

# Ethnic and Religious Crime in Australian Media: Sensationalism versus Public Interest

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**Abstract**—Around the world, crime is considered worthy to be reported in terms of news value. However, there is a long debate about the importance of revealing the ethnicity and religion of the accused in the crime reporting. This article discusses the relevance of ethnicity and religion of the perpetrators in the crime news coverage in Australia. This issue is analyzed using the perspectives of the Journalists' Code of Ethics, anti-vilification laws, public interest defense, ethical philosophy and the rules of reporting court cases in Australia. Based on the analysis, it is found that the attribution of ethnicity and religion of the accused is not necessary for reporting crime. Highlighting the ethnicity and religion is to seek profit and promote certain political agenda since it only occurs when the perpetrators are Middle Eastern people and Muslims. Such attribution also breaches the Journalists' Code of Ethics and anti-vilification laws in Australia. Such conduct cannot be ethically justified as it could incite hatred towards Muslim/Middle Eastern people and harm multiculturalism in Australia.

**Keywords**— ethnicity; religion; journalists' code of ethics; public interest; sensationalism; Australia

## I. INTRODUCTION

Crime is usually reported as it has a high value in terms of news values. The crime coverage is regarded as a public right to know as it provides the audience with valuable insights to prevent themselves from similar conduct in the future. However, the attribution of ethnicity and religion of the attackers has raised heated debate around the world, including Australia.

From August 2000 to August 2011 in the Bankstown area, the allegation of eight group sexual assaults was reported. This situation invoked ethical concerns when media and politicians identified these offences as ethnic crimes associated with Lebanese/Arab or Muslim individuals. This phenomenon dates back to 1998 when a 14-year-old Korean schoolboy, Edward Lee was stabbed to death in Punchbowl followed by drive-by shootings at Lakemba local police. Indeed, these connections in media reports have escalated since the attacks on the World Trade Centre on 11 September 2001. Manning (2004: 15) states that the coverage of Muslims/Middle Easterners in the Daily Telegraph and the Sydney Morning Herald exacerbated since September 11 which portrayed these groups as criminals and terrorists.

On the one hand, the attribution of ethnicity and religion of the attackers are justified with the public interest and fair comment defences. On the other hand, the media apply the same crime reporting convention in which they have a tendency to exaggerate the criminality of ethnic minority groups and Muslims (Collins, 2005). When the victim is Middle-Eastern people/Muslims, and the perpetrators are Caucasian/White, the ethnicity and religion of the perpetrator are not mentioned (Poynting, Noble, Tabar, & Collins, 2004).

This essay investigates whether it is relevant to discuss the ethnicity or religion of the accused through an analysis of the Journalists' Code of Ethics, anti-vilification laws, public interest defences, and ethical philosophy.

## II. DISCUSSION

### A. Journalists' Code of Ethics

In general, media policy players in Australia, both regulatory authorities and self-regulatory bodies, have a code of conduct regarding reporting and representation of race issues in the media. The Australian Communication and Media Authority (ACMA), the regulatory authority for radio, television and the Internet, prohibits any inappropriate or offensive materials that are likely to incite or perpetuate hatred against any person or group on the basis of race (ACMA). The Australian Press Council (APC), a self-regulatory body for the print media, in its general principle 8 states, 'publications should not place any gratuitous emphasis on the race, religion, nationality, colour, country of origin, gender, sexual orientation, marital status, disability, illness, or age of an individual or group. Where it is relevant and in the public interest, publications may report and express opinions in these areas' (APC). The Media, Entertainment and Arts Alliance (MEAA) also demands its members to avoid 'placing

unnecessary emphasis on personal characteristics, including race, ethnicity, nationality, gender, age, sexual orientation, family relationship, religious belief or physical or intellectual disability' (MEAA).

It is clear that discussions of the ethnicity of the accused in the media may be subject to the code of ethics breaches. However, the problem with this self-regulatory framework is, as the Anti-Discrimination Board (2003: 89) argues that the complaints about the breaches of these codes of ethics are most often dismissed as 'fair comment' or as 'in the public interest.'

### *B. Anti-Vilification Laws*

Apart from the codes of practice, Australia has laws concerning race issues. As a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and International Covenant on Civil and Political Rights (ICCPR), Australia has an obligation to legislate anti-racial vilification (ADB, 2003: 92). In Australia, anti-vilification laws are under anti-discrimination laws (Dwyer, 2012: 36). These laws are complaints-based schemes which are regulated at federal and state level through anti-discrimination agencies (*ibid*).

