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Celebrity Big Brother, Human Rights and Popular Culture

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ABSTRACT

The British reality show Celebrity Big Brother caused great controversy in January 2007 when remarks made by a few contestants, most notably the reality TV star Jade Goody, and targeted at a fellow Indian contestant, were widely read as racist. In this paper, I analyse the race incident against the backdrop of a progressively expansive legal framework offering recognition for human dignity, equality and cultural diversity, most importantly through the Human Rights Act 1998. The Act aims to promote a comprehensive human rights 'culture' in public life, but it would be hard to ignore the extremely negative coverage of the legislation in large sections of the British press. However, the strong public reaction to the Celebrity Big Brother race incident seems to suggest that while public opinion on existing human rights legislation is divided, the core principles on which the law is founded may enjoy much greater support. Thus, politicians and media commentators were quick to read the Celebrity Big Brother furore as an encouraging sign of how inclusive British society had become. I am inclined to take a more sceptical stance, especially in light of the way in which Jade Goody's class background was relentlessly targeted in press criticism of her appearance on Celebrity Big Brother, while sympathy for her victim, the glamorous Bollywood star Shilpa Shetty, appeared to have been motivated largely by the fact that she fitted the media template of the deserving victim.

KEYWORDS

Human Rights Act 1998 - Reality Television - Race Equality - Class - Gender

INTRODUCTION

It has been eight years since the Human Rights Act 1998 (HRA hereafter) came into force. Its main goal was to incorporate the European Convention on Human Rights (ECHR hereafter) into UK domestic law so that domestic courts would be able to offer redress to claimants who suffer a breach of their Convention rights at the hands of a public authority. However, it was not just courts and legal remedies the government was concerned with when it introduced the Human Rights Bill in the 1997 Parliament. The ambition was not merely to provide lawyers with extra ammunition in court, but to implement a broad cultural change by creating a human rights culture that would permeate public life. Public bodies would make decisions mindful of their obligations under the Act. Citizens' own awareness of their human rights would also be boosted: giving them the ability to enforce their rights 'at home' was intended to empower them and make them more rights conscious (Note: I am leaving aside any discussion here of a potential indirect horizontal effect that would enable actions under the HRA between citizens. For a discussion of this topic see Morgan (2002)). Early indications are that the benefits for individual citizens have been rather modest (Clements 2005; Costigan and Thomas 2005) but what about the effect of the HRA on collective legal consciousness? While incompatibilities between 'universal' human rights and minority cultures have attracted considerable attention in academic literature (Carens 2000; Cowan, Dembour and Wilson 2001; Benhabib 2002), there has been less focus on the tensions between human rights and dominant culture. There is a sense that human rights are nowadays 'part of the received wisdom?' (Dembour 2006, p. 2) but this may be no more than a hegemonic effect of the powerful ideology that is embodied by (western) human rights discourses.

Moreover, it is clear that the HRA has not had an unequivocally favourable reception in mainstream British media. Rights are often constructed in media discourses as the province of a self-serving liberal elite ignoring the interests of a silent majority. The HRA is seen as offering unduly extensive legal protection to undeserving groups (such as prisoners and asylum-seekers) in defiance of the common sense judgment of ordinary citizens (Klug 2000a; Mooney 2002). Such constructions appear to suggest that human rights, which have historically evolved from bourgeois grievances to become 'universalised' (Douzinas 2000a) and have acquired a legal-positivistic form, no longer speak to the popular legal imagination and may have lost the ability to command broad popular

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consent. Evidently, the tabloid treatment of the HRA tends to proceed on the basis of a well-worn catalogue of common prejudices, but it could also be read as a powerful response to the legal process that, in the words of Douzinas (2000a, p. 237) has 'positivised, tamed and co-opted' human rights.

When a reality show featuring a group of celebrities (some better known than others) caused massive public outcry in the dying days of Tony Blair's premiership, it provided a striking illustration of the way in which rights may indeed have been co-opted and tamed yet also still hold out something of an emancipatory promise (Douzinas 2000a), manifesting their potential in cultural forms that are situated at some considerable distance from formal laws. The reality show in question was *Celebrity Big Brother* (*CBB* hereafter), the celebrity version of the eponymous reality format, in which Jade Goody, a celebrity who acquired fame in a previous British *Big Brother* series, was accused of racially taunting Indian Bollywood actress and fellow *CBB* contestant, Shilpa Shetty. What was striking was how quickly the *CBB* episode became political. It was seized upon by politicians to promote a vision of a racially tolerant society but it was also appropriated in a self-congratulatory way when the voting audience swiftly decided to evict the racist celebrity from the *CBB* show, as if to say that this provided conclusive evidence that Britain had indeed become a tolerant society at ease with ethnic diversity. When a subsequent inquiry by the media regulator Ofcom forced the broadcaster Channel 4 to publicly apologise over the way in which it had handled the affair (it had failed to intervene to prevent broadcasting of the abuse targeted by Goody against Shetty), the official politically correct position seemed further vindicated and endorsed. What better evidence, one may wonder, could we wish for in ascertaining that human rights thinking has indeed become embedded in the popular imagination? 3

