

**Department of Media and Communications**

**MC71058A**

**Media Law & Ethics**

**Term: Autumn 2011**

*for MA Practice students (MA Journalism, MA Television Journalism, MA Radio, and MSc Digital Journalism)*

*Course Leader: Tim Crook*

**Course outlines are also available on <http://learn.gold.ac.uk>**

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**Goldsmiths**  
UNIVERSITY OF LONDON

**MC71058A for MA Practice students (MA Journalism, MA Television Journalism, MA Radio, and MSc Digital Journalism)**

**Course Structure**

The Course will be taught by a series of 10 core lectures. Nine by the course tutor, one by Angela Phillips, followed by 5 seminar/lectures by the course tutor, directed to preparation for the 3 hour unseen examination held on the Thursday of the reading/monitoring week of the Spring term.

**Autumn term.**

**Course convenor: Tim Crook.**

Core lectures on Tuesday evenings between 4 p.m. and 5.30 p.m. LG01 NAB.

Course will also be supported by a course reader, interactive exercises, digital hand-outs and course materials provided on the resource at [learn.gold.ac.uk](http://learn.gold.ac.uk).

There is one set book that covers the media law and ethics curriculum *Comparative Media Law & Ethics* by Tim Crook, published by Routledge 2009. It has an extensive companion website and key knowledge/skills resources are available in text and for MP3 audio downloads onto your Blackberries, iPhones or MP3 players. This includes a reading of the entire Chapter 12 on Intellectual Property Law and Copyright. All the updates on media law and ethics are on open access at <http://www.ma-radio.gold.ac.uk/cmle>. In addition you have exclusive access to a range of back-up resources for the course at <https://learn.gold.ac.uk/course/view.php?id=493> Your exclusive enrolment key is Aristotle.

**Spring Term.**

Revision sessions to prepare for the 3 hour unseen examination on Wednesday evenings between 5 and 6.30 p.m. during the first 5 weeks of the term.

Emailed updates on developments in media law and ethics will continue throughout the year.

The content of the lectures is provisional. Subjects are likely to be moved around to adapt to contemporary developments in case law and legislative changes.

**Core Lectures**

**Lecture One. Tim Crook.**

**Course overview.** Why we have to be professional and knowledgeable about media law and ethics. The four key areas of applied skills: protection of reputation (libel and defamation); privacy (dignity, honour, 'personality rights' and human feelings, state security and corporate confidentiality); contempt (protecting criminal justice and civil law enquiries, ensuring right to fair trial and preventing media prejudice, breaching court orders); intellectual property (copyright and moral rights, 'fair dealing' for the purpose of current affairs reports, review and criticism, the different liability between literary/performance and image rights, and complying with licensing). Why at Goldsmiths we have a comparative and international approach, focusing on the differences between US and UK media law, and the significance of European law influences from the ECHR (European Court of Human Rights in Strasbourg) and ECJ (Court of Justice of the European Union in Luxembourg).

A brief overview of the reason we have media law and ethical regulation: Moral and Political Philosophy. The Historical Development of Media Law. Religious and Philosophical roots of controlling the dissemination of information. Social and political development of customs and laws relating to communication. Plato, Aristotle, Epicureanism, Stoicism, Cynicism, Judeo-Christian ethics, Utilitarianism, Baruch Spinoza, Emanuel Kant, Jeremy Bentham, John Stuart Mill, Karl Marx, Subjectivism and Objectivism. Understanding Natural Law, Positivist Law, Rights Law, Critical and Racial Legal Studies, and the significance of feminist theory in relation to media jurisprudence.

