

<b>Institution:</b> University of Stirling		
<b>Unit of Assessment:</b> 30. Philosophy		
<b>Title of case study:</b> Building Rights into UK Media Regulation		
<b>Period when the underpinning research was undertaken:</b> 2002-present		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Rowan Cruft	Professor of Philosophy	2002 - Present
<b>Period when the claimed impact occurred:</b> 2015-December 31 <sup>st</sup> 2020		
<b>Is this case study continued from a case study submitted in 2014?</b> No		
<b>1. Summary of the impact</b>		
Cruft's research on rights generated changes in UK media practice that address problems of old and new media, from phone hacking to 'fake news' and polarisation.		
<b>Impact 1:</b> Work by Cruft led to the creation in 2015 of IMPRESS, the UK's independent media regulator (oversight of 158 print and online publications, 15 million monthly readership). IMPRESS, the only regulator recognised by the Press Recognition Panel, assesses breaches of its Standards Code by its publisher members, kitemarks trustworthy journalism, provides an arbitration scheme, and supports independent news publishers.		
<b>Impact 2:</b> Cruft influenced the conception of the public interest in IMPRESS's Standards Code (2017). His work on the moral priority of 'individualistically justified' rights underpins the Code's transparency requirement and its focus on the good of the individual reader.		
<b>Impact 3:</b> Following this, Cruft influenced BBC producers' engagement with its public on impartiality – including Panorama producer Jonathan Coffey's public lectures on BBC impartiality (2018) and production of a Radio 4 programme (2019).		
<b>2. Underpinning research</b>		
Research by Cruft critically examines what rights are and considers the relative importance of different rights – human rights, legal rights, moral rights – by examining their grounds. He advances the view that certain rights constitute citizens as equal participants in a liberal public sphere: these include rights to engage in political debate, to stand for office and to support political parties, but also less overtly 'political' rights to cultural expression and freedom of thought. Cruft's work on rights culminated in the 2019 publication of a major monograph, <i>Human Rights, Ownership, and the Individual</i> (OUP).		
Cruft has applied his research on the nature and grounding of rights to debates concerning:		
<ul style="list-style-type: none"> <li>• Rights of the press and broadcasters, of politicians and of individual freedom of expression.</li> <li>• Distinctions between political speech and other public expressions including cultural activities.</li> <li>• Ways in which private and public institutions can speak 'for' their members and for those insufficiently confident or articulate to participate in the public sphere directly.</li> </ul>		
The following three ideas developed by Cruft underpinned the impact:		
First, Cruft argues that as well as being <i>means</i> for upholding valuable relationships, rights and their correlative duties partially <i>constitute</i> such relationships (R1, R4 & R6 below). This is central to Cruft's notion of both legal and moral rights as distinctively placing a duty-bearer in an <i>addressive</i> relationship towards the right-holder. The idea of the liberal public sphere as constituted by rights – a guiding theme of Cruft's work – rests on this original view that rights (unlike 'undirected' or 'imperfect' duties that are not owed to anyone in particular) constitute relationships that address people to each other.		
Secondly, Cruft's work outlines one way to draw the distinction between 'public' and 'private' matters by contrasting those rights with which solidarity is appropriate (rights that are 'anyone's business', that can be demanded on behalf of the right-holder by any third party) with those rights		

that it would be inappropriate for many of us to demand on someone else's behalf (see R1 & R2). In this work, Cruft engages with the Marxist and feminist concerns that any public/private distinction will serve to hide injustices.

Thirdly, building on Raz's work and against Buchanan, Cruft argues that certain rights (e.g. to freedom of expression or political participation, or against torture) are grounded 'individualistically' by what they do for their holders, while others (e.g. property rights, parents' rights to child benefit payments) are grounded in what they do for people other than the right-holder, such as third parties or the wider community (see R1, R3, R4 & R5). This plays an important part in Cruft's normative work on the shape of the public sphere, underpinning his claims that the rights of media organisations and journalists are not justified by what they do for such organisations and professionals but only by their benefits to the wider public. In contrast, some individual rights of expression, privacy and democratic participation are pre-legal rights justified independently of whether they serve parties other than the right-holder.

### 3. References to the research

**R1.** Cruft, R., *Human Rights, Ownership, and the Individual* (Oxford University Press, 2019).

DOI: [10.1093/oso/9780198793366.001.0001](https://doi.org/10.1093/oso/9780198793366.001.0001) [submitted to REF2]

Monograph (150,000 words) examining the varying roles for the individual in the moral grounds of pre-legal human rights and in positive law. OUP's reviewers wrote: 'Rowan's work is rich and sophisticated'; 'I think this book is excellent: it is innovative, insightful and very elegantly written'.

