

# **Response to Ofcom consultation on measuring plurality across media:**

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**Question 1: What are the options for measuring plurality across platforms? What do you recommend is the best approach? Is it practical or advisable to set absolute limits on news market share?**

*1.1 What are the potential metrics that could be useful to assess plurality (for example, in the past we have used reach, minutes, share of references, 'main source' or news?)*

## **Mainstream Commercial Platforms:**

One suggestion might be to compare media group turnover (and where relevant, level of subsidy) in relation to direct broadcast satellite television, cable network programming, newspapers, online social networks, and other relevant ISP content, but likely not certain categories of film entertainment or book publishing; and only where turnover is above a sizeable threshold level.

## **PSB Platforms:**

### **Any obligation for multi-faith news needs to be restricted to PSB sector:**

In relation to PSB funded multi-faith content on the BBC, perhaps the national census statistics for faith affiliation will prove helpful. Content should perhaps be measured for example over a period of a year rather than in individual programmes, unless in PSB funded faiths news. The support bases, funding models, and subsequent levels of resourcing available for faith news on non-PSB funded channels, do not make multi-faith news viable, other than for specialist multi-faith projects. Adherents of all faiths are after all, free to apply for their own digital licences, and to highlight news items of interest to their respective client groups.

## **Christian Platforms:**

### **Greater need for broader interdenominational understanding and coverage:**

While in no way seeking to downplay the impact of the Jewish Holocaust, it can also be argued that in relation to Christianity, our tolerant liberal society is a residual culture shock dating back in part, from the legacy of religious intolerance in the C17th, which witnessed at least 7.5mn deaths (a quarter to a third of the population) in mainland Europe during The Thirty Years War; and in Ireland alone for example, there where more than 600,000 mostly Catholic deaths associated with the Civil War between Charles I and Parliament.

Today's fault-lines appear to be less about the legacy of Reformation Protestantism and Catholicism, and more, as American pastor Rick Joyner defined in 1996, between 'greys' -advocates of models of Christianity heavily reliant on human wisdom and often theological dispensationalism, and 'blues' -adherents of more revival orientated models, where advocates believe the Holy Spirit has been particularly active through four so called Great Awakenings since the C18th; the first of which was credited with

saving Britain from a continental-style revolution. More recently, the Third and Fourth Great Awakenings of the C20th, have included three alleged major transdenominational waves of the Holy Spirit, -in part credited with prompting Vatican Two within the Catholic Church.

These secondary fault lines were identified as early as 1737 by a catalyst of the First Great Awakening Jonathan Edwards, a congregationalist minister, working out of Massachusetts, who defined similar sociological sub-groups as 'New Lights' and 'Old Lights', or 'New sides' and 'Old sides' as they were described in Connecticut at the time.

Hence news editors in the sector, have their hands full just reporting different perspectives from across the Christian spectrum, let alone the multiple perspectives from within other faiths as well! One can see the synergy between for example evangelicalism and modern media is not just a cultural inconvenience. There is a significant weight of history behind it.

### ***1.2 Is there a way to assess the relative importance of different media in shaping public opinion?***

The four days of riots which followed the shooting of Mark Duggan in Tottenham in August 2011 and claimed five lives, appear to demonstrate that an increasing minority within society hold secular relativist opinions and lack stable role models.

### ***1.3 News and current affairs have been established as key genres particularly critical for informing democracy. Should any other genres be considered, and what evidence is there of their capacity to influence public opinion?***

#### **Moral decay illustrated by riots illustrates secular news is not completely meeting society's needs:**

Pope Benedict XVI commented in relation to the riots “when policies do not presume or promote objective values, the resulting moral relativism tends instead to produce frustration, despair, selfishness and a disregard for the life and liberty of others” adding “policy-makers are therefore right to look urgently for ways to uphold excellence in education...” The First Great Awakening in New England, in the C18th, had a particular impact on just 10% of the population, yet this was enough to promote a moral reformation across society.

#### **Opportunity within regional news bulletins to include more faith content that informs as well as entertains:**

As the appetite and market for regional news becomes more important, where this is PSB funded, perhaps a quota of faiths news can be included, for example measured say over a year period, within regional news bulletins and related online content. It would be helpful if the guidance for this was to build up awareness of faith or belief, rather than focus on for example, more eccentric and idiosyncratic items which entertain and help ratings, but don't really educate about faith or belief within the community. In relation to coverage about Christianity, it would be helpful if reports spanned the denominational and age spectrum, informing people about church streams that are growing and attracting in young people, rather than there being particular emphasis on The Church of England and cathedrals.