### Lecture Two. Tim Crook.

**Introduction to Defamation law and Contempt Issues. Attacking reputation and creating prejudice.** Definitions. Explanations. Case Law. Defences in defamation. Contempt for journalists and their defences. What are the implications for journalists of the successful prosecution by the Attorney General in 2011 of 'tabloid' popular newspapers for their coverage of the police enquiry into the murder of Joanna Yeates in Bristol and the demonizing of her landlord, retired teacher Christopher Jefferies? How does media conduct in these events cross between contempt and libel? What are the similarities with the coverage of the Portuguese police enquiry into the disappearance of Madeleine McCann and the demonization of British ex-patriot Robert Murat? What are the implications of the English administrative court taking a serious view of the impact of online media prejudice in *AG v Associated Newspapers and News Group Newspapers* in 2011? Developments in statutory concepts and precedents- The defamation bill 2011- joint House of Lords and House of Commons select committee enquiry; recent cases concerning libel online, transnational jurisdiction, and Twitter. Key developments such as 'Innocent Dissemination' (1996) and the House of Lords ruling in 'Turkington' (2000). Analysing the development of the UK 'Reynolds' defence and its comparison with the US Supreme Court case of *Sullivan v New York Times*. The implications of the 2006 House of Lords ruling in *Jameel v Wall Street Journal*. The case of *George Galloway MP v Daily Telegraph*. Comparing UK Libel Law with US Libel Law.

### Lecture Three. Angela Phillips.

**Ethical Judgments and Professional Codes for Media Practitioners.** BBC Editorial Guidelines. UK Ofcom code regulating television and radio content. Taste and decency in broadcasting and print. Regulating privacy for print and broadcast journalists. The operation of the Press Complaints Commission and its code of ethics. Ethical regulation is of enormous significance in professional media work. Newspaper/online and magazine employment contracts often include clauses requiring reporters/journalists to comply with the PCC code. All BBC employees are obliged to comply with their externally published editorial guidelines and the statutory regulator for all UK broadcasters (radio and television), Ofcom, applies a content code with the sanctions of reprimand, fines and the suspension of broadcasting licences. But the potential injustice and problems of 'ethical' regulation is being tested in the courts; hence the analysis in course materials of the case of British 'shock jock' radio presenter Jon Guant. The importance of ethical standards in journalism and media communication is emphasized by the fact that the course reader's first item is the British NUJ's code of ethics. The National Union of Journalists was the first British organization to advance a framework of ethical guidelines and has supported the idea of the importance and respect for individual ethical conscience for journalists and reporters working in media institutions. Angela Phillips engages in an interactive discussion workshop seminar and references the value of creating and publishing journalism that is intelligent, thoughtful of others and grounded in research, ethical and intellectual consideration. Her recent publications on this subject area inform the content of this session and include: 'An Ethical Deficit? Accountability, Norms and the Material Conditions of Contemporary Journalism' by Angela Phillips, Nick Couldry and Des Freedman in *New Media, Old News: Journalism and Democracy in the Digital Age* edited by Natalie Fenton, 2009, London: Sage; 'Transparency and the new ethics of journalism' in *Journalism Practice*, Vol.4, No.3, 2010; 'Transparency and the Ethics of New Journalism', in *Changing Journalism*, edited by Angela Phillips and Peter Lee-Wright, London & New York: Routledge, 2011.

Course convenor Tim Crook submitted evidence to the House of Commons enquiry into press standards, privacy and libel in 2009: 'Reforming UK libel, privacy and media standards through the creation of a 'Media Law and Restorative Justice Commission' in a constitutionally reforming 'Media Freedom and Restorative Justice Act' at:

<http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomeds/memo/press/m13002.htm>

#### Lecture Four. Tim Crook.

**State Security and Secrecy, or Spooks and Scribblers.** Britain's involvement in the US Bush administration defined 'War on Terror' after the 9/11 terrorist incidents in America has brought into sharp focus the balance between freedom of expression and the concept of 'national security.' Central to this topic has been the legal struggle by Al Qaeda suspect Binyamin Mohammed against Britain's intelligence agencies and the Foreign Office. This is also in the context of litigation and enquiries into the conduct of UK intelligence officers and service people into their complicity in torture and abuse of civilians and combatants. These processes have caused tension between the judiciary and executive about the line to be drawn in relation to 'open justice.' Is executive and legislative oversight of intelligence and special forces involvement in the treatment of prisoners of war, civilians in conflict, and terrorist suspects (through extraordinary rendition) sufficient? Whilst MI5 and MI6 depend on the Official Secrets Act as a shield against scrutiny, in the USA, the CIA, FBI and other agencies have used the PATRIOT Acts and previous provisions of 'state secrets privilege' and 'material witnesses' to maintain a cloak of secrecy on their enquiries and investigations into 'terrorism,' and other threats to the USA. All of these issues generate a debate on the influence of the intelligence agencies and espionage on notions of media freedom and issues of censorship in the 'global war on terrorism.'

