



Australian Broadcasting Authority

INVESTIGATION SUMMARY

File No: 2001/0083
Complaint No: 12470
Investigation No: 965

Licensee	Australian Broadcasting Corporation
Station	ABC Television
Name of Program	'Backberner'
Date/s of Broadcast	30 March 2000
Date of Complaint	8 February 2001
Name of Complainant (if not confidential)	Mr Hisam Sidaoui
Relevant Legislation/Codes	ABC Code of Practice Clause 2.4
Issues	Denigration of Islam
Decision Date	10 August 2001

DECISION:

The ABA determined that the ABC breached clause 2.4 of the ABC Code of Practice by the broadcast of the 'Backberner' program on 30 March 2000.

INVESTIGATION REPORT

THE COMPLAINT

On 8 February 2001, the Australian Broadcasting Authority (ABA) received a written complaint from Mr Hisam Sidaoui concerning the program 'Backberner', broadcast by ABC television (ABC-TV) on 30 March 2000.

Mr Sidaoui alleged that a sketch in the program about the performer Yusuf Islam was offensive and vilified Muslims.

Mr Sidaoui made a written complaint to the ABC about the matter on 31 March 2000. Initially, he received an apology from the ABC on 14 April 2000, indicating that 'it was not the intention of the program to offend the Muslim community or their faith. Neither was it the ABC's intention to encourage denigration of, or discrimination against, any particular religious or cultural group'.

In its substantive response of 11 May 2000, the ABC indicated that it had examined Mr Sidaoui's complaint against Section 2.4 of the ABC's Code of Practice (the Code). The response also informed Mr Sidaoui of the ABC's responsibilities in relation to complaints handling (in accordance with Section 8 of the Code), including his right to have the matter reviewed.

On 15 May 2000, Mr Sidaoui referred his complaint to the ABC's Independent Complaints Review Panel (ICRP), in accordance with Section 8.2 of the Code. On 1 February 2001, the ABC advised Mr Sidaoui of the outcome of the ICRP's investigation. The ICRP found that the program 'did encourage denigration against the followers of Islam' but 'having due regard to its Terms of Reference, [the ICRP] cannot conclude that the broadcast segment in question amounted to "serious bias, lack of balance or unfair treatment", given the context of the programming philosophy of Backberner'.

On 5 February 2001, Mr Sidaoui exercised his right of appeal from the ICRP (under Section 8.3 of the Code), and referred his complaint to the ABA for investigation. On 11 February 2001, the ABA sought a copy of the program and comments from the licensee about the matter.

RELEVANT CODE

Section 2.4 of the Code states:

2.4 Discrimination.

The presentation or portrayal of people in a way which is likely to encourage denigration of or discrimination against any person or section of the community on account of race, ethnicity, nationality, sex, age, disability or illness, social or occupational status, sexual preference or the holding of any religious, cultural or political belief will be avoided. The requirement is not intended to prevent the broadcast of material which is factual, or the expression of genuinely-held opinion in a news or current affairs program, or in the legitimate context of a humorous, satirical or dramatic work.

Section 8.2 of the Code states:

8.2 Independent Complaints Review Panel.

The ABC has established an Independent Complaints Review Panel (ICRP) to review written complaints which relate to allegations of serious cases of bias, lack of balance or unfair treatment arising from an ABC broadcast or broadcasts.

If a complainant making such an allegation does not receive a response from the ABC within six weeks or is not satisfied with the response, the complainant may ask the Convenor of the ICRP to accept the complaint for review. Further information can be obtained from the Convenor, Independent Complaints Review Panel, GPO Box 688, Sydney, NSW 2001 or by phoning (02) 9333 5639.

If the Convenor rejects the complaint or if the complainant is dissatisfied with the outcome of the review and the complaint is covered by the ABC Code of Practice, the complainant may make a complaint to the Australian Broadcasting Authority about the matter.

ASSESSMENT

In forming its assessment, the ABA has examined the videocassette provided by ABC-TV, copies of correspondence provided by the complainant and the ABC, comments by the complainant and by the ABC, and previous decisions by the ABA.

