

Media Law and Ethics Examination. Thursday 24th February 2011
Three hours MC 71058A Marking scheme.

Department of Media and Communications.

This exam is in three sections. In order to pass you need to obtain at least 50 out of 100 marks.

A suggestion of how much time you should devote to each section and the weighting of the marks is included.

Section One. The Knowledge.

It is suggested that you apply 45 minutes of the exam answering these questions. This section is worth a total of 30 marks.

References to relevant knowledge in course textbook *Comparative Media Law & Ethics* by Tim Crook, 2009, London/New York: Routledge. Where else source indicated.

1. Briefly set out the differences in the situation for broadcast coverage of UK and US court proceedings. (4 marks)

Table on pages 69 and 70.

2. What is meant by the Reynolds responsible journalism defence to libel? (4 marks)

Table pages 97-98

3. Briefly compare the differences in contempt and free press/fair trial law between the USA and UK. (5 marks)

Table pages 87 to 89

4. What are the most important legal defences enabling UK journalists to protect their sources (3 marks)

Table on pages 359-363. UK column only. Also CMLE companion web-site at:
<http://www.ma-radio.gold.ac.uk/cmle/problem.htm>

5. How does the Official Secrets Act 1989 affect UK journalists? (2 marks)

CMLE companion web-site: <http://www.ma-radio.gold.ac.uk/cmle/secretsact.htm>

6. Explain the significant differences in the nature of media privacy law between the UK and USA? (4 marks)

Pages 279-282. Tables on pages 110 and 112.

7. Briefly outline the key recent developments of the respect for the right of privacy in UK media law. (5 marks)

Table on page 110 and 111 and text on pages 117-118.

8. Compare the fair dealing and fair use defences in UK/USA copyright law. (3 marks)

Table on page 404

Section Two. Analysing and re-writing unsafe copy.

It is suggested that you spend one hour and 15 minutes on these questions. They are worth a total of 40 marks.

9. Analyse the legal issues raised by the scenario and identify the primary and secondary media law issues. Evaluate the material and indicate what you may need to cut from a sequence of a comedy programme that has had its first broadcast and is due to be repeated. Evaluate the need for any broadcast apology. (This answer is worth a total of 15 marks- 10 marks for analysis and 5 marks for deciding which parts of the

programme sequence needs cutting and whether you believe it is necessary to make any on air apology. For this section of the answer you are also invited to make any observations and recommendations in relation to the issue (if relevant) of improving the radio station's system of editorial standards and legal regulatory compliance.)

You are the editor of a national BBC radio station in Britain aimed at the youth market aged 16 to 24 and responsible for a comedy programme broadcast after 10 p.m on a Friday night. The programme is hosted by a popular young comedian called Jangler Booosh. His original name was Martin Brush, but he changed it to Jangler Booosh by deed poll. Booosh has invited another high profile comedy artist called Rachel Jago to appear on his 'anarchic' programme of sketches and stunts. Booosh has a reputation for ringing up well-known people without their knowing to 'spoof' them by assuming false identities in the tradition of 'candid camera,' and Chris Morris.

The programme is produced by an independent production company owned by Booosh and the producer is 24 years old and a recent graduate in the MA Radio Production programme at a 'new' university that used to be a further education college based in Bognar Regis. He has had no training on regulatory law though he did pass a basic course in media law run at the university. He has left a message on your mobile inbox:

'Hi there. Jangler has teamed up with Rachel and some may say they've gone over the top, but it's very funny. I've compressed the programme output file into an MP3 and uploaded to off air compliance. They played a skit with the actor who played Spike in *Home Front Jinks* from the 70s. You remember 'You Silly Boy!'...the catch-phrase. Though there might be a problem cause he's now a pensioner and Jangler says he's...ah how should I put it...been horizontal with his granddaughter and "I've been a 'Silly Boy!' with your grand-daughter Spike." It's not exactly what he thought he was going to be on the programme for. Anyway, I rang him after the pre-record and explained about the series of mobile phone messages they left on his mailbox. I think he said he was at motorway services cause it was very noisy, but he kept saying 'Yes, that's fine. Yes, that's fine.' The point is Spike was not answering when they rang so they left one or two rude messages in his voice-mail. That's what's going out on the programme. Sorry this is a bit long. Anyway please listen. Thought you should have heads up on this.'

