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Jeremy Clarkson apologised for the content of his *Sun* column denigrating the Duchess of Suffolk, Meghan Markle, and the newspaper withdrew the article from publication and also apologised.

Yet the UK's press self-regulatory body IPSO decided to investigate third party complaints from The Fawcett Society and The WILDE Foundation and adjudicated against the Sun on the ground of discrimination in clause 12 of the Editors' Code on press standards.

It has sanctioned the publication of the adjudication.

The ruling, somewhat curiously, does not even mention Jeremy Clarkson by name.

See: **18626-22 The Fawcett Society and The WILDE Foundation v The Sun**

Decision: Breach - sanction: publication of adjudication at: <https://www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=18626-22>

The screenshot shows the IPSO website. At the top left is the IPSO logo with the text 'independent press standards organisation'. To the right is a navigation bar with links: 'What we do', 'Monitoring', 'News', 'Rulings', 'Harassment', 'Covid 19', and 'Resources and guidance'. Below the navigation bar is a search icon. The main content area has a header with a link '< Back to ruling listing'. The title of the ruling is '18626-22 The Fawcett Society and The WILDE Foundation v The Sun'. Below the title is the text 'Decision: Breach - sanction: publication of adjudication'. To the right of the title is a box containing 'Relevant code provisions' (3 Harassment (2021), 12 Discrimination (2021), 1 Accuracy (2021)), 'Publication' (The Sun (News UK)), and 'Conclusion' (Breach - sanction: publication of adjudication). Below the main content area is a large downward-pointing arrow. At the bottom of the page is the text 'Decision of the Complaints Committee - 18626-22 The Fawcett Society and The WILDE Foundation v The Sun'.

In conclusion it states:

‘... to argue that a woman is in a position of influence due to “vivid bedroom promises”, to compare the hatred of an individual to other women only, and to reference a fictional scene of public humiliation given to a sexually manipulative woman, read as a whole, amounted to a breach of Clause 12 (i). IPSO therefore found that the column included a number of references which, taken together, amounted to a pejorative and prejudicial reference to the Duchess of Sussex’s sex in breach of the Editors’ Code.’

The decision has drawn criticism as a worrying extension of press regulation to curtail and discipline the expression of opinion however offensive.

The article was headlined “One day, Harold the glove puppet will tell the truth about A Woman Talking Bollocks” and was published 17th December 2022.

The article also appeared online in substantially the same format, under the headline “One day, Harold the glove puppet will tell the truth about A Woman Talking B*****ks”. This version of the article was published 16th December 2022.

IPSO explained: ‘IPSO’s Regulations allow it to consider complaints from representative groups – i.e., a body or an organisation representing a group of people who have been affected by an alleged breach of the Code – where the alleged breach of the Code is significant and there is a substantial public interest in IPSO considering the complaint.’

The article said the following about the Duchess of Sussex:

“I hate her. Not like I hate Nicola Sturgeon or Rose West. I hate her on a cellular level.”

“At night, I’m unable to sleep as I lie there, grinding my teeth and dreaming of the day when she is made to parade naked through the streets of every town in Britain while the crowds chant, “Shame!” and throw lumps of excrement at her.”

It also included comments about the Duchess and her relationship with her husband:

“Along came Meghan, who obviously used some vivid bedroom promises to turn him into a warrior of woke. And now it seems she has her arm so far up his bottom, she can use her fingers to alter his facial expressions.”

The article then said that “younger people, especially girls, think she’s pretty cool. They think she was a prisoner of Buckingham Palace, forced to talk about nothing but embroidery and kittens.”

IPSO acknowledged the extent of *mea culpas* issued by Clarkson, who they refer throughout as ‘one of the newspaper’s regular columnists’, and who had tweeted:

“Oh dear. I’ve rather put my foot in it. In a column I wrote about Meghan, I made a clumsy reference to a scene in Game of Thrones and this has gone down badly with a great many

people. I'm horrified to have caused this much hurt and I shall be more careful in the future."

IPSO recognised that the *Sun* removed the online version of the article on 19th December 2022 replacing it with Clarkson's tweet and accompanied with the declaration: "In light of [columnist's] tweet he has asked us to take last week's column down"

The *Sun* published a further statement on 23rd December 2022, which was repeated in a January edition:

"In The *Sun* on December 17, [the columnist] wrote a comment article about the Duchess of Sussex. It provoked a strong response and led to a large number of complaints to IPSO, the independent press regulator.

In a tweet last week, [the columnist] said he had made a 'clumsy reference to a scene in *Game of Thrones*', which had 'gone down badly with a great many people' and he was 'horrified to have caused so much hurt'. He also said he will be more careful in future.

Columnists' opinions are their own, but as a publisher, we realise that with free expression comes responsibility.

We at The *Sun* regret the publication of this article and we are sincerely sorry.

