

challenging religious privilege

29 April 2009

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Dear Ms Young and the Complaints Dept

### **Formal Complaint about *Thought for the Day***

I am writing further to the meeting yesterday on 9 April with yourself, Dr Evan Harris MP (an Honorary Associate of the National Secular Society) and me. We appreciated the time taken to listen carefully to our concerns.

#### **Details of complaint**

- A. *Thought for the Day* (TftD) is discriminatory in that contributors who are not religious are specifically excluded. Although discrimination at any level is unacceptable, the greater the level or degree the discrimination, the more unacceptable it is. The scale of this discrimination is now breathtaking as the non-religious could by some definitions be soon in the majority. The latest official statistics<sup>1</sup> show that in 2006 those who consider they do not belong to a religion constituted 46% of the population while those do constituted 53%. At current rates of change, parity can be expected in 2016. We acknowledge the Census gives a higher figure for the religious, much inflated by "cultural but entirely non-practising Christians"<sup>2</sup>.
- B. If there were any concern at all by the BBC about laying itself open to charges of discrimination against the non-religious, they could offer a broadly equivalent slot for potential contributors presently excluded from *TftD*. This obvious but less satisfactory alternative has, significantly, also been rejected by the Corporation.
- C. TftD is the only broadcast of potentially contentious material that is not challenged whether by a presenter or balanced by an opposing view. Non-religious contributors wishing a similarly uncontested spot are denied it, although the appropriate way of achieving equality, we contend, would be to challenge or balance all contentious material, which includes TftD.
- D. We are aware the scripts are seen in advance, so the BBC is directly at fault by allowing the slot to be used to make political and quasi-political positions. This would be unacceptable in any event but is even more so given it is blatantly allowed at sensitive times, such as in advance of important votes in Parliament, and even by bishops or former ecclesiastical

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<sup>1</sup> ONS Social Trends 38

<sup>2</sup> More detail on the inappropriateness of relying on the Census figures for religious belief or practice:  
<http://www.secularism.org.uk/uploads/35430434015cc7c284491961.pdf>

office holders who have seats in the House of Lords and are therefore by any definition politicians.<sup>3</sup>

- E. TftD is also used to attack secularists or secularism, which is in essence a political attack, and also atheists or atheism – when atheists do not have the opportunity to respond on equal terms, and also showing a lack of even-handedness because attacks by one religion on another are not permitted.<sup>4</sup>
- F. With the title *Thought for the Day*, the exclusion of the non-religious is both offensive and discourteous to the non-religious – as if to say that their thoughts are not worthy of a slot such as this.
- G. We contend that the Corporation would not disregard any other group other than the non-religious in such a way or treat them with such discourtesy and contempt, in the exclusion itself and the manner in which complaints are dealt with.
- H. The title *Thought for the Day* is misleading; it is clearly a Religious Thought for the Day: often the content is no more than a sermon on religious doctrine, rather than the claimed function of “spiritual” comment on an event in the day’s news - for example, Rowan Williams on 10 April and Giles Fraser on 13 April this year. That there has been resistance by the Corporation to labelling it accurately suggests one or more of the following, none of which would be to the Corporation’s credit.
  - i. Only thoughts with a religious connection are appropriate to be given such prominence
  - ii. The absence of the religious qualifier given the strength of its enforcement amounts to misrepresentation
  - iii. If it were entitled Religious Thought for the Day the audience would be less attracted to it
  - iv. If it were entitled Religious Thought for the Day it would be less easy to justify the exclusion of this growing sector of the population and possibly also the prime time slot. (In the seventy years since the inception of *Lift up your Hearts* was launched in 1939, Anglican church membership, for example, has dropped by two thirds<sup>5</sup>). We also draw attention to the statistic shown in A. above.

### **Our complaint relative to BBC Public Purpose Remit, in particular the Corporations’ Purpose Plan to “Reflect the different religious and other beliefs in the UK”.**

- a. This exclusion prevents the audience, whether religious or not, from exposure to the unchallenged thoughts of the non-religious - in direct contravention of the