The only problem is that you've been on holiday in the Scottish Highlands for the weekend where there is no mobile phone reception and you could not access your messages on your Blackberry. You have picked up the message on Monday morning three days after the programme aired. There is another message from your director of public relations:

'Hello, Mandy here. I've had an enquiry from the *Daily Mail*. Apparently, there's been a complaint that Jangler and Rachel harassed and insulted Bertie Webster, the veteran actor who played Spike in *Home Front Jinks*. It seems they were having a laugh about Jangler's relationship with his granddaughter. I'm stalling but I think we should have a clear line on this before it gets out of hand. Have you listened to the programme.' The repeat is going out tonight.

You have decided to listen to the programme and have fast-forwarded to the relevant passage. Which parts of the sequence would you decide to cut? Evaluate whether your radio station should issue an apology.

Jangler: Hello Spike you Silly, Silly, Silly Boy. Are you just a complete prat or do you always agree to be on live and brilliant radio programmes and then not pick up your phone?

RACHEL CAN BE HEARD GIGGLING IN THE BACKGROUND.

Anyway I have something of a confession. I suppose being silly runs in the family cause your daughter...sorry grand daughter...I forgot you're so old I have to think of you as a Mummy...Your GRAND daughter. The one who gyrates her hips in patent leather, fishnet stockings and wears suspenders in her ears in the group 'Radiation Sickness.' Ah. I've been a silly, silly boy with her. Now what was her name? Problem is I left at four in the morning, or was it three? Without asking her and staying for breakfast!

Rachel: And I was there too. She's very good when she's horizontal and I remember her name.

Jangler: Shut up.

Rachel: And I stayed for breakfast.

Jangler: He won't know who you are.

Rachel: He does now.

Jangler: Cut! Cut! Can we rewind?

Rachel: No you can't rewind. This is live radio and it's his message service.

Jangler: If the News of the World can hack into phones so can I. Listen up Spike. Just pretend you didn't here that.

Rachel: Here what?

Jangler: That I smashed whatshername with the suspenders and patent leather stockings, or were they pants? Sorry Spike I didn't exactly have time to look at them for very long cause she removed them before you could say 'You silly, silly boy!'

Rachel: You've said it again.

Jangler: Said what?

Rachel: That you ****ed Theo from "Radiation Sickness" between 1 a.m. and 3 a.m.

Jangler: It was entirely atomic. I mean Platonic.

Rachel: What was?

Jangler: When I ****ed Theo. Sorry Spike I mean your daughter.

Rachel: Did you do her mother as well? That's disgusting.

Jangler: No, no, no no. I can't remember.

Rachel: That's really weird.

Analytical Points.

- **Broadcasting and multi-media publishing organisations require a system or infrastructure of 'compliance' in order to ensure its public communications 'comply' with secondary media law (Ofcom, BBC Editorial Guidelines and PCC code) as well as primary media law (legislative statutes and case law (judge made law) from the UK and European courts.**
- **Compliance should demonstrate an active process of editorial supervision and decision making whereby controversial and risky material is 'referred up' prior to programme creation and equally important actual programme transmission/publication.**
- **Breach of primary and secondary media law can occur in the process of research and content production as much as in actual publication.**
- **All levels of staff and freelance 'talent' require a process of training and continuing professional development (CPD) in order to ensure that producers, journalists, editors and presenters are 'qualified' according to their responsibilities and tasks to recognise and prevent breaches of primary and secondary media law.**
- **Staff in positions of editorial responsibility require access to qualified legal advice in order to be able to make 'informed' decisions prior to programme/content commissioning, development and transmission/publication.**
- **Staff in positions of editorial responsibility should not be burdened with 'conflicts of interest' in the case of 'contracting out' to independent production companies. This is especially true where key 'talent' has a controlling interest in the independent. Producers 'loaned out' or editorial decisions makers in 'independents' must have the training and authority to counter-command programme/content production and transmission that is 'non-compliant.'**
- **Guests and members of the public involved in 'spoof' or 'stunt entertainment programmes must be in a position to make an informed decision about their consent to be included in any broadcast. The process of programme creation must avoid causing undue distress or humiliation to 'vulnerable persons' who include children, adults suffering from illness, or with disability. Such programming should be pre-recorded and participants should be given a reasonable time and opportunity to be able to give their informed consent.**
- **Producers and persons in position of editorial responsibility must be available in good time to discuss and review referrals of problematical content prior to programme development and publication.**

