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HUTTON AND BUTLER

Lifting the Lid on the Workings of Power

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Accuracy, Independence, and Trust

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Lord Hutton's task was to investigate the events surrounding the death of Dr David Kelly. His interpretation of his remit led him to focus on a range of accusations and counter-accusations. Government and the BBC had accused one another of inaccuracy, of making (partly) untruthful claims. More specifically, Andrew Gilligan's broadcast at 6.07 a.m. on 29 May 2003 was said to accuse the Government of *knowingly* adding a false claim to its *dossier* on Iraq, hence of lying to the public about one aspect of the grounds for invading Iraq.[1] Alastair Campbell, speaking for the Government, had accused the BBC of *wilfully* maintaining a false claim that Government had done this in the face of evidence that it had not, of reiterating the claim and refusing to check its truth or falsity.[2] Lord Hutton concluded that the BBC's stronger accusation did not stick,[3] but that the Government's weaker accusation stuck.[4]

The accusations, if substantiated, were likely to damage public trust in the Government or in the BBC, or in both. Lord Hutton's findings suggest on the surface that trust in the BBC should have been more seriously damaged. However, some months later, trust in the BBC appeared less damaged than trust in Government. There were no doubt lots of reasons for this: the BBC was more trusted than Government before the Hutton report was published.[5]

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[1] Lord Hutton, *Report of the Inquiry into the Circumstances Surrounding the Death of David Kelly C.M.G.*, HC 247 (2004) (hereafter Hutton), para. 32, pp. 12–13. The broadcast included the words 'what we've been told by one of the senior officials in charge of drawing up that dossier was that, actually the government probably erm, knew that that forty five minute figure was wrong, even before it decided to put it in.' Subsequently many in the BBC defended the broadcast on the grounds that it had merely reported an accusation, but had not accused; I shall return to this point.

[2] Hutton para. 63, p. 41. Campbell also accused the BBC of subsequently lying about what they had done: Hutton para. 265, p. 178.

[3] Hutton para. 467 (1), pp. 319–21.

[4] Hutton para. 467 (3), pp. 321–3.

[5] http://www.mori.com/polls/2003/iraq4-top.shtml

The BBC apologised after the Report was published[6] and Government did not (arguably, since the central accusation against Government had not been substantiated, no apology was called for). The Chairman of Governors and the Director-General of the BBC resigned, and ministers did not (again, arguably, the Report had not given them reason to do so). More significantly, I suspect, reports of levels of trust and mistrust in Government and in the BBC reflect a wide range of issues, most of them unrelated to the events covered in the Hutton Report.

This might suggest that the Hutton Report can't tell us much about public trust and mistrust. However, that conclusion may reflect too ready an assumption that trust and mistrust are no more than rather general attitudes of the sort that pollsters investigate, and that they float free of evidence. This can no doubt happen: trust and mistrust can be blind and unevidenced. But usually they are not.

Placing and refusing trust

Trust is a practical matter: we decide to place or to refuse trust in others' words and actions, in their claims and commitments. In an ideal world we would place trust in true claims and in commitments that are followed up in action, and refuse trust to false claims and to commitments that are not followed up in action. But since claims and commitments do not wear their truth or reliability on their face, we have to judge cases. More precisely,

[6] The apology may have been retracted in comments made by Greg Dyke and Andrew Gilligan after the publication of the Butler report. Greg Dyke is quoted as saying 'I would defend that decision (to broadcast Dr Kelly's concerns) forever.' http://news.bbc.co.uk/1/hi/uk_politics/3895135.stm

we have to judge specific claims and specific commitments to action on the basis of such evidence as we can assemble for them. Since we place or refuse trust in *specific* truth claims and *specific* commitments to action, we often — and very reasonably — trust persons and institutions in some matters, but refuse to trust them in others.