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<sup>3</sup> “and today the House of Lords debates a bill to legalise assisted dying” (Dr Jonathan Sacks) <http://www.bbc.co.uk/religion/programmes/thought/documents/t20051010.shtml> “And the Pope himself has fought for the sanctity of human life from conception to death, standing firm against abortion and euthanasia” (Dr Elaine Storkey) <http://www.bbc.co.uk/religion/programmes/thought/documents/t20050328.shtml> . She was speaking just as a key document was being finalised, a week before the release of “the report by the select committee set up to examine Lord Joffe’s Bill — which aimed to legalise assisted suicide and voluntary euthanasia” per <http://www.timesonline.co.uk/tol/news/uk/article377387.ece> <http://www.bbc.co.uk/religion/programmes/thought/documents/> “last Friday [during the passage of the Human Fertilisation and Embryology Bill through Parliament] when 85 academics wrote to the Times newspaper calling on MPs to change the law on abortion” (Rev Dr Alan Billings) <http://www.bbc.co.uk/religion/programmes/thought/documents/t20081020.shtml> . “No one in their right mind expects politicians to vote like evangelists. But the idea that religion can be privatised behind closed doors is a social and political illusion.” <http://www.bbc.co.uk/religion/programmes/thought/documents/t20070125.shtml> (Rev Joel Edwards on the legal position of Catholic adoption agencies under the Equality Bill). The former Bishop of Oxford Lord Harries of Pentregarth also talked on Assisted Dying on TftD, but not during the passage of a related bill. <http://www.bbc.co.uk/religion/programmes/thought/documents/t20081211.shtml> More examples available on request.

<sup>4</sup> “One thing that secularism does is to weed from the language of public discourse all the words and ideas that have any connection with religion, even quite tenuous connections.” (Clifford Longley) <http://www.bbc.co.uk/religion/programmes/thought/documents/t20020715.shtml> The standard secularist case would seem to be that religion has become resurgent, if not rampant, in the last decade. Hence civilisation as we know it is under siege from sinister irrational forces. (Clifford Longley) <http://www.bbc.co.uk/religion/programmes/thought/documents/t20080407.shtml> ; “Muslims, Christians, Jews, and plenty of others, had all suffered under an atheist empire.” (Abdul Hakim Murad) <http://www.bbc.co.uk/religion/programmes/thought/documents/t20070720.shtml>

<sup>5</sup> per Christian Research’s Religious Trends

BBC's formal obligation to "Reflect the different religious and other beliefs in the UK".<sup>6</sup>

- b. We also contend that a lifting of the exclusion would contribute to, rather than detract from, each of the BBC's first five purposes.<sup>7</sup>

## Rebuttal of counter-arguments

1. Our claims about discrimination do not rest on an assumption that the BBC is bound by equality legislation. Even if this aspect of the Corporation's is not so bound, a test of legality is not equivalent to one of acceptability in any sphere, far less of acceptable corporate behaviour for a publicly-funded body with the specific Public Purpose Remit of "representing its nations, regions and communities".
2. We reject that suggestion made by Head of Public Accountability and BBC Secretary to the Central Religious Advisory Committee in a letter to me on 30 August 2002 and others that "the less than three minutes of uncontended religion in TftD is more than balanced by the nearly three hours of the *Today* programme, or indeed most of the rest of the output." The idea that output that is not specifically religious and of potential interest to all audiences, whether religious or not, somehow balances religious output, or the ignoring of specifically the non-religious perspectives of a significant proportion of the populations is logically flawed.
3. We felt we could do no better than repeat the same counterarguments as our lawyers made to Glenwyn Benson, Director of the BBC's Factual and Learning Department in April 2003. These are shown as the very last item in the Appendix and should be read as if they appeared here; they are simply omitted to avoid repetition.

## This complaint is the latest of many over several decades

The Society's history over this complaint is exceptional, the first four points below of which we suspect no other body could claim:

1. The Society is the organisation most closely identified with opposition to *TftD* to the point of the confrontation verging on being a national cause célèbre<sup>8</sup>.
2. We can demonstrate that the Society has been complaining about *Thought of the Day (TftD)* numerous times without success, at a time when the BBC complaints procedure was not as transparent as it is now.
3. We may well have been the first organisation to complain. I have consulted my predecessors from the 1960s and established that our first complaint about *TftD*'s predecessor *Lift up your Hearts* was made by the then Secretary, Colin McCall, live on the Home Service in 1962<sup>9</sup>.
4. The Corporation's intransigence and failure to consider the matter fairly (and also its refusal even to contemplate a reciprocal non-religious equivalent) drove us to embark on litigation, a move that was widely reported. We had however to abandon it when it

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<sup>6</sup> Public Purpose Remit of "representing its nations, regions and communities".

[http://www.bbc.co.uk/bbctrust/assets/files/pdf/regulatory\\_framework/purpose\\_remits/nations.pdf](http://www.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/purpose_remits/nations.pdf)  
: "What the BBC will do to achieve this Purpose – **5. Reflect the different religious and other beliefs in the UK:** The BBC should give people opportunities to understand the beliefs of others, and to examine their own beliefs critically."

<sup>7</sup> 1. sustaining citizenship and civil society; 2. promoting education and learning; 3. stimulating creativity and cultural excellence; 4. representing the UK, its nations, regions and communities; 5. bringing the UK to the world and the world to the UK (in the latter case because the non-religious voice is significant element of the UK).

