

Contents

[Abstract](#)
[Introduction](#)
[The 'race row' in the CBB House](#)
[Brief Narrative of Events](#)
[The Regulatory Response to the 'race row'](#)
[Assessing the Commonsense](#)
[Racism Lite](#)
[The Choice of Disavowing Racism](#)
[Racism Outside the CBB House: Race Legislation and Immigration Policy](#)
[Essentialism](#)
[Race Legislation and Immigration Policy](#)
[The 'race row' and Media Power](#)
[Conclusions](#)
[References](#)
[Links to External Sources](#)

ISSN 1748-944X

Race and the refusal to name racism: consumption, identity and choice in the *Celebrity Big Brother House*

Dania Thomas¹
Lecturer, School of Law, Keele University

ABSTRACT

The centrality of consumption in the resolution of the 'race row' in the *Celebrity Big Brother* (CBB) House 2007 characterizes 'the consumption politics of race' engendered in response to 'racism lite' (adopting Mary Riddell's term) - forms of racial harm articulated in normative frames specific to the entertainment industry. The regulatory response to racism lite was premised on a radical and post-modern framing of race and racial harm. When compared with the responses to racism outside

the CBB House, this framing reveals a cautionary tale. The recognition of racism lite is confined to a market defined framework that attributes responsibility with a view to furthering economic agendas of dominant market actors. The danger is that this dominance can (as was the case with the 'race row' in the CBB House) henceforth define the terms on which racism is debated in contemporary society.

KEYWORDS

Race Law – Power- Media – Regulation - Racism

INTRODUCTION

In some respects, the *Celebrity Big Brother* (CBB) 'race row' in 2007 exemplified what 1
Graeme Turner specifies as 'conditions of celebrity' Turner (2004). 'The contemporary
celebrity' according to Turner '... highly visible through the media; and their private lives will
attract greater public interest than their professional lives... celebrity is ... regarded as the
epitome of the *inauthenticity or constructedness of mass-mediated popular culture* (emphasis
mine) (Turner, 2004, p.4). Thus consumption is unequivocally a central factor in the
production of celebrity and CBB like any other reality show was in a format that successfully
made celebrities mass -consumed products. Was the 'race row' then similarly inauthentic and
constructed (and thus insignificant)?

Or did the 'race row' reflect something significant about contemporary media regulation and 2
forms of racial harm? In a possible response, Turner peels off the layer of celebrity- appeal to
specify another level of significance for 'the media organisations involved- the producers and
the network, the celebrity they manufacture for the contestants/subjects is not their primary
objective: *their goal is to develop a viable programming initiative to sell to advertisers...*'
(emphasis mine)(Turner, 2004, p. 54) Thus production with the sole aim of continuously
engendering (and satiating) consumption of a target audience is instrumental: it increases
profits, wealth and status of the market actors (the broadcaster, the programmers, celebrities
and sponsors) associated with the show. In addition to being inauthentic and constructed is
the significance of the 'race row' defined by its instrumentality?

In his piece for the *Financial Times* at the time, Gautam Malkani (Malkani, 2007), reveals a 3
regulatory feature of the 'race row' not captured by its inauthenticity, constructedness or
instrumentality. Malkani notes that broadcasting codes in the UK 'stipulate that the airing of
offensive material must be justified by "context"...' (id.) Thus he argues 'that regulators and
the viewing public ...face a key question: does the context justify the discomfort? For viewers
who tune into *Big Brother* for light entertainment, the -evident answer is no '(id.). But he
goes on to stress that CBB was 'reality television living up to its true potential: representing
realities that might otherwise go unnoticed.' (id.) Malkani stresses consumer discomfort as a
key regulatory concern not racial harm. This stress on consumer discomfort is premised on

the delineation between two possible regulatory frameworks: one that responds to consumer discomfort and the other that responds to racial harm. This paper examines why the 'race row' was confined to the former and excluded from the latter? Was this a reflection of the power of the media to confine the debate to consumer discomfort instead of racial harm? How does this inform the failure of the law to address the persistent reality of racism outside the CBB House?

The starting point for any discussion on the 'race row;' was the fact that it was premised on a disavowal of racism by the alleged victim (the celebrity Shilpa Shetty). Thus in addition to the issue of the media framing of the issue as consumer discomfort not racism, the 'race row' leads to questions about regulatory responses to the disavowal of racism by the victim. Was the victim 'harmed' by racism or was she subjected to plain garden variety 'offensive or bullying behaviour'- behaviour that discomfited a target viewing audience? The alleged victim reportedly (repeatedly) denied that that the harm caused to her was racism, is this disavowal sufficient to make CBB a case of bullying not racism? Especially since this was the view taken by the broadcaster (Channel 4), the producers of the programme, and the sponsors to justify their refusal to withdraw the programme and instrumentally increase viewing figures (and advertising revenue). However, even if we assume that decisions were made with an eye to increase viewing figures or that the victim herself used the incident to increase her wealth and status or that the format itself was 'inauthentic and constructed' anyway and of no consequence, we are still left with more questions than answers as follows.

