



Privacy good, free press better

Privacy and the Press

By Joshua Rozenberg

Oxford University Press, 261pp, £18.99

Privacy good, free press better' is Joshua Rozenberg's conclusion at the end of his witty, learned discourse on the law of privacy – or, rather, the lack of one. His express aim 'is to entertain and inform rather than to badger and persuade'. Entertain and inform it does, partly because the facts of these cases are themselves the stuff of entertainmen (see also p8).

He begins with *Prince Albert v Strange* (1849) the successful attempt to prevent the unauthorised display of etchings of the Royal Family. From there he deals with the public's 'right to know' about contemporary royalty, ie, the pop stars, movie stars and sportsmen, who, just like the Windsors, have to cope with the details of their private lives being be-

trayed to the tabloids by once-loyal members of their entourage. *A v B, Douglas v Hello!, Campbell v MGN Ltd, Kaye v Robertson*, Reynolds privilege – they are all here, both explained and put in the context of the evolving law.

Judges sometimes threaten to create a law of privacy if Parliament fails to do so, but, given such an opportunity (*Wainwright v Home Office*), they fail to do so as well. Which leaves us with the amorphous but ever-expanding law of confidence.

Governments back away

Meanwhile, even as the press adds the scalp of another 'disgraced Minister' to their belts, successive governments resolutely back off from the subject. They, like Mr Rozenberg, believe in self-regulation. He, however, volunteers that a February 2003 MORI poll

found that 75% of adults would not trust a journalist to tell the truth, and he concedes that the police are a rich, and presumably rewarded, source of information about suspects who are about to be arrested.

A chief pleasure of the book is its style. Mr Rozenberg writes as if he is talking directly to a rather intelligent reader. He is chatty, but deftly weaves in his encyclopaedic knowledge; he can be acerbic; and he forthrightly levies judgment on press, individuals and the judiciary where he sees fit.

The only surprises are the lack of footnotes and a tendency to repeat some of the same themes – although the latter may be due to the law itself endlessly debating these issues without resolving them.

As an opponent of any statutory protection of people's private lives from public scrutiny, he leaves the job to the judiciary. 'If freedom of expression is at stake,' he says, 'I would rather take my chances with one of Her Majesty's judges than one of Her Majesty's Ministers'. ❖

David Wurtzel