Placing and refusing trust do not demand *proof* that others' claims are true, or *guarantees* that they will honour their commitments. Proofs and guarantees marginalize trust by eliminating the context in which it is needed. Nevertheless, trust is evidence-based. That is why we are generally better at judging whether it is reasonable to trust *specific* truth claims or *specific* commitments, than we are at judging whether a person or institution is to be trusted — or mistrusted — across the board. It can be entirely sensible to trust some, but not other claims made by a journalist — or a politician. It is one thing to judge whether a claim that Iraq had ready-to-use WMDs is likely to be true or false; another to judge (whether or not the claim about WMDs is true) that those who made the claim lacked reasonable evidence; a third to judge (whether or not the claim about WMDs is true) that those who made it both lacked reasonable evidence and knew that they lacked reasonable evidence, so were lying. For Andrew Gilligan's initial claim[7] to stick he did not have to judge or state whether or not Iraq had WMDs ready to hand. But he did have to judge and indicate the grounds both for thinking that Government had lacked reasonable evidence for claiming that Iraq had WMDs

[7] Even if Andrew Gilligan's broadcast could have been defended as reporting allegations about Government made by a reliable source, rather than as making allegations about Government (a move tried by the BBC), these distinctions would be important. See below.

ready to hand, and for thinking that they had known that they lacked reasonable evidence. In saying that he had to judge these matters, I do not mean that he needed proof: he needed only reasonable evidence.[8]

The demands of accuracy

Is this epistemological fussiness just an occupational deformation of philosophers, and irrelevant to journalism and public life? I don't think so. Both Government and the media accept that (with very rare exceptions) their truth claims should aim to be *intelligible* and *accurate,* and their commitments *intelligible* and *reliable* (the latter is evidently of greater importance in judging governments; the media make many truth claims, but few commitments). The requirement that truth claims and commitments be intelligible to intended audiences may seem banal, although it is quite often flouted (for example, by those in thrall to communication strategies or to ideals of political correctness). However, I shall take this demand as uncontroversial. Requirements for accuracy and for reliability introduce more complex considerations. The demand for accuracy in communication is central to any consideration of the Hutton Report.

A demand for accuracy is not a demand that anybody communicate 'the whole truth', or that they communicate without selectivity, or that they achieve high precision. Nor is it a demand for objectivity, which might be understood as combining

[8] This is not to say that the truth of claims about Iraq's WMDs was wholly irrelevant. Those who make true claims relying on evidence they believe to be inadequate are likely to be judged less harshly than those who make false claims relying on evidence they believe to be inadequate.

requirements for accuracy with requirements for coverage, or even for impartiality. A commitment to accuracy is simply a matter of seeking to avoid false claims. It is a central part even of the least demanding press codes, such as the Press Complaints Commission *Code of Practice*.[9] It is, of course, also a central element in the more demanding set of standards required in Public Service Broadcasting and basic to the *Producers' Guidelines* of the BBC,[10] under which Andrew Gilligan was working. Equally, accuracy is constantly invoked as a standard in Government communication, and was taken as central in the post-Hutton *Independent Review of Government Communications*, chaired by Bob Phillis, that reported in January 2004.[11] Nobody advocates or condones inaccuracy. Indeed, it is hard to see how the issues covered in the Hutton Report could have led to any dispute between the Government and the BBC if it had not been common ground that accuracy matters.

Clearly a commitment to accuracy cannot demand exceptionless success. Neither Government nor the media, nor any of us, are going to achieve that. The only way to ensure total accuracy would be to avoid all communication. It is not just that those who work at some speed — not only journalists — often have to deliver before they can check all their claims thoroughly.

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[9] Accuracy is the first requirement of the Press Complaints Commission *Code of Practice*, which demands that: 'i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures'; and 'ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and — where appropriate — an apology published.'
See http://www.pcc.org.uk/cop/cop.asp

[10] *Producers' Guidelines: The BBC's values and standards* (London: BBC, 2000), http://www.bbc.co.uk/info/policies/producer_guides/pdf/section1.pdf

[11] http://www.gcreview.gov.uk/

The deeper reasons why we cannot demand total accuracy are that evidence is often incomplete, that available evidence tracks truth imperfectly, and that even those who take care in making truth claims track evidence imperfectly. Even those who work slowly and methodically may get things wrong on occasion. Nor is scrupulous honesty enough to secure accuracy: truthfulness is helpful for avoiding inaccuracy, but cannot guarantee truth, or even accuracy on specific points. So a commitment to accuracy would be incomplete and unrealistic unless it included a commitment to correct inadvertent inaccuracy, as demanded by the second clause in the Press Complaints Commission *Code of Practice*.