**Christianity is becoming an increasingly important ethical language globally for communicating with new markets in China, India etc:**

Christianity is rapidly re-emerging as a key international cultural language in the developing economies, with around 35,000 converts in India daily. In China the rate is running at around 30,000 per day, or a million per month, leading to the widespread evaluation China may well have a strongly Christian influenced government within ten years. Already businessmen from New York, or indeed any of the nearly 50 countries BSF (The Bible Study Fellowship with cc250,000 members) has bases in, can do their follow-up study in China the next week, or indeed at the Chinese Church here in London.

**Opportunity for unique content:**

Since Constantine's Edict of Toleration in the C4th, churches have been on the front-line, pioneering social care in society, which may not today be exciting for ratings driven media, but is nevertheless often ahead of the community curve, and deserves to be reported. The Second Great Awakening quickened consciences to address slavery in the C19th. This past month, Hillsong Church through its A21 Campaign and Christian television coverage, has been instrumental in flagging up the challenge of the c27 million slaves in the C21st; of the c1.4 million sex slaves, many of whom pass through eastern Europe; of how tens of thousands of children have disappeared when orphanages have closed there; and the fears that many baby boys have been organ harvested, and baby girls sold into paedophile rings around Europe.

Subculture news is a refreshing opportunity to turn the conventional news agenda on its head, and fill important gaps in mainstream news reporting. Too often, the real news is what people do not hear. Again, few outside of the Christian subculture are aware of the alleged resurrection of dozens of people through Iris Ministries, run by Heidi and Roland Baker in Mozambique. Events such as this should challenge society to question -with the power of prayer, what is normal in our generation? Often this material appears to raises huge editorial and personal challenges for secular newsrooms, and while of interest, it simply isn't reported. The persecution of believers has also historically been seriously under-reported, although the BBC appears to be increasingly redressing this.

***1.4 How might the market evolve in future and how might this affect options for media plurality across platforms?***

**Marketing muscle drowns out smaller online players:**

The growing focus on internet tv with the launching of Google TV and online tivo type services such as BBC iplayer shows that strong marketing budgets are increasingly important for maintaining audience share in a web-based world. Until effective models for enabling news to pay for itself, have been widely established within the industry, perhaps advertising investment for online profile should not be restricted, even if it does disadvantage smaller players.

**Power of ISPs:**

However the power of ISPs to shortlist websites of their choice, exclude others, -the criterion they use to do this, and marketing budgets only available to big players in order to have their sites shortlisted on the first page of a search, surely all require scrutiny in the shorter term?

*1.5 At what point in the news value chain is there potential for the greatest level of editorial influence over content?*

**Responsibility increasingly focused at coal face:**

**Re traditional media**, the duty news-editor is generally on point duty with regard to whether a commissioned story is in the public interest. All/contentious material should ideally then be checked by lawyers prior to release into the public domain - though too frequently in the faith sector, and increasingly with web practitioners, this safety net may not exist, on cost grounds. The PCC/its successor, should only be viewed as a long-stop. Guidance is needed to ensure in-house legal advice, where available, is angled more from the perspective of prospective victims rather than publishers/broadcasters/bloggers. Once a story has gone viral online, it is next to impossible to achieve full redress.

**Ethical considerations:**

Deadline pressure for content often means there is little time for reflection by information suppliers and processors. Unless an ethical mindset is hardwired into the culture from the outset, even at training stages, and via regular team meetings with all members of news desk staff to discuss challenges and written guidance for news stringers, -while media chaplains can also be a helpful idea, few are going to want to admit to consulting them.

**Re new media**, as the web is essentially ungovernable beyond existing laws of defamation -slander (verbal statements) and libel (written or published words), and material from stories will increasingly be converged onto multiple media platforms - including online services, regulation should perhaps be minimised, as otherwise one web news-editor may be under Ofcom, and at a bureaucratic disadvantage, while most others are not.

For this reason, one would suggest, only sites sharing the same branding as an Ofcom licensed tv or radio channel, and benefiting from marketing on the respective channel, should perhaps be considered for regulation of their online services (and certainly not if they simply share an association via a list of hyperlinks).

Should Ofcom monitor sites/YouTube clips etc, which receive over a certain number of hits, for example in a three month period? Surely this not be viable?

There is of course the challenge of territorial jurisdiction as well. Should this relate to the base location of the uploader, ISP management base, or mountain cave in which the information mainframes are housed...