- There should be a coherent paper/document trail of minutes and records demonstrating reasonable and responsible systems of primary and secondary media law compliance.
- The process of programme content can create defamatory publication as well as a breach of privacy through the recording and 'broadcast' of material to third parties through mobile phone/telephone messaging, writing and everyday public and private performance.
- Offensive and insulting behaviour and publication can be a breach of secondary media law (Ofcom Code and BBC Editorial Guidelines) as well as primary media law e.g. libel, breach of privacy and civil or criminal harassment.
- In comedy and satire there needs to be demonstrable and provable evidence of the 'antidote' to the 'bane' of allegation, and defamatory mocking. In other words it must be obvious in the ordinary and natural meaning that the bane is NOT true.

10. You are the editor of a national commercial radio station that has broadcast a live exchange between a presenter and scientist and you have to edit the material for a repeat broadcast. Identify the legal and regulatory problems you might face. (10 marks for analysis)

Ben Clout: Professor Bland, you're one of these green terrorists who believes anybody who drives a four by four vehicle and doesn't put his rubbish in the right recycle bins should be prosecuted, fined and persecuted?

Bland: No, that's not the case. What you say is a complete mirepres...

Ben Clout: Just admit what you are, a green terrorist. That's what you are?

Bland: Don't be ridiculous. How can you call me a...

Ben Clout: Well that's the pot calling the kettle black. How dare you call me ridiculous.

Bland: And how dare you call me a terrorist.

Ben Clout: Well a ridiculous terrorist... a green terrorist is exactly the way to describe you.

Bland: Why don't you ask me some intelligent questions about our research report on sanctions designed to encourage a green society.

Ben Clout: I'm happy to ask you some intelligent questions when you stop being a stupid, ridiculous green terrorist.

Bland: SIGHS We have researched the incentivising of more environmentally enhancing social habits in the use of energy and recycling policies.

Ben Clout: You haven't been researching anything. You want to fine and jail people who have the right to drive the vehicles of their choice and what the hell business is it of yours to dictate to people what they throw out in their rubbish?

Bland: You keep personalising the situation. I am simply reporting the conclusions of a long term comparative research...

Ben Clout: Well do you or do you not agree that people should be penalised, criminalized for driving cars with high carbon dioxide emissions and who don't want to get their hands dirty separating paper, bottles, old food and other muck?

Bland: I agree with proposals to use the law to discourage people from driving vehicles that contribute to the destruction of the ozone layer and ignoring social obligations to recycle domestic waste.

Ben Clout: Well not only are you a green terrorist, that makes you a Nazi as well.

Bland: Have you invited me on your programme to just libel me, or do you want to have a rational discussion about the environment and our research report?

Ben Clout: I haven't libelled anybody. I've just called you a green Nazi. So you're denying that you're a green Nazi are you?

Bland: Calling me a Nazi, don't try and wriggle out of it by adding the word green, is actionable as far as I'm concerned.

Ben Clout: Is that a yes or no?

Bland: What do you mean?

Ben Clout: I'm simply asking whether you are a green Nazi or not? I'm talking about freedom, liberty, the right to choose...

Bland: I'm not wasting any more of my time talking to you.

Ben Clout: And you call yourself a scientist. You arrogant...

Bland: There's nothing to say to somebody as pig-headed, rude and bigoted as you are. PHONE SLAMMED DOWN- DIALING TONE.

Ben Clout: Ha! That's the sound of an arrogant, ignorant scientist. The green terrorist and Nazi of the University of Central London. Have a herbal cigarette mate and go and choke on a vegiburger. Next Siena Miller and the paparazzi.

- **In live broadcasting UK publishers have a defence to libel known as the 'live defence' or 'innocent dissemination' under section 1 of the 1996 Defamation Act. In order for the defence to succeed the publisher needs**

to be able to demonstrate it did not have any editorial control or determination over the communication of the defamatory content prior to publication. During publication the broadcaster needs to demonstrate evidence of distancing from the libel and impartiality through a challenging, dissociation, avoiding compounding the libel and encouraging further libels, and bringing the live transmission to an end as quickly as possible. After publication the broadcaster/publisher needs to be able to demonstrate that it removed the defamatory content within a reasonable period of time after being alerted to its existence by complaint.

