



**Australian
Broadcasting
Authority**

Investigation Report No. 1475

File No.	2004/2179
Broadcaster	SBS
Station	SBS TV
Type of Service	National broadcasting service
Name of Program	<i>John Safran vs God Episode 1</i>
Date of Broadcast	30 August 2004
Relevant Legislation/Code	SBS Codes of Practice 2002

Investigation Conclusion

The ABA has determined that the Special Broadcasting Corporation, in relation to the broadcast of *John Safran vs God Episode 1* on SBS TV on 30 August 2004:

- breached Clause 7.3.1 of the Code in relation to complaints handling, in that SBS did not provide an acknowledgment to the complaint; send a holding reply promising a subsequent and more detailed response; or provide a substantive response with the relevant time frame; and
- did not breach Clause 2.5 of the Code in relation to programs about religion.

The Complaint

On 15 November 2004, the Australian Broadcasting Authority (the ABA) received a complaint that:

- the program *John Safran vs God*, broadcast on SBS TV on 30 August 2004, offended the religious beliefs of Muslims; and
- SBS had not provided a substantive response to a complaint about the program, sent to SBS on 5 September 2004.

The ABA decided to investigate these complaints in relation to Clauses 2.5 and 7.3.1 respectively of the SBS Codes of Practice 2002 (the Code).

Matters Not Considered by the ABA

The complainant also asked the ABA to investigate the complete series of *John Safran vs God*, and the expenditure of public funds involved in SBS's role as co-producer of the series.

John Safran vs God was a series of eight programs which aired on SBS TV over the period from 30 August 2004 to 18 October 2004. The ABA has confined its investigation to Episode 1 of the series, as this was the broadcast about which the complaint of 5 September 2004 was made to SBS.

SBS's expenditure of public funds in productions is not within the jurisdiction of the ABA and does not form part of this investigation.

The Program

Episode 1 of *John Safran vs God* was a half-hour program broadcast at 8:30 pm on 30 August 2004. It contained segments on Islam, the Peyote Way Church of God, and Scientology, and probed elements of religious practice in each religion through a combination of methods including comedy and documentary.

The segment on Islam, which was approximately 14 minutes in length, dealt specifically with the practice of fatwa. It began with the following introduction from Mr Safran:

The word 'fatwa' actually just means a religious ruling by a Muslim cleric, but in the west it has come to specifically refer to the handing down of a death sentence for blasphemy.

The most famous fatwa was dealt out by Iran's late leader, the Ayatollah Khomeini, against author Salman Rushdie for *The Satanic Verses*, which reputedly insulted the Muslim prophet Mohammed. But this is only the most famous case; fatwas are issued quite regularly. So much so that the issuing of unauthorised fatwas has become a real problem in some parts of the Muslim world, with renegade clerics handing them out willy-nilly. Malevolent fatwas became such a problem in Bangladesh that in 2001 its Supreme Court outlawed the issuing of unauthorised fatwas.

But, surprisingly, if you really want some fatwa action, you can't go past the United Kingdom, where a guy named Sheikh Omar Bakri has set up the UK Shariah Court, appointing himself Senior Judge.

The bulk of the rest of the segment documented Mr Safran's apparently successful attempt to persuade Sheikh Bakri to issue a fatwa against the television presenter and comedian Rove McManus, on the basis of materials, fabricated by Mr Safran, which

allegedly implicated Mr McManus in ‘blasphemous’ and ‘offensive’ activities. Mr Safran was shown presenting such materials to Sheikh Bakri, including a book cover with the text: ‘*The Satanic Verses II Mohammad the Prophet? What the?* By Rove McManus’, and photographs, posters and badges in which Mr McManus was shown making fun of such practices as wearing burqas, observing Ramadan, paying *zakat* and not eating pork.

Assessment

For purposes of this investigation, the ABA has considered submissions from the complainant and SBS, and reviewed a copy of the relevant broadcast, provided by the broadcaster.

Issue 1: Whether SBS complied with Clause 2.5 of the Code in relation to programs about religion

Relevant section of Code

2.5 RELIGIONS

SBS is aware of the need for a responsible examination of the role of religion in society. In broadcasting programs about religion, SBS will not support any particular religion over any other, nor intentionally provide a medium for one religion to denigrate another.

SBS recognises the importance of religion for the many communities that make up Australian society and the potential for programming dealing with religion to cause cross-cultural tensions. Accordingly, SBS will be sensitive and careful in dealing with issues of religion.