The article has been removed from our website and archives. The *Sun* has a proud history of campaigning, from Help for Heroes to Jabs Army and Who Cares Wins, and over 50 years of working in partnership with charities, our campaigns have helped change Britain for the better.

Working with our readers, The *Sun* has helped to bring about new legislation on domestic abuse, provided beds in refuges, closed harmful loopholes in the law and empowered survivors of abuse to come forward and seek help.

We will continue to campaign for good causes on behalf of our readers in 2023."

Across paragraphs 10 to 16 of the IPSO ruling The Fawcett Society was described as 'a gender equality charity' and had 'made a complaint to IPSO about the article. It complained in its capacity as "an organisation that represents women and campaigns for women's rights". It further noted that it had "over 3000 members and over 17,000 supporters, on behalf of whom" the complaint was made.' The WILDE Foundation was described as 'a charity supporting women and girls who are survivors of domestic abuse and had 'made a separate complaint about the article. It said that it had been asked to complain on behalf of its service users, as they felt that the article "allowed, perpetrated, and promoted [violence] toward a woman.'"

The *Sun's* position was that it 'did not accept that the article breached the Editors' Code. The newspaper said that, while it had ultimately reached the decision to remove the article and apologise, the concerns raised by the complainants were a matter of "taste and

judgment” – rather than a case where the Editors’ Code had been breached. It considered that the matter had already been dealt with effectively “as a matter of taste, not one of regulation”, noting its position that “matters of subjective taste are not for the Code.”

The newspaper’s arguments are set out across paragraphs 18 to 22 of the ruling and the complainants between paragraphs 23 to 28.

The IPSO committee explained: ‘The Code acknowledges that the right to freedom of expression includes the right to shock and challenge, but it also provides protections for individuals from discrimination. The Committee set aside the question of whether the article was offensive; the question was only whether it breached the Code.’

The Committee found that ‘this was a pejorative and prejudicial reference to the Duchess of Sussex’s’ sex and upheld the complaint of a breach of Clause 12 (i) of the Editors’ Code.’

The Committee ‘did not uphold the complaint under Clause 12 that the article contained pejorative or prejudicial references to the race of the Duchess.’

The Committee also rejected the complaints under clause 3 Harassment and clause 1 accuracy.

IPSO decided to issue the sanction of publication of its adjudication because ‘the apology had not been published in a prominent position – appearing on page 6 – and did not address the references to the Duchess’ sex in the article which the Committee had found together represented a breach of Clause 12, which the publication had not accepted.’

In respect of the online publication IPSO observed: ‘the website itself did not include any form of acknowledgment or apology on the part of the newspaper for the column – this appeared only on the publisher’s corporate website, and so would not have been visible or easily accessible to the newspaper website’s usual readers.’

At the concluding paragraph 52 of the ruling IPSO declared:

‘The terms of the adjudication for publication are as follows:

The Fawcett Society and The WILDE Foundation complained to the Independent Press Standards Organisation that The Sun breached Clause 12 (Discrimination) in an article headlined “One day, Harold the glove puppet will tell the truth about A Woman Talking Bollocks”, published on 17 December 2022.

The complaint was upheld, and IPSO required The Sun to publish this adjudication to remedy the breach of the Code.

The article under complaint was written by one of the newspaper’s regular columnists, setting out his views on the Duke and Duchess of Sussex. The article said that the columnist: “hate[d] her on a cellular level”; listed her, Nicola Sturgeon, and Rose West as people that

he hated; “dream[t] of the day when” the Duchess would be subject to public punishment; and referred to her using “vivid bedroom promises” on her husband.

The complainants said that Clause 12 had been breached because “[t]he acts described by the author in his column and the language used is inherently misogynistic and sexualised, pointing to gender-based discrimination”, and that the article included what they believed to be “[r]eferences to methods historically used to punish and publicly shame women”. They also said that making references to the hatred of other women linked the hatred of one woman with hatred towards other women.

The newspaper said that the article had fallen short of its high editorial standards, and that it had removed the column, after a request from the columnist to do so, and apologised. However, it did not accept that the article breached the Editors’ Code. It said that the concerns raised by the complainants were a matter of “taste and judgment” – rather than a case where the Editors’ Code had been breached.

The newspaper also said that the complainants had interpreted the Clause 12 too broadly, and that IPSO should not uphold a complaint by applying subjective value judgments held by particular people.

IPSO noted that The Editors’ Code doesn’t prevent criticism of public figures, even when it might seem mean-spirited or cruel. However, an article can be offensive or mean-spirited and also breach the Code. The Code protects the right to shock and challenge, but not to discriminate against individuals. IPSO therefore set aside the question of whether the article was offensive. The question was only whether it breached the Editors’ Code.