**R2.** Cruft, R., Liao S. M. and Renzo, M. (eds.), *Philosophical Foundations of Human Rights* (Oxford University Press, 2015). DOI: [10.1093/acprof:oso/9780199688623.001.0001](https://doi.org/10.1093/acprof:oso/9780199688623.001.0001)

Landmark edited volume (38 essays, 370,000 words) with 25,000-word survey introduction by the co-editors and original essay by Cruft. Contributors incl. Charles Beitz, Kimberley Brownlee, Allen Buchanan, Carol Gould, Virginia Held, David Miller, James Nickel, Onora O'Neill, John Tasioulas, Jeremy Waldron.

**R3.** Cruft, R., 'Why is it disrespectful to violate rights?', *Proceedings of the Aristotelian Society*, vol. 113 (2013), 201-224. DOI: [10.1111/j.1467-9264.2013.00352.x](https://doi.org/10.1111/j.1467-9264.2013.00352.x)

Invited peer-reviewed article. Cited in Stanford Encyclopedia of Philosophy on 'Rights' as a central contemporary work on the relation between rights and respect.

**R4.** Cruft, R., 'Witness statement of Dr Rowan Cruft', plus spoken testimony, delivered to Leveson Inquiry, June 2012. Available here:

[https://www.discoverleveson.com/evidence/Witness Statement of Dr Rowan Cruft/8056/media](https://www.discoverleveson.com/evidence/Witness%20Statement%20of%20Dr%20Rowan%20Cruft/8056/media).

Spoken evidence available here: <https://leveson.sayit.mysociety.org/hearing-16-july-2012/dr-rowan-cruft>. Cited in the Leveson Report at pp. 62-4, 71, 84, 88, 1684. As noted in the REF2014 impact case study, 'Understanding competing rights', Cruft's evidence had significant effect on the theoretical underpinnings of the Leveson Report, especially in sections on the principles supporting a free press: in these sections (Vol I, Part B, Ch 2 sections 3 and 4 (pp 61-65)), Leveson cites Cruft four times quoting a total of 21 lines from his evidence. In conjunction with Baroness Onora O'Neill's evidence (cited four times here, quoting a total of 10 lines) and that of Dr Neil Manson and Prof. Christopher Megone (two citations each) and Prof. Susan Mendus and former *Guardian* editor-in-chief Alan Rusbridger (one citation each), Cruft's work on the value of a free press is a foundation for the Leveson Report's approach.

**R5.** Cruft, R. 'Human rights as rights', in G. Ernst and J.-C. Heilinger (eds.), *The Philosophy of Human Rights: Contemporary Controversies* (Berlin: de Gruyter, 2012), pp. 129-158.

<https://www.degruyter.com/document/doi/10.1515/9783110263886.129/pdf>

Contributors include Samuel Freeman, James Griffin, John Tasioulas. Cited – with R1 & R2 above – in Stanford Encyclopedia of Philosophy on 'Human Rights'.

**R6.** Cruft, R. 'On the non-instrumental value of basic rights', *Journal of Moral Philosophy*, vol. 7, no. 4 (2010), 441-461. DOI: [10.1163/174552410X535071](https://doi.org/10.1163/174552410X535071)

Peer-reviewed article. Selected for republication in the collection, *Law and Legal Theory* (Brill, Studies in Moral Philosophy series, 2013), ed. Brooks. Cited in Stanford Encyclopedia of Philosophy on 'Rights' as deepening the status view of rights.

#### Grants

1. 'Norms for the New Public Sphere', AHRC AH/S002952/1, GBP413,306, 2019-22, with Cruft (PI), Fabienne Peter (CI, Warwick), Natalie Ashton (RA, Stirling) and Jonathan Heawood (part-time industry RA), plus Doteveryone (Project Partner). Supporting new work on legitimacy in the digital public sphere.
2. British Academy mid-career fellowship to support work on R1, GBP92,748, 2016-17.
3. 'Rights and the Direction of Duties', AHRC early career grant AH/H002898/1, GBP74,247, 2010-12, with Cruft (PI), Leif Wenar (CI, King's College London). Supported work on R3, R5 and R6.
4. 'Institutionalising Values: Beyond Human Rights?', AHRC interdisciplinary network grant AH/G014345/1, GBP49,812, 2009-12, with Cruft (PI). Supported work on R2 and R5.

#### 4. Details of the impact

##### Impact 1. The Creation of IMPRESS

Cruft's work on rights directly influenced the 2015 foundation of IMPRESS ([www.impress.press](http://www.impress.press)), the UK's independent media regulator. IMPRESS was set up to meet the ethical and public interest standards outlined in the Leveson Report (2012), and thereby to achieve recognition by the Press Recognition Panel (PRP; set up by government in response to the Leveson Report). IMPRESS was recognised by the PRP in 2016. Its 158 publications include *Bellingcat*, *The Canary*, *The Conversation*, *New Internationalist*, many local newspapers (total 15,000,000 readers per month).