This topic is supported by teaching resources on: Confidence and injunctions; Confidentiality and the administration of justice; Confidentiality and criminal investigations; Confidentiality and National Security. Other resources analyse key Official Secrets Act prosecutions such as: Jonathan Aitken, the ABC trial, Sarah Tisdell, Clive Ponting, David Shayler, Katherine Gunn, Derek Pasquil, David Keogh, and Leo O'Connor. Media law and politics as illustrated by the death of Dr David Kelly and the Hutton Enquiry. How was 'national security' used by the New Labour government, headed by Prime Minister Tony Blair, to determine the issues in the death of Dr David Kelly and the subsequent Hutton Enquiry? What have we learnt from the Butler and Chilcot Enquiries into the use and misuse of intelligence by executive government?

#### Lecture Five. Tim Crook.

**Media Ethics debates: bribes, phone-hacking and cronies.** The 2011 Metropolitan police enquiries into *News Of The World* journalists' and private detective unlawful interception of mobile phones and the bribing of police officers for information represent the most serious moral panic, ethical and legal crises for British popular journalism in living memory. With the arrest of journalists up to the position of senior group executive and editor/managing editor, there is the possibility of criminal charges and prosecution in Crown Court trials. The 'Hackgate' scandal, propelled and generated by the investigative journalism of Nick Davies at the *Guardian* and legal advocacy of solicitor Mark Lewis generated a traditional 'moral panic' in politics and culture with the revelation that the mobile phone of a child abduction and murder victim, Milly Dowler, had been 'hacked' and messages deleted so that people working for the *News Of The World* could hear more messages sent into the missing girl's electronic mailbox. This is a complex and intense intersection of media law, ethics, politics, and power. What are the criminal offences being investigated? What has been the role of journalism training in media law and ethics, media regulation and moral imperatives in these scenarios? What has been the significance of the voluntary closure of Britain's biggest selling Sunday newspaper by a foreign media baron in response to the 'moral panic'?

This debate is contextualised by the three strands of teaching and study in the Goldsmiths media law curriculum and set book *Comparative Media Law & Ethics*: media ethicology (moral philosophy of journalists); media jurisprudence (political and legal philosophy of journalists) and media ethicism (journalistic belief systems or their ideologies). The tension between idealism and materialism. The relevance of moral consequentialism and the role of the journalist as courtier. The course provides resources and study materials for three significant case histories exploring legal, cultural and ethical issues relevant to journalistic conduct: The case and trial of black anti-Slavery activist Robert Wedderburn- accused of blasphemy and seditious libel. The case and trial of campaigning editor W. T. Stead of the *Pall Mall Gazette*. The case and trial of Emile Zola and 'J'accuse'- resisting the forces of Anti-Semitism.

