



Neutral Citation Number: [2005] EWHC 2187 (QB)

Case No: HQ04X01682

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 14 October 2005

Before:

THE HON. MR JUSTICE GRAY

Between:

MICHAEL CHARMAN
- and -
(1) ORION PUBLISHING GROUP LIMITED
(2) ORION BOOKS LIMITED
(3) GRAEME McLAGAN

Claimant

Defendants

HUGH TOMLINSON QC and LUCY MOORMAN
(instructed by **Simons Muirhead & Burton**) for the **Claimant**
ADRIENNE PAGE QC and MATTHEW NICKLIN
(instructed by **Wiggin LLP**) for the **Defendants**

Hearing dates: 05 October 2005

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....
THE HON. MR JUSTICE GRAY

Mr Justice Gray:

The issue to be determined

1. In this libel action the Claimant, Mr Michael Charman, seeks damages for libel in respect of both the hardback and the paperback edition of a book published by the Defendants, who are respectively The Orion Publishing Group Limited, Orion Books Limited and Mr Graeme McLagan. The title of the book is “Bent Coppers”.
2. At a Case Management Conference on 17 June 2005 I ordered that the action be tried by Judge alone and that there should be a trial of a preliminary issue to determine the meaning of the words complained of. This course carries with it the advantage that the parties, once they know what my ruling is, can consider their respective positions. There is also the benefit that the argument on meaning will be determined, as it should be, without the mind of the tribunal being clouded by evidence bearing on the issue of justification, which is of course irrelevant so far as the meaning of the words is concerned.
3. So it is that I now have to decide whether the book, in either or both of its editions, bears the defamatory meaning for which Mr Charman contends or whether it bears some lesser, and if so what lesser, defamatory meaning. It is not suggested on behalf of the publishers that the book is not defamatory of Mr Charman. It is common ground that it is defamatory of him. The question which I have to decide is in what sense.
4. I will set out the rival contentions as to meaning. Mr Hugh Tomlinson QC for Mr Charman contends that in both its hardback and paperback editions the book bears the following meaning:

“that [Mr Charman] is a corrupt police officer – a ‘bent copper’ – who, in return for payments totalling £50,000 to himself and another police officer, DI John Redgrave, abused his position as a police officer and condoned and colluded in the commission of a substantial fraud by a convicted criminal and informant, Geoffrey Brennan”.
5. Miss Adrienne Page QC for the Defendants contends that the book does not bear and indeed is not capable of bearing that meaning. She argues that the book in both its hardback and paperback edition bears the lesser (but still defamatory) meaning

“that there are reasonable grounds to investigate whether [Mr Charman] abused his position as a police officer by colluding with Brennan in the commission of substantial fraud by Geoffrey Brennan from whom he and Redgrave received corrupt payments totalling £50,000”.

Miss Page’s alternative fallback position is that the book bears the higher meaning that

“there are reasonable grounds to suspect that [Mr Charman] abused his position as a police officer by colluding with

Brennan in the commission of substantial fraud by Geoffrey Brennan from whom he and Redgrave received corrupt payments totalling £50,000”.

For the sake of completeness I should add that the Defendants assert that the book bears further (and also defamatory) meanings, namely

“that [Mr Charman] was (or there are reasonable grounds to suspect he was) unfit to be a police officer by reason of his conduct in acting in a manner reasonably likely to bring discredit on the reputation of the Met by, without authority, obtaining from Deborah Cahill and viewing a copy of an interview of Detective Sergeant Christopher Smith and took steps to destroy the said copy in order to conceal the fact that he had obtained and viewed it”.

6. Mr Charman’s case as to this latter meaning is that it is not one which a reasonable reader would draw from the words complained of as a whole in that context. However, I am not asked to decide the subsidiary issue whether the book does or does not bear that meaning. Each side is of course entitled to make what it can of the account in the book of the Cahill episode in support of its case on the primary dispute about meaning.

The applicable law

7. There is an abundance of authority, much of it recent, as to the approach which the court should take when determining the meaning of words in a libel action. Each side has cited a number of authorities dealing both with the general principles which are applicable and with the particular problems which arise in the case of publications concerned with police investigations into alleged criminality.

General principles of interpretation

8. I start with the general principles. The starting point is that, where in a libel action there is a dispute as to meaning, the adjudicator, whether judge or jury, must settle on a single meaning: *Slim v. Daily Telegraph* [1968] 2 QB 157 per Diplock LJ at 173D/E. There is a degree of artificiality about this, not least in the case of a book where the libellous meaning is spread over many pages. But it is well established that, for pragmatic reasons, the court must determine a single meaning. It is common ground that this is the position.
9. As to the approach to be taken to the interpretation of the words I can do no better than cite the material passages from the summary of the principles given by Sir Thomas Bingham in *Skuse v. Granada* [1996] EMLR 278 at 285-287:

“(1) The court should give to the material complained of the natural and ordinary meaning which it would have conveyed to the ordinary reasonable [reader].