The founder of IMPRESS, Jonathan Heawood, was inspired by Cruft's work on rights' role in the public sphere (R4, which draws on R5 and R6); Heawood's work with Cruft began with the 2009-12 AHRC network project, 'Institutionalising Values: Beyond Human Rights?', which underpins R2. Heawood explains how the research had a fundamental effect on his thinking:

'[As] Director of English PEN, a charity which promotes freedom of expression [...], I participated in [...] workshops on human rights which Cruft hosted at Stirling in 2009-12. In the course of the workshops, my views on freedom of expression and press freedom were fundamentally challenged, as Cruft and his colleagues scrutinised the foundations of these ideas in moral and political philosophy. I was particularly struck by Cruft's argument that press freedom is grounded in the rights of individual citizens, and not in the rights of news providers (newspaper owners, broadcasters, and so on) [see R5, R6]. Until that point, I had assumed that press freedom was grounded in the rights of news providers, and that, therefore, any challenge to the autonomy of these providers was antithetical to press freedom. Now, I could see that the autonomy of news providers might, in some circumstances, be subordinated to the rights and interests of other individuals, and/or to society as a whole (for example, society's interest in basing public policy on accurate information).' (S1)

Based on this new thinking, Heawood went on to found IMPRESS:

'My thinking was further developed in the course of the Leveson Inquiry [which was] undoubtedly influenced by Cruft's evidence [R4]. [...] When it became clear that the major newspaper publishers intended to ignore the Leveson Report, I took steps to establish a regulator which complied with the Leveson recommendations, IMPRESS: The Independent Monitor for the Press (founded 2015). I served as Chief Executive Officer of IMPRESS until March 2020, when I took up my present role [running the Public Interest News Foundation]. I have found that Cruft has an ability to apply complex ideas to real-world problems which is exceptional in academic philosophy. His work had a crucial impact on the formation and development of IMPRESS.' (S1)

IMPRESS's existence as a PRP-recognized regulator affects journalistic practice across UK media. Many national papers are regulated by the Independent Press Standards Organisation, which is not recognized by the PRP. The creation of IMPRESS gives publishers the option of being regulated by a body that the PRP recognizes as meeting Leveson's standards of ethics and independence. Chris Frost, Chair of the National Union of Journalists' Ethics Council writes:

'[IMPRESS] represents the best opportunity we have for independent press regulation. It provides an alternative to those national newspapers and their publishers who continue to fail to take their responsibilities seriously.' (S2; for more on the impact of IMPRESS beyond the titles it regulates, see the 2017 House of Lords debate, S3)

## Impact 2. Influencing key aspects of the IMPRESS Standards Code

IMPRESS's Standards Code is at the core of its work: it sets the standard to which its publishers are accountable, with significant impact on publishers and readers. For example, in 2017, IMPRESS upheld a reader's complaint that *The Canary* had breached the Code by claiming Laura Kuenssberg was participating in the Conservative Party conference in contravention of her BBC role. Following investigation, IMPRESS ruled that *The Canary* print a prominent correction:

'In the headline of an article first published at noon on 27 September 2017 *The Canary* stated "We need to talk about Laura Kuenssberg. She's listed as a speaker at the Tory Party conference". In fact, as the remainder of the article made clear, Laura Kuenssberg had only been invited to speak at a fringe event. In misrepresenting those facts and in failing to take all reasonable steps to ensure accuracy prior to publication, *The Canary* breached the Impress Standards Code.' (S4, p. 12)

Such rulings enhance the content for regulated publications' readers: from 2016-20, IMPRESS handled a total of 226 complaints, each purportedly violating the Standards Code (see S5 for details of complaints upheld).

IMPRESS's Standards Code was written by Heawood with the assistance of legal expertise. Cruft's work influenced Heawood's input. In its guidance on the conception of the 'public interest' used to justify journalistic activity that might otherwise violate aspects of the code, IMPRESS states:

'To have an interest in something can mean (1) that you are curious about it; or (2) that you have a stake in it. When we talk about the "public interest", we are using the latter rather than the former meaning of the word.' (S6, Guidance on public interest)

This conception of the public interest – as not simply what the public is interested in – is directly influenced by Cruft's development of this point in R4, where he identifies the public interest journalism serves as 'the interest we hold collectively [...] in information about [properly] public matters including politics, law, culture' (R4, §2). Underpinning this is Cruft's interest-based conception of pre-legal rights of participation and expression in R1, Ch. 7 and R3, in which "interest" means an "aspect of well-being", which might but need not be something the [...] person takes an interest in' (R1, p. 15). Cruft and Heawood discussed these issues before the Code was drafted (S1).