Should the law (race legislation, for instance) be invoked when (as was the case with the alleged victim) individual victims disavow racism with a view to increase status, wealth? In the absence of the possibility of making the broadcaster responsible to compensate the victim for racism, can we dismiss this particular instance of disavowal as insignificant? Or is it the case that the 'race row' successfully tested the existing regulatory framework and we need to congratulate ourselves on its efficacy? Should this success be seen as a regulatory template that supplements or maybe even obviates the need for recourse to formal legal remedies under race legislation? Especially since it successfully (efficiently) apportions a 'market-defined' responsibility through a system of economic rewards for the choices a victim makes and similarly sanctions 'offensive and bullying' behaviour. In marked contrast to a legal framework that inter alia requires the victim (recognised as essentially Black, Asian or Eastern European) to name the harm caused to her as racism when compared with a standard, hegemonic, notion of 'white-Englishness'.

Does sensitivity to consumer choice, consumer discomfort, mass voting of an informed audience obviate the need for attribution of responsibility within a legal framework? Ofcom the media regulator for instance, received the highest number of complaints recorded for any television episode ever (45,000). The regulatory response to the 'race row' made it clear that the broadcaster, the producers and the regulator were not only compensating the victim for the incident through a series of economic (and social) rewards. They were also punishing the perpetrators by denying them economic rewards. Most importantly, in both cases they were responding to audience concerns. Thereby 'empowering' their target audience with the following choices - punish the perpetrators by choosing to watch the show and vote them out or vote to reward the victim.

Was the disavowal of racism by the alleged victim as confirmed by the broadcaster, the programmers and the regulator pivotal as on account of it the framework of legal responsibility made way for a distinct market defined framework of responsibility? Were the large number of complaints received by Ofcom a sufficiently 'democratic' metric by which issues of this kind should be decided? Is it sufficient, (as the regulator ruled) that the consumer is kept adequately informed of the incident, and the rest effectively taken care of by the market (the broadcaster, the programmers and the sponsors)? Should consumers be made responsible for the consequences of their consumption decisions, without interference from the state?

But the flip side of affirmative answers to any of these questions is whether with celebrity, the danger that the articulation of racial harm as a factor in the production of celebrity makes racism itself 'inauthentic and constructed'? Will all racial harm in the media now be named as the neutral 'offensive and bullying behaviour' and dealt with in a market defined framework that valorises choice and the comfort of a target audience? Is there a danger that the dominance of consumer choice as a standard by which to assess racial harm makes racism in

contemporary Britain mere fluff, a harm defined (if at all) by media spectacle produced for consumption?

In the same vein, if viewed in its own terms why is the disavowal of racism pivotal? Does the disavowal reflect a discomfort with the persistent reality of racism outside the CBB House and the failure of the law to deal with it? Is the disavowal of racism actually sanitizing programming decisions to increase viewing figures? Does this in turn maintain the hegemony of certain values 'essentially tolerant and fair society', 'white-Englishness'? Or does the regulatory response to the 'race row' that accommodates media generated constructions of identity actually engendering a hegemonic commonsense about race, racism and identity? Do victims of racism in the streets need to negotiate this commonsense? 9

Historically, race legislation and immigration policy have been defined by their contradictory regulatory responses to race, the former tolerant and fair and the latter racist and openly discriminatory. (Anwar et als, 2000). In contrast to the choices that the alleged victim in the CBB House had, the victims of racism outside the CBB House must name racism and must negotiate the contradictory impulses of the two regulatory paradigms as essentially 'non-white-non-English' (Black, Asian or Eastern European). This independent of the consumption choices they make. Does consumption as the central organising principle of the market-defined framework of responsibility obviate the need for such negotiation? Or does the acceptance of the victims disavowal of racism reflect the suspension of otherwise hegemonic media constructions of 'white- Englishness' that victims of racism in the street have no choice but to negotiate? Thus depending on your wealth and impact on advertising revenue, the 'race row' indicates that the media will decide which choices to valorise and which to punish. 10

The following section narrates the events as they unfolded in the CBB House which indicates the nature of responsibility in a market defined framework. Section three discusses the regulatory response to the 'race row' that entrenches the market defined framework as commonsense. Section four reassesses the commonsense the 'race row' engendered. Section five specifies the nature of responsibility in a legal liability framework, namely race legislation and immigration policy. Section six uses the framing of the 'race row' as an issue of responsibility in a market defined framework to specify the nature of media power. This is followed by a summary and conclusions. 11

THE 'RACE ROW' IN THE CBB HOUSE

Brief narrative of events

Celebrity Big Brother is a reality television show broadcast on Channel 4 and produced by a Dutch company Endemol. At the time, the show was sponsored by The Carphone Warehouse, (who withdrew their sponsorship of the series at the time. Virgin Mobile has since stepped in to sponsor the programme). In the show, contestants (celebrities) live together in a house fitted with cameras. The audience votes determine who stays in and who is voted out of the house. The last one left in the house is declared the winner. The audience vote is a response to content transmitted after being vetted by the producer and aired for maximum impact – increase viewing figures and thus advertising revenue (<http://news.bbc.co.uk/go/pr/fr/-/1/hi/entertainment/6275763.stm> published 18/01/2007). 12

The first CBB episode that caused the 'race row' furore was aired on Sunday 14 January 2007 and then dominated the news until Saturday 20 January, with news reports and analysis following even after a year of the initial broadcast. The key figures in the 'race row' were Shilpa Shetty, a Bollywood film actress of Indian origin (Shetty). Shetty has subjected to racist, offensive and bullying behaviour and was gradually portrayed as 'the victim' in media reports. There were three perpetrators, of which the now deceased Jade Goody was singled out as the main one and the other two were Danielle Lloyd and Jo O'Meara (the perpetrators). The transcripts of the 'offensive' conversations are banal almost boring, in any event not anything that Shetty could not deal with on her own. (Greer, 2007) Not surprisingly, the Saturday and Sunday episodes averaged 3.1 million and 3.4 million viewers respectively. 13