The 'Backberner' program is described by the ABC as a humorous and satirical examination of current affairs. The episode screened on 30 March 2000 contained the following segment (spoken and sung against footage of Yusuf Islam and the cover of his CD 'A is for Allah'):

Cat Stevens, now known as Yusuf Islam has taken time off from supporting the Salman Rushdie fatwah to release a children's CD – 'A is for Allah'.

We look forward to hearing his versions of such classics as 'Hickory Dickory Dock, the bomb was tied to the clock. The clock struck one - no more World Trade Centre'.

At last the album they've all been waiting for, 'A is for Allah'. Yusuf Islam sings the Koran for kiddies'

[the following sung in a style imitating the singer Yusuf Islam]

'A is for Allah'

'B is for Bomb'

'C is for Clitorectomy – she's holier when it's gone'

'D is for Dismemberment'

Sing along with 'D is for Dismemberment'

'I is for Infidel'

And featuring the hit single 'Fatwah and Son'

A is for Allah out now on Mecca Records

A is for Allah

Is the segment ‘likely to encourage denigration of, or discrimination against any person or section of the community on account of ... the holding of any religious...belief?’

The ABA has examined section 2.4 of the ABC Code and is of the view that the words used in that section have their ordinary, common meaning. As a result, the ABA has taken the view that, in this matter, the words ‘likely to encourage denigration of, or discrimination against’ have the meaning ‘there is a strong chance that the segment will motivate, by assistance or approval, either the disparagement or condemnation of Mr Yusuf Islam, or unfairness or intolerance towards Mr Yusuf Islam’.

In describing the segment, Mr Sidaoui stated that:

The sketch was grossly racist, offensive and humiliating for Australian Muslims. Furthermore it served no more but propagate hatred and ignorance towards the wider Australian community [sic].... There can be no pretence that the sketch is confined to Yusuf Islam, it is directed at Islam. (Letter to the ABC dated 31 March 2000).

I disagree, and so do many, that the offence was directed at Yusuf Islam alone. I took the interpretation of the sketch as follows:

- Yusuf Islam, formerly the popular rock star Cat Stevens, loved in the West, has left his life to become a Muslim revert. Your writers disagree about his choice finding it weird.
- Yusuf Islam now devotes his life to Islam, preaching the religion. Your writers find this funny.
- In pursuing his activities, Yusuf Islam releases his CD “A is for Allah” containing his songs with Islamic teachings. Your writers find this stupid.
- Proliferating hateful disagreement, the writers show their contempt to the religion by:
 - Inferring that Yusuf Islam should change the words of his songs to “Allah is for Allah [sic], B is for Bombs, C is for cl---my [sic]”. In doing so the writers symbolise Islam with violence (bombs and you see the images), and other hated practices like female circumcision (never mind that this is not our practice, but you can not educate the ignorant). The writers not only cast a dark offensive image of Islam, but mock reverts like Yusuf Islam inferring that he should see religion their way and preach it accordingly. (Letter to the ABC dated 15 May 2000).

The segment, which purported to mock Yusuf Islam (Cat Stevens) in fact, was directed at Islam and its followers.... The segment imagery and presentation reinforced untruthful and hated myths, stereotyping Muslims. (Letter to the ABA dated 5 February 2001).

In describing the segment, the ABC stated that:

Aspects of our society are reflected in the material which the *Backberner* program attempts to cover each week. In past episodes of *Backberner* there have been a number of sketches which have focused on traditional and new age beliefs, with the Catholic church and the Pope being involved most frequently, along with occasional pieces involving the Jewish faith. In this particular case the focus was intend [sic] to be on Yusuf Islam and his CD’. (Letter to Mr Sidaoui dated 14 April 2000).

I have reviewed the relevant segment of the program. I can confirm that the sketch was focussed on Yusuf Islam and his CD “A is for Allah”, not at any particular group. Yusuf’s Islam’s CD was the basis for the alphabet sketch. (Letter to Mr Sidaoui dated 11 May 2000).