(2) The hypothetical reasonable reader... is not naïve but he is not unduly suspicious. He can read between the lines. He can

read in an implication more readily than a lawyer, and may indulge in a certain amount of loose thinking. But he must be treated as being a man who is not avid for scandal and someone who does not, and should not, select one bad meaning where other non-defamatory meanings are available...

(3) While limiting its attention to what the Defendant has actually... written, the court should be cautious of an over elaborate analysis of the material in issue...

(4) The court should not be too literal in its approach..."

10. Another convenient synthesis of the principles to be applied was provided by Eady J in *Gillick v. Brook Advisory Centres* cited with approval by the Court of Appeal at [2001] EWCA Civ 1263 at para 7:

"The court should give the [book] the natural and ordinary meaning which it would have conveyed to the ordinary reasonable reader... Hypothetical reasonable readers should not be treated as either naïve or unduly suspicious. They should be treated as being capable of reading between the lines and engaging in some loose thinking, but not as being avid for scandal. The court should avoid an over-elaborate analysis of the article, because an ordinary reader would not analyse the article as a lawyer or accountant would analyse documents or accounts. Judges should have regard to the impression the article has made upon themselves in considering what impact it would have made on the hypothetical reasonable reader. The court should certainly not take too literal an approach to its task".

11. It appears to me to be particularly important where, as here, a judge is providing written reasons for his conclusion as to the meaning to be attributed to the words sued on, that he should not fall into the trap of conducting an over-elaborate analysis of the various passages relied on by the respective protagonists. The parties are entitled to a reasoned judgment but that does not mean that the court should overlook the fact that it is ultimately a question of the meaning which would be put on the words of the book by the ordinary reasonable reader. Such a hypothetical reader is assumed not to be a lawyer. He or she is very unlikely to read the whole book in a single sitting or to compare one passage with another or to focus on particular phrases. The exercise is essentially one of ascertaining the broad impression made on the hypothetical reader by the book taken as a whole.
12. A feature of the present dispute on meaning is that each side has pointed to different passages in the book which it maintains is supportive of its case as to the degree of seriousness of the libel. That is commonplace and legitimate. It is well established that the tribunal of fact, whether judge or jury, must take the bane and antidote of the publication together: see *Chalmers v. Payne* (1835) 2 Cr M & R 156 at 159. As Lord Nicholls pointed out in *Charleston v. News Group Newspapers* [1995] 2 AC 65 at 73-74, there is an artificiality about this approach since, especially in the case of a book,

not all readers will read it from cover to cover. It is, however, clear from that and earlier authorities that the publication must be taken as a whole.

13. One further observation as to the general principles which apply arises out of a submission made by Miss Page that it is not nowadays open to a claimant to rely on a lower meaning than that asserted in his or her statement of case. She contends that Mr Charman's complaint is that the imputation is one of guilt of corruption and nothing less. I do not accept that submission. The Court of Appeal in *Slim* treated the claimant's pleaded meaning in that case as the high water mark, leaving it open to the claimant to contend for and for the jury to find some lesser meaning at trial. I acknowledge that in *Jameel v. Times Newspapers Limited* [2004] EMLR 31 Sedley LJ suggested at para 12 that it was high time that claimants should be required to plead their levels of meaning in the alternative. I can see the sense of this at least in what might be termed "suspicion" cases. But I do not think it would be right in the present case to shut out Mr Tomlinson from contending for some meaning lower than his pleaded meaning, for example the meaning that there exist strong grounds for suspecting Mr Charman to have been guilty of corruption.

Principles applicable to police investigations of alleged criminality

14. As I have indicated, there are several authorities dealing with the somewhat thorny question of determining the level of defamatory meaning in cases concerned with police investigations into alleged criminal activity. The problem was addressed by Lord Devlin in *Lewis v. Daily Telegraph* [1964] AC 234 in these terms at 282:

"I do not mean that ingenuity should be expended in devising and setting out different shades of meaning. Distinct meanings are what should be pleaded; and a reasonable test of distinctness would be whether the justification would be substantially different. In the present case, for example, there could have been three distinct categories of justification – proof of the fact of an inquiry, proof of reasonable grounds for it and proof of guilt".

15. Fortunately or otherwise *Lewis* was the progenitor of a series of cases in which the various possible shades or levels of meaning in this class of case were explored. Miss Page referred me to *Mirror Newspapers Limited v. Harrison* 42 ALR 487 HCA; *Mapp v. News Group Newspapers* [1998] QB 520; *Bennett v. News Group Newspapers* [2002] EMLR 860 and *Chase v. News Group Newspapers* [2003] EMLR 218.
16. I do not think it is necessary for me to go through those authorities in any detail for the purposes of this judgment. Two points which are material do, however, emerge from that line of cases. The first, to which Miss Page rightly draws attention, is that a report of a police investigation into alleged criminality is likely to bear a lower level of meaning than a report of a newspaper's own investigation. The latter may be understood to impute that the person under investigation was actually guilty, as for example was the case in *Skuse* (see 290). The reason is that, as readers would generally be aware, the police are under a duty to investigate a reported crime whereas newspapers are not.