In the week following the broadcast, 30,000 people complained to Ofcom, the media regulator set up to uphold the Broadcasting Code voluntarily adopted by the broadcast media. The complaints referred to the broadcasts as racist and offensive and demanded that the programme be taken off air. They were mainly about the bullying of the victim 'who endured jibes about Indians and skin-lightening creams.' (Story from BBC news: 14

<http://news.bbc.co.uk/go/pr/fr/-/1/hi/entertainment/6285935.stm> published on 22/01/2007). This quickly became the largest number of viewers to complain about anything ever. In addition to the complaints, unofficial viewing figures for that week's Friday late night edition of CBB averaged 7.8 million and peaked at 8.8 million towards the end of the programme (id.). Eventually, the audience voted to ensure that the alleged perpetrators were 'evicted' from the house and publically 'disgraced' and that Shetty be declared the winner of the programme.

In the lead up to the eventual episode, to begin with it was clear that 'racism' was good for business as viewing figures for that week shot up significantly increasing advertising revenue. 15 But curiously and contrary to public complaints there was a reluctance to name the harm caused in the CBB House as racism. Parliamentarians raised the matter in the House of Commons (id.). Shetty was even mentioned at Prime Minister's question time and David Cameron, the leader of the opposition Conservative Party was asked about his views on the matter (id.).

At the time, Gordon Brown, (the then Chancellor of the Exchequer) was on a state visit to 16 India where the broadsheets there were very concerned about the plight of the victim (Blitz et al, 2007) He understood that 'in the UK there have already been 10,000 complaints from viewers about these remarks, which people see, rightly, as offensive. I want Britain to be seen as a country of fairness and tolerance. Anything detracting from this I condemn.' (Story from BBC NEWS: <http://news.bbc.co.uk/go/pr/fr/-/1/hi/entertainment/6282883.stm> published on 20/01/2007) To assuage the sentiments of his hosts, Brown voiced his belief in Britain's culture of tolerance and fairness which would in the end prevail to punish the perpetrators for their behaviour. Brown was appealing to the target audience of CBB to vote accordingly and decide who stayed in the house and who won the show.

Curiously, through all this Shetty consistently denied that her 'bullying was ... racist in the 17 fully fledged sense of the word.' (Oh brother Reality TV. (2007, January). *Economist.com / Global Agenda*,1. Retrieved April 16, 2009, from ABI/INFORM Global database. (Document ID: 1210094391). Her statement was subsequently released by Channel 4 and the producers of the programme, to dampen the race row (Grande and Terazona, 2007). Henceforth, as far as Shetty, the perpetrators of the harm (Story from BBC news http://news.bbc.co.uk/go/pr/fr/-/1/hi/entertainment_6304429.stm published 26/01/2007) the regulator, the producers, the broadcaster and the government were concerned the 'race row' in the CBB House was not racism. The commonsense was that the offensive and bullying behaviour witnessed in the CBB House would not be tolerated by what was essentially a fair and tolerant society.

This commonsense extended to showing Shetty 'traditional' gestures of fairness and 18 tolerance after winning the show. She was for instance, invited to Westminster for prime minister's questions. She was feted by ministers, MPs and even the then Prime Minister Tony Blair (Urry, 2008). Finally, Shetty was awarded 'Britain's Global Diversity award' for 'contributing to the diversity agenda' (<http://www.hindustantimes.com/StoryPage/FullcoverageStoryPage.aspx> accessed 16/04/2009) The event was hosted by the Next Steps Foundation, an organisation established by two MP's including Keith Vaz to encourage diversity in both the public and private sectors (id.).

By now, the issue was not confined to a local domestic audience but had international 19 ramifications as the 'race row' involving a Bollywood actor increased the profile of Bollywood in the UK. This sector one of the main items on Mr Brown's agenda for his trip to India. During his visit, for instance Mr. Brown specifically visited the Yash Raj Film studios in Mumbai to encourage UK/Indian co-production and promote the UK as a destination for post-production work. It was important to please this sector of the Indian economy as Indian cinema is said to contribute about £200 million annually to the UK economy in film distribution and location shooting. The figure has been rising 20 per cent year on year (Leahy and Wilson, 2007). Thus, the economic impact of a failure to appear to redress what happened to Shetty was not confined to the local entertainment industry but had global ramifications.

The commonsense that there was no racism in the CBB House and the final audience vote 20 affirmed that Britain was a fair and tolerant society did not stop the sponsors of the programme, The Carphone Warehouse, from withdrawing their three million pound

sponsorship of the programme. Their chief executive commented at the time that "our concern has rapidly mounted about the broadcast behaviour of individuals within the Big Brother house. We are totally against all forms of racism and bullying and indeed this behaviour is entirely at odds with the brand values of The Carphone Warehouse. As a result, we feel that as long as this continues, we are unable to associate our brand with the programme." (Story from BBC news: <http://news.bbc.co.uk/go/pr/fr/-/1/hi/entertainment/6285883.stm> published on 2007/01/20). This even though racism was disavowed in the CBB House, nationally and internationally the 'race row' was disassociated from the issue of racial harm and was being used instead to fulfil the myriad aims and economic agendas of Shetty and other market actors associated with the show. The following section examines the regulatory response to the 'race row'.