- In secondary media law whilst robust and challenging interviewing during live broadcasts is accepted as being necessary in a democratic society guest interviewees must not be subject to insulting, offensive or humiliating treatment. Interviewers and broadcast programmes must demonstrate impartiality by achieving a balance in the provision of political and controversial content. This can be achieved within individual programmes through the intervention of presenters and the method of asking questions, invitation of guests, participants and interviewees, or the scheduling of programming by juxtaposition and commissioning.
- The ‘watershed’ in UK broadcasting is a timeline when it is anticipated that children and younger people are unlikely to be watching or listening. However, the appropriate guideline on whether children and vulnerable persons may constitute part of the audience must be by audience research. The traditional UK broadcasting ‘watershed’ is 9 p.m. or 2100 hours. Appropriate warnings should be given in relation to the presence of potentially offensive language/content in pre-recorded programmes. Where programmes are likely to generate potential distress in relation to sensitive or controversial subjects, broadcasters should consider providing information to members of the audience about further advice or counselling at the end of the broadcast. Warnings about the presence of content deemed suitable for people over 16 and requiring the supervision and consent of people over the age of 16 should be present in audio and video podcasts and ‘watch again’ services provided online.
- ‘Abuse’ in live broadcasting may not be defamatory according to primary media law but it could be a breach of secondary media law by constituting gratuitously offensive and insulting broadcast content. In secondary media law the audience is a legitimate ‘third party’ for raising complaints about breaches of Ofcom’s broadcasting code, BBC editorial guidelines and the Press Complaints Commission code. In primary media law the audience to a libel or contempt of court does not have *locus standi* and/or a right to legal remedy apart from the claimant suing for libel, breach of privacy, and in the case of media contempt, the Attorney General who under the 1981 Contempt of Court Act is the only office that can decide to bring criminal proceedings against a media publisher.
- Broadcasters should have a courteous and effective system in place to receive complaints from members of the audience and participants in programmes and investigate them in terms of compliance. Broadcasters should respond to complaints within a reasonable period and where appropriate make apologies to complainants or on air. However, broadcasters and publishers must be aware that the issuing of apologies in relation to secondary media law may render them liable to actions

under primary media law and the process and content of apologies may require qualified legal advice.

11. Examine the following source material and analyse what you can do to deal with the potential legal restrictions applied to you as a journalist. Write the story of no more than 250 words either in broadcast or print style that you would wish to disseminate. (10 marks for the analysis. 5 marks for writing the copy.)

You are the duty output editor of a 24-hour television news service and have received the following series of media materials to enable you to report a criminal case.

Crime Stories Are Us agency. Urgent news copy.

31 year old Daniel Martin has admitted committing a series of sex offences at the main London Crown Court thirteen years after being released from custody after being convicted as a multiple child killer.

He was appearing in his original identity, but because of fears for his safety he pleaded guilty via a video-link that could only be seen by the Judge.

The judge has banned the publication of anything that could lead to the revelation of the secret identity he was given after being released at the age of 18.

Martin is the notorious child strangler of Northampton. When only 12 years old he killed three toddlers by strangling them when they were playing in the town's parks. At a sensational trial in Birmingham in 1991 a jury convicted him of murder despite his claim to be suffering from a mental illness.

He was released in controversial circumstances after doctors decided that he was no longer a danger to the public despite a national campaign that he should spend the rest of his life in prison.

The court heard he was given a new identity and set up with a new life in Northumberland and had trained in medical care. He worked for a medical practice in Hexham where he was the phlebotomist- an auxiliary kind of nursing assistant who takes blood from patients.

He has pleaded guilty to three offences of indecent assault. The victims were women patients at the practice who complained that when taking blood he assaulted them. He was recalled from licence and returned to custody in November last year. This was not revealed until a group of media organisations successfully applied for a court injunction, banning media publicity, was part-lifted by Mr Justice Berry on January 4th.

The judge warned Martin, who was only heard in court to confirm his original identity and saying 'guilty' three times, that he was facing a significant term of imprisonment because his crimes were 'a serious breach of trust and abuse of his victims' dignity.'

