

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 50/91

Dated the 18th day of November 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

ROBERT J. WARDLAW

of Auckland

Broadcaster

TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

DECISION

Introduction

An episode of *One Foot in the Grave* was broadcast by TV1 at about 9.45pm on Tuesday 18 June 1991. A trailer promoting the episode was broadcast at about 6.30pm on Sunday 16 June. This 12 part BBC comedy series depicted a recently retired temperamental 60 year-old who found it hard to deal tolerantly with everyday events. The central character, Victor Meldrew played by Richard Wilson, felt inadequate as a "senior citizen" and, as far as he was concerned, death seemed to be both immanent and imminent.

In the episode complained about, Victor Meldrew awoke from an unconscious state and assumed that the bearded character standing over him was God and that he was in heaven. That scenario also featured on the trailer.

Mr Wardlaw complained to Television New Zealand Ltd about the trailer broadcast at 6.30pm during a time when children are watching. In addition to this segment in the episode broadcast at 9.45pm, he complained about the programme's use of blasphemous language and its attitude to funerals, death and religious proselytising. He described the programme's approach to humour as immature and callous.

TVNZ said that although the programme was rated "PGR", the trailer contained only "G" material and did not belittle the Christian concept of God. The complaint about the trailer was not upheld. As the programme was not a parody of the elderly and as it did



not show disrespect for Christian beliefs and principles, TVNZ declined to uphold the complaint about the total episode.

As Mr Wardlaw was dissatisfied with TVNZ's decision, he referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have viewed the programme and the trailer to which the complaint relates and have read the correspondence (summarised in the Appendix).

Mr Wardlaw complained that a trailer of an episode of the BBC comedy series *One Foot in the Grave* broadcast by TV1 at 6.30pm on Sunday 16 June 1991 breached standards 2, 8 and 18 of the Television Code of Broadcasting Practice. They require 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.
8. To abide by the classification codes and their appropriate time bands as outlined in the agreed criteria for programme classifications.
18. To be mindful of the effect any programme may have on children during their generally accepted viewing periods.

Mr Wardlaw also complained that the episode broadcast at 9.45pm on Tuesday 18 June 1991 breached standard 2, noted above, and standard 26 which reads:

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.

The Authority first addressed the complaint about the episode's trailer. Mr Wardlaw focused his complaint on the portrayal of God as an elderly man in a white robe. He contrasted that with the biblical description of God as omnipresent and omnipotently powerful.

TVNZ stated that although the series had been rated PGR, the trailer contained G material. Its broadcast at 6.30pm accordingly complied with standard 8. In addition, pointing out that the trailer had been broadcast between the *News* and *Frontline*, TVNZ commented that that was not a time which was likely to appeal to children. The

Authority concurred with that observation and thus considered that standard 18 had not been breached.



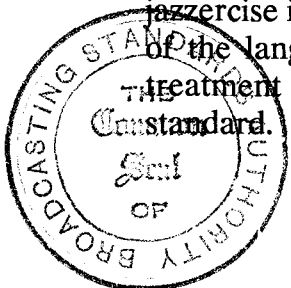
With regard to the trailer's compliance with standard 2, the Authority questioned whether the portrayal of God as an elderly man breached currently accepted norms of decency. It accepted that many Christians would agree with Mr Wardlaw's point about the "invisible" God and that a physical depiction of God was wrong. On the other hand, it accepted that the depiction of God used in the episode, and highlighted in the trailer, was one which many people, both believers and nonbelievers, would recognise. There is little doubt that some children are able to accept the existence of God only by visualising him in the form of a human being - often as an elderly male. It is acknowledged that Mr Wardlaw, and undoubtedly many others, could base their objections to the portrayal on biblical text. However, the Authority did not accept that the portrayal was sufficiently distasteful to justify a finding that it breached standard 2 of the Television Code.

Mr Wardlaw based his complaint about the entire episode on standards 2 and 26. The opening words of standard 26 provide that it does not apply to the "legitimate expression in context of satire". Referring to earlier correspondence on this point, TVNZ argued that comedy inevitably includes an aspect of satire and thus the standard was inapplicable. It continued, nevertheless, that should that submission not be accepted, the programme did not encourage the denigration of, or discrimination against, Christianity. Mr Wardlaw disagreed with both of those points.