IPSO found that the article included a number of references to the Duchess’ sex. Specifically: the writer’s claim that the Duchess exercised power via her sexual hold over her husband which, in the view of the Committee, was a reference to stereotypes about women using their sexuality to gain power, and also implied that it was the Duchess’ sexuality – rather than any other attribute or accomplishment – which was the source of her power; a comparison with two other individuals – Nicola Sturgeon and Rose West – and the only clear common characteristic between the three being their sex and the writer’s “hate”; it highlighted her position as a specifically female negative role model by referring to the Duchess’s influence on “younger people, especially girls”; and the end-point of these references being a “dream” of humiliation and degradation.

IPSO considered that any of these references, individually, might not represent a breach of the Code. However, to argue that a woman is in a position of influence due to “vivid bedroom promises”, to compare the hatred of an individual to other women only, and to reference a fictional scene of public humiliation given to a sexually manipulative woman, read as a whole, amounted to a breach of Clause 12 (i).

IPSO therefore found that the column included a number of references which, taken together, amounted to a pejorative and prejudicial reference to the Duchess of Sussex’s sex in breach of the Editors’ Code.’

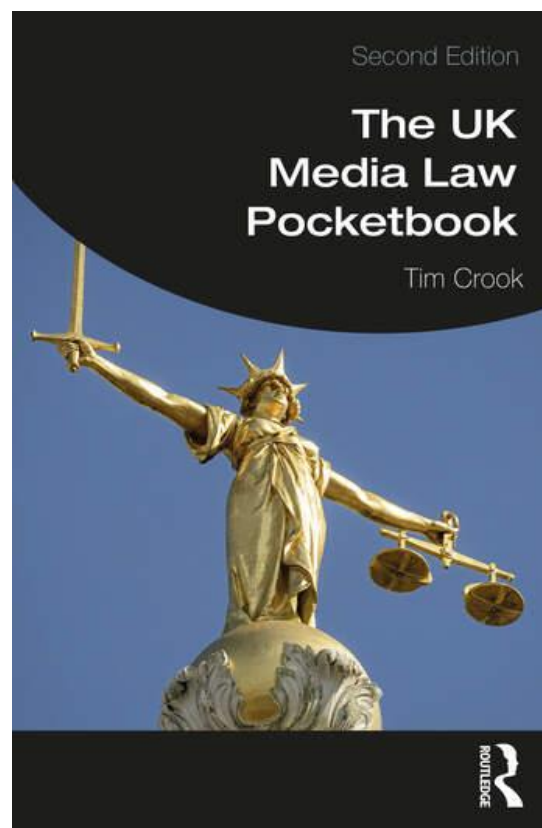
The significance of the ruling has been met with a range of journalistic coverage and comment.

Press Gazette 30th June 2023: 'IPSO says Jeremy Clarkson's Meghan Markle Sun column was sexist and breached Editors' Code' at: <https://pressgazette.co.uk/the-wire/newspaper-corrections-media-mistakes-errors-legal/jeremy-clarkson-sun-column-meghan-markle-ipso-ruling/>

Press Gazette 3rd July 2023: 'IPSO faces backlash from publishers over Jeremy Clarkson ruling. The NUJ and Women in Journalism, however, said they welcomed the decision' at: <https://pressgazette.co.uk/media-law/fraser-nelson-spectator-ipso-sun-markle-jeremy-clarkson/>

Spectator Editor Fraser Nelson argued 3rd July 2023: 'The Clarkson ruling puts Ipso in violation of its own charter' at <https://www.spectator.co.uk/article/the-clarkson-ruling-puts-ipso-in-violation-of-its-own-charter/>

Mick Hume argued at Spiked Online 4th July 2023: 'The Jeremy Clarkson ruling is an outrageous attack on press freedom. IPSO's ruling against his Sun column will empower the easily offended to meddle in our media' at <https://www.spiked-online.com/2023/07/04/the-jeremy-clarkson-ruling-is-an-outrageous-attack-on-press-freedom/>



The second edition of *The UK Media Law Pocketbook* presents updated and extended practical guidance on everyday legal issues for working journalists and media professionals. This book covers traditional print and broadcast as well as digital multimedia, such as blogging and instant messaging, with clear explanations of new legal cases, legislation and regulation, and new chapters on freedom of information and social media law. Links to seven new online chapters allow readers to access all the most up-to-date laws and guidance around data protection, covering inquests, courts-martial, public inquiries, family courts, local government, and the media law of the Channel Islands and the Isle of Man. Tim Crook critically explores emerging global issues and proposals for reform with concise summaries of recent cases illustrating media law in action, as well as tips on pitfalls to avoid.

The UK Media Law Pocketbook is a key reference for journalists and media workers across England, Wales, Scotland, and Northern Ireland. The book's companion website provides downloadable sound files, video summaries, and updates all the developments in one of the most dynamic and rapidly changing fields of law. Visit <https://ukmedialawpocketbook.com>.

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