

Privacy versus freedom of expression



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" The 'media' in their long history have shattered countless reputations and destroyed countless careers. We have driven people to suicide. We have caused immeasurable emotional pain, suffering and humiliation, not only to individuals but to families... and to entire communities" (Goodwin and Smith 1994, p. 280)

President of the International Automobile Federation (FIA), Max Mosley sued the News of the World for breach of confidence and was rewarded 60, 000 pounds as compensation on winning the case. The Sunday journal clandestinely filmed Mosley taking part in an orgy with five prostitutes in a Chelsea flat and splashed it all over the paper and the web. The paper alleged that the orgy had a Nazi theme to it and broke the news with the outrageous headline " F1 BOSS HAS SICK NAZI ORGY WITH 5 HOOKERS".

This brings forward the everlasting debate over privacy versus freedom of expression. Archard (1998: 83) claims that 'Privacy has to do with keeping personal information non-public and undisclosed.' Freedom of expression on the other hand, upholds the rights of all to express their views and opinions freely (Freedom Of Expression {online} link: http://www.hrea.org/index.php?base_id=147: accessed 22. 12. 09). However, the extent to which the privacy of Max Mosley has been intruded into by the " family newspaper" is unacceptable in my opinion. There are certain parameters to the freedom of press that have to be maintained and this was certainly indecent and unethical scheming on the part of the News of the World.

International supermodel, Naomi Campbell filed a case against The Daily Mirror for breach of her right to privacy. The paper disclosed that she

secretly attended meetings of Narcotics Anonymous. It was in public interest to publish that she was a drug addict and that she was being treated for it - but where she was being rehabilitated, what her reaction to it was and surreptitiously collecting photographs of her leaving after a treatment session, was going much too far. Therefore, the judgment in favour of Max Mosley, Naomi Campbell and similar cases like Michael Douglas and Catherine Zeta Jones versus Hello! Magazine do not chill press freedom but only draw a line minding the excesses of the media. This would lead the press into focussing on meaningful news coverage and control any digression into agenda based news reporting for exciting the public. As Legal analyst Joshua Rozenberg said the court ruling in favour of the FIA President was a " warning" to journalists.(Mosley Wins Court Case Over Orgy, 2008 {online} available from <http://news.bbc.co.uk/1/hi/uk/7523034.stm> : accessed on 16. 12. 09) Alongside this will limit the power the media has over peoples' minds and life altogether which has been misused for profits in this and other similar cases.

Subsequently, I would like to point out that, be it the motor racing chief or any celebrity - nobody's personal life can be made a public spectacle. Big names are liable to the public to some extent but filming somebody's intimate moments followed by a so-called " newsworthy" piece published about his/her sexual interests is objectionable. I found here a creeping sense of commercialism considering the choice of story and the sensationalised language used in it by NOTW. Many in the media arena agree with US journalist Carol Marin who claims 'we are afraid of being unpopular, we are afraid of shrinking markets.'(CJR forum1998, p. 3). Also whatever Mosley

may do in his personal life, as long it does not affect his work or as far as he is not merging his professional life with his personal life - he is free to pursue whatsoever. News of The World seems to be thriving on the idea if it bleeds, it leads- they did not consider it essential enough to translate the German spoken in the video to understand what it said, tagged it as having Nazi undertones and rashly threw it open for the public to watch.

Clause 10 of the code of practice of The Press complaints commission - Clandestine Devices and Subterfuge, sets a ban on the use of hidden recording devices as a method to gather information unless it were the only way to disclose a public interest story. The method used by the tabloid to bring out the story was inherently flawed - it is his personal life and the defence of public interest is altogether irrelevant. There is no harm in being a part of such a scenario between consenting adults on private property.

Paying an informant to secretly record the orgy was one thing but along with that drawing metaphors like the alleged Nazi connections was completely appalling. On this point I would like to elaborate that basing a person's actions and drawing conclusions keeping in mind his family history is completely unfair and is a very narrow outlook to a situation. As Mosley told Mr Justice Eady on his first day of giving evidence in the High Court, " All my life I have had hanging over me my antecedents, my parents and the last thing I want to do in some sexual context is be reminded of it."(2008) In Quotes: Mosley Trial, The BBC, link: <http://news.bbc.co.uk/1/hi/uk/7510193.stm>: accessed 18. 12. 09. Having the blood of a Nazi supporter and founder of the British Union of Fascists, Sir Oswald Ernald Mosley should not imply that even Max Mosley has the same offensive beliefs and ideology. It is <https://assignbuster.com/privacy-versus-freedom-of-expression/>

entirely unjustified to back up Mosley's story of having a "Nazi-style orgy" and defame him by digging out some facts like insulting family history or any similar far-fetched connections that encourage a hostile impression of him.

"The News of the World stole my image and my dignity," said motor racing boss to the BBC. The humiliation caused to Mosley and his family is irreparable. There seem to be clear formulas adopted by newspapers covering such stories - they create a hype which boosts the demand for such papers. This is meddling too much with Mosley's personal life and such a story is no one's business.

Had Max Mosley made a speech before the public that had Nazi implications to it or had he influenced any third person with his supposed Nazi loyalty then it would fulfil the public interest defence for publication. In this case, it was an extremely personal set-up and even if it was a Nazi oriented one it is his personal life behind closed doors - it is clearly of no interest to any outsider.

In Nick Davies' book *Flat Earth News* (2008), he has referred to such irresponsible journalism as "churnalism". Journalists have a huge responsibility towards man and unfortunately this is being overlooked by focussing on sensational news. I would end with something that Mr. Roy Greenslade says, "No better reason to be a journalist than to make a change in people's lives."