Later in the same guidance, IMPRESS states: 'There may also be a public interest in matters relating to private bodies, such as companies, banks, trade unions, charities and sports clubs. As stakeholders in society and the economy, we have an interest in the sound administration of such organisations' (S6). Again, this is a product of Cruft's point to this effect in R4 – especially the spoken evidence supporting R4, which itself drew on his work on how many seemingly 'private' rights (e.g. property) are part of a system whose purpose is to serve the common good (R1, Chs. 11-14, which build on R3). Further aspects of IMPRESS's Code – including the Transparency requirement that differences between journalistic content and advertising be clearly labelled, and that financial interests and sponsors be clearly revealed (S6, §10) – draw on Cruft's work on the structure of the public sphere and the publicity of rights claims, as developed in R1, Ch. 10 and

R4, §9 (the latter lists Cruft's proposals for media publicity requirements including 'accompanying stories with details of payments made [...] or received [...], requiring editors' and proprietors' political and financial interests to be registered publicly'). Heawood writes:

'During my time as CEO, I benefited from Cruft's advice, notably in the development of the IMPRESS Standards Code, which includes requirements which were absent from previous regulatory regimes for the press, such as a requirement on news providers to show how their actions serve the public interest; and a requirement on news providers to declare private interests where these may conflict with the public interest.' (S1)

### Impact 3. BBC impartiality

Since his work with IMPRESS, Cruft's research has had impact on the BBC's engagement with its public in debates over impartiality. Cruft was invited by BBC Panorama producer Jonathan Coffey to help provide intellectual underpinnings for activities to engage the public and foster debate over the BBC's conception of impartial reporting. Cruft worked with Coffey to co-create public lectures on BBC impartiality (including a Royal Institute of Philosophy-funded public workshop on this topic (Stirling, 2018)), and to develop a Radio 4 programme produced and narrated by Coffey, 'Call Yourself an Impartial Journalist?' (April 2019, repeated June 2019, S7). Coffey writes:

'[T]o produce a radio programme, you need a lot of clarity about its intellectual underpinnings. It was incredibly useful to be able to road test the arguments in conversation with Rowan Cruft, Katherine Hawley, and also at the Q&A session in Stirling. Prior to the programme, I had another conversation with Rowan and Katherine, trying to clarify the relation between impartiality, open-mindedness and public service broadcasting's duty to give a voice to citizens' positions – especially contested positions under-represented by powerful media.' (S8)

Cruft's impact engagement influenced his own research activities, and is now directly integrated into his 'Norms for the New Public Sphere' AHRC project (Grant 1, 2019-22). This project's aim is to develop guiding norms that enable the new public sphere – with its interplay of digital and 'old' media – to deliver democratic legitimacy. Importantly, Heawood has agreed to act as (part-time) industry RA to continue building on their existing impact collaboration. The project has input to the UK Government's Online Harms White Paper (S9), and has received encouraging responses from practitioners (S10). It will continue to engage with a wide range of existing impact partners (such as IMPRESS & BBC) and develop new partnerships in new media (Doteveryone, Hacked Off).

### 5. Sources to corroborate the impact

**S1.** Statement, Jonathan Heawood on Cruft's work's role in generating IMPRESS and its code.

**S2.** Roy Greenslade, 'NUJ backs Impress, calling Ipso a "pointless so-called regulator"', *The Guardian*, 29 April 2016, quoting Chris Frost, Chair of the National Union of Journalists' Ethics Council: <http://stir.ac.uk/4vx>

**S3.** House of Lords debate on Amendment 58 of the Data Protection Bill (proposing to add the IMPRESS Standards Code to those codes of practice determining whether a publication is subject to public interest protections), 13 December 2017: <http://stir.ac.uk/4w0>

**S4.** IMPRESS complaint adjudication, Jamie Thunder and *The Canary*: <http://stir.ac.uk/4w3>

**S5.** IMPRESS annual reports, 2016-17, 2017-18, 2018-19, 2019-20: <http://stir.ac.uk/4w6>

**S6.** IMPRESS standards code: <https://impress.press/standards/>

**S7.** 'Call Yourself an Impartial Journalist?', BBC Radio 4 programme, broadcast 26 April 2019: <https://www.bbc.co.uk/sounds/play/m0004f5s>

**S8.** Statement, Jonathan Coffey on Cruft's work with him on impartial journalism and the BBC.

**S9.** Online Harms White Paper: <http://stir.ac.uk/4w9>; *Norms for the New Public Sphere* submission to the consultation: <http://stir.ac.uk/5di>

**S10.** Statements, Doteveryone & Hacked Off, on *Norms for the New Public Sphere* project.