

Ofcom Broadcast and On Demand Bulletin

Issue 412
12 October 2020

It is Ofcom's policy to describe fully television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast and On Demand Bulletin may cause offence.

Good Morning Britain

Type of case Broadcast Standards Complaint Assessment

Outcome Not Pursued

Service ITV

Date & time 22 June 2020, 08:15

Category Offensive Language

Summary During a live discussion, a highly offensive racial word was used twice. However, given the context in which it was used, we concluded that the programme did not raise issues under the Broadcasting Code which warranted investigation by Ofcom.

Introduction

Good Morning Britain ("GMB") is weekday morning news programme broadcast on ITV. The programme is complied by ITV Broadcasting Limited ("ITV") on behalf of the licensee, ITV Breakfast Broadcasting Limited.

At 08:15 on 22 June 2020, GMB featured a live discussion about plans by the Rugby Football Union (RFU) to review the use of the song *Swing Low, Sweet Chariot* at England rugby matches because of its association with slavery. Alongside GMB's regular presenters, Piers Morgan and Susanna Reid, the two guests contributing to the discussion were the Deputy Editor of Spiked Online, Tom Slater, and lawyer and political activist, Dr Shola Mos-Shogbamimu. The discussion was wide-ranging and both contributors provided their views on topics including whether there was sufficient awareness in society about the background of historic figures that are memorialised in public statues and the origins of certain songs. The item also featured discussion on whether a focus on songs and statues was a distraction from the central issues of institutional and systemic racism, and whether freedom of speech was under threat.

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At the end of the discussion, Piers Morgan directed a question to Dr Mos-Shogbamimu about the use of racially offensive language in rap music and on social media. During this part of the discussion Piers Morgan described the offensive word as “the n-word” and in her response to the question Dr Mos-Shogbamimu said the word in full twice.

Ofcom received 40 complaints about the content with viewers objecting to the use of racially offensive language and some objecting to the fact ITV did not issue an apology after it was used.

We decided to publish this assessment outcome because we considered it could provide useful information for broadcasters. Particular care should be taken to ensure that any use of racially offensive language in programmes is justified by the context.

During this edition of GMB, the relevant part of the discussion went as follows:

PM: *“One final question, I am curious Shola for you, as somebody tweeted here: ‘If we’re going to ban Swing Low Sweet Chariot can we ban rap stars from peppering all their songs with the “n-word”?’ And I’ve had an issue with that for a long time. You know, there was a staggering piece in the Washington Post a few years ago that said the ‘n-word’ is used on social media 500,000 times a day, predominately by young African American men in America. Embracing it and sort of using as a weapon themselves, in the way it was used against them. But it comes back to this thing isn’t it of people say: ‘well if black people are using it, well why can’t I?’ Which is obviously a ridiculous argument”.*

SM: *“Correct, it is such a false equivalence”.*

PM: *“But wouldn’t it be better, actually, if rap stars did stop peppering all their songs with the ‘n-word?’”*

SM: *“Now I don’t use the ‘n-word’ – and when I say ‘n-word’ I mean the ‘nigger’ word – but I understand that is has become, to your point, rap stars and black youths have almost taken that word and turned it on its head and use it either, you know as friends use to each other and also use it in a way that is not necessarily friendly. So, they’ve taken that word and decided it is appropriate for themselves. Now what I find really interesting are white people who go: ‘well if you can use it, I can use it’. That tells you they are desperate to use the word ‘nigger’. If it comes out of a white person’s mouth, it is racist, and you cannot compare, you can’t compare that to a black person calling another black person racist–”.*

PM: *“You’ve seen this situation in America, for example, where high-school girls got into big trouble and were all suspended from their school because they were caught on camera, a camera phone, singing along, I think, to a Kanye West song which was peppered with the ‘n-word’ and*

because they repeated it, singing it at a party, they were deemed to be racist. And I felt very uncomfortable about that. Because yeah, you're right, no white person should use that word, but if they are singing along to a Kanye song at a party and just forget and just sing along, I can see that's problematic. And the best way to stop that happening is surely you don't put it in the songs?"

