

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 46/91

Dated the 4th day of October 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.B. Fish

J.L. Hardie

J.R. Morris

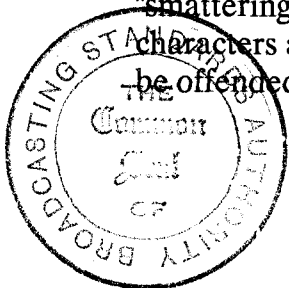
DECISION

Introduction

An episode of *Waiting for God* was broadcast by TV1 at 9.35pm on Thursday 21 February 1991. This seven part BBC comedy series was based around the antics of two residents of the Bayview Retirement Village and their relationship with management. The central character, Diana Trent played by Stephanie Cole, was a sharp-tongued spinster afflicted by arthritis and penury who, in combination with an unorthodox high-spirited elderly man called Tom, played by Graham Crowden, challenged the Village's rules.

Describing the series as "a cruel comedy related to the end years of geriatrics", Mr Robert Wardlaw complained to Television New Zealand Ltd about the use of gratuitous blasphemy by the female lead in the programme and its use during a trailer broadcast at various times during the day. He argued that the programme also breached the standard directed at the protection of children, the standard which discourages the portrayal of people in a manner which encourages denigration or discrimination, and the standard which requires broadcasters to abide by the classification codes.

In view of some of the times the programme's trailer had been broadcast, TVNZ upheld the part of the complaint relating to the protection of children and the classification codes, but it did not uphold the other aspects of the complaint. It considered the "smattering of coarse language" was in context with the satirical portrayal of eccentric characters and although it was acknowledged that a small minority of viewers could well be offended, the number was insufficient to reach a finding that the programme breached



the standard which required broadcasters to take into account currently accepted norms of decency and taste.

Mr Wardlaw was dissatisfied with TVNZ's response and, maintaining that the use of "Jesus Christ" as an expletive breached the Television Code of Broadcasting Practice, referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

### Decision

The members have studied the correspondence (summarised in the Appendix) and have viewed the programme and its trailer about which the complaint relates.

Mr Wardlaw's complaint to TVNZ focused on what he described as the gratuitous blasphemy used by the programme's female lead. TVNZ upheld the complaint to the extent that the broadcast of extracts from the programme, used as a promo and containing the phrase "Jesus Christ" used as an expletive, breached standards 8 and 18 of the Television Code of Broadcasting Practice. In view of the times at which the promos were broadcast, they complied neither with the classification codes nor with the standard relating to the protection of children during their generally accepted viewing periods. The Authority agrees with the decision of TVNZ's Complaints Committee on these points.

Mr Wardlaw referred to the Authority his complaints under standards 2 and 26 which had not been upheld by TVNZ. Standard 2 requires broadcasters:

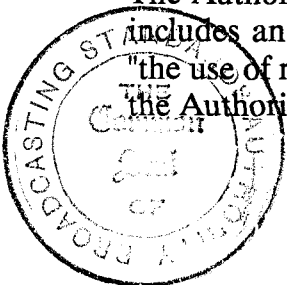
- 2 To take into consideration currently accepted norms of decency and taste in language and behaviour, bearing in mind the context in which any language or behaviour occurs.

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.

Dealing first with standard 26, the Authority points out that it does not apply to the legitimate expression of satire. Describing *Waiting for God* as satire, TVNZ argued that the standard was irrelevant. On the other hand, Mr Wardlaw maintained that the programme was not a satire, but a comedy which denigrated the elderly.

The Authority does not intend to enter into the debate as to whether comedy inevitably includes an aspect of satire. Using the Concise Oxford Dictionary definition of satire, "the use of ridicule, irony, sarcasm, etc., to expose folly or vice to lampoon an individual", the Authority concluded that *Waiting for God* was broad satire. Much of its humour was



based on lampooning the management of a retirement village. Contrary to the complainant's perspective, the Authority noted that the programme not only featured elderly people but dealt with them both warmly and positively. As the programme was a satire in that it ridiculed (the relatively youthful) management, the Authority decided that standard 26 did not apply.

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.

