

INITIATED INVESTIGATION Report

364 – The Canary and The Skwawkbox

Relevant Clauses

4.3 Discrimination

Publishers must not incite hatred against any group on the basis of that group’s age, disability, mental health, gender reassignment or identity, marital or civil partnership status, pregnancy, race, religion, sex or sexual orientation or another characteristic that makes that group vulnerable to discrimination.

Decision: Further investigation not justified.

21 October 2021

Before IMPRESS Regulatory Committee A

Andrea Wills, Ato Erzan-Essien, David Leigh, Debrah Harding, Iain Christie and Walter Merricks (Chair)

Decision confirmed by the IMPRESS Board

1. Summary

- 1.1. IMPRESS launched its own initiated preliminary investigation into concerns levelled at two publishers regulated by IMPRESS, following the publication of an academic report titled “Antisemitism and the alternative media”; the report was authored by Dr Daniel Allington and Tanvi Joshi of Kings College London and had been commissioned by the Office of HM Government’s Independent Adviser on Antisemitism.
- 1.2. The relevant publishers are Publisher 1: Canary Media Ltd, publisher of The Canary, an online publication that focuses on campaigning journalism and left-leaning politics, regulated by IMPRESS since 21/08/2017; and Publisher 2: The Skwawkbox, an online publication that publishes news-related material with a strong focus on UK politics and the Labour party, regulated by IMPRESS since 01/10/2017.
- 1.3. After assessing the material which formed the basis of the report, a Regulatory Committee was convened to decide whether the published material fell within the regulatory remit of IMPRESS, and if so, whether IMPRESS should investigate potential breaches of the Code on its own initiative.
- 1.4. In total IMPRESS reviewed 42 items (1 tweet and 41 articles). We did not assess any material that was first published before the Publisher entered into a regulatory scheme agreement with IMPRESS, unless our attention was drawn to specific statements that had potential to engage the Code.
- 1.5. The material was assessed in line with the IMPRESS Regulatory Scheme and against the IMPRESS Standards Code. The relevant clause is:

4.3 Discrimination

Publishers must not incite hatred against any group on the basis of that group’s age, disability, mental health, gender reassignment or identity, marital or civil partnership status, pregnancy, race, religion, sex or sexual orientation or another characteristic that makes that group vulnerable to discrimination.

- 1.6. The Committee decided that, of the material in remit, none of it reached the threshold which would engage the discrimination clause and, therefore, further investigation would be unjustified. The matter was therefore dismissed.

2. Background

2.1. On Thursday 28 January 2021, it was announced that a report titled “Antisemitism and the alternative media” authored by Dr Daniel Allington and Tanvi Joshi of Kings College London was published; this was reported on by the Jewish Chronicle on 28 January 2021 in an article titled Report: Corbynite sites feature far-right tropes”. The article byline stated “The Canary and Skwawkbox, two of the websites most closely linked to Jeremy Corbyn’s Labour, have been found to promote “heavily negative coverage of Jewish issues” to audiences that are “associated with antisemitism”, a damning new government report has found.” The article went on to say that the study had been “carried out by King’s College London for the Government’s Independent Adviser on Antisemitism Lord John Mann” and that the report would be sent out to government ministers the following week.

2.2. On 28 January 2021, IMPRESS CEO Ed Procter, contacted Dr Allington to request access to that report. Mr Procter also contacted the Office of HM Government’s Independent Adviser on Antisemitism to similarly request access to the report.

2.3. On 29 January 2021, the report was provided to IMPRESS. IMPRESS published the following statement on its own website:

An article published in the Jewish Chronicle on 28th January refers to a currently unpublished report into antisemitism and alternative media which is reported to have been commissioned by the Government’s advisor on antisemitism Lord Mann and authored by Dr Daniel Allington of Kings College London. Two of the news sites featured in the report (The Canary and Skwawkbox) are regulated by IMPRESS under a Royal Charter approved scheme of press regulation.

There is no requirement for any news publisher to be regulated, but those which have opted into regulation by IMPRESS are regulated to a publicly accountable and transparent standard. IMPRESS has contacted Lord Mann and the author of the report to request an advance copy so that we can independently assess the evidence presented against the standards required of publishers regulated by IMPRESS.

2.4. On 2 February 2021, IMPRESS Head of Regulation, Lexie Kirkconnell-Kawana, wrote directly to Dr Allington requesting any information or evidence of any further unreported material or conduct that caused him concern as part

of his research. Following a series of email exchanges, Dr Allington agreed to meet to discuss the research with Lexie Kirkconnell-Kawana and Ed Procter.

2.5. The report Executive Summary reads as follows:

Three of the four 'alternative media' platforms analysed were found to promote a negative view of Jews.

