

OFCOM REVIEW OF PUBLIC SERVICE BROADCASTING

Comments from the British Humanist Association

The British Humanist Association

- 1 The British Humanist Association (BHA) is the principal organisation representing the interests of the large and growing population of ethically concerned but non-religious people living in the UK. It exists to promote Humanism and support and represent people who seek to live good lives without religious or superstitious beliefs. The census in 2001 showed that those with no religion were (at 14.8%) the second largest 'belief group', being two-and-a-half times as numerous as all the non-Christian religions put together. Other surveys consistently report much higher proportions of people without belief in God - especially among the young¹. By no means all these people are humanists and even fewer so label themselves, but our long experience is that the majority of people without religious beliefs, when they hear Humanism explained, say that they have unknowingly long been humanists themselves.
- 2 The BHA's policies are informed by its members, who include eminent authorities in many fields, and by other specialists and experts who share humanist values and concerns. These include a Humanist Philosophers' Group, a body composed of academic philosophers whose purpose is to promote a critical, rational and humanist approach to public and ethical issues.
- 3 The BHA is deeply committed to human rights and democracy. We advocate an open and inclusive society: one "based on the recognition that people have divergent views and interests and that nobody is in possession of the ultimate truth"². In such a society, the government, other public authorities and social institutions would seek to maximise individual freedom (not least of belief and speech) while building on common interests and working to reduce conflict so that people may live together constructively. This commitment inspires our comments on public service broadcasting as a whole (paras. 5 - 17).
- 4 Thus while we seek to promote the humanist life-stance as an alternative to (among others) religious beliefs, we do not seek any privilege in doing so but rely on the persuasiveness of our arguments and the attractiveness of our position. Correspondingly, while we recognise and respect the deep commitment of other people to religious and other non-humanist views, we reject any claims they may make to privileged positions by virtue of their beliefs. This attitude, together with our views on the open society, informs our comments on religious broadcasting (paras. 18 - 25).

¹ In a survey of 13,000 13-15 year olds, 61% declared themselves atheist or agnostic (Revd Professor Leslie Francis and Revd Dr William Kay, Trinity College Carmarthen, Teenage Religion and Values, Gracewing, 1995)

² George Soros: appendix to *The Bubble of American Supremacy* (Weidenfeld & Nicolson, 2004)

Public Service Broadcasting

- 5 The BHA believes that Ofcom's overall approach to Public Service Broadcasting is fundamentally flawed.
- 6 The comparative uniformity of society in past times has probably been exaggerated, but it is undoubtedly true that the last half-century has seen an accelerating increase in diversity of both views and interests. This has resulted from reducing social deference, the collapse of shared religious beliefs, the increase in the number and variety of people from different ethnic groups and cultures, and many other factors. In this environment, society needs effective means to learn about itself and about changing circumstances and emerging challenges, and to communicate with itself and debate views and policies. Broadcasting offers by far the most important means for this to be done.³
- 7 Alongside this increasing diversity, which is welcomed by the British Humanist Association, is the increasing fragmentation of audiences and audience share, which in itself is potentially destabilising through its progressive reduction in shared information and experience. Moreover, the commercial motivation of this proliferation of channels presents a formidable threat to the quality and variety of programming since the necessary investment cannot be justified. Competitive factors transmit the same pressure to the BBC.
- 8 These developments provide the principal rationale for legal protection of public service broadcasting. Its purposes are set out in the Communications Act 2003 at section 264(4). Worryingly it seems to us that Ofcom has misinterpreted the purposes set out by Parliament and takes a narrower and more complacent view than the Act intended. The strong resistance from government, industry and regulatory sources during the passage of the Bill to the inclusion of the interests of the public as citizens as well as consumers lends colour to our view that Ofcom is now subverting the former approach.
- 9 This is seen not only in the detail of the report but in its consideration of the principles involved in the section headed "The definition and purpose of public service broadcasting". If this is set alongside the purposes listed in the Act a subtle reconfiguration towards a consumer-based interpretation of citizens' interest is evident. For example, where the Act refers to the need for television services "to meet the needs and satisfy the interests of as many different audiences as practicable" Ofcom instead refers to:

Providing the programming that as citizens ***we want*** to be widely available for ***as many people as possible*** to watch. Such programming secures the wider social objectives of UK citizens by making available TV which has ***broad support*** across the UK, but which would be underprovided or not provided at all by an unregulated market. (*our emphasis*)

³ We regard it as more important than the press because of the breadth of its audience and its mandated political neutrality.

- 10 The difference between “as many different audiences as practicable” and “as many people as possible” is blatant, as is the stipulation for “broad support”. The reference “as citizens” does little to disguise the fact that Ofcom’s fundamental approach is a commercial one.
- 11 This is re-emphasised by the extraordinary complacency of Ofcom’s statement:

We believe that in the future, public service broadcasting will no longer be needed to ensure consumers can buy and watch their own choice of programming.
- 12 This unsupported assertion runs contrary to the near-universal acknowledgement of the limitations of the proliferating commercial digital channels and reveals a trust in the benevolence of the market that belongs to a more innocent past. The dearth of original programming on most digital channels and their reliance on repeats of old material bought from the main terrestrial broadcasters is enough to raise doubts. Even if there were to be specialist channels providing well-funded programmes for those who wished to buy them, their minority appeal would ensure that the subscriptions were prohibitively high for most people. Besides, neither as consumers nor as citizens do we require there to be 24-hour grand opera or other specialist programming: what is required is that there be a sufficiency of such programmes readily available to all. The market cannot meet this requirement.
- 13 The market-based proliferation of commercial channels, including some specialist ones, is analogous to the effect of the market on insurance. Insurance is in essence a cooperative activity, sharing risks and the burden of ill fortune. But the market results in dissection of the body of users of the service into smaller and smaller groups each with its own risk profile, leaving some essentially uninsurable and tending always towards the pre-insurance situation in which everyone meets the costs appropriate to their own situation. Similarly, the ultimate result of a commercial approach to the provision of television services is that there will be overprovision of material that has a general appeal and a dearth of minority programming unless it is cheap to provide.
- 14 If an unregulated market has produced food for our bodies that is now belatedly being found to be seriously unhealthy, then the food for our minds that an unregulated (or only lightly regulated) television market will produce may be expected to have similarly deleterious effects. In the food market, our scope for choice as consumers is met (provided we can afford it) by the availability of unprocessed and organic food alongside the dominant processed products - but our interests as citizens in a healthy populace, not suffering obesity and at risk of food poisoning, are not met by this minority market. Likewise, in the television market, as consumers we can (subject to cost) meet our minority tastes by subscribing to a range of specialist channels - but as citizens we shall find that the population is impoverished, consuming for the most part formulaic and repetitive entertainment, however good some examples of it may be in themselves. The leavening of programmes outside the mainstream genres that used to be available when only a few channels existed will have been diverted to expensive pay channels for the few.

- 15 The purpose of protecting public service broadcasting for citizens is to guard against this sort of danger, but Ofcom seems to be only dimly aware of it. Although there are many offers of reassurance in the report, when it comes near to defining rules it lacks muscle. For example, in the proposed “new framework for public service broadcasting” it suggests that

PSB should in future be defined in terms of its purposes and its characteristics rather than by specific genres (programme types). Many of the most successful examples of broadcasting over the past five years have defied traditional categorisation. Audiences are, for instance, drifting away from specialist arts, religious and current affairs programming. . .

Producing PSB with appropriate purposes and characteristics is not enough. TV currently plays a unique role in reaching millions of people. It must continue to do so if it is to justify significant public expenditure. This suggests that PSB is likely to have to deploy a creative approach which blends public purposes and popularity, that is serious in intent but accessible in style, and that finds new ways of leading audiences to interesting and challenging material.