### Lecture Six. Tim Crook

**Privacy: my right to visit brothels, snort cocaine, commit adultery and indulge in S & M without the scrutiny of your public interest.** It might be argued that the continuing conflict between 'privacy' and 'freedom of expression' rights represents the most acute battle in British media law over the last 50 or even 100 years. It commenced with the enactment of the UK Human Rights Act 1998 from October 2000 which meant that the European legal standard of balancing 'freedom of expression' with 'privacy' was introduced into the country's legal system. It has meant the British tabloid media have been losing the power to publish 'kiss'n tell' stories from the private lives of public figures and celebrities and the more serious media such as the *Guardian* and the BBC have been finding investigative enquiries into what they regard as 'public interest' issues blocked by prior restraint injunction. The *Trafigura* case generated a political row about 'superinjunctions'; extended and developed when it emerged that powerful international celebrities in the world of sport, banking and politics could obtain gagging injunctions to conceal morally questionable aspects of their private lives. And the English judges' approach to the developing 'privacy' law and imposition of injunctions has been challenged and rendered meaningless by the use of Twitter and social networking on the Internet. Central to the issue is what is and who determines the public interest? Is it what always interests the public or what should be decided as a matter of public interest by 'responsible' elites: democratically elected politicians, independent judges and the great, the good, the beautiful, or the ugly?

This topic covers and provides resources on the comparison between the USA and UK. Historical development of the legal concept. Analysis of case histories: *Naomi Campbell v Daily Mirror Group*. *Mosley v News of the World*. The John Terry injunction and further injunctions relating to premiership football stars. Impact of European Court of Human Rights jurisprudence. The development of UK privacy through primary and secondary law. The role of moral panics in galvanizing the ideology of privacy. Equivocating the trump card in civil and constitutional rights.

### Lecture Seven. Tim Crook.

**Media Law and the world: ethnocentrism, criminological tourism and rose-tinted spectacles.** The international dimension of media law focusing on the control of the right to communicate and receive information transnationally and within the 'families of legal jurisdiction'- common law, civil law, socialist law and Islamic law. The topic varies in its focus year by year in relation to the media law jurisdictions of the sovereign states of Japan, India, China, Saudi Arabia and France. What are the key distinctions, similarities, and comparisons between the defamation, contempt, national security and privacy laws of these jurisdictions? To what extent does the qualifier of freedom of the media depend on the rule of law being subject to secular and democratic constitution, political ideological power, or religious authority and power? How important are the cultural, historical and social contexts? To what extent are we realizing global transnational freedom of expression rights manifested in the warehousing of information provision in cyberspace? The Wikileaks scenario is an important case history as is the Icelandic Modern Media Initiative and other projects to provide 'safe harbour' for information hosting that transgresses the media law of one or several sovereign legal jurisdictions. Iceland's legislative and constitutional initiative is a reaction to the realization that banking confidentiality supported by court order generated secrecy that prevented its citizens fully appreciating the conduct of its biggest bank that would eventually result in the catastrophic financial collapse of 2008. Establishing a safe haven for media freedom in the world means that it has to contemplate the setting up of technological cyber frontiers that can resist information warfare and Internet cyber-attack. The transnational issue over contrasting standards of freedom of expression value is also highlighted by the pressure imposed on Google, Yahoo, and Blackberry by authoritarian governments seeking access to encryption codes, and the identity of cyber pseudonymous communicators. For example the English judiciary maintains an injunction on the identity of a premiership footballer despite his unmasking in Westminster Parliamentary proceedings and the Attorney General and the footballer's lawyers supports the identification of Twitter account users who named him in their thousands. Legal proceedings were taken out via the California state jurisdictional courts. However, in Scotland the footballer was identified by the mainstream media because his lawyers did not seek and obtain the equivalent of an injunction, known as an interdict, in the Scottish legal system. The AG argues that each and every individual Twitter publisher in England and Wales is liable for contempt of court. In the USA, that benefits from the First Amendment constitutional

protection for free speech, US newspapers are successfully protecting the identity of anonymous speakers on their Internet news websites by engaging the shield laws introduced to protect journalist sources.