THE REGULATORY RESPONSE TO THE 'RACE ROW'

As mentioned above Ofcom received 45,000 complaints. This prompted an inquiry as required 21 by the Broadcasting Code. The regulator ruled that Channel 4 had made 'serious editorial misjudgements' in its handling of the incidents involving Indian actress Shilpa Shetty. (Story from BBC news: <http://news.bbc.co.uk/go/pr/fr/-/2/hi/entertainment/6687091.stm> published 2007/05/24). Despite complaints to the contrary, the regulator ruled that the events in the CBB House was not racism but instances of 'offensive and bullying behaviour'. The Ofcom decision was informed by the commonsense that had by now become entrenched.

The starting point of Ofcom's inquiry was not whether 'material which is potentially offensive 22 or harmful had been transmitted but whether such material had been appropriately handled by it' (id.). Ofcom singled out three occasions where it felt the Channel had failed. One was where Jade Goody referred to Shetty as "Shilpa Poppadum", the second was Lloyd telling Shetty in foul language that she should go home. The third centred on an argument over Shetty cooking a chicken - Lloyd and O'Meara were both seen making offensive comments about Indian cooking.?' (id.) On the basis of this ruling, Ofcom ordered the Channel to broadcast a summary of its findings at the start of three of its programmes, the first show of the new Big Brother series, the first re-versioned show the following morning and the first eviction show.

With this ruling, an economic sanction was imposed on the Channel for its failure to vet the 23 material broadcast - it lost sponsorship revenue for the period it had to air the findings of the regulator. Second, this ruling was prompted by consumer choice and made with a view to protect consumer choice. Henceforth with the broadcast of its findings the audience could make informed decisions about whether they should continue to watch programmes broadcast by the Channel.

It is important to note that the economic cost was not imposed for racism but for the Channel 24 failing to handle material relating to instances of what was vaguely and neutrally described as 'offensive and bullying behaviour'. The decision of the Channel to broadcast material vetted beforehand to maximise viewing numbers was not an issue. This was expected. Similarly, the complaints made by viewers about racism were impliedly inconsequential. This inconsistent with its remit as a regulator as outlined by Gautam Malkani above- the discomfort of the target audience (mainly on account of the racism perpetrated against the victim) in the CBB House was not the basis of Ofcom's decision. By ignoring complaints to the contrary, the regulator was rubber-stamping the official commonsense: there was no racism in the CBB House. Soon after, a putative police investigation into allegations of racism was dropped. (Story from BBC news: <http://news.bbc.co.uk/go/pr/fr/-/2/hi/entertainment/6302467.stm>) Thus, Ofcom not only reaffirmed the commonsense but consistently found that the Channel could be made responsible for airing 'offensive and bullying behaviour' in the CBB House in a market defined framework. A framework that rewards and punishes the choices market actors namely celebrities, programmers, broadcasters and advertisers make and as such represents a distinct notion of responsibility when compared to responsibility in a framework of legal liability such as race legislation or immigration policy.

In the absence of a finding of racism, the legal liability framework, namely race legislation 25 was kept in abeyance. At the time, Mary Riddell, a columnist for the *Guardian* commented 'the Ofcom report... hints at what one TV executive calls 'regulation by public relations'...[that] soothes people into believing that no right-thinking Briton will tolerate a whiff of racism. The

44,500 viewers who objected to Channel 4 can be assured [by the report] that such a horror will never be repeated.’(Riddell, 2007).

The response of the political establishment and the key players in the entertainment industry 26 reinforced ‘regulation by public relations’ and in the process the boundary between protecting consumption choices and remedying racial harm was fast becoming blurred. The commonsense was clearly entrenched as the Culture Secretary Tessa Jowell welcomed Ofcom’s decision. The Chairman of Channel 4, Luke Johnson felt the sanction was “proportionate given Ofcom’s ruling that the breaches were not deliberate and that the Channel did not act recklessly” (Story from BBC news: <http://news.bbc.co.uk/1/hi/entertainment/6285935.stm> published on 2007/01/22). He also said the Channel Board expressed “profound regret” for any offence that may have been caused and that the ‘Board believed that the CBB events had triggered an important debate...[on racism]... We are also committed to ensuring that the Channel continues to fulfil its remit to explore important social issues.’(id).

It is important to note that the Channel was noted to have facilitated an important debate on 27 racism but by this time the issue of racism was airbrushed out of their media statements. This was noted at the time by Trevor Phillips, Chairman of the Commission for Equality and Human Rights, who expressed his disappointment that the Channel had not acknowledged any error, “What I had hoped was that the Channel Board would at least acknowledge that what we witnessed was racial bullying,”(id.) In fact the debate went even further as with the legal liability framework the reality of racism was effectively erased as an ‘unfortunate excrescence’(Gilroy, 1987, p. 17) on an essentially tolerant and fair society. Ofcom’s finding of ‘offensive and bullying’ behaviour imposed a responsibility on the Channel to inform its target audience and pay a cost for its failure to have misled them. This responsibility is defined by the market. Thus once the Channel had adequately informed its target audience (and lost advertising revenue), the ‘race row’ was deemed to have been ‘dealt with once and for all leaving the basic structures and relations of British economy and society essentially unchanged.’(id.). The following section reassesses the commonsense on racism that the ‘race row’ engendered.

ASSESSING THE COMMONSENSE

An additional (and unexamined) aspect of the debate that followed the commonsense on 28 racism was that the scope of democratic accountability was broadened to include the consumption decisions of a target audience. Like the Channel, the programmers and the celebrities, the regulator and the political establishment were justifiably sensitive to consumption choices of a sufficiently large number of consumers both nationally and internationally. In other words, to satisfy populist sentiments and for significant economic reasons, the political establishment was accountable to the market defined framework.