Complainant’s submission

The complainant submits that the broadcast was divisive and insulting, caused cross-cultural tensions and offended the religious beliefs of Muslim viewers. He stated in his complaint to SBS:

I am very conversant with Islam and this is one religion you cannot send up on a comedy program as Safran did with an imam, showing him some picture of underwear and sending the imam up with some joke of sorts, along with the provocative move on the sensitive issue of Rushdie and *The Satanic Verses* book Safran showed. Is this man an absolute idiot not understanding the very delicate issue this is in the Islamic world? Not to mention Rushdie insulting the Islamic world in his book re the word ‘Mother Fucker’ and Safran repeats the word ‘fuck’ four times in sequence. Have you as producer ... no comprehension of the ramifications this airing could have?

SBS submission

The broadcaster submits that:

- while the segment may have offended some viewers, the subject matter was handled factually and carefully, with a range of viewpoints made available to viewers;
- while the device used was in part satirical, the overall effect was, at most, a critique of a practice undertaken by a segment of a religion, which itself is the subject of criticism from mainstream representatives of that religion, as shown in the segment;
- much of the satire in the segment was directed at Rove McManus;

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- the segment ended with Mr Safran and Sheikh Bakri seen in ‘friendly dialogue’, with Mr Safran admitting his ruse to Sheikh Bakri, and the viewer left in no doubt that there was in fact no fatwa;
 - the segment dealing with the issue of fatwa did not contain any usage of the word ‘fuck’; and
 - the reference to ‘sensitivity and care’ in Clause 2.5 is not to be interpreted as including a prohibition on comic or satirical material dealing with religion, nor should it be read to exclude critical commentary on particular religious practices.

The following section of Clause 1 of the Code is cited:

SBS believes that its audiences are best served by exposure to a wide range of cultures, values and perspectives. As a result, SBS’s programming can be controversial and provocative, and may at times be distasteful or offensive to some.

Finding

The ABA finds that, in the relevant segment of *John Safran vs God* on 30 August 2004, SBS provided a wide range of perspectives; did not support any one particular religion over any other or provide a medium for one religion to denigrate another; and showed adequate sensitivity and care in dealing with issues of religion. Accordingly, SBS did not breach Clause 2.5 of the Code.

Reasons

The following general principles have been considered to apply:

- The Code permits SBS to broadcast programming which is controversial, provocative, or at times distasteful or offensive to some.
- This provision is linked to a desired service goal of exposure of audiences to a wide range of cultures, values and perspectives.
- In relation to programs about religion, the conducts prohibited by the Code are the manifestation of support for a particular religion over another, and the intentional provision of a medium for one religion to denigrate another.
- The Code requires SBS to show sensitivity and care in dealing with issues of religion.
- These requirements are linked to the importance of religion for communities and the potential for programming dealing with religion to cause cross-cultural tensions.

Wide range of cultures, values and perspectives

The material in the segment may have been provocative, distasteful or offensive to some. However, the segment included several perspectives, including those of Sheikh Omar Bakri, Sheikh Abu Hamza, the Supreme Court of Bangladesh and the Muslim Council of Britain. The segment was thus related to the service goal which justifies, for purposes of the Code, the provision of such programming.

Support for a particular religion over another

While the segment may have satirised a particular Muslim cleric, it did not present other religions as being in any way superior or more worthy of respect. The segment, and the episode as a whole, made no comparisons, negative or otherwise, between Islam and other religions.

Intentional provision of a medium for one religion to denigrate another

Mr Safran's religious beliefs or viewpoints were not disclosed in the segment and he explicitly presented himself as conducting an 'experiment' in relation to the topic, the purpose of which was to test how difficult it would be 'to get the Senior Judge of the UK Shariah Court to place a fatwa on someone'. This point was made three times in the course of the segment, and was presented in both voice-over and on-screen text. In these circumstances, it is unlikely that viewers would construe the segment as denigrating a religion from the viewpoint of another.

Importance of religion to the Muslim community

The segment displayed materials which appeared to deride certain Islamic practices and beliefs, such as wearing burqas, observing Ramadan, paying *zakat* and not eating pork. However, the display of these materials was doubly contextualised: firstly as part of the 'experiment' being conducted in relation to Sheikh Omar Bakri, and secondly as part of the 'revenge' being exacted against Mr McManus for his alleged treatment of Mr Safran in the past. These contexts were both emphasised, in the segment, through voice-over explanation and on-screen text. The segment thus incorporated elements to minimise the risk that the materials might be taken, out of context, as deriding Islamic practices and beliefs.

It is considered, therefore, that adequate sensitivity and care were shown in relation to the importance of religion to the Muslim community.

In relation to the use of the word 'fuck', it is noted that it was not used in the segment which is the subject of this investigation, but in a subsequent segment, dealing with the Peyote Way Church of God, of Episode 1.

Potential to cause cross-cultural tensions

The segment examined a practice of the Islamic religion, namely the issuance of fatwas. However, it described the 'problem' in relation to fatwas as one of 'unauthorised' fatwas issued by 'renegade' clerics in 'some parts' of the Muslim world, rather than one pertaining to all fatwas, all clerics or all parts of the Muslim world.

