Online and On Death Row: Historicizing Newspapers in Crisis

By Tim Luckhurst

In 2003 Martin Amis published his comic novel *Yellow Dog* and, characteristically, he invented a character through whom to explore a subject dear to his heart: the cynicism of the popular newspaper press. His fictional reporter, Clint Smoker of the *Morning Lark*, writes columns excusing rapists ("[T]he bird was wearing *a school uniform*") and is eventually sacked for celebrating the first sexual adventure of a teenage princess in a column opining “‘Hi, *men*!’ With these words Princess Vicky kissed goodbye to her catflap - and nun too soon says the *Lark*” (Amis, 2003, p.319). The *Lark* is the worst kind of scandal sheet, a *Daily Sport[[1]](#endnote-1)* spoof at which journalists refer to their readers as "wankers" and pander to their tastes no matter how depraved. In Smoker’s version of a Marxist analysis: “The quality broadsheets are aimed at the establishment and the intelligentsia. The upmarket tabloids are aimed at the bourgeoisie. The downmarket tabloids are aimed at the proletariat. At the *Lark* our target wanker is *unemployed*.” (Amis, 2003, p.71) Amis’ satire pre-empts by nearly a decade the worst allegations advanced against newspapers by witnesses at the Leveson Inquiry, but it understands a core problem addressed there: popular newspapers’ willingness to mould their culture in pursuit of profit. The same problem has intrigued historians of journalism for three times as long.

**Radical versusLiberal History**

During that period, the liberal narrative that dominated British histories of journalism from the nineteenth century until the 1970s was challenged by writers of radical media theory. These scholars, inspired by Boyce’s essay, *The Fourth Estate: the Reappraisal of a Concept* (1978), and informed above all by the work of James Curran, base their view of journalism’s recent past on the argument that mainstream journalism did not, as liberals believe, escape from official control in the mid-nineteenth century. Instead, it continued to serve the interests of economic and social elites (Curran, 2009). Why freedom should inspire newspapers to promote radical causes remains a mystery to liberals, but the radicals’ confidence that it should has changed discourse around the regulation of journalism in Britain. Radical media history has provided campaigners against an unregulated newspaper market with an intellectual rationale for reform: the market does not produce journalism designed for the primary purpose of informing the public sphere, they argue, it seeks profit above other goals. Therefore regulation may improve it. Professor Julian Petley (2009, p.185) makes this case explicit, arguing that: ‘[T]he British daily and Sunday national press, far from being a watchdog over the establishment, is actually a crucial part of it.’ Professor Petley is Chair of the Campaign for Press and Broadcasting Freedom and a campaigner for press regulation.[[2]](#endnote-2) Barnett (2001) and Fenton (2010, p.13) embrace it. Professors Barnett and Fenton are members of the Board of Directors of Hacked Off[[3]](#endnote-3), the not-for-profit company that led calls for the establishment of the Leveson Inquiry, supported its proceedings and endorsed its findings. Jewell (2013) summarises it in his account of proposals to regulate newspapers since 1945.

Supporters of regulation underpinned by statute use this version of history to attack the three-centuries-old consensus that British newspapers should not be regulated by parliament. It helps them to overlook the distinctive nature of British democracy that makes statutory underpinning contentious here. Sir Brian Leveson (2012) reflected this transition from a liberal to a radical explanation in his report. It informed his explanation that: “A free press contains within itself immense power to promote democratic freedoms and the public good. It also contains within itself the reverse potential, that is to say, to create undemocratic concentrations of power and undermine freedoms and the public good.” (Leveson, 2012a) The histories from which Leveson’s narrative borrows have in common a view of mass-market journalism that risks underestimating its power to inform public discussion. Hampton warns that this perspective may be produced through minimal attention to empirical evidence and that it often reveals more about the author’s theoretical perspective than the contents of popular newspapers (Hampton, 2009, p.30).