In the decision to which TVNZ's letter refers (No. 46/91 involving a complaint from Mr Wardlaw about the programme *Waiting for God*), the Authority ruled that that comedy programme included a substantial element of satire and thus standard 26 was inapplicable. In examining the arguments on this occasion, the Authority disagreed with TVNZ and decided that comedy does not, inevitably, include an aspect of satire. Many programmes in the genre known as situation comedies, for example, may well not involve any satirical element. The Authority accepts the dictionary definition of satire which describes it as an individual being lampooned or the use of ridicule, irony or sarcasm to expose folly or vice (Concise Oxford).

In the Authority's opinion, the episode of *One Foot in the Grave* to which the complaint related involved the lampooning of the central character, Victor Meldrew. The Authority also decided that the use of satire was legitimate in the context. Thus, the Authority concluded, standard 26 did not apply. The Authority would observe, in addition, that even if standard 26 was applicable, there was insufficient material in the episode to justify a decision that it encouraged denigration of or discrimination against Christianity.

When assessing the programme against standard 2, the Authority considered first whether the issues raised by Mr Wardlaw in his initial letter of complaint to TVNZ were sufficient either in themselves or together to amount to a breach of the requirement for good taste and decency. With regard to the programme's reference to a Christian funeral as hypocritical, to the portrayal of God discussed above, to the death of a jazzercise instructor, to the questioning of the sincerity of Jehovah's Witnesses, to the use of the language employed in discussing the incident of indecent exposure, and to its treatment of the elderly, the Authority decided that the programme did not breach the standard. In dealing with those matters, the Authority concluded that the episode



complied with the generally accepted attitudes, values and expectations of New Zealanders.

The two points raised by the complainant which the Authority did, however, consider questionable were the frequent use of the word "God" as an exclamation and the use on two occasions of the phrase "Christ Almighty" as an expletive. In focusing on those points, the Authority shared what appeared to be Mr Wardlaw's principal objection to the blasphemy contained in the programme.

In Decision No. 46/91 (referred to above) the Authority wrote:

In considering the complaint that the programme breached standard 2, the Authority referred to its study published in 1990, entitled "Attitudes to Acceptable Standards of Language (Swearing and Blasphemy) on New Zealand Radio and Television", prepared by Dr Geoff Lealand. The second point in the study's conclusion reads:

- * Certain swear words, ... and the blasphemous use of "Christ" and "Jesus" have a low level of acceptability, especially when heard on radio or television.

TVNZ drew the Authority's attention to a recent study by the British Broadcasting Standards Council which concluded that religious words, used as expletives, were in a less serious category than swear words. Although that may be so in Great Britain, the Authority accepts that, in New Zealand, blasphemy equates at least with some of the more serious swear words.


Taking that observation into account, it is apparent that it is the use of the words "Christ" and "Jesus", rather than the word "God", which has a low level of public acceptability. Moreover, although there was relatively frequent use in the episode of the word "God" as an exclamation, in the Authority's opinion its use was not given the same prominence which the phrase "Christ Almighty" received. The programme twice used the phrase "Christ Almighty", first when a doctor examined an extensive rash on Victor Meldrew's back and immediately after when Victor Meldrew chastised the doctor for her use of the term. The Authority believed that whereas the first use of the term was questionable but, nevertheless, complied with standard 2, the second use of the phrase bordered on the gratuitous. After considerable debate of the marginal nature of the dialogue, a majority of the Authority decided on balance that the context in which the expression was used on two occasions was not sufficiently gratuitous to amount to a breach of standard 2.

For the reasons set forth above, first the Authority declines to uphold the complaint that the broadcast of the trailer for the programme *One Foot in the Grave* on 16 June 1991 or the broadcast of the programme on 18 June 1991, breached standards 8, 18 and 26 of the Television Code of Broadcasting Practice; and secondly, a majority of the Authority declines to uphold the complaint that the broadcast of the programme on 18 June 1991 breached standard 2 of the Code.



The Authority advises broadcasters that the use of the blasphemy is a matter which requires careful consideration. The Authority is aware both from the material supplied and from its own research that Mr Wardlaw's concern about the use of blasphemy on radio and television is shared by many. Further, the Authority is of the opinion that standard 2 prohibits the gratuitous use of blasphemy.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson



18 November 1991

Appendix

Mr Wardlaw's Complaint to Television New Zealand Limited

In a letter dated 20 June 1991, Mr Wardlaw complained to TVNZ Ltd about an episode of *One Foot in the Grave* broadcast by TV1 at 9.45pm on Tuesday 18 June 1991, and about a trailer for the programme broadcast on TV1 at about 6.30pm on Sunday 16 June.