The judge allowed reporters in the courtroom to use their mobile phones to 'twitter' news of the hearing. The hearing has adjourned until two o'clock when the judge says he will announce his sentence.

Television interview with Mrs Rosalynn Walker- the mother of one of Martin's child victims.

Mrs Walker: I think it is a disgrace that as the mother of a child he killed I was not allowed to see him now. I and the families of the other victims should have been allowed to see him. Why are millions of pounds being spent protecting this psychopath and we only received two thousand four hundred pounds each for the slaughter of our beautiful children.

Reporter: Do you not accept that his life would be at risk if he was seen in public?

Mrs Walker: He does not have any special rights over and above anyone else and I would say much less. The system seems to forget how many lives he destroyed. My life and the life of every member of my family ended when he killed my little Wayne. He was just 3 years old. Nobody is asking anybody to break the law and doing anything to Martin. That's against the law and the law should take care of itself.

Reporter: Did the news of his new crimes come as a surprise to you?

Mrs Walker: Not at all. And I was not surprised that the authorities tried to cover it up. The legal system is just set up for killers and all kinds of criminals. Victims and their families count for nothing. It is also a disgrace that the police and court covered up the fact that there was a sexual element in the attacks he committed on our children. He's a perverted monster and does not deserve the right to life.

Reporter: Don't you accept that at the time of his trial in Birmingham the police and court were trying to spare your feelings?

Mrs Walker: Nothing can spare our feelings. Wayne was murdered. We should have been told the total truth. Just because Martin was twelve at the time, they should have thrown the book at him. He sexually abused his victims because he is a disgusting paedophile and psychopath. If we had known he was sex offender and the public had been told the truth would he have been released in secret and given a new life after only six years of so-called treatment?

Reporter: When you say he does not deserve the right to life what do you mean?

Mrs Walker: I believe in a return to capital punishment. Of course it would have not been possible when he went to prison, but what kind of a deterrent is there to prevent him from killing in the future? I think the police detectives, the lawyers and judge in Birmingham and this judge have been incompetent, immoral and have been a disgrace.

Reporter Rachel Stevens has sent you the following images and email messages from her Blackberry.

'Judge allows reporters to use their mobiles in court. I am recording the sound of the proceeding to enable you to transcribe and will email you the MP3 files. I will tweet the sentence at 2 p.m.'

'Mobile phone image of Mr Justice Berry looking at computer screen when watching Daniel Martin pleaded guilty to sex crimes attached.'

- **In the case of 'notorious defendants' given new identities and protected by 'Mary Bell' style *contra mundum* (against the world) court orders/injunctions, media publishers must take care to a) establish and understand the terms of the order; realise that anything they publish or do that is 'likely' to lead to identification will constitute a contempt of court (criminal offence).**
- **Any photographic or sketch/verbal representations bearing a resemblance and likely to lead to the revelation of the new identity would be a breach of the order and a separate criminal offence. Any publication of the steps and measures taken to provide and manage the new identity would be a criminal offence.**
- **In the case of sexual complainants any publication 'likely' to lead to the identification of any complainant will constitute a criminal offence. Case law indicates that the risk is evaluated objectively in terms of the risk of anyone who may know the complainant being able to recognise the complainant as a result of the media publication. This means that special care may need to be taken to disguise voices, conceal visual identifying features and avoid 'triangulation' and association through geographical references. Associating the complainant with a small town/village and profession/age/gender profile could be likely to lead to identification where there are few people with this combination of identifying features in the area mentioned.**
- **If a court order controlling publication/publicity is 'part-lifted' it is vitally important that media organisations establish and understand the specific matters that they are now permitted to publish or continue to be prohibited from publishing.**
- **Consent to twittering in the courtroom does not mean that a judge has also consented to the use of a mobile device to take photographs or record the sound of proceedings. Taking photographs of court proceedings is a strict liability offence in England and Wales. Recording sound without the leave of the court is a breach of the 1981 Contempt of Court Act.**
- **Interviews with victims, relatives of victims, or court protagonists outside court proceedings do not have the same 'absolute privilege' as contemporaneous reporting of a court case. [Accurate and fair reporting, published to the nearest possible deadline means that media publishers cannot be sued for libel even when reporting maliciously defamatory allegations.] Interviews outside the courtroom may have the protection of qualified privilege [subject to contradiction] if they are part of a press conference e.g. similar to a public meeting: held for a lawful purpose, accessible to members of the public, held for the purpose of discussing a**

matter of public interest. See *Turkington v Times Newspapers* House of Lords 2000.

