

# Editorial Complaints: Appeals to the Trust

# Remit of the Editorial Standards Committee

The Editorial Standards Committee (ESC) is responsible for assisting the Trust in securing editorial standards. It has a number of responsibilities, set out in its Terms of Reference at [bbc.co.uk/bbctrust/about/meetings\\_and\\_minutes/bbc\\_trust\\_committees.html](http://bbc.co.uk/bbctrust/about/meetings_and_minutes/bbc_trust_committees.html).

The Committee comprises five Trustees: Richard Tait (Chairman), Chitra Bharucha, Mehmuda Mian Pritchard, David Liddiment and Diane Coyle. It is advised and supported by the Trust Unit.

In line with the ESC's responsibility for monitoring the effectiveness of handling editorial complaints by BBC management, the Committee considers appeals against the decisions and actions of the BBC's Editorial Complaints Unit (ECU) or of a BBC Director with responsibility for the BBC's output (if the editorial complaint falls outside the remit of the ECU).

The Committee will consider appeals concerning complaints which allege that:

- the complainant has suffered unfair treatment either in a transmitted programme or item, or in the process of making the programme or item
- the complainant's privacy has been unjustifiably infringed, either in a transmitted programme or item, or in the process of making the programme or item
- there has otherwise been a failure to observe required editorial standards

The Committee will aim to reach a final decision on an appeal within 16 weeks of receiving the request.

The findings for all appeals are reported in this bulletin, Editorial Complaints: Appeals to the Trust. This bulletin also includes a statement on any remedial action taken and is published at [bbc.co.uk/bbctrust](http://bbc.co.uk/bbctrust) or is available from:

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# Contents

	Page
<b>Summary of findings (July 2007)</b>	
Waking the Dead, BBC One, 21 and 22 January 2007	3
Pause for Thought, BBC Radio 2, 6 July 2006	4
Sarah Kennedy, BBC Radio 2, 15 November 2006	4
Today, BBC Radio 4, 26 July 2006	5
More or Less, BBC Radio 4, 13 July 2006	6
<b>Findings (July 2007)</b>	
Waking the Dead, BBC One, 21 and 22 January 2007	7
Pause for Thought, BBC Radio 2, 6 July 2006	16
Sarah Kennedy, BBC Radio 2, 15 November 2006	22
Today, BBC Radio 4, 26 July 2006	26
More or Less, BBC Radio 4, 13 July 2006	34

# Summary of findings (July 2007)

## Waking the Dead: 'The Fall' BBC One, 21 and 22 January 2007

The complainant, on behalf of the Opus Dei Prelature in Britain, believed the episodes of *Waking the Dead* shown on BBC One in January 2007 contained a very negative and false portrayal of Opus Dei. He also felt that this was a direct result of the characterisation of Opus Dei in Dan Brown's book *The Da Vinci Code*. He commented that, despite various reports which evidenced that the operation of Opus Dei was in contrast to that portrayed in Brown's book, the BBC chose to use this view instead of challenging it.

The Committee concluded:

- *Waking the Dead* was a well-established crime drama series and the audience would have had clear expectations as to the fictional nature of its content.
- The drama was pure fiction and did not portray real people or events.
- The drama was about individuals, not Opus Dei as an organisation, and, while some of the characters with Opus Dei links were deeply flawed, they would not be seen as representative of Opus Dei or its membership or of members of the Catholic Church.
- The drama had not contained a damaging critique of Opus Dei or of an individual within Opus Dei which required a right of reply, as:
  - a) the references within the script to fraudulent bank deals and to Roberto Calvi were prefaced at the beginning of the dialogue with a comment that the police officer should not make a fool of himself by taking seriously the swirls of conspiracy that surrounded Opus Dei
  - b) the fictional murders and fictional theft of bank funds were shown not to be linked with Opus Dei in the drama
  - c) the script did not say that Opus Dei was connected with or was responsible for Calvi's death or fraudulent bank deals
- The Committee recognised that the drama could have made Opus Dei's position on the Calvi death clearer by including a rebuttal to any link with the death and the fraudulent bank dealing during Boyd's (Trevor Eve) questioning of Keegan (the fictional character who was Opus Dei's Director in London), but not to have done so was not a breach of the guidelines on fairness to Opus Dei.
- The use of Opus Dei may have been due to its increased profile as a result of *The Da Vinci Code* by Dan Brown, but *Waking the Dead* was fiction and did not purport to give a true portrayal of Opus Dei.
- Whilst the Committee regretted that Opus Dei was offended, it was satisfied that the drama had not breached guidelines.

The complaint was not upheld.

For the finding in full see pages 7–16.

## Pause for Thought BBC Radio 2, 6 July 2006

The complainant believed that the personal views expressed by Faris Badawi were inaccurate and partial and that they misrepresented the official religious views and beliefs of Islam as found in the Koran. He alleged that Mr Badawi was using the principle of Taqiya which allows Muslims to lie under certain circumstances.

The Committee concluded:

- Faris Badawi's comment, although drawing upon a specific understanding of the Koran, had not been inappropriate.
- There was no evidence to suggest that Faris Badawi had used the principle of Taqiya and had thus been dishonest.
- The comments adhered to the guidelines on authored pieces which entitle a specialist to provide a personal view in order that the audience can hear fresh and original perspectives on a known issue.
- No one view could adequately address all interpretations of the Koran and it was not practicable for every view to be qualified each time one was put forward. On that basis there were no grounds to suggest dishonesty or inaccuracy in the views expressed by Mr Badawi.

The complaint was not upheld.

For the finding in full see pages 16–21.

## Sarah Kennedy BBC Radio 2, 15 November 2006

The complainant was offended that Sarah Kennedy described some people that she was in a private dispute with as "thieves" and said this was an "abuse of privilege". He was aware that the Editorial Complaints Unit (ECU) had agreed with him that it was an abuse of her position, but requested that the ESC consider whether there should have been an on-air apology.

The Committee concluded:

- The comment had breached the guidelines on editorial integrity and was, as stated by ECU, an abuse of her position.
- The actions taken by Radio 2 to reprimand Sarah Kennedy and apologise in the press had been appropriate.
- It was too long after the event to require the BBC to make an on-air apology as it would require the apology to include specific details of the incident, which might prove unwelcome and embarrassing for those referred to by the presenter.

- It would have been better for the programme to have made an apology at the time when the original comment was made, and the production team should have monitored what was being said.

The Committee would write to BBC management to remind producers of live output to remain vigilant about what is being said on air and to ensure redress is made as quickly as possible to lessen any offence that might result from an unscripted and thoughtless remark.

No further action was required.

For the finding in full see pages 22–25.

## Today BBC Radio 4, 26 July 2006

The complainant believed that James Naughtie had misrepresented the views of his interviewee Dr Mansour of the Muslim Brotherhood during a live interview. He felt that James Naughtie had attributed statements to his interviewee about the wreaking of destruction and death on Jewish people which the interviewee never made. The complainant also suggested that the tone of the interview had been, unconsciously, influenced by a stereotypical Israeli propagandist position which reflected the BBC's pro-Israeli bias.

The Committee concluded:

- James Naughtie's handling of the interview had kept the conversation focused on the aims of the Muslim Brotherhood and had not distorted the discussion.
- When James Naughtie asked a question, he followed that up by asking Dr Mansour to correct his understanding.
- His questioning ensured that the position of the Muslim Brotherhood with regard to the State of Israel and the Jews was established.
- Some of the language used by James Naughtie could have been better chosen but did not suggest a distortion of the facts. The language was part of a robust live interview which allowed the interviewee opportunity to refute opinions and facts or suggest alternative opinions or facts.
- The interview, while robust, allowed the interviewee sufficient opportunity to respond to the questions raised by James Naughtie.
- The interview might well have been different if Dr Mansour had greater confidence in spoken English, but the interview as broadcast was fair.
- There was no evidence to support the suggestion that James Naughtie was influenced by Israeli propaganda.
- This report was not evidence of general BBC bias in favour of Israel, and the Thomas Report published in 2006 had found that the BBC's coverage was fair and impartial.