SM: *"Again, it comes back to what we were discussing earlier about education. It comes back what we were discussing earlier about having real discussions i.e. the origins of this word, why it is being used today, why it is being used by certain people in the black community today. I think all of that would also help young girls like those, and also help institutions in governing what is appropriate behaviour or not".*

We requested background information from ITV about its compliance considerations for this programme in order to assist with our assessment of these complaints.

ITV's background information

ITV said in its representations that it "apologises for any offence the word caused to viewers" but added that "it did not believe the use of the term twice by Dr Mos-Shogbamimu in the context of the debate was excessive or that it lacked justification".

ITV explained the context of the discussion and why it considered the content fully complied with the Broadcasting Code ("the Code"). ITV said that:

- it accepted this word is considered in Ofcom's research to be one of the most unacceptable terms, and one whose use requires significant contextual justification. It also highlighted Ofcom's research¹ which found there is a debate about the acceptability of certain terms if they are used in different contexts or when their meaning is perceived to have changed, for example when terms are thought to have been reclaimed by those they were originally intended to insult;
- the discussion was about racism, discrimination and the acceptability of certain language and cultural references. This final question was about the acceptability of the term and whether the word had been reclaimed by Black people so that it was acceptable for them to use it and whether this meant it was ever appropriate for White people to use it;
- Piers Morgan deliberately used the term "*n-word*" throughout the discussion to avoid using the term and initially Dr Mos-Shogbamimu did the same, before explaining what she meant by the "*n-word*". ITV said that in the context of a debate about whether a specific term is acceptable to use and in what context, it believed it was justified to clarify what word is being discussed;
- the word was used a second time to explain Dr Mos-Shogbamimu's viewpoint that when this word was used by White people, the term is racist. Dr Mos-Shogbamimu is Black, and ITV said

¹ [Ofcom's Attitudes to potentially offensive language and gestures on TV and radio](#) published September 2016.

it believed the potential for offence was lower than it would have been if a White person had used it; and,

- Dr Mos-Shogbamimu did not use the word in an aggressive or a pejorative way and did not use it to describe a particular person.

ITV also advised Ofcom that it was not aware during the planning stages of this programme that this word was going to be used during the live discussion and if they had known, they would have arranged for “appropriate information to be provided to viewers before the debate started, to signpost that offensive racist terms would be referred to and discussed”.

Finally, ITV explained that “given the context in which the word had been used and the fact it was used by a suitably qualified expert guest to make a serious point in the public interest, we felt that an apology in the programme would be disrespectful to Dr Mos-Shogbamimu, and that it risked causing as much offence to viewers as the word itself. We therefore did not consider that an on-air apology was required or appropriate in the circumstances. For the same reason we decided that the word did not need to be removed from the ITV+1 service or from the version of the programme broadcast on the ITV Hub. However, ITV decided to add some guidance text on the ITV Hub to signpost the language for viewers”.

Our assessment

We considered whether the programme raised potentially substantive issues under the following Code rules which would warrant investigation:

Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...Such material may include, but is not limited to, offensive language...”.

Rule 1.16: “Offensive language must not be broadcast before the watershed...unless it is justified by the context. In any event frequent use of such language must be avoided before the watershed”.

Rule 2.3

Ofcom’s Code is drafted, and applied, in accordance with Article 10 of the European Convention of Human Rights (“ECHR”). This provides for the broadcaster’s and audience’s right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without unnecessary interference by public authority. The right to freedom of expression is not absolute. Ofcom must exercise its duties in light of the broadcaster’s and audience’s Article 10 rights and not restrict that right unless it is satisfied that it is necessary and proportionate to do so. This means that each and every time Ofcom applies the Code to broadcast content, we give careful consideration to the broadcaster’s and the audience’s Article 10 rights.

In considering content under Rule 2.3, we give careful consideration to the context of the broadcast and whether it justifies the inclusion of potentially offensive material. Context includes, but is not limited to: the editorial content of the programme; likely audience expectations; the nature of the content; and the degree of harm or offence likely to be caused by the inclusion of the material.