Leveson distinguishes between free speech and the freedom to publish on the grounds that: “Freedom for commercial mass media businesses (‘corporate speech’) is a very different proposition from the freedom of individual self-expression (‘personal speech’).” (Leveson, 2012b) This reductive dichotomy reflects Curran’s assertion about the emergence of popular newspapers, that: “The freedom conferred by the free market was the freedom of capital to indoctrinate labour.” (Curran, 1978, p.60) Curran has moved beyond such caricature and acknowledges “[T]he mind-numbing narrowness of too much media history.” (2009, p.20) For Leveson the caricature serves. It allows him to assert that statutory underpinning of newspaper regulation poses no threat to free speech: a view that remains anathema to some liberals, including me.

**A Liberal Critique of Leveson**

I set out my basic argument in *Responsibility without Power* (Luckhurst, 2012). A key aspect of it is that in Britain executive and legislature are not separate as they are in the United States of America and other constitutional democracies. British ministers sit in both Houses of Parliament and lead a majority in the House of Commons. This gives a British government unparalleled power to ensure its legislation is passed. To balance that power the UK has developed a system in which additional checks and balances are exercised in the public interest by the courts and the press. This reality has helped to persuade every government since 1945 not to permit statutory underpinning of press regulation. The intriguing question, which this chapter seeks to address, is why Lord Justice Leveson’s findings should convince modern politicians to embrace it.

In the decade after *Yellow Dog* was published the concept of newspapers as “feral beasts” (Blair, 2007) deserving of external regulation was already established in the public sphere, but for newspaper proprietors and journalists it was just one item on a list of challenges. By 2013, crises of technology, professionalism and ethics had converged to place Britain’s newspaper industry in the eye of a storm. The impact of the internet and social media saw millions of former and potential purchasers of printed newspapers opt to consume them free online or not at all. The authority and practices of professional journalism were challenged by amateur bloggers. Meanwhile, concerns generated by the hacking of the murdered schoolgirl Milly Dowler’s mobile telephone by journalists at the *News of the World* spawned the fifth review of press regulation commissioned by the legislature since 1945. At its conclusion, Sir Brian Leveson recommended an ostensibly oxymoronic solution: self-regulation within a statutory framework. There should, he said: “[B]e legislation to underpin the independent self-regulatory system and facilitate its recognition in legal processes.” (Leveson, 2012c) This raised the question: would the state, this time, reverse liberal tradition and hold the fourth estate forcibly to account?

In March 2013 the three main parties in parliament agreed to use a Royal Charter to establish an independent press regulator with powers to fine newspapers and force them to publish apologies for wrongdoing. This agreement, passed by a majority of 517 in the House of Commons, was underpinned by a clause inserted into the Enterprise and Regulatory Reform Bill by the House of Lords which means that the Charter cannot be amended without the consent of a two-thirds majority in both Houses of Parliament. It is plain that there is a consensus in parliament in favour of press regulation underpinned by a statutory guarantee. Less clear is the reasoning behind this historic shift from parliament’s previous view that independence from the state is essential to the wellbeing of a free press and Britain’s representative democracy.

For Leveson, the answer is plain: his corporate speech/personal speech distinction justifies it and is justified by the radical narrative of media history. To historians, his rigid dichotomy should be at least contentious. Addressing the same distinction, Winston (2005) offers a different analysis: “[O]f those freedoms which progressives of [Thomas] Paine’s time deemed ‘celestial’ none is greater than the individual’s freedom of expression. This is especially so when it is used to address others in the mass and therefore ‘[T]he liberty of the press is the palladium of all civil, political and religious rights,’ (as the eighteenth-century radical who wrote under the pen-name ‘Junius’ put it).” (Winston, 2005, p. xi) Harcup (2013, p.130) recognises that freedom to address others in large numbers has facilitated the participation and empowerment promoted by radical and alternative journalism. Indeed, if one of mass-market journalism’s failures is a tendency to privilege the opinions of the powerful, an effective antidote must involve offering alternative opinion similar access to the public sphere. Popular mass-market journalism has provided this service more often and more effectively than radical media history allows.