In the *BackBerner* [sic] segment that is the subject of Mr Sidaoui's complaint, the intended satirical comment was directed at the apparent contradictions between Mr Yusuf Islam's release of a musical CD for children, dealing with religious matters, and a number of other positions Mr Yusuf Islam had taken or advocated that appeared to display a contradiction between his statement to the media, his activities and the children's CD. In this sense it is recognised that the target of the satire could include those who engage in similar inconsistencies of action and statement, but it did not refer to all people of the Islamic faith. It should be noted that such inconsistencies provide legitimate scope for satirical comment. While the ABC does not believe that this sequence encouraged denigration of or discrimination against believers in Islam, it is acknowledged that the use of some images and words contained in the segment may have unintentionally drawn on stereotypical views of Islam. (Submission to the ABA dated 15 March 2001).

The ABA has examined the segment and the arguments put forward by Mr Sidaoui and the ABC, and is of the view that the focus of the segment was Mr Yusuf Islam, not Islam or Muslims:

- ◆ The dialogue of the segment constantly referred to Mr Yusuf Islam and to his CD 'A is for Allah'.
- ◆ The segment satirised the contents of Mr Islam's CD, and the images broadcast were either of Mr Islam or of his fans.
- ◆ While Mr Islam's religious beliefs were also examined in the segment, the focus remained Mr Islam, not all Muslims or the Islamic religion.

The ABA accepts that content of the segment may be considered offensive by Muslims, but does not find that the segment was focussed on Muslims or Islam.

The ABA is also of the view that the segment suggested that Mr Islam supported extreme viewpoints such as the bombing of the World Trade Centre, clitoridectomy, the amputation of limbs as a form of punishment, and the fatwah (death sentence) against the writer Salman Rushdie. The segment suggested that the extremist views that were satirised were primarily Mr Islam's alleged religious views.

In the ABA's view, there was a strong chance that the segment would have the effect of motivating viewers to consider that Mr Islam's alleged religious views might be at odds with, and not appropriate to his promotion of a CD of songs for children. The violent and misogynist views ascribed to Mr Islam (the suggestions that he supported the bombing of the World Trade Centre and clitoridectomy, for example) were of such a degree that the ABA considers that there was a strong possibility that these alleged views would provoke a strongly negative reaction towards Mr Islam. The ABA also considers that, in motivating viewers to consider Mr Islam's alleged religious views, the segment assisted in disparaging and condemning Mr Islam for those alleged views.

Taking all these matters into consideration, the ABA finds that the segment is likely to encourage the denigration of Mr Yusuf Islam, by suggesting to the viewing audience that Mr Islam holds extremist religious beliefs that are worthy of scorn and condemnation.

Was the segment broadcast in the ‘legitimate context of a humorous’ or ‘satirical’ work?

As indicated previously, the ABA is of the view that the words used in section 2.4 of the Code have their ordinary, common meaning. The ABA does not accept that the Code is intended to mean that either denigration or discrimination is allowed without qualification within a satirical program. Rather, the ABA is of the view that this section permits, in a satirical program, a person’s beliefs to be mocked or spoofed as long as genuine circumstances exist to justify the satire. The ABA is of the view that a person cannot be mocked because of entirely false beliefs attributed to them without justification.

In describing the segment, the ABC stated that:

Comedy often presents program makers with a difficult challenge in balancing humour and public taste. The role of satire is to reflect on society and plays a valuable role in providing a different perspective on current issues and events. ABC Television believes that this sketch was presented in the legitimate context of a satirical work. (Letter to Mr Sidaoui of 15 April 2000).

The ABC understands that not everyone shares the same sense of humour and in recognition of this, a warning to viewers was broadcast at the beginning of the program.... As stated in my letter of 14 April, the sketch was presented in the legitimate context of a satirical work. (Letter to Mr Sidaoui of 11 May 2000).

The ABC recognises that satirical content often presents challenges when dealing with situations and issues such as those addressed in this segment of *BackBerner* [sic]. It is also recognised that some members of the community consider particular subjects to be inappropriate for humorous or satirical treatment under any circumstances. While the ABC is sensitive to these concerns, it remains of the view that satire and comedy play a valuable role in provoking and making the community think about important issues. The ABC acknowledges that such material must be presented in a manner that does not contravene the requirements of section 2.4 of the ABC Code of Practice. (Submission to the ABA dated 15 March 2001).