17. The second point, which was well made by Mr Tomlinson, is that the rationale for introducing the graduated levels of meaning approved in the cases to which I have referred is that precision is required of a defendant as to the level at which he is pitching his plea of justification. One reason for this is that the level of meaning sought to be justified will determine the nature of the evidence which is admissible in support of the plea of justification pursuant to the so-called “conduct” and “repetition” rules. As Mr Tomlinson points out this reasoning does not apply to the pleading by the claimant of the defamatory meaning which he contends the words complained of bear. The degree of precision will no doubt depend on the circumstances of the case. It is not necessary in any case to tie a claimant to one or other of the three levels of defamatory meaning identified in, for example, *Chase*. Moreover the ordinary reasonable reader would not use legalistic concepts such as the existence of “reasonable grounds for suspicion” when articulating his or her impression of the meaning conveyed by the words complained of. There is in my opinion much to be said for the use of vernacular expressions such as “probably guilty” or “a bit suspicious” to indicate the shade of meaning to be contended for at trial.
18. I believe it to be common ground between the parties that I am not confined to the meanings attributed by them to the book or to the wording of those meanings as set out in the respective statements of case. It is accepted that, if appropriate, it is open to me to choose my own words when it comes to determining meaning.

The book

19. Before turning to the various passages which have been debated in the course of argument, I should say something about the nature and structure of the book. Its title is “Bent Coppers”. Mr Tomlinson understandably argues that this suggests that the book is about police officers who have been guilty of actual corruption. He relies also on the sub-title: “The Inside Story of Scotland Yard’s Battle Against Corruption”. The reader of both the hardback and paperback editions of the book is told of the expertise of the author, Mr McLagan, in “the murky world of police corruption”. The text of the book makes clear that Mr McLagan has detailed knowledge of the activities of the Ghost Squad in investigating corruption within the police.
20. The book provides a chronological account of the periodic and only partly successful purges against police corruption which have been carried out, principally within the Metropolitan Police but also within the South East Regional Crime Squad (SERCS) from the 1960s onwards. There is a discussion of the possible causes of corruption and the types of officer who are susceptible to temptation. The book describes the different views of the prevalence of corruption and the inherent difficulties in bringing corrupt officers to book, given that the allegations against them are invariably made by either criminal or police “supergrasses”.
21. A large number of allegedly corrupt police officers are identified by name in the book; some are referred to by rank but are not named. Many, but by no means all, of these officers were ultimately either convicted in the criminal courts or dismissed from the police service. Some officers were acquitted, rightly or wrongly. The cases against others were inconclusive and unresolved. It is fair to say that the reader is left with the impression that most, but not all, of the officers mentioned in the book had in fact been guilty of some form of corruption or another.

22. As Mr Tomlinson correctly pointed out, Mr Charman features prominently, even if intermittently, in the book. At the material times he was a Detective Constable in the Flying Squad. He is invariably coupled in the narrative with Mr Redgrave, then a Detective Inspector in SERCS. I think Mr Tomlinson is right when he says that, when it comes to the level of defamatory meaning, Mr Charman and Mr Redgrave stand or fall together.
23. Both the hardback and the paperback editions of the book contain a number of photographs, one of which is of Mr Charman and Mr Redgrave pictured together. Photographs of other officers who have been the subject of investigations for corruption are also featured. Some of them are said in the captions to have been convicted; others admitted corruption. Mr Tomlinson relies on the inclusion and positioning of the photograph of Mr Charman and Mr Redgrave as indicating that they belong in a rogues gallery.
24. Towards the end of both the hardback and the paperback edition the reader is informed that both Mr Charman and Mr Redgrave are currently suspended from duty on full pay. It is said that disciplinary proceedings were commenced against them as long ago as 2001 alleging “discreditable conduct” arising out of breach of police rules in connection with the alleged discussion at the house of Ms Cahill about destroying a confidential police document. Those proceedings are said to be still pending.

The hardback edition: the passages complained of and their context

25. As already indicated, the book has been published in both hardback and paperback editions. The wording of the latter is broadly similar to the former but not identical. Mr Tomlinson invites me to approach the case on the basis that both editions bear the same meaning. But Miss Page suggests that some of the alterations and additions in the paperback edition have a material bearing on meaning (and are probably the result of legal advice). In those circumstances it seems to me that the right course is for me to consider first the question what is the defamatory meaning borne by the hardback edition and then to address the question whether the paperback bears the same or some other and, if so, what defamatory meaning.
26. In this section of the judgment I will therefore attempt to summarise what appear to me to be the salient passages, including both bane and antidote, as they appear in the hardback edition.
27. The opening chapter concludes with the following paragraph:

“What was also to become clear was that what had initially been portrayed as a fight between the good cops and the bad guys was not quite that simple. This was not a black-and-white issue, but a murky world full of shades of grey”.
28. The first direct reference to Mr Charman and Mr Redgrave is to be found in chapter 3, which is entitled “Corruption in Elite Detective Squads”. The last paragraph of the previous chapter had referred to DCS Gaspar (who formed the Ghost Squad) receiving a “startling” phone call which was to gain him “an amazing insight into major corruption”. That call came from another officer who told Gaspar that an important police informant had been compromised. The informant was Geoffrey

Brennan, who is described in the hardback edition as “a big, excitable man given to lies, boast and bluster”.