We may all be fallible, but there are nevertheless differences between communication that aims at accuracy, communication that is casual about accuracy, and communication that is deliberately inaccurate. Communication that aims at accuracy uses tried and tested procedures: the routines of fact-checking and verifying sources, of checking the record and the calculations, of submitting work to others' judgement, of selecting and testing the caveats and qualifications, are all of them part and parcel of a commitment to accuracy. Procedures for securing a good level of accuracy are typically embedded in professional and institutional processes, including journalistic, editorial, administrative and managerial processes. Following these procedures can be boring, but given the inevitable incompleteness and untidiness of available evidence, these routines are needed if we are to achieve a reasonable level of accuracy in making truth claims about complex matters, and most urgently needed where the evidence is hardest to assess. They entrench ways of ensuring that claims are limited and qualified, that communication does not mislead by going beyond that evidence. Where the evidence is thin, it is possible to say so; where a source is untested, that can be made plain; where a conclusion is no more than speculative, that can be emphasized;

where there is a gap in the information, that can be pointed out rather than slurred; and so on. Routines to achieve these standards are part and parcel of good journalistic and editorial procedures, of good administrative and civil service process, and more generally of good professional practice.

Where inaccuracy comes to light at a later stage, there can be equally routine ways of dealing with it. Corrections can be made; caveats that were omitted can be added; inaccuracy that has misled others may be remedied. Deliberate inaccuracy that has defamed or injured others may require weightier remedies, such as retraction, apology, compensation — or resignation.

Institutions and professionals that aim at accuracy in their communication — among them Government and the media — need reliable routines of these sorts. Accurate communication needs attentive and organized efforts to avoid communication that misinforms and misleads. Mere freedom of expression will not be enough for discovering truth, or for maintaining accuracy. As the late Bernard Williams noted:

> In institutions that are expressly dedicated to finding out the truth, such as universities, research institutes, and courts of law, speech is not at all unregulated. People cannot come in from outside, speak when they feel like it, make endless irrelevant, or insulting, interventions, and so on; they cannot invoke a right to do so, and no-one thinks that things would go better in the direction of truth if they could.[12]

Both the disciplines of accurate reporting and editorial control, and the disciplines needed for accurate communication within and by Government are demanding. Both must include and maintain

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[12] Bernard Williams, *Truth and Truthfulness* (Princeton, NJ: Princeton University Press, 2002), p. 217.

processes for avoiding, detecting and correcting inaccuracy, in order to ensure that (a reasonable level of) accuracy is ultimately achieved, even if there are initial defects.

Process and accuracy

Parts of the Hutton Report examine the BBC's journalistic, editorial and managerial processes. Other parts focus (to a lesser degree) on the BBC's system of governance. Since the Report did not look at the work of the Intelligence Services, it did not consider the adequacy of the processes on which they (or other parts of government) relied: a central theme of the Butler Report.[13] The Hutton Report found that the processes used by the BBC in this case did not show a sufficient commitment to accuracy. The evidence did not support a claim that Government had knowingly inserted a false claim in the dossier. Nor did it support Andrew Gilligan's claim that a knowledgeable source, later identified as Dr Kelly, had told him that Government had done so. Claims that the source had said this could not be clearly supported either by Gilligan's notes and summaries[14] (they come in various versions, and are hard to follow), or by Dr Kelly's statements to his line managers[15] and to the House of Commons Foreign Affairs Committtee,[16] or by other statements made by Dr Kelly.

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[13] *Review of Intelligence on Weapons of Mass Destruction. Report of a Committee of Privy Counsellors*, http://www.butlerreview.org.uk/report/

[14] Hutton paras 229–248, pp. 155–167.

[15] For example: Dr Kelly wrote to his line manager Dr Bryan Wells stating on 30 June 2003 'I made no allegations or accusations about any issue related to the dossier or the Government's case for war', Hutton para. 46, pp. 25–27. He told the Foreign Affairs Select Committee that he did not believe that he was Andrew Gilligan's main source, Hutton para. 103, p. 62. An internal MoD assessment of the evidence on 4 July 2003 concluded: 'if there were a single