- The complaint had been subject to a series of unfortunate delays during all three stages of the complaints process. The Committee would include an apology for these delays within its finding letter.

The complaint was not upheld.

For the finding in full see pages 26–34.

## **More or Less BBC Radio 4, 13 July 2006**

The programme had included an item on the Government's decision to favour the use of synthetic phonics in schools. The complainant believed the item was biased as it had criticised the research without allowing an appropriate right of reply. The ECU had agreed in part with the complaint and had recommended that the programme take particular care when citing specific criticisms of individual research. The complainant felt the action had not been sufficient and that more effort was required to ensure a balancing contribution, i.e. an acknowledgement of the error on the programme or that the programme revisit the topic allowing a more balanced view of the issue. He asked the ESC to consider whether the action was appropriate.

The Committee concluded:

- A request for an on-air apology or for the programme to revisit the topic was disproportionate given the nature of the programme and the significance of the item.
- The action taken by the programme to put up a note highlighting the ECU's finding with a link to the decision on the programme's website entry had been appropriate.

No further action was required.

For the finding in full see pages 34–37.

# Findings (July 2007)

## Waking the Dead: 'The Fall' BBC One, 21 and 22 January 2007

### 1 The series

A description on the *Waking the Dead* website states:

"Waking The Dead is a six-part series shown in two hour long episodes over consecutive nights. The programme follows the work of the Metropolitan Police's Cold Case Unit, set up to reinvestigate old cases where new evidence or links to modern day crimes come to light. To aid their investigations the unit uses advanced techniques in forensic science; often taking risks discovering the truth and bringing the perpetrators to justice."

### 2 The programme: 'The Fall' (two episodes)

A synopsis of the story:

#### Part 1

The team is called in when workmen dislodge two conjoined bodies in a former City bank which folded after Black Wednesday.

A gold ingot is linked to a body found in a river which is identified as Brian McGurk, an aide to the Irish Ambassador.

One of the bodies in the bank is bank director Mervyn Simmel, suspected of skipping the country with the bank's funds. The female body in the bank is journalist Katherine Keane, whose biography is being researched by Lisa Tobin. The team check out Keane's previous lovers, who include a City Alderman, Philip White (who, it later becomes clear, is a member of Opus Dei), and Shadow Trade and Industry Minister Ian Taggart, and question Simmel's former co-chairman, Lucien Calvin.

Evidence is found that Katherine used mortification, which the team consider a possible link to Opus Dei membership. The team learn that McGurk was on charitable trust boards with Simmel and Calvin. Boyd also meets with Hugo Keegan, Opus Dei's London director, to discuss whether Keane was a member of Opus Dei. Boyd and Spencer then join DI Bailey from the Garda in Dublin, where they find Katherine's husband, drug dealer Declan Keane. Boyd and Spencer see a masked figure as they chase after Declan. Boyd finds Declan hanging from a bridge between two roofs. He screams at Boyd not to kill him. Boyd tries to pull him up but Declan falls. His bag splits, revealing gold ingots.

## Part 2

The team discover that Katherine gave away a child, who was Lisa Tobin. Boyd and Spencer trace two safe-deposit boxes. One – belonging to Keane and Simmel – is full of gold ingots. Bailey was an arresting officer when McGurk crashed his car in Dublin some years before.

Stella realises Clive Marlow, a rich client of Calvin's, is officially missing. It is also discovered that Katherine was dying of a brain tumour when she was killed. Lisa is abducted by a gunman. Grace realises Calvin's parents committed suicide and that he always blamed himself. He was scared of becoming bankrupt. The team trace the missing gold to another bank in the city. Turncoat Bailey removes it only to have a knife held to his throat by Calvin. Saliva links a sample from the bank murder scene to White. Meanwhile, White is denied forgiveness by Opus Dei leader Keegan. On searching Calvin's house, the team discover the body of Clive Marlow in the freezer.

Boyd and Grace find Calvin upstairs conducting a ritual. Calvin raises a kitchen knife to Boyd but Bailey, throat slashed, shoots Calvin. Boyd holds Bailey as he dies. Boyd finds Lisa to whom gunman White hands over his weapon. She avenges her mother's murder by shooting White.

## 3 The complaint

The complaint, which was made on behalf of Opus Dei, can be briefly summarised as follows:

The complainant, on behalf of the Opus Dei Prelature in Britain, believed the episodes of *Waking the Dead* shown on BBC One in January 2007 contained a very negative and false portrayal of Opus Dei. He also felt that this was a direct result of the characterisation of Opus Dei in Dan Brown's book *The Da Vinci Code*. He commented that, despite various reports which evidenced that the operation of Opus Dei was in contrast to that portrayed in Brown's book, the BBC chose to use this view instead of challenging it.

The complainant's more specific points and the BBC's responses are detailed below (quotes are extracts from the complaint and replies).

### The complaint

- "...Opus Dei was portrayed as an organisation of murderers, thieves and adulterers who justify and cover up evil actions while hiding behind a veneer of hypocritical piety and penitential rituals of self-flagellation."
- "This portrayal is lifted from the *Da Vinci Code*, ... despite ... objections at the time by the Catholic Church, and ... press reports ... which found the organisation innocent of Dan Brown's depiction, the BBC chose to exploit this portrayal as if it were commonplace fact."
- The complainant accepted that the BBC did not claim that the depiction of Opus Dei was factual, but went on to comment: "...from your Editorial Guidelines ...

the BBC believes that in dramas 'the same standards of fairness which apply to factual programmes should generally be observed' ... 'we have an obligation to ... ensure the drama does not unduly distort the known facts...'. "

- He pointed out that the programme contained a fictional bank and could have similarly created a fictional organisation.
- In not doing so the complainant felt that the BBC had neglected its own guidelines: "we also note, that from the same Guidelines, that the BBC is committed to avoiding the perpetuation of 'prejudice and disadvantages which exist in our society'."
- He also felt that the BBC had gone against its guidelines on religion which state: "the BBC will ensure the religious views and beliefs of an individual, a religion or religious denomination are not misrepresented...".
- The complainant also noted that Opus Dei was not contacted at any time while the programme was being made nor was the organisation's consent sought for its portrayal.

In response to a reply from the series producer (see **BBC response**) the complainant commented:

- Re the intention of the programme to focus on individuals and not on the organisations they were affiliated to: "...it was precisely the three members' affiliation to Opus Dei, repeatedly mentioned, which was crucial to a part of the drama...".
- "Opus Dei was further maligned by the implication that it was involved in the murder of Roberto Calvi ... the creepy figure representing Opus Dei in the UK listens to these accusations in a silent attitude akin to admitting they are true."
- As to the Opus Dei character refusing to give sanctuary, he commented: "...the implication could well be that he did not want Opus Dei to be tainted – which reinforces the defamatory portrayal and does not provide 'balance', as the producer claims."

When asking the Editorial Standards Committee to consider the complaint on appeal, the complainant responded to the Editorial Complaints Unit's (ECU) reply (see **BBC response**):

- "...the fact that not all immoral characters are in Opus Dei does not take away from the fact that all Opus Dei characters in the programme are either criminal or immoral."
- "The portrayal of Opus Dei is unremittingly negative ... no attempt is made to fictionalise the organisation ... if we took the same plot and substituted Opus Dei for 'the Board of Deputies of British Jews' or 'The Samaritans', I think you would agree that these organisations would be deeply unhappy at the implications for the reputations of their organisations."