He said that the trailer breached standards 2, 8 and 18 of the Television Code of Broadcasting Practice which require that broadcasters be mindful of the effect a programme may have on children broadcast during their usual viewing periods (standard 18), that programmes shown during children's viewing times abide by the classification codes (standard 8), and that programmes meet currently accepted norms of decency and taste taking the context into account (standard 2).

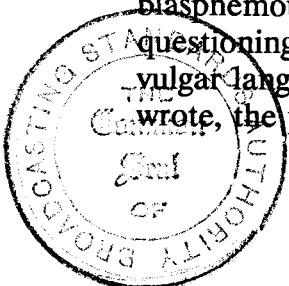
The trailer showed the central character who, when awakening from an unconscious state, thought that the elderly bearded man standing over him was God and that he was in heaven. Mr Wardlaw wrote:

Christian parents, who are at pains to dispel the dangerously false image created in secular lampooning by unbelievers of the Creator God, as an old and feeble, rheumy-eyed man in a white robe, teaching instead, the Bible statement that "no one has seen God at any time" and that the "invisible god" is omnipresent and omnipotently powerful have been given occasion for serious concern.

His complaint about the total episode was based on standards 2 and 26 of the Television Code. Standard 2 requires broadcasters to take into account currently accepted norms of decency and taste in language and behaviour, bearing the context in mind, and 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.

Committed Christians, Mr Wardlaw stated, would have been offended by the reference to a Christian funeral as hypocritical; by the portrayal of God referred to above; by the use on two occasions of the phrase "Christ Almighty" as an expletive; by the callous comedy treatment of the death of a jazzercise instructor; by the blasphemous use of "God" and "My God" at various times as exclamations; by questioning the well-meant sincerity of Jehovah's Witnesses; and the unnecessarily vulgar language when discussing an incident of indecent exposure. Moreover, he wrote, the programme was "heartlessly callous" in laughing at the anxieties



experienced by the retired. The broadcasters increasingly vied with each other, he continued, to appeal to the lowest common denominator.

TVNZ's Response to the Formal Complaint

TVNZ advised Mr Wardlaw of its Complaints Committee's decision in a letter dated 2 August 1991.

In regard to the trailer, it said that the material complied with the "G" standard. It also pointed out that the trailer's placement, between the *News* and *Frontline*, was not focused at child viewers. TVNZ continued:

Considering the obvious dream-like scenario created by the scene and the fact that there was no deliberate attempt to belittle or undermine the Christian concept of God or the beliefs of Christians, the Committee did not believe Codes 2, 8 and 18 had been jeopardised by the trailer. Accordingly, your complaint in this respect was not upheld.

The programme, *One Foot in the Grave*, was a 12 part BBC comedy series in which Richard Wilson played the leading character, Victor Meldrew. TVNZ continued:

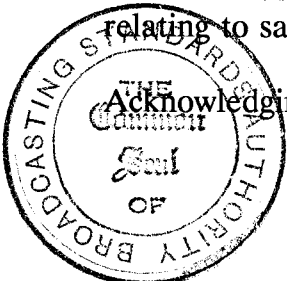
Victor Meldrew was depicted as a somewhat unusual character - a 60-year-old, moody, temperamental old devil, who found it hard to deal rationally and tolerantly with the irritating events that confronted him almost daily. From a working man he had been "demoted" on retirement to "senior citizen" and, as far as he was concerned, the next phase was death. His daily routine fell into disarray and he felt useless and inadequate. Small incidents assumed epic proportions.

The programme's content, TVNZ explained, was a comedy more suited for an older audience. The programme had a PGR rating and it contained "a minimal amount of coarse language and expletives but they were interpreted as being entirely in context with the character Victor". TVNZ said that the words described by Mr Wardlaw as blasphemous were in common use as expletives and were not designed to show contempt for Christians. TVNZ added:

In summary the Committee was satisfied the programme was not intended to parody the elderly or show disrespect for Christian principles and beliefs. It did not represent a real situation. It was considered to be a well produced programme in the comedic genre where aspects relating to artistic merit and inept casting took on a meaning differing from those you envisaged in this regard.

TVNZ stated that standard 26 was not applicable in view of its exclusion clause relating to satire and dramatic themes.

Acknowledging the complainant's Christian beliefs, the Committee concluded,



nevertheless, that the total programme had not breached the Television Code.

Mr Wardlaw's Complaint to the Broadcasting Standards Authority

As he was dissatisfied with TVNZ's response, Mr Wardlaw referred his complaint to the Broadcasting Standards Authority on 13 August 1991 under section 8(a) of the Broadcasting Act 1989.