The lack of clear evidence that Dr Kelly had in fact told Andrew Gilligan that the Government had knowingly inserted a false claim into the dossier on Iraq's weapons of mass destruction undermined the main line of defence used by the BBC. This defence claimed that the BBC had made no allegations against Government, but had rather reported a source's allegations against Government.[17] If Andrew Gilligan had not reported his source accurately, this line of defence would fail. Within the BBC it was widely assumed that Gilligan had reported accurately.[18] However, as the row between Government and BBC developed, some of those closest to the *Today* programme expressed doubts about Gilligan's standards and procedures. On 27 June 2003 — ten days before the Governors took a stand that assumed that Gilligan had been accurate — Kevin Marsh, editor of the *Today* programme, wrote to Stephen Mitchell, the Head of Radio News. He expressed worries that Andrew Gilligan's work was characterized by 'loose use of language and lack of judgement in some of his phraseology' and about his 'loose and distant relationship with Today',[19] and suggested extensive changes in the way Gilligan's work should be managed.

Would the BBC's line of defence have been convincing if Andrew Gilligan had reported his source accurately? It would certainly have been a far better line of defence, but it would still

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source for Gilligan's information, then it was not Kelly', Hutton para. 50, p. 32.

[16] Hutton para. 103, pp. 59–67.

[17] This line of defence was used by Greg Dyke in answering Lord Hutton, Hutton para. 290, pp. 201–5, and by Gavyn Davies in writing to other Governors on 6 July 2003, Hutton para. 270, pp. 181–82.

[18] That this was an *assumption* rather a *conclusion* based on considering the evidence is made entirely clear in the Chairman's communication with Governors, Hutton para. 270, p. 181.

[19] Hutton para. 284, p. 195.

not have been unproblematic. The media are taken to report the news, and where they report an unsubstantiated opinion or an allegation, a commitment to accuracy demands that they make this wholly explicit. Hence the care and caveats with which the BBC *Producers' Guidelines* address the issue of single sourcing. To meet the required standards, Andrew Gilligan would have had to report accurately what Dr Kelly had said, to take very explicit steps to show that he was only reporting an allegation, and to make the case for relying on a single source. Otherwise listeners could not have told that the BBC was reporting an accusation rather than accusing Government.

But this was not what happened. Andrew Gilligan accepted under cross-examination on 17 September 2003 that he had not reported accurately. He was asked '… when you said that the Government probably knew that it [the 45 minutes figure] was wrong, you were actually saying, whether you intended to or not, that they were dishonest, were you not?' He replied '… the allegation that I intended to make [sic: *allegation* not *report of allegation*] was of spin, but as I say, I do regard those words as imperfect and I should not have said them.'[20] Shortly thereafter he said 'The intention was to report what Dr Kelly had told me; and I regret that on those two occasions I did not report entirely carefully and accurately what he had said. My error was to ascribe that statement to him when it was actually a conclusion of mine.'[21]

What could the BBC have done to secure greater accuracy? Lord Hutton found specifically that the BBC failed to exercise editorial control, in that there was no check of Andrew Gilligan's report before it was broadcast unscripted.[22] A requirement that all broadcasting to be scripted and checked may be unrealistic,

[20] Hutton para. 245, p. 165.
[21] Hutton para. 246, p. 167.
[22] Hutton para. 284, p. 195.

although perhaps less unrealistic for broadcasting on very serious matters. But plausibly the editorial failing was rather more general, a matter of Gilligan's 'loose and distant relationship with Today', of his 'loose use of language and lack of judgement'.[23]

Lord Hutton also criticized BBC management and the Governors for failing to take steps to check the content or the accuracy of the 6.07 broadcast after receiving a complaint. Both BBC senior management and the Governors repeatedly defended their processes on the *assumption* that Gilligan had reported his source accurately, that he had reported an allegation and that he had not accused the Government of lying. They also pointed out repeatedly that the Government had made wider charges against the BBC, and insisted on the importance of standing up for BBC independence. However, on 17 September Mr Greg Dyke agreed when questioned that, when replying to Alastair Campbell on 27 June along these lines, he had not yet read Andrew Gilligan's notes, and that he had subsequently realized that the basis for claiming that Gilligan had reported a source accurately was weak.[24] The evidence for reluctance within the BBC to check the accuracy of what had been broadcast at 6.07 is overwhelming: it is not a fiction created by Alastair Campbell's energetic — sometimes frenetic — letters to the BBC. It consists mainly of BBC internal documents written by editors, by BBC management, by managers and by the Chairman of the Governors. These documents show that those at the most senior levels in the BBC assumed, but did

[23] Hutton para. 284, p. 195.