## BBC response

The Producer of *Waking the Dead* initially responded:

- “*Waking the Dead*, by its nature, aims to tackle dark, disturbing but hopefully fascinating subjects using fictional characters against non-fictional back-drops ... it is not a drama which pretends to reflect the ‘state of the nation’.”
- “We feel balance was achieved in ‘The Fall’ by showing the fictional representative of Opus Dei ... refusing to give sanctuary to or condone the actions of the protagonist...”
- “*Waking the Dead* portrayed characters from a number of organisations including the British Government, The City of London, The Garda and the Psychotherapy profession ... the focus of the story centred ... on the individuals rather than their affiliations...”

ECU did not uphold the complaint. Its response is summarised below:

- “...of the people portrayed as being involved in fraud and adultery, only two are actually said to have had an involvement at all with Opus Dei ... their involvement in Opus Dei did not appear to be contemporaneous with their misdeeds...”
- When the character of Alderman White asks Hugo Keegan for forgiveness for the crimes that were committed 15 years ago, ECU stated: “it seems to me from Keegan’s outrage that this is the first time that White has disclosed to Keegan his responsibility for the two murders ... Keegan’s response, admittedly in part driven by a fear that the organisation might be tainted by White’s transgressions, is nevertheless that of someone not prepared to be associated with what he has just been told.”
- ECU conceded, when considering the guidelines on fair portrayal and impartiality in drama that, “drama dealing with contemporary situations has a duty of fairness to real individuals”, but *Waking the Dead* did not have a staunch claim to credibility nor would the audience assume its content as it was “...a highly fictionalised format in which unlikely conspiracies, guilty secrets and unexpected revelations are the order of the day. That isn’t to say that it has limitless licence in the way it portrays real organisations ... it does mean that it can portray them in a more highly coloured way...”

## 4 Applicable programme standards

### Section 1: The BBC’s Editorial Values

#### Truth and accuracy

We strive to be accurate and establish the truth of what has happened. Accuracy is more important than speed and it is often more than a question of getting the facts right. We will weigh all relevant facts and information to get at the truth. Our output will be well sourced, based on sound evidence, thoroughly tested and presented in

clear, precise language. We will be honest and open about what we don't know and avoid unfounded speculation.

## **Section 4: Impartiality and Diversity of Opinion**

### **Impartiality & drama**

When drama realistically portrays living people or contemporary situations in a controversial way it has an obligation to be accurate and to do justice to the main facts. If the drama is accurate but is a partisan or partial portrayal of a controversial subject we should normally only proceed if we believe that its insight and excellence justify the platform offered. Even so we must ensure that its nature is clearly signposted to our audience. When a drama is likely to prove particularly controversial we must consider whether to offer an alternative view in other output on the same service.

## **Section 5: Fairness, Contributors and Consent**

### **Fair portrayal in drama**

When our drama realistically portrays living people in contemporary situations, particularly a controversial or sensitive event, the same standards of fairness which apply to factual programmes should generally be observed. It is inevitable that the creative realisation of some dramatic elements such as characterisation, dialogue and atmosphere, will introduce a fictional dimension, but we have an obligation to be accurate and to ensure the drama does not unduly distort the known facts and thus become unfair. It is important to explain the nature of the content to our audiences by clearly signposting the output.

## **Section 8: Harm and Offence**

### **Introduction**

The BBC aims to reflect the world as it is, including all aspects of the human experience and the realities of the natural world. In doing so, we balance our right to broadcast and publish innovative and challenging content appropriate to each of our services with our responsibility to protect the vulnerable.

When we broadcast or publish challenging material which risks offending some of our audience we must always be able to demonstrate a clear editorial purpose. Such material may include, but is not limited to, offensive language, humiliation, sexual violence and discriminatory treatment. We must be sensitive to audience expectations, particularly in relation to the protection of children, as well as clearly signposting the material.

### **Portrayal**

We aim to reflect fully and fairly all of the United Kingdom's people and cultures in our services. Content may reflect the prejudice and disadvantage which exist in our

society but we should not perpetuate it. We should avoid offensive or stereotypical assumptions and people should only be described in terms of their disability, age, sexual orientation and so on when clearly editorially justified.

## Section 12: Religion

### Religion editorial principles

We will ensure the religious views and beliefs of an individual, a religion or religious denomination are not misrepresented, abused or discriminated against, as judged against generally accepted standards.

## 5 The Committee's decision

The Committee considered the complaint against the relevant editorial standards, including the BBC's values and other standards set out in the Editorial Guidelines. The Committee took into account all the material before it relating to the appeal: this included submissions from all the relevant parties to the complaint who were asked to comment on the material going before the Committee.

The Committee considered the complaint under three headings of the BBC's Editorial Guidelines:

- Fairness (portrayal in drama and right of reply)
- Harm and offence (portrayal)
- Religion (editorial principles)

### Fairness – Fair portrayal in drama

There were three fictional characters in the drama who were associated implicitly or explicitly with Opus Dei:

- Katherine Keane, one of the two murder victims, who had used mortification and had been involved in stealing gold from the bank
- Her lover and murderer Philip White, a member of Opus Dei
- Hugo Keegan, who was the fictitious London director of Opus Dei and who rejected White when his double murder became known

The complainant believed the association of these characters with Opus Dei meant that Opus Dei was portrayed as being an organisation of "murderers, thieves and adulterers who justify and cover up evil actions while hiding behind a veneer of hypocritical piety and penitential rituals of self-flagellation".

The Committee noted that this was not a factual drama, but a work based purely on fiction.

The guidelines require:

"When our drama realistically portrays living people in contemporary situations, particularly a controversial or sensitive event, the same standards of fairness which apply to factual programmes should generally be observed."

It was the view of the Committee that this drama did not realistically portray living people (or organisations) or events in a contemporary situation. It was not a drama documentary, it did not attempt to dramatically portray real events, and it did not set out to realistically portray a living person in a contemporary situation.

The Committee felt that as this was a wholly fictional drama, greater licence should be allowed for the writers to develop unrealistic and unrepresentative storylines that were engaging and entertaining than would be the case with, for example, a drama documentary.

The Committee was satisfied that the audience tuning into this programme would have been fully aware that they were watching fiction. The Committee noted that the nature of fictional drama required audiences to suspend disbelief and their sense of reality. Moreover, as *Waking the Dead* was an established and popular drama series which, when this story was transmitted, was into its sixth season of programmes, the audience would have been prepared for highly complicated and unrealistic storylines that bore no relation to real life – an example of which was the plot summary at the head of this finding.

The Committee also noted that this was a drama concerned primarily with the individuals involved in the storyline and not with the organisations, whether imaginary or real, they were associated with.

Writers were not required to ensure that individuals reflected credibly upon organisations. That would be an inappropriate limitation upon the freedom of expression of the writer. The role of drama was to develop characters with a range of personalities both good and bad. An example of this in this drama was the fictional character DI Bailey of the Garda, who was a corrupt policeman and was clearly not intended to be representative of the Irish police force.

It was noted that Opus Dei was referred to in the programme, but the Committee did not consider that the organisation was portrayed in any particular way, nor that the audience would treat any references as a realistic portrayal.

### **Fairness – Right of reply**

The guidelines also require:

“We have an obligation to be accurate and to ensure the drama does not unduly distort the known facts and thus become unfair.”

With regard to the general representation of Opus Dei as an organisation, while the Committee was satisfied that the drama’s intention was to use it as a means to connect various characters together, it noted that the conversation in part one of the story and the specific references to Hugo Keegan’s involvement with the Vatican Bank and Roberto Calvi raised wider issues concerning more than just the individual character – that is, Opus Dei itself. The Committee considered whether this was a damaging critique of the organisation which required some form of redress within the drama. It noted the conversation in DS Boyd’s office:

BOYD: Well, discretion, yes, although, er, Opus Dei hasn't exactly been, erm, publicity shy over the last few years, has it Mr Keegan, but confidentiality, no. I have a murder investigation in progress and reasons to believe that an Opus Dei member may be involved.

