

## Cases and Issues in Photo Editing and Obscene Pictures in News Publications

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DOI: 10.56201/rjmcit.v9.no3.2023.pg28.44

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### **Abstract**

*This study analysed ethical issues bordering on the use of nude and manipulated pictures to illustrate news stories. The objectives were to: reappraise the ethical implications of the publication and pictorial portrayal of Muhammadu Buhari as Aminu Jubril, examine the ethical provision for publication of nude pictures with regards to the pregnant woman on maternity shoot and the lawyer who posted her nude picture and that of the lady who displayed her pubic area on the social media for tattoo drawing on her private part. The social responsibility theory formed the theoretical framework for the study. Textual analysis was used to appraise the level of conformity of the publication of nude and manipulated pictures to the provision of the ethics of journalism. The study found out that the publication and pictorial portrayal of Muhammadu Buhari as Aminu Jubril fell short of the ethical requirements for the practice of journalism; that the publication of nude pictures of women could only be justifiable in an extreme form of editorial of criticism or features and the publication of picture displaying the drawing of tattoo on the pubic area should be considered for specialised publication and advertisement or extreme media criticism. Based on the findings, the researchers recommended that the conventional media sustain their sound gatekeeping processes that prevent unconfirmed stories and offensive pictures from passing through the mainstream media. The conventional media should up advocacies and*

*campaigns against the publication of nude pictures as maternity shoots and anti-social lifestyles on social media. The display of private parts in the drawing of tattoos should be restricted to specialised publications or be deemed to be published as a form of media criticism and surveillance of society.*

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## **Introduction**

Photography involves the process of making pictures by means of capturing light on a sensitive medium, such as a sensor or film. It is the process of forming stable or permanent visible images directly or indirectly by the action of light or other forms of radiation on sensitive surfaces. According to Hasan (2013), photography comes from the Greek words *phos* which means light and *graphis* which means ‘stylus’, or ‘paintbrush’. When put together, etymologically, it means drawing with light. The term photo is an abbreviation of photograph. It is also called picture. In digital photography, image is now becoming popular. The most common process of capturing images is done through devices known as cameras.

Photographs in news stories or for other media content complement the texts or words and enhance or ‘humanise’ the publication. In addition to giving credibility to the news, good photographs tell stories and bring aesthetics to the page. Ferguson and Patten (1993) outline the functions of photographs in news publications to include: capturing attention, providing information and entertainment, establishing links with readers, acting as a layout device and helping to establish an identity. Due to the critical functions of photography in media establishments, Ferguson and Patten note that “Many publications have a photo department. The photo editor makes assignments after consulting with other editors, and supervises the work of the photographers. The photo editor also participates in layout decisions and oversees photo selection...Editors decide which stories require photos because of their importance, and which lend themselves to photographs simply because they are visually interesting” (p.267).

The use of photography in journalism is termed photojournalism. In other words, photojournalism is the use of photographs to tell a story. It is the dissemination of news using photographs. Items for newspaper or magazine production including pictures undergo some processes of refinement before coming out as finished mass media content. The refining process is technically known as editing. Be it news item or photograph, the items gathered for the production of a newspaper or magazine must go through editing to make them better for public consumption. It is by editing that an editor can cause the cropping out of certain persons or objects in a group photograph. Photo editing is professionally allowed to make for an adjustment to available space and to produce a better picture that will attract readers’ attention. The overall aim of photo editing is to enhance and refine the original image to make it suitable to the apportioned space, beautify the page and attract the attention of the readers.

Contrariwise, Coffaney (2011) illustrates how the picture of John Kerry and Jane Fonda circulated in the media in a manner portraying them as sharing a platform and protesting against the Vietnam War in the 1970s, whereas the picture was edited in Photoshop and created from two

different pictures. John Kerry was the Democratic candidate for the presidential election of the United States in 2004. Many political analysts believed that the photo manipulation contributed to the failure of Kerry in the election.

Photo manipulation is a form of frolicking with pictures in a questionable manner. It is the use of emerging software and applications to manipulate pictures to suit varying situations. Photo manipulation is a deliberate manner of altering or distorting the original image in a manner that makes the distorted object look real. In addition to the menace of photo manipulation, is the issue of brazen sensationalisation of photographs in the form of showcasing sensitive body parts. In the contemporary society, some young adults flagrantly display their nude pictures. From the young man who sags his trousers thereby, displaying his underwear, to the ladies who go about in public places showing their cleavages, without brassiere and pants with the intention of provoking public interest and flirting excitement, the media are inundated with several cases and issues on societal ills.