[24] 'I think if I had been able to go through Andrew Gilligan's notes in some detail and gone through them with him in some detail, we might have got to a point where we realised these were not comments that were directly attributable to Dr Kelly; and clearly I regret that.' Hutton para. 290, pp. 202–3.

not check, that the 6.07 broadcast had reported an allegation accurately.

Independence and accuracy

This failure to check the evidence by an institution so strongly committed to accuracy is striking. So are the reasons given for not doing so. Ostensibly both BBC management and the Governors felt that if they did not defend the broadcast about which Government had complained, they would be failing to defend the independence of the BBC. Mr Gavyn Davies wrote to other Governors on 1 July 2004 putting the point dramatically: 'If the BBC allows itself to be bullied by this sort of behaviour from No 10, I believe that this could fatally damage the trust that the public places in us. ... This is a moment for the Governors to stand up and be counted. ... [W]e must not give any ground which threatens the fundamental independence of our news output, or suggests that the Governors have buckled to government pressure.'[25] In the subsequent meeting of the Governors on 6 July 2003,[26] there is evidence of ample unease about the procedures that had been followed, or not followed, and about the fact that the Governors had not checked the accuracy of Gilligan's report for themselves, but the meeting nevertheless decided that the *Producers' Guidelines* had been adhered to. This position was maintained despite the fact that a number of well-placed people in the BBC had been worried about the quality of Gilligan's broadcast for some time. It was reasserted in the statement made by the BBC on 20 July after the death of Dr Kelly, which includes the statement: 'The BBC believes

[25] Hutton para. 269, p. 180.
[26] Hutton para. 272, pp. 182–9.

we accurately interpreted and reported the factual information obtained by us during interviews with Dr Kelly.'[27]

The BBC in effect adopted a position in which the demands of independence and for accuracy were thought of as opposed. Yet the supposed conflict between the demands of independence and of accuracy is bogus. A principal reason why the BBC's institutional independence is to be taken so seriously is in order to secure a reliable and accurate source of information for citizens, that is not controlled by Government or by business. Attempts to subordinate accuracy to independence undermine the case for independence. Lord Hutton judged defence of independence and commitment to accuracy compatible when he ruled that while 'The Governors were right to take the view that it was their duty to protect the independence of the BBC', they should also have 'recognised more fully than they did that their duty to protect the independence of the BBC was not incompatible with giving proper consideration to whether there was validity in the Government's complaints.'[28]

How and why did the BBC and those who supported its stance come to see the dispute as a challenge to BBC independence? Part of the reason was no doubt that Alastair Campbell had subjected the BBC to a barrage of complaints, with the understandable result that journalists, editors and managers were fed up with him. This may explain the initial BBC failure to check the accuracy of the Gilligan broadcast; but it hardly explains (or justifies) the persistent refusal to consider whether the complaint had any basis. Seen with hindsight, there was an alternative approach whereby the complaint was promptly investigated and any aspects of the report for which no reasonable

[27] Hutton para. 159, p. 104.
[28] Hutton para. 291, p. 213.

evidence could be found in Andrew Gilligan's notes (and other sources) were identified and corrected by the BBC. That would not have been much of a 'climb down', it would have given evidence of serious commitment to accuracy, and it would not have compromised independence. Resignations would have been unnecessary. Public trust would have been respected rather than damaged.

Yet the BBC persisted in construing government complaints about inaccuracy as an attack on its independence, and so as a matter on which there could be no retreat. They did so despite the fact that it is hard to find evidence that anyone else, including Government, was challenging the BBC's independence. Alastair Campbell indeed made it explicit that the complaints he was voicing did not challenge BBC independence.[29] The consistency with which the BBC avoided looking into the accuracy of the 6.07 broadcast until the Hutton Inquiry posed pointed questions suggests a very particular view of independence and of its importance for creating and maintaining trust.

Independence and trust

Why did senior people in the BBC feel that *any* move to check the accuracy of the 6.07 broadcast would compromise their independence and 'could fatally damage the trust that the public places in us'?[30] Clearly the conception of independence that lies

[29] He wrote to the BBC Governors before the meeting of 6 July stating that 'I note from press cuttings that the BBC views my complaint as an attack upon the independence of the BBC. I want to assure you that is not the case. I respect the BBC's independence. I believe the BBC is one of the country's greatest assets and I have long been an admirer of its ethos, much of its journalism and many of its journalists.' Hutton para. 271, pp. 181–2.

