

Institution: BRUNEL UNIVERSITY (H0113)
Unit of Assessment: 36 – Communication, Cultural and Media Studies, Library and Information Management
Title of case study: Media policy, regulation and censorship
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>Professor Julian Petley's research into media policy, regulation and censorship has impacted on public policy debate through a number of invitations to give evidence to the Joint Committee on Privacy and Injunctions, the Press Complaints Commission's Governance Review, the Crown Prosecution Service's consultation on prosecutions involving communications sent via social media, and, most recently, the Leveson Inquiry into the Culture, Practice and Ethics of the Press. He was also a member of a small group of academics consulted by Dr Tanya Byron when compiling her report <i>Safer Children in a Digital World</i>.</p>
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>Petley's research has offered insights into the origins and consequences of key aspects of media regulation and its legitimisation, issues of major significance to our understanding of contemporary society. His initial research findings in this area focused on the operation of film and video censorship in the UK, examining in particular the workings of the British Board of Film Classification (BBFC). Particularly as a result of his work on the 'video nasty' panic of the early 1980s, which was re-ignited in the wake of the murder of James Bulger in 1993, his research has produced ongoing insights into the role played by moral panics in legitimating censorship, and in particular into the role played by the press, politicians and moral entrepreneurs in helping to create and sustain such panics. His research in these interlinked areas demonstrated that the UK has among the strictest film and video censorship in Europe, that much of the 'effects' research which purports to justify such censorship is questionable, and that film and video censorship in the UK needs to be understood as an apparatus which involves far more than simply the activities and policies of the BBFC.</p> <p>He has written extensively about the provisions in the Criminal Justice and Immigration Act 2008 which make it illegal even to possess what it defines as 'extreme pornography', and about Ofcom's refusal to allow certain kinds of 'adult' material to be shown, even late at night and in encrypted form, on the television channels which it licences. His concern with censorship has also led him to undertake research into attempts to block and filter the internet, and to prosecute users of online material which the authorities have deemed to be illegal. This has involved research into the Internet Watch Foundation and the Authority for Television on Demand. In particular, he has adduced evidence for the arguments that, even in a democratic country such as the UK, the internet is by no means the censor-free zone which it is commonly supposed to be, and that surveillance of Internet users is increasingly being employed to encourage them to self-censor their online activity.</p> <p>From the early 1990s onwards, Petley's work offered insights into the causes and consequences of the 'de-regulation' of broadcasting by measures such as the Broadcasting Act 1990 and the Communications Act, 2003. In particular, his research provided evidence for the claim that the 'de-regulation' of British broadcasting threatened to make it much more like the press, whose standards are generally regarded to be far lower than those of the broadcast media. This, in turn, led Petley to undertake research into the problems and shortcomings of the British press. In particular his research has focussed on the extent to which the daily press in Britain can be considered to be a 'Fourth Estate', and the efficacy or otherwise of the Press Complaints Commission as a form of 'self-regulation'. Ever since the Press Complaints Commission was established in 1991, his research has repeatedly demonstrated that the PCC is not a regulator (as it habitually claimed to be) but is simply a mediator of complaints. It was thus particularly gratifying that, after decades of denial, the PCC finally accepted this fact in front of Lord Justice Leveson in January 2012. Petley's research has also demonstrated that a press regulated solely by market forces will produce oligopoly, overweening proprietor power, debased, market-driven journalism, and a situation in which governments are liable to become subservient to media barons. Again,</p>

Impact case study (REF3b)

thanks to the revelations which led the Leveson Inquiry, and to the evidence laid before the Inquiry itself, this analysis is now a great deal more widely accepted than it once was, and it is a mark of the impact of Petley's work in the field of the press that he was asked to give both written and oral evidence to the Inquiry. In the period following the publication of Lord Justice Leveson's report, he has been deeply engaged in efforts to try to ensure that its recommendations are put into practice – through activities including lobbying, contributing to several different blogs in the field, writing for the *British Journalism Review*, and in his capacity as co-chair of the Campaign for Press and Broadcasting Freedom and an active member of the pressure groups Hacked Off and the Media Reform Coalition.

3. References to the research (indicative maximum of six references)On film and video censorship:

Film and Video Censorship in Modern Britain, Edinburgh University Press, 2011.

'The following content is unacceptable', in *Controversial Images*, Feona Attwood, Vincent Campbell, Ian Hunter, Sharon Lockyer (eds), Palgrave 2013.

"Are we insane?" The "video nasty" moral panic', in *Moral Panics in the Contemporary World*, in *Moral Panics in the Contemporary World*, Bloomsbury 2013.

On internet censorship

'Pornography, panopticism and the Criminal Justice and Immigration Act 2008', *Sociology Compass*, Vol. 3, No.3, 2009.

'Web Control', *Index on Censorship*, Vol. 38, No.1, 2009.