29. Mr Brennan’s handlers are said to have been DI Redgrave “and a Flying Squad detective constable called Michael Charman”. Redgrave is described as a SERCS officer whose name was on a list of suspect corrupt officers recently compiled.
30. The book then describes a meeting between Brennan and Gaspar in the course of which Brennan told him that confidential police records of his activities as an informant had fallen into the hands of major violent criminals. Brennan was provided with police protection and given a new identity.
31. At a subsequent meeting with Gaspar Brennan is described as having told Gaspar about corrupt dealings he had had with Mr Redgrave and Mr Charman, which included a payment to Mr Charman of £10,000 with a total of £50,000 eventually being paid to both officers. In return Mr Brennan expected help if he was ever questioned or arrested.
32. In a lengthy account of the information provided by Brennan to Gaspar, including information about a plan by Brennan to swindle a Chinese-American businessman who appeared to him to be involved in money-laundering, there appears the following passage:

“Although Gaspar believed him, what Brennan had said amounted to no more than simple allegations of police wrongdoing. Such allegations had no chance of standing up in court without corroboration, even if Brennan agreed to appear as a witness and he was refusing to do that. It would simply be Brennan’s word, that of a criminal, against the word of two honest detectives with distinguished records”.

A little later there is a brief reference to the fact that Redgrave and Charman “strenuously denied all allegations of wrongdoing”. The reader is told that Brennan was later to withdraw his claim against the two officers as detailed in later chapters. The record of their denial follows a passage which suggests that police records reveal that Mr Redgrave had intervened on a number of occasions to assist Mr Brennan after his arrest.

33. In the hardback edition there follow eight chapters which deal with a considerable number of cases of actual corruption mostly within the Flying Squad. Apart from a single passing reference to Brennan’s allegation that he had paid £50,000 to two officers, nothing is said in these chapters about Mr Charman or Mr Redgrave.
34. However, in chapter 12, entitled “Problems and Difficulties”, the reader is reminded of the fact that Brennan had stolen a large sum of money (£400,000) given to him by the Chinese-American businessman and that in 1994 he had told Gaspar that he had paid Redgrave and Charman £50,000 to protect him. It is said that relations between Brennan and the Ghost Squad had soured, culminating in his arrest in November 1996 for theft. Brennan is recorded as having replied, when charged, that he had acted with the knowledge of the Metropolitan Police as part of a police operation. However, Superintendent Coles, who was in charge of the Brennan case, is said to have

wondered whether Brennan had manipulated the Complaints Investigation Bureau from the start. Coles is said to have known that fraudsters such as Brennan “were capable of constructing elaborate stories to extract money from their victims and they knew roughly how far they could push the law”.

35. Having been arrested, Brennan is said to have mounted a counter attack: he is said to have contacted the Police Complaints Authority to withdraw his allegations against Redgrave and Charman, claiming that he had been put up to blackening the pair by his former handler who had “had it in” for Redgrave and Charman since the 1980s.

36. There follows this paragraph:

“... Redgrave and Charman were suspended, their homes having been raided three days before. From the outset the pair have denied receiving money from Brennan, or indeed, any corruption at all”.

This action followed publicity about the two officers in the *Mirror* newspaper.

37. Coles is described as having difficulty finding a way to cut a path through all the allegations and counter-claims over Brennan. He sought advice from Treasury Counsel who

“eventually concluded that without Brennan’s co-operation the chances were that a prosecution of Redgrave and Charman would fail”.

38. There immediately follows a reference to Coles receiving “what looked like a lucky break” involving information about an enquiry made by a CPS caseworker, named Debbie Cahill, who is described as a friend of Mr Charman. Coles is said to have concluded that Ms Cahill was trying to gather material for Mr Charman with which to discredit the CIB investigation. She was given specially marked confidential documents and her home was bugged. An account is given of a visit by Mr Charman and Mr Redgrave to Ms Cahill’s bungalow where, according to the officers monitoring their conversation, there was discussion about destroying one of the documents and concern being expressed about fingerprints on them. It is said that Coles reckoned that an offence of conspiracy to pervert the course of justice had been committed.

39. Mr Charman and Mr Redgrave were in due course charged but the Magistrate “threw the case out”. The CIB and CPS are said to have taken the unusual step of appealing against the decision but the Judge refused to reinstate the charges. So ends chapter 12.

40. There follow two chapters which are concerned with a number of cases of actual corruption on the part of other police officers resulting in many cases in convictions of the officers concerned. The next mention of Mr Charman and Mr Redgrave is to be found in chapter 15, entitled “Loose Ends” upon which Mr Tomlinson strongly relies.

41. The chapter commences with a reference to the enquiry into Brennan's allegations which had started back in 1994 and which

“had caused problems from the outset, and these were to continue for no fewer than eight years, with questions about it even being asked in Parliament”.

