

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 55/91

Dated the 4th day of December 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

Dr JANE RITCHIE

of Hamilton

Broadcaster

TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson
J.R. Morris
R.A. Barraclough
L.M. Dawson

DECISION

Introduction

The first episode of a New Zealand comedy series, *For the Love of Mike*, was broadcast by TV1 at 9.30pm on 20 June 1991. The theme of the programme involved the leading character's relationship with her psychologist partner when she discovered that her partner's treatment of sexual dysfunction among his female patients involved having sexual intercourse with them.

The complainant, an associate professor of psychology at Waikato University, pointing out that such psychotherapy contravened the NZ Psychological Society's ethical standards, complained to Television New Zealand Ltd that the programme denigrated psychologists. She also complained that the programme treated domestic violence in a trivial manner and did not adequately address the issue of safe sex.

TVNZ, explaining that the programme was a comedy and not a documentary, declined to uphold the complaint about denigration. It also declined to uphold the aspect of the complaint which dealt with the trivialisation of domestic violence as, it said, the complainant misinterpreted the programme's reference to that behaviour. The complaint about safe sex, TVNZ remarked, was not a broadcasting standards issue.

As the complainant was dissatisfied with TVNZ's decision, she referred her complaint, other than the issue of safe sex, to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.



Decision

The members of the Authority have viewed a tape of the programme and have studied the correspondence (summarised in the Appendix).

The complaint regarding denigration of psychologists centred on the programme's attitude towards the use of the technique of psychotherapy which includes sexual intercourse with patients. According to the episode, it was a technique apparently discussed in an American psychology journal and was used by the principal psychologist portrayed. The psychologist's co-practitioner's objections were based on practical rather than ethical concerns. Although the practice was objected to strongly by the principal psychologist's partner, the support she received came from "outsiders" rather than from either psychologists or their clients.

TVNZ's Complaints Committee in its letter of 26 July 1991 to Dr Ritchie recorded that the therapy was contrary to the profession's ethical codes and that that point should have been made in the script. The Authority noted that TVNZ, with hindsight, had acknowledged a flaw in the broadcast.

Dr Ritchie complained that the first episode of the New Zealand comedy series, *For the Love of Mike*, broadcast by TV1 at 9.30pm on 20 June 1991 breached standards 2 and 26 of the Television Code of Broadcasting Practice. Standard 2 requires broadcasters:

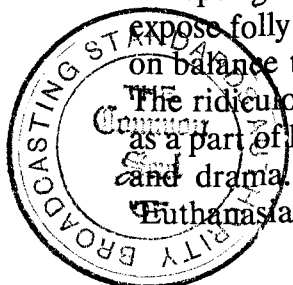
2. To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.

Standard 26 provides:

26. Except as the legitimate expression in context of satire, dramatic themes and current affairs might legitimately dictate, the portrayal of persons in programmes in a manner that encourages denigration of, or discrimination against, sections of the community on account of sex, race, age, disability, or occupational status or as a consequence of legitimate expression of religious, cultural or political beliefs, may not be encouraged.

The Authority first assessed the programme against standard 26. TVNZ, noting that standard 26 does not apply to the "legitimate expression in context of satire", argued that the broadcast was a satirical comedy and, accordingly, the standard was not relevant. The Authority approached that point in the following way. It noted that standard 26 does not apply provided, first, the item is either "satirical" or "dramatic", and secondly, the expression of satire or drama is "legitimate". Despite TVNZ's description of the programme as a comedy containing satire, the Authority regarded it as a "situation comedy" rather than a satirical comedy. Nevertheless, that conclusion left open the question whether standard 26 was excluded on the basis that the programme involved the legitimate expression of satirical or dramatic themes.

Accepting that the dictionary definition of satire requires either the use of ridicule to expose folly or the lampooning of an individual (Concise Oxford), the Authority decided on balance that the item indeed included a degree of both satirical comedy and drama. The ridiculous idea that a psychologist will go home and sleep with the cleaning woman as a part of her psychological therapy, for example, contained a passing element of satire and drama. There were also statements, such as "Rat poison - that's the answer", "Euthanasia - should try it on my clients", "Having sex with clients - that's work", which



would never be taken seriously.