On the press:

'What Fourth Estate?', in Michael Bailey (ed.), *Narrating Media History*, Routledge 2009.

The Media and Public Shaming, I.B. Tauris 2013.

4. Details of the impact (indicative maximum 750 words)

Petley's work on press regulation (and in particular on the matter of privacy and press freedom) led to his being asked to give oral evidence to the Department of Culture, Media and Sport joint committee in 2012 and to the Press Complaints Commission's Governance Review in 2009. As a result of his work on media freedom and regulation, he was asked by the Equality and Human Rights Commission to comment on a draft of the *Human Rights Review 2012*, and by the Director of Public Prosecutions to comment on draft guidelines on the public interest for prosecutors involved in cases involving journalists. He also gave evidence to the *Making Good Society* report published by the Carnegie Trust.

In 2011 the Leveson Inquiry was established to investigate the role of the press and police in the phone-hacking scandal, and more generally to enquire into the culture, practices and ethics of the press. As the concerns of the Inquiry were central to Petley's own work, he submitted written evidence to it, and was subsequently invited to give oral evidence. He is a founder member of Hacked Off (the campaign group created in July 2011 that led to the setting up of the Inquiry in the first place), and also of the Media Reform Coalition, which was set up by academics and NGOs when the Inquiry was announced to help to coordinate responses to Leveson. One of these NGOs is the Campaign for Press and Broadcasting Freedom, of which he is co-chair, and which has campaigned for years on precisely the issues of central concern to the Inquiry. In the wake of the Leveson Inquiry he has intervened extensively in the debate around how best to implement Leveson's proposals, and in this respect he writes among others regularly for Inforum, a highly respected and authoritative blog which is run by Hugh Tomlinson QC, of Matrix Chambers.

Petley has established a productive relationship with the BBFC, and contributed (at their invitation)

a substantial chapter to a book published in 2012 by BFI/Palgrave to mark the Board's centenary year. He also wrote a chapter on current BBFC practice for the edited collection *Controversial Images*. He has published lengthy interviews with both the current Director and his two predecessors, and has regularly engaged in public debates of one kind or another as a means of impacting upon public perceptions of this aspect of the censorship process. In November 2012 he took part in two discussions at the National Film Theatre season marking the Board's centenary. These matters are extremely hard to quantify, but he would certainly claim to have had impact on the relaxation of film and video censorship in the UK since the late 1990s, and on the fact that there have been no major moral panics over film and video violence during the same period. In this respect, it is significant that he was asked by a DVD distributor to help it with its submission of a particularly controversial film to the BBFC (*Cannibal Holocaust*); this was originally banned outright, then cut by over six minutes, but on this submission it was cut by a mere sixteen seconds.

Petley's concern with censorship also led to his involvement in high-profile campaigns in connection with the 2008 Criminal Justice and Immigration Act, following evidence provided to the Home Office during consultation preceding the measure. He was among a small group of academics who briefed Liberal Democrat MPs in their attempt in April 2008 to amend clauses defining 'extreme pornography'. On the basis of expertise gained during the genesis of the Act, Petley has on several occasions briefed the solicitor (Myles Jackman of Hodge, Jones and Allen) who has taken the lead role in defending cases brought under these clauses since they came into effect in January 2009. He has also acted as an expert witness in a case involving internet material prosecuted under the Obscene Publications Act. This came to court on 29 June 2009 and immediately collapsed. All the cases in which he was involved were successfully defended, demonstrating a direct impact on the outcome of these. He is a member of the advisory board of Index on Censorship, and of a new high-profile group, Censure, recently established by Myles Jackman to challenge the government's apparent desire to extend still further controls over material, both off- and on-line, which it considers to be unacceptable. He has been invited to join the editorial board of the new Taylor and Francis journal *Porn Studies*, which came about as result of the Sexual Cultures conference at Brunel, which he helped to organise. Petley was also a member of a small group of academics consulted by Dr Tanya Byron when compiling her report *Safer Children in a Digital World*, published in 2008.

In all of these cases, the main impact of Petley's interventions role has been to inform public and political debate in key areas relating to various forms of regulation that shape the nature of media content consumed by the British population at large. These have included very high-profile issues in which Petley's research-based arguments have gained a strong voice in fora at the highest levels of national policy-making and inquiry and in national media.

5. Sources to corroborate the impact (indicative maximum of 10 references)

Evidence and Transcript of Leveson appearance are available at:

<http://www.levesoninquiry.org.uk/evidence/?witness=professor-julian-petley>

Evidence to the Joint Committee on Privacy and Injunctions is available at:

http://www.parliament.uk/documents/joint-committees/Privacy_and_Injunctions/JCPIWrittenEvWeb.pdf

'"Sick Stuff": Law, Criminality and Obscenity', in David Gunkel and Ted Gourmelos (eds), *Transgression 2.0*, Continuum 2012.