The reader is told again that Brennan had admitted stealing £400,000 and paying £50,000 to Mr Redgrave and Mr Charman to cover up the theft but that, after being charged, Brennan had effected a turnabout and withdrawn his allegations. The reader is also reminded that charges of conspiracy to pervert the course of justice and breach of the Official Secrets Act against Charman and Redgrave had been thrown out by a magistrate and then by a judge. The account continues:

“Deeply aggrieved at what had happened to them, the three (i.e. Charman, Redgrave and Ms Cahill) then counter-attacked, making official complaints against CIB officers. Redgrave's MP, Andrew McKinlay, raised the case in a 15 minute speech in the House of Commons”.

There follows a reference to Charman having claimed that his arrest, detention and prosecution were unlawful, malicious, unwarranted and amounted to a conspiracy to pervert the course of justice. Mr Charman is recorded as having claimed that his arresting officer had adopted unwarranted and unnecessary tactics causing him humiliation and distress. The complaint of Mr Redgrave to the PCA is said to have included a suggestion that CIB officers were part of a wider conspiracy or cover-up. It is said that, prior to being charged, Mr Redgrave and Mr Charman had said they were prepared to give evidence on behalf of a detective who was alleging a cover-up of a police shooting incident and was facing disciplinary charges for meeting another detective who was awaiting trial for corruption. Mr Redgrave and Mr Charman are described as having called for a full independent investigation into their allegations. Mr McKinlay's attack on the CIB, under cover of Parliamentary privilege, is quoted.

42. There follows six pages of text dealing with the criminal trial of Brennan. The opening paragraph of this section reads:

“CIB officers hoped that Redgrave and Charman would give evidence for Geoffrey Brennan at his trial in 2001. The pair could have used the proceedings as an opportunity to set the record straight, to deny Brennan's original allegations that he had bunged them £50,000 to cover up his theft of £400,000 from the Chinese-American businessman, Sam Wang. They could also have backed Brennan's later claims that the police operation mounted by the pair into gun running and money laundering had been entirely legitimate and not a smokescreen, as was being suggested by the CIB. If the pair had appeared in the witness box, they would have been open to cross-examination by the CIB prosecution team, determined to get at the truth of Brennan's allegations. But it was not to be. Although Redgrave and Charman's names were continually

mentioned throughout the trial, the two suspended officers did not appear at the Old Bailey”.

Gaspar, who did give evidence, is said to have “revealed” at a pre-trial hearing that Redgrave had received unexplained income over and above his Metropolitan Police salary and that in Charman’s case an unusual spending pattern had started in October 1993 coinciding with the time Brennan had claimed to have paid over the £50,000 bribe.

43. Next there is an account of the cross-examination of Brennan by Richard Latham QC, who is said to have put to Brennan that Mr Redgrave and Mr Charman were “dishonest and corrupt”. Mr Latham is recorded as having put to Brennan that the two officers had “come into [his] pay” and that he had given them money. Brennan is then said to have demanded to know why the prosecution was not calling the officers to give evidence, whereupon it is said that

“Latham chose his words with care. They were damning: ‘I am not going to bring in criminals to give evidence’”.

There then comes this paragraph:

“Although Redgrave and Charman were not on trial, for much of the time it was as if they were in the dock with Brennan. In Latham’s closing speech to the jury much play was made of their alleged corruption. He repeated that the prosecution case was that a total of £50,000 had been paid to the two detectives to provide a smokescreen for the theft of Wang’s money...”.

44. The reader then learns of the unanimous finding of the jury that Brennan was guilty. His defence counsel is said to have told the judge in mitigation that

“It was unquestionably the case that Redgrave and Charman were in contact with him at the time of the offence and were aware of what was taking place”.

45. In the last paragraph of this chapter of the hardback edition, there is another passing reference to Brennan’s claim, later withdrawn, that he had paid money to his handlers. It is in this chapter also that one finds the reference to the disciplinary proceedings against Mr Redgrave and Mr Charman and the dismissal of the criminal proceedings which had been commenced against them which I have already mentioned.

46. The last paragraph of the hardback edition (chapter 15) contains a number of general comments about abuse of the informant system and the general acknowledgement throughout the police service that grasses are dangerous, being clever, with the ability to hide their treachery and also highly manipulative, turning the relationship with their police handlers to their own benefit. Reference is also made to perceived CIB unfairness and the suspension of officers on flimsy grounds. Towards the end of the hardback edition there is reference to officers who felt “wronged” and to claims that CIB’s operations and tactics had resulted in injustices.