Further, the segment included the information that:

- Sheikh Omar Bakri's position as Senior Judge of the UK Shariah Court is a self-appointed one;
- the head of the Muslim Council of Britain has 'campaign heavily' against Sheikh Bakri;
- the London Mosque has banned Sheikh Bakri and his Shariah Court colleagues; and
- Muslims have been among those upon whom Sheikh Bakri has placed his fatwas (specifically, Pakistani President Pervez Musharraf, the group Al-Fatiha and Muslims in the UK Police Force).

In addition, two Muslims (members of the London Mosque congregation) were shown voicing their opposition to the actions of Sheikh Bakri and his colleagues, and stating that the practices of the latter are not in accordance with Islamic teachings. The segment therefore focussed its critique on a particular segment of Muslims, and more narrowly Sheikh Bakri and those associated with him, rather than on Islam as a religion or Muslims as a whole.

It is considered, therefore, that adequate sensitivity and care were shown in relation to the possibility that the subject matter might cause tensions between Muslims and other communities.

Issue 2: Whether SBS complied with Clause 7.3.1 in relation to the handling of complaints

Relevant section of Code

7.3 HOW SBS DEALS WITH COMPLAINTS

7.3.1 Written Complaints

SBS will make every reasonable effort to address the major concerns of all correspondents, except where a complaint is clearly frivolous, vexatious or not made in good faith. Written complaints will be promptly acknowledged and normally answered within six weeks from initial receipt by SBS. If appropriate, SBS will send a holding reply, acknowledging receipt of the complaint and promising a subsequent and more detailed response.

Complainant's submission

The complainant submits that, as at 10 November 2004, the only response he had received from SBS was a letter dated 10 September 2004, thanking him for his letter concerning the program *Desperately Seeking Sheila* and informing him that his comments and complaints had been passed on to the Programming Department 'for their interest and appreciation'. The complainant provided a copy of this letter to the ABA.

SBS submission

The broadcaster acknowledges that it provided an incorrectly-titled acknowledgement of the complaint, and did not provide a substantive response within 60 days.¹ The broadcaster submits that:

- this was due to a one-off and inadvertent administrative error;
- SBS regrets the error;
- the staff member involved has been counselled and will be included in complaints handling training courses being conducted in 2005; and
- SBS has written to the complainant, apologising to him and providing a substantive response to the matters raised in the complaint. The broadcaster has provided a copy of this letter, dated 22 December 2004, to the ABA.

Finding

The ABA finds that SBS did not provide an acknowledgement to the complaint, send a holding reply promising a subsequent and more detailed response, or provide a substantive response within the relevant time frame. Accordingly, SBS breached Clause 7.3.1 of the Code.

¹ Section 150 of the *Broadcasting Services Act 1992* provides, inter alia, that if a person has not received a response to a complaint to SBS within 60 days after making the complaint, the person may make a complaint to the ABA about the matter.

Reasons

The Code's requirement is taken to have been met if:

- a complaint is acknowledged;
- a 'holding reply' acknowledging receipt of a complaint promises a subsequent and more detailed response (a substantive response); and
- a substantive response is provided, in normal circumstances, within six weeks from initial receipt.

Acknowledgement of complaint

The complainant was sent a letter by SBS on 10 September 2004, but this letter did not, in the ABA's view, constitute an acknowledgement of his complaint about *John Safran vs God*, as it identified the complaint as being about a different program.

Promise of a subsequent and more detailed response

The letter of 10 September 2004 did not contain such a promise.

Substantive response within six weeks in normal circumstances

SBS provided a substantive response on 22 December 2004, more than three months after the initial receipt of the complaint.

Accordingly, it is considered that Code requirements were not met.

Action Taken

In view of SBS's acknowledgements, actions and undertakings, the ABA does not intend to take any further action at this stage in relation to the breach, while noting that this is the second breach of complaints handling provisions of the Code since 1 January 2000. The ABA will continue to monitor SBS's compliance with these provisions.

Decision

I, Andree Wright, Director, Industry Performance and Review Branch, being the appropriate delegated officer of the Australian Broadcasting Authority, determine for the above reasons that the Special Broadcasting Corporation, in relation to the broadcast of *John Safran vs God Episode 1* on SBS TV on 30 August 2004:

- breached Clause 7.3.1 of the Code in relation to complaints handling, in that SBS did not provide an acknowledgment to the complaint; send a holding reply promising a subsequent and more detailed response; or provide a substantive response with the relevant time frame; and
- did not breach Clause 2.5 of the Code in relation to programs about religion.

Signed: -----

Andree Wright

dated this 16th day of February 2005