KEEGAN: You mustn't make a fool of yourself Detective Superintendent by taking seriously the swirls of conspiracy that surround us.

BOYD: Hm, let me share my, my thinking with you because it might save us both a bit of time.

(Keegan looks interested in what Boyd maybe about to say)

BOYD: I know that you were in Rome in 1971 as part of an Opus Dei delegation: a delegation that was offering to bale out the Vatican Bank which lost over two hundred million dollars on bad business deals.

(Keegan says nothing – Boyd pulls out the photograph of Calvi from the file and shows it to Keegan)

BOYD: In 1982, you had a meeting with this man, Roberto Calvi.

(Keegan listens to Boyd and does not react at all)

BOYD: This is Calvi, two days later, hanging under Blackfriars Bridge. The evidence is here: Opus Dei has been connected with fraudulent deals between large banks, deals which have led to people being assassinated or found dead in suspicious circumstances.

(Keegan is still giving nothing away and Boyd is becoming exasperated)

BOYD: Okay well, then, we discover two bodies on the premises of a bank, a bank which has collapsed. There's evidence that one of the victims may be an Opus Dei member. Now my investigation has to...

BOYD: ...ask – is history repeating itself?

(Finally Keegan has something to say)

KEEGAN: D'you have a faith, Mr Boyd?

The Committee recognised that Keegan had prefaced the various accusations of Boyd's by suggesting that he (Boyd) "mustn't make a fool of yourself" by referring to the "swirls of conspiracy that surround us [Opus Dei]". It noted that the fictional character, Keegan, was proved accurate in that the murders had nothing to do with

Opus Dei and Opus Dei was not connected with the collapse of the bank and the theft of the funds.

The Committee also noted that the comments referring to Keegan's meeting with the Vatican Bank and Roberto Calvi would have been seen to be entirely fictitious, and were not based on any known individual or event.

The Committee was satisfied that, even with the inclusion of these fictitious meetings, the programme had not provided a damaging critique of Opus Dei in that the detective did not go on to state that Opus Dei was responsible for the death of Calvi or the fraudulent collapse of a bank. However, it did recognise that the programme could have made Opus Dei's position on the Calvi death clearer by including a rebuttal by Keegan to any link with Calvi's death and fraudulent bank dealing during Boyd's questioning as well as, or instead of, a statement regarding conspiracies at the start of the conversation. Nevertheless, the Committee was satisfied that the programme had not breached guidelines on fairness in its portrayal of Opus Dei. It was also satisfied, given that no critique of Opus Dei had been included in the programme, that the production team was not required to provide Opus Dei with a right of reply within the drama, to contact Opus Dei in advance of broadcast or to use a fictional name for Opus Dei.

### Harm and offence – Portrayal

The guidelines on portrayal require:

"We aim to reflect fully and fairly all of the United Kingdom's people and cultures in our services. Content may reflect the prejudice and disadvantage which exist in our society but we should not perpetuate it. We should avoid offensive or stereotypical assumptions and people should only be described in terms of their disability, age, sexual orientation and so on when clearly editorially justified."

In this case the Committee considered whether the portrayal of characters linked with Opus Dei included offensive and stereotypical assumptions possibly linked to the portrayal of Opus Dei in *The Da Vinci Code* by Dan Brown and, if so, whether the portrayal was editorially justified.

It was satisfied from the script that the characters' motivations to commit theft, adultery and murder were ascribed to the characters' flaws and were never linked to membership of Opus Dei. As such it did not believe that Opus Dei itself was portrayed in a stereotypical way.

### Religion

The Editorial Guidelines require:

"We will ensure the religious views and beliefs of an individual, a religion or religious denomination are not misrepresented, abused or discriminated against, as judged against generally accepted standards."

The Committee was satisfied that the drama dealt with individual characters as opposed to Opus Dei itself and that the drama did not deal with the religious views and beliefs either of an individual or of Opus Dei or of the Catholic Church.

In conclusion, the Committee, whilst it recognised that Opus Dei was offended and as such wished to express its regret that this was the case, was satisfied that the drama, a work of fiction, had not breached guidelines. It noted that, while some of the characters with Opus Dei links were deeply flawed, they were not representatives of the organisation or its real membership.

**FINDING: Not upheld.**

## Pause for Thought BBC Radio 2, 6 July 2006

### 1 The programme

*Pause for Thought* is a short programme within a programme, where guests from different faiths are invited to offer thoughts on issues such as items in the news, from a perspective that reflects their beliefs. The intention of the programme is to provide listeners with a greater understanding of the various faiths.

The items are broadcast on Radio 2 at 1.30am, 3.30am and 9.15am, Monday to Friday, and 1.30am and 3.30am on Saturday and Sunday. The 9.15am broadcast is a live transmission within Terry Wogan's morning programme; it is editorially separate from the other two broadcasts and is broadcast only once.

### 2 The context

The *Pause for Thought* at the centre of this complaint was a broadcast by Faris Badawi, Administrator of the Muslim College in London, a few days after the Prime Minister was challenged to respond to claims made by the Muslim Labour MP Sadiq Khan who said that: "...he was disappointed with the Government's engagement with the Muslim Community in the year since the London Bombings".

Mr Blair's response was: "The Government cannot alone root out extremism in Muslim Communities and defeat the terrorism it creates..." and "...[that it is] down to moderate Muslims to stand up to extremism and tell those with 'grievances' against the west they were wrong."

### 3 The transcript

FARIS BADAWI:

Today, I'd like to just talk about some comments that the Prime Minister made a few days ago. He answered, in answer to a question from the Commons Liaison Committee, you know, he said that Muslims should confront the extremists in their midst and that we should get over a completely "false sense of grievance against the West".

Now, I felt this was a little unfair, for two reasons. Firstly the relations between the West and the Muslim and Arab worlds have, since the early part of the 20th century, resulted in events and actions that no one on either side has any reason to be proud of, along of course with many things that were very positive. That's how history is, there are various elements to every story, nonetheless there were actions by the Western powers that should rightly inspire shame in all of us, and the attitudes and ideas of superiority and entitlement that underlay those policies should be confronted whether they appear amongst Easterners or Westerners.

My second reason for concern was that Mr Blair addressed his message to Muslims, not to Arabs, Pakistanis or any other largely Muslim nationality but to Muslims *per se*. Now it may be that at the moment we do not have a very good reputation here in the West, but a brief excursus into the Quran will give the casual reader the impression that on the score of harbouring rancour and bearing grudges Muslims are just nothing to worry about.

In fact even if they are harshly treated the Quran advises Muslims that "To forgive is nearer to piety. And forget not kindness amongst yourselves."  
2.109

There really is no need to misrepresent history when advising Muslims not to bear grudges, irrespective of what has happened and what was sometimes done to subject Muslim peoples, it's still the case that Muslims can demand of themselves, in adherence to the tenets of the faith, that we must generate forgiveness in their hearts for any harm or injustice that we've undergone as result of Western or other actions, The Quran asks us when anger gets hold of us to forgive and show indulgence, as we would wish God to forgive us.

No matter what happened or was done in the past, which now shapes our present, we are required as Muslims to be patient and forgiving.

An ancient Arabian saying was "retaliation preserves life". I think in the modern world that saying can be reversed and that now "forgiveness and forbearance preserve life" because today our retaliation may be so terrible that it could even destroy this precious world.

## 4 The complaint

The complainant summarised his complaint as:

“The views expressed personally by Mr Badawi were inaccurate and partial and they misrepresented the official religious views and beliefs of Islam as found in the Koran.”

The complainant’s more specific points and the BBC’s response are detailed below (quotes are extracts from the complaint and replies).

