

## **ETHICS IN BRITISH JOURNALISM: A REFLECTIVE OVERVIEW**

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Preparing for my MA dissertation project in 2000, I expressed to my tutor my interest in investigating the state of journalism ethics in the UK. He dismissed it as an outdated topic. He referred me to the belief the British journalism industry held at the time that ethics is engrained in their journalism culture and there had been no serious shortcomings. Fast forward to 2011 and journalism ethics found its way quick and fast into almost every single UK newsroom editorial team discussion. The story of the News International phone hacking scandal tainted British press with a dark shadow. The scandal led to the setting of a public inquiry that became known as the Leveson Inquiry. In July 2011 Sir Brian Henry Leveson chaired a public inquiry into culture, practices and ethics of the British press followed the revelation that murdered schoolgirl Milly Dowler phone had been hacked by journalists from News of the World newspaper, which had a knock effect on the police investigation into the school girl murder. Editors and journalists were prosecuted and the scandal resulted in closing down one of Britain's oldest newspapers, News of the World.

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## 1. Leveson Inquiry: a turning point

Milly Dowler's case turned out not to be the only phone hacking activity journalists and media organisations conducted over numbers of years. Revelations of at least 46 British celebrities including politicians, sportsmen, actors and royal family members came also under public scrutiny. Within the space of around 15 months, Leveson investigated relationship between journalists and politicians, paying for information, journalism ethics education, press regulation, code of conducts, transparency, media ownership and its impact on journalistic outputs and complaints process among other aspects of British journalism culture, practices and ethics. He ended up presenting the British Prime Minister at the time David Cameron, who signed off the public inquiry, an almost 2000-page report concluding phase one of the inquiry in November 2012<sup>2</sup>. Phase two was indented to look into the relationship between media organisation, journalists and the police. Leveson concluded that it is better to wait for the police investigation and prosecution into the phone hacking to end before he can start his investigation. The second stage never saw the light and was put to an end in 2018 when Culture Secretary at the time Matt Hancock closed the inquiry announcing axing of the proposed second stage. He told the British Parliament that reopening the inquiry was not "the right way forward" claiming that the media industry scene has changed massively since 2012 (Bartlett & Woodcock, *Mirror*, 2018).

Leveson in his report recommend the establishment of an independent self-regulatory regime, which includes recommendations for an independent self-regulatory body that substitute the existing body at the time Press Complaint Commission (PCC) that proved not to fit the purpose. The new body Leveson recommended should consist of lay members with only one editor on board representing editors of the newspapers singing up for this self-regulatory regime. The self-regulatory body should oversee the production of a code of conduct in consultation with stakeholders and the public. He recommended that the code "must take into account the importance of freedom of speech, the interests of the public and the rights of individuals" (Leveson, 2012, p. 1803). It must specifically cover standards of

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2 <https://www.gov.uk/government/publications/leveson-inquiry-report-into-the-culture-practices-and-ethics-of-the-press>

- ♦ conduct, especially in relation to the treatment of other people in the process of obtaining material;
- ♦ appropriate respect for privacy where there is no sufficient public interest justification for breach and
- ♦ accuracy, and the need to avoid misrepresentation (Leveson, 2012, p. 1803).

## 2. PCC, IPSO, IMPRESS and the idea of self-regulation

PCC came to exist on January 1st 1991. Following the publication of Sir David Calcutt report in June 1990 that investigated the concerns expressed regarding the British press and privacy. The report recommended that

the existing, and by this point largely discredited, Press Council should be abolished and replaced with a new self-regulatory organisation, the Press Complaints Commission, which should deal with the many and substantive concerns that had been raised around the behaviour of some parts of the press (Leveson, 2012, p. 219).

In 1994 a new self-regulatory body for the press in the UK was established, the Press Complaint Commission (PCC). It lasted till 2014 when the Independent Press Commission Organisation (IPSO), saw the light after the dismissal of the PCC due to its failure to properly regulate the press and help it avoid the type of practices documented in the phone hacking scandal. Even though IPSO was supposed to avoid the shortcoming of the PCC in its regime, but many in the industry felt that it ended up mirroring the PCC structure and regime as it has been controlled like the PCC by the newspapers it regulates (Siddique, *The Guardian*, 2015). IPSO as the PCC used the Editors' code as a reference point to assess complaints from members of the public.