This was clear in the year following CBB, when the Channel sought further increases in public 29 funding. Ofcom’s public service broadcasting review in 2008 overlooked the role it played in broadcasting the events that set off the ‘race row’. The use of racism to increase viewing figures was deemed irrelevant to any decision about public funding. Lord David Putnam, the deputy chairman of the Channel was reported as saying that ‘I am not proud of Big Brother but *it accounts for 15 percent of the total revenue that keeps Channel 4 afloat* (emphasis mine).’(Stephenson, 2008) Ofcom then released a paper making a persuasive case for increased public funding. This reveals the competitive dynamic that defines the relationship between the media, its target audience, the regulator and the state and the commonsense that responsibility can and is entirely defined by the market.

This was also highlighted when at the time Luke Johnson, the chairman of Channel 4 30 described as ‘a leading light in private equity’ (id.) viewed the CBB episode as forcing the Channel ‘to up their game considerably’ (id.). The episode postponed what was viewed as evitable ‘privatisation’. At the time, Lord Putnam commented that ‘[d]uring the autumn of 2006 Luke [Johnson] was forcing us as a Board to think the unthinkable. About the consequences of privatisation Shilpa Shetty and Jade Goody did us a huge favour. They came along at a moment when we needed to crystallize our thinking.’(Garside 2008) Thus the extent of the Channel’s responsibility is entirely defined by its ability to increase viewing figures. Thus far from being ‘inauthentic and constructed’ as Graeme Turner suggests above, the programming intervention to increase viewing figures and advertising revenue were made

to fulfil well defined, pressing and significant economic goals, in this case increased public funding. These were independent of the avowed aim of informing consumption choices (Ofcom ruling) or evidence of a fair and tolerant society (as Gordon Brown claimed). This regulatory commonsense engendered by the 'race row' is assessed in the following paragraph.

A regulatory commonsense marked by the simultaneous presence and absence of race. At one level, there is a continuous discourse disavowing racism and at another there is no attempt to address the issue of racism on its own terms, thus the use of the often quoted 'neutral' phrase 'offensive and bullying behaviour' to specify the nature of the harm in the CBB House. This section reveals that this persistent duality in the regulatory commonsense reveals two distinct frameworks of responsibility. Thus race in the CBB House is a form of harm defined by and dealt in a market-defined framework of responsibility. A framework responsive to economic imperatives of the broadcasting Channel, of which two were discussed at the time: increased viewership thus increased advertising revenue and recognition and empowerment of a target audience to justify further public funding. 31

The recognition that the Channel is responsible for harm caused in the CBB House in a market defined framework is not confined to the regulatory commonsense and in the debate that followed the 'race row', the political establishment acquiesced to the imperatives of this framework to the extent that it responded to the votes of the viewers and also accepted the terms of the debate on race as framed by the Channel. The main premise of which was that the centrality of consumption vests a target audience with the responsibility (through their voting power) to decide how to influence programming decisions. Finally, the political establishment legitimised the regulatory commonsense by reading it as evidence of a British tradition of fairness and tolerance. The re-assessment of the regulatory commonsense engendered by the 'race row' in this section reveals the strategic framing of the consumer vote by the Channel, the programmers and the sponsors. It indicates the power of the media to confine the 'race row' to a market defined framework where their responsibility for harm caused in the CBB House is confined to informing consumption choices instead of responsibility for racism as defined by a framework of legal liability. 32

The issue of race was thus strategically introduced to increase viewing figures and then disavowed to justify continued recourse to public funding. The latter jeopardized if the harm caused by the 'race row' in the CBB House was named 'racism'. In one legal opinion on the 'race row' (Nicolle, 2007) the Channel and the producers Endemol could be vicariously liable for breaching the provisions of the Race Relations Act, 1986. It was imperative therefore that the Channel, the regulator, the political establishment accept Shetty's disavowal of racism as part of the commonsense and thereby keep the legal framework in abeyance. The following section draws out the implications of a strategic disavowal of racism by the victim of racial harm. 33

Racism lite

The events from the initial broadcast leading up to period after the 'eviction' characterise what is referred to in this paper as a form of 'consumption politics'. The consumption patterns of a target audience (in this case CBB) are deemed to define the nature of their politics. This is then manipulated to further the aims of the celebrity, the market actors (the broadcaster, the programmer, the sponsors), the regulator (Ofcom and the police) and the political establishment all the while subject to responsibility in a market defined framework as described above. 34

As the issue of race is used strategically to increase and maintain high viewing figures, the events in the CBB House illustrates the nature of the consumption politics of race. This politics is characterised *inter alios* by economic, political and regulatory aspects. The television industry responds to concerns raised by viewers and imposes economic sanctions for bad behaviour, when for instance the sponsors withdrew their sponsorship of the programme and encourage good behaviour by ensuring that the victim receives high economic rewards. Depending on the number of complainants received, the political establishment intervenes to engender a commonsense, which in the CBB case entailed the recognition of informed (and empowered) consumer choice for a domestic audience and the recognition of a British tradition of tolerance and fairness for an international audience. The regulatory response (disavowing racism, imposing economic sanctions and dropping a putative investigation into 35

breaches of race legislation) entrenches this commonsense.