Ofcom's [Offensive Language Research](#) shows audiences considered the "n-word" to be highly offensive and unacceptable for use within programmes at any time without strong contextualisation. For some viewers, strong racist language is no longer acceptable in any context². As such, we considered the use of this word had the potential to be highly offensive to viewers. As ITV mentioned in their representations, Ofcom's research also found that some words were subject to debate and found to be acceptable when used in different ways, in different contexts or when the meaning was perceived to have changed. Our research found that some terms (including this particular word) were thought to have been "reclaimed by those whom they were originally intended to insult"³.

We considered the context in which this word was used. GMB is a live news programme and we considered regular viewers would be accustomed to the programme including discussions on challenging, emotive and contentious subjects featuring contributions from expert guests. In the context of an ongoing global discussion on race and racism following the recent worldwide anti-racism protests, this discussion focussed on whether there was enough awareness among the public about the origins of historical memorials, people and songs. Dr Mos-Shogbamimu gave her view that having discussions about the origins of racially offensive language can be an important tool in educating people, including children, about what this language might mean to different communities today. In this context Ofcom considered it was legitimate to discuss the issue of the use of racially charged language in rap music.

To assess the degree of potential offence for audiences, we looked carefully at how the word was used. We noted that Piers Morgan deliberately used the term "n-word" throughout the discussion and Dr Mos-Shogbamimu used the word in full twice. However, in our view, Dr Mos-Shogbamimu did not use the word gratuitously and we agreed with ITV that it was not said "in a pejorative way" or "to describe a particular person". In the first instance, Dr Mos-Shogbamimu sought to factually explain what the "n-word" was to viewers (*"now I don't use the 'n-word' and when I say 'n-word' I mean the 'nigger' word"*). We considered this was appropriate clarification particularly given the discussion was about whether a specific racially offensive term should be used and in what context. In our view, the second use of the word in full by Dr Mos-Shogbamimu illustrated her view that there is a clear difference between a White person using the word compared to a Black person using it (*"If it comes out of a White person's mouth, it is racist, and you cannot compare..."*). Given Dr Mos-Shogbamimu's explanation, we considered the potential for offence in this case was reduced because of the particular context in which the term was used by her.

We acknowledged that live programming can present compliance challenges for broadcasters and we accepted ITV was not aware this word was going to be used in advance of the discussion. However, we welcomed the steps ITV took retrospectively to "add some guidance text on the ITV Hub to signpost the language for viewers".

² See [Ofcom's Offensive Language Research](#) published 2016 and [Ofcom's Audience Expectations in a Digital World research](#) published 2020. Ofcom is in the process of commissioning new research into offensive language, including racially offensive terms, and will publish its findings next year.

³ See page 6 of [Ofcom's Offensive Language Research](#).

Taking all the above factors into consideration, in our view there was strong contextual justification for use of the word in full in this discussion and it did not warrant investigation under Rule 2.3.

Rule 1.16

For the reasons outlined above, we considered the use of the word in full had the potential to be highly offensive and was therefore potentially unsuitable for children to hear broadcast before the watershed. We therefore considered whether there was strong enough context to justify the broadcast of this content before the watershed.

For all the reasons outlined above, we considered the discussion provided strong contextual justification for the use of the word in full. In particular, we took careful account of audience expectations of GMB, which as a news programme is not aimed at children, although we acknowledged this content was broadcast at a time when children could have been watching. We also considered, as outlined above, that GMB is a programme which regularly discusses challenging subjects and regular viewers were likely to be aware of this.

Rule 1.16 states that frequent use of offensive language must be avoided before the watershed. We took careful account of the rationale for the two instances the word in full was used. As explained above, we considered the first instance was to clarify the exact term Dr Mos-Shogbamimu was referring to and the second instance was to illustrate her view that there is a clear distinction between a Black person using the word and a White person using it. Given this, we did not consider this amounted to frequent or gratuitous use. We particularly noted the way in which the language was used by this guest, that the word was not directed at any particular person and was not used in a pejorative way by Dr Mos-Shogbamimu.

We welcomed the representations provided by ITV to assist Ofcom with this assessment. We considered the content did not raise any issues under the Code which warranted investigation.

Assessment Outcome: Not Pursued