Eighty-five publishers including News UK, which publishes the *Sun* and the *Times* have signed up to the organisation. *The Guardian*, the *Independent*, *London Evening Standard* and the *Financial Times*, however, have not joined, expressing their lack of trust in such organisation for the reasons mentioned above and opting to self-regulation through setting up their own ombudsman or readers editor (*ibid.*). IPSO was also dismissed by the National Union of Journalists (NUJ) in the

UK as a “pointless so-called regulator” (Greenslade, *The Guardian*, 2016).

NUJ endorsed another independent press regulator created as an alternative to PCC, The Independent Monitor for the Press (IMPRESS). NUJ Chair of Ethics Council, Chris Frost, considered IMPRESS<sup>3</sup> “the best opportunity journalists have for independent regulator” (cited in Greenslade, *The Guardian*, 2016). They currently regulate 114 publishers, with majority of their publications are local and regional press.

IMPRESS was recognised as an approved regulator on 25 October 2016 by the board of the Press Recognition Panel (PRP). The Press recognition Panel is the independent body set in the wake of Leveson Inquiry by Royal Charter in 2014 “to ensure that regulators of the UK Press are independent, properly funded and able to protect the public” (PRP, 2022a).

The Royal Charter ensures that the PRP remains wholly independent of any other body or influence (The Royal Charter, 2013). In one of its schedules the Royal Charter lists 29 criteria that regulators must meet in order to be recognised, including appropriate respect to privacy and adherence to accuracy and the need to avoid misrepresentation as listed in Leveson recommendations discussed above (*ibid.*, p. 13). None of the established national British broadsheets seem to have signed up to IMPRESS.

In 2018 the discussion on press regulation was re-introduced by a group of parliamentarians who put a proposal to amend the Data protection law. The proposal suggested that publishers who had not signed up to Impress would be forced to pay the legal costs of claimants who brought legal proceedings against a news outlet, even if the publisher won the case (Waterson & Crerar, *The Guardian*, 2018). The amendment prompted a robust response from media organisations “who fear it would have a chilling effect on investigative journalism in the public interest” (*ibid.*).

*The Guardian* for example saw this as attempts to force it to join IMPRESS and believes the proposed amendment would erode press freedom and have a chilling effect on its own public interest investigative journalism (Waterson, *The Guardian*, 2018).

The amendment did not see the light and the British Prime Minister at the time Teresa May told the Cabinet her government would stay committed to a voluntary system of press regulation.

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3 <https://impress.press/about-us/>

Unethical press conduct remained an issue though. Hacked Off Campaign was established to monitor the press compliance with Leveson recommendations. Some of its founders are members of the public, who have been affected by the phone hacking scandal. They say they are there to defend accountable journalism. One of Hacked OFF take on IPSO is the fact that it has never conducted any standard investigation into any of the complaints submitted to the organisation. In seven years since it was established. IPSO had zero investigation, zero fines and zero accountability (Hacked OFF, 2022)<sup>4</sup>. Many complaints to IPSO around libel, inaccuracy and invading of privacy have been submitted over the years. Hacked OFF keep track of those cases (*ibid.*).

In February 2022 the PRP issued a new report on press regulation in the UK, highlighting the harm the public continue to face a decade after the Leveson Inquiry.

The report criticised the “ongoing Government interference” by which “the regulatory system intended to protect the public is failing” (PRP News, 2022b). The report points out to the fact that in the UK now “there are dozens, if not hundreds, of confusing systems. The quality is inconsistent and, in many cases, non-existent” (PRP News, 2022b). PRP expressed their disapproval to dedicate some of the regulatory responsibilities set out in the forthcoming Online Safety Bill (published as draft) to Ofcom, rather than designate these responsibilities to protect the public and promote free speech to PRP as was agreed on in the Royal Charter.