<sup>8</sup> For example <http://www.independent.co.uk/news/media/thought-for-the-day-may-take-on-secular-outlook-adoighaog-522243.html>

<sup>9</sup> Confirmed today by an NSS Secretary and NSS President from the 1960s, respectively Bill McIlroy and David Tribe who suggested *Lift up your Hearts* be replaced by *Lift up your Heads*.

became clear that the case would probably go to Strasbourg and the legal expenses would be excessive for us while not deterring the BBC.

5. The Appendix gives a brief insight into the long history of this complaint, in which the Corporation's historical role has been, to put it at its most charitable, high-handed. A précis of this is contained in the Appendix (letter from the NSS dated 6 May 2003).

We look forward to hearing from you.

Yours sincerely

**Keith Porteous Wood**  
**Executive Director**

# **APPENDIX**

## ***CORRESPONDENCE***

### **WORDING OF HIGH-PROFILE LETTER / PETITION**

Board of Governors  
c/o Mr Simon Milner

13 August 2002  
Advance copy by fax (2 pages) to 020 7765 2343

#### **Exclusion of non-religious contributors from Thought for the Day**

In a letter from the BBC's Head of Religion & Ethics to the National Secular Society\*, the BBC has again refused to lift its ban on non-religious contributors to Radio 4's Thought for the Day.

Calls for non-religious voices to be heard on this prime-time slot have been made repeatedly for well over thirty years, and it was even suggested that the change of title from Lift up your Hearts in 1970 presaged the removal of this discrimination, as Pause for Thought did with the World Service.

The proportion of the population that does not consider itself to be religious has grown rapidly in recent decades to the 30-40% it is today. By resolutely maintaining the ban, the BBC is discriminating against the non-religious. The BBC is also laying itself open to the charge that it considers non-religious reflections on current moral issues unworthy of such a prestigious programme, and thus giving the impression of promoting religion as the one source of ethics.

We call on BBC Governors to end this discrimination and include non-religious contributors on Thought for the Day.

\*Dated 19th April 2002, ref AB sd 0211. No reply received from our letter to Helen Boaden dated 10 May 2002. We have therefore exhausted all other avenues of appeal.

**Names of signatories follow:**

Graham Allen MP  
Prof. Peter Atkins  
Lord Avebury  
Dr Julian Baggini  
Iain Banks  
Tony Banks MP  
Prof George Barnard  
Prof Simon Blackburn FBA  
Harold J Blackham  
Prof Colin Blakemore  
Prof Sir Thomas Blundell  
Edward Bond  
Sir Hermann Bondi  
Alan Brownjohn  
Sir Roy Calne FRS  
Prof Colin Campbell  
Peter Cave  
Colin Challen MP  
Sir Kenneth Clucas  
Michael Connarty MP  
Prof Sir Bernard Crick  
Helena Cronin  
Ian Davidson MP  
Prof Philip Davies  
Rt Hon Ron Davies AM  
Owen Davies, Q.C.  
Prof. Richard Dawkins  
Sir Richard Doll  
Lord Dormand of Easington  
Maureen Duffy  
Prof Robin Dunbar FBA  
Professor Paul Edwards  
Professor Sir Anthony Epstein CBE, FRS  
Bill Etherington MP  
Zoe Fairbairns  
Prof Antony Flew  
Rt Hon Michael Foot  
John Fowles  
Neil Gerrard MP  
Ian Gibson MP  
Peter Goodfellow FRS  
Lord Goodhart  
Sir Francis Graham-Smith  
Prof John Harper CBE, FRS  
Dr. Evan Harris MP  
Dr Alan Haworth  
Prof Robert Hinde CBE FRS FBA  
Prof Eric Hobsbawm  
Dr Richard Hoggart  
Paul Holmes MP  
Prof. Ted Honderich  
Kelvin Hopkins MP  
Lord Hughes of Woodside  
Prof Hugh Huxley MBE, FRS  
Eric Illsley MP  
Lord Jenkins of Putney  
Jon Owen Jones MP  
Lynne Jones MP  
Sir Ludovic Kennedy  
Piara S Khabra MP  
Prof Sir Hans Kornberg MA, FRS  
Sir Harold Kroto FRS  
Sir Michael Levey  
Alice Mahon MP  
Paul Marsden MP  
Lord Marsh  
Lady Massey  
Prof John Maynard Smith FRS  
Lord McCarthy  
John McDonnell MP  
Lord McIntosh of Haringey  
Jonathan Meades  
George Melly  
Julie Morgan MP  
Dr David Nash  
Stan Newens  
Richard Norman  
Prof Patrick Nowell-Smith  
Martin O'Neill MP  
Jack Parsons  
Colin Pickthall MP  
Harold Pinter  
Prof John Postgate  
Philip Pullman  
Ken Purchase MP  
Lord Raglan  
Claire Rayner  
Prof Steven Rose  
Prof Sir Joseph Rotblat FRS  
Martin Rowson (cartoonist)  
Joan Ruddock MP  
Prof the Earl Russell  
Brian Sedgemore MP  
Joan Smith  
Sir David Smith FRS  
Lord Stoddart of Swindon  
Prof Sir Kenneth Stuart FRCP  
Hazhir Teimourian  
Polly Toynbee  
David Tribe