The CBB episode reveals the existence of a self-sustaining regulatory sphere that engenders 36 the commonsense referred to above. A sphere in which the harm caused is not racism but '*racism lite*' (adopting Mary Riddell's term)(Riddell, 2007) – a form of racial harm articulated in normative frames specific to the entertainment industry, defined by the consumption patterns of an audience, the economic imperatives of the broadcaster, producers and sponsors and the domestic and global political imperatives of the state. *Racism lite* in the context of the CBB episode was described as 'offensive and bullying behaviour', caused to a victim by perpetrators and defined (and eventual resolved) as such in response to the voting decisions of a target audience. But what role does the disavowal of racism by the victim play?

The choice of disavowing racism

As discussed above, the CBB episode was marked by the fact that the legal framework set up 37 under race legislation was in abeyance for two reasons, mainly because the alleged victim chose not to represent the incident in the CBB house as racism and accordingly did not initiate any formal legal proceedings. Further, in response to Ofcom's finding of 'offensive and bullying behaviour' the investigation into allegations of racism initiated by the state was dropped. Thus the market defined framework unproblematically defined the 'race row' as *racism lite* and thus of no consequence outside the CBB House.

The market framework that defined the 'race-row' as *racism lite* is premised on the choices a 38 victim makes. So for instance, instead of having a fixed (racial or ethnic) identity imposed on her, Shetty had the choice of deciding whether or not and when to strategically assert her identity as a non-White, non-English Asian woman with Indian citizenship. Given that she disavowed racism, she voluntarily denied herself the protection of a legal framework that would impose legal responsibility on the Channel and the programmers to compensate her for the harm caused to her. In doing so, she also disavowed the public ascription of an identity, as an Asian woman claiming racial harm that is, discrimination on the grounds of her race and nationality. She was discriminated against when compared with a white- English person in a similar situation.

In other words, she strategically asserted her identity and in the context of a market defined 39 framework sensitive to her choices, she was suitably rewarded. In addition, for Shetty as an Asian, Indian citizen (non-white, non- English), the disavowal of racism also entailed the dismantling of a hegemonic commonsense about normal 'white-Englishness'. This was because she could choose not to engage with the issue of discrimination by refusing to compare her treatment in the CBB House with what is normally acceptable treatment of an essentially 'white-English' other. This suspension of 'white- Englishness' and the choice of refusing to accept the ascription of a non-white, non-English identity was picked up by the political establishment as evidence of a British tradition of 'fairness and toleration'. To fulfil the economic interests of domestic and global constituencies, the disavowal of racism sanitized the media representation of race by suspending the hegemony of 'white-Englishness' in the CBB House. This is discussed in more detail in the following section.

RACISM OUTSIDE THE CBB HOUSE: RACE LEGISLATION AND IMMIGRATION POLICY

Essentialism

In her article (Riddell, 2007) that prompted this paper, Mary Riddell cautioned against 40 complacency about the supposed British tradition of fairness and tolerance. She reminds us of the continuing racism outside the CBB House where at the time of the 'race row' in 'Norwich, seven young men walked laughing from court after receiving suspended jail sentences for 'a ferocious and unprovoked' attack, in which they kicked, punched and spat on two Polish workers.'(id.) During the same week, newspapers reported 'floods' of east European migrants supposedly leeching off state hand-outs masked the truth...that migration from the new EU countries, which is vital to the economy, seems to have passed its peak, and only 8,000 Romanian and Bulgarian job-seekers arrived in the first quarter this year, against predictions of a 300,000 influx in 20 months (id.). Finally, Riddell cites a report by the Immigration Law Practitioners' Association that 'charted the plight of unaccompanied refugee children, many of them Afghans, who arrive in Britain alone and traumatized after unthinkable journeys. Thousands of boys as young as 13 are being reassigned as adults by the immigration service,

and so disqualified from the education and foster care they need.'(id.)

In her piece referred to above Riddell reflects the tensions and contradictions between race 41
legislation aimed at eliminating racial prejudice and immigration policy that in practice is
marked by prejudice and bias. More to the point, central to the functioning of both race
legislation and immigration policy, the cases referred to in Riddell's piece require an
assumption to be made that identity is a fixed, incontestable, unchanging circumstance. For
example, the decision about whether or not a person should be allowed entry into the country
or whether or not someone was entitled to the protection of race legislation is not left to the
choice of the individual or groups concerned but is left to the judges, the police and the
immigration officer. The latter ascribe a racial identity before decisions are made concerning
an individual or a group ('ascription?'). They then compare the treatment meted out to the
individual concerned with how an English person in a similar situation would have been
treated ('comparison'). Both the ascription of an identity (non-white-non-English) and
comparison with (white-English) identity are based on essentialised notions of identity as
discussed in the following paragraphs.

Race legislation and immigration policy

Historically, immigration law introduced 'complex immigration controls – measures designed 42
to stem mainly the tide of black and Asian immigration to Britain as a prerequisite to the
maintenance of social order.'(Anwar et als, 2000, p.viii). At some point and incidentally, 'it
was deemed necessary to treat black and ethnic minorities resident in the country fairly. This
led to the promulgation of the Race Relations Acts of 1965, 1968 and 1976 (race legislation).
Race legislation performs 'three functions: first, to afford protection from racial discrimination
[the recognition that non-white English people should be treated in the same way as white-
English people] ; secondly, to provide a further mechanism for social control [the ascription
and comparison of essentialised identities vests with the state and is thus beyond the control
of the victim]; and thirdly, to limit political and civic legitimacy to specific social groups.[this
reaffirms the efficiency of essentialism in the context of race legislation]'(id.). Given its
limited remit, it takes cognizance of very restricted notions of race, for instance it 'is confined
to certain groups but not to others i.e. religious minorities.'(id.) Both race legislation and
immigration policy and both are joined at the hip by an implicit assumption of essentialism.