He explained that his complaint was based on the points made in his letter of 20 June to TVNZ. The thrust of his complaint, he wrote, first was the programme's unjustified blasphemy, secondly that the use of blasphemy created a discrimination against Christian viewers, and finally that the trailer did not meet the standards of decency and taste in language and behaviour for young viewers.

He stated that the terms used to describe God in the programme, "mangy" and "self-righteous", along with direct blasphemy, denigrated Christian faith.

He described as incorrect TVNZ's reference to Victor Meldrew as laconic. Rather, he said:

The character developed was, in fact, irritatingly voluble and was typical of a bad case of verbal diarrhoea.

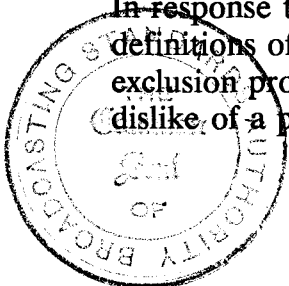
He disputed TVNZ's decision that standard 26 did not apply in view of the programme's satire. Comedy, he wrote, did not equate with satire and the programme was neither satire nor drama. He also objected to TVNZ's inference that because of changes in social attitudes, clear standards of decency, propriety or morality no longer existed. Programme producers, he continued, used canned laughter to prompt the desired response and many Christian viewers refrained from watching programmes which were likely to be offensive.

TVNZ's Response to the Broadcasting Standards Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. The request is dated 22 August and TVNZ's reply is dated 16 September.

TVNZ emphasised that the trailer did not include any of Victor Meldrew's descriptions of God to which Mr Wardlaw objected. TVNZ quoted, with approval, a decision of the British Broadcasting Standards Council which had described the representation of God as a white-bearded figure among clouds as not "a serious assault on religion".

In response to Mr Wardlaw's dictionary definition of "comedy", TVNZ quoted definitions of "satire" and "drama" and insisted that the programme fell within the exclusion provision of standard 26. Even if standard 26 did apply, TVNZ added, dislike of a programme by a group of viewers did not amount to discrimination. With



reference to Mr Wardlaw's remarks about the absence of programme standards, TVNZ noted that although the types of entertainment had changed over the years, the themes remained consistent. It added that the episode of the *One Foot in the Grave* to which the complaint related was popular among elderly viewers and:

Had the programme been so out of kilter with the public's perception of what might constitute generally accepted attitudes, values and expectation of New Zealanders, given the context, then the company could reasonably have expected to have had more than a sole complaint as represented by that of the complainant.

Mr Wardlaw's Final Comment to the Authority

When TVNZ's response was referred to him for comment, in a letter dated 21 September Mr Wardlaw repeated that he objected to the broadcast, in children's viewing time, of the image of God as an enfeebled old man. He was disgusted that the trailer had received a "G" rating as:

It is not even suitable for general viewing by the immature and certainly offensive to Christians.

Further, he questioned the relevance of a British decision to his complaint.

He described as tenuous TVNZ's use of dictionary definitions to justify the exclusion of standard 26. The programme, he maintained, was not true satire.

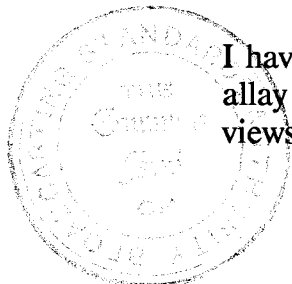
Mr Wardlaw said that TVNZ's point that viewers were not required to watch something they might dislike did not apply to trailers which featured a programme's "most objectionable elements".

He made a number of points to indicate that he believed that TVNZ did not fully comprehend the depth of Christian beliefs and the deep repugnance felt by committed Christians at the use of blasphemy. He stated:

On the score of being an isolated complainant, the possibility is offered that committed, believing Christians are currently ignoring TV in droves to avoid corruption of families, or blacking out what they find as obscene in despair of ever altering their environment by being vocal. Personally I find much personal historical encouragement for making a seemingly impossible stand on a fundamental issue.

He expressed his appreciation that TVNZ had referred to the Bible in its response to the Authority and concluded:

I have been grateful for the patient efforts of those concerned, to attempt to allay concerns of myself and many others and value the respect shown for my views, which I know was sincerely expressed. There is no ill-will in my attitude



and I have been motivated by the need to be faithful (among millions) to life-long conviction that we exist by the grace and favour of the beneficent Creator to whom we all owe obedience and praise (for our own good) and who has given us clear, eternal options.

I have been accused of wasting time in reading and following, as much as possible, the developments in radical thought and theology, so I can claim to have complained and appealed from an informed perspective and not out of naive ignorance of other views.