### The complaint

- “Why was this man [Faris Badawi] allowed to respond to Mr Blair’s recent appeal to Muslims ... by being given airtime to tell lies about the aim of Islam and the teachings of the Koran.”
- He clarified his comment by suggesting that: “The teaching of the Koran and the aim of Islam are to bring the **WHOLE** world under the rule of Islam. Islam divides the world into 2 camps – [1] Dar el Islam, the house of Islam where Islamic [Sharia] law rules and [2] Dar el Harb, the house of war where Islamic law does not rule. **IT IS A DUTY** for Dar el Islam to fight and conquer Dar el Harb and permanently assimilate it. That is the true aim of Islam and the teaching of the Koran.”
- He further commented: “...in Islam ‘Takeyya’ is sanctioned ... [which] is the ‘principle of deception’ that allows Muslims to **LIE** under certain circumstances as sanctioned for instance in **BUKHARI** vol:4:271 page 168.”

Following responses by the Editorial Complaints Unit (ECU), which included comments from Faris Badawi (see **BBC response**), the complainant replied:

- “The views expressed personally by Mr Badawi were **INACCURATE** ... and ... **MISREPRESENTED** the **OFFICIAL** religious views and beliefs of **ISLAM** as found in the Koran.”
- “There is much that is false being propagated publicly about the religion of Islam and the BBC is a major player...”

### BBC response

The programme team responded to the initial complaint as follows:

- They pointed out that Faris Badawi was commenting on the recent news story about the Prime Minister’s comment about relations with the Muslim community in order to connect to “wider spiritual issues”.
- They also pointed out that he had used “Islamic references to emphasise the significance of forgiveness and did not advocate the spread of Islamic rule through deception or otherwise”.

ECU did not uphold the complaint. Its response is summarised below:

- “Most people listening to reflective pieces such as this will be aware that there is a strong ... personal element ... such pieces are in no sense intended as formal statements of officially recognised doctrine or belief.”
- “We felt Faris Badawi’s contribution was a pertinent examination of forgiveness, promoting the message that ‘forgiveness and forbearance preserve life’.”

## 5 Applicable programme standards

### Section 1: The BBC’s Editorial Values

#### Impartiality and Diversity of Opinion

We strive to be fair and open minded and reflect all significant strands of opinion by exploring the range and conflict of views. We will be objective and even handed in our approach to a subject. We will provide professional judgments where appropriate, but we will never promote a particular view on controversial matters of public policy or political or industrial controversy.

### Section 4: Impartiality and Diversity of Opinion

#### Personal view, authored programmes & websites

We have a tradition of allowing a wide range of individuals, groups or organisations to offer a personal view or opinion, express a belief, or advance a contentious argument in our programmes or on our websites. Personal views can range from the outright expression of highly partial views by a campaigner, to the authored view of a specialist or professional including an academic, scientist, or BBC correspondent, to those expressed through contributions from our audiences. Each can add to the public understanding and debate, especially when they allow our audience to hear fresh and original perspectives on well known issues.

Content reflecting personal views, or authored by an individual, group or organisation, or contributed by our audiences, particularly when dealing with controversial subjects, should be clearly signposted to audiences in advance.

Personal view and authored programmes and websites have a valuable part to play in our output. However, when covering controversial subjects dealing with matters of public policy or political or industrial controversy we should:

- retain a respect for factual accuracy.
- fairly represent opposing viewpoints when appropriate.
- provide an opportunity to respond when appropriate, for example in a pre-arranged discussion programme.
- ensure that a sufficiently broad range of views and perspectives is included in output of a similar type and weight and in an appropriate time frame.

## Section 12: Religion

The BBC respects the fundamental human right to exercise freedom of thought, conscience and religion, this includes an individual's freedom to worship, teach, practise and observe. At the same time, we recognise our duty to protect the vulnerable and avoid unjustified offence or likely harm. We aim to achieve this by ensuring our output is not used to denigrate the beliefs of others.

### Religion editorial principles

- We will ensure that the beliefs and practices of the great world faiths are described accurately and impartially.
- We will ensure the religious views and beliefs of an individual, a religion or religious denomination are not misrepresented, abused or discriminated against, as judged against generally accepted standards.

## 6 The Committee's decision

The Committee considered the complaint against the relevant editorial standards, including the BBC's values and other standards set out in the Editorial Guidelines. The Committee took into account all the material before it relating to the appeal: this included submissions from all the relevant parties to the complaint who were asked to comment on the material going before the Committee.

The Committee, as part of its investigation, commissioned a report by Dr Mona Siddiqui, an academic who specialises in Islamic studies.

The Committee noted what Dr Siddiqui said about the complainant's interpretation of the Koran:

"Both concepts were developed in the period of classical Islam to denote the House of War and the House of Islam respectively; however there are various debates associated with both. The House of Islam was generally seen as the land where there was direct Muslim rule but the House of War could be understood on several levels. This could be land where the ruler was an enemy of Islam, land which Muslim rulers themselves aspired to bring under Islamic rule or quite simply any non-Islamic society. However, this bipolar perception of the Muslim world view is too simplistic as Muslim rulers formed various treaties often giving protected status to citizens of non-Muslim countries. Today, many Muslims argue that this strict division of the world no longer applies. Islam is not a persecuted faith with a mission to dominate the world and Muslims travel to and live freely amongst non-Muslim societies where they have the freedom to practice their faith."

The Committee also considered what Faris Badawi had said. It noted that the comments were made as an authored view for *Pause for Thought*, in which he was representing his faith and putting forward his beliefs within the context of a recent news story concerning the Muslim community.

The Committee was satisfied that, from the advice given by Dr Siddiqui, Faris Badawi's comments, although drawing on a specific understanding or view of the Koran, had not been inappropriate. As to whether Mr Badawi had been deceiving the listener by using the principle of Taqiya, the Committee was satisfied that there was no evidence of dishonesty in the narrative and no evidence provided by the complainant beyond the assertion that the principle of Taqiya had been used.

The Committee recognised that the complainant had interpreted the Koran differently from Mr Badawi and noted Mr Badawi's comments as to the many different possible interpretations of it in an email he wrote to the complainant:

"You will not understand Muslims by referring to the Qur'an, you will just deepen your confusion. The Qur'an is necessarily indeterminate as it contains infinite meanings, though revealed in this precise form at that precise time, its message is universal and eternal, it is utterly fungible [trans "moveable goods" that can be replaced by others in the execution of an order<sup>1</sup>] and interpretable..."

The Committee was therefore satisfied that Mr Badawi's comments were a legitimate view of the Koran as he wished to interpret it. As such it was also satisfied that the remarks adhered to the guidelines on authored pieces which entitle specialists to provide a personal view in order that the audience can hear fresh and original perspectives on known issues. The Committee also recognised that the programme had the right to produce content from the wide spectrum of debate as long as it was justified. In this case the Committee was satisfied that, given the recent remarks by the Government regarding the Muslim community, such comments were justified.

In conclusion, the Committee acknowledged that no one view could adequately address all the many interpretations of the Koran and that it was not practicable for every view to be qualified each time one was put forward. The Committee was therefore satisfied that there were no grounds to suggest dishonesty or inaccuracy in the views expressed by Faris Badawi.

**FINDING: Not upheld.**

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<sup>1</sup> Note added by the ESC's independent editorial adviser

## Sarah Kennedy BBC Radio 2, 15 November 2006

### 1 The programme

The show's website states the following:

"The show for all 'Dawn Patrollers' with news, views and music, plus the morning papers, Pause for Thought and the studio webcam."

The show is broadcast on weekdays from 6am to 7.30am.

### 2 The context

During the show, Sarah Kennedy told the story of a private dispute that she had become involved in and described the people involved as "thieves" for refusing to pay her £250.

On 7 February 2007 Sarah Kennedy made reference to an article in *The Guardian* (2 February 2007) that reviewed her programme. Although the article made mention of the incident of 15 November, she did not refer to it when commenting on the piece. The extract from the article referring to the 15 November broadcast is copied below:

"It's almost as if Kennedy doesn't realise she's on the radio. That would at least explain her outburst against ..., whom she accused of ripping her off to the tune of £300."