Essentialism

Essentialism represents the view that identity can be described as an essence or a fixed 43
unchanging circumstance. According to one definition of the term, '[t]o essentialise is to
impute a fundamental, basic, absolutely necessary constitutive quality to a person, social
category, ethnic group, religious community or nation. It is to posit falsely a timeless
continuity, a discreteness, or boundedness in space, and an organic unity. It is to imply an
internal sameness and an external difference or otherness.'(Werbner, 1997, p.228) According
to Gerd Baumann, ethnic groups have been seen as collectives defined along '... quasi-
biological lines...with culture and ethnic differences ...reduced to... reified essences' (Baumann,
1997, p. 209). Thus unlike Shetty in the CBB House, to avail of the protection of race
legislation and negotiate the contradictory impulses of immigration policy, a victim of racism
outside the CBB House has no choice but to accept the ascription of an identity (non-white,
non-English) and accept to be compared with the hegemonic construction of a 'white- English'
non-discriminated other.

Essentialism is viewed as a 'representation which distorts and silences' as opposed to a form 44
which is used to mobilise 'a community for action' (Werbner, 1997, pp 229-230). Thus unlike
the alleged victim in the CBB House, essentialism raises the possibility that the victim of
racism outside the CBB House may be oppressed by both the ascription of an identity and
comparison with an essentialised 'other', both of which he does not accept or which he may
seek to deny. If the identity of a group like the Sikhs, for instance, is based on the birth or
the skin colour of its members, then this excludes the possibility that individuals, born as
Sikhs, may choose not to be defined as Sikhs contrary to the identity that a police officer or
an immigration officer may choose to ascribe to her. This is in marked contrast to '*racism lite*'
in the CBB House which allows for the disavowal of racism and the strategic assertion of
identity as discussed in the following section.

The 'race row' and media power

Strategic assertions of identity are distinct from assumptions about identity that define race 45
legislation and immigration policy (part of the legal framework) as discussed in the preceding
section. These are theorised in cultural studies, and in post-structural (Werbner and Modood,
1997) and feminist anthropology in the context of what is generally termed
deconstructionism. (Bhabha, 1994; Hall and Du Gay(eds.), 1996) Identity, according to this
view, has no substantive content and is dynamic being 'always negotiable and in the process
of endorsement, contestation and transformation.'(Wright, 1999, p. 5). Similarly, Paul Gilroy
notes that [culture]...as race is never fixed, finished or final. It is fluid, it is actively and
continually made and re-made (Gilroy, 2000, p 24). The market defined regulatory
commonsense that dominated the aftermath of the 'race row' allows only the victim to
strategically assert her identity and disavow racism. It is true that identity 'may have no
substantive content' (op cit Wright) and 'is actively and continually made and re-made' (id.),
the regulatory commonsense engendered by the 'race row' indicates that whether or not this
is permissible depends on several variables, for instance, the framework in which
responsibility is imposed, the nature of this responsibility defined by the political and
economic imperatives of market actors, the celebrities and the political establishment.

The recognition of individual choice and strategic assertions of identity in the normative 46
frameworks specific to the entertainment industry as a regulatory template is an alternative
to essentialism. In this form it avoids the two necessary elements of race legislation and
immigration policy: the ascription of an essentialised identity and the comparison with an
essentially defined hegemonic 'other'. Thus *racism lite* and the regulatory commonsense that
defines it is potentially radical and an alternative to the essentialism that underpins and limits
contemporary immigration policy and race legislation. It would for instance, require the
recognition of objective standards by which racial discrimination can be dealt with, beyond
contemporary concerns with the specific incidents of discrimination.

The regulatory commonsense engendered by the 'race row' recognises *racism lite*. An analysis 47
of this radical and post-modern framing of race and racial harm however reveals a cautionary
tale. The recognition of *racism lite* is confined to a market defined framework that attributes
responsibility with a view to furthering economic agendas of dominant market actors. This
dominance also defines the terms on which racism is debated in contemporary society, thus
the danger is that the distinction between the reality of racism outside the CBB House and
racism lite in Reality TV is blurred.

CONCLUSIONS

As discussed in the preceding paragraphs, there were considerable and pressing political and 48
economic reasons for disavowing racism in the CBB House, for instance. the loss of business
from the Indian film industry, the damage to the British tradition of 'toleration and fairness'
the loss of public funding for the Channel and the additional exposure to legal claims under
race legislation. Further, like any other victim of racism, Shetty would have to pursue her
legal remedies on her own. These overriding reasons motivate the strategic disavowal of
racism by Shetty in a context when she avoided the public ascription of a non-white-non-
English identity and by disavowing racism she refused to be compared with a white-English
other.

The strategic disavowal of racism is possible in conditions where Shetty had a choice to 49
disavow racism and avoid the necessary ascription of an identity, in the event she named the
harm caused to her as racism. This benefited the market actors as described above and was
economically beneficial for Shetty. In the context of the market-driven framework of
responsibility that defines the contemporary media industry, the disavowal of racism fulfilled
a myriad of economic and political interests. The political justification: recognition of and
responsiveness to consumer choice and the British tradition of 'toleration and fairness'. The
disavowal of racism in the CBB House to achieve the political and economic ends of the state
and the market is not evidence of toleration and fairness but reflects instead the 'coherent,
systematic and consensual' (Wright 1999, 5) engendering of 'white-Englishness' in its
hegemonic form through the media.

