

BCI Code of Programme Standards. Consultation Document — Phase I

Family and Media Association's Submission

Introduction

Surveys have shown that radio and television programmes play a significant role in influencing social attitudes and cultural norms. The Family and Media Association (FMA) believes that the Commission should take cognisance of this in drawing up the Code of Programme Standards.

In the Foreword of the Commission's Consultation Document, Phase 1 and in the introduction to Chapter 3 it is pointed out that standards of what is tasteful, decent, harmful or offensive are constantly evolving in Ireland today; and that it is the challenge for the Commission to develop a code that will address these terms and will aim to acknowledge the diversity and interests that exist within radio and television audiences. We will question this below. It also appears to us that the Commission is using these terms as interchangeable throughout the document. Tasteful, decent and offensive are subjective terms, while harmful is an objective term and may be measured (See attachments 1 and 2 to our submission).

In this regard, it is also misleading to say that "the link between broadcast media and subsequent behaviour cannot be proved conclusively..." (Taste and Decency, a review of national and international practice (11.1). (We will refer to the Review subsequently as the (RTDNI) The link has, in fact, been proved conclusively. See, for example, 'Media violence as a real factor for children' :A longitudinal study, Douglas A. Gentile et al., a paper presented at the American Psychological Society, 16th Annual Convention May, 2004.

The consultation Document, Phase 1 indicates the Commission's intention to formulate a code according to its "Guiding Regulatory Principles" — that is, the principles "that it considers important" The first of these is that of "diversity."

However, it is surprising that in this document it is concluded *priori* that sufficient diversity might not be possible in a code that would be "censorial or prescriptive." On the contrary, the great cultures of the world, Islamic, Jewish and Christian are based on the natural law expressed in the Torah, which incorporates The Ten Commandments, and is common to all of these cultures. They were then and are now hardly lacking in diversity (see attachment 1).

In the last paragraph of the Foreword it is stated that, "The Code will be developed based on ... the community standards that exist in Ireland today."

We hope this statement would not be taken by programmers to mean that their programmes need merely conform or reflect the changes in the nature of Irish society. There are fundamental values that do not change from one period to another and are not of a subjective nature, such as the rights of parents, the rights of the family, the right to life, the right to education and other rights subject to the common good of society which are enshrined in Bunreacht Na hÉireann.

Article 40.6.1 of an Bunreacht :

" The State guarantees liberty for the exercise of the following right(s), subject to public order and morality:-

- i The right of the citizens to express freely their convictions and opinions.*

The education of public opinion being, however, a matter of such grave import to the common good, the State shall endeavour to insure that organs of public opinion, such as the radio, the press, the cinema, while preserving their rightful liberty of expression, including criticism of Government policy, shall not be used to undermine public order or morality or the authority of the State.

The publication or utterance of blasphemous, seditious, or indecent matter is an offence which shall be punishable in accordance with law.

Many prominent writers have commented on changes in Irish society, particularly over the past thirty years. It is less community based and more individualistic, more consumerist and hedonistic as evidenced, for example, by a growing phenomenon of alcohol and drug abuse, of pornography and sexual permissiveness. There is less respect for family and religious values, and for authority.

Tom Mc Gurk, a prominent Journalist, wrote an article in the *Sunday Business Post* on (11 September) under the heading 'Where has morality gone in the new Ireland.' In it he wrote that:

"There is now a sense that Irish Society is headed somewhere it has never been before. ... There is also a sense that, with the youngest and brightest generation we have ever produced and the best opportunities, the road ahead is deeply confusing ... Suicide rates, homicide levels, gang warfare and drug-related crime, levels of casual violence and muggings and the increasing domination of even the smallest Irish towns by yobbo culture point up the difficulty of their journey."

Do we wish to have the Code based on the "community standards" that exist in Ireland today! If all tastes are to be catered for we will reach the lowest common denominator.

We understand that there are legal difficulties about definitions of the subjective terms (and other terms such as obscene and degrading) (see *Media Law* by Marie McGonagle, 2nd Edition, 2003). However, most people of good will and common sense have an understanding of their meaning.

The media reaction to the fatal accident of Liam Lawlor in Moscow has prompted Minister McDowell to speed up the establishment of an independent press council within his new defamation bill. Mrs Mc Gonagle in an article in the *Irish Times* on 15 October referred to this legislation which, of course, is necessary, and said that codes, however, have the advantage of being able to set out basic principles and standards on a given topic and, unlike legislation, can be reviewed relatively easily and swiftly at regular intervals.

Basic principles and standards are those which the Commission need to address in drawing up the present Code.

FMA believes that the Code should include guidelines for programmers to ensure that their programmes would not encourage the emulation of indecent, anti-social behaviour, but would contribute towards a climate of positive social behaviour in the interests of the common good.