Though individuals are entitled to their fundamental human rights, it is argued that the exercise of one's rights should not deliberately interfere with the rights of others. It is in the exercise of protecting the rights of others that journalists in Nigeria set out codes of ethics to guide journalistic practice. Similarly, the National Press Photographers Association (NPPA) is a global body that is committed to the advancement of visual journalism; its creation, practice, training, editing and distribution. It was established in the late 1940s with the objectives and purpose of advancing visual journalism in all forms. Among other objectives, the association is committed to encouraging visual journalists to reflect high standards of quality in their professional performance and in their personal code of ethics. NPPA strives to create, promote and maintain a high spirit of community and a high standard of conduct among its members. The membership of the organisation consists of professional visual journalists and others who have a direct professional relationship with visual journalism including disciplines such as photography, video, motion, multimedia, audio, editing, design, producing, teaching, writing and reporting.

Four cases formed the thesis of this study. They are the cases of the pictorial portrayal of former President Muhammadu Buhari as an unconfirmed Aminu Jubril Al-Sudani; the nude pictures of a pregnant woman posing for her baby shower; the female lawyer who posted her stark-naked photograph on social media and the circulation of a picture of a young lady who opened up her pubic region for a male tattooist to make drawings in the presence of her man. These cases have been reported in the media mostly on social media with bloggers and online news outlets, displaying the pictures, while some conventional media reported the stories with a bit of reservation in displaying the pictures. It is imperative to observe that some social media platforms are becoming cautious about posting nude pictures. A clear incident to buttress the foregoing assertion was observed in the case of Esther Raphael, a TikTok star popularly known as *The Buba Girl*. She made a nude video of herself and allegedly sent it to her boyfriend who mischievously uploaded it online. The video attracted massive attention on Sunday, August 27, 2023. Thousands of social media users searched for the video online without much success. The closest most of them got on Monday, August 28 was just a clip of the video. However, those who got it could not share it on social media platforms for fear of sanctions by the management of the platforms. On

group platforms and blogs, social media users resorted to share the video only on their status. *The Vanguard* ran the story by sampling the opinions of some celebrities who condemned the boyfriend who uploaded the video and blamed Miss Raphael for carelessly sending such a private video to a man. Could this mean that there is now sanity on most leading social media platforms?

### **Statement of the Problem**

The issue of nudity and obscene pictures has continued to generate debate in recent times. The issue is made worse by the loose manner in which young people dress in contemporary times. Some higher institutions where indecent dressing was seen to be taking its toll on good character moulding, had started taking measures to curb what many observers view as a social menace. Sometimes in June 2023, the picture of a totally nude pregnant woman posing for a baby shower surfaced on the internet. Some online news outlets provided a platform for their readers to comment on the nude picture. The controversies that greeted the nude pregnant lady were yet to die down when another bizarre and erotic picture of a young woman who presented herself for a tattoo on her private part surfaced online. As usual, bloggers and online news outlets picked on the lady who was under the warm embrace of her man. Adding momentum to the era of the nude display was the picture of one Ifunanya Excel Grant, a young lawyer, popularly known as “baddest lawyer” who claimed to be an upcoming celebrity model. She uploaded her nude pictures and videos of herself smoking marijuana on social media. In August 2023, the Nigerian Bar Association petitioned the Legal Practitioners Disciplinary Committee over allegations of misconduct against her.

In addition to the concern for nudity and indecent dressing is the issue of photo manipulation especially, in social media. Muhammadu Buhari had served out his two terms as civilian President of Nigeria on May 29, 2023, but the contentious issue of his double body may continue to linger for a while. The social media was awash with the story of his alleged death and replacement by one Aminu Jubril Al-Sudani from Sudan. Pictures of Buhari and the unconfirmed pictures of Aminu Jubril Al-Sudani circulated on social media with the conventional media helplessly playing to the gallery on how to confirm a story that spread to every nook and cranny of Nigeria and beyond.

The problem therefore is to analyse issues in photo editing with regards to the alleged manipulation of pictures of Muhammadu Buhari and an unconfirmed Aminu Jubril Al-Sudani, and obscene pictures, using selected cases of the nude pictures of the baby shower lady, the tattoo lady and the ‘baddest lawyer’ as reported in the media. The statement of the problem is stated thus: Should the conventional media publish nude pictures or pictures perceived to be obscene or manipulated? To what extent should pictures just like news be edited without crossing the borderline of being manipulated? These and other ethical issues formed the basis for this study.

### **Aim and Objectives of the Study**

The aim of this study is to analyse selected cases and issues bordering on photo editing and obscene pictures in news publications. The objectives are to:

1. reappraise the ethical implications of the publication and pictorial portrayal of Muhammadu Buhari as Aminu Jubril;
2. examine the ethical provision for publication of nude pictures with regards to the pregnant woman on maternity shoot and the lawyer who posted her nude pictures online;
3. determine the ethical considerations with regards to publication of the picture of the lady who displayed her nudity on the social media for tattoo drawing on her private part.