### 3 The complaint

The complainant was offended that Sarah Kennedy described the people she was in dispute with as "shysters and thieves" and said this was an "abuse of privilege".

The complaint and BBC responses are summarised below (quotes are extracts from the complaint and replies).

#### The complaint

- The complainant first contacted BBC Information a week after the comment was made and noted: "I have neither seen nor heard any comment from the BBC regarding these comments."
- He asked: "does the BBC condone such personal vendettas without any right of reply? Surely this is an abuse of privilege and unworthy of someone on a national radio station?"

- He also suggested: “It ... seems to me an abuse of privilege to make such remarks, without right of reply, and if such remarks are inappropriate, then an on-air apology should have been made.”

In the complainant’s letter to the Editorial Complaints Unit (ECU) and in his letter of appeal to the Editorial Standards Committee (ESC), he made reference to Sarah Kennedy’s mention of the 2 February article in *The Guardian*. He stated in his letter to ESC:

- “...the fundamental flaw in [the ECU] argument [see **BBC response**] is that in early February, Ms Kennedy read out part of an article ... by Gareth McLean published in *The Guardian* of 2/2/2007 which mentions ‘that would at least explain her outburst against ..., whom she accused of ripping her off to the tune of £300’. Thus Ms Kennedy herself is bringing people’s attention to the article and thereby surely exacerbating the situation.”
- “My continued pursuance of this matter is related to standards, in particular BBC standards. Such personal remarks should never have been made (as I said at the outset, it is an abuse of privilege) and, if sincerely regretted, then apologised for.”

Having received a transcript of the item the complainant withdrew one element of the complaint – the suggestion that Sarah Kennedy had called the people “shysters”.

### BBC response

The Editor Mainstream Programming, Radio 2, responded with the following:

- “In this instance, we all agree (Sarah included) that the subject was inappropriate and that the language was not well chosen.”
- “On behalf of us all, may I apologise for any offence caused and reassure you that Sarah had absolutely no intention of offending listeners.”

The ECU, whilst agreeing that her remarks “represented an abuse of her position”, considered whether the comment was such that a broadcast apology was called for. The ECU did not feel that was necessary for the following reasons:

- “In this instance, it seems to me that any apology which made sense to listeners would have to be in terms which reminded them of Sarah Kennedy’s original allegations, and this would probably be unwelcome to the individuals concerned.”
- “[the editor] reprimanded Sarah Kennedy at the time. I think this, rather than a broadcast apology, was the most appropriate way of resolving the matter.”

### Complaints handling

The complainant voiced concern that, following a request to ECU on 6 March as to where he should escalate his complaint, it had taken until 18 March, when he sent a reminder, before he was given the details of the ESC.

## 4 Applicable programme standards

### Section 1: The BBC's Editorial Values

#### Editorial integrity & independence

The BBC is independent of both state and partisan interests. Our audiences can be confident that our decisions are influenced neither by political or commercial pressures, nor by any personal interests.

#### Accountability

We are accountable to our audiences and will deal fairly and openly with them. Their continuing trust in the BBC is a crucial part of our contract with them. We will be open in admitting mistakes and encourage a culture of willingness to learn from them.

### Section 3: Accuracy

#### Correcting mistakes

We should normally acknowledge serious factual errors and correct mistakes quickly and clearly. Inaccuracy may lead to a complaint of unfairness. An effective way of correcting a mistake is saying what was wrong as well as putting it right. Where we may have broadcast a defamatory inaccuracy Programme Legal Advice should be consulted about the wording of a correction.

### Section 17: Accountability

#### Introduction

We will use the BBC's online presence to provide proper reporting to the public on complaints we have received, and actions we have taken.

## 5 The Committee's decision

The Committee considered the complaint against the relevant editorial standards, including the BBC's values and other standards set out in the Editorial Guidelines. The Committee took into account all the material before it relating to the appeal: this included submissions from all the relevant parties to the complaint who were asked to comment on the material going before the Committee.

The Committee acknowledged that Sarah Kennedy's remarks had been a breach of editorial integrity and agreed with ECU's finding that the remarks "represented an abuse of her position". It also endorsed the actions of the Editor Mainstream Programmes, Radio 2, who not only apologised in the press for her remarks, but also reprimanded her as to her conduct.

The Committee then went on to consider whether further action was required to remedy the breach in guidelines, such as an on-air apology.

The Committee noted that this was not a first-party complaint or a complaint made on behalf of those whom Sarah Kennedy had referred to in the broadcast. The Committee felt it would be inappropriate to sanction an on-air apology because of the time that had elapsed between the appeal being heard and the actual incident. It also felt that to have sanctioned an on-air apology at this time would have required Radio 2 to include specific details of the incident, which might have proved unwelcome and embarrassing for those referred to by the presenter. The Committee was therefore satisfied that no further action needed to be taken as the apology by ECU and action already taken by Radio 2 were sufficient.

However, the Committee believed that the offence caused to listeners could have been more effectively handled at the time with an on-air apology when the comment was made. The Committee noted there had been a 45-second break for a trail immediately after the remark and that should have served as an appropriate moment for the producer, whose responsibility it was to review what was being said, to have been more active and to have asked her to apologise. The Committee also felt that a further opportunity was lost when Sarah Kennedy referred to a review of her programme in *The Guardian* in February 2007, but did not refer to this incident which was alluded to in the article. The Committee believed in both cases a brief comment apologising for the remark could have been made without undue reference to the individuals or her further reference to the offending word.

**FINDING: No further action required.**

#### **Action**

The Chairman of ESC to write on behalf of the Committee to Mark Byford, Deputy Director-General and Chairman of the Complaints Management Board, to remind producers of live output to be aware of what is and is not appropriate for presenters to say on air and to ensure that redress is made as quickly as possible in order to lessen any offence that might result from an unscripted and thoughtless remark.

## Today BBC Radio 4, 26 July 2006

### 1 The item

This item was a live interview with Dr Hezem Farouk Mansour, an opposition member of the Egyptian parliament, on behalf of the Muslim Brotherhood. James Naughtie co-presented the *Today* programme live from Cairo. The interview was preceded by live two-ways with two BBC correspondents.

### 2 The complaint

The complaint and BBC response are summarised below (quotes are extracts from the complaint and replies).

#### The complaint

- The complainant believed the item failed to be truthful and accurate. Dr Mansour's views were misrepresented in that James Naughtie "repeatedly claimed that his interviewee had said things that he never actually said in the interview at all".
- He said the presenter ignored "the attempts his interviewee made to correct Mr Naughtie's insistent, but false attributions to him".
- "Mr Naughtie attributed statements to his interviewee about the wreaking of destruction and death on Jewish people, that this interviewee never said."
- The complainant stated that instead of eliciting Dr Mansour's views, James Naughtie "tried to use trickery to put words into his mouth. He asked his interviewee: 'And if they [the international community] hear you saying ... Israel should be obliterated, if necessary by killing its people, why should they accept that?' Dr Mansour had said no such thing."
- "What Mr Naughtie was coming up with instead was, albeit I presume quite unconsciously, simply a stereo-typical Israeli propagandist position."
- "At the end of the interview the presenter states 'that could not be clearer.' The listener would have been left believing that Dr Mansour had a view 'contrary to the spirit of what he was trying to say'."

Following a response from BBC Information, the complainant said:

- "James Naughtie spoke 66% of the words in the interview, his interviewee only 33%, and he interrupted Dr Mansour 9 times."
- The complaint is not addressed by claiming it was "appropriate" for James Naughtie to take a "challenging and robust line of questioning".