[30] See above n. 25.

behind this thought must be more radical than the robust *institutional* independence that statute, charter, licence fee and tradition secure for the BBC — which was not under threat. Some of the comments suggest those who took a more *radical* conception of independence saw it as more or less unconditional, in the way that individual rights to freedom of expression are more or less unconditional.

Freedom of expression has traditionally been seen as a right of *individuals*, and as distinct from media freedom and independence. For example, in *On Liberty* John Stuart Mill argues that individual liberty includes 'absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological', and that 'liberty of expressing and publishing opinions' is 'practically inseparable' from 'freedom of opinion and sentiment'.[31] The classical arguments for a more or less unconditional view of individual freedom of expression do not require individuals to communicate accurately, or to achieve even meagre epistemic standards. Individuals may express false or unwarranted beliefs; they may be ignorant or crazy, but their freedom of expression will be restricted only by limited requirements not to endanger, defame or incite.

The twentieth century Declarations and Conventions on Human Rights also proclaim more or less unconditional rights to freedom of expression for individuals. For example, *Article 19* of the United Nations' *Universal Declaration of Human Rights* runs:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to

[31] John Stuart Mill, *On Liberty* (1859), in *On Liberty and other writings*, ed. Stefan Collini (Cambridge: Cambridge University Press, 1989), p. 15.

> seek, receive and impart information and ideas through any media and regardless of frontiers.[32]

The European Convention on Human Rights also proclaims a more or less unconditional freedom of expression as a right *of individuals*. *Article 10* begins with the words:

> Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.[33]

Freedom of expression does not provide a good model for press freedom. There are powerful arguments for press freedom, but they are different. They typically stress the importance of a free press for citizens and for democracy, and in doing so implicitly reject the view that the media have unconditional freedom of expression or unconditional independence. For if the media had unconditional freedom of expression, they would have no obligation to inform citizens accurately, let alone to assist them when they seek to 'impart information and ideas'. If the media had more or less unconditional freedom of expression, they could use their power to obstruct individuals' chances of expressing their opinions, or to hinder the expression of certain sorts of opinions. Convincing arguments for media freedom do not model it on freedom of expression, but as freedom linked to a requirement to inform citizens and others accurately.

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[32] *Universal Declaration of Human Rights*, adopted by the General Assembly of the United Nations in 1948, http://www.un.org/Overview/rights.html

[33] *Convention for the Protection of Human Rights and Fundamental Freedoms*, http://www.echr.coe.int/Convention/webConvenENG.pdf

Yet it has become increasingly common to equate media freedom with freedom of expression. For example, the campaigning group *Article 19*,[34] depict media freedom as a form of freedom of expression. They describe their campaign for media freedom as 'the global campaign for freedom of expression'.[35] Those who equate freedom of expression with media freedom are short of arguments. Powerful institutions — whether governments or the media — would no doubt often find the radical independence that is implied by a more or less unconditional view of freedom of expression convenient, and might be tempted to claim it. But if they enjoyed the same more or less unconditional rights to freedom of expression that the charters accord to individuals, they would not be bound by any obligation to aim for accuracy, let alone for more demanding standards. They would be as free to misinform as to inform citizens, to subvert as to support public debate and democracy. A conception of media freedom or independence that floats free of any obligation to aim for accuracy is therefore quite implausible. Such radical independence would undermine any basis for members of the public to judge where to place and where to refuse trust.

The media do not claim explicitly that they should enjoy more or less unconditional freedom of expression. On the contrary, their very acceptance of codes and standards shows that they think media freedom is rightly limited in ways that individuals' freedom of expression is not. Yet — as the Hutton Report makes clear — some parts of the media sometimes act as if they had a sufficiently

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[34] They take their name from article 19 of the *Universal Declaration of Human Rights*, which proclaims *individual* rights to freedom of expression.
[35] http://www.article19.org/

wide freedom of expression to dispense them from at least some implications of a commitment to accuracy. It is not hard to see why this discrepancy between official view and actual conduct arises.