The report also hint that the confusion caused by the potential bill would not give incentive to news publishers to join or form an approved regulator. These regulatory gaps, confirmed the report, leave society unprotected from harm. The PRP criticism reflects that fact that under the Royal Charter news published in print, online, and via social media sites all should potentially fall within the oversight of the Press Recognition Panel.

The voluntary regulatory system that governs press regulation in Britain meant that they can opt not to join PRP approved regulatory bodies like IMPRESS and join or not self-regulatory ones like IPSO, which might have led the government to suggest giving more regulatory powers to the successful familiarity of an existing statutory broadcast regulatory body, Ofcom.

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4 <https://hackinginquiry.org/has-ipso-launched-an-investigation-yet/>

### 3. Ofcom and UK Broadcast regulation

Those advocating for statutory regulation of the press use in support of their argument against voluntary regulation, Ofcom, the independent communication regulator set up by the parliament in 2003. Ofcom regulates all UK television and radio services in addition to broadband, phone and mobile services, UK airwaves, the postal service. Ofcom, whose role has been praised and embraced by broadcasters (see for example Channel 4 endorsement of Ofcom role)<sup>5</sup> receives thousands of complaints every year. Not one complaint Ofcom receives gets overseen.

Ofcom assesses every complaint and decides whether it should be dismissed or fully investigated. The complainant and the broadcaster argue their case and Ofcom then publishes its decisions. If a broadcaster is found in breach of the Broadcast Code (an agreed set of rules on ethical conduct consulted upon by the broadcasters and the public), Ofcom can sanction them, either requiring them to publish an apology or fining them or removing their licence. The process is slightly different for the BBC, which came under Ofcom regulation in 2016. People complain to the BBC initially and then take the complaint to Ofcom if they're not happy with the outcome.

In 2019/20 there were 82 breaches of the Code. Ofcom imposed 7 sanctions, 6 of which were fines. These included Talk Radio, Russia Today, Ben TV, and Peace TV which had its license removed (Walker, City University, 2021).

Between April 2020 and April 2021 Ofcom received 143,000 complaints, 400% up on the previous year's total. In first place was the ITV presenter Piers Morgan with 54,000 complaints about his comments on the Duchess of Sussex Megan Markle. In second place was Diversity's Black Lives Matter dance on Britain's Got Talent with 25,000 complaints, and in third place was 11,000 animal welfare complaints about I'm a Celebrity Get Me Out of Here. In 2021 the most complained about moment so far was the BBC's "excessive" coverage of Prince Philip's death in April – that got 110,000 complaints (Walker, City University, 2021).

One might argue that these do not represent the most crucial areas of TV regulation but they do show that viewers are ready to complain

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5 <https://www.channel4.com/producers-handbook/c4-guidelines/viewer-trust-guidelines>

and know how to. According to Walker (2021), the vast majority of complaints Ofcom deals with are about content that people find offensive. The definition of “offensive” is constantly changing. For example, there has been a marked increase in the number of complaints about racially offensive content over 2020 and 2021. Ofcom has to understand the fine balance between public attitudes to offence and that with ensuring freedom of expression.

The primary purpose of UK broadcast regulation is to protect people from harmful or offensive material, unfair treatment and invasion of privacy, and to ensure a wide range of high quality tv and radio from a range of different organisations. The kind of regulation that are missing in relation to the press in the UK.

Ofcom regulates national and International channels that are licensed in the UK as well as video on demand. They only regulate broadcast programmes after transmission. Streaming services like Netflix, Amazon, Disney+ are not regulated.

Ofcom has just started to regulate some online content, mainly to do with online harmful content targeting children. They are now regulating video sharing platforms based in the UK. Regulating all online content and social media platform is still under discussion and consultation. The difficulty is that it intersects with press regulation and the argument for free speech and freedom of the press.