**International compliance centres for new media?**

One option might be for ISPs and online services such as Facebook, YouTube, Twitter etc to perhaps be asked to part-contribute, along with national regulatory departments worldwide, towards international compliance centres, operating to basic common standards of decency, in a similar way to the TVWF (Television Without Frontiers Directive), agreed at a body such as the UN? Otherwise an obvious problem would arise, of who guards the digital gatekeepers, whose role, like phone companies, is essentially to remain impartial?

In the meantime, ISPs and online services should perhaps be encouraged to maintain large enough departments and automated systems, to handle requests to remove/block the most serious material that is offensive or abusive etc, -or allow law enforcement agencies and/or regulators system access to do so, within a reasonable time frame; and where this will not interfere with freedom of opinion and expression in a way that creates cross-cutting human rights issues within the territory where the information has been uploaded?

Increasingly it seems, the responsibility should in all likelihood, rest more with audiences, for what material they choose to expose themselves to. This was a view reflected by Tertullian in 'On the Shows', writing to Christians as early as the C2ndAD.

***1.6 Is it possible to define a set of characteristics of a market that could raise concerns about levels of plurality?***

**Where the PSB licence fee is focused solely into the BBC rather than also discounting PSB services across a broader range of independent/commercial digital services for whom PSB content is less financially viable:**

As mentioned above, adherents of other faiths are just as entitled as Christians to apply for digital broadcasting licences. Multiple faith voices on single digital channels are generally not viable due to the support bases and funding models of such channels. The natural funding base for the considerable resources required to include multi-faith voices on single digital channels is the public licence fee, unless, rather than this being given mainly to the BBC, it is distributed more widely between independent digital channels as well, to subsidise PSB content in a more balanced way across digital platforms -even if it means a leaner more focused BBC? Perhaps this warrants discussion?

**Is there a danger of history repeating itself?**

The story behind the King James Bible, the 400<sup>th</sup> anniversary of which we are celebrating this year, seems to bear parallels in the eyes of some, to the situation faced by faith based current affairs broadcasters such as Revelation TV's Howard & Lesley Conder, now based in Spain, and broadcasting into the UK via a Spanish licence. In the C15th and C16th, we see how proponents of an indigenous gospel message moved offshore due to onshore regulation, used the latest technology harnessed by the progressive businessmen of their day, to spread their message anyway, were subsequently recognised to be contributing to the cultural fabric of the nation, invited back into the fold as prophets rather than pariahs, and lawmakers worked with them to accommodate their calling.

In 1409 Archbishop Arundel's Constitutions made it illegal to translate the Bible into English, or even read it in English. So when William Tyndale translated the New Testament in 1425, he had to flee to Cologne to have it printed. Shortly before Johannes Gutenberg, a businessman from Mainz and sort of Murdoch of his day, had introduced movable print and sponsored the first German Bible -the Gutenberg Bible, albeit mainly as a business venture. 18,000 copies of Tyndale's text, translated from Erasmus, were subsequently sealed within cloth in ships' holds, and duly circulated around the British Isles. A precedent having been established, former Augustinian friar Miles Coverdale went on to translate both the Old and New Testaments into

English while an exile in Antwerp, and return to England to revise his work, drawing strongly on martyred Tyndale's material, to fulfil a commission of Henry VIII in 1539, for a pulpit Bible in every parish church.

Protestant exiles during the reign of Mary I produced the Geneva Bible in English, the first with verse numbers, which became the Bible of choice for the English until 1600. This disestablishment initiative led to the official Bishop's Bible in English cathedrals as a countermeasure in 1568, a Catholic Bible -the Douai Rheims, with the OT being translated in 1582 and NT in 1610, -and, to James I commissioning the authorised version in 1605, again heavily influenced by Tyndale (80%) and Coverdale -by now bishop of Exeter, which was published in 1611.

*1.7 To what extent do other laws (for example the competition law) or sectoral characteristics (such as multisourcing by consumers) act as safeguards for plurality?*

### **Shouldn't shareholders be able to depose unsatisfactory directors who hold Ofcom licences?**

Given that the term plurality within this context, refers to news gathered in a legal and ethical way, where this is demonstrated to not be the case, and executives of media corporations have failed to manage their enterprises effectively, perhaps the granting and maintenance of licences within associated media groups should be conditional on national and international shareholder voting rights, being structured so that failed executives can be deposed? The division of voting rights within News Corps, where 70% of shareholders have no voting rights, will appear to be wholly unsatisfactory to most democrats.