### Lecture Eight. Tim Crook

**The Legal Problematizing of Journalism and the Commodification of Information. Alternative title: 'Criminalizing journalists and information is property'.** English media law has a developing tradition of injunction power against media publication that is far beyond that entertained or supported by other common law jurisdictions such as the USA or Scotland. This includes 'censorship' bans on publication of court proceedings that are also retrospective as well as contemporaneous and in future time. The English courts have also developed the concept of the classes of injunction that are binding on all media as unnamed third parties with or without service, *contra mundum* (against the world, everybody and everywhere for all time until the court decides to change the terms of the application following representations), and the superinjunction, which is a prohibition on dissemination or communicating to anyone the very existence and terms of the original injunction. Not only is the court order used as a gagging arm of the intelligence services via the Official Secret Acts on matters concerning 'national security', but it is being increasingly used to silence the media as part of 'crime control' rather than open justice provision. The concept of the all-encompassing 'Mary Bell' order has been extended to other categories of notorious and convicted criminal on their release from prison including child killers such as Mary Bell herself, Jon Venables and Robert Thompson (the 10 year old murders of 2 year old Jamie Bolger) and relatively minor miscreants associated with notoriety such as Maxine Carr (the partner of double child killer Ian Huntley). The legal system is applying censorship provisions in anticipation of an expectation of violent deviant behaviour by persons unknown. In the process, terrorist suspects are receiving continuing statutory and common law anonymity secrecy protection. But the topic also explores the actual and potential consequences. Social witch hunts of women suspected of being Maxine Carr and vigilante action against 'Islamist terrorist suspects' by far right extremists leads to misogyny, and racist persecution of victims of mistaken identity.

The idea of protecting and concealing/controlling media information due to legal commodification as property in copyright and intellectual property rights jurisprudence is a further exploration of this topic. Copyright and IP determines what can be included or afforded as media content. The UK Copyright Designs and Patents Act 1988 has been substantially changed and reformed by European Union directives and legislation so that property rights in information products have been extended from 50 years *post mortem auctoris* (after the death of the author) to 70 years pma. Commodification of information and trade in intellectual property is substantially affected by global and transnational agreements from the Berne Convention of 1886 to TRIPS (Agreement on Trade Related Aspects of Intellectual Property Rights 1994), WIPO (The World Intellectual Property Organisation in Geneva- a UN organization). In the result journalists and media communicators only have limited legal 'licenses' to use a wide range of categories of information and multi-media in their publications- these are defences such as 'fair dealing' (UK) and 'fair use' (US) for criticism and review or news and current affairs reporting. The tension is in securing income and remuneration for writers/artists/journalists/ photographers/composers/musicians/performers against the receiving and expression rights of people in society. Associations of publishers and producers in all media lobby and litigate to assert and extend commodification of their 'products' particularly in the new information world of global cyberspace. The tension is represented by the successful campaign for music composers, performers and publishers to extend the duration of music copyright in the European Union from 50 years to 70 years, and the *creative commons* movement that seeks to widen and extend the research use/personal and file to file sharing rights of individuals. The transnational and global dimensions of this struggle have led to the arrest and attempted extradition to the USA of British student Richard O'Dwyer for alleged copyright infringement by offering links to other websites carrying unlicensed streams of tv shows and films on his website TVShack. Other cause célèbres include: The Pirate Bay case in Sweden- currently being fought through a legal appeals process where three young administrators and an investor in the BitTorrent tracker site were sentenced to one year in jail and millions of dollars in fines (site is still operational at <http://www.thepiratebay.org/>); the UK acquittal of David Rock from Cheltenham, arrested in 2007 for running TV-Links.co.uk, another website offering links to streams of pirated films etc; the acquittal in 2010 of Alan Ellis who ran OiNK that helped users to find music to unlawfully download from other sources- his lawyer argued before a jury that the site was no different to Google in the way it published public domain links in cyberspace; and the action in Minnesota USA by Capitol Records against unlawful music track downloader Jammie Thomas ordered to pay damages of \$1.5. The US

Supreme Court has ruled in favour of the media product industries on the issue of websites that avowedly facilitate illegal downloading and streaming in the 2005 case of Metro-Goldwyn-Mayer Studios, Inc., et al. v. Grokster, Ltd., et al.