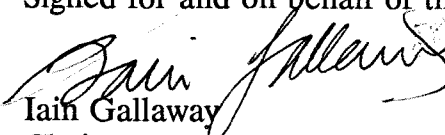
TVNZ drew the Authority's attention to a recent study by the British Broadcasting Standards Council which concluded that religious words, used as expletives, were in a less serious category than swear words. Although that may be so in Great Britain, the Authority accepts that, in New Zealand, blasphemy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

Standard 2 requires the Authority not only to examine currently accepted norms but also to bear in mind the context in which the language or behaviour occurs. Focusing on the first part of the requirement, TVNZ maintained that the programme did not breach standard 2 as, although the language used might have offended a minority of viewers, the programme's popularity indicated that the language used was generally acceptable.

The Authority's approach focuses on the standard's reference to the programme's context. The research revealed that the public concern about the use of blasphemy involved the use of religious words as expletives. The first segment of the episode of *Waiting for God*, to which the complaint relates, was dealing with religious issues. Immediately prior to the female lead's use of the phrase "Jesus Christ", a somewhat slow witted staff member had announced her intention to become a nun, explaining that Jesus Christ had "visited" her the night before. Although the lead's subsequent use of the phrase "Jesus Christ" clearly contained an expression of surprise and thus an aspect of blasphemy, it was acceptably appropriate in the context of the preceding dialogue. The Authority records that, in other circumstances, the phrase might well have been inappropriate and breached the standard. However, in the admittedly unusual context in which it was used, the Authority concluded that it did not breach standard 2.

**For the above reasons, the Authority declines to uphold the complaint.**

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson  
4 October 1991



## Appendix

### Mr Wardlaw's Formal Complaint to Television New Zealand Ltd

In an undated letter (approximately 1 March 1991), Mr Wardlaw complained to TVNZ Ltd about the "gratuitous blasphemy" on the 21 February episode of the "blasphemously titled" *Waiting for God* broadcast by TV1. He described the series as "a cruel comedy related to the end years of geriatrics". He continued:

The blasphemous words especially referred to were the names "Jesus Christ", used as an explosive exclamation and vehemently expressed by what appeared to be the female lead character.

He expressed particular concern that the programme used a female character to "perform" the blasphemy - "no doubt part of the shock tactics planned to achieve TV sensationalism". He argued that TVNZ would not broadcast an expression such as "Bloody Maori ancestors" and the broadcast of the blasphemy in *Waiting for God* indicated a bias against Christian beliefs.

He also complained that the words were used in a trailer for the episode broadcast at other times, some of which occurred during the viewing hours for younger audiences.

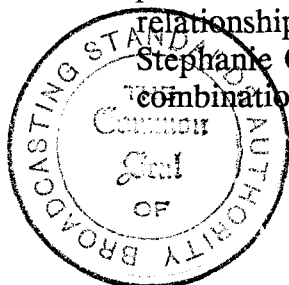
In a second letter dated 7 March, he stated that the programme breached standards 2, 8, 18 and 26 of the Television Code of Broadcasting Practice. They require broadcasters, respectively, to take into account currently accepted norms of decency, to abide by the classification codes, to be mindful of the effect of the programme on children and not to portray people in a manner which encourages discrimination or denigration. He concluded:

An acid test of the propriety of using the offending language in this case would be to ask whether or not the programme would have been ruined by substitution of some other expletive. If the only answer is "yes", we are in the ridiculous position of admitting that playwrights can achieve audience impact only by the use of sacred names - those, in fact, of the divine person in whom they obviously have no belief. Cynicism and hypocrisy could plumb no profounder depths.

### TVNZ's Response to the Formal Complaint

TVNZ advised Mr Wardlaw of its Complaints Committee's decision in a letter dated 29 April 1991.

It said that *Waiting for God*, a seven part BBC comedy series, revolved around the peculiar antics of two residents of the Bayview Retirement Village and their relationship with management. The central character, Diana Trent played by Stephanie Cole, was a sharp-tongued spinster afflicted by arthritis and penury who, in combination with an unorthodox high-spirited elderly man called Tom, a Walter Mitty



type character played by Graham Crowden, challenged the Village's rules. The letter continued:

The series was extremely popular and received consistently large audiences. It contained a smattering of coarse language, but it was considered to be entirely in context with such eccentric characters.

Far from being a "crude comedy", it was considered the series contained positive messages for elderly people. It highlighted the spirit of two people not content to let the world pass them by in their final years.