The fourth was found to promote a negative view of Muslims, but not of Jews (although it sometimes made use of arguments and images that are in other contexts used to stigmatise Jews).

A significant relationship was found between holding antisemitic views and having a positive opinion of each of the three platforms that were found to promote a negative view of Jews.

A significant relationship was also found between holding antisemitic views and having a positive opinion of the Russian state-owned propaganda broadcaster, RT (formerly Russia Today).

By contrast, there was no relationship, or a substantially weaker and more conflicted relationship, between antisemitism and evaluation of named 'mainstream media' sources.

Moreover, drawing on the 'mainstream media' in general for political information was associated with lower levels of antisemitism.

In the interests of reducing prejudice, it would appear desirable to encourage use of high quality, reputable sources of information at the expense of low quality fringe sources.

2.6. On 17 February 2021, IMPRESS updated the statement (issued on 29 January 2020) to say the following:

Since the publication of the below statement, the report entitled 'Antisemitism and the 'alternative media'' (authored by Daniel Allington and Tanvi Joshi, January 2021) has been published on the website of the HM Government's Independent Adviser on Antisemitism (HMGIAA). IMPRESS has contacted the author of the report to request information so we can independently assess the evidence presented against the standards required of publishers regulated by IMPRESS.

- 2.7. The report states the research employs a mixed methodology of qualitative assessment of articles across four online publishers; the report describes this as “it presents a quantitative content analysis of recent articles mentioning the keywords ‘Jew’ or ‘Zionist’ across the four websites. Altogether, 130 individual articles were analysed by both researchers, with occurrences of six key themes being totalled.” The research also undertakes public surveying, partnered with YouGov, on public use of the platforms and antisemitism sentiment. The report also included a bibliography with a number of articles included as sources, which were published by IMPRESS regulated news titles: the Skwawkbox and the Canary.
- 2.8. A meeting took place on 23 April 2021 between Dr Allington, Ed Procter and Lexie Kirkconnell-Kawana, before and after which Dr Allington provided hyperlinks to the articles evaluated during his research. He also drew IMPRESS’s attention to a series of additional articles to those reported on in the bibliography of the report. Further articles were provided to IMPRESS by Dr Allington on 19 March 2021 and 19 May 2021.

3. Material and concerns

- 3.1. Four articles were reported in the report bibliography as relating to Publisher 1 and 11 articles were reported in the report bibliography as relating to Publisher 2. 27 further articles were supplied as hyperlinks by Dr Allington directly to IMPRESS in subsequent correspondence.
- 3.2. The concerns levelled against Publisher 1 and Publisher 2 and set out in the report can be summarised as follows:
- The Canary and the Skwawkbox “promote a negative view of Jews” (Allington and Joshi, 1);
 - The Skwawkbox argues, or presents the worldview that, “the world’s only Jewish state is a corrupting influence, and those who have been tainted by it must be excluded from British political institutions” (Allington and Joshi, 24);
 - A further characteristic of Skwawkbox’s coverage of Jewish issues is “an apparent strategy of attempting to remove the sting from antisemitism accusations against its preferred faction by making counter-accusations of antisemitism against those who raise the issue of antisemitism”, to confuse readers about what amounts to antisemitism (Allington and Joshi, 26);

Case Ref: 364/2021

- Editor/s of the Canary “characterise Israel as a European settler state, suggesting that practically every aspect of Israel is racist” (Allington and Joshi, 29); and
- “For Skwawkbox and the Canary, life is a struggle between the oppressors and the oppressed, which leaves an in-group of ‘socialists’ – i.e. those who understand themselves to side with the oppressed – at constant risk of attack from a politically-defined Zionist enemy that must be driven out of the Labour Party.” (Allington and Joshi, 31).

3.3. The concerns could therefore engage the Discrimination Clause; specifically, Clause 4.3 of the Code, in relation to Jewish people:

4.3. Publishers must not incite hatred against any group on the basis of that group’s age, disability, mental health, gender reassignment or identity, marital or civil partnership status, pregnancy, race, religion, sex or sexual orientation or another characteristic that makes that group vulnerable to discrimination.

4. Scope and remit

4.1. IMPRESS has powers to investigate potential Code breaches whether in response to a complaint or not. This is set out in the introduction to and in paragraph 5.1 of the IMPRESS Regulatory Scheme:

IMPRESS may exercise its powers in response to complaints (including complaints that are withdrawn), or to information received via its whistleblowing hotline, or on its own initiative.

(5.1.) IMPRESS may investigate potential Code breaches or breaches of its internal governance requirements whether in response to a complaint or not. Publishers are required to cooperate with IMPRESS in any investigation, and to produce information and documents that IMPRESS considers necessary.