In this essay, I want to argue that this spontaneous outburst of popular political correctness should be treated with great caution. The rhetoric of equality and racial harmony surrounding the *CBB* events came across as particularly shallow given that the incident provided the pretext for the outpouring of some unadulterated class prejudice, relentlessly targeting Goody's humble upbringing, her limited education and her (alleged) lack of intelligence. If there was a public willingness to embrace racial equality in the *CBB* context, it clearly involved turning a blind eye to other ways in which the dignity of the show's participants was being compromised through frenzied media reporting. Moreover, it is important to bear in mind that the racist episode occurred in a television show that thrives to a large extent on provoking confrontation and humiliation. However, we should not be too quick to blame the media and their audiences for this ambivalent attitude towards dignity and equality. At a more general political level, it perhaps mirrors what Douzinas (2000a, p. 221) calls 'the gap between the triumph of human rights ideology and the disaster of their practice'. The problem which continues to beset human rights as a political project is that for all its universalising ambitions, it often remains partial and haphazard in its application. Similarly, the furore caused by the *CBB* race incident offers a good illustration of the uneven reception of human rights values in popular culture. 4

THE HRA AND THE MAINSTREAM

A survey commissioned by the Disability Rights Commission a few years ago (<http://83.137.212.42/sitearchive/DRC>) made sobering reading: it found that 70% of those surveyed could not name any of their human rights. This points to the British public being ignorant of what the HRA at its most basic level entails, yet the same survey also revealed that this did not prevent 62% of those questioned from adopting the belief that the HRA was 'a good thing'. This suggests that knowledge of a law, such being able to name the Convention rights, should not be confused with the legitimacy and acceptance accorded by a lay public to the values enshrined in a fundamental piece of human rights legislation. However, there is a world of difference between asking if human rights are 'a good thing' in principle and asking whether human rights protection should be accorded to everyone regardless of status. 5

If some commentators in the British press are to be believed, human rights are exceptionally good at protecting 'undeserving' groups but notoriously inept at protecting the law-abiding citizen. The infamous KFC siege incident which was extensively reported in the British press (Coles 2006; *Daily Express* 2006; Delingpole 2006; Savill 2006; Smith 2006) in June 2005 provides a textbook example of the selective and negative reporting government ministers and academics have complained about (Falconer 2007; Klug 2007). The news that a suspected car thief was given a KFC meal during a rooftop siege by police anxious to ensure 'his wellbeing and human rights' reinforced the impression that the HRA was no more than a 'criminals' charter'. Omitting that this was part of routine police tactics to bring the siege to a peaceful end which had nothing to do with 6

human rights, such news reports gave the distinct impression that the HRA was not just overbearing but also eminently pedestrian. The human rights specialist Francesca Klug (2007, p. 714) has commented:

Once the inevitable reality dawned that the HRA, as a “higher law”, was far more potent than the “bringing rights home” narrative suggested, the tabloid press had a field day, inventing stories based on cases that never happened or had little to do with the Act itself, with no government rebuttal unit, until recently, to counter these urban myths [footnote omitted]. The tabloids have effectively created a subtitle to the Act in the public mind which reads: human rights for FTPs: foreigners, terrorists and paedophiles-law abiding citizens need not apply.

The notion that the HRA is essentially a rogue’s charter appears to be shared to some extent by the public. (Note: The following question submitted by a member of the public to Baroness Ashton, Minister for Human Rights, in a Number 10 webchat sums up these sentiments: ‘Why are law breakers given more rights than honest hard working tax paying citizens. Most people believe that when someone breaks the law, they should (sic) forgo all their rights. When is the human rights law going to look after the innocent honest people first, why is it always the criminal that has got rights’. See <http://www.number10.gov.uk/Page11712>(accessed 18 August 2008)). A recent Ministry of Justice (2008, p. 29) report suggests that while there is strong public support for a legal framework offering protection for human rights, 43% of people surveyed believed that the HRA is being taken advantage of by too many people including ‘asylum seekers and “other foreigners”’. *The Sun* newspaper claims that more than 35,000 readers taking part in a recent e-poll agreed that the ‘much-hated’ HRA should be repealed, arguing that ‘the crazy legislation has led to many dangerous criminals being freed to re-offend. Others have used the barmy laws to gain perks and pay-outs’ (Harvey and Lea 2006). A 2007 YouGov poll commissioned by the pressure group Migrationwatch suggested that 61% of those surveyed believed that the UK should withdraw from the ECHR in order to have more powers to fight terrorism (<http://www.migrationwatchuk.com/pressreleases/pressreleases.asp?dt=01-July-2007#157>). Obviously, it is clear that much more research is needed to provide a more detailed map of public attitudes to the HRA (and civil liberties more generally (Johnson and Gearty 2007)). (It is worth noting, for example, that the Equality and Human Rights Commission recently launched an inquiry that aims to produce a comprehensive map of public attitudes to the HRA. See <http://www.equalityhumanrights.com/en/projects/humanrightsinquiry/Pages/HumanrightsInquiry.aspx>(accessed 18 August 2008).)

So far as media discourse is concerned, when pondering the issue of whether rights should be universal and available to all, it is clearly not just the worst types of offenders who are considered undeserving. Protecting the human rights of the general prisoner population and asylum seekers but also travellers, transsexuals and school pupils wishing to wear the Islamic veil - to give a few examples - is already proving quite a stretch in itself for some newspaper commentators. According to Melanie Phillips (2004), the *Daily Mail*’s most prolific commentator on the subject, “human rights” mean prisoners can hitch a ride on the grotesque compensation culture merry-go-round. Thus a prisoner was granted legal aid to sue the Home Secretary in 1999 because he couldn’t get a second helping of rhubarb crumble in a jail canteen’. The enhanced protection of human rights is fused here with the familiar media trope that prisons are a soft option and constitute an environment in which inmates are cosseted rather than punished (Mason 2005). In Phillips’ view, there can be little mistake as to who are the worst culprits in causing these human rights excesses: she persistently points the finger at judges, stating that they ‘have simply grown too big for their wigs. One of the main reasons is human rights law’ (Phillips 2006). The gist of her reasoning is that the HRA has further emboldened judges to act as legislators: ‘we are living through a kind of creeping judicial coup d’état, driven by a profound contempt for the public opinion to which politicians are answerable’ (Phillips 2006). Human rights lawyers are regularly singled out by the *Daily Mail* as one of the main beneficiaries of the HRA, allowing them to ‘line their pockets’ with legal aid money obtained to fight human rights cases in the courts. (Note: This would appear to be a concern which is to some extent shared even by a paper such as *The Guardian* which is generally speaking much more sympathetic to human rights. Thus, for example, in a recent article, Clare Dyer (2008) comments on prominent human rights lawyers such as Michael Mansfield and Cherie Booth: ‘Fortunately for them and for other successful radical lawyers who have reached the top ranks of the Bar, a bleeding heart and a social conscience have been perfectly compatible with a large income through the 90s and beyond’).

