
**CANADIAN BROADCAST STANDARDS COUNCIL
BRITISH COLUMBIA REGIONAL COUNCIL**

CHAN-TV re Last Temptation of Christ

(CBSC Decision 95/96-0011)

Decided December 18, 1996

E. Petrie (Chair), M. Becott (Vice-Chair), S. Brinton, R. Cohen (*ad hoc*),
C. Murray, G. Vizzutti

THE FACTS

On September 21, 1995, CHAN-TV (popularly