4.2. No formal referral, request or complaint was made by either the Office of HM Government’s Independent Adviser on Antisemitism, the report authors or representatives of the Jewish community in relation to the concerns raised in the report. The decision to undertake an assessment of material published by two of its regulated publishers, was undertaken by IMPRESS on its own initiative. This decision was informed by the nature of the concerns, the national media coverage they received and the fact that they were raised by

Case Ref: 364/2021

published peer-reviewed academic work, which had been commissioned by a government office and tabled in Parliament. Assessments about whether to take up complaints and proceed to investigation are ordinarily made by the Executive, without input from a regulatory committee. However, IMPRESS considered that in this case it was necessary to convene a regulatory committee to decide on whether an investigation should take place.

4.3. IMPRESS undertook an assessment of all relevant material cited in the report and supplied by Dr Allington. This assessment was not an evaluation of the research methodology or findings, but rather an assessment of the Publisher's compliance with the ethical journalism standards set out in the IMPRESS Code.

4.4. The Committee first considered whether the material subject to the concerns was within its regulatory remit to consider. Para 2.6 of the IMPRESS Regulatory Scheme sets out IMPRESS's regulatory remit over published material and acts occurring before a publisher had entered into a Regulatory Scheme Agreement with IMPRESS.

2.6. Once IMPRESS is satisfied that a publisher is compliant with the above internal governance requirements, the publisher may enter into an IMPRESS Regulatory Scheme Agreement. The effective date of such Agreement marks the commencement of IMPRESS's regulatory remit and the publisher's regulatory obligations. IMPRESS's regulatory remit in relation to a publisher extends to materials first published and acts occurring after its commencement.

4.5. Of the 42 items considered, the Committee determined that 5 items were not within its remit to consider as they were either material not published by the relevant publishers or because they were first published before commencement of the publishers' regulatory obligations under the scheme.

4.6. Of the further 37 items considered, 9 published articles were additional material provided by Dr Allington, that were not included in his published research. These related to matters of accuracy; specifically, Accuracy clause 1.3 and 1.4 regarding promotion of conspiracy theories which misrepresent or distort the facts to further the publisher's world view. The Executive considered that this material, which was published over 3 years ago in relation to a specific event with developing facts, would have been more appropriately dealt with by the complaints process under the Regulatory scheme at the time and does not relate to the core concerns that are raised by the published research report; the material was therefore not further assessed. The Committee considered the remaining 28 items in remit and subject to assessment against the Code.

5. Substantive Findings

- 5.1. Defence of Jeremy Corbyn or 'Corbynism' (and in some cases criticism of Israel), criticism of the British Board of Deputies, and hypocrisy surrounding the reporting of antisemitism appear to be some of the pervading subjects traversed by both publishers in the material assessed. The Guidance on the IMPRESS Standards Code at 1.25 says of the Code... [it] safeguards a journalist's right to present partisan opinions in comment pieces. IMPRESS's members are in a fundamentally different position from broadcasters such as the BBC: publishers are free to present their own opinions on the issues of the day and they are not required to engage in 'balanced' or 'impartial' reporting. Therefore, it is not the case that robust, controversial, or offensive publication on such political matters, as a function of the partisan reporting of the Publisher, amounts to a breach of the IMPRESS Code; rather this is tolerated under the Code, as the Code enshrines the freedom of news publishers to investigate and report on significant events, policies and controversies, expose wrongdoing, challenge unfairness and satirise, and amuse and entertain, where they do so in accordance with ethical standards of journalism.
- 5.2. The Committee considered that all the material assessed was within these parameters and did not amount to discrimination against Jewish people. The Guidance on discrimination further supports that interpretation; it says: *Hate speech refers to all forms of expression that spread, incite, promote or justify hatred based on intolerance, and includes insulting, abusive or threatening words related to a person's protected characteristic.* Language that qualifies as hate speech is that which is intended to, or is likely to, provoke hatred or to put a person or group in fear. The disputed words, therefore, must be more than provocative, offensive, hurtful or objectionable: this provision is about hate speech, not speech that merely hurts feelings. It includes, but is not limited to, speech that is likely to cause others to commit acts of violence against members of the group or discriminate against them.
- 5.3. The Committee considered that the material is not sensationalist and does not use language that is likely to provoke hatred or put a person or group in fear, not does it appear to be intended to have that effect. Those that disagree with the Publisher's views on subjects such as Zionism may find these views offensive, adversarial or provocative but this in and of itself does not rise to the level of threat to, or targeting of, persons or groups on the basis of their protected characteristics as envisaged by the Code.

5.4. On the basis that the material did not sufficiently engage the Code, the Committee considered that further investigation was unjustified.