However, it would appear that it is not so much the principle of human rights that is attacked in the British press but rather those groups who are seen to be taking unfair advantage of them:

undeserving claimants seeking to obtain compensation, judges aiming to extend their powers, lawyers eager to increase their already over-inflated earnings, and so on. (Note: A lack of space prevents me from exploring this point in depth, but it would appear that the HRA-averse press is more supportive of international human rights. Thus, for example, the *Daily Mail* reported recently with palpable outrage on an American holiday resort very close to Guantanamo Bay where holidaymakers can buy 'souvenirs' carrying images of the prison camp, calling it 'the sickest souvenir shop in the world' (Levin 2008). The contrast between the paper's apparent hostility to rights at home (especially in relation to the 'undeserving') and its indignation about rights abuses abroad seems to echo Klug's (2000b, p. 5) observation: 'Ask most people in this country and they would probably say that human rights are something that foreigners lack. They are about torture, disappearances, arbitrary detentions, unfair trials and so forth; outrages which are not within the personal experience of the vast majority of people in a country like the UK'). On the other hand, it is not unknown for the press to draw attention to the failings of human rights law to provide effective redress for 'deserving' victims. One striking example is the case of Joyce and Sybil Burden, the two octogenarian spinster sisters who challenged UK inheritance tax laws in the Strasbourg Court. Their claim that it was unfair that they as cohabiting sisters would have to pay inheritance tax on the property they jointly own when one of them dies (forcing the surviving sibling to sell their home) received sympathetic coverage in the press. Their plight was contrasted with that of gay couples who under the Civil Partnership Act 2004 enjoy the same exception as married couples from inheritance tax provided they have entered into a civil partnership. The Burden sisters argued that because they could neither marry nor become civil partners their right to a peaceful enjoyment of their property (article 1 of Protocol 1) and their right not to be discriminated against (article 14 of the ECHR) were being violated by the UK government. 'If the Burdens were lesbians, there would be no problem', wrote the *Daily Mail* in a portrait of the sisters which depicts them as the paragon of the deserving victim of human rights abuse (Hardman 2006).

We also learn in the same piece that the sisters 'could not have a more inappropriate name. They have never been a burden on anyone, least of all the State' (Hardman 2006). They are depicted as tenacious and exceptionally brave in taking on the UK government on this matter, writing to successive Prime Ministers from Harold Wilson to Tony Blair. Eventually, in desperation they wrote a simple letter to the European Court of Human Rights, finding out to their surprise that the court was willing to hear their case. We are told that while legal aid is readily available to criminal gangs and rich footballers, the Burden sisters had to self-fund their legal battle: 'But there is never Legal Aid for ordinary people like the Burdens' (Hardman 2006). Their status as 'ordinary people' is evidenced through the war effort of their family, the sisters' self-sufficient lifestyle, their 'devotion to family, community and home', their refusal to accept any assistance from the state, even at their advanced age, in short their impeccable English white middle-class credentials. When the sisters lost their case, Joyce Burden was quoted as saying in the *Daily Mail* (Slack, Salkeld and McDermott 2006) and *The Sunday Times* (Knight 2006): 'This government is always going out of its way to give rights to people who have done nothing to deserve them. If we were lesbians we would have all the right in the world. But we are sisters and it seems have no rights at all'. The sisters lost their appeal to the Grand Chamber on 29 April 2008 (*Burden v. the United Kingdom* [2008] STC 1305).

The essence of this particular narrative, which appears to thrive well in a conservative, right-leaning press, is that rights should be treated as something that is earned or deserved, and not as something that should be accorded indiscriminately to every human being by virtue of simply being human. Rights in this narrative are conditional and forfeitable through non-exemplary conduct (with the proviso that sexuality or nationality may also be a disqualifier). This obviously goes against the classic rights tenet that every human being has rights because it is humanity itself that warrants inalienable rights protection. It may be tempting to dismiss the acquired rights narrative as typical tabloid speak prone to unleash its prejudices on any kind of progressive legal project. While there is some indication that parts of the public believe that rights are being misappropriated by undeserving groups, there is currently not enough research available that would allow us to conclude that the population at large overwhelmingly feels that the way in which rights are currently applied in the UK represents a serious problem (although the Ministry of Justice's finding that 40 % of respondents thought the HRA has caused more problems than it has solved does not give much immediate cause for celebration either). In other words, we should be careful not to mistake media discourse with popular belief.

