

Book Review: Media Law and Policy in the Internet Age

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Cite as Griffin, J, "Book review: Media Law and Policy in the Internet Age", European Journal of Law and Technology, Vol 9, No 3, 2018

Book

Doreen Weisenhaus and Simon Young (eds), *Media Law and Policy in the Internet Age*, 2017, Bloomsbury, 244pp, ISBN 1782257403

Review

Media Law is a collection of articles from academics and practitioners from all over the world. The book contains 15 papers which arose from a conference held in the University of Hong Kong in 2013. The overall quality of the papers is especially high. The collection is split into three main parts: Part A, looking at Conceptual Perspectives of Media Law and Policy; Part B, which focuses on Media Law Reform and Defamation, and finally a Part C, looking at "legal regulation of the Media and the Internet". Before this, there is an introduction by the collection editors which does an excellent job of setting the scene. I found it an insightful piece, and it places into context some of the more recent reforms with regard to defamation.

Peter Noorlander has the first chapter – "Defending Media Freedom in the Internet Age". The chapter is founded on the notion that the Internet is not just a technology that provides freedoms, but that it is also one that provides for repression. Individuals may be able to write what they want and through the Internet have global reach, but Internet technologies also allow for suppression and ultimately evidence for the arrest of those such as journalists – "The abuse of libel and national security laws account for more than half of all journalists and bloggers in prison". He argues that civil campaigning and groups such as NGOs have a role to play in providing protections. It is a thought provoking piece, and it reveals how far we have come from the early days of the Internet, famously encapsulated in a cartoon in *The New Yorker* that "On the Internet, nobody knows that you are a dog".^[2] Chapter 2, by Lord Dyson, stresses the importance of open justice considering the reduction in civil jury trials and public attendance at court. Issues investigated are televising courts and social media. In the conclusion, he argues that "all steps should be taken to secure public scrutiny of courts." It is a piece that I am sure will be useful to academic staff and students alike. Chapter 3 by Lord Lester is "Free Speech, Reputation and Media Intrusion: Law Reform Now". It begins with a focus on the Defamation Act 2013, covered in a very succinct and precise way. It also has two sections, one on speech crimes, and one on the issues concerning the independent press regulator. It is probably fair to say that things have moved on a bit since the publication of the book (and review – it is a fast-moving area!) but the piece overall is most certainly worth a look for anyone focusing on the 2013 Act. Chapter 4 is a broader

piece, called “Independence of the Press as a Constitutional Necessity” – by Phillips. It contains a decent history of press regulation, which makes a good link to current practices, and makes the argument that the importance of the press in a democracy should be borne in mind to ensure that it is not mired in complex legal rules.

Part B begins with a consideration by Kenyon of the *Reynolds* case and subsequent s.4 of the 2013 Act. This would be a great piece for law students studying defamation to read – and, of course, academic staff researching the area. It is well written and original, demonstrating a clear knowledge of the topic. Shabas and Lazier look at differences between Canadian and English defamation law. It is a comprehensive analysis, signposting recent legal changes and suggesting that we need time to know the full impact of current laws. Glofcheski looks at Hong Kong Law, which has discussion of websites and search engine issues, and concludes following an overall analysis that Hong Kong’s traditional liberal approach can be expected to be diminished over time. Xu Xun, of the Chinese University of Politics and Law in Beijing, provides a comprehensive overview of Chinese criminal and civil defamation law. It is particularly impressive in the information that it provides, and will be a ‘must have’ source for those researching and writing on Chinese defamation law, if not Chinese IP law more generally. Roque focuses on Philippine Law on cyber libel, again comprehensive, and so is Hwang’s consideration of Singapore. This concludes a highly impressive Part B. Anyone interested in Asian Law will find much here – and this might not be obvious from the title of the book despite it being, I suspect, a rather central book for studies of such law for those in the West!

Part C is the broader section dealing with ‘Legal Regulation of the Media and Internet’. Weber looks at ‘Challenges for Communications in a Changing Legal Landscape.’ It covers a lot of ground in terms of the link between legal regulation and digital technologies concerning *inter alia* Internet governance, filtering and digital rights management. Lord Hunt focuses on self-regulation of the press in the UK (perhaps this could have been in part A!) in a short chapter looking at the PCC and Leveson. Cheer has a chapter looking at ‘Regulatory Responses from a Southern Archipelago’, focusing on New Zealand, and Bartlett on Australia. Both give good analytical overviews, in the style of those in part B. Lubis completes this section with a chapter on “Two Faces of Freedom of the Press in Indonesia’s Reformation Era” – again, many points worthy of note are made, and a fun read.

Overall, this is a highly impressive book. I would argue that the earlier chapters tend to be more in the vein of traditional pieces looking at Defamation, and Part B onwards more comparative. All are of an extremely high standard, rigorous and original. The book would appeal not just to those focusing on UK common law, but also laws from numerous other jurisdictions, especially Asia, and I fear that many researching and writing on those jurisdictions will not realise what a treasure trove of great works this collection contains for them.

In summary, a clear 10/10 – and essential (absolutely essential!) reading for anyone interested in Asian defamation laws.

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[2] P Steiner, Cartoon, *The New Yorker*, 5th July 1993.