#### **4. Reporting Muslims, a case of ethical negligence<sup>6</sup>**

One area of concern for many scholars including myself is the tendency to ignore admitting certain reporting practices as unethical when it comes to stereotyping, singling out and generalisation of religious and ethnic minorities in the British media. At the core of these shortcomings is the coverage of Islam and Muslims in the British press.

A coverage which has been tainted with Orientalism that re-enforces negative stereotypes and connotations about the people of the East, mainly Muslims. It is likely to give way to Islamophobic sentiments in news discourse that engenders hate and fear against the Arabs in general and Muslims specifically. Edward Said wrote in his book *Orientalism* in 1978:

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6 Part of this section was presented as written evidence to the UK All Party Parliamentary Group inquiry on Religion in the Media that took place in 2020 and 2021.

One of the important developments in nineteenth-century Orientalism was the distillation of essential ideas about the Orient – its sensuality, its tendency to despotism, its aberrant mentality, its habits of inaccuracy, its backwardness – into a separate unchallenged coherence; thus for a writer to use the word Oriental was a reference for the reader sufficient to identify a body of information about the Orient (Said, 1978, p. 205).

Very little has changed in the 21st century. I argue that orientalism as a form of stereotypical and negative representation of the other has been inherited in some of the British press as news practice (Harb, 2017) and that for some British writers and journalists to use the word Islam, Muslims or Arabs he or she would be presenting their audiences/readers with a set of negative perceptions that forms a body of knowledge about more than a billion Muslims worldwide (*ibid.*).

Here I argue that the word Orient or Oriental with its negative body of knowledge has been substituted by some journalists by Islam/Muslims. Perception based mainly on poor knowledge (ignorance) (Harb, 2017), which in itself leads to inaccurate reporting.

Representations of Islam have been seen as reductive and predominantly negative. Muslims have been homogenised as backward, irrational, unchanging, fundamentalists, threatening and manipulative in the use of their faith for political and personal gain (Harb, 2017).

This is supported by several studies, the two major ones are that of Elizabeth Poole in a book titled *Reporting Islam* (2002), the second is a major study published by Cardiff School of Journalism (Moore *et al.*, 2008) and the third is a study by Lancaster University published in 2013 (Hussain, *HuffPost*, 2014).

In 1997 the Commission on British Muslims and “Islamophobia” set up by Runnymede Trust, reported that Muslim communities suffer more racist violence than other minority communities in Britain, and that “Britons believe Muslim communities mistreat women while other religious cultures have out grown patriarchy and sexism” (*The Guardian*, 18.6.2002 cited in Harb, 2017).

This indicated exclusion from the “civilized world” has arguably been given “authority” after the September 11 atrocities when Islam became a prominent issue. Islam was “mobilized to demonise enemies” (Harb, 2017).



The same scenario kept repeating itself, but came to prominence following the emergence of ISIS and the group claiming territory and declaring what it called “Islamic State”. Stories about ISIS atrocities and crimes against other Muslims in different Arab countries including Syria and Iraq didn’t make the same space in British press.

But are stereotyping and negative labelling an issue of ethics. The answer should be a resounding yes.

An example of the binary slip to adopt discourses that fit certain pre-conception of the “other” is the story of the Egyptian Waleed or Wael Abed Al Raziq the Egyptian who was falsely framed as one of the perpetrators of Paris 2015 attacks. The BBC fell into the trap of rushing to broadcast with little check on accuracy. The French magazine *Le Point* published that Abed el Raziq passport was found at the bombing scene outside the stadium in Paris and reported “according to Police sources” that it belonged to one of the suicide bombers. Following the BBC breaking news regarding the identification of one of the perpetrators, social media at that point went viral with quotes from the Egyptian Ambassador in France responding to the claims and saying “Abed Al Raziq is not a suspect, he is a victim and that was still lying critically injured in the hospital and no charges have been filed against him by the French Police”. I personally had to tweet BBC Europe correspondent Katya Adler to draw her attention to the mistake. Minutes later the BBC had to apologize and admitted that they took *Le Point* (the French Magazine) statement as fact without verifying it with the French Police before broadcasting.