Conclusion as to the meaning of the hardback edition

47. Having set out what appear to me to be the salient passages from the hardback edition, I am now in a position to express my conclusion as to the meaning which in my judgment the ordinary reasonable reader would put on the words of which Mr Charman complains when read in the context of the book as a whole. In so doing I am seeking to abide by the guidance given in *Skuse* set out above.
48. I readily accept the submission of Mr Tomlinson that it is possible to convey an imputation of guilt of a criminal offence without any direct allegation to that effect. There was, for example, no direct accusation of negligence on the part of Dr Skuse in Granada's programme but that did not inhibit the Court of Appeal from finding that such was nevertheless the impression conveyed by the programme. Other examples abound.
49. I am further prepared to accept the proposition that, given the title of the book and the relatively substantial amount of text devoted to Messrs Charman and Redgrave, the ordinary reasonable reader, when opening the book, might well have the initial impression that the two of them would be amongst the "coppers" who are indeed "bent". But the titles of books do not generally give the reader an accurate impression of their contents and any such initial impression or expectation would be relatively easily displaced.
50. I agree with Mr Tomlinson that there are passages which, if they stood alone, would convey to the ordinary reasonable reader that Mr Charman had been guilty of corruption. Thus, taking what appears to me to be the high point of the case for Mr Charman, the account of Brennan's criminal trial, taken in isolation, would convey that Brennan had had a corrupt relationship with Mr Charman and Mr Redgrave. The account of Mr Latham's cross-examination appears to me to convey to the reader that he, as prosecuting counsel, was asserting that the two officers had been involved in criminal corruption and indeed that such was his belief. This impression is reinforced, firstly, by the implication that Mr Charman and Mr Redgrave passed up the opportunity to deny corruption from the witness box because they were fearful of being exposed in cross-examination and, secondly, by the author's description of Mr Latham's answer to Brennan's question why he was not calling the officers to give evidence as "damning". When reading the author's comment that although Redgrave and Charman were not on trial for much of the time it was as if they were in the dock with Brennan, the reader might be tempted to conclude that the dock was where the two of them belonged. Taken in isolation the passages in chapters 3 and 11 which are the subject of complaint and to which I have referred earlier might be taken to provide support for such a conclusion on the part of the reader.
51. But, as the authorities emphasise, account must be taken of the context; the publication must be considered as a whole. What Mr Tomlinson described as "a Socratic dialogue" should take place with one reader saying to another such words as "Be fair..." (per Lord Reid in *Lewis* at 259) or "Steady on..." (per Hirst LJ in *Mapp* at 529H). The question which I have to decide is whether, taking proper account of the context, the passages on which Miss Page relies as antidote have the effect of displacing or modifying the impression conveyed by the passages selected for complaint and so lowering the overall impression conveyed to the ordinary reasonable reader to a level of meaning lesser than guilt of corruption.

52. In my judgment the answer to this question is that the hardback edition, considered as a whole, would not convey to the ordinary reasonable reader the meaning that Mr Charman had been guilty of corruption. I have arrived at that conclusion for a number of reasons which may conveniently be listed as follows:
- i) The allegation that Mr Charman and Mr Redgrave were between them paid £50,000 was made by Brennan. He is described in the book as “given to lies and bluster”. There are other passages in the book dealing with the deviousness and unreliability of informers (as was Brennan). Brennan was convicted of theft of a substantial sum of money. Readers would in my view hesitate before accepting the truth of an allegation of corruption on the part of a police officer emanating from such a man.
 - ii) Brennan’s allegation of corruption is expressly said to be uncorroborated, save for the unparticularised reference to Mr Redgrave receiving unexplained income and to Mr Charman’s unusual spending pattern.
 - iii) It is right to say that the book makes clear that Brennan’s allegation was investigated by the CIB and others over a prolonged period. But I think most readers would have it in mind that the police are under a duty to investigate allegations of criminality, not least allegations of corruption on the part of serving police officers: see *Bennett* per Robert Walker LJ at para 36.
 - iv) Readers are told several times that Brennan withdrew his allegation of corruption on the part of the two officers. It is recorded that Brennan said that he had been pressurised to make the allegation by another officer who “had it in” for Mr Charman and Mr Redgrave. Coles is portrayed as being suspicious of Brennan’s motivation.
 - v) Readers are also told several times that both officers denied any corrupt dealings with Brennan. At one point Mr Charman is described as an honest detective with a distinguished record. It is true that their denials are reported in brief terms. Some readers might react by saying “they would say that, wouldn’t they”. On the other hand there is a comprehensive account of the so-called “counter-attack” mounted by Mr Charman and Mr Redgrave with the assistance of the latter’s constituency MP, Mr McKinlay. Mr McKinlay would appear to readers to be convinced of the justice of the officers’ case. There is in addition a passage recording the anger and shock felt by Mr Charman at the making of the allegation against him and at what he felt was the vindictive treatment of him by the CIB. These passages add credibility to the officers’ denials.
 - vi) Unlike many of the allegedly corrupt officers mentioned in the book, Mr Charman has not been charged with corruptly receiving money from Brennan, still less has he been tried for or convicted of any such offence. Nor has Redgrave. Readers might look askance at the compromising conversation which police officers are said to have overheard at the meeting between Messrs Charman and Redgrave and Debbie Cahill. But criminal proceedings in relation to that were “thrown out” by the Magistrate and again by the Judge. Disciplinary proceedings arising out of the incident have still not been resolved.