#### Lecture Nine. Tim Crook.

**Can journalists kill with words and can soldiers kill journalists with impunity? Answer: as long as they are on the winning side or it can be construed as an accident.** What is the position of the journalist and media communicator in the context of International Humanitarian Law during armed conflict and International Human Rights Law during social conflict in peacetime? This topic investigates how IHL and IHRL protects journalists and makes them culpable. In terms of IHL journalists have to reference the Geneva conventions, and International Criminal Court established by the 1998 treaty of Rome and inspired and developed by the ad hoc tribunals set up to pursue the prosecution of individuals for war crimes and crimes against humanity during the conflicts in the former Yugoslavia and Rwanda. Those tribunals also derived jurisprudence and international legal authority from the unprecedented Nuremberg and Tokyo tribunals set up to prosecute figures in the German Nazi and Japanese militaristic regimes of the Second World War. This is a topic that looks at perhaps the most acute construction of rights and duties for journalists. It explores the ethics and laws of journalism in war. In fact should we be talking about 'war journalism' or 'peace journalism'? In this topic we seek to define, evaluate and determine the *modus operandi* for criminally prosecuting the notions of 'Information Terrorism' and 'Hate Journalism.' In international and transnational law we have a number of international law texts that we can reference: The United Nations Charter on Human Rights 1948; the European Convention on Human Rights and Fundamental Freedoms (1950) and the International Covenant on Civil and Political Rights (1966) These debates lead to an exploration of the ethics of propaganda for journalists during times of conflict. How does the Geneva Convention apply to the deployment of the munitions of the mind?

#### Lecture Ten. Tim Crook.

**Free press, fair trials. Open justice or distorted justice?** In the final lecture and topic of the course we come almost full circle to a consideration of the ethics and laws applying to journalists covering the sensationalist juridical theatre of police enquiry and judicial trial; a function that could be considered as old as 'modern' journalism itself. In a toxic mix of exciting narrative, service to circulation, social, political and moral panic what are the challenges to the temptations and responsibilities of creative, exciting and entertaining reportage? How perspicacious and clear are the boundaries between fiction and fact? When do adjectives, adverbs, factual reporting and interpretative supposition generate contrasting values over communication that 'interferes' with the administration of justice. We focus on a variety of tragic, moving, politically and socially intense case histories that gestated language suffused with fear, hate, prejudice, hostile attitudes and vituperative comment: Michael Fagan (1982), Hawley Harvey Crippen (1912), Leo Frank (1913), Bruno Hauptmann (1933), Dr. Sam Sheppard (1955), and O.J. Simpson (1994) cases. We explore an understanding of these trials and associated media coverage as socio-anthropological *liminal* events. How do we apply the moral and political philosophical responsibilities? It can also be strongly argued by feminist theory analysis that sexism and social, political and cultural misogyny is strongly present in the popular media coverage of cases sensationalising and scandalising the role of women. Examples from the 20<sup>th</sup> century in Britain are the murder trials of Edith Thompson (on trial with her lover Frederick Bywaters 1922-3), Mrs Alma Rattenbury (on trial with her lover George Stoner 1935) and Ruth Ellis (on trial for murdering her lover David Blakely and the last woman to be executed in the UK in 1955). Are the consequences the sole result of media prejudice or the exercise of social and cultural prejudice, institutional corruption and incompetence?

### Course bibliography

As already indicated there is one core course textbook: *Comparative Media Law and Ethics* by Tim Crook, 2009, London & New York: Routledge. This is supported by its companion website <http://www.ma-radio.gold.ac.uk/cmle> This book is essential for the course and underpins the syllabus and curriculum examined by a three hour unseen paper. You will be provided with a course reader, which contains important background reading materials. As previously mentioned extensive resources support and develop the topics in the college's virtual learning environments at <https://learn.gold.ac.uk/course/view.php?id=493> (enrolment key Aristotle)

### Further Recommended Reading:

#### UK Media Law

*McNae's Essential Law for Journalists* (2009 20<sup>th</sup> Edition) by David Banks and Mark Hanna, Oxford: Oxford University Press.