With regard to the complaint about gratuitous blasphemy, TVNZ wrote that in the programme's context the language was not used in a blasphemous sense and that such language was now in common use in a non-religious sense. It objected to the complainant's description of the series as a cruel comedy, adding that there was no deliberate denigration of the elderly and, indeed, the ratings showed that it was highly popular among older viewers, especially women. TVNZ dismissed the complainant's comment about Maori ancestors as irrelevant.

Turning to the standards mentioned by Mr Wardlaw, TVNZ pointed out that the programme's high ratings (15th for the week) indicated that it complied with accepted standards. Nevertheless, the Complaints Committee recognised that some people would be uncomfortable with the programme's levity. That minority, however, did not disqualify the programme from having attained generally accepted norms.

By broadcasting the programme at about 9.30 pm, TVNZ had complied with the time bands. However, as the trailer had been broadcast outside the appropriate time band on three occasions, the classification standard (standard 8) had not been correctly observed. The complaint was upheld on this point.

The complaint was also upheld under standard 18 (protection of children) when the trailer was shown at 5.14pm on 20 February and 5.25pm on the 21 February.

As standard 26 does not apply to the legitimate expression of satire, into which category the programme fell, TVNZ stated that it was not applicable.

TVNZ concluded that the complaint had been upheld in part and:

Those responsible for placement of trailers are being cautioned about the need for the utmost care being taken to ensure such trailers do not go to air outside classification guidelines.

The letter concluded:

Finally it should be recorded that the Committee had a sincere respect and regard for your genuinely held views in this matter, and regretted that the episode caused you such a measure of disquiet.



**Mr Wardlaw's Complaint to the Broadcasting Standards Authority**

As Mr Wardlaw was dissatisfied with TVNZ's decision not to uphold his complaint in full, he referred the complaint to the Broadcasting Standards Authority on 16 May 1991 under s.8(a) of the Broadcasting Act 1989.

He explained his extensive involvement with geriatric homes and hospitals and said the behaviour displayed in the series "would not have been used by any inmate and beneficiary of such a benign institution other than one of the elderly deranged or mentally disturbed who was insensitive to the social and religious offence involved".

He described the programme's high ratings as an artifact of the programme's promotion rather than as a result of its qualities. He dismissed TVNZ's description of the series as a satire, pointing out that satire was inappropriate when dealing with conditions in geriatric homes in New Zealand.

Focusing on the use of blasphemy in the programme, he wrote:

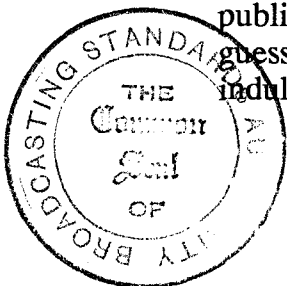
Any use of God's name (or the name of Jesus Christ who was God in human form) which is not worshipful - or at least passive as in consideration of His possible being - is disrespectful and blasphemous in result.

He added with regard to TVNZ's claim that such language was in common use:

By what criteria was this measurement of acceptability made? Do the members of the Complaints Committee move in social circles in which this (Jesus Christ blasphemy) is true of the women-folk with whom they commonly (or ever) relate? If they do, it places a large question mark over their desensitised suitability to occupy positions so strategic in keeping the rules affecting what Television does to our characters.

In comparison with other named British comedies, he described the programme as "sub-standard". As the programme was a comedy, not a satire, he maintained that TVNZ had not addressed his complaint under standard 26 - that it encouraged denigration or discrimination. He stated that standard 26 was also applicable as not all the Christian Churches had questioned the "reality of a God of immortal being". He recorded:

Should not the Broadcasting Authority, on whose shoulders rests an enormous responsibility in this matter, consider whether, and at what point, it considers there should be a cut-off in liberalisations - or must we maintain what is proving to be a socially corrosive progression and - "Lemming-like" - rush to a destiny of self destruction? There is an increasing tendency, even of Court Judges, quite improperly, to "re-interpret" laws in consideration of shifts in public standards of morality, the scope of which they apparently personally guesstimate. It is urged that the Authority does not permit TVNZ this indulgence with Code 26.



He concluded by accepting that in view of a range of deities, the name "God" may not be referring to the God of Christians. However, he wrote, the name "Jesus Christ" was unique to the Christian faith.