### **Theoretical Framework**

The theoretical foundation for this study is anchored on the social responsibility theory of the press which has its roots in Robert Hutchins' Commission. The Commission was inaugurated in 1942 to respond to the prevalence of sensational and commercial style of reporting in the libertarian press era. The Hutchins' Commission investigated the extent of abuse of freedom expressed in the libertarian era (Patterson & Wilkins, 1998; Day, 2000). The libertarian era allowed the press considerable freedom from undue government interference and control. Defluer (2010) notes that the social responsibility theory came into being as American society got tired of the sensational practice of the "yellow journalism" era when the media had no ethical guide and the practice was open to all sorts of publications. The findings of the Hutchins' Commission indicted the press of not only being sensational, but also of giving voice only to privileged political and economic power holders. The Commission, according to McQuail (2009), submitted that "a responsible press shall provide a full, truthful, comprehensive and intelligent account of the day's events in the context which gives them meaning" (p.170). Uzuegbulam (2013), citing Okunna and Omenugha (2012) points out that the underlying principle of the social responsibility theory is that the press should be free to perform the functions which the libertarian theory granted it freedom to perform, but that the freedom should be exercised with responsibility. The underlying premise of the social responsibility theory is that freedom is worthless, except it is exercised with a reasonable degree of responsibility which involves respect for institutions and members of the society (Mill, 1984; Daramola, 2003; Jackson & Jackson, 2003; Hoffman & Graham, 2009).

Social responsibility theory is an ethical theory that emphasises the public's right to know and the public responsibility of the press. McQuail (2010) notes that the media should be socially responsible to the public and this responsibility must be based on truth, accuracy, fairness and objectivity; and the media should follow agreed codes of ethics and professional conduct. In this way, there must be a balance between economic growth and the welfare of society and the environment. When this is done, then social responsibility is accomplished. McQuail (1987) lists some principles by which the media is guided. In other words, the principles entail that the media should accept and abide by certain obligations to society. Based on the principles, society has the right to expect the media to maintain high standards of performance, which means whatever intervention the media should carry out, should be for the good of the society. Media should be accountable to the members of the public, their employers and the market. They should pursue and hold onto informativeness, truth, accuracy, objectivity and balance and operate within the framework of the law and rules set by appropriate institutions for them to effectively carry out their responsibilities.

According to the recommendations of Hutchins' Commission, the mass media have five functions to render to society. They are to: provide a truthful, comprehensive, and intelligent account of the day's event in a context that gives them meaning; serve as a forum for the exchange of comment and criticism; provide a representative picture of constituent groups in society; present and clarify the goals and values of society; and provide citizens with full access to the day's intelligence (Patterson & Wilkins, 1998; Day, 2000). McQuail (2010) summarises the central ideologies of the social responsibility theory as follows: that the media have an obligation to society, and media ownership is a public trust; news media should be truthful, accurate, fair, objective and relevant; the media should be free, but self-regulated; the media should follow agreed codes of ethics and professional conduct; and under some circumstances, government may need to intervene to safeguard the public interest. The thrust of the social responsibility theory hinges on the idea of public interest. For the fact that the press shapes opinions, influences decisions and actions in every society, it is duty-bound to be responsible and accountable to society by exercising freedom with responsibility. Responsibility means having a duty to perform in society, while accountability means being answerable to an institution of the society. The social responsibility theory, therefore, requires the media to operate as a part of the society, rather than being detached and apathetic. It also challenges journalists and newspapers to strive at all times to keep the citizens informed within the ambits of the journalistic code of ethics and legislation. This theory is relevant to this study because it recognises the important role which the media perform in informing society through presenting and clarifying the goals and values of society in line with the recommendations of Hutchin's Commission. It is also relevant to the study for its emphasis on the media to strictly observe the provisions of the codes of ethics and professional conduct, freedom with responsibility and self-regulation. It is worth noting that the mass media derive their colouration from the society. Thus, in applying the theory, it becomes imperative for the Nigerian mass media to reflect the African cultural values in their coverage and reportage of news events. If the African cultural belief system, for instance, abhors indecent dressing and obscenity, the media should be seen to protect the cultural values of the people even in the face of recognising the freedom of individuals.

## **Methodology**

The textual analysis was used for the study. The textual analysis is a method that describes and interprets the contents and functions of messages contained in a text. The method analysed the publications of some selected photographs by appraising the nature of the photographs and the provisions of the code of conduct for journalistic practice. The analysis was to determine whether the publication of the photographs was in compliance with ethical provisions.

## **Literature Review**

### **The Concept of Photography and Photojournalism**

The history of photojournalism is said to be essentially the history of journalism itself. Okoro (2005) citing Geraci (1978) asserts that historical evidence supports the thesis that "picture language" predates "written language" and may even have predated "spoken language." Okoro (2005) citing Rothstein (1979) holds that "the idea of telling news in pictures dates back to the

wall carving of ancient Egypt and Mesopotamia. Even the Japanese and the Chinese alphabets of today are traced to the combination and manipulation of the mental images eminent in picture concepts” (p.23). Okoro, who describes photography as the forerunner of photojournalism, states that early pictorial drawings set the stage for the advancement in photography. Okoro (2005) posits that “photojournalism is photography plus more. It is photography in that it makes use of the photographic appurtenances like the camera and photo accessories. It is more than photography because it calls on a totally different intelligence and approach in photographing people, events and places” (p.26). Udeze (2005) defines photojournalism as the use of pictures or photographs to tell a story. Citing Biagi (1992), Udeze (2005) explains that “photojournalism developed as a result of the marriage of photographs and text to tell a better story than either could tell alone. It means using photograph to tell news story” (p.12). He adds that photojournalism means the use of photographs to tell or illustrate or buttress stories in newspapers and magazines either as stand-alone pictures, pictures accompanying stories or picture-based stories.