**FROM**  
**British Broadcasting Corporation**  
**Broadcasting House Portland Place London W1A 1AA**  
**Telephone 020 7580 4468**

**Governance & Accountability**

30 August 2002

Mr Keith Porteous Wood  
Executive Director  
National Secular Society  
25 Red Lion Square  
LONDON WC1R 4RL

Dear Mr Porteous Wood

Further to our acknowledgement, I am writing to thank you for your letter of 13 August to the BBC Governors, via Simon Milner. I am replying on their behalf as Simon is currently on holiday.

As Alan Bookbinder has said in his letter to you of 19 April, and following on from the meeting you had with him the previous week, the BBC accepts that as part of its commitment to a balanced reflection of the views of its audience, programmes should include the perspective of secularists, humanists and those sceptical of religion's claims. He then outlined the three broad ways in which this was achieved, both in general programming and in programmes from Religion and Ethics.

Since then, the BBC has commissioned from the Religion and Ethics budget a three part series on the history of atheism, presented by Jonathan Miller. The department has also recently featured a humanist wedding in the BBC One Sunday morning magazine programme, Heaven and Earth; and on 18 August Radio 4's Sunday programme held a discussion about the importance of humanist and secular beliefs, with contributors from all three of the organisations represented by your letter, including your own.

As far as Today is concerned, in terms of balance Thought for the Day occupies a very brief religious slot in what is otherwise an almost entirely secular agenda. It is also worth noting that, contrary to some reporting of the issue, the BBC received twice as many calls supporting the current brief of Thought for the Day as opposing it. I think this reinforces the current BBC consensus, as expressed by Alan Bookbinder, that Thought for the Day should stay as it is, an opportunity for reflections on topical matters from the perspective of a religious faith.

Yours sincerely

Moyra Tourlamain  
Head of Public Accountability and BBC Secretary to the Central Religious Advisory Committee

**RESPONSE BY THE NSS'S LAWYERS**  
**TO THE BBC'S REPORT ON ITS POLICY IN RELATION TO THOUGHT FOR THE DAY**  
**APRIL 2003**

The BBC's investigation into its policy of excluding the non-religious from contributing to *Thought for the Day* was undertaken by Glenwyn Benson, Director of the BBC's Factual and Learning Department "which makes *Thought for the Day* for BBC Radio 4".

Ms Smoker feels that this immediately casts doubts on the independence of this report. Why was it undertaken by someone so closely associated with the production of this programme, rather than an independent person who could look at the issues impartially?

More problematically, the investigation appears to assume that the format of *Thought for the Day* will remain as is, and then to try to defend that format against criticism. The starting point for the whole investigation is that described in paragraph 1 which says "It is a unique slot on the BBC in which speakers from a wide range of religious faiths reflect on an issue of the day from their spiritual perspective." Once the programme has been defined in that way, then the result of the investigation is effectively a foregone conclusion. Ms Smoker considers that approach to be completely flawed. Apart from anything else, it fails to approach the matter from the anti-discrimination stand point of Article 14 ECHR, as described in our previous correspondence. In short, discrimination, particularly blanket policies to discriminate, need to be justified if they are to be sustained. It is not for the excluded to justify why they should be included. It is for the excluders to justify the exclusion. They cannot. And Ms Benson does not even claim to do so.

Ms Smoker contends that the programme should properly be seen in accordance with its all-embracing title - *Thought for the Day* - as "a unique slot on the BBC in which speakers from a wide range of [perspectives] reflect on an issue of the day from their ... perspective". The blanket policy which excludes from the programme everyone who is not religious then has to be justified; which it cannot be. Indeed, the investigation does not begin to consider or explain, let alone justify, why non-religious contributors should be excluded. Having started from the wrong standpoint and set out to justify that standpoint, it is unsurprising that the investigation reached the conclusion it did.