53. Whilst for those reasons I reject the Claimant's pleaded meaning, there remains the question what lesser defamatory meaning would be put on the book as a whole by the ordinary reasonable reader. As set out earlier, Miss Page contends for a *Chase* level 3 meaning or in the alternative a *Chase* level 2 meaning (i.e. the existence of reasonable grounds to investigate whether Mr Charman had been guilty of corruption or alternatively to suspect that he had been).
54. As to that, I am clear in my mind that the ordinary reasonable reader, having read the words in their context, would conclude that the nature of the imputation against Mr Charman went beyond the mere suggestion that there were reasonable grounds to *investigate* whether he had been guilty of corruption. In my judgment the book would be understood by such a reader to mean that there were reasonable grounds for *suspecting* that Mr Charman had been guilty of corruption.
55. On the statements of case as they stand, I would be justified in leaving the matter there, i.e. in accepting that the words in context bear the higher of the Defendant's two pleaded meanings. However, it does seem to me on reflection that such a conclusion would be unsatisfactory. The reason I say that is that there appears to me to be a considerable gulf or spectrum between an imputation of guilt of a criminal offence on the one hand and an imputation of the existence of grounds, even reasonable grounds for suspecting guilt on the other hand. The degree of reasonable suspicion may potentially vary greatly from case to case.
56. In the present case Brennan's allegation of corruption against Mr Charman and Mr Redgrave is repeated a number of times and in some detail, see for example pp44-47. This contrasts with the terse reporting of the officers' denials. Mr Charman and Mr Redgrave do undeniably feature prominently in the book in chapters 3, 11 and 15 and there are passing references to them elsewhere. In a book entitled "Bent Coppers" that must have some significance for the reader. Moreover I think it is fair comment, as would be evident to the reader, that the book is written from the perspective of an author who is describing attempts, sometimes unsuccessful, to uncover corruption which the reader would understand to have existed and to have been widespread, if not endemic, in the Flying Squad and the SERCS at the time: see for example the reference to "a golden opportunity" and "an amazing insight" at p40 and to "a lucky break" at p182.
57. I do not overlook the undoubtedly significant fact that the reader is told several times that Brennan withdrew his allegations. There is, however, some force in the suggestion that readers might see that as a possibly tactical and therefore questionable withdrawal on his part. Moreover there are passages which readers might regard as incriminating. One example is the Cahill episode (although the reader learns that the criminal proceedings which resulted were dismissed). Another is the reference to Mr Charman's spending pattern having changed at about the time when the corrupt payment was allegedly made. But the prime example is to be found in the account in chapter 15 of Brennan's criminal trial. I have set out at paragraphs 42 to 44 above the passages which I have in mind. To readers who are lawyers there might appear to be good reasons why Mr Charman and Mr Redgrave should not have given evidence for either the prosecution or the defence. But lay readers would in my view ask themselves why the two of them did not enter the witness box if they had nothing to hide. Readers are given the clear impression that Mr Latham QC believed them both to be guilty men.

58. These considerations lead me to conclude that the impression conveyed by the hardback edition of the book is that the grounds for suspecting Mr Charman of corruption are more than just “reasonable” grounds. The epithet “reasonable” appears to me to be inadequate to convey the degree of suspicion conveyed to readers. I have concluded that the ordinary reasonable reader of the hardback edition, taken as a whole, would understand it to mean

“that there are cogent grounds to suspect that Mr Charman abused his position as a police officer by colluding with Brennan in the commission of substantial fraud by Geoffrey Brennan from whom he and Mr Redgrave received corrupt payments totalling £50,000”.

The paperback edition

59. The paperback edition of the book requires separate consideration because it contains a number of alterations to the hardback version, no doubt prompted in part at least by legal considerations. The paperback edition is probably for Mr Charman the more important of the two editions because of its likely greater circulation.
60. I will start by summarising what appear to me to be the alterations which are material from the point of view of Mr Charman’s complaint of libel. In order to carry out this task I have been helpfully provided with a comprehensive “Comparison between hardback and paperback” which has been agreed between Ms Moorman on behalf of Mr Charman and by Mr Nicklin on behalf of the Defendants. In this judgment I will mention only those changes which have the potential to affect the meaning in the hardback edition.
61. The title and subtitle of the book are unchanged in the paperback edition. Some differences are to be found in the positioning and the wording of the words on the front and back covers and the flyleaf of the paperback edition. These changes appear to me to be cosmetic only. The prologue and chapters 1 and 2 are virtually unchanged.
62. There are, however, two changes in chapter 3 which do appear to me to be of some potential significance. Immediately after the statement that Brennan told Gaspar that he had paid Redgrave and Charman £50,000, the following sentence has been inserted in the paperback edition:

“More than two years were to pass before the two detectives learned of the claims, which they both vehemently denied and which Brennan subsequently withdrew, as detailed in chapter 12”.

Later in the same chapter, additions have been made to the paragraph in the hardback edition which says, without elaboration, that Redgrave and Charman strenuously denied all allegations and that Brennan himself withdrew the claims later. The text which has been added in the paperback edition includes these words:

“Redgrave and Charman were shocked when they eventually learned in 1997 of Brennan’s allegations against them. That

shock turned to anger and bitterness that they had not been given any opportunity to defend themselves in all the time that had passed since the criminal had talked to Gaspar. The pair... were also to hit back at how the Met had treated them...”.