Citing Arthur Rothstein, Udeze (2005) states that “none of the universal languages such as Esperanto, Ido and Interlingua, can equal photograph in impact. This is because the photograph is simple, direct and easily understood. No amount of words in any language could have evoked the kind of emotion that the photographs of the abuse of Iraqi prisoners in the Abu Ghraib prison in Iraq evoked in the minds and conscience of the world” (p.12). Udeze asserts that though languages may differ, the human eyes see the same things which are called by different names in different cultures. He adds that a good photograph needs no translator as it is understood by anybody who is not blind. Photography is made a practical reality in 1839, by two fundamental inventions that were competing. The Daguerreotype, invented by Louis Jacques Mande Daguerre in France and the social, cultural and political environment of the nineteenth century allowed photography to develop and expand rapidly. Scholars like Rosenblum (1984) argue that photographs could “objectively” document life. The photograph is the ultimate response to a social and cultural appetite for a more accurate and real-looking representation of reality, a need that had its origins in the Renaissance. Okoro (2005) points out that two critical discoveries paved the way for photojournalism which were the development of a practical and functional method that put into the camera a negative from which positive prints could be made and the introduction of the halftone process which made possible the quick and inexpensive reproduction of a photograph along with typeset words. Citing Geraci (1978), Okoro (2005) notes that “the ball of photojournalism was set rolling with Roger Fenton’s coverage of the Crimean War in 1855” (p.26). He adds that if Fenton set the ball of photojournalism rolling, then Matthew Brady gave it a kick with his portrait of Abraham Lincoln. “Brady used the picture to portray Lincoln as a serious-minded, thoughtful and dignified gentleman. This picture which was widely circulated before the presidential election of 1860 helped to dismiss the impression that Lincoln was “a rough and uncouth backwoods character.” Lincoln attributed his election to the presidency to Brady’s portrait...” (Okoro, 2005, p.27).

Agbanu (2008) observes that in print journalism, photographs are an easier means to an end as they communicate and tell stories succinctly, while reporters try, sometimes without success, to paint mental pictures with words. The media make use of pictures to express reality

and authenticity. Pictures bring people closer to the scene of the event. Citing Black (1991), Agbanu (2008) has this to say about photographs, “everyone knows that it can be as misleading as statistics, but nevertheless, they are generally accepted as authentic proof of facts or events’ (p.43). Also, citing Rodman (2006), Agbanu (2014) notes that in news gathering, photojournalists have in mind the kind of pictures they are looking for, for which they choose their film, lens angle and manipulate to achieve their effect. But with the advancement in technology and the introduction of software packages such as Photoshop on computers and digital cameras, manipulation of pictures is quite easy. The use of photographs in news reporting is done to authenticate the news items and give it credibility. The advent of photographs mechanically printed into the newspaper opened a market for press photography. Pictures were mostly taken for their action and content rather than any aesthetic considerations. Basically, photographs in journalism inform, educate and enlighten newspaper readers about current issues and also reflect on the past. They also enhance the credibility of the stories as well as depict reality and provide evidence of the authenticity of a news story as an event that occurred. This conforms to the Chinese saying that a picture is worth more than a thousand words. Udeze (2005) points out that photography speaks a universal language in all cultures and languages. He submits that the picture says the same thing and elicits the same emotion in any person who can see. “As long as one can see, she/he can feel the same about a picture of mourning scene, an accident scene or a wedding scene. This is the power of pictures over words. Words change meaning as it moves from one culture or language setting to another, but pictures remain the same and create the same effect” (Udeze, 2005, p.1). Citing Rothstein (1979) on cases in which pictures aided in telling the stories better, Udeze recalls that in 1890, Jacob Riis used photographs to document the sordid slums of New York. He states that the use of photographs for the sordid slums of New York helped in his propagation of housing reforms. Udeze adds that in the early 19th Century, Lewis W. Hine used photostory as a journalistic device when he coordinated pictures and captions on child labourers, immigrants and coal miners. The use of pictures for the story had a strong influence on legislation designed to correct social injustices.