At the federal level, anti-vilification laws are under the Racial Discrimination Act (RDA) 1975 amended by the Racial Hatred Act 1995 which are regulated through the Australian Human Rights Commission (AHRC). The RDA makes it unlawful for a person, by a public act, to offend, insult, humiliate or intimidate another person on the basis of race, colour or national or ethnic origin (RDA, 1975). These laws make any public acts inciting hatred against others because of their background unlawful unless 'done reasonably and in good faith for academic, artistic, scientific or research purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.' (*ibid*). Unlike defamation laws securing the right to have a good reputation for individuals and corporate bodies, vilification laws allow anyone from groups who feel offended, insulted, or humiliated by particular comments to lodge a complaint, even if those comments were not personally directed at them (AHRC).

Meanwhile, anti-vilification laws are not universally implemented in the state and territory level since each state and territory does not legislate against similar forms of vilification. For example, Victoria, and Queensland have explicitly enacted anti-religious vilification laws in addition to anti-racial vilification laws, while South Australia has rejected to legislate such laws (Rice, 2012). An alternative approach has been taken by the New South Wales government by included religion in the definition of ethno-religion (ADA, 1977).

The legal issue around anti-vilification laws is problematic in the case involving Middle-Eastern Appearance. Since the attacks on the World Trade Centre on 11 September 2001, it has been assumed that people of Middle Eastern appearance and ethnicity are Muslims. As a result, it is hard to say if the reason for the vilifying conduct is a person's race, religion, neither or both. Therefore, in these circumstances, the existing laws are often inadequate to deal with the complexity of the issue. However, since all Australian jurisdictions prohibit racial vilification, offensive treatment toward Muslims can be lodged as a 'racial vilification' complaint. In this way, vilification against Muslims can be addressed under anti-vilification laws throughout Australia.

A relevant court case of racial vilification involving Middle Eastern people and Muslims is Trad versus Jones. Keysar Trad, Sydney Lebanese leader, lodged a complaint under anti-discrimination laws on Jones' comments on air before the Cronulla riots in 2005. In 2009, the Administrative Decisions Tribunal ruled one broadcast in a radio show on 28 April 2005 "incited hatred, serious contempt and severe ridicule of Lebanese Muslims." Consequently, the tribunal has ordered Jones to apologise, both on air and in writing for calling Muslims "vermin" who "infest our shores" and "rape" and "pillage" our nation and Trad was awarded damages of \$10,000.

### *C. Public Interest versus Public interested in*

Even though the attribution of the ethnicity and religion of the accused may breach anti-vilification laws and the journalists' code of practice, it is argued that fair comment and/or public interest defence may apply to justify such conduct. According to the Australian Press Council, 'public interest' is defined as involving a matter capable of affecting the people at large, so they might be legitimately interested in, or concerned about, what is going on, or what may happen to them or to others' (APC). Based on the definition, it can be argued that crime stories, especially terrorism, have public interest defence to be published. However, to the extent that ethnic and religious backgrounds of the accused are identified as public interest defence is questionable. In the case of the rape gangs in 2001, Peter Ryan, Bob Carr and the media (SMH editorial, 13.07.01) used public interest defence to publicly identify the ethnicity of the accused (Manning, 2004: 27). They argued that they should publicly mention ethnicity since the crime is so-called 'ethnic crime' (*ibid*). They further assert that it is important aiming not only to identify the offenders but also to encourage the Lebanese Muslim community to take responsibility on their youth and caution the Australian community about the issue (*ibid*). They attempt to highlight the issue by replacing 'the criminality of individuals' with 'the criminality of cultures' (Collin, 2005: 7). However, no evidence of reduced crime rates is provided to support the link between rape gangs and ethnicity and/or religion (ADB, 2003: 43).

Thus I assert that there is no public interest in the disclosure of the personal background of the accused unless there is evidence of the racial crime. Crime is not ethnic and religious based. The offenders and victims can be anyone from various backgrounds. As columnist PP McGuinness states (cited in Poynting, Noble, Tabar, & Collins, 2004: 127), '...gang rape is not the product of religious or ethnic factors.' Therefore, public interest defence is not a qualified justification in this matter.

