

All people whose work depends on inspirational creativity, such as philosophers, artists and academics, face a particular dilemma: In order to be both heard and remembered, they need to present a topical idea to a responsive audience. Thinkers who, for that reason, are still well-known today, such as John Locke, are the exception, not the rule. By far most creative works sink into oblivion, because they are either not topical or not original.

Paul Wragg's book 'A Free and Regulated Press: Defending Coercive Independent Press Regulation' is a serendipity: It is the right book at the right time. The book's title—paradoxical as it appears at first glance—succinctly summarises the inherent tension of attitudes towards the press. By far most liberal thinkers would immediately agree with the idea of a free press, and thus condemn current developments of curtailing press freedom that take place even in member states of the Council of Europe. At the same time, it cannot be ignored that the press has the potential of severely disrupting the public discourse by spreading false news, intruding into people's private lives or destroying reputations. Wragg uses the Leveson inquiry—as a sort of 'case study'—as his empirical starting point, but the underlying problem of his work is universal.

In a book that is both well-researched and well-written, Paul Wragg searches for the right balance between a press that has to be free as well as regulated. His critique of contemporary press freedom theory is not only philosophically very well-informed but also embedded in historical and political context. In both its breadth and its depth, this intellectual *tour de force* of press freedom's history of ideas is unrivalled in legal literature.

One does not necessarily have to agree with all his premises and conclusions in order to appreciate that Wragg provides much food for thought. By way of example, one might still disagree with the view that the 'duties and responsibilities' imposed on the press by a teleological conceptualisation necessarily have to be the 'proper object of regulation' (p. 23). One could still argue that these 'duties and responsibilities' are merely ethical and thus outside the legal field. But here the European Court of Human Rights itself squares the circle and holds that the 'duties and responsibilities' *are* ethical in their nature ('ethics of journalism' or 'responsible journalism') and *likewise* legal obligations under Article 10(2) ECHR. This legal doctrine—although one might find it questionable—ultimately confirms Wragg's critique of the inconsistencies of the teleological approach.

Similarly, with regard to press regulation, one might ask whether even a teleological approach could agree to press regulation if one agrees on the right regulator, namely: the courts. If press freedom means 'a negative obligation not to unduly harm others combined with a positive obligation to make good any such harm it causes' (p. xi), would civil—and, if need be, criminal—courts not be the necessary and sufficient 'regulatory' authorities to address exactly these two obligations? But here Paul Wragg's choice of the Leveson inquiry turns out to be ingenious, as it concerned 'serious [and] or systematic breaches' (cf. p. 30) of the law. For such excessive press malfeasance, courts deciding only on single individual claims or breaches of the law would be unsuitable press watchdogs—similar to the PCC. Indeed, '[s]omething must be done' (p. 44), and neither media plurality nor impartiality alone, as Paul Wragg rightly highlights, are effective tools to address press malfeasance. The book provides insights into many more thought-provoking questions and debates, the detailed discussion of which would go far beyond this short review. These are, to name but a few, the 'human-ness' of the press and the establishment of truth and accuracy (and who decides on these questions).

This book makes a strong and convincing contribution to the debate on freedom of the press and its limits. It will hopefully not only receive the academic praise it deserves, but also the attention of policymakers and practitioners. Anyone working in the area of press freedom and

regulation must engage with Paul Wragg's ideas and observations. Failing to do so would be an inexcusable omission.

Jan Oster, Assistant Professor of EU Law and Institutions, Universiteit Leiden