Udeze describes a photojournalist as “a reporter as well as a photographer who uses images in the form of photographs to tell a story, or to buttress one. He assembles his images and can expand a single still photograph into a sequence or series of highlights of chronological action, or may combine such photograph with other related ones to produce a picture story or photo essay” (p.14). He adds that as the reporter utilises words to express ideas and communicate information, so do the photojournalists use their pictures to tell stories. On what makes the photojournalist different from an ordinary photographer, Udeze states that the photojournalist possesses a sense of news which comes from training. He lists other attributes of a photojournalist to include: feeling of sensitivity and tact to enable him to know when and where to point the camera and click the shutter; having a sense of adventure—an adventurous spirit impels the photographer to go anywhere for the most trivial assignments; carrying out his job with enthusiasm, reading wide and having the ability to remain objective even while covering an emotion-laden assignment. Udeze further outlines the functions of a photojournalist. The first of such functions is that the news photograph is supposed to arrest the reader’s attention. He describes this function as very important as it entails publishing pictures that are captivating because they are unusual. “The second function



of a news photograph is to depict the dramatic highlight of the story. By showing the dramatic highlight, the picture gives us an insight into what really transpired from the beginning of the occasion to the end” (Udeze, 2005, p.19). Other functions are that the photograph should tell the news by bringing to the narrative the pictorial touch; it should establish the context or frame of reference in which the reader interprets the news and it should aid in page make-up—that is, it should beautify the pages as part of the aesthetic elements in newspaper and magazine production.

Antithetically, Agbanu (2014) notes that when manipulated, the photographer has largely one thing in mind which is to deceive. Photojournalism, it is said has a long and cherished tradition of truthfulness which necessitates the belief that the “camera never lies”. In Malizu’s (2011) opinion, the old adage that photography never lies seems to be less truthful today than was ever before. That the camera cannot lie is true only in the sense that the image it captures must have existed in one form or another at some particular time, but it is not always clear if those images have been manipulated in some way to alter or to stage an event which never happened. This is also in line with Udeze’s (2005) position that pictures can be used to lie. Udeze cites the May 2004 case on the problem of believability, where some pictures that claimed to be the photographs of Iraq prisoners being abused by British soldiers were published by the *Daily Mirror* of London. These photographs elicited some doubts from experts. The lack of believability of most of the photographs was based on a number of reasons including the obvious fact that British soldiers do not use a Bedford Truck which was the vehicle the alleged prisoner was lying in while the British soldier was urinating on him. The second source of doubt was that the gun being pointed at one of the prisoners was not of the Queen’s Regiment in Iraq. Based on these doubts, the British Defence Military went ahead to prove that the picture was fake.

The above scenario explains the fact that photographs can be doctored to serve a specific purpose. Hence, the photographs released by Nnamdi Kanu to illustrate that Muhammadu Buhari was replaced by an impostor from Sudan named Aminu Jubril needed to have undergone thorough scrutiny to ensure their credibility and authenticity. One of the earliest cases of confirmed photo manipulation was reported in 1860 when a famous photographer, Matthew Brady, presented a portrait of President Abraham Lincoln’s head transposed onto John Calhoun’s body. This same portrait was the basis for the original Lincoln five-dollar bill. Photojournalism, according to Malizu (2011) is a particular form of journalism which is the collecting, editing and presenting of news material for publication; it creates images in order to tell a news story. Therefore, photojournalists are visual interpreters, using their cameras and knowledge to bring readers a feeling of what the event or situation is really like. Today, the authenticity and integrity of photojournalism in the digital photography and editing age have been a concern to various communication scholars. The use of photo manipulation is assumed to have gradually reduced the credibility of print media content. Malizu (2011) states that digital still imagery is vulnerable to manipulation by virtue of some previous visual alterations that sparked critical debate in the press and in public discourse. Malizu further posits that prior to the 1980s, photographs were mostly altered by skilled darkroom technicians and artists with airbrushes. In recent years, the rapid expansion of interconnected networks and the never-ending development of digital technologies have facilitated instant multimedia transmission and the creation of large-scale digital image databases. Citing Zhao

(2003), Malizu (2011) avers that the digital images are gradually replacing their classical analogue counterparts with the widespread use of automatic cameras, personal computers and software packages. Anyone with the desire to capture, manipulate images and alter images worldwide can do so with ease without any significant loss of quality. In other words, it is becoming easier every day to doctor photograph to make something look believable. In the view of Bersak (2006) as cited by Malizu (2011), the altered photos arguably undercut trust even more than textual inaccuracies, because news photos convey a believability that words do not. In attempts to ensure credibility, many newspapers, magazines and other media organisations have policies, written or verbal, that deal with altering photographs. Such policies are also in line with the ethical guidelines of the National Press Photographers Association which stipulates that “as journalists, we believe the guiding principle of our profession is accuracy. Therefore, we believe it is wrong to alter the content of a photograph in any way that deceives the public” (National Press Photographers Association, 1997, p.26).