*1.8 Are there any regions, areas or audiences (such as the devolved nations) which may require separate consideration, and why?*

### **Terms of UK licence to include ongoing scrutiny of systems improvements by related international bodies?**

Where media group executives have failed to manage their enterprises effectively, it would be desirable for Ofcom to perhaps request update reports every three months, for the remaining term of the licence, or even a period beyond that, of three-five years maybe, re how the lessons learned are being implemented throughout the immediate organisation and its sister/parent organisations internationally. As a condition for a licence in the UK, Ofcom should perhaps include in the terms that they retain the right to check that systems improvements are being enacted at the international level. Such reports should ideally be made public. Ofcom would need to be supplied with the resources to do this properly, and have its hands free to make a public case, when further resources are required.

### **Subjective objections relative to territory where online material is posted?**

Objections to certain material may be subjective, relative to the cultural norms of a territory. This would prove a likely challenge for any international compliance bodies. For example in parts of Africa child marriage is normal, while in large parts of the developed world the groom would be considered a paedophile. Similarly in many cultures polygamy is normal. By contrast discussion about a revered spiritual leader might be considered apostasy by those of another spiritual persuasion. Thereby, in

some territories both uploaders and downloaders may be considered to have committed a crime, in others -just the uploader or the downloader.

**Question 2: What could trigger a review of plurality in the absence of a merger, how might this be monitored and by whom?**

**Attempting to pervert the course of justice?**

The revelation that even the fourteen year old daughter of the Dowler family's solicitor, Mark Lewis, was placed under surveillance, together with members of the Culture Select Committee is completely unacceptable, and will leave many members of the public feeling disempowered, disillusioned and some perhaps, that their only option is to encamp outside St Paul's, -due in part to the perceived inability of legislators and regulators to prevent corporate cultures from growing so powerful and detached, that actions can be sanctioned that may be widely interpreted as amounting to attempts to pervert the course of justice.

**Culture Select Committee's power of referral:**

Politicians should be able to refer concerns to parliamentary scrutiny committees such as the Culture Select Committee, and where there is a majority vote of members in favour, the committees should be empowered to ask Ofcom to evaluate if there is grounds for a review. All associated politicians in the process, should obviously be required to publicly declare from the outset, any related interests.

**Ongoing Ofcom assessment of concentrations of power:**

In addition, as David Cameron has outlined, Ofcom needs to be able to continually assess concentrations of power, instead of just at the point when deals are done.

**Ofcom independently free to initiate plurality review?**

While there is the fit and proper persons mandate, it should be clear that Ofcom is able to act on the independent recommendation of the police, The DTI, foreign regulators and/or legal enforcement agencies.

Ofcom should ideally be mandated and resourced to conduct reviews in conjunction with bodies such as the DTI (and international equivalents?) At appropriate stages, the process would need to be made public to maintain credibility.

**Public Petition?**

...If 100,000 public signatures will prompt a parliamentary debate, perhaps there should be a threshold level at which public expressions of concern may be enough to trigger consideration of a plurality review?

**Question 3: Could or should a framework for measuring levels of plurality include websites and if so which ones? Whether or how should it include the BBC?**

Any framework should perhaps only include PSB funded sites, or those associated with media groups above a sizeable threshold turnover. The impact of the BBC on independent regional news gathering and special interest media needs to be monitored on an ongoing basis.

#### **Question 4: Additional Comments**

*Further comment re Q1.5 At what point in the news value chain is there potential for the greatest level of editorial influence over content?*

#### **The Anders Breivik factor and human rights NGOs which promote online content:**

Media convergence means some faiths NGOs handling UN recognised human rights cross-cutting matters are almost becoming online tv stations in their own right. It would be sensible for Ofcom to be empowered to just give guidance sometimes for material relating for example, to Islam or sexual orientation, to always be handled in a gracious way that is not likely to engender hatred in more militant minorities, and for Ofcom licensed terrestrial, satellite, and cable channels to always allow right of reply.

Most faith orientated human rights campaigners, I'm sure would have been horrified by the Oslo bombing and massacre on Utoya Island, committed in July 2011 by self-styled crusader knight Anders Behring-Breivik. The fact he claims he was recruited by two English extremists nine years ago, e-mailed dozens of Britons with details of his planned murder spree two hours before the bomb exploded in Oslo, and claimed he had 600 English Facebook friends, is a matter of deep concern and needs to be a wake up call for the responsible posting of content by everyone.

While there has sometimes been a temptation for legislators to tar for example orthodox Christians with reductionist terms such as fundamentalist, one would urge Ofcom to apply discernment, and recognise respective communities are themselves continually on the look-out for sheep in wolves clothing. For example The Christian People's Alliance was first to use the media to sound the alarm over a similar sounding far right group.