However, questions about the universality of rights are not the province of populist media discourse alone. In legal-academic circles too there is great doubt as to whether rights are universal or even ought to be universal. Thus, Dembour (2006, p. 3) argues that 'the proposition

that human rights exist *irrespective* of social recognition (affecting *all* human beings in *all* human societies across time and space) does not make sense'. Reflecting on 'man' as the subject of the French *Déclaration* of 1789, Douzinas (2000b, p. 99) concludes, just as other critics have done, that this abstract entity has always been shorthand for something far more narrow and much more exclusionary than humanity in its entirety. This is not to suggest that such critiques are on the same wavelength as populist media discourse intent on highlighting what it perceives to be an excess of human rights in the legal system. However, it does reveal that media scepticism is echoed by philosophical doubts about the universal grounding of human rights. We should therefore not too readily accept that human rights have an unquestionable common sense appeal and that there is a popular consensus on the minimum standard of rights protection to be accorded to all people.

HUMAN RIGHTS, ETHICS AND REALITY TELEVISION

In its recent report, the Ministry of Justice (2008) points to a potentially significant distinction 13 between basic human rights values, on the one hand, and the specific discourse and legal framework of human rights, on the other. While respondents in the survey ranked dignity and respect very highly in the way in which they themselves wished to be treated by public service providers such as the National Healthcare Service, they did not necessarily make the link with human rights. People, in other words, may support underlying human rights principles without associating these with specific legislation or human rights vocabularies. That may help to explain why a dislike of the HRA does not automatically mean a rejection of key principles which the legislation aims to enshrine. This suggests that implicitly there may be much greater public acceptance of human rights ethics than some media discourses and opinion polls specifically targeting the HRA suggest. However, an alternative, more pessimistic reading is that while people may object to giving human rights protection to groups whom they regard as undeserving, they are selfishly prepared to claim such protection for their own benefit.

It is also important to emphasise that the 'culturing' of human rights values predates the HRA. 14 Take the idea of race equality: since the mid-1960s it has been part of British immigration policy to improve the material conditions of immigrants who were already in Britain, granting social and economic rights through race equality laws (McLaren and Johnson 2004). *British Social Attitudes* surveys show that the level of self-reported racial prejudice has steadily declined (Rothon and Heath 2003) and it is relatively low today, although it has recently been found to be on the increase again, a trend that could be attributed, for example, to strong anti-immigration sentiments and the 'war on terror' politics (Creegan and Robinson 2008). It also needs to be emphasised that support for international human rights law and traditional civil liberties remains very high, albeit that British people have recently started to show a greater willingness to accept restrictions on their civil liberties (Johnson and Gearty 2007). Nevertheless, we may speculate (as the Ministry of Justice report appears to do) that the public would warm more to the HRA if people were made more aware of its link with essential values of dignity, equality and respect that are already strongly embedded in the sphere of law and public policy. (Note: Obviously we have to allow for the fact that lay perceptions of dignity and related values may differ quite significantly from the way in which these values are defined and operate at a legal level. Feldman (1999; 2000) points out that dignity is an extremely complex concept that is open to different legal interpretations. The problem is compounded by the fact that there is no direct right to dignity but rather rights that directly or indirectly uphold human dignity. For empirical data on how lay individuals interpret 'dignity' and 'respect' in the context of medical and social care see, for example, Ministry of Justice (2008, p. 32)).

If, as my cursory overview above has established, there is media hostility to the HRA, could it be 15 said that the media are much more enthusiastic about embracing general human rights values? I do not want to overstate the significance of what may have been a mere coincidence, but it is potentially relevant to note that the first UK series of *Big Brother*, perhaps the most iconic of all reality shows, was screened in the summer of 2000, just a few months before the HRA came into force. At the same time that legislation was becoming operational to enhance the protection of basic human rights values, we witnessed the launch of a TV show which more than occasionally would be noted for compromising of contestants' dignity and privacy. Indeed, regardless of the question of whether reality television may create situations that could give rise to justiciable claims under the HRA, it is worth asking how compatible some reality shows are with the promotion of a general human rights culture, especially considering that some broadcasters are considered to be 'public authorities' in the sense of section 6 (1) of the HRA (Leigh (1999); *R (on the application of*

Prolife Alliance) v BBC [2004] 1 AC 185).

In itself it is not remarkable for TV to be provocative: after all, many television programmes (both 16
factual and fictional) feature and even appear to condone unethical behaviour but that does not
mean that audiences endorse the breaking of any moral or legal code. However, reality television is
arguably different: one of *Big Brother's* main assets is, as Couldry (2002, p. 86) puts it, its
'liveness' or the provision of 'shared but privileged access to the event as it unfolds'. Stronger
even, viewers have -or at least they are led to believe that they have (Holmes 2004)- an active
input into how unscripted events unfold because they have the power to evict contestants whom
they dislike by voting them off the show. This means that the voting public is made to bear some
moral responsibility for how contestants behave. Moreover, it would be difficult to downplay
humiliation as merely incidental to reality TV formats. Stanley (quoted in Medible 2004, p. 335)
argues that 'humiliation is the unifying principle behind a successful reality show'. This may be too
stark a generalisation, but it would be fair to say that many reality formats provide an environment
in which the dignity of participants is easily compromised. *Big Brother* certainly falls into this
category and there is some concern that its standards in the UK have slipped over the course of
successive series, becoming more exploitative and more confrontational over time (Biressi and
Nunn 2004). Whether the reality game involves pressurising contestants into eating insects (e.g.
I'm a Celebrity, Get Me Out of Here), enticing them to have free cosmetic surgery (e.g. *Ten Years
Younger*), plying them with alcohol to encourage transgressive behaviour (e.g. *Big Brother*),
questioning their personal hygiene (e.g. *How Clean is Your House?*) or deliberately misleading them
to maximise a show's entertainment value (*Big Brother* again!), there is considerable scope for
embarrassment and humiliation in reality genres. Sokol and Wilson (2007) question whether
participants can give their full and considered consent in circumstances which, were they proposed
as part of a scientific research project, ethical committees would almost definitely reject. Mendible
(2004, p. 337) suggests that the routine display of humiliation on reality TV may carry wider social
significance:

A closer analysis of the concept of humiliation is crucial ... in understanding humiliation as a central
mechanism within modern social hierarchies. We might reap surprising insights about those post-
human rights societies where the universal dignity of man - and woman - is given the most lip
service.