The Society of Professional Journalists Code of Ethics also warns against the distortion of the content of news photos or videos. The National Union of Journalists amended its Code of Conduct in 1998 to state that no manipulated photographs are to be published or broadcast unless they are clearly labelled as such. In addition, the code also outlines what kind of manipulation is acceptable (Malizu, 2011). Journalists are known as gatekeepers and are not expected to allow pieces of information that are not accurate to pass their desks without being screened thoroughly. Through this process, they tend to determine not only which information is selected, but also what the content and nature of the photograph will be. But in this case, the media were seen reporting with photographs of President Buhari and an unconfirmed Aminu Jubril based on what Nnamdi Kanu alleged and presented as facts to support his claims. Apart from the credibility problem in which manipulated pictures can cause a media house, the use of manipulated photographs can attract legal consequences such as libel. MacDougall (1978) as cited by Udeze (2005) defines libel as:

a malicious defamation either by writing, or printing or by signs, picture, effigies, or the like, tending to blacken the memory of one who is dead, or impeach the honesty, virtue or reputation, or to publish the natural defects of one who is alive and thereby expose him to public hatred, contempt, ridicule or obloquy; or to cause him to be shunned or avoided, or to injure him in his office, business or occupation (Udeze, 2005, p.122).

### **Between Photo Editing and Photo Manipulation**

The difference between photo editing and photo manipulation can easily be captured with the analogy of young ladies who enhance their bodies with beauty products. Some of them are naturally beautiful, while others artificially enhance their bodies to measure up. The former group may need beauty products to enhance themselves for public events, while the latter group may qualify for those who manipulate the enhancers to make themselves look beautiful. Photo Editing, according to Hasan (2013) is an art and craft for effective communication with the help of

journalistic photographs. Photo editing takes the form of selection, cropping, enlarging (blowing up), reducing, sizing, retouching, reproduction, inseting, grouping and clubbing. It is primarily done for appeal presentation.

For Nielit (2020), editing means the act of altering an image such as digital photographs, illustrations, prints or photographs on film using hand (airbrushing) and photo editing programmes. Photos are edited to remove blemishes or make the image better. They are edited for contrast and brightness and in some cases to make completely new images. Nielit argues that photo editing is also known as image editing, image/photo manipulation, photoshopping and image/photo enhancement. The reference to photo editing as the same thing as photo manipulation is debatable among media scholars. This is because some scholars view photo editing as involving the use of regular processes to enhance the quality of photos, while photo manipulation on the other hand, is a way of transforming or altering a photograph using various methods and techniques. It includes simple editing and advanced manipulative techniques. In recent times, photo manipulation seems to be taking over the art of processing pictures. Conceding to the position of Smith and Anderson (2018), Felig (2020) states that photo manipulation has become increasingly common, particularly among millennial women who use editing tools and pre-designed filters to edit and touch up their photos. The use of artificial intelligence software is now making the matter worse. Felig notes that much of the observable behaviour related to photo activity must have been informed by objectification theory. He explains that by objectification theory, women, more than men become accustomed to living in a society that heavily emphasises their appearance, and which views them as objects to be used, rather than as full people. Regrettably, Felig points out that women learn to internalise the focus that is traditionally placed on them by others and heavily monitor their own appearance through a process known as self-objectification. He notes that one of the most common ways in which women are portrayed in an objectifying manner is through the media, adding that women who are high in self-objectification are more likely to engage in photo manipulation behaviour as a means of presenting themselves as “ideal”.

Patterson (2002) citing Alling-Ode and Tubin (1993), Becker (1996) and Paul (2000), explains that digitally manipulated photographs began to appear in the daily press in the mid-1980s with the introduction of digital pictures and electronic transmission of pictures. Patterson submits that technical development has fundamentally changed the presumptions concerning credibility in photographs, noting that with digitalisation, photos no longer have natural ties to the film-based original. Citing Paul (2000), Patterson (2002) states that with modern computers and image processing programmes, one can, in principle, make any conceivable change in drawings and photographs, as well as in moving pictures on film or video from the very moment the photograph is taken until it is published. According to him, there is actually no limitation to manipulating images for a person with the necessary skills and access to the right equipment. He points out that thousands of pictures of various standard backgrounds and foregrounds – depicting different types of landscapes, city environments, people, plants and animals can be combined to form an endless number of entirely or partly new picture motifs, adding that modern computer-based graphical systems have a lot of built-in possibilities for manipulating images. Patterson laments that photo

manipulation has become a common practice for many graphic designers working in the advertising and entertainment industry, stating that in news, information design and instruction design, readers and viewers expect pictures and images to represent the truth in a correct way.

### **Obscene Pictures in the Media**

The account of what constitutes obscenity has been contentious in literature. Gould (2010) recalls that the issue of obscenity gathered momentum in Great Britain with the passage of the Obscene Publications Act in 1857. However, the first known obscenity case was that of *Regina v. Hicklin* which was tried under the Obscene Publications Act in Great Britain in 1868. The Hicklin case addressed the issue of obscene material which was an anti-Catholic pamphlet titled, “*The Confessional Unmasked*” and published by the Protestant Electoral Union. Lord Cockburn who judged the case ruled that the material was obscene. Thus, the Hicklin test soon became the standard for obscenity cases in the United States.

