, the courts are increasingly being called upon to adjudicate. Critics argue that statutory regulation is anathema to a properly functioning democracy and insist that it is up to editors and the people to decide what is or isn't in the public interest, not judges [Ref: [British Journalism Review](#)]. But others reply that intrusions into



## THE PRIVATE LIVES DEBATE IN CONTEXT CONTINUED...

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privacy are undermining serious investigative journalism and that the 'public interest' will be better served if there are legal curbs on the unethical practices of the red tops.

### **A crisis in media standards?**

There is widespread concern in modern society about both the state of privacy and the quality of public discourse. But whilst many would agree that the media plays a role in determining the quality of public discussion, politicians as much as the media hold some responsibility for the degradation of public debate. The question is how to respond to this problem. Whilst some argue that a high level public debate is what is needed, with more free speech not less, others suggest that the only way to guarantee improved standards in journalism and counter the ills of a 'bare all' culture is for tighter controls and independent adjudication.



## ESSENTIAL READING

Privacy & the media

*Guardian*

### FOR

Mosley's racy sex life is none of our business

Barbara Hewson *spiked* 28 July 2008

Media intrusion: sharing the blame

Nicholas Jones *Campaign for Press and Broadcasting Freedom* 5 February 2008

Time for a new privacy law that leaves well alone

Alex Wade *The Times* 12 January 2007

This cult of intrusion and bullying is cheapening us all

Polly Toynbee *Guardian* 24 July 2002

Those horrible rags are ruining people's lives

David Aaronovitch *Independent* 11 April 2001

### AGAINST

Cracking the whip against free speech

Tessa Mayes *spiked* 28 July 2008

Max Mosley verdict will stifle journalism

Joshua Rozenburg *Daily Telegraph* 24 July 2008

What interests the public is not always in the public interest

Dan Sabbagh *The Times* 9 March 2007

This scrutiny of the famous and the powerful is unpleasant but necessary

Simon Jenkins *Guardian* 12 January 2007

We know better than the courts

Christopher Meyer *British Journalism Review*, Vol 17 (3) 2006

## IN DEPTH

What price privacy now?

*Information Commissioners Office* 13 December 2006

Prejudice, distortion and the cult of celebrity: Is the press going to hell in a handcart?

Roy Greenslade *MediaWise inaugural lecture* 22 January 2004

'Restraint or Revelation?'

Tessa Mayes *Spiked Report* 22 October 2002

Private lives, public obsession?

Barbara Hewson *spiked* 10 May 2002

Politicians and privacy

Michael Kingsley and Thomas Nagel *Slate Magazine* 23 September 1998

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## BACKGROUNDEERS

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Privacy and the media: time for an inquiry? Director's Blog Polis  
*Journalism and Society* 27 June 20

Charlie Beckett *Director's Blog Polis Journalism and Society* 27  
June 2008

Privacy and Intrusion: Statement of Journalistic Ethics  
*Daily Press.com* 2008

Media Regulation – battle lines drawn?  
Mike Jempson *Campaign for Press and Broadcasting Freedom* 9  
February 2007

Privacy  
Judith DeCew Stanford Encyclopaedia of Philosophy 18  
September 2006

How do we balance privacy with freedom?  
Bill Hagerty *British Journalism Review*, Vol 14, No.1 2003

The Public Interest, the Media and Privacy  
*BBC et al* March 2002

Code of Practice  
*Press Complaints Commission*

## ORGANISATIONS

Campaign for Press and Broadcasting Freedom

Media Standards Trust

Mediawise

National Union of Journalists

Press Complaints Commission



## IN THE NEWS

The Sun rapped for secretly filming supermarket worker in child porn case

*Guardian* 19 August 2008

UK newspaper apologizes for royal "cancer" story

*Reuters* 8 August 2008

Max Mosley Victory: the death of kiss and tell

*Evening Standard* 27 July 2008

Sienna Miller in tabloid privacy complaint over holiday pics

*Guardian* 23 July 2008

PCC rejects privacy complaint from JK Rowling

*Press Gazette* 26 June 2008

Boris tells press: leave those kids alone

*The First Post* 30 May 2008

Licence to steal

*Guardian* 7 April 2008

Holy Moly attacks 'seedy' paparazzi

*Guardian* 12 February 2008

Sarkozy sue Ryanair over advert

*BBC News* 31 January 2008

OK! Rapped over 'reckless photo' story

*Guardian* 9 January 2008

Privacy payout for Blair vs Daily Mail

*Press Gazette* 23 November 2007

Middleton makes new paparazzi complaints

*Guardian* 5 July 2007

OK! wins victory in Zeta-Jones battle

*Guardian* 7 May 2007

Lord Browne has nowhere to hide from this story

*Independent* 6 May 2007

Leave William and Kate alone, says Blair

*Daily Telegraph* 17 April 2007

Royal Editor admits phone tapping

*BBC News* 29 November 2006

McCartneys split after four years of marriage with attack on 'constant intrusion' by media

*Guardian* 18 May 2006

Oaten resigns over rent boy claim

*BBC News* 21 January 2006

Supermodel attends privacy appeal

*BBC News* 18 February 2004

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- I am interested in sponsoring/supporting Debating Matters
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**“DEBATING MATTERS  
TEACHES A WAY  
OF THINKING.  
INTELLECTUAL  
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IS CREATED BY  
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**TRISTRAM HUNT, HISTORIAN & BROADCASTER**