In his appeal to the ESC the complainant raised a number of issues related to the Editorial Guidelines:

#### Truth and Accuracy

- He believed that James Naughtie's words completely failed to accurately reflect or truthfully state Dr Mansour's position.
- What Dr Mansour managed to say in between interruptions was 'Jews can live with us as long years ago.' "It was the apparatus pertaining to a state – which he called Zionist – not people, that Dr Mansour actually said he wanted to get rid of."

#### Accuracy

- The complainant stated: "Mr Naughtie acted throughout with a total disregard for the accurate communication to the listeners of what his interviewee was actually saying."
- "Mr Naughtie knowingly misled the audience."

#### Impartiality

- The complainant said the presence of Dr Mansour offered us a chance to hear a different view from the range normally heard on the BBC. However, "what we heard was Dr Mansour being constantly and quite unreasonably berated with familiar Israeli PR from Mr Naughtie."
- "The content of supposed BBC News programmes such as Mr Naughtie's interviewing of Dr Mansour consistently does [two] things: maintaining silence about Israel's fundamental policies and reporting superficially and selectively on their activities."
- The guidelines state that presenters should not state their own opinions. Mr Naughtie expressed two opinions that were false and partial.

#### Fairness

- "Mr Naughtie's particular striving in this interview was unfair both to his interviewee and to the listeners."

#### Editorial Integrity and Independence

- In general, the complainant believed Mr Naughtie misrepresented Dr Mansour's position, "merely using his interviewee's presence to air often heard pro-Israeli views instead".
- James Naughtie was only actively reflecting a BBC output largely in line with Israeli PR and propaganda.

#### BBC response

BBC Information at stage 1 of the process responded:

- "Given the controversial nature of the views expressed it was felt appropriate to follow a challenging and robust line of questioning. However, there was no

attempt to put words into Dr Mansour's mouth or to change the meaning of what he was saying."

- Dr Mansour responded concisely and in a straightforward manner to the questions put to him and would have left listeners in little doubt as to his view on Israel's right to exist.

ECU did not uphold the complaint on the following grounds:

- Inevitably, in most interviews aspects of the conflict in the Middle East were not fully covered. Interviewees appeared on a programme to reflect their particular point of view.
- In the case of an organisation such as the Muslim Brotherhood, it was not unreasonable to ask one of its representatives questions bearing on its views about the issue at the heart of the conflict in the Middle East – the relationship between Israel and the Palestinians.
- Dr Mansour's spoken English was not as good as it might have been and, had he been more fluent, the interview might well have been somewhat different.
- James Naughtie attempted to clarify the position of the Muslim Brotherhood by raising certain issues and then asking for clarification from the interviewee.
- Dr Mansour had adequate opportunity to make his views plain and James Naughtie appropriately used his knowledge of the Muslim Brotherhood to probe exactly what these policies would mean in practice.

### 3 Applicable programme standards

#### Section 1: The BBC's Editorial Values

##### Truth and accuracy

We strive to be accurate and establish the truth of what has happened. Accuracy is more important than speed and it is often more than a question of getting the facts right. We will weigh all relevant facts and information to get at the truth. Our output will be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We will be honest and open about what we don't know and avoid unfounded speculation.

#### Section 3: Accuracy

##### Misleading audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences. We may need to label material to avoid doing so.

## Section 4: Impartiality & Diversity of Opinion

### Introduction

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our websites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

In practice, our commitment to impartiality means:

- We strive to reflect a wide range of opinion and explore a range and conflict of views so that no significant strand of thought is knowingly unreflected or under represented.
- We exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- We must ensure we avoid bias or an imbalance of views on controversial subjects.
- Our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.
- We must rigorously test contributors expressing contentious views during an interview whilst giving them a fair chance to set out their full response to our questions.

### Achieving impartiality

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

## Section 5: Fairness, Contributors and Consent

The BBC strives to be fair to all – fair to those we’re making programmes about, fair to contributors, and fair to our audiences.

## Section 13: Editorial Integrity and Independence

### Editorial integrity and independence editorial principles

- We must be independent of both state and partisan interests.
- We must not endorse or appear to endorse any other organisation, its products, activities or services.

## 4 The Committee’s decision

The Committee considered the complaint against the relevant editorial standards, including the BBC’s values and other standards set out in the Editorial Guidelines. The Committee took into account all the material before it relating to the appeal: this included submissions from all the relevant parties to the complaint who were asked to comment on the material going before the Committee.

The Committee considered the complaint under five headings of the BBC’s Editorial Guidelines:

- Accuracy (misleading the audience)
- Impartiality (due impartiality)
- Fairness
- Editorial integrity
- Complaints handling

### Accuracy

The Committee considered whether the interview had misled the audience. It noted that James Naughtie had at times led the discussion, but felt that this had not distorted the conversation but kept it focused on the aims of the Muslim Brotherhood. The Committee noted that when James Naughtie did ask a question he followed it up by inviting Dr Mansour to correct his understanding. For example:

MANSOUR: First of all, Israel has been implanted in our region since 1948, 1948, implanted forcibly, implanted in our region, er [interruption]

NAUGHTIE: Are you saying that it doesn’t have a right to be there? This is the argument.

MANSOUR: Yes sir.

NAUGHTIE: You are? You don’t wish it to be there?

MANSOUR: Yes.

NAUGHTIE: You want it to be removed?

MANSOUR: Yes.

The Committee also noted that, whilst James Naughtie was robust in his style of questioning in that he would not allow the point to wander into a broader discursive on the history of the Middle Eastern conflict, it did not lead to the interview being misleading or inaccurate. The Committee noted that the end of the interview was abrupt, but that this did not detract from the fact that James Naughtie had been able to establish the position the Muslim Brotherhood held on two specific points, which were:

- that Israel would in time be removed
- that a new Islamic state would allow Jews and Muslims to live alongside each other

The first point was a thread that ran through the interview. James Naughtie raised the point initially by saying:

NAUGHTIE: ...Now does your vision of the Middle East include a respect for the right of Israelis to live securely behind their own borders or not?

The Committee noted that the interviewee did not accept the right of Israelis to live behind their own borders and noted it again when Naughtie repeated the proposition near the end of the discussion. Here is the second time when the question was raised:

NAUGHTIE: ...Now most Arab governments, not all, have long since moved from that position and have said we should have a Middle East in which there is a secure and safe Israel that lives at peace with its neighbours including the Palestinians in a separate state. Now do you accept that as a legitimate objective or not, because it appears that you don't?

MANSOUR: How can we sir? How can we to let Israel live safe within our land, within our region? How can to let Israel to live safe while it rejects the Hamas exemplary elected government?

NAUGHTIE: But even if it did accept Hamas you are saying you still want it removed?

MANSOUR: er, er, yah, I mean that [interruption]

NAUGHTIE: So why

MANSOUR: I mean that – not today – but really will come the day that Israel will be, er, get rid of it, from this er [interruption]

On the second point regarding a new Islamic state James Naughtie also sought to clarify Dr Mansour's position:

MANSOUR: I mean that – not today – but really will come the day that Israel will be, er, get rid of it, from this er [interruption]

NAUGHTIE: Well

MANSOUR: Jewish [interruption]

NAUGHTIE: Well

MANSOUR: can live with us as [interruption]

NAUGHTIE: In different states

MANSOUR: long years ago.

NAUGHTIE: OK well that could not be clearer, and people will have heard it with interest. Dr Hezem Farouk Mansour, thank you very much indeed.

The Committee was therefore satisfied that the listener would not have been misled about the main long-term aims of the Muslim Brotherhood with regard to Israel and the Jewish people. It did note that on a couple of occasions James Naughtie had included language which some of the audience might have considered inappropriate, such as the word "obliterated" and the suggestion that "Jews" and not just Israel would be driven out of the Middle East. The Committee acknowledged that these words could have been better chosen. However, it did not consider that these terms had led to a distortion of the facts but were by the nature of a robust interview included to be refuted or challenged by the interviewee. The Committee was therefore satisfied that there had been no breach of the guidelines regarding accuracy.