The United States Supreme Court first addressed obscenity in the 1957 case of *Roth v. United States* and its companion case, *Alberts v. California*. Both Roth and Alberts had been convicted under statutes that prohibited the mailing of obscene materials. At the Supreme Court, they argued that the statutes violated their First Amendment rights to free speech and that their convictions should be overturned. The Supreme Court, in its opinion in *Roth v. United States*, affirmed that obscenity was not within the area of constitutionally protected speech or press (Gould, 2010). In 1964, the issue of obscenity was again brought before the United States Supreme Court in the case of *Jacobellis v. Ohio*. The Supreme Court applied the Roth test and determined that the film, in fact, was not obscene and overturned Jacobellis’ conviction. The decision of the Supreme Court in a judgment delivered by Justice Potter Stewart led to the famous explanation of obscenity. Gould (2010) cited Justice Stewart as stating, “I shall not today attempt further to define the kinds of material I understand to be embraced within that shorthand description, and perhaps I could never succeed in intelligibly doing so. But I know it when I see it, and the motion picture involved in this case is not that” (p.8). Following the United States Supreme Court’s decision in 1973, Kataria (2019) lists three basic guidelines to define obscenity. They are, “Whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest”, “whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law” and “whether the work, taken as whole, lacks serious literary, artistic, political, or scientific value.” These guidelines are sometimes called the prurient-interest, patently offensive and serious-value prongs of the Miller test, according to Kataria.

However, in the African culture, practices of exposing the sensitive part of the body in public places is seen as offensive, except in some cultural displays. Olurunda (2022) asserts that Africa has a very rich culture, but the unfortunate situation is that most cherished African values are fast fading due to non-patronage and modernisation.

There is now an upsurge in the display of maternity shoots by pregnant mothers. The only worrisome aspect of the issue is that expectant mothers now display their nudity in pictures. Where

such idea came from is unknown, probably, they are displaying their nudity publicly knowing that no expectant mother covers her nudity in the labour room. The rise in public shows of nudity was alarming especially, in social media. The conventional media, however, seem to present a different angle to the craze for nude maternity shoots. For instance, Ekeh (2023), in her column in *The Sun* lamented the nude show when she submitted that:

Pregnant ladies who take full-nude pictures and post on the social media, do so just to be talked about by other people. It is not universally acceptable and not socially desirable. What manner of irresponsibility is that?...This show of shame is the reason I consider such women ungrateful and ingrates for not properly appreciating the gift that God gave them. In a situation where so many women had soaked their pillows with tears while seeking and believing God for their own fruit of the womb; then, someone is blessed and her thank you is to strip off her clothes and take nude pictures and serve herself to the whole world, on social media, as a cheap plate of pepper soup. I do not know how her own children yet unborn would celebrate her when she is old. Would they refer to her as that naked pregnant mother or what?

Similarly, Ayedoju (2023) who avers that taking photographs is one common way of preserving memories with social media such as WhatsApp, Facebook, Instagram, Twitter, TikTok and many others making such preservation easier, decries the rate of nude pregnancy pictures. “It is now becoming a growing trend for some women to take nude pictures while they are pregnant and post same on social media. Recently, men too are joining the train as some men were seen posing nude alongside their pregnant wives despite the fact that such bold display did not enjoy a warm reception from the members of the public,” Ayedoju writes, stating that research shows that Nigerian ladies, especially the celebrities, have been engaging in such practices for almost a decade now starting with the contentious pictures of a heavily pregnant Nollywood actress on June 24, 2015. The *Daily Advent Nigeria* (2019) stresses that having a new baby brings so much joy into the life of expectant parents and preparation for the arrival of the new baby is unavoidable. “From painting the baby’s room to buying clothes and diapers, to even having a baby shower or gender-reveal party. However, parents these days have added a whole twist to the whole having a new baby show...some moms go completely naked,” the newspaper decries, noting that pregnant women baring their bumps in maternity photo shoots are the rave of the moment in Nigeria. “This artistic nude shoot is sort of becoming a trend nowadays. We have seen expectant parents jump on it, we have seen models jump on it. When it comes to what this generation can do, there are obviously no limits,” the newspaper observes.

## **Findings and Discussion**

### **Are there ethical implications in the publication and pictorial portrayal of Muhammadu Buhari as Aminu Jubril?**

The publication and pictorial portrayal of Muhammadu Buhari as Aminu Jubril Al-Sudani which turned out to be false and misleading run contrary to ethical provisions for the practice of journalism. The false publication runs contrary to the provision of Article 2 of the Code of Ethics for Nigerian Journalists. The item with the subheading, “Accuracy and Fairness” stipulates that (i) “The public has a right to know. Factual, accurate, balanced and fair reporting is the ultimate objective of good journalism and the basis of earning public trust and confidence,” (ii) “A journalist should refrain from publishing inaccurate and misleading information. Where such information has been inadvertently published, prompt correction should be made...” and (iii) “In the course of his duties, a journalist should strive to separate facts from conjecture and comment.”