In investigating this complaint, the ABC sought to determine whether Mr Yusuf Islam had ever espoused the views attributed to him by the ‘Backberner’ program. The ABA has found evidence that Mr Islam has issued a press release in relation to the fatwah against Salman Rushdie,¹ but the

‘Yusuf Islam Issues A Formal Statement On The Rushdie Affair’ – Press Release by Yusuf Islam (2 March 1989)

Under Islamic Law, the ruling regarding blasphemy is quite clear; the person found guilty of it must be put to death. Only under certain circumstances can repentance be accepted.

On 21st February, I was speaking to a group of students at the Kingston Polytechnic, and in response to a question, I simply stated the Islamic ruling on the Rushdie affair. Suddenly, my picture was splashed on the front page of newspapers all over the world next to the headline: ‘Kill Rushdie says Cat Stevens’. It is very sad to see such irresponsibility from the ‘free press’ and I am totally abhorred.

My only crime was, I suppose, in being honest. I stood up and expressed my belief and I am in no way apologizing for it. I expressed the Islamic view based on the Qur’an, the Prophet’s sayings (peace and blessings be upon him) and the rulings of the Caliphs and renowned schools of Islamic jurisprudence.

However, that is not to say I am encouraging people to break the law or take it into their own hands: far from it. Under the Islamic Law, Muslims are bound to keep within the limits of the law of the country in which they live, providing that it does not restrict the freedom to worship and serve God and fulfil their basic religious duties (fard’ayn). One must not forget the ruling in Islam is also very clear about adultery, stealing and murder, but that doesn’t mean that British Muslims will go about lynching and stoning adulterers, thieves and murderers. If we can’t get satisfaction within the present limits of the law, like a ban on this blasphemous book, ‘Satanic Verses’ which insults God and His prophets - including those prophets honoured by Christians, Jews as well as Muslims - this does not mean that we should step outside of the law to find redress. No. If Mrs.

ABA could find no evidence to suggest that Mr Islam has used the term infidel in connection with Mr Rushdie, or ever expressed a view on the World Trade Centre bombing, clitoridectomy or amputation as an Islamic punishment.

On balance, the ABA is of the view that:

- ◆ Mr Islam's statements on the Salman Rushdie fatwah, provided a 'legitimate context' for satire.
- ◆ Mr Islam's statements about the Salman Rushdie fatwah do not, however, justify the ascription to him in the segment the imputation that he also supports the World Trade Centre bombing, clitoridectomy or amputation as an Islamic punishment.
- ◆ The suggestions that Mr Islam supports terrorism, female genital mutilation and amputation as a punishment are not legitimate in this context.

As a result, the ABA is of the view that the segment broadcast was not in the 'legitimate context of a humorous' or 'satirical' work.

SUMMARY

The ABA finds that:

- ◆ the segment broadcast was likely to encourage the denigration of Mr Yusuf Islam because of his religious beliefs;
- ◆ the segment broadcast was not in the 'legitimate context of a humorous' or 'satirical' work; and
- ◆ the broadcast of the 'Backberner' program on 30 March 2000 by ABC-TV breached section 2.4 of the Code.

Thatcher and her Government are unwilling to listen to our pleas, if our demonstrations and peaceful lobbying don't work, then perhaps the only alternative is for Muslims to get more involved in the political process of this country. It seems to be the only way left for us. The fundamental issue which has put the non-Muslim world at loggerheads with Islam, is not that of the book or attempts to ban it. Indeed it is encouraging that many non-Muslims, including the Archbishop of Canterbury endorse the request of Muslims that the Blasphemy Law be extended to cover the Islamic faith. When Jim Allen's play 'Perdition' was harassed out of existence by angry Jews - some of whom burned an effigy of the writer - the British reaction was muted. The present attitude of the Government and press is obviously as a result of their opposition to the Islamic legal ruling that Rushdie should be executed and the fact that it has come from an Islamic country. The fact is that as far as the application of Islamic Law and the implementation of full Islamic way of life in Britain is concerned, Muslims realize that there is very little chance of that happening in the near future. But that shouldn't stop us from trying to improve the situation and presenting the Islamic viewpoint wherever and whenever possible. That is the duty of every Muslim and that is what I did.