- Such outside court interviews may include libels of people involved in a court case; particularly if the interviewee is emotionally fraught or distressed by what has happened in court. Criticism and condemnation of professionals such as lawyers and police officers is particularly risky as they have a tendency and the financial means to take action. It is not unknown for judges in the UK to take proceedings for libel that harm and impugn their professional reputation.

Section Three. Legal and Ethical Debates.

You will be required to answer 2 questions from the following essay titles. You select only one question from each topic. This means you cannot answer more than one question from each topic. It is suggested that you spend half an hour on each essay question. Both essay questions are weighted at 15 marks each.

Primary Media Law & Ethics

Page references to relevant material in the course textbook *Comparative Media Law & Ethics* given only in the marking scheme.

12. The authoritarian tendency is more present in UK media law compared to the libertarian tendency in US media law. Discuss.

pp 27-31

13. What are the advantages and disadvantages of 'libel tourism' in the US and UK?

pp 57-61

14. There are no differences in the media law of England and Wales and Scotland. Discuss.

pp 135-152

Media Jurisprudence, Media Ethicology and Media Ethicism

15. Analyse the three main categories of media ethicology

pp 156-157

16. Did W.T.Stead's 'Maiden Tribute' campaign advance or diminish the ethical role of media publication in the public discourse?

pp 197-212

17. What can media communicators learn from the Castiglione and Machiavelli categories of moral consequentialism?

pp 174-180

18. How would you argue the public interest in broadcasting and publishing scenes of torture and death?

pp 212-228

Defamation Law

19. What reforms to English defamation law could be introduced that are based on the doctrines and practices in the USA?

pp 237-241

20. If George Galloway had sued the *Daily Telegraph* and *Christian Science Monitor* in the US he would have been equally successful. Do you agree with this proposition?
pp 257-261

Contempt/Protecting Fair Trial Law

21. Who bears the culpability for making Dr Hawley Harvey Crippen a victim of a miscarriage of justice?

pp 265-269

22. Evaluate the solutions to the impact of media prejudice on the murder trial of Dr. Sam Sheppard outlined by the US Supreme Court.

pp 269-273

Privacy Law

23. Why is it not possible to replicate the US constitutional brakes on their media privacy law in the UK?

pp 274-282 and pp 110-112

24. The Max Mosley and Naomi Campbell privacy cases are seminal in the development of the right to respect for privacy in UK media law. Discuss.

CMLE companion web-site <http://www.ma-radio.gold.ac.uk/cmle/echr.htm>

25. Analyse the trend in secret justice being applied to convicted criminals in Britain in the light of the Mary Bell, Jon Venables and Robert Thompson and Maxine Carr case histories.

pp 282-294

Media Regulation

26. What is the role of restorative justice in curbing media abuse of power and the chilling effect of media law?

pp 303-315

27. The withdrawal of the Express Newspaper group from the UK Press Complaints Commission is another indication that the body should be abolished and replaced with statutory regulation. Discuss.

pp 298-303.

State and National Security Law

28. To what extent did the cases of Mordachi Vanunu, David Shayler, Frank Snepp and the Pentagon Papers advance the cause of freedom of the media?

Pages 316-333

29. How does the UK Defence, Press and Broadcasting Committee serve the interests of the Secret State and British media organisations?

Pages 308-315. Any notes or recollection of the talk given by Air Marshall Vallance in Autumn term 2009 during 'Asking the Right Questions.'

Website: <http://www.dnotice.org.uk/>

<http://www.dnotice.org.uk/faqs.htm>

<http://www.dnotice.org.uk/history.htm>

Media Law and Ethics: Four Genres of Jurisdiction

30. Evaluate some of the key differences and similarities in the media law systems of China, India, France and Saudi Arabia.

Pages 334-347 and learn.gold resources

31. What is meant by the idea that Japan has a composite media law system.

Pages 343, 344 & 402. Learn.gold resources.

