

A response to the consultation on the BBC's draft Editorial Guidelines



9 November 2018

About the National Secular Society

The National Secular Society is a non-profit organisation campaigning for the separation of religion and state, and equal respect for everyone's human rights so that no one is either advantaged or disadvantaged on account of their beliefs. We regard secularism and freedom of expression as essential features of a liberal democracy.

Opening comments

We welcome the opportunity to comment on the revised draft of the Editorial Guidelines. Our response is primarily concerned with ensuring that freedom of expression is not restricted by religious considerations.

In the BBC statement of values, the guidance says:

In exercising freedom of expression, we must offer appropriate protection to vulnerable groups and avoid causing unnecessary offence.

The BBC, like other public service broadcasters, has a unique and vital role to play in defending freedom of expression and speech, regardless of whether such expressions are regarded by some as 'offensive'. A growing culture of offence is having a chilling effect on free expression. By striving to avoid causing "unnecessary offence" the BBC risks creating a climate of self-censorship out of fear of causing offence – a situation that would clearly be deleterious to the fundamental right to freedom of expression. We urge the BBC to defend and uphold the principle of free expression as a positive value.

Impartiality

"We must be inclusive, considering the broad perspective and ensuring the existence of a range of views is appropriately reflected."

This is a worthy aim and should be adhered to. Whilst we appreciate that impartiality does not necessarily require a range of perspectives or opinions to be covered within a single programme, there is no question that by deliberately excluding non-religious contributions to *Thought for the Day* and *Pause for Thought* – programmes ostensibly offering 'thoughtful reflections' – the BBC is failing in its duty to be inclusive and acting in a discriminatory way. Research suggests that *Thought for the Day* is increasingly seen as out of touch in its current form and failing to reflect audience expectations of the BBC. One way to remedy this would be by turning both *Pause for Thought* and *Thought for the Day* into ethical current affairs reflection slots. Contributors should be selected on merit and not on the basis of which religious or non-religious identity they purport to represent.

Section 5: harm and offence

The section on religion states:

5.3.54 Any content dealing with matters of religion and likely to cause offence to those with religious views and beliefs must be editorially justified as judged against audience expectations and generally accepted standards and must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.

This is likely to create a double standard concerning treatment of religion. Anything that depicts religion negatively could “cause offence to those with religious views and beliefs”, so anyone handling religion with anything other than reverence will have to go through a tougher process to justify their material. This risks placing additional burdens and restrictions on comedians, documentary makers, satirists and commentators who want to be critical of religion.

Also in this section (and elsewhere) it says content dealing with religion should fall within “generally accepted standards”. It not clear what these standards are and who defines them. This runs the risk of such standards being set by offence takers with the loudest voices. It should be noted that these ‘generally accepted standards’ may be accepted by some followers of particular faiths, but not by the majority of people who do not accept the teachings of a particular religion.

It is also unclear why only religious content should fall within “generally accepted standards” – why not have the same treatment for politics?

This section goes on to say:

“There is no longer an offence of blasphemy or blasphemous libel in any part of the UK, but religious beliefs are central to many people’s lives and arouse strong views and emotions. We should take care to avoid unjustified offence.”

This language risks acquiescing to de facto blasphemy codes and places an unjustified focus on the feelings of the religious. The guidance is also factually wrong on this point. Scotland and Northern Ireland still have blasphemy laws. We suggest replacing this section with something like the following:

“There is no longer an offence of blasphemy or blasphemous libel in England or Wales. Scotland and Northern Ireland’s blasphemy laws are now unused. So the BBC should take care not to create a de facto blasphemy law by being overly sensitive about offending religious sensitivities. The BBC should not go out of its way to cause offence but sometimes causing offence will be editorially justified.”

This same section states:

“Many Muslims regard any depiction of the Prophet Muhammad as highly offensive. We must have strong editorial justification for publishing any depiction of the Prophet Muhammad. Any proposal to include a depiction of the Prophet Muhammad in our content must be referred to a senior editorial figure, who should normally

consult Editorial Policy.”