We will now respond individually to points in the report and have preceded each series of our points with the relevant paragraph numbers in the report (shown in bold and parentheses):

1. **(1)** As above, Ms Smoker considers that the BBC needs to start from the perspective of having a thoughtful slot within the *Today* programme; and then ask why there should be any blanket discrimination against part of the audience and potential pool of contributors; rather than assuming a discriminatory and exclusionary standpoint. The investigation has not done so.
2. The report says that *Thought for the Day* is "unique" in the BBC's output, and we take this to mean that its exclusionist policy would be unacceptable in any other programme. That very "uniqueness" of *Thought for the Day* needs to be justified – but no justification is offered.
3. It says contributors to *Thought for the Day* "must not proselytise on behalf of religion or disparage other religions." It does not say that it must not disparage other philosophical approaches to life. Some contributors have been critical of "materialist" approaches to life, dismissing them as though they have no validity.
4. **(2)** The idea that because the *Today* programme is concerned in the main with "secular" issues means that it is acceptable to discriminate against the non-religious in *Thought for the Day* does not stand up.
5. Firstly, the *Today* programme is not reflective in tone or content and so cannot properly be seen as a counterbalance to the *Thought for the Day*.
6. Secondly, using the same reasoning as in para (2) of the investigation, Ms Smoker could argue that *The Morning Service* is an overwhelmingly religious programme, and so should be interrupted at some point for a short message from a non-believing perspective. That would, of course, be unsustainable.
7. Thirdly, the *Today* programme does not neglect religious affairs and news. It has more than its fair share of bishops, priests and Cardinals as spokespeople in the main body of the programme. By way of example, on 7<sup>th</sup> April a priest was interviewed on the programme from Qatar about a theological conference at which the Archbishop of Canterbury was participating. This was part of the main body of *Today*, and is not unusual.
8. In any case, Glenwyn Benson has not taken on board the fact that *Thought for the Day* is broadcast during an interval in the *Today* programme, and does not form part of it (as the website makes clear). It is a separate programme.

9. **(3 and 4)** The response to Ms Smoker's criticism is weak and not notable for its coherence. It says that: "The BBC believes that all licence fee payers have the right to hear their reasonable views and beliefs reflected on its output." However, the discriminatory policy of *Thought for the Day* undermines this aim. It seems that some licence fee payers have more rights to hear their views reflected than others. Or, alternatively, that all religious people are to be lumped together and then numerically overwhelm the non-religious.
10. The report refers to the recent census figures and claims that these show that 85% of the UK population claim a belief in God or describe themselves as "spiritual". This is factually incorrect. The census figures revealed that 72% of people defined themselves as "Christian" – it said nothing about what they believe or whether they regard themselves as "spiritual". A much lower figure than this is given if respondents are asked if they 'belong' to a particular denomination.  
The statistic that we quoted of 40% being non-believers was the only reliable statistic available when Ms Smoker's complaint was made; the census figures were not published at that time. But that is not to accept that the figure presented by Ms Benson is the correct figure to use for these purposes. In particular, much of the disparity between the two figures relates to 'cultural Christians' – i.e. people who identify themselves as Christian, more as a statement that they subscribe to Christian morality, or are 'Western' rather than of any real belief or practice (with only 7% in church on an average Sunday). Nevertheless, the 15% of the population that the census describes as "atheist, agnostic and heathen" is a significant number, it represents more than all the other minority religions combined, and we anticipate that most of the 8% refusing to answer will have been non-believers too. (The number of Muslims in this country, according to the census, is 3%, Hindus 1%, Sikhs 0.6%, Jews 0.5%, Buddhist 0.3% and other religions 0.3% - all these religions are represented on *Thought for the Day*.) Ms Benson says that *Thought for the Day* maintains a "balance of voices" from Christianity and "other religions with significant membership" in the UK. All these terms are relevant – what is a "significant number", for instance, and why is 0.3% more significant than 15%?
11. BBC Radio 4 Commissioning Editor Andrew Caspari has confirmed Ms Smoker's view that the amount of religious broadcasting is increasing. This contrasts with a trend of reduced religious observance and belief.
12. The point about the BBC maintaining a balance "outside *Thought for the Day*" does nothing to answer the main charge of discrimination within *Thought for the Day*. Ms Benson produces in her report a list of programmes which she says occasionally allow atheists and other non-religious people to be heard. These programmes also contain an inordinate number of religious contributors, and there is no question that they would ever be excluded, or that their inclusion is some kind of sop to justify claims of "balance".
13. Ms Benson says that "occasional programmes" give voice to non-religious views. But *regular* and *frequent* programmes give voice to religious views. The fact that most programmes approach life from a "secular perspective" does not translate as looking at non-religious philosophies or ethical systems. As above, it is not appropriate to compare, for example, news and current affairs programmes with the wholly different "reflective" quality of *Thought for the Day*.
14. Ms Smoker acknowledges that secular and humanist voices are heard in some programmes, but that does not alter the fact that *Thought for the Day* has a written policy of excluding non-religious voices. There is no programme, anywhere in the BBC's output, that has a similar ban on religious participants. If there were to be such a ban, no doubt religious bodies would be protesting on the grounds that they were being discriminated against.
15. Ms Benson says that speakers on *Thought for the Day* do not disparage "non-religious beliefs." But, by asserting the superiority of religious beliefs there is an implicit criticism of non-religious philosophies that cannot be challenged because the non-religious are never permitted a voice. Moreover, the religious monopoly on the prime-time reflective/ethical programme incorrectly sends the clearest message that those with religious beliefs have the monopoly on such matters.
16. Ms Benson repeats that non-religious voices and those critical of religion are "heard extensively across the general output". But then, so are religious voices – in fact, religious voices seem ubiquitous on some days on Radio 4. This still does not justify discrimination on *Thought for the Day*.
17. Ms Benson presents listening figures for programmes (such as *The Moral Maze*) which offer a non-discriminatory perspective. However, the audience figures are dramatically less than those for *Thought for the Day* (by inference from the *Today* figures she gives). And, even if the figures were similar, that would miss the main point: programmes such as *The Moral Maze* are programmes which listeners tune into in their own right, or not. In contrast, listeners tune into the *Today* programme and are presented, (to use Ms Benson's expression) as a "helpful punctuation" within *Thought for the Day*. Any discrimination within that "punctuation" needs particular justification; and there is none here.
18. Ms Benson says that contributors to *Thought for the Day* have their scripts scrutinised by BBC producers to ensure that they fall within BBC impartiality guidelines. This is not the same as having critics of the point