Such comments hint at there being a fundamental tension in a society which weds an avowed 17
human rights character with a thriving reality television repertoire. However, it must also be
acknowledged that reality TV throws up some very complex ethical, and potentially legal, issues
which we should not over-simplify. Feldman's (1999, p. 701) insightful discussion of a French
Conseil d'État case involving a ban on dwarf-throwing competitions provides an interesting
analogy: is it right for the state to prevent someone (in this case a dwarf), in the name of human
dignity, from partaking in a spectacle which is only possible because of a particular physical trait of
that individual? Does such a restriction, as Feldman asks, privilege the dignity of a group (people
with a physical limitation) and that of the human species at large over the dignity of a particular
individual to choose freely how to live his or her life? Similarly, some reality shows ostensibly
exploit the perceived shortcomings of contestants (such as their weight problems, their premature
ageing, their distorted body image, their inarticulateness - as in Jade Goody's case - and even
mental health problems) for the purpose of spectacle and entertainment, creating ethical dilemmas
that are not unlike those of the dwarf-throwing competitions case.

Ethical questions are constantly present in the public debate about reality TV. As Hill (2004, p. 18
183) points out:

Although some people might argue that ethics is absent from reality programming, in fact ethics is
at the heart of reality programming. Ethics informs understanding of the treatment of ordinary
people by programme makers, and the content of stories about people's private experiences and
dilemmas. Rights to privacy, rights to fair treatment, good and bad moral conduct, and taste and
decency are just some of the ethical issues that arise.

Couldry (2008, p. 9) argues that:

We should not be afraid to ask whether reality television as a media form -with its generic claim to
represent a slice of everyday unedited "reality" - itself raises ethical questions. Suppose it becomes
true that we increasingly see religious discourse and inter-religious differences caught up in the
interpretative vortices encouraged by reality television. Would this represent an important opening

up and broadening out of debate on religion's role in societies such as Britain?

Viewed from this perspective, reality TV would appear to provide an ideal testing ground for a more rights-conscious public opinion, if only because of the way in which it provokes debate on topics that because of their ordinariness or everydayness are very recognisable to audiences. Rights acquire a very tangible quality when they are played out in the mundane universe of reality TV. By sparking debate about the ethical treatment of participants, often framed in terms of dignity, equality and respect, reality television raises human rights questions without necessarily using an explicitly worded rights vocabulary or jargon. The moral indignation felt by many viewers (and possibly also the somewhat guilty pleasure of deliberately seeking to have one's sense of indignation provoked by watching reality TV) may, in other words, be a way of heightening awareness about ethical issues that are quite similar to those underpinning human rights. 20

There have been several examples of programme makers using reality TV formats deliberately to outrage public opinion and stir up controversy. For example, in 2007 Endemol, the Dutch production company behind the *Big Brother* franchise, created the *De Grote Donorshow* ('The Big Donor Show') in which three renal patients in need of a kidney transplant competed for the kidneys of a terminally ill woman. The show attracted international condemnation and polarised Dutch public opinion: 'For or against: a middle way appeared temporarily unavailable on our moral TomTom' wrote the Dutch paper *De Volkskrant* (2007), while *The Guardian* asked: 'How low can Dutch television go?' (Reaside 2007). Watching the desperately ill compete on a reality show to stay alive was deemed undignified beyond all ethical boundaries. It was only at the last moment when the donor was about to announce her chosen recipient that programme makers revealed that it was in fact a hoax to highlight the shortage of kidney donors in the Netherlands. Some patient groups welcomed the show as a legitimate way of highlighting the issue, while other commentators remained unconvinced. To the charge that the show was distasteful, its broadcaster simply retorted that the long waiting lists for kidney transplants were even more reprehensible (van Bemmelen 2007). 21

Apart from shocking our moral compass into action (sometimes with apparently noble intentions), the makers of reality television lay claim to another potentially redeeming quality, namely the democratisation of fame. Biressi and Nunn (2004) argue that the rise of reality TV in the 1990s was part of the same 'cultural moment' as New Labour's eagerness to rub shoulders with artists, performers and sports figures, some overcoming considerable social disadvantage in their quest for success. This new form of meritocracy was arguably taken one step further by reality formats enabling 'ordinary' people to become celebrities. To say (usually disapprovingly) that thanks to reality TV such celebrity status can now be earned without displaying any discernible talent other than appearing likable to a television audience has become something of a cliché (Holmes 2004). Jade Goody is for many the epitome of this new culture of celebrity: here was someone of a socially disadvantaged background (a drug addict mother and absent father) rising to a level of fame that was to last far longer than Warhol's proverbial fifteen minutes. Her success appeared to suggest that in New Labour's Britain anyone who was disadvantaged could now become successful even without talent or hard work. The traditional 'success myth' (Holmes 2004, p. 119) has been hollowed out: to become a reality TV celebrity apparently requires no more than just being lucky in getting selected by programme makers who privilege ordinariness above any talent. Celebrity has become 'a new form of freedom' (Turner 2004, p. 79). It is not the right to privacy but the right to publicity that is the engine driving this new liberty. 22

There are good reasons to be sceptical of any interpretation that eulogises the democratising potential of reality television: the number of housemates emerging from the *Big Brother* house or other similar shows to enjoy long-lasting fame and success is rather limited. Only a few are able to turn their fame into a durable asset that brings sufficient financial reward for them to overcome their deprived backgrounds indefinitely. Because their fame is a highly perishable commodity, the celebrities manufactured by the reality TV industry usually seem to derive the least material benefit from their short time in the public limelight. Turner (2004, p. 83) explains: 23

What motivates the media's mining of the ordinary seems to be its capacity to generate the performance of endless and unmotivated diversity for its own sake It is important to remember that celebrity remains an hierarchical and exclusive phenomenon, no matter how much it proliferates. It is in the interests of those who operate this hierarchy in the contemporary context, however, to disavow its exclusivity; maybe what we are watching in the demotic turn is the celebrity industries' improved capacity to do this convincingly through the media.