Also, item one of the Codes of Ethics for the National Press Photographers Association stipulates that visual journalists should be accurate and comprehensive in the representation of subjects and item two admonishes visual journalists to resist being manipulated by staged photo opportunities. Additionally, item five of the Code warns visual journalists against manipulating photographs when it states that “while photographing subjects do not intentionally contribute to, alter, or seek to alter or influence events.” Furthermore, item six stipulates that “editing should maintain the integrity of the photographic images’ content and context. Do not manipulate images or add or alter sound in any way that can mislead viewers or misrepresent subjects.”

Based on the provisions and standards of journalistic practice, it is correct to assert that there are ethical implications in the manipulation of the picture of Muhammadu Buhari and his portrayal as Aminu Jubril Al-Sudani. The practice was unethical and the publication failed the ethical requirements for the practice of journalism. Therefore, the media establishments that portrayed Muhammadu Buhari as Aminu Jubril were wrong.

### **What are the ethical provisions for the publication of nude pictures of the pregnant woman on the baby shower and the lawyer who posted her nude pictures online?**

The media derive their colouration from the society. In other words, the mass media reflect the values and events happening in the society. Article 3 (Privacy) of the Code of Ethics for Nigerian Journalists stipulates that, “As a general rule, a journalist should respect the privacy of individuals and their families unless it affects the public interest.” Article 5 (iii) states, “A journalist should not present lurid details, either in words or pictures of violence, sexual acts, abhorrent or horrid scenes.” The only condition to publish issues bordering on privacy is captured in Article 3b (Privacy) which states that publishing of information on privacy is permissible if it exposes crime or serious misdemeanour or exposes anti-social conduct among other things. Therefore, journalists are restrained from publishing nude pictures except it is done to correct anti-social conduct.

## **What are the ethical considerations with regard to the publication of the picture of the lady who displayed her pubic area on social media for tattoo drawing on her private part?**

The *Times News* reported that British model, Becky Holt claims to be the most tattooed person on the private side. Relying on an interview that Becky granted the *New York Post* in which she disclosed that her tattoo was done in five stages, *Times News* stated that Becky shared a photo of the artist doing the tattoo on social media, but did not release any more images or information about the design. She disclosed that she endured the pain of the tattoos which covered 95 percent of her body. After getting the tattoo done on other parts of her body, she took the decision to do it on the private part. “I don’t know how many women in the world have tattoos on their private parts. But I am one of those very few. I received many messages appreciating my courage,” Becky who claimed she had her husband’s support was quoted in the report. In the report, Becky’s body with part of the tattoo was displayed but not her private part. Her sensitive parts were covered and the report was properly covered by conventional global media.

Again, going by the provisions of the Code of Ethics for Nigerian Journalists, Article five (iii) on Decency admonishes journalists against presenting lurid details, either in words or picture, of violence, sexual acts, abhorrent or horrid scenes. The nude picture of a lady who presented herself for tattoo drawing in the presence of her man has the right to do so but not to publicise the concentration of the drawing on her private part. Again, the publicity given to drawing tattoo on the pubic area was unwarranted in the public space. This is because, different spheres of people are exposed to media content. The public show of a private part with no positive lesson to learn from constitutes obscenity. The picture could go for soft magazine. On the other hand, such picture could only be published in extreme case for an editorial of criticism.

### **Summary of Major Findings**

From the analyses so far, the following were the major findings:

1. The publication and pictorial portrayal of Muhammadu Buhari as Aminu Jubril fell short of the ethical requirements for the practice of journalism.
2. The publication of nude pictures of women could only be justifiable in an extreme form of editorial of criticism or features.
3. The publication of picture displaying the drawing of tattoo on the pubic area should be considered for specialised publication and advertisement or for extreme media criticism.

### **Conclusion**

The use of pictures to illustrate a story goes beyond aesthetics to telling stories to a divergent audience with different backgrounds and demographics. Therefore, the right picture must be used to better tell the story. There are cases of picture manipulations and use of obscene pictures in journalistic practice. It would be a failure on the part of photojournalists and their editors if nude pictures are published in such a manner that they will glorify the intent of those who posted them on the social media. Allowing such inglorious pictures in the public space could constitute offensive publication and betray public trust.

## Recommendations

Based on the findings, the following recommendations are made:

- 1 The conventional media should sustain their sound gatekeeping processes that regulate unconfirmed stories and offensive pictures from passing through the mainstream media.
- 2 The conventional media should up advocacies and campaigns against the publication of nude pictures as maternity shoots and anti-social lifestyle on the social media.
- 3 The display of private part in the drawing of tattoo should be restricted to specialised publications or be deemed to be published as a form of media criticism and surveillance of the society.

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