of view being espoused answering back. The producers on the show are not there to change or challenge the viewpoint – only to ensure that there is no violation of BBC guidelines on impartiality.

19. The BBC's targets for religious broadcasting (on which Ms Benson places great reliance) are irrelevant. They do not change the fact that the non-religious are expressly and formally forbidden from participating in *Thought for the Day*.
20. **(5&6)** Ms Benson quotes from the BBC's Charter that the Corporation must offer "a wide range of subject matter... meeting the needs and interests of the audience."; "provide a properly balanced service" and "serve the tastes and needs of different audiences". *Thought for the Day* does precisely the opposite of this. It has only one theme, and a significant number of its audience – the non-believers – are excluded from hearing their point of view expressed on it.
21. The Charter also says that: "no significant strand of thought should go unreflected and under represented on the BBC". This is not the case for *Thought for the Day*.
22. The BBC also requires in its Charter that: "*While a series of personal view programmes which is a long-running fixture in the schedules has no need to give equal time to every relevant point of view on each subject covered, there must be a sufficiently broad range of views from a wide variety of perspectives within a series.*"
23. How does *Thought for the Day* fulfil this obligation? Ms Benson says that: "many different perspectives are represented in *Thought for the Day*."
24. The point is that they are all – without exception - *religious* perspectives.

**(Conclusions)** As we noted at the outset, Ms Benson has approached the whole matter by assuming the current format and trying to defend it from criticism. Unsurprisingly, therefore, her conclusions end up being partial and contentious.

25. The proper approach should be to start from the position that Radio 4 has a reflective programme broadcast in the middle of its flagship morning current affairs programme and then to ask why any individuals or class of potential contributors should be banned on a blanket basis. The answer clearly is that they should not be. As mentioned above the BBC would clearly not seek to ban, say, Sikh contributors, or women contributors; there is no basis to ban contributors who have a legitimate and widely held ethical standpoint, but who are not religious.
26. Ms Benson then asserts that *Thought for the Day* "enriches and broadens" the *Today* programme – this is questionable on some days. She says the policy of restriction is justified by the BBC's Charter and Producer Guidelines. Ms Smoker does not agree. However, even if it were correct that the Charter and Guidelines would permit the discrimination, that does not amount to a substantive justification for the ban. Ms Benson does not offer any such substantive justification. Given the absence of any substantive basis for the exclusion, it should be stopped.
27. She says that a short religious slot "cannot be considered discriminatory, as speakers from a non-religious perspective have ample opportunity to have their voices heard at other times and places in the BBC's schedules." This does not change the fact that *Thought for the Day* has a formal policy of exclusion, which is, by definition, discriminatory. Ms Smoker does not accept Glenwyn Benson's defence that : "an appropriate balance between religious and non-religious voices is achieved across the BBC" as her complaint relates solely to *Thought for the Day*.
28. We are considering here ethical and moral issues, not general programming. Humanists and other non-religious people are greatly frustrated that their voices and viewpoints cannot be heard on *Thought for the Day*, when they would be as relevant and thoughtful as the religious voices when commenting on the moral, ethical and, yes, spiritual dimensions of current affairs.
29. The current policy on *Thought for the Day* is, therefore, by definition discriminatory, and must be changed.
30. The appendix to the report is not relevant to Ms Smoker's complaint. Almost all the programmes mentioned are made up of interviews or debates in which the non-religious contributors can be challenged.
31. All the series where non-religious people are allowed to speak uninterrupted are "balanced" by several religious voices in the same series. There is no series equivalent to *Thought for the Day* in which atheist voices alone are permitted.
32. If religious people were to be "banned" from participating in any long-running series on the BBC, they would be outraged and angry. Ms Smoker would understand that anger and support their protests. She feels similar anger at those currently excluded. It is an important principle and one that the BBC cannot and must not support.