It has become an almost trivial observation to say that politics in the era of spin is a mere variation 24
on celebrity culture in which personality matters more than vision or ideology (see Turner 2004, p.
130). What usually attracts less attention is that in this overlap of politics and entertainment,
celebrities have become public figures whose conduct is subject to a level of media scrutiny that
was previously reserved for public office holders. This may be a predictable by-product of
infotainment politics, but it also raises ethical issues of its own, namely whether it is right to submit
the hapless contestant emerging from a reality TV show (in the case of *Big Brother* having been
shielded from the outside world during his or her time on the show) to face a barrage of media
criticism which even the most spin-savvy politicians would struggle to cope with. When Jade Goody
was caught in the eye of the *CBB* racism storm, her struggle to maintain herself as a celebrity was
in many ways comparable (and treated as being of equal significance by various media) to that of a
disgraced politician fighting for her or his political survival. Her celebrity status was a sufficient
reason to impose the burden of accountability of a role model who is expected to speak a politically
fashionable language of inclusivity and multiculturalism. The same inarticulateness and coarseness
for which she was previously feted by media commentators were now the cause of her very public
fall from grace.

RACE AND RIGHTS IN *CBB*

The scale of the race incident triggered by the 2007 series of *CBB* can only be properly understood 25
when viewed against the backdrop of reality television's intertextual dynamics. The *Big Brother* text
generally involves more than just an isolated television show; the programme is the centre piece of
a self-sustaining cycle of media publicity in which it acts as the focal point of news media, celebrity
magazines, Internet websites, other television programmes, etc, all seeking to promote their own
interpretation of events in the *Big Brother* house. Holmes (2004, p. 122) terms this the 'multiplying
[of] the semiotic base of the programme', while Couldry (2008, p. 9) refers to the endless cycle of
media commentary as 'the interpretative vortex provoked by the programme'. The end result is a
multi-layered text in which edited footage from the show - the original text, as Couldry suggests -
is appropriated and 'raided' (Holmes 2004, p. 125) by a multiplicity of other media competing to
offer the definitive version of what 'really' went on inside the *Big Brother* house. As Holmes (2004,
p. 131) points out, continuous speculation that what viewers saw in the programme is not what
actually happened or did not reveal contestants' true personality has the effect of undermining
reality television's claim that it displays reality in its purest and most unmediated form. It also
heightens media interest in the show and often brings financial benefit for contestants selling their
story upon exiting the *Big Brother* house to give their 'exclusive' version of what 'really' occurred
to various media.

The net effect of all this is that even people who did not watch the original footage of the race 26
incident on *CBB* were still able to express an opinion on the basis of the many regurgitations and
deconstructions found in countless other media accounts. When excerpts from the programme
were subsequently posted on videosharing websites such as Youtube, a global audience was given
access to the show that was scandalising British public opinion. Thus, a reality programme
broadcast exclusively in the UK managed to trigger mass street protests in India and caused a
diplomatic incident coinciding with the official visit of Gordon Brown, then still Prime Minister in
waiting, to India (Gibson, Dodd and Ramesh 2007). In Britain meanwhile, the regulator Ofcom
started an investigation on receiving a record number of complaints from the public, Hertfordshire
Police initiated their own investigations into allegations of racism on *CBB*, MPs tabled an early-day
motion in Parliament (Gibson 2007) and senior politicians from the Prime Minister down made
statements ('OK, so I didn't watch the programme, but we are all entitled to an opinion' (Asthana
2007) was the reported comment of the then Environment Secretary David Milliband). This
predictably attracted additional media reporting and commentary, further augmenting and feeding
the interpretative vortex unleashed by the programme. The result was that the number of
complaints to Ofcom rose to an ever greater record, Jade was forced to go into hiding when she
was evicted from the *CBB* house, commercial sponsorship of the show was cancelled, and so on, all
of which generated further column inches.

There is no denying that Shilpa Shetty, the victim of the abuse on *CBB*, was on the receiving end of 27
bullying tactics. The name-calling by Jade and her gang of two other female celebrity contestants
was highly unedifying: they famously called Shetty 'Shilpa Poppadom' and 'Shilpa Fuckawallah'.
Criticising Shilpa's food hygiene standards and command of English amounted to cheap and nasty
jibes. But how is this different from the humiliation that is routinely meted out on reality TV? If the
criticism about food hygiene had been addressed by one (white) woman to another (white) woman,
it would have been considered a pretty regular display of reality TV's confrontational politics (Gies
2007). If the English jibe had not been targeted at an Indian contestant, no particular significance

would have been attached to it. That it is acceptable to humiliate a woman for her gender but not for her race became clear when at some point in the *CBB* saga Channel 4 was forced to deny that Jade's boyfriend Jack Tweed (who was also appearing on the show) had called Shilpa a 'Paki', saying that he had used the C-word instead, as if that was far less offensive (Lawson 2007). By hiring Jade 'the £2m-a-year celebrity sewer-mouth' (Muir 2007) to appear on the show its executives knew what kind of performance to expect. It is hard to fathom that the viewing public and media commentators alike would not have known of Jade's reputation for crudeness as this constituted the very essence of her original claim to fame.