Moreover, a fair comment defence is suspect to question. Ethnicity is relevant only if it is related to specific ethnic minority groups (Poynting, Noble, Tabar, & Collins, 2004: 44). For example, when there had been a series of attacks on Muslim women, including 'the rape of an 18-year-old Muslim girl', the ethnicity of the attackers were not mentioned in media (cited in Poynting, Noble, Tabar, & Collins, 2004: 21). This issue also appears in relation to terrorism and religion. When referring to headline Muslim groups in Indonesia following the 2002 Bali bombings, the 2004 Australian Embassy bombing in Jakarta and the 2005 Bali bombings, the Australian media included 'Islamic' or 'Muslim' in the labels used to describe these groups and often used the terms 'extremists' or 'Islamic extremists' (Mahony, 2010: 748). Hage (cited in Lumby and Probyn 2004: 83) argues that Arab/Muslim/Lebanese is associated with 'gang rapes,' 'refugee,' 'terrorism' and 'war on Iraq.' The examples illustrate that it does not apply the same reporting convention. Therefore, attribution of ethnicity and religion as a fair comment is a contentious argument.

When no evidence underpinning the racialization of crime and terrorism offences is evident, it can be argued that the motivation is profit. The media industry is highly competitive, aiming to attract audience attention to increase circulation or ratings (Whittle & Cooper, 2009:83), which is achieved by inclusion of sensationalism, negativity, and violent acts (Allen & Seaton, 1999). With respect to crime stories, the media sensationalizes news by exaggerating the criminality of ethnic minorities (Collins, 2005: 3). In gang rape cases, perpetrators were identified as Lebanese/Middle Easterners who attacked Caucasians/Whites (Poynting, Noble, Tabar, & Collins, 2004: 116-117). The identification of the accused's ethnicity is questionable since the perpetrators are Australians by birth and citizenship (p.33). While in the case of terrorism, it is often described that Muslim terrorists attack non-Muslims. However, from the perspective of the Principle of Generic Consistency (PGC), the rights to free speech for journalists must be based on the premise of 'respecting in others as well as in oneself' (Gewirth cited in Simmons & Spence 2006:175). Therefore, the media's right to seek profit must be in accordance with the rights of others.

Apart from commercial pressure, media coverage of crimes involving the Middle-Eastern appearance and Muslims is encouraged by certain political agendas. Collins (2005:3) contends that 'moral panic' about ethnic crimes is triggered by 'opportunistic political responses.' Ethnic crime and terrorism offences are used as evidence to promote a shift in Australian policies regarding immigration and multiculturalism. It was evident during and after the 2001 election campaigns, by Australian political parties, including One Nation, who linked asylum seekers with terrorism and crime (Poynting, Noble, Tabar, & Collins, 2004: 60).

#### *D. Ethical Philosophy*

According to Kantian ethics, 'actions should be judged according to the intentions that motivate them' (Dwyer, 2012: 9). Since the association between crime/terrorism and Muslims/Middle Easterners is driven by profit and political agenda, it makes media intentions, in this case, is not genuine and thereby is deemed unethical. In addition, the media uses Muslims and Middle Eastern people as 'a means' to generate profit or political support. A Kantian approach dictates that 'so act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as a means only' (Kant, 1909: 47).

Furthermore, Jeremy Bentham's definition of utilitarianism (Graham, 2004: 135-136) might justify such media conduct, especially where safe majorities are involved. The argument that the importance to identify the ethnicity of the accused as a warning to the wider Australian society about 'ethnic crime' can be read from the utilitarian perspective; the whole minority group bears the negative consequences of that action to achieve 'a greater happiness' of the majority. This approach asks that we 'act in accordance with those rules which, if generally acted upon, will lead to the greatest happiness' (p. 136). Overrepresentation of Muslims/Arabs in respect to crime and terrorism offences could harm these communities. Following 'the racist media report' 2001-2002, there were the increasing racial attacks in public places across Australia on those from the Middle East and Muslims (ADB, 2003: 10). It also leads to prejudice toward Muslim and Arab communities resulting in threats to multiculturalism in Australia, which is hardly a route to maximize happiness.

### III. CONCLUSION

The representation of ethnic groups and religious identity of the accused in the media coverage may infringe the journalists' code of ethics and breach anti-vilification laws. Also, there is no public interest defence in this matter unless evidence of the connection exists. It is further seen that such media conduct is motivated by profit and opportunistic political agendas. Finally, this conduct cannot be justified from ethical philosophies. Ultimately, the media's rights to free press and seek profit should not harm others.

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