

Book Notes: Privacy and the Press, by Joshua Rozenberg

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Book Note

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PRIVACY AND THE PRESS, BY JOSHUA ROZENBERG. NEW YORK: OXFORD UNIVERSITY PRESS, 2004. Pp. xii + 274. £18.99 hardcover.

BY JOHN SALLOUM

Joshua Rozenberg attempts to answer the increasingly urgent question facing many jurisdictions worldwide concerning whether society needs a privacy law to govern the private rights of individuals to the details of their lives versus the public rights of the media to report news and information. While this book deals primarily with the state of the law in the United Kingdom, it incorporates examples from other jurisdictions, including Canada, as a basis for comparison. Written from the perspective of a professional journalist, Rozenberg quite openly comes down in favour of fewer regulations governing privacy and greater freedom of expression, and ultimately declares in the last words of his book: "Privacy good; free press better."

The author begins with an analysis of the origins of privacy law through initial lawsuits based upon the law of confidentiality. The interests of privacy are then contrasted against freedom of speech and human rights law using examples that range from Catherine Zeta-Jones and Michael Douglas' public struggle to keep their wedding photos available only to the magazine that had purchased the rights, to Naomi Campbell's attempt to keep her addiction to drugs a private matter.

Rozenberg examines the history of press regulation through court orders requiring the production of confidential journalist sources on pain of a finding of contempt, and he discusses the role that industry associations play in providing self-regulation and ethical guidelines. He further explores the notion of a qualified privilege, akin to privileged speech by the U.S. Supreme Court or a Parliamentary speaker who is immune from charges of libel in certain circumstances, that journalists could potentially avail themselves of in order to publish compelling and important information that ultimately turns out to be erroneous. Ultimately, however, the author argues that the creation of a Privacy Act to govern the balance between freedom of speech and privacy would be "both dangerous and wrong."