If that of itself did not amount to complicity, the same media commentaries admonishing Jade and co. for their treatment of Shetty retaliated by bullying the bullies. Jeffries (2007) writing in *The Guardian* (not exactly the usual tabloid suspect) described Jade's appearance in the *CBB* diary room where she was being called to account by programme makers in the following way:

Jade defended herself by taking her foot and placing it in her degraded gob. "It's not in me to be racial about anybody," she explained. "If it's offended Indians out there, I apologise" ... the word you want, Jade, is not racial but racist: do spend some of that estimated £8m you have earned on a remedial education rather than boob jobs and liposuction.

When pillorying Jade for her treatment of Shilpa, including her disparaging comments about Shilpa's English, media commentators resorted to making equally cruel statements about Jade's own language abilities. The same opinion makers who were outraged that Jade and co. had called Shilpa 'a dog', sought inspiration in similarly unflattering canine epithets in describing their conduct: 'Jade loved every minute of it, with her gang attacking the gentle and gracious Shilpa like a pack of bitches on heat' (*Daily Mail* 2007).

When Jade was evicted by the voting public, this was held up by senior political figures as a victory for tolerant and multicultural Britain. In an interview with *The Guardian*, Trevor Phillips, chair of the recently established Commission for Equality and Human Rights, gave his response to Jade's eviction: 'I'm thrilled. It says that whatever else the people of this country are, they don't want to live in a place where someone can be bullied or harassed just for being different' (Arnot 2007). However, one could ask: what was so inclusive about a public and media response that attacked Jade's social background so ferociously in retaliation for her own reaction to another person's difference? Is this eye-for-an-eye morality in which, as Hari (2007) suggests, one prejudice is fought by mobilising another one, really the best we can hope for by way of human rights culture? It is worth observing that even in this rare moment of a supposedly surging collective awareness of equality and rights, at least one commentator managed to find a way of blaming rights for Jade Goody's behaviour: 'Jade has rights now, whether or not she can spell them, and will shake the planet to its foundations before she forgoes a single one' (Jacobson 2007).

It seems decidedly premature to posit an eviction result on a reality programme as conclusive proof that racism has been defeated. The tokenistic character of Jade's eviction from the *CBB* house may even have done more harm than good in the struggle against racism. Riddell (2007) commented in *The Observer* that 'it soothes people into believing that no right-thinking Briton will tolerate a whiff of racism'. The constant foregrounding of Jade's socially disadvantaged background in media coverage of *CBB* appeared to suggest that racism could be dismissed as an under-class problem. The following commentary in *The Guardian* neatly sums it up:

The fact that Jade is hardly blessed with great intellectual gifts, that her conversation is littered with profanities, that her behaviour rarely rises above the crude, lacking any kind of subtlety, and that her status as former winner of Big Brother is her only claim to be where she is, makes it easy for the middle class to dismiss her racism as that of a crude, ill-educated, white working-class woman, and that the middle classes would, it goes without saying, never behave in that way. Of course, they would, and do: but they practise it in a genteel middle-class kind of way (Jacques 2007).

What was on display in the media maelstrom triggered by the *CBB* race incident was probably no more than an outbreak of 'self-congratulatory political correctness among upper-and middle-class white Britons' (Gopal 2007). By blaming Jade, commentators adopted a familiar discursive strategy, namely the association of racial violence with 'social out-groups' to conceal or detract from 'elite racism' (van Dijk 1993, p. 250).

Significantly, the Jade-Shilpa affair was not just about race and class but also involved the

interweaving of gender and nationality. Central here was the imposition of a 'burden of representation' (Yuval-Davis 1997, p. 45); the expectation that women represent the 'proper' identity, values and traditions of their community and nation. Shilpa's insistence throughout the show that she saw herself as an ambassador for her country struck a chord with media commentaries constructing her as the perfect emblem of modern India, beautiful, foreign and exotic in a nonthreatening way. She was, as Hedge (2007, p. 454) points out, the perfect victim:

In the context of the security state and the policing of immigrants, Shilpa is the nonthreatening postcolonial subject who has just arrived at the global threshold. She is not the migrant, the local Other who can disrupt the national fabric or intends to be part of it. She sets off the debate but is the princess who will forgive and forget and move back to India and continue to eat with her fingers (although Jade found it repulsive) and most likely on silver plates!

As for Jade, she clearly was seen as an aberration disrupting the national narrative of a multicultural and tolerant Britain, causing political embarrassment both at home and abroad. Contrasted with Shilpa's elegance, poise and gentleness, in short everything a woman should aspire to be, Jade was the national disgrace to be exorcised from modern, rights-conscious and inclusive Britishness. With her 'sink estate' upbringing, she was the 'white trash' emblem reminiscent of Bauman's (2004) 'human waste' that needed to be disposed of in the interest of maintaining a 'healthy' society. Jeffries (2007) described the *CBB* house as 'divided between ugly, thick white Britain and one imperturbably dignified Indian woman'. It was Jade, of course, whom he meant by the former. Jibes about Jade's physical appearance have always been part of the media's love-hate relationship with her: even during her time on the *Big Brother* series which made her famous, unflattering comments about her body proved irresistible to the tabloid press (Holmes 2004). But she had disarmed her critics in the years since her first *Big Brother* appearance; her perceived lack of intelligence and big-mouthed personality had made her a national treasure with her own perfume and fitness video who was seen as largely harmless in a distinctly underclass and womanly way. As Hari (2007) points out:

Ever since she first walked into the Big Brother house four years ago, there was national glee at her supposed stupidity that has a hungry, vicious quality. We wanted a Jade. We wanted to be told that the "underclass" were uneducated imbeciles who think there is a foreign country called East Anglar.