### Impartiality

The Committee was satisfied that, by interviewing a representative of the Muslim Brotherhood and by establishing their position on the State of Israel, the *Today* programme had satisfied the guidelines' commitment to reflect a diversity of opinion. The Committee recognised that, whilst James Naughtie had led the discussion and questioning, this had been due in part to Dr Mansour's lack of confidence in spoken English. It acknowledged that had Dr Mansour been more fluent the interview might have had a different complexion. It also noted that if the interview had been recorded rather than live then that would have given Dr Mansour more chance to articulate his argument. However, the Committee was satisfied that, given that it was

a live broadcast, Dr Mansour had been allowed sufficient opportunity to refute the points being raised or to suggest a different point of view.

The Committee was also satisfied that James Naughtie had not shown bias in favour of Israel but had, as is expected of the interviewer, challenged the opinions of the interviewee. It also noted that James Naughtie had acknowledged the other issues outside the discussion when he responded to Dr Mansour's comments concerning Gaza:

**MANSOUR:** Is killing helpless women in Gaza, kids playing football in the Gaza streets [interruption]

**NAUGHTIE:** Indeed, there's an argument about Israeli policy in the occupied territories, of course, which the world argues about the whole time. There's an argument about this fighting as to whether the response is justified and proportional. These are perfectly proper political arguments.

The Committee was therefore satisfied that the interview had not breached the guidelines on due impartiality and that the interviewer had shown objectivity and evenhandedness in his approach to the subject.

The Committee also felt it was important to remind the complainant, in response to the allegation that this interview reflected a general BBC bias in favour of Israel, of the Thomas Report, commissioned by the Board of Governors and published last year. The report found that, setting aside individual lapses, "there was little to suggest systematic or deliberate bias; on the contrary there was evidence in the programming of a commitment to be fair, accurate and impartial". The report also noted that in reporting this difficult and partisan conflict there was no evidence to suggest the BBC was influenced by either the Israelis or the Palestinians.

### Fairness

The Committee acknowledged that had Dr Mansour's command of English been better the interview would have been different. However, given the interview that was broadcast, the Committee was satisfied that the interviewee had been treated fairly. It noted that the conversation had been led by James Naughtie and that he had interrupted Dr Mansour on a number of occasions, but felt that this had been appropriate in order to ensure that the position of the Muslim Brotherhood was expressed.

The Committee was therefore satisfied that there had been no breach of fairness.

### Editorial integrity

The Committee was satisfied that there was no evidence to support the allegation that James Naughtie or the BBC had been influenced by or were working to any form of Israeli PR or propaganda agenda.

In conclusion, the Committee was satisfied that the interview had not breached editorial guidelines. However, it did recognise that the interview could have been improved if it had been recorded rather than live, given the interviewee's limited spoken English and the pressure on the interviewer to impart the position of the Muslim Brotherhood in the time available.

### Complaints handling

The Committee noted the long delays that had occurred in the handling of the complaint over all three stages of the complaints process. It recognised that at stage 1 of the process the complaint had been caught up in a backlog of complaints caused by coverage of the Israel–Hezbollah conflict and that it had suffered further delay at stage 2 because of a restructuring of the Editorial Complaints Unit. The Committee also acknowledged that the complaint had suffered another delay when it arrived at the BBC Trust because of the larger than expected volume of complaints the Trust Unit had received in the early part of the year. As a result of these delays, which it regretted, the Committee would ensure that an apology was included in the finding letter to the complainant.

**FINDING: Not upheld.**

## More or Less BBC Radio 4, 13 July 2006

### 1 The programme

*More or Less* is a series which takes numbers as its subject matter, often with a focus on the use of numbers and statistics by policy makers. It is produced in association with the Open University.

This edition included an item that examined how far the Government was adhering to its stated commitment to “evidence-based policy”, and took the Government decision in favour of synthetic phonics as a test case to analyse.

### 2 The complaint

The complaint and BBC response are summarised below (quotes are extracts from the complaint and replies).

#### The complaint

- The complainant believed that the treatment of the Clackmannanshire synthetic phonics programme, which contained criticism of the methodology, was biased.

- The programme did not invite the authors of the research on to the programme to counter the academic criticism raised by contributors to the programme.
- The presenter misrepresented the Rose Report [independent review to examine best practice in teaching reading, including the place of synthetic phonics] as saying that synthetic phonics was to be the only approach to teaching reading, when Rose in fact says it should be the “prime” approach.
- The programme should return to the topic with a properly balanced panel.

## BBC response

BBC Information at stage 1 responded:

- It was not a straightforward political programme.
- The programme was hoping to look at how statistical evidence is used in policy-making and simply used the issue of teaching children to read as a recent high-profile example.
- The programme was not trying to make a political point about which method of teaching was best; rather it was trying to look at how the methods of drawing up statistical evidence on which to base such policy decisions can differ.

ECU upheld the complaint in part, noting:

- “The item’s focus was on the relationship between statistical evidence and policy-making, not on the arguments for and against synthetic phonics or the merits of the research in question, and the criticism complained of was simply intended to illustrate the point that experts disagreed about it.”
- “Nevertheless, the criticism was of a kind which raised the issue of a reply, if not from the authors of the research, then from someone qualified to comment on its methodology. The programme-makers did not take sufficient steps to secure a contribution of that kind.”

## Action taken

The Editor of *More or Less* discussed the finding with the programme team, and emphasised the need for particular care when citing specific criticisms of individual pieces of research.

## 3 Appeal to the Committee

The complainant did not feel that this action provided “redress for the original error”.

He commented: “There is at present no reference to the complaint on the *More or Less* website, and there appears to be no plans to announce the finding on the next programme.”

## 4 Applicable programme standards

### Section 1: The BBC's Editorial Values

#### Accountability

We are accountable to our audiences and will deal fairly and openly with them. Their continuing trust in the BBC is a crucial part of our contract with them. We will be open in admitting mistakes and encourage a culture of willingness to learn from them.

### Section 3: Accuracy

#### Correcting mistakes

We should normally acknowledge serious factual errors and correct mistakes quickly and clearly. Inaccuracy may lead to a complaint of unfairness. An effective way of correcting a mistake is saying what was wrong as well as putting it right. Where we may have broadcast a defamatory inaccuracy Programme Legal Advice should be consulted about the wording of a correction.

### Section 17: Accountability

#### Introduction

We will use the BBC's online presence to provide proper reporting to the public on complaints we have received, and actions we have taken.

## 5 The Committee's decision

The Committee considered the complaint against the relevant editorial standards, including the BBC's values and other standards set out in the Editorial Guidelines. The Committee took into account all the material before it relating to the appeal: this included submissions from all the relevant parties to the complaint who were asked to comment on the material going before the Committee.

The Committee noted the actions taken as a result of the ECU ruling. It also noted that the programme had initially taken down the link to the programme and the Listen Again option following contact with the BBC Trust, as alluded to in the complainant's submission to the Committee, but had since reinstated it with notes on the index and on the programme entry which offered a link to the ECU ruling. The Committee noted the statement on the website:

"NB: The BBC's independent Editorial Complaints Unit partially upheld a complaint from a listener about this item in the programme. You can see details of the ruling [here](#)."

The Committee was satisfied that the action already taken by the programme was sufficient to highlight the relevant finding against the programme. The Committee felt that, given the nature of the programme and the significance of the item, it would

have been disproportionate to have requested BBC management to broadcast an on-air apology or ask the programme to revisit the topic.

**FINDING: No further action required.**

**Action**

The Chairman on behalf of the Committee to write to Mark Byford, Deputy Director-General and Chairman of the Complaints Management Board, to request that where a finding has been made against a programme or series a note should be placed in an appropriate place on that programme's site on the BBC website. The note should also provide a link to the relevant published finding.