The standard also requires the Authority to assess whether the use of satirical or dramatic themes is legitimate. "Legitimate" in this context, in the Authority's view, means complying, at least, with the good taste and decency standards in the Broadcasting Act 1989 and the Television Code of Broadcasting Practice. In this case, the Authority concluded that the degree of satire and drama exhibited by the programme was legitimate according to that criterion and thus sufficient to justify the operation of standard 26's exclusionary clause. In addition, the Authority observed that even if standard 26 was applicable there was insufficient material in the episode to breach the standard about denigration. The medical, dental and legal professions have accepted that what would be outrageous professional behaviour in reality, does not amount to denigration of or discrimination against their professions when portrayed in a programme qualifying under standard 26. The Authority believes this is also applicable to the profession of psychology.

Turning now to the assessment of the episode against standard 2, the Authority noted that Dr Ritchie had complained that a "joke" based on domestic violence was contrary to accepted standards of taste and decency. The "joke" involved a character, Raewyn (the cleaning woman), volunteering that her "sweet" husband had not hit her for some weeks. In reply TVNZ argued that the humour in the "joke" was based on "a ludicrously illogical statement" or "on an Irish bull element". The Authority agreed with Dr Ritchie that the alleged joke was based on wife-beating, but it also agreed with TVNZ that there was an element of humour in the "ludicrously illogical statement" that a "sweet" man was a wife-beater. Further, the Authority considered that most viewers would see the humour in the ridiculous nature of Raewyn's statement rather than inferring from it that the use of domestic violence in itself was being treated as a joking matter.

In assessing whether the "joke" breached the taste and decency requirements of standard 2, the Authority took into consideration the context in which the "joke" was broadcast. It was regarded as an important contextual element that the programme *For the Love of Mike* depicted characters who, for the most part, would not be taken seriously by viewers.

In the result it was decided that although humour involving such a serious social problem as domestic violence is fraught with the risk of causing offence to some, the circumstances were such that, on balance, the Authority concluded that the broadcast of the "joke" did not offend currently accepted norms of taste and decency.

For the reasons set forth above, first, the Authority declines to uphold the complaint that the broadcast by TV1 of the programme *For the Love of Mike* on 20 June 1991 breached standards 2 and 26 of the Television Code of Broadcasting Practice.

Signed for and on behalf of the Authority


Iain Gallaway
Chairperson

4 December 1991



Appendix

Dr Ritchie's Complaint to Television New Zealand Ltd

Dr Jane Ritchie, an associate professor of psychology at Waikato University, made a formal complaint to TVNZ Ltd in a letter dated 25 June 1991 about the first episode of the New Zealand comedy, *For the Love of Mike*, broadcast by TV1 at 9.30pm on 20 June 1991.

The programme, she wrote, portrayed a psychologist whose practice of psychotherapy included sexual intercourse with his female patients in order to cure their sexual dysfunction. As that technique of psychotherapy contravened the NZ Psychological Society's ethical standards, she said the portrayal of the psychologist in the programme was denigratory to the profession of psychologists.

She also complained that the programme treated domestic violence in a trivial and tasteless manner and did not deal adequately with the issue of safe sex.

TVNZ's Response to the Formal Complaint

TVNZ advised Dr Ritchie of its Complaints Committee's decision in a letter dated 26 July. The complaint had been considered in terms of standards 2 and 26 of the Television Code of Broadcasting Practice. Standard 2 requires broadcasters:

- 2 To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.

Standard 26 provides:

- 26 Except as the legitimate expression in context of satire, dramatic themes and current affairs reporting might legitimately dictate, the portrayal of persons in programmes in a manner that encourages denigration of, or discrimination against, sections of the community on account of sex, race, age, disability, or occupational status or as a consequence of legitimate expression of religious, cultural or political beliefs, may not be encouraged.

