Tomorrow's Affairs
Analysis of today
Assessment of tomorrow

By: Harvey Morris

Don't let facts get in the way of a good story of 'Orwellian' Britain

Elon Musk found time in an even busier than usual week to come to the defence of a British journalist under police investigation for an allegedly racist post she uploaded to his X platform.

"This needs to stop," he tweeted in support of The Telegraph's Allison Pearson, currently being portrayed as a free speech martyr in a Britain rapidly descending into an Orwellian police state.

That at least is the prevailing view among Pearson's allies in the right-wing commentariat. But unease that police may have overstepped the mark has not been confined to the press's regular culture warriors.

Human rights lawyers and the media trade press have weighed in to question whether the police's unannounced knock on the door of Pearson's home might not have a chilling and intimidating effect on the media.

Such concerns have spilled over into broader complaints that the police waste their time pursuing alleged 'thought crimes' when actual crimes that affect everyday life often go uninvestigated.

One challenge for the Pearson camp is that the content of the offending tweet, once it was finally revealed, turned out to be entirely erroneous. That raises the question of whether the concept of press freedom should extend to a social media post, apparently put up in the heat of the moment with no effort to check the facts.

But first some other facts (not easy to untangle, despite The Telegraph's own blanket coverage of the case):

NCHI

The story broke when Pearson reported that two police officers had arrived at her Essex home on November 10, Remembrance Sunday, to inform her that she had been accused of a so-called Non-Crime Hate Incident (NCHI) related to something she had posted on X a year earlier.

They reportedly declined to identify the posting or her accuser. So far, so Kafkaesque.

She recalls telling the officers: "Today we are commemorating hundreds of thousands of British men, most of them roughly the age you two are now, who gave their lives so that we could live in a free country, not under the jackboot of tyranny."

It was several days before The Guardian newspaper identified the offending tweet after being contacted by the anonymous complainant. It had been posted in November 2023 in the wake of the Hamas attack on Gaza.

Amid demonstrations on British streets, tensions were running high and there was a reported increase in threats and intimidation towards both Jews and Muslims.

The post was deleted after it had already been viewed more than 400,000 times

Pearson had reposted a photograph of uniformed police officers in a friendly pose alongside identifiably Asian men who are carrying a banner. In a message targeting London's Metropolitan police force, she wrote: "Invited to pose for a photo with lovely peaceful British friends of Israel on Saturday police refused. Look at this lot smiling with the Jew haters."

As other X users subsequently pointed out, the image predated the Gaza attack, it showed a scene from Manchester rather than London, and it had no connection to Hamas or to the violence in the Middle East.

With the assistance of her newspaper's picture editor or a copy editor, Pearson might have learned that the offending banner was the flag of Pakistan's PTI party, founded by the former cricketer Imran Khan. In the event, the post was deleted after it had already been viewed more than 400,000 times.

The verdict

So, what is the verdict? Is Pearson guilty as she might yet be charged? That question raises another contested 'fact' of the drama.

The Telegraph and sympathetic commentators spent days railing against Non-Crime Hate Incidents, a 20-year-old mechanism under which police can pursue complaints of offensive words or behaviour that fall below the threshold of a crime.

The intention is to address the conduct of potential offenders who might go on to commit an actual hate crime against specified minorities. Critics say the NCHI process has led to vexatious claims that can potentially impact lives and reputations even when complaints are dismissed.

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The problem is that Essex police insist its officers made no reference to an NCHI in their conversation with Pearson.

Referring to "false reporting" of the affair, it issued a partial transcript of the November 10 exchange in which Pearson is told, on the contrary, that the investigation involves a potential racial hatred crime. The force has now complained to the Independent Press Standards Organisation, a media regulator (IPSO), about factual accuracy.

The free speech furore

What began as a debate over free speech is rapidly descending towards a 'she said, they said' storm in a media tea cup.

Many would agree that an ill-considered, year-old and subsequently deleted tweet is a low threshold for police intervention. However, as riots in Britain this summer illustrated, false information propagated on social media can lead to real life violent crimes.

The police should concentrate on what matters most to their communities - Keir Starmer

Prime Minister Keir Starmer, who launched a post-riot legal crackdown on online inciters, may want to avoid a reprise of the debate over alleged 'two-tier' policing, in which the right (and incidentally Elon Musk) claim UK police are unduly lenient towards progressive and minority protestors.

No doubt mindful of headlines in the right-wing press that have branded Starmer's Britain as an Orwellian dystopia, the prime minister has said he thinks the police "should concentrate on what matters most to their communities".

The free speech furore comes at a time when the government is launching a review of policing with a view to restoring waning public trust. That should include a review of the NCHI process, regardless of its relevance to the Pearson case.

Prominent commentators who are used to making pronouncements unfettered by the facts should meanwhile think twice before they post to X.