



## Footballers Wives and the Perfect Pass

Recent weeks have witnessed an uneasy tension between the rights of privacy, freedom of information and the curiosity and intrigue of the public, a tension between the Pillars of Justice, Parliamentary Privilege and the New Social Media.

Footballers, celebrities and superstars have raced to the courts to prevent disclosure and publication of incriminating details of extra marital affairs. They have shrieked foul play in the courts and hush to the world at large. There have of course been cases of blackmail although as Lord Woolf stated this is often 'simply to save the blushes of the famous'.

There is no right to privacy as such in English law save for the creative judicial interpretation of the law of confidence and Article 8 of the Human Rights Act, which requires respect for family and private life. Article 10 by contrast protects Freedom of Expression. We therefore have two competing rights, which have come into sharp conflict. When challenged, the ultimate balancing factor is the interpretation of what is in the public interest. Unfortunately, for tabloid readers this is not the same as what interests the public.

We all know that totalitarian regimes restrict freedom of expression as an instrument of suppression and control. Recent times however have witnessed the Islamic spring a revolution of will, faith and hope, a voice crying out in the wilderness. Flags of hope and defiance now fly across Tahrir Square. Many have been sacrificed though on this path to Freedom.

There is always an uneasy truce between privacy and freedom of expression, forever volatile, forever fragile and on the brink of war, like opposing armies raising their heads above the parapet and peering across the jagged abyss of the Kyber Pass.

Not only do we now have Footballers Wives but even Bankers Wives as Sir Fred Goodwin, former Chief Executive of RBS has now stepped or maybe even been pushed into the public arena. Perhaps these will be the new celebrities or villains of the modern era. So quickly can stars fall from grace. Even the BBC, the bastions of fair play, and the Press, the pillars of free speech have now come into the public spotlight with the revelations of Andrew Marr.

Lord Neuberger has warned that a spate of recent privacy injunctions pose a threat to open justice. Where however should we strike a balance? The public, judicial and parliamentary debate will certainly go on. Will it be possible however to control the new global social media. Some have sought to get to grips with the likes of Twitter but when the cat is out of the bag, birds beware.

Some may say that the recent injunction seekers have struck an own goal. It is not only footballers though who can play away from home.

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