Because of the pre-broadcast publicity about the series *For the Love of Mike* as a comedy drama, TVNZ argued that it fell within the exclusions allowed by standard 26. It added that Dr Ritchie's complaint, which was shared by the NZ College of Clinical Psychologists, was refuted by an individual psychologist who had argued on radio that psychologists should retain their sense of humour. Accordingly, standard 26 had not been breached.

TVNZ stated that the programme had not trivialised domestic violence and the laughter the complainant referred to had been directed at a character's contradictory descriptions of her husband. The programme, TVNZ added, had not breached



standard 2.

TVNZ, noting in addition that the complaint about safe sex related to community health, not to broadcasting standards, declined to uphold the complaint.

TVNZ concluded its letter to Dr Ritchie with the following comment:

This decision notwithstanding the Committee believed it would have been helpful had there been a comment somewhere in the script indicating that such sex therapy practices were contrary to ethical standards of the profession. It asked that the programme's producer be advised of this view so that it might be noted for any similar further occasion even for farcical adult comedy, that the script convey in some form an indication that such practices are unprofessional and of a "striking off" nature.

Dr Ritchie's Complaint to the Broadcasting Standards Authority

As Dr Ritchie was dissatisfied with TVNZ's decision, on 2 August 1991 she referred her complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

She repeated the substance of her complaint to TVNZ and added:

1. The broadcaster believes the portrayal of the psychotherapist to be legitimate in the context of satire or drama. I do not believe it was. The behaviour of the therapist in "For the Love of Mike" was not ethical in any context and therefore likely to denigrate the profession.
2. The broadcaster believes I misunderstood the implication of Raewyn's comment about her husband not hitting her for weeks. This is irrelevant. Whatever the correct interpretation of the comment may be it was, nevertheless, a joke based on the fact that her husband hit her, and therefore, I contend, not in good taste.

TVNZ's Response to the Broadcasting Standards Authority

As is its practice, the Authority referred the complaint to the broadcaster. The letter to TVNZ is dated 8 August and the reply is dated 12 September.

TVNZ emphasised that the series *For the Love of Mike* was a comedy which used fictitious dramatic scenarios. Accordingly, the exclusion provision in standard 26 applied. Furthermore, it added, the technique of sexual therapy portrayed was not condoned by the "practitioner's" partner. TVNZ also supplied part of the transcript from Radio New Zealand of an interview during which a Wellington psychologist had urged fellow practitioners to exhibit a sense of humour about the programme.

Nevertheless, TVNZ repeated the observation made to the complainant that the programme, as a local production, could well have made the point that the behaviour



portrayed breached the psychologists' professional code.

In regard to the complaint about trivialising domestic violence, TVNZ emphasised the points, first, that the complainant had misconstrued the dialogue, and secondly, the humour in the dialogue was based on "a ludicrously illogical statement", not on domestic violence.

TVNZ concluded:

In summary the company would submit that given the comical nature of the programme, and the context of the story lines, the episode in question must not be taken seriously, even if themes might seem rather close to home in some respects. Although it can be accepted that some forms of comedy may not always have universal appeal, the company does not believe "For the Love of Mike" could possibly be confused with the docudrama mode, or place it in any jeopardy of breaching the codes in question.

Dr Ritchie's Final Comment to the Authority

When asked for comment on TVNZ's reply, in a letter dated 20 September Dr Ritchie remarked that the combined views of the NZ College of Clinical Psychologists and the NZ Psychological Society, which had found the programme offensive, outweighed the opinions of the two individual psychologists cited.

With regard to the comment in the programme about wife beating, Dr Ritchie observed:

Television New Zealand believes I misunderstood the meaning of the joke about wife-beating. I must confess that the subtlety of their rather convoluted defense of this piece of "jocular dialogue" still escapes me. My point is simple; wife-beating was regarded as something to be treated in a humorous manner, whatever the correct interpretation of the joke. I believe that any joke about wife-beating is in very bad taste.