This contrary to the view taken by the political establishment that viewed the regulatory 50
commonsense engendered by the 'race row' as evidence of a tradition of fairness and

tolerance, *racism* liter reflects the market power of the media. Though *racism* liter raises no legally cognizable form of racial harm and as such is instrumental and relevant only in so far as it furthers the overriding interests of the entertainment industry – increased viewership and eventually profit, it leaves unanswered the question: would naming the harm caused to the victim in the CBB House racism expose the continuing failure of the law to deal with persistent racism in the face of its accommodation of media constructions of hegemonic 'white- Englishness' against which non-White, non-English victims of racism outside the CBB House must be defined?

REFERENCES

Anwar, Muhammad, Patrick Roach and Rangit Sondhi (2000)(eds.) *From Legislation to Integration? Race Relations in Britain*(Palgrave Macmillan)

Baumann G.(1997) 'Dominant and Demotic Discourses of Culture: The Relevance to Multi-Cultural Alliances', in P. Werbner and T.Modood (eds.), *Debating Cultural Hybridity: Multi-Cultural Identities and the Politics of Anti-Racism*(Zed Books, London) pp 209-25

Bhabha H. (1994) *The Location of Culture*(Routledge, London)

Blitz J., C.Grande, B. Hall and E.Terazono (18 Jan 2007) ' **Brown drawn into TV racism row INDIA VISIT**' *Financial Times* [LONDON 1ST EDITION]

Garside J. (27 April 2008) *The Sunday Telegraph*

Garnde C. and E.Terazono. (19 January 2007). Carphone suspends its Pounds 3m sponsorship of 'Big Brother' :[LONDON 1ST EDITION]. *Financial Times*,p. 1. (Retrieved April 16, 2009, from ABI/INFORM Global database. (Document ID: 1197233911).

Greer G. (17 January 2007) 'Why does everyone hate me?' *The Guardian*

Gilroy P. (1987) *Problems with anti-racist strategy*Runnymede Trust

Gilroy P. (2000) *Against race: imagining political culture beyond the color line* Belknap Press of the Harvard University Press

Hall, S. (1996) 'Introduction: Who Needs 'Identity'?' in *Questions of Cultural Identity* Stuart Hall and Paul du Gay (eds.) (Sage Publications, London)

Leahy J. and J. Wilson 'Bollywood still keen despite 'Big Brother' (20 January 2007) *Financial Times*

Nicolle, R.(29 Jan 2007) ' **OPINION: Channel 4 is on shaky legal ground in Big Brother racismrow**' *The Lawyer*London: pg. 8

Riddell M. (2007) ' *Racism* liter masks reality on the streets' *The Observer*(May 27)

Stephenson D. (1 June 2008) 'Why Channel 4 is hot and bothered' *The Express on Sunday*

Turner G.(2004) *Understanding Celebrity*SAGE

Urry M. ' It's the Shilpa Show' (8 February 2008) *Financial Times*

Werbner P (1997) 'Essentialising Essentialism, Essentialising Silence: Ambivalence and Multiplicity in the Constructions of Racism and Ethnicity' in P. Werbner and T. Modood (eds.), *Debating Cultural Hybridity: Multi-Cultural Identities and the Politics of Anti-Racism*(Zed Books, London) pp 226-254

LINKS TO EXTERNAL SOURCES

Ken Livingstone media interview Story from BBC NEWS: <http://news.bbc.co.uk/go/pr/fr/-/1/hi/entertainment/6275763.stm>published 18/01/2007

<http://www2.warwick.ac.uk/fac/soc/law/elj/eslj/issues/volume7/number1/thomas>

Story from BBC news: <http://news.bbc.co.uk/go/pr/fr/-/1/hi/entertainment/6285883.stm> published on 20/01/2007

(Story from BBC NEWS: <http://news.bbc.co.uk/go/pr/fr/-/1/hi/entertainment/6282883.stm> published on 20/01/2007)

Story from BBC news: <http://news.bbc.co.uk/go/pr/fr/-/1/hi/entertainment/6285935.stm> published 22/01/2007

'Police contact Big Brother's Jade' Story from BBC news: <http://news.bbc.co.uk/go/pr/fr/-/2/hi/entertainment/6302467.stm> published 26/01/2007

Story from BBC news: <http://news.bbc.co.uk/go/pr/fr/-/2/hi/entertainment/6687091.stm> published 24/05/2007

'Shilpa Honored by Britain'
<http://www.hindustantimes.com/StoryPage/FullcoverageStoryPage.aspx> published 01 July 2008

Wright, S. (1999) 'The Politicisation of Culture' at
<http://lucy.ukc.ac.uk/rai/AnthToday/wright.html>

I presented an earlier version of this paper at the 'Race in the Modern World- An International Conference on Race Discourses and Contemporary Identities' 1-3 April 2009 organised by Goldsmiths, University of London and the Stephen Lawrence Trust and thank the audience for their feedback. I am grateful to the anonymous referee for comments on an earlier draft. Any errors are mine.

Thomas, D., "Race and the refusal to name racism: consumption, identity and choice in the Celebrity Big Brother House", [Entertainment and Sports Law Journal](#), ISSN 1748-944X, April 2009, <<http://go.warwick.ac.uk/eslj/issues/volume7/number1/thomas>>