Just because an Egyptian passport was found at the scene it was directly assumed and taken for granted that it belonged to one of the perpetrators. No proper check or cross referencing the source was conducted. It fits the body of knowledge those journalists have accumulated on Muslims that could deem an innocent person guilty of the worst accusations, simply because he is Muslim and evidence of his presence at the crime scene is indicative without the need to go the mile of properly verifying the information. The BBC, being regulated, had to act and correct its mistake. The need to correct errors and rectify them, which is evident in all press ethical codes in the country including IPSO Editors’ code, is not adhered to in many press outlets and mainly the tabloids.

In relation to the same Paris November 2015 terror attack, another assumption was made about a Syrian refugee passport found at the scene, which led to calls and campaigns to close the borders against

what seems to be covertly saying “barbaric Muslims”, which without any delay was depicted in a *Daily Mail* cartoon theme, the day after the attacks on 17 November 2015. Muslims and migrants are depicted as rats.

The negative labelling of Muslims has led to women with Hijab getting kicked and verbally abused in London underground and on the streets, which has become a pattern after each ISIS terrorist attack as women with Hijab have been the visible targets (Marsh, *The Guardian*, 2018).

Following the Woolich attack in London in 2013 Tell MAMA, an organization set to measure Anti Muslim Attacks in Britain reported “200 Islamophobic incidents” a week after the attack (Taylor and Siddique, *The Guardian*, 2013). In 2014 the number of incidents doubled all registered under hate crime (Breen, *The Northern Eco*, 2014).

Where has all of this come from? Check this collage of newspaper headlines.



Figure 1.

In 2015, the BBC commissioned a poll to survey British Muslims following the Charlie Hebdo attacks. The results showed that 95% of

those surveyed (1000) feel loyalty to Britain, 93% say they should obey British laws, 68% said violence against the cartoonists and publishers behind the cartoons is unjustifiable, 46% felt that prejudice against Islam makes it difficult being Muslim in Britain and 27% had “some sympathy” for the motives behind the Charlie Hebdo attacks.

However, what dominated the headlines was the 27% that expressed sympathy with the attackers. The *Independent* titled its story with “One in four British Muslims ‘have some sympathy for motives behind Charlie Hebdo attacks’” (Saul, *The Independent*, 2015).

Other media outlet generalized the sympathy to what they referred to as Paris attacks including the attack on the Kosher shop, however, the kosher shop was not included in the question. The *Daily Telegraph* chose this headline: “Quarter of British Muslims sympathise with Charlie Hebdo terrorists. Some 27 per cent of British Muslims sympathize with Paris gunmen, while more than one in ten say satirical cartoons ‘deserve’ to be attacked” (Holehouse, *The Telegraph*, 2015).

This was followed with another survey commissioned by the *Sun* newspaper. The *Sun* claimed that 1 in 5 Muslims in Britain sympathize with ISIS. The *Sun* gave its own interpretation of the survey results and added the ISIS aspect while participants were not asked about ISIS specifically (Nardelli *et al.*, *The Guardian*, 2015). 1200 complaints about the *Sun* inaccuracy in reporting the survey were put forward to IPSO, but no pressure was put on the *Sun* to even correct or retreat the misinformation they have had put up.

In demonising the “enemy” Muslims have been demonised as individuals. By continuing to refer to “Muslim and Islamic terrorists”, the perpetrators are seen as products of a fanatical strain of Islam. Islam is homogenised as one group of people that follow the same line of thought. As a result, the associated negative behaviour is seen to evolve out of something inherent in the religion, rendering any Muslim a potential terrorist (see also Titley *et al.*, 2017).

By referring to ISIS as “Islamic State” (which was self-declared) giving the perpetrators the religious legitimacy they are claiming, they are inducing fear among their non-Muslim audiences and readers of Islam and Muslims in general.