*Law for Journalists* by Francis Quinn (2011 3<sup>rd</sup> Edition) London: Pearson Longman.

*Media & Entertainment Law* by Ursula Smartt (2011) London & New York: Routledge.

*Media Law* (5<sup>th</sup> Edition 2008) by Andrew Nicol and Geoffrey Robertson: Harmondsworth: Penguin Books.

*Journalism Ethics and Regulation* by Chris Frost (3rd Edition 2010) London: Pearson Longman.

*Free Speech: A Very Short Introduction*, by Nigel Warburton, (2009) Oxford: Oxford University Press

*Privacy: A Very Short Introduction*, by Raymond Wacks, (2010) Oxford: Oxford University Press.

*Ethics for Journalists* by Richard Keeble (2<sup>nd</sup> Edition 2008) London: Routledge.

*The Ethical Journalist* by Tony Harcup (2007) London: Sage.

*Reputations Under Fire* by David Hooper (2008) London: Sphere Books.

*Law and the Media* by Sara Hadwin and Duncan Bloy, 2007, London: Sweet & Maxwell.

*Media Law* by Duncan Bloy (2006) London: Sage Course Companions.

*Politics UK* edited by Jones, Kavanagh, Moran and Norton (7<sup>th</sup> Edition 2010) Person Longman.

*Local Government in the United Kingdom* by David Wilson and Chris Game (5<sup>th</sup> Edition 2011) London: Palgrave Macmillan.

*Messages- Free Expression, Media and the West from Gutenberg to Google* by Brian Winston (2005) London: Routledge.

#### US Media Law

*Communications Law- Liberties, Restraints & the Modern Media* by John D. Zelezny (6<sup>th</sup> edition 2010) London, New York: Wadsworth/Thomson Learning.

*Media Law and Ethics* by Roy L. Moore & Michael D. Murray (3rd revised edition 2007, 4<sup>th</sup> edition forthcoming 2012) New York: Lawrence Erlbaum Associates Inc.

*Electronic Media Law and Regulation*, by Creech, Kenneth C., (2007 5th Edition) Oxford & New York: Elsevier.

*The Law of Journalism and Mass Communication* (2009 2nd Edition) Washington D.C. USA: CQ Press.

#### Comparative and International Media Law

*International Libel Privacy Handbook: A Global Reference for Journalists, Publishers, Webmaster and Lawyers* edited by Charles J. Glasser Jr. (2<sup>nd</sup> edition 2009) New York: Bloomberg Press.

*Carter-Ruck on Libel and Privacy* edited by Cameron Doley and Professor Alastair Mullis (6<sup>th</sup> Edition 2010) London: LexisNexis

#### Recommended Journals

*The Journal of Media Law*, edited by Eric Barendt, Thomas Gibbons, & Rachael Craufurd Smith, (established 2009) Oxford: Hart Publishing.

*Media Lawyer*, edited by Mike Dodd, (established 1994) London: The Press Association.

*The News Media & The Law* at <http://www.rcfp.org/news/mag/index.php>.

*Ethical Space- The International Journal of Communication Ethics*, Abramis Academic. *Journal of Mass Media Ethics* published quarterly by Lawrence Erlbaum Associates.

### **Visiting and Reporting the Legal System**

The course also recommends you visit and report the UK legal system and structures of local, regional and national government. While doing the course you should attend and produce journalistic copy from the following locations:

- 1) Magistrates Courts,
- 2) The Crown Court,
- 3) The Royal Courts of Justice in the Strand- for hearings of criminal and civil appeals, and a variety of High Court cases,
- 4) The Coroner's court for inquests.
- 5) Employment Tribunals and the Employment Appeal Tribunal.
- 6) Public enquiries.
- 7) Meetings of local authorities such as London Borough Councils, and the Greater London Assembly.
- 8) A visit to the Palace of Westminster to observe live hearings of the House of Commons, House of Lords, Commons select committees is recommended. In addition you should take any opportunity to view the BBC's Parliamentary Digital television channel that relays live and pre-recorded sequences of these institutions.
- 9) Students from the UK nations of Wales, Scotland and Northern Ireland should also visit and attend assembly and parliamentary sessions in their respective capitals of Cardiff, Edinburgh and Belfast, and the criminal and civil courts in those countries. [The Scottish legal system is substantially different- see Chapter 1 Comparative Media Law & Ethics pages 135 to 154.]