Bingham (2012, p.312) observes that: “entrenched stereotypes [have] prevented historians from properly understanding the nature of popular newspapers.” He notes that such titles are “too important for their role to be assessed on the basis of assumption and stereotype,” and that assumptions about “depoliticisation” and “tabloidization” have been too readily used to excuse failure to consider in detail newspaper content. Nicholson (2013, p.61) reminds us that the archives of twentieth-century newspapers exist in a “remote and unvisited shadowland” because little of their content is available in digital form. This combination of failure and difficulty contributes to the view that popular newspapers exert an exclusively conservative or reactionary impact on their readers in line with the corporate capitalist interests of their proprietors. Radical scholars advance this view; Leveson embraced it. It ignores Hampton’s (2009) call for empirical exploration of the press’s real contribution to public debate. It overlooks existing analyses of newspaper content.

Bingham (2012, pp.314-315) shows that popular newspapers have rarely been as trivial or predictable as their critics suggest. They often surprise and challenge their readers. He offers in evidence coverage of 1950s and 1960s general elections in the *Daily Mail* and *Daily Express* and post-First World War encouragement of women’s suffrage in the *Daily News* and *Daily Mirror.* My ownscrutiny of newspapersupport fordissident opinion during the Second World War (Luckhurst, 2013) reveals an editorial stance capable of contributing to the formation of informed opinion. Liberal historians cannot be complacent; Hampton (2009, p.34) reminds us that “[T]he press has better filled a liberal role in some cases than in others, and always imperfectly.” Our confidence that, far from infantilizing their readers, popular newspapers facilitate public discussion of ideas is not absolute. It would be crass to suggest that popular newspapers’ sole or principle purpose is to promote representative democracy. But liberal historians do not need to pretend that markets are infallible, or that a free market in journalism is perfect, to demonstrate that popular newspapers are capable of serving the greatest good of the greatest number. During the twentieth century they routinely contributed news and opinion that encouraged political debate.

Among the assumptions relied upon by those who support Leveson’s recommendations is that popular newspapers in the twenty-first century are worse than they have ever been. However, while it is true that new technology has permitted new sins such as phone hacking, it would be wrong to assume that they represent an unprecedented nadir in the ethics and practices of British journalism. Bingham (2009) identifies three twentieth-century moments when demands for regulation of the press approached fever pitch and proposals for statutory regulation were debated in parliament. These occurred in the mid-1920s, when concerns arose about newspaper coverage of divorce cases, in the 1950s over treatment of sex and in the 1980s over intrusive reporting. Moral condemnation of popular journalism predates Hacked Off by more than a century; opinion formers including Queen Victoria, Keir Hardie, Stanley Baldwin, Winston Churchill, Ernest Bevin and F.R. Leavis attacked popular newspapers for debasing cultural values or diverting the masses from their proper political concerns.

On each occasion newspapers defended themselves with arguments still familiar today. They claimed to be accountable to the tastes of their readers who would choose to buy them or not according to whether they were offended by their content. They explained that, in order to inform, newspapers must also entertain for, if they did not, their journalism would not reach a large enough readership to fulfil its duty to the public sphere. When pressure became intense, editors articulated arguments of constitutional principle warning that regulation empowered by the state would place editorial freedom on a slippery slope down which it might slide were ministers with censorious instincts to take office. Self-interested as they may appear, these arguments repeatedly defeated the case for state regulation. Even when deliberately provoked, such as when the Labour-supporting *Daily Mirror* criticised Labour ministers in Britain’s wartime coalition for behaving “like pale imitations of Tory Ministers” and condemned the coalition for leaving the people’s grievances unanswered (*Daily Mirror*, 1941), a majority in parliament accepted the press’s duty to hold power to account.