[Senior Radio 4 executive not in Religion and Ethics Dept.]  
Broadcasting House  
London W1A 1AA

It was a pleasure to meet you at the Sunday cocktail party a few weeks ago.

I would like to share with you some general observations on the Thought for the Day issue that do not seem to have been appreciated by the BBC. In the interests of diplomacy, I am writing in a private capacity, do not intend to make any public reference to this letter and am not necessarily expecting any reply. I realise that you are not involved in the formal process, but you may wish to pass on any of the points that I have made with which you agree or think merit further consideration.

I have just learned that the Corporation has asked for a time extension to respond to Barbara Smoker's comments on the BBC's report on TftD. This may provide an opportunity for reflection on the following points:

1. The morning after the '100 + worthies' had made their representation to the Governors, the TftD producer stated emphatically on the Today programme that the policy of excluding non-believers would not change. The National Secular Society's Council were shocked to hear this stated categorically, given that the Governors would not by then have had an opportunity to discuss it. It is still not clear whether this was simply a personal opinion stated inappropriately, or someone in the Corporation taking it upon themselves in effect to speak for the governors.
2. As is now on the public record in a Polly Toynbee Guardian article, a senior member of staff at Portland Place gave the impression in a formal letter that the governors had rejected this complaint, although the Corporation has since conceded that they had not even seen it. Polly was even told that it had been intended to send our complaint to the Governors, but it had just missed the last mailing.
3. The BBC only agreed to reconsider the TftD issue in the light of Barbara Smoker's legal complaint when her Human Rights lawyers demonstrated that the BBC's complaints procedure was legally flawed. Unfortunately, the Corporation chose the Director of the BBC's Factual and Learning Department to report on the complaint, the very department that makes Thought for the Day for BBC Radio 4. Had the objective to be seen to be even handed, especially given the 'colourful' history of the controversy, surely someone far more removed from it should have been selected.

What was most striking about the Director (Glenwyn Benson)'s detailed report was that:

- a) she completely failed to address the key point—that the non-religious are being discriminated against and there is no equivalent programme from which the religious are barred.
- b) she did not seem to grasp that there is nothing absolute about TftD (which is not even called Religious TftD) having to be exclusively religious. Does the TftD Department consider that the non-religious are devoid of estimable thoughts?
- c) it included the passage: 'Recent census figures ... show that 85% of the UK population claim a belief in God or describe themselves as "spiritual"'. In fact, the 85% quoted includes 7% who did not state their religion—so they could hardly be described as 'spiritual'. There are far more non-believers than there are Sikhs, but they are frequently represented on TftD. In fact, though, numbers are not the key issue: this is a question of principle.

You will see from the above just how heavily the dice are weighed against us, and we also note that CRAC's terms of reference – and of course non-believers have no voice there – specifically allow them to lobby. The points made above do not seem to sit easily with the Corporation's public commitments to fairness and diversity. Even if the Corporation were to win this court action with the aid of European jurisprudence, some expensive lawyers and the burden of proof being in its favour, would any legal victory also be a moral victory for the BBC?

We have evidence stretching back over thirty years of similar complaints having being made about this injustice. When I suggested in a meeting with Alan (Bookbinder) that there would be considerable public support for a removal of the ban on non-religious contributors to TftD, he disagreed. I think we have since proved our point, and even Ariel readers share our views (letters shown below).

During the exchanges over this issue we would have hoped to have seen some tangible indication from the Corporation of impartial consideration, and some offer of compromise being made—even of a parallel weekly programme at a reasonable time and/or a weekly programme which the non-religious would have to themselves.

Everyone on the NSS Council is a strong defender of the BBC and regards Radio 4 as World class, but it is questionable whether the Corporation is dealing with this issue as might be expected from a broadcaster of such repute.

We had been most encouraged when some colleagues and I met with Mark Thompson, a practising Catholic, around a year before he left for Channel 4. He had acknowledged the strength of our position, and the talks progressed to the point that he had even turned his attention to considering how such a change would be presented. We find it not only sad but surprising that he seems to have been a lone voice.

Yours sincerely

**Keith Porteous Wood**

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**Personal**

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17 August 2004

REPLY AT END OF LETTER BEFORE ATTACHMENTS

**Exclusion of non-believers from *Thought for the Day***

We have waited until now to write to give you an opportunity to draw breath after your appointment, on which we congratulate you. I am writing to ask you to reconsider the exclusion of the non-religious from *TfTD*.