This is clearly an improvement on previous guidance which stated *“The prophet Muhammad must not be represented in any shape or form.”* The BBC’s decision to overturn its ban on depictions of Muhammad is welcome and must be maintained. It is not however clear to us why there should be any specific reference to depictions of Muhammad. The decision to do so indicates that this is a particular taboo, adding to a climate of censorship brought on by the unreasonable and reactionary views of some religious extremists. It also runs the risk of exceptionalising and infantilising Muslims by creating the impression that they are unable to accept depictions of Muhammad. If we are to uphold freedom of expression in the face of religious extremism, it could be argued that depictions of Muhammad should become normalised.

At the moment this section focuses only on the offence caused by depictions of Muhammad, not on the importance of showing solidarity with those who have been murdered or attacked for depicting him.

Section 8: Reporting crime and anti-social behaviour

In Section 8: Reporting Crime and anti-social behavior, the section on hate speech states (on p86 and p90):

“We must ensure that material which contains abusive or derogatory treatment of individuals, groups, religions or communities, is not included in our output unless it is justified by the context.”

The inclusion here of ‘religions’ alongside individuals, groups and communities, appears to suggest that ideas are being afforded protection which is otherwise only afforded to people. We see no justification for this.

Religious content

In Section 12 on religious content, the guidance states (on p130):

“Producers of religious programmes and related content have editorial freedom for the output to express faith and to explore matters of faith; however, they must ensure that religious views and beliefs of those belonging to a particular religion or religious denomination are not subject to abusive treatment.”

And

“Contributors should not be allowed to denigrate the beliefs of others.”

Whilst we appreciate that is not intended to preclude reasonable debate or challenge, it risks creating a double standard between those who praise religion and those who criticise it. We see no reason why contributors should be prohibited from denigrating the beliefs of others. A robust debate and exchanges of views should not be beyond the bounds of what is reasonable, provided such exchanges are measured and not abusive or insulting.

Later on in this section, the guidance states:

“Vulnerable audiences must be protected from exploitation, and religious programmes must not seek to promote religious views or beliefs by stealth.”

This is admirable but there is no indication of what this means in practice. Talking about one’s religion is a way of ‘bearing witness’, an inherent part of being actively religious and could be seen as promotion. Elsewhere in the guidance it states that “references to the positive effects of belonging to a particular religion will normally be acceptable.”

The requirement that religious programmes “must not seek to promote religious views or beliefs by stealth” appears inconsistent with the output of *Thought for the Day* and *Pause for Thought*. Many contributions to these slots are evangelistic, yet under the guise of offering ‘reflections’ on current affairs. If it is the case that these slots are considered to be an overt promotion of religious views or beliefs, then they surely fail the test of “due impartiality”.

Editorial Partnerships

In the section on **Editorial Partnerships**, the guidance states (on p184):

“Relationships with UK government departments, religious organisations, charities, trusts, foundations and non-governmental organisations which undertake lobbying should not compromise the BBC’s impartiality.”

We welcome this aspect of the guidance and urge the BBC adhere to it. We have previously raised numerous concerns about the BBC’s deference towards the Church of England. For example, in January 2017 Radio 4 broadcasted an entire episode the *Today* programme from Lambeth Palace. It featured several slots on the theme of Anglicanism, amounting to approximately one hour of airtime – a third of the programme’s total length. This included a 15-minute interview with archbishop of Canterbury Justin Welby. The programme effectively served to promote the Church of England. In our view it failed to meet the BBC’s own editorial guidelines regarding impartiality and indicated a ‘cosy’ relationship between the BBC and the Church, which can only undermine public confidence in the BBC’s commitment to impartiality.

DECLARATION

I confirm that the information I have submitted is a formal consultation response.

It can be published in full on the BBC’s website, and I authorise the BBC to make use of the information in this response to meet its legal requirements.

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