An exaggerated conception of independence that subordinates accuracy can be tempting in many ways — to government, to the media and to others. Commitments to accuracy can stand in the way of a good story, of persuading others to view things in a certain way, of 'news management' and of spin. A culture of public relations and spin, of hype and exaggeration, lurks in the interstices of the events into which Lord Hutton inquired. These are all of them ways of marginalizing or reducing commitments to accuracy, and each damages the prospect of placing or refusing trust intelligently. Once public documents or reporting to the public are seen as modes of persuasion, accuracy as well as assessability may be subordinated to other agendas. The public may be left without the means to assess what they read or hear, or to check or challenge its truth. At that point all attempts to place or to refuse trust intelligently will be frustrated, and the public are left with little option but to veer blindly between suspicion and credulity.

I do not think that the central parts of the Hutton Report reveal much that is new about the harm that can be caused when spin, persuasion, and public relations agendas dominate public communication. But in its interstices there are many glimpses of a culture of 'strategic' communication by Government and others, and of a culture that permits and fosters ways of reporting news that shade into ways of making and shaping news. This is a culture which makes it easy to lose sight of the reasons why communication has to be intelligible, accurate, and assessable by its audiences if it is to provide a basis for them to place or refuse trust intelligently.

Process and trust

The procedures that underlie and make a reality of a commitment to accurate communication have two benefits. The first, on which I have concentrated, is that well-used procedures provide a (fallible) means to accurate conclusions. They cannot guarantee accuracy: evidence is never complete; even good evidence does not track truth perfectly. Sometimes there is little evidence for accurate claims, or considerable evidence for inaccurate claims.

The second advantage of procedures for securing accuracy is that they can be incorporated into communication in ways that provide others with the evidence they need to judge which claims are accurate and which commitments reliable. If we are to place and refuse trust in others' claims or commitments with discrimination, it is not enough that they make accurate claims and reliable commitments. They must also provide others with the means of assessing the truth of their claims and the reliability of their commitments. Fortunately, the very procedures that help secure accuracy will, if incorporated into communication with others, offer (fallible) means for others to assess accuracy and reliability, and so a (fallible) basis for placing or refusing trust.

Many of the documents disclosed in the Hutton Report, and much of the questioning and cross-examination, rely on procedures that help secure accuracy, and that provide others with means to judge whether and how far to trust what they read, see or hear. The Report includes careful minutes of meetings; letters between senior office-holders; testimony before parliamentary committees; answers given in cross-examination. Repeatedly there is care and hesitation to choose the right word, to make the necessary distinctions, to note what an individual knew and did not know at a particular moment, to include the qualifications and caveats. The Report is full of the speech of people who do not view accuracy about complex matters as simple, and who are trained in

procedures that support accuracy. Nevertheless, some of them not merely made claims that turned out to be inaccurate (hardly surprising given that accuracy is demanding), but dispensed with procedures that are important for securing accuracy. (The Butler Report on the processes by which intelligence was assessed and published comments on parallel issues.)

With all this talent and training in communicating accurately, what went wrong? Was the whole affair just a reflection of the unavoidable looseness of fit between accuracy and the evidence for accuracy? That is unlikely to be the whole answer, in that sensitivity to that looseness of fit is exactly what training in the disciplines and procedures used for securing accuracy and communicating accurately is designed to deal with. Is it a case of a weak link in a chain, for example of simple failure in standards for reporting? That cannot be the full story, in that the BBC's *subsequent* handling of the issues continued to underplay the importance of accuracy and of procedures for maintaining and checking accuracy, in the name of an implausible conception of independence. That was what allowed the conflict to escalate. Beyond these failings there lies, I believe, a wider tendency to exaggerate or misconceive the forms of independence that the media require, at the cost of giving short shrift to accuracy and to evidence needed if citizens are to place and refuse trust intelligently.

So does the Hutton Report provide us with reasons not to place trust in the BBC? Were the events the inquiry investigated only an aberration in high places, or are they symptomatic of the way the BBC now works? I will leave the last word to a reporter from Radio Ulster who found the events that emerged in the Hutton Inquiry painful and barely credible. He said to me shortly after the death of Dr Kelly: 'Over here we are taught to check our facts and

check our facts — after all, somebody's life might depend on it.' His words hovered in the air. That, I hope, is the authentic voice of the BBC.