- 16 There is a strong suggestion here of Ofcom as regulator going native without even being asked by the companies it should be regulating. It not only suggests that “specialist arts, religious and current affairs” programmes and other such “specific genres” may in future not be needed - it will be enough for programmes to have suitable “purposes and . . . characteristics” - but then in a capitulation to the market it says that even with those purposes and characteristics it must still reach a mass audience of millions so as to offer a return on that shibboleth “public expenditure” and dilute “public purposes” with “popularity”.
- 17 In our view it is not for the regulator to prescribe “dumbing down”. It is up to the broadcasters to find ways to justify spending on programmes, and if this involves cross-subsidisation, that would continue an honourable tradition which has achieved great things in the past. It is for them to win audiences for their programmes, public service or otherwise, and history shows that audiences can be unpredictable and can flock to unlikely material - if, of course, it is not locked away on high-priced specialist subscription channels. If Ofcom starts by expressing understanding for the difficulties commercial broadcasters may have in meeting the requirements of their licences, or of the BBC in competing for audiences with their commercial rivals, then the regulator risks quickly finding itself in breach of its own statutory duty.

Programmes about Religion and Other Beliefs

- 18 We turn now to our second and far narrower point. The Communications Act (at section 264(6)(f)) requires that output include “a suitable quantity and range of programmes dealing with . . . religion *and other beliefs*”. In the House of Lords debate when the Government introduced the amendment including these words, they made explicit that these other beliefs included Humanism. Such a change is in line with the Human Rights Act and with the European Convention on Human Rights, in which Article 9 is cast in terms of “religion or belief”. Accumulated case

law⁴ under the Convention makes it plain that “belief” is to be interpreted to include not just Humanism but atheism and agnosticism. While the definition of “beliefs” in the Communications Act (at section 264(13): “a collective belief in, or other adherence to, a systemised set of ethical or philosophical principles or of mystical or transcendental doctrines”) probably rules out atheism and agnosticism, it certainly includes Humanism.

- 19 Humanism is a lifstance with a long and respected history: even though the name is relatively recent, the tradition goes back to ancient times. As our website says:

Humanism encompasses atheists and agnostics, but it is an active philosophy far greater than these passive responses to one particular idea. With an approach to life based on humanity and reason, humanists recognise that moral values are properly founded on human nature and experience alone. We value the truth, and consider facts as well as feelings in reaching a judgement. Humanists reject the idea of any supernatural agency intervening to help or hinder us. Evidence shows that we have only one life, and humanists grasp the opportunity to live it to the full. Humanists retain faith in the idea that people can and will continue to solve problems, and that quality of life can be improved and made more equitable. Humanists are positive, gaining inspiration from a rich natural world, our lives and culture.

- 20 Since Humanism involves no rituals or worship, there is little incentive for people to join the organised humanist movement, which remains comparatively small, but it is in effect the default position of the great majority of those in this country without a religious belief. As already stated, the census in 2001 reported that about 15% of the population fell into this category - a far lower figure than most polls have found, maybe due to the intimidation of an official form, but large enough in any case to indicate that humanist - or broadly non-theistic - ideas and ethics are of importance to a large part of the population. We would strongly argue, moreover, that they are of disproportionately great significance in public debate, since a humanist rather than a purely religious approach underlies the ethical considerations in most public debate.

⁴ The Act refers to “religion or belief”, a phrase that has been established in case law to include atheism, Humanism and other non-religious lifstances. See for example: “As enshrined in Article 9, freedom of thought conscience and religion is one of the foundations of a ‘democratic society’ within the meaning of the Convention. It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, sceptics and the unconcerned.” - *Kokkinakis v Greece: (1994) 17 EHRR 397, para 31* See also *Manoussakis v Greece: (1996), EHRR 387, para 47; McFeekly v UK: (1981), 3 EHRR 161; Campbell and Cosans v. UK: (1982), 4 EHRR 293 para 36* (re Article 2 - right to education). Note also: Article 18 [of the International Convention on Civil and Political Rights, the wording of which was closely followed by Article 9] protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions.” - *UN Human Rights Committee, 1993 (General Comment no 22(48) (Art. 18) adopted on July 20th 1993, CCPR/C/21/Rev.1/Add.4, September 27th 1993, p1.)*.