The Legal Problematizing of Journalism

32. What are the legal and ethical problems with UK jigsaw identification law applying to British media publishers?

Pages 348-357.

33. State and corporate power in UK and USA threaten the protection by journalists of their sources. Discuss.

Pages 357-369.

Human Rights and International Law for Journalists

34. Is it necessary to draw a distinction between 'peace' and 'war' journalism?

Pages 370-377.

35. What are the difficulties in creating a specific war crime to prosecute individuals responsible for killing and targeting of journalists in conflict?

Pages 374-386.

Racial and Religious Hatred

36. Is it necessary to republish 'The Muslim Cartoons' in order to properly debate the issues arising?

Pages 394-397.

37. Can you argue that the USA has a more liberal and tolerant approach to the problem of 'hate speech' than the UK?

Pages 389-399

Copyright and Intellectual Property Law

38. How different is US and UK copyright/intellectual property law?

Pages 403-404 (Table)

39. Analyse the concept of 'authors' rights' in French and German intellectual property law.

Pages 405-407 (Table)

Freedom of Information Legislation

40. Freedom of Information law has improved the nature of freedom of expression in the UK and USA. Discuss.

Pages 412-429 [Tables 420-421]

41. Discuss the most advantageous methods of making successful FOI applications in the UK and USA.
Pages 422-427.

The candidates were given prior notice to the following language meanings and issues in order to assist students with English as a second language.

Language issues for candidates with English as a second language.

'Candid Camera' was a programme format created in the USA and UK whereby members of the public were subjected to trick/stunt interventions by broadcasters who recorded what happened when subject to weird, unusual or provocative situations. The outrage, surprise or confusion of their response would generate the comedy content and the subsequent transmission would require the consent and cooperation of 'victims' so tricked.

'over the top' meaning excessive, extreme and exaggerated.

MP3 is a compressed sound file normally on Ipads, and recording equipment and is now the standard file for audio podcasts.

'skit' comedy set-up or sketch format.

'heads up' slang expression meaning being given a warning, anticipation or tip off so that you are prepared for a situation.

'BlackBerry' trade-name for mini-computer mobile device enabling users to word process textual messages, view online web content and make and receive telephone calls.

'pensioner' term to describe elderly people who are officially retired and entitled to receive a state pension [currently 65 years and older]

'prat' slang and offensive term of abuse. A pejorative word equivalent to 'twit' 'twerp' 'idiot' or 'fool'.

Being **'horizontal'** with somebody means or suggests that there has been intimate/sexual contact.

'hack' in relation to mobile phones means unlawful interception/surveillance of mailbox message or telephone calls.

'smashing' 'smashed'- a pejorative, aggressive and sexist term used by men to indicate that they have had sexual relations with a woman; highlighted by the scandal of Sky sports broadcaster Richard Keys talking about a former girlfriend of Jamie Rednapp.

Platonic relationship- a friendly relationship not involving sexual/intimate relations.

‘**ed’** a representation of the offensive word ‘fucked.’ The use of this kind of word is not considered acceptable in UK licensed broadcasting prior to the watershed in television (9 p.m.) or at times on television or radio where there is any measurable presence of children/young people as part of a broadcast audience. It is usually considered necessary that the use of this type of language should carry a warning prior to transmission.

‘the pot calling the kettle black’ a metaphorical cliché suggesting hypocrisy. In the kitchen a black pot has no right to accuse the kettle of being black when it is also black. The term “the pot calling the kettle black” is usually used in the sense of accusing someone of hypocrisy. The origins of the phrase date back to at least the 1600s, when several writers published books or plays which included wordplays on the theme of the pot calling the kettle black. Despite suggestions that the phrase is racist or nonsensical, the meaning appears to be derived from the conditions of a medieval kitchen. Typically, pots and kettles were made from heavy materials like cast iron, to ensure that they would last and hold up to heat. Cast iron tends to turn black with use, as it collects oil, food residue, and smoke from the kitchen. Both pots and kettles would also have been heated over an open fire in a kitchen of the medieval period. As a result, they would have become streaked with black smoke despite the best cleaning efforts.

‘vegiburger’ a burger made up of vegetable based content as opposed to ham or beef.

‘toddler’ a small child, older than an infant usually considered to be in the range of 18 months to 4 years old.