**Use and Abuse of History**

Writing about the violent aftermath of the Second World War, Lowe (2012, p.377) notes that: “Those who wish to harness hatred and resentment for their own gain always try to distort the proper balance between one version of history and another. They take events out of context; they make blame a one-sided game; and they try to convince us that historical problems are the problems of today.” Media history is a relatively new branch of an established discipline. As it matures it should seek to appreciate a similar flaw in its treatment of newspaper history. Radical media historians have composed a version of the growth of popular journalism which serves the purposes of campaigners who are determined to depict the freedom of the press as liberty to exploit and mislead. Organisations including Hacked Off, The Campaign for Press and Broadcasting Freedom and the Media Standards Trust use this description to justify state involvement in the regulation of newspapers. Throughout the era of participatory democracy, British politicians rejected such involvement. That they have chosen to embrace it in the second decade of the twenty-first century risks treating historical problems as if they are contemporary.

**An Unprecedented Crisis**

News printed on paper faces an existential crisis. Print circulation of British newspapers has declined spectacularly since 2000. Between May and October 2000 the market-leading *Sun* achieved a daily average sale of 3,624,882 copies. Its rival, the *Daily Mirror* sold 2,217, 240 copies. In the mid-market, the *Daily Mail* sold 2,337,262 copies and the *Daily Express* 994,695. Among elite titles the *Daily Telegraph* sold 977,496 copies, *The Times* 679,434 and *The Guardian* 385,702 (Audit Bureau of Circulations figures). Figures published in March 2013, show that between September 2012 and February 2013: the *Sun* achieved an average sale of 2,360,915 copies; the *Daily Mirror* 1,052,474; *Daily Mail* 1,860,653; *Daily Express* 534,173; *Daily Telegraph* 552,065; *The Times* 400,060; and *The Guardian* 202,272. So, the *Sun*’s average sale fell by 1,263,967 copies, leaving it in 2013 with 65% of the circulation it had thirteen years earlier, a decline of 35%. The *Mirror* lost 1,164,766 daily sales, leaving it with 47% of its previous circulation, a decline of 53%. The *Mail* performed relatively strongly, recording a 20% decline in sales over the period, a loss of 476,609 copies per day. The *Daily Express* lost 460,522 sales or 41% of its circulation in 2000. The *Daily Telegraph’s* circulation fell by 44% or 425,431 copies, *The* *Times* by 41% or 279,374 copies and *The* *Guardian* by 48% or 183,430 copies. Severe circulation declines affected local and regional newspapers and advertising revenue declined precipitously.

Lee (1976, p.50) tells us that, in 1863, an observer of the market for newspapers stimulated by parliament’s abolition of advertising, paper and stamp duties noted: “Just as there are men who must have race-horses, or play chicken-hazard [a dice game played for small stakes], so there are others to whom newspaper enterprise is a necessity of life.” The caveat is that, for an entrepreneur with a good business plan, starting a newspaper was less risky than gambling. Space in a successful title could be sold twice - once to the reader and once to advertisers - ensuring a dual income stream that would later be described as “a license to print money” (Peers, 2008).

The value of that licence has been threatened before. In the 1920s newspaper proprietors objected to competition from radio broadcasting. Nicholas (2000) shows how they obtained guarantees that the BBC would not be permitted to operate as an independent news provider, thus evading temporarily the threat that radio news might undermine newspaper sales. Radio advertising was prohibited to protect the newspapers’ other income stream. However, the biggest cause of newspaper closures in the interwar years was intense competition between mass-market, national popular newspapers such as the *Daily Express*, *Daily Mail*, *Daily Mirror* and *Daily Herald*. Provincial daily titles were hardest hit. Overall, both newspaper circulation and radio listening rose during the interwar years, but BBC broadcasting changed the style and content of newspapers (Nicholas, 2000, pp.136-137). From the 1950s, the growth of television generated competition for viewers/readers and, following the launch of ITV in September 1955, for advertising revenue. Advertisers now had a choice of media, and competition for their business helped them to keep advertising rates down. The proportion of newspaper income earned through advertising fell. To these factors were added steep increases in the wages of journalists and print workers and in the price of essential materials such as newsprint – the paper on which newspapers are printed. Price per imperial ton for newsprint rose from £11 in 1939 to £28 in 1945, £53 in 1955 and £250 in 1977 (Lee, 1978 p.134). Newspapers increased their cover prices in response. These pressures brought about consequences newspapers had feared at the birth of radio. Aggregate circulation of national dailies declined from a peak of nearly 17 million in the 1950s to just over 14 million in the final months of 1976. Sunday circulation fell from 28.3 million in 1947 to 19.6 million (Lee, 1978, pp.133-134). The terms of reference issued to the 1974 Royal Commission on the Press required it to “inquire into the factors affecting the maintenance of the independence, diversity and editorial standards of newspapers” and to do so “with particular reference” to the economics of newspaper publishing and distribution (*Hansard*, 1974 cc.1322-1332).