A headline in the *Daily Telegraph* read for example: “Islamic State planning to use Libya as gateway to Europe” (Sherlock & Freeman, *The Telegraph*, 2015) and another one in the *Scotsman*: “Fears grow as Islamic State moves closer to Europe” (Bradley, *The Scotsman*, 2015). These headlines adopted the propaganda message ISIS had released and

claimed that the west should fear ISIS plans to “conquer Rome”. By referring to the group as “Islamic State” these headlines send a message of fear of “them Muslims” as one homogenous group. Fear of the “other” that is “mystic” and “barbaric”.

Depicting Muslims negatively is not a new phenomenon. Edward Said’s book on *Covering Islam* (1997) is still a reference on that matter. However, earlier to that and in an essay, he wrote in the *New York Times* book review in 1976 on Arabs Islam and the Dogmas of the West. He speaks of four Dogmas the west sees the Orient through, but what I want to refer to here is the third and fourth dogma which conceptualises the tendency towards inducing fear:

A third Dogma is that the Orient is eternal, uniform, incapable of defining itself, therefore it is assumed that a highly generalised and systematic vocabulary for describing the Orient from Western stand point is inevitable and even scientifically “objective”. A fourth Dogma is that the Orient is at bottom something either to be feared [...] or to be controlled [...] (Said, 1976, pp. 4-5, 35-37).

All this negative media representation of Islam, Muslims, tainted with ignorance and stereotypical preconceptions have given rise to far-right supporters attacking Muslims even when they themselves are the victims of a terror attack by far-right perpetrators as was the case following the Christchurch attacks in New Zealand in 2019 (Dodd, *The Guardian*, 2019).

Much criticism was voiced by several media critics and Muslim communities themselves in Britain and outside for the failure of many British media to call the Christchurch attack by its name, a terror attack. On the contrary the *Daily Mirror* decided to lead with an image of the perpetrator as a child, referring to him as “Angelic”. We could see that as no problem if they have not played the whole coverage of terror attacks with double standards.



Figure 2

The Christchurch attack proved once again that orientalism (with all what it stands for in terms of negative representation of the other) is alive and kicking and it is inherited in some journalists own perception and misled knowledge of Islam and Muslims. The UK National Union of Journalists (NUJ) ethical Code speaks of journalists refraining from producing “no material likely to lead to hatred or discrimination on the grounds of a person’s age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation” (NUJ, 2022).

Words that don’t seem to be translated into the practices of many of the press houses in Britain.

BBC technology journalist Jane Wakefield, quoted an expert under the subtitle “legitimate controversy” as saying “People will discuss the threat posed by Islam and acknowledge it is contentious but point out that it is legitimate to discuss” (Wakefield, *BBC*, 2019). A “threat by Islam”, not by Islamists or Islamist groups, but by Islam as a religion. Putting it between quotation marks does not underplay the fact that it manifests hate speech against one religion and its followers. An incitement of hate that the journalist did not deemed even necessary to counter, if not just refrain from using it. When it comes to hate speech, journalists and editors must pause and take the time to judge the potential impact of offensive, inflammatory content. Again, a constant clause in many ethical codes across the UK.

In 2019 one BBC Panorama journalist lack of knowledge led to her mistakenly refer to Muslim sign of prayer as “ISIS salute”. The BBC had to apologise and edit the program last minute (Waterson, *The Guardian*, 2019). A clear example of the level of damage to accuracy, religious illiteracy can generate. Again, BBC falling under Ofcom statutory regulation had to act and correct its journalist’s mistake, responding to the many complaints they received from viewers.

## **Concluding remarks**

The media regulation scene in the UK is not homogenised and cannot be analysed and approached as such. The Broadcast industry is regulated by Ofcom, which has so far proved to be a successful regime that stakeholders use as defensive mechanism to protect public service and watchdog journalism.

Press regulation on the other hand, is more of a chaos scene. Accountability, one of journalism core values, is missing or negatively tainted. Independent regulatory system is crucial, but it needs to have mechanisms that are not controlled by the publishers themselves as is the case with IPSO, which has been deemed as a failure model by many journalists’ organisations and campaigners in the country.

Saying that, it seems the current press regulation system will stay afloat, until we are hit again by another hacking scandal and another Leveson inquiry into press ethical practices and culture in order to see changes to the current system.

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