I would recommend chapter 14 on 'Court Reporting' from *Essential Reporting: The NCTJ Guide for Trainee Journalists* by Jon Smith (2007) London et al: Sage pages 173 to 192 as a useful guide to the practicalities of reporting court and other public body hearings.

### **Unseen exam assessment**

The three hour unseen examination consists of three sections: knowledge, applied media law, and discursive essays. Past examination papers and their marking scheme and substantial revision resources are sign-posted and made available on the course learn.gold VLE site. The unseen exam is required by the practice programmes' accreditation organizations so that a pass standard demonstrates a minimum professional ability to recognize and apply media law in British journalism.

***The exam is scheduled for Thursday 16<sup>th</sup> February 2012 between 10 a.m. and 1 p.m. in Room RHB 342 (Richard Hoggart main building- third floor).***

## Criteria for grading unseen examination (Media Law &amp; Ethics)

## Assessment Information

## Grading Criteria for unseen examination.

Quality of Presentation: In line with all academic marking practices, examiners will also be concerned with the structure and form of the written answers and their presentation in terms of attention to clarity of expression, clear printing, spelling and punctuation.

| Mark      | Grade | Descriptor                               | Generic Grading Descriptors   | Specific Grading Criteria (Marking Criteria)  |
|-----------|-------|--|---|---|
| 0%        |       | Non submission or plagiarised assessment | A categorical mark representing either the failure to submit an assessment or a mark assigned for a plagiarised assessment                        | n/a   |
| 1-9%      | F     | Very bad fail                            | A submission that does not even attempt to address the specified learning outcomes (shall be deemed a non valid attempt and unit must be re-sat). | n/a   |
| 10-29%    | E     | Bad fail                                 | Represents a significant overall failure to achieve the appropriate learning outcomes   | Work of very poor quality that demonstrates little or no originality and ambition and is extremely weak in content, language and structure.   |
| 30-49%    | D     | Fail                                     | Represents an overall failure to achieve the appropriate learning outcomes.   | Candidates have not satisfied the examiners that they have read and understood the essential texts of the course and when there is inadequate organisation of the work. There is evidence of considerable confusion, incoherence and unfocused comment on the relevant points that need to be made.   |
| 50-59%    | C     | Pass                                     | Represents the overall achievement of the appropriate learning outcomes to a threshold level  | Candidates will show clear evidence of knowledge and understanding but there may be limited development of ideas or critical comment. There will be reference to relevant reading, though not necessarily critical evaluation. Within these limitations there will be an indication that the candidate has grasped fundamental concepts and procedures in the field.        |
| 60-69%    | B     | Good (merit threshold)                   | Represents the overall achievement of the appropriate learning outcomes to a good level.  | Candidates show consistency and fluency in discussing and evaluating evidence and theories drawn from a wide range of sources. They will demonstrate an ability to relate this reading to their topic, and will clearly have understood and assimilated the relevant literature.  |
| 70-79%    | A     | Excellent (distinction threshold)        | Represents the overall achievement of the appropriate learning outcomes to an excellent level.  | Candidates show evidence of extensive relevant reading and an impressive grasp of current major issues in the field. This knowledge will have been reviewed critically with insight and independence of thought. Arguments and the presentation of evidence will demonstrate sophisticated reasoning and with language which is particularly clear, well-focused and cogent |
| 80 - 100% | A+    | Exceptional                              | Represents the overall achievement of the appropriate learning outcomes to an exceptionally accomplished level.                                   | A mark of 80% or higher is awarded when a candidate satisfies the requirements for a distinction, but to an outstanding degree in answering exam questions.   |