ACTION TAKEN

In its response to the ABA's preliminary report, the ABC stated:

Satire is defined in the Oxford Dictionary as "composition in verse or prose ridiculing vice or folly or lampooning individuals; thing that brings ridicule upon something; use of ridicule, irony, sarcasm, etc, in speech or writing to expose and discourage vice or folly".

The satirical form has a long and important social and cultural history...In the twentieth century the form expanded in countries such as Australia through the use of new technological delivery systems such as television and the addressing of a wider range of contemporary subject matter.

The ABC believes that satire and comedy play a valuable role within society generally and the media in particular by provoking thought and making the community consider important issues.

Television satire contrasts social norms and values in an important public forum. The satirical form is characterised by taking elements of real life – such as public affairs – and amplifying, enlarging or distorting upon a position or a public figure in a manner that highlights or accentuates aspects of an issue. While humour and comedy derive from a relationship with real life, they are an extension of life that a reasonable person would not take to represent actual positions.

The very nature of satire means that a satirical treatment cannot be viewed as necessarily presenting an entirely accurate or factual description of a position. In reviewing the ABA's preliminary findings, the ABC believes there is a suggestion of a need for a direct factual relationship between satirical subject matter and the satirical presentation. The ABC contends that such a requirement is not required and to impose it on a broadcaster would effectively bring an end to satire.

...

The satirical premise for the ['Backberner'] piece is found in two substantial points; first, the inability to reconcile Mr Islam's original statements on the fatwah and those he subsequently gave after the media called him to accountability. The second premise is that the word [A is for Allah...] invite the viewer to explore in a comical way what might be the ridiculous consequences of a person with extremist views releasing a CD of children's songs.

The ABC contends that a reasonable viewer watching the *Backberner* program would not have concluded that the sketch presented a factual description of the contents of Mr Islam's CD. The subject was clearly being dealt with satirically and comically and the results were absurd, preposterous and laughable.

...

The ABC is of the view that the comedy team had established a legitimate context for the satirical treatment. In this regard the ABC asserts its view that satirical sketches are not necessarily required to be factually correct or accurate in all details in order to satisfy the requirements of a "legitimate context" for a satirical work.

The ABA disagrees with the ABC's interpretation of the principle identified by the ABA in its preliminary report. The ABA is of the view that, while there does not need to be 'a direct factual relationship between satirical subject matter and the satirical presentation', there does have to be some legitimate basis for the satire. The ABA notes in this regard that the ABC itself, by the use of qualifications such as 'cannot be viewed as necessarily presenting an entirely accurate or factual description' and 'not necessarily required to be factually correct or accurate' is unwilling to dismiss the requirement that satire be grounded in a modicum of fact.

As indicated above, the ABA does not accept that the Code is intended to mean that denigration is allowed without qualification within a satirical program. Rather, the ABA is of the view that:

- ♦ the Code permits a person's beliefs to be mocked or spoofed in a satirical program, as long as genuine circumstances exist to justify the satire; and
- ♦ it is not 'legitimate' to satirise or mock someone based on entirely false beliefs, attributed to him or her without justification.

As a result, the ABA has determined that that the ABC breached clause 2.4 of the ABC Code of Practice by the broadcast of the 'Backberner' program on 30 March 2000.

The ABA notes that the ABC has apologised to the complainant for the segment. The ABA expects the ABC to exercise more care in future satirical programs to ensure that individuals or groups are not satirised or mocked on the basis of entirely false beliefs, attributed to them without justification.

DECISION

I, David Flint, Chairman, being the appropriate delegated officer of the Australian Broadcasting Authority, determine for the above reasons that on 30 March 2000 the ABC breached clause 2.4 of the ABC Code of Practice.

Signed: -----
David Flint

dated this day of August 2001