63. There are some changes to most of the following eleven chapters but none of them appears to me to be significant for present purposes. The paperback edition then includes new chapters upon which nothing appears to me to turn.
64. The structure of chapter 17 of the paperback edition (which corresponds to chapter 15 of the hardback edition) has been changed to introduce in the latter an account of a new case involving corrupt conduct on the part of the police, namely the Guney case. I do not consider that this added section makes any significant impact so far as Mr Charman is concerned save perhaps for the fact that it is another case where the reader would accept that there had indeed been corruption on the part of the police.
65. At pages 367 to 380 of the paperback edition the author reverts to the Charman-Redgrave-Brennan case and a number of changes are made. The ones which appear to me to have potential significance are the following:
- i) at p373, words have been added immediately following the statement that Redgrave and Charman’s names were continually mentioned throughout Brennan’s trial. The added words are:

“... and Redgrave was to complain later that the court process had been abused”.
 - ii) at p377 alterations have been made to the initial reference to Mr Latham QC, prosecuting counsel at the trial of Brennan. The revised version reads:

“He (Mr Latham) was on top of every aspect of the case, having been prosecuting counsel in the CIB sting operation that had targeted [instead of ‘netted’] Redgrave and Charman. The pair had never been charged over the affair and had never appeared at the trial to put their side of the story, so Latham had to be careful legally over what he said about the two detectives...”
 - iii) The following sentence, which had appeared at p236 of the hardback version, was omitted from the paperback edition:

“Although Redgrave and Charman were not on trial, for much of the time it was as if they were in the dock with Brennan”.
 - iv) At p379 of the paperback edition, words have been added immediately following the reference to both Charman and Redgrave always having denied corruption as follows:

“Redgrave was particularly bitter about the attacks made on him during the trial. He wrote: ‘For reasons of self interest

and political expediences I was referred to in a damaging context. I was not a witness and not able to defend myself. The court process was abused to make damaging statements protected by the judicial process' ”.

The other changes to chapter 17 of the paperback edition appear to me to be immaterial.

66. A number of changes are made to the two succeeding chapters but none of them appears to me to be relevant to the issue which I have to decide.
67. There are differences as between the photographs which appeared in the hardback edition and those featured in the paperback edition. Over a dozen police officers are depicted in the paperback edition whose photographs did not appear in the hardback edition. The only significance which might be attached to these additional photographs is that a high proportion of the officers are described in the captions to their photographs as having been guilty of corruption and some are said to have been convicted of corruption. On the other hand there is a group photograph in the paperback edition (which was not in the hardback edition) in which the faces of some of the officers have been obscured. The officers who are recognisable are all said to have been suspected of corruption; some are said to have been found guilty, others are described as having been reinstated. This particular photograph does indicate to the reader that not all officers who are accused of corruption are ultimately found to be guilty.

The effect of the changes to be found in the paperback edition

68. Such being what I regard as the relevant alterations to be found in the paperback edition, the question which I have to ask myself is whether the cumulative effect of those changes is to alter the defamatory meaning which I have earlier found is borne by the references to Mr Charman in the hardback edition.
69. The first and obvious point to make is that there is a great deal which is unchanged from the hardback edition both in regard to Mr Charman and Mr Redgrave and in the surrounding passages. Without going through them individually, it is fair to say that most of the passages which I have highlighted at paragraphs 27-41 above remain as they were in the paperback edition. The second point is a corollary of the first: the number of alterations to be found in the paperback edition which have the potential to alter the meaning so far as Mr Charman is concerned are relatively few and far between. They are summarised at paragraphs 62-65. Having said that, I readily accept that it is the quality and not the quantity of the changes which matters.
70. It is indubitably true that the changes which I have identified at paragraph 62 above put some flesh on the bones of what was a brief record of the officers' denials in the hardback. But it has to be remembered that those denials were repeated at several points in the hardback edition. As I have already pointed out (see paragraph 52(v)) the space devoted to the “counter-attack” in the hardback is considerable. I am not persuaded that the elaboration of the denials of criminality in the paperback materially affects the meaning of the book.

71. The other changes relate to Brennan's criminal trial. I have already said that I regard that chapter of the hardback as the highpoint of Mr Charman's case on meaning. It is clear that whoever made the alterations was attempting to lessen the sting of libel against Mr Charman (and Mr Redgrave) arising out of that section of the book. But it is necessary to take account not only of the changes which have been made but also of what remains in the text. At paragraphs 42-44 above I have enumerated the passages which in my opinion would have appeared to be incriminating. The extent of the changes to this part of the book is set out at paragraphs 64 and 65 above. I do not consider that the changes, such as they are, are sufficient to draw the sting of this part of chapter 17 of the paperback edition.
72. In the end it is the totality of the references, both direct and indirect, to Mr Charman which matters for the purpose of determining whether or not the changes to the paperback edition alter the meaning set out at paragraph 58 above. Given what remains unchanged in the paperback edition and bearing in mind the need to avoid over-elaborate analysis, I have come to the conclusion that in the paperback edition the impression remains unchanged that the grounds for suspecting Mr Charman would appear to readers to be cogent. Accordingly I reject the fallback contention of the Defendants that the paperback edition bears a lesser defamatory meaning than the hardback.