So, like the Leveson Inquiry, each previous moral crisis in the history of newspapers occurred when newspaper journalism faced a commercial challenge. In most cases this challenge was augmented by the advent of a new medium: radio in the 1920s; television in the 1950s; multichannel satellite television in the 1980s - described by Rupert Murdoch as “the most important single advance since Caxton invented the printing press (sic)." (Murdoch, 1984) But the challenge of the internet is qualitatively different. While new technologies challenged newspapers’ circulation and profitability during previous periods of concern about newspaper ethics, the economic pressures on newspapers in the years immediately preceding the Leveson Inquiry were unprecedented. In the early years of the twenty-first century the licence to print money was revoked.

Three examples illustrate the scale of the financial crisis widespread in British newspapers and common throughout the developed democracies. Between 2004 and 2009, Johnston Press, owner of 13 daily newspapers, 154 paid-for weekly newspapers and 37 free weeklies in the UK and Ireland (Johnston Press, 2013) experienced the loss of 97% of its market value. Its peak equity value of £1.547 billion in 2004 had plummeted to just £47 million in 2009, a decline of £1.5 billion (Fenton, 2009). The Guardian Media Group, parent company to Guardian News and Media the owner of *The Guardian*, reported operating losses of £53.9 million in 2010, £54.5 million in 2011 and £75.6 million in 2012 (Marshall, 2012). Meanwhile, Enders Analysis, a research service providing independent analyses of the media industry, foresaw continuing declines in popular and mid-market display advertising spend and considerable difficulties in the national and regional press. It concluded “double digit declines both last year [2012] and this year [2013] are now a very real possibility.” (Enders Analysis, 2013a)

The readers and advertisers who once cherished printed newspapers did not simply disappear. Today they read and advertise on newspaper websites, sometimes in very large numbers: *Mail Online*, the immensely successful internet offering from the *Daily Mail*, reached more than 100 million monthly unique users in 2012 (Reynolds, 2012). Guardian Unlimited’s internet readership exceeded 50 million monthly unique users, giving it an online circulation 250 times greater than its print sales. But although the *Mail*’s website was profitable and *The Guardian*’s was beginning to generate revenue, each faced a problem common throughout the newspaper industry: pounds lost in the sales of printed copies and advertisements were replaced by pennies of income from the internet. Between the first half of 2011 and the first half of 2012 UK national newspaper publishers lost £6 in print advertising revenue for every £1 they recuperated in digital (Enders Analysis, 2013b). The dual income stream had become a drip, provoking several newspaper publishers including Guardian Media Group, News International and Johnston Press to increase cover prices.

**CONCLUSION**

This is the economic context into which the Leveson Inquiry was born. It provokes concerns about the future of a diverse and plural newspaper market and the survival of the edited, professional journalism upon which representative democracy has been accustomed to depend. For historians of the press, it should raise doubts about the merits of imposing on newspapers the additional costs and duties associated with regulation underpinned by statute. Cruel and criminal as it was, the hacking of telephones and harassment of individuals was not the most appalling sin journalists committed in the era of universal adult suffrage. To take just one example, active complicity between the Foreign Office news department, Downing Street, the press and the BBC in 1937 and 1938 stifled discussion of the government’s policy of appeasing Nazi Germany and muffled the voices of appeasement’s leading critics. Adamthwaite (1983, p.283) notes that: “In effect, the government restricted public debate and limited the ventilation of alternative views.” This censorship helped to persuade leading Nazis that Britain was determined not to fight. It was a shameful surrender to government and it was brought about by persuasion, not by statute or charter. McDonough (1992) shows how *The Times*, which was regarded by Berlin as the official voice of the British establishment, colluded with ministers to promote appeasement as a virtuous policy to which there was no alternative.

