

Complaint: CAS-1140942-1RQS0X

Stage: 2

Programme: The One Show

Channel: BBC1

Broadcast date: 30/11/2011

## **1. Introduction**

I suggest Editorial Guidelines 5.4.32, 4.2.1, 5.2.1, 5.2.2, 5.2.3, 5.2.5 and 15.2.1 have been breached.

This complaint is over 1000 words due to the fact that I am suggesting that multiple guidelines have been breached.

The essence of this complaint is that it acknowledges Jeremy Clarkson was being humorous with the intent to make people laugh. The complaint acknowledges the “context” of the joke was about BBC impartiality. However, Clarkson's joke was still deeply offensive and politically biased.

Sandy Smith's second reply does not recognise that a joke in itself can be very offensive. It repeats the fallacy (of the original apology) that “not being serious” in some way implies that no offense was intended, when in fact those two things are not mutually exclusive. People can be humorous and offensive simultaneously.

## 2. Breach of Editorial Guideline 5.4.32

“BBC content must respect human dignity. Intimidation, humiliation, intrusion, aggression and derogatory remarks are all aspects of human behaviour that may be discussed or included in BBC output. Some content can be cruel but **unduly** intimidating, humiliating, intrusive, aggressive or **derogatory remarks aimed at real people** (as opposed to fictional characters or historic figures) **must not be celebrated for the purposes of entertainment**. Care should be taken that such comments and the tone in which they are delivered are **proportionate** to their target.”

Clarkson's intentions may have been to make people laugh. However it is a fallacy to assume the intent of a joke is to make all people laugh. Often jokes are divisive. The BBC and Clarkson have not stated that his humour was intended to amuse 100% of the audience. If jokes were never divisive, then racist jokes could not exist.

A joke can make the majority of people laugh while deriding the subjects of the joke. Although Clarkson's joke was primarily about BBC impartiality it was also about the strikes and his antipathy (perhaps hatred) towards strikers.

So, to absolutely clarify, I have shown that a joke in itself can be offensive to some people and that the excuse that Jeremy Clarkson “wasn't being serious” is no defence.

The punchline of the joke about killing strikers in front of their children is without question **unduly derogatory**. It perhaps may not seem so to some but they are not the subject of the joke.

The intention of humour is to **entertain**.

A joke about killing strikers for taking an unpaid day off work to take industrial action is **disproportionate**, doubly so on a family show.

### 3. Breach of Editorial Guideline Principle 4.2.1

“We must do all we can to ensure that 'controversial subjects' are treated with due impartiality in all our output.”

A line in Guideline 4.4.5 states “A 'controversial subject' may be a matter of public policy or political or **industrial controversy**.”

4.4.6 states

“In determining whether subjects are controversial, we should take account of:

- the level of public and political contention and debate
- how topical the subjects are
- sensitivity in terms of relevant audiences' beliefs and culture

We can see that from 4.4.5 and 4.4.6 the largest strikes in 30 years are 'controversial' in terms of BBC guidelines.

Clarkson claims rightly that his joke was [primarily] about BBC impartiality. This is because the spirit of impartiality is about fairness and balance, whereas Clarkson relies on a gross simplification of impartiality as “two different views”. His joke is in effect, that despite two different views, a grossly imbalanced view can be expressed.

“I support the strikers in the first part. I said it was like being in the 1970s, my favourite decade. Then I said, but this is the BBC so we have to be impartial, and I expressed an extreme version of the other side of the coin, neither of which I believe.” - Jeremy Clarkson, Daily Mirror

Therefore, Clarkson himself acknowledges that he has failed to be **impartial** within his own statement, since impartiality requires balance and fairness. And since there was no balance, the show itself presented a disproportionately negative side of the strikers, on the day of the biggest strike in decades.

Further the joke could have simply ended “Frankly, I'd have them all shot.”, which would have sufficed for a joke about BBC impartiality (and scanned better).

Clarkson chose to add “I would take them outside and execute them in front of their families. I mean, how dare they go on strike when they have these gilt-edged pensions that are going to be guaranteed while the rest of us have to work for a living?”

A joke can **also** be a political statement. Listen to Prime Minister Question's Time. Do politicians never joke? Of course not! As politicians do joke, can it be assumed their jokes are never political? Of course not!

Clarkson's final sentence of the joke is clearly a political statement. The One Show failed to provide a pro-strike balance to Clarkson's anti-strike partiality.

#### 4. Breach of Editorial Guideline Principles 5.2.1, 5.2.2, 5.2.3, 5.2.5

5.2.1 “The BBC must apply generally accepted standards so as to provide adequate protection for members of the public from the inclusion of offensive and harmful material.”

5.2.2 “We must not broadcast material that might seriously impair the physical, mental or moral development of children and young people.”

5.2.3 “We must observe the 9pm television watershed to ensure material that might be unsuitable for children is appropriately scheduled.”

5.2.5 “We must ensure our audiences have clear information on which to judge whether content is suitable for themselves or their children.”

All these principles were ignored on *The One Show*:

- The joke about killing strikers was highly offensive.
- Divisive and non-consensual jokes encourage bullying in schools.
- Jokes about killing people are not suitable pre-watershed.
- There was no warning of unsuitable humour before Clarkson appeared.

Jokes can be socially divisive when the intent is to make some people laugh at the expense of others, who are often disempowered minority groups or bullied children in schools. In many cases, the jokes are a form of politically-intended divisiveness, such as racist jokes.

There is currently an obvious party political intent to divide private sector workers from public sector workers. Jeremy Clarkson's political views are on public record. His joke divides the audience exactly how he would wish to divide the public's political perception.

Consent is a vital part of humour. Black people can use the 'N' word, white people can't! A joke about killing can be potentially funny if the subjects *to be killed* in some way implicitly consent to hearing the joke, such as paying to see a comedian live. When non-consensual, the joke can be highly damaging, especially when children are listening. Racist jokes are an example of how damaging non-consensual jokes can be.

There was every reason to believe Clarkson would behave inoffensively and differently to his normal behaviour on *Top Gear*, since *The One Show* is an early-evening family magazine for a wide, varied audience. You would expect a controversial offensive figure to moderate their behaviour when appearing on a family-orientated show. Thousands of families did not consent to a joke about their murder in front of their children.

Editorial guideline 5.4.1 clearly states that the nature of the audience should define the output, not the nature of the presenters and guests. Sandy Smith's defence of Clarkson's “widely-known public persona” fails guideline 5.4.1.

## 5. Breach of Editorial Guideline Principle 15.2.1

“External activities of individuals working for the BBC must not undermine the **public's perception** of the impartiality, integrity, independence and objectivity of the BBC. Nor should they bring the BBC into **disrepute**.”

When #Clarkson was trending on twitter, a very popular view (from both supporters and detractors) is that Jeremy Clarkson is intentionally offensive and controversial in order to sell his merchandise, such as DVDs.

Regardless of whether the perception is true or not, since it is a very popular **public perception** that Jeremy Clarkson regularly breaks BBC rules on content, impartiality and integrity to sell his own merchandise, then guideline principle 15.2.1 is breached and Clarkson brings the BBC into **disrepute**.

## 6. Conclusion

Clarkson has expressed a qualified apology, for people who have considered his joke to be serious. He has yet to **sincerely apologise** for the offence his **joke** caused. Unless his apology for the joke is sincere there is every reason to believe he will continue to be offensive.

The BBC brand's most important selling point, long-term, is **impartiality**. Any employee that seeks to mock BBC impartiality is undermining the long-term survival of the BBC itself.