21 We have therefore been disappointed by the failure of the BBC in particular to recognise any need to review its policy in this area. (We are not suggesting that the other PSB channels are promising anything better - though we have had a friendly meeting with Channel 4 - only that the volume of their broadcasting makes it too early to judge.) We have since the Act was passed, as previously for many years, pressed the BBC to pay attention to Humanism, without any result. We can produce for you letters from the BBC defending their output on the grounds that

(a) most programmes are secular (in the sense that football and cooking are secular)

(b) many humanists take part in programmes (in the sense that scientists and other public figures contribute on science and other topics, but without any indication that they are humanists)

(c) that sometimes humanists are invited to take part in religious programmes - but always as a foil for religious ideas rather than to explain their own beliefs.

22 The BBC's assumption seems to be that if people do not believe in God they have no wish or need to examine "ultimate questions", the roots of their morality, the meaning their lives can have or any other such subjects. We believe, subject to correction, that the last time the BBC broadcast any programmes explicitly about Humanism was in 1965, when a short series of 15-minute interviews by Kenneth Harris was run on Radio 4. By contrast, every week Radio 4 devotes nearly 3½ hours to religious broadcasting (almost entirely Christian) by believers for believers⁵. (This *excludes* all religious magazine or discussion programmes, which themselves of course show a similar bias.) The pattern on the BBC's other radio channels and on television is much the same.

23 When we put these objections at a recent meeting to the BBC's head of religion and ethics, Alan Bookbinder, he referred in defence of the BBC to programmes such as *Devout Sceptics* (R4) and *Belief* (R3) which sometimes gave contributors who were humanists an opportunity to air their views. In our view such programmes suggest only that there are individuals who hold unorthodox beliefs. They do not convey to the audience that there exists a recognised lifestance with a long tradition that is intellectually respectable and spiritually and emotionally satisfying.

⁵ This calculation is based on a typical week as follows:

- Sa: Prayer for the Day (2 mins)
Thought for the Day (3 mins)
- Su: Something Understood (30 mins) - twice
Sunday Worship (38 mins)
- M-F: Prayer for the Day (2 mins)
Thought for the Day (3 mins)
Daily Service (15 mins)

R4 total = 203 minutes per week (3 hours 23 mins) direct committed pastoral/homiletic religious broadcasting. This excludes all religious discussion programmes.

People encountering the British Humanist Association for the first time typically react by saying that they must have been humanists all their lives without ever knowing there was a name, a worked out philosophy or an organisation for people such as themselves. This is in our view an indictment of the media as a whole and of the public service media in particular.

- 24 The record is similar on the other public service television channels, although their total relevant output is relatively small. Approaches to ITV and Five have not yet yielded any results beyond acknowledgements, while a friendly meeting with Channel 4 held out little prospect of any useful result. We have, incidentally, noticed from the press that Nigel Pickard, the ITV director of programmes, envisages a consultation with Ofcom about the religious output required from ITV. We should regret any reduction in their obligation in principle, and would suggest that if they look at the requirements in the Act to cover news, other information and history of religions and beliefs there is ample scope for programmes of interest and appeal, especially given that under the Act the obligations apply to PSB broadcasters taken all together, so that there is no obligation for balance within a single channel.
- 25 We believe that the current failure of the PSB broadcasters to provide programmes sympathetically exploring non-religious beliefs such as Humanism is contrary to the intentions of Parliament as expressed in the Communications Act and we would ask that you draw their attention to the need to remedy this failing.

British Humanist Association
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