Since 1949, organisations seeking press reform including the National Union of Journalists, the Campaign for Press and Broadcasting Freedom, the Media Standards Trust and Hacked Off have returned repeatedly to their claim that the market does not produce journalism designed for the primary purpose of informing the public sphere and that regulation may improve it. Their case has been ably informed and supported by the radical school of media history. However, until Lord Justice Leveson reported, Parliament brought each discussion of regulation to a close by concluding that state intervention in the regulation of the press would harm the public interest more than journalism’s worst excesses could. Some of these excesses had profound consequences. Nevertheless, politicians of all parties represented in the House of Commons accepted the liberal view that self-regulation should continue. The sanction of public opinion had persuaded newspapers to curb misconduct in the past. It must do so again.

The extreme difficulties that have confronted newspapers in the twenty-first century might have been expected to reaffirm the virtue of the liberal position. British liberalism lacks the security offered by America’s constitutional guarantee that government may make no law abridging the freedom of the press, but the existential challenges confronting newspapers invite the suggestion that this might be an excellent moment to entrench such protection in statute. Instead Parliament’s decision is that there must be a new, and ostensibly oxymoronic, model of self- regulation governed by charter and underpinned by statute. This novelty has been helped into existence by a campaign that deployed tactics normally associated with tabloid newspapers. Eschewing any focus on traditional radical concerns such as the distribution and concentration of ownership in the newspaper industry, it fore-grounded celebrity victims of press intrusion such as the Hacked Off campaign’s poster-boy, Hugh Grant. By making the political personal and sidelining political economics, this campaign achieved what better-reasoned predecessors did not in periods of comparable newspaper misconduct.

The radical narrative has helped to deliver change, but historians should take heed. Leopold von Ranke, the father of evidence-based history, described our discipline as “an endless argument.” Parliament’s interpretation of Lord Justice Leveson’s report seeks to suggest that the behaviour of a section of the British press has brought an end to part of that argument. This chapter argues that Leveson and the MPs who voted to implement his proposals have deployed one version of media history to define the future of newspaper regulation in Britain. In doing so they have sought to make actual George Orwell’s prediction that he “who controls the past controls the future.” But, in the absence of extensive analysis of twentieth century newspaper content – a project which has barely begun – to accept the radical argument would be at best premature. Jeremy Bentham, the English utilitarian philosopher, observed that: “The liberty of the press has its inconveniences, but the evil which may result from it is not to be compared to the evil of censorship.” (Bay, 1958, p.41) Lee (1976, p.23) notes that James Madison agreed, “[S]ome degree of abuse is inescapable from the proper use of everything; and in no instance is this more true than in that of the press,” said America’s fourth President and founding father. Leveson has not rendered such wisdom invalid; he has simply invested enormous faith in one strand of media history. It is a strand that has produced enough excellent work to deserve intense criticism and constant challenge.

1. NOTES

   The ***Daily Sport*** was a daily newspaper published in the United Kingdom between 1991 and 2011. It specialised in celebrity news and soft-core pornographic stories and images.

   The Campaign for Press and Broadcasting Freedom was established in 1979 to campaign for media reform. It supports press regulation underpinned by statute <http://www.cpbf.org.uk/body.php?doctype=join&ref=0&section=0>

   Hacked Off was established in 2011 to campaign for change in UK press regulation policy. It participated in the Leveson Inquiry and it supports Lord Justice Leveson’s recommendations. <http://hackinginquiry.org/about-2/>

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2. [↑](#endnote-ref-2)
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