We had thought we were on the brink of resolution when we last met, but from then on the climate changed completely and it became only too clear that we were facing a brick wall. Even though you were away from the Corporation, I imagine that you will have heard that our complaint came to a head.

When we made our battle public, we gained much public support on the way, but the Corporation closed ranks. The high profile (100+ signatories reading like an extract from *Who's Who*) formal complaint was rejected on air the morning after it was sent, before it could possibly have been considered in an impartial way. One of our Honorary Associates, Polly Toynbee, was later misled by a senior executive at BH<sup>10</sup> claiming that the Governors had seen and rejected our complaint. She was so affronted by the episode, she wrote about it in the *Guardian*.

A former president, Barbara Smoker, who has been campaigning on this issue for 30 years, then instigated Human Rights proceedings, which also included the way the complaint had been handled. This forced the Corporation into initiating an internal appeal, but it lacked even a veneer of impartiality. The risk of having to pay the BBC's world class lawyers' costs of taking the case to the next stage was likely to be prohibitive, so Ms Smoker withdrew the case. But even if the Corporation had 'won', with the onus of proof being on the complainants and the test being international jurisprudence obligations, it could not however have been reasonably concluded that the BBC had behaved in an appropriate way for a world class broadcaster of renown.

Two letters follow which give a flavour of the points we made to support our case. The first is the high profile letter. In an attempt to broker a diplomatic solution I also wrote personally on 6 May 2003 to a senior Radio 4 executive outside Religion and Ethics, seeking to appeal to a sense of basic fairness. As you will see, my letter concluded with an observation that you had been the only person to address the issue in an open minded way.

We are now waiting to be the first to try out the new more independent appeals process, but I am rather hoping that you might see your way to making that unnecessary. I am happy to provide any further information you need.

With best wishes

Yours sincerely,

**Keith Porteous Wood**  
**Executive Director**

<sup>10</sup> Moyra Tourlaimain, Head of Public Accountability and BBC Secretary to the Central Religious Advisory Committee, dated 30 August 2002

*Honorary Associates:* Graham Allen MP • Prof. Peter Atkins • Iain Banks • Lorraine Barrett AM • Edward Bond • Michael Cashman MEP • Colin Challen MP • Nick Cohen • Prof. Richard Dawkins • Lord Desai • Angela Eagle MP • Baroness Flather • Rt. Hon. Michael Foot • Ricky Gervais • Ian Gibson MP • Prof. A C Grayling • Johann Hari • Dr. Evan Harris MP • Patrick Harvie MSP • Christopher Hitchens • Paul Holmes MP • Prof. Ted Honderich • Mary Honeyball MEP • Kelvin Hopkins MP • Sir Ludovic Kennedy • Stewart Lee • Graham Linehan • Baroness Massey of Darwen • Lord McIntosh of Haringey • Jonathan Meades • Robert Marshall-Andrews QC MP • Sir Jonathan Miller • Maryam Namazie • Taslima Nasrin • Lord O'Neill of Clackmannan • Lord Peston • Harold Pinter • Philip Pullman • Lord Raglan • Claire Rayner • Martin Rowson • Joan Ruddock MP • Lord Russell-Johnston • Joan Smith • Dr. David Starkey • Lord Taverne QC • Polly Toynbee • Baroness Turner of Camden • Sophie in't Veld MEP • Gore Vidal • Prof. Lord Wedderburn of Charlton QC •

REPLY

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21 September 2004

Dear Keith

Thank you for your letter of 17 August about the exclusion of non believers from Thought for the Day. I am sorry it has taken a while to respond to your points in full.

As I understand it Ms Smoker's complaint was carefully examined by Glenwyn Benson, the BBC's Director of Factual and Learning at the time. She concluded that the policy was appropriate. Ms Smoker appealed against that decision, and her appeal was then heard by the full Board of Governors. The Governors did not uphold the appeal. I have attached their finding. In view of the thoroughness with which this issue was considered I see no reason to revisit it now, although if you feel that the situation has substantively changed since that decision was taken please provide me with any additional information.

As you know, the Board of Governors is the highest authority in the BBC. I am afraid that your understanding of the new structure is not quite correct because that will not change under the proposed new complaints system. The Governors Programme Complaints Committee will remain as the BBC's appeal body for programme complaints.

I know that you will find this letter disappointing. However, we do recognise how important it is to reflect as wide a range of views and beliefs in our programming as possible in order to serve the diversity of our audience, and we will continue to look for opportunities to do so. The non religious approach to life has been regularly featured on Belief on Radio 3, The Heaven and Earth Show on BBC One, and Sunday, Beyond Belief and The Moral Maze on Radio 4. A three part series on the history of atheism, presented by Jonathan Miller, is scheduled for this autumn, with a companion series of interviews with leading atheists.

Mark Thompson