Jade's performance in *CBB*, however, turned her into a public enemy. The underclass dimwit was no longer her sweet 'pig ignorant' (Jacobson 2007) self but was suddenly revealed to have enough brain cells to utter racist thoughts. Jade was outed as 'the foreigner within the national self' (Bose 2007, p. 461), her perfume hastily withdrawn out of fear that this politically un-correct scent would pollute retailers' corporate image and make them racist by association. A previously coveted commodity was literally turned into waste that consumers no longer wanted now that they had rediscovered Jade's all too obvious waste-matter identity. As Bauman (2006, p. 25) suggests, with nominations for eviction being one of the key features of *Big Brother*, 'reality TV is all about "who send whom to the refuse tip"'. In other words, contestants are set up to force each other out or be forced out themselves. They are both waste and wasters.

CONCLUSION

The HRA has endured some very negative press coverage. The legislation is both despised and ridiculed in sections of the media as the symbol of the bleeding-heart liberalism permeating the political and judicial establishment. Undeserving claimants are seen as exploiting human rights for the most futile of causes while 'decent' white, middle-class, heterosexual victims such as the elderly Burden sisters are denied justice under the HRA. However, while the legislation may suffer from a negative public image, there is some evidence of a collective rights consciousness as people have been found to value human rights principles without associating these with the much-maligned legal framework that is the HRA. Merry (2006) argues that to be accepted rights have to be put in the 'vernacular': abstract and universal legal human rights need to capture the imagination of the local culture into which they are being inserted. Thus, she says that rights 'need to be framed in images, symbols, narratives, and religious or secular language that resonate with the local community' (Merry 2006, p. 220). While she predominantly applies this to consciousness-raising among disadvantaged communities and minorities, such processes of vernacularisation of rights would appear equally relevant in dominantly positioned cultures.

When the newly-elected Labour government in 1997 wanted to make the case for incorporation, it

promoted its message through one central metaphor: that of bringing rights home. It was not just the evocative imagery of the home that was striking (with all its gendered connotations of nurturing and belonging), but the suggested action of *bringing* rights home. The power of this story in basic semiotic terms - most importantly associated with the work of Propp (1968) and Greimas (1971) - and is that of a simple folk tale involving a hero who goes on a quest having received the mission to redress an imbalance, gap or serious injustice. The 'bringing rights home' narrative cast a charismatic new Prime Minister, Tony Blair, and his ministers in the role of the hero who upon receiving his mission (affirmed by a landslide majority in the 1997 general elections) set out on a demanding journey, going to Parliament to secure groundbreaking new legislation, in order to offer a most precious gift to the British public: access to convention rights in the domestic courts. The hero was sent on his quest so that British citizens, aggrieved by a breach of their Convention rights, would no longer be forced to embark on the long and arduous journey that leads to the Strasbourg court. The 'bringing rights home' narrative to promote the incorporation of the ECHR into UK domestic law suggested that the government realised that it had to coin a suitably convincing image with which to convey the need for legislation. Ten years on, the same government is still acutely aware that it has to capture the public and find the right imagery to safeguard the HRA, despite ministers themselves having some serious and well-publicised misgivings about the judiciary's application of the legislation, especially in the context of anti-terrorism measures. One such momentous example of ministerial outrage involved *A v Secretary of State for the Home Department* [2004] UKHL 56 in which the House of Lords declared that s. 23 of the Anti-Terrorism, Crime and Security Act 2001 was incompatible with the HRA.

Opportunities for such image building may present themselves in unexpected ways. The *CBB* saga was an unpredictable vernacular moment which united media and public in taking a stand on racial equality. A galvanised public opinion, expressing its dismay through a record number of complaints to Ofcom, appeared to be sending an unequivocal signal that racism had no place in inclusive, multicultural Britain. Senior political figures expressed delight at how enlightened public opinion was. But a closer look at the *CBB* race incident reveals a less cosy picture. Shilpa Shetty could not be more different from the usual suspect - the asylum-seeker, the prisoner, the despised cultural minority - berated by sections of the media for exploiting the 'system' with outlandish rights claims. She was the perfect victim, a sanitised Other who was not claiming any entitlement to rights protection and even resisted accusing her tormentors of racism (see Thomas in this issue). She was seen as playing neither the race nor rights card, attracting praise for her refusal to be victimised. She was a cause worth fighting for. 38

Jade Goody, on the other hand, represented a menacing kind of otherness, a symbol of the social waste of which multicultural Britain wished to cleanse itself. In the frenzied climate in which media commentators were outbidding each other to express indignation at Jade's racist remarks, they forgot that she too was a rights-bearing subject. To be put in fear of one's own safety easily passes as an infringement of basic rights, and this even to the most HRA-loathing of media. Yet, when Jade was forced into hiding at the height of the *CBB* storm, opinion-makers in the media and politics showed little inclination to express concern at her loss of liberty. If a human rights culture is struggling to take hold, it is not because its core principles lack legitimacy and acceptance but because of significant difficulties in imagining the socially and politically most unattractive groups as bearers of rights. As the *CBB* saga shows, it is not just the most abject, the serial killer, the child molester, the terrorist - the 'wasted lives', in Bauman's terminology - who pose a challenge in this respect. If even a previously popular reality television star is liable to fall into this category, it testifies of just how narrowly the deserving victim of human rights abuse is being constructed. 39

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