### TVNZ's Response to the Authority

As is its practice, the Authority requested TVNZ's comments on the referral. The request is dated 19 June 1991 and TVNZ's reply, 14 August.

TVNZ questioned whether it was possible to measure accurately the community's reaction to the language used in the popular programme. It also said that it was inappropriate to compare the programme's improbable events with the experiences in New Zealand's geriatric homes with which Mr Wardlaw was familiar. TVNZ also provided anecdotal evidence that the programme was popular in at least one Auckland rest home.

Quoting dictionary definitions, TVNZ maintained that the concepts of humour and satire were not mutually exclusive and thus standard 26, which provides an exception for satire, was not applicable.

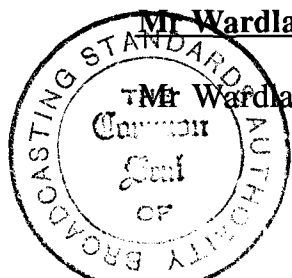
And quoting dictionary sources again, TVNZ argued that every or any reference to "Jesus Christ" in other than a religious context did not involve blasphemy. The dictionary definition accepted that the word "Jesus", although of questionable use in polite company, could be used as an expression of surprise or dismay. That definition, TVNZ submitted, "is the usage intention in the story line of the BBC programme". It continued:

While it was made clear to the complainant that the Committee regretted that the episode had caused upset and that his Christian interpretation was obviously motivated by his sincere and deeply held Christian beliefs, it is apparent he does not appreciate that the name of Jesus has, over recent times, expanded through usage to become an expression signifying feelings other than those of piety. The tide of human progress, if it can be described as that, does not necessarily equate with the preservation of Christian values and could perhaps be seen as an erosion in that respect.

Further, taking into account the Authority's concept of good taste and decency as expressed in previous decisions, TVNZ argued that the programme did not breach standard 2 of the Television Code. TVNZ also stated that it did not breach any other standards beyond the breaches upheld by its Complaints Committee. In concluding, TVNZ expressed the opinion that advancing age did not necessarily correlate with a declining sense of humour.

### Mr Wardlaw's Final Comment to the Authority

Mr Wardlaw was asked for brief comments on TVNZ's reply and in a lengthy letter



dated 21 August, he criticised both the content and quality of the programme. He said that the female lead shouted the words "Jesus Christ" in "sheer irritation". Questioning whether this action could be described as "satire", he wrote:

This complaint all along has been that the blasphemy was gratuitous and could only have been explained (but not justified) in scripting, as the most powerful and arresting protest the woman could make. Why? Because the names used were at the still and always beating heart of a message which has changed more lives, more dramatically than any other names in all of human history.

He expressed his disdain at TVNZ's use of "one-off research". In reply to TVNZ's comment that his views were not necessarily shared by many others, he stated:

The writer has made no such claim and has, in fact, been at pains to make it clear that he was representing a "sector" point of view but one which is promised protection under the Broadcasting Codes.

He enclosed an extract from the Challenge Christian weekly newspaper to indicate that his views were shared by other Christians.

In regard to the dictionary definitions of "Jesus" and "Christ", Mr Wardlaw stated, first, that TVNZ attempted to place the authority of the dictionary above that of the eternal God. He continued:

It is surely unacceptable for unbelievers (the only kind who would do it) to misappropriate the names of divine beings in whom they do not believe and callously use them for audience impact in a shoddy "comedy".

After discussing social change and the concepts of good taste and decency, in regard to blasphemy, Mr Wardlaw recorded:

... there are many levels of behaviour and words in common use at the lower levels of social conduct, vocabulary and intelligence in the community, which are not considered appropriate for use on Television. If there were not there would be no occasion for a Broadcasting Code at all and this debate would not be taking place. Blasphemy remains blasphemy, whatever the prevailing law concerning its use.

#### **TVNZ's Final Comment to the Authority**

In response to Mr Wardlaw's final comment, on 5 September TVNZ provided the Authority with an extract from the British Broadcasting Standards Council annual report. It contained the results of the Council's survey on individual swear words and disclosed that words from a religious context when used as expletives, although offensive to some older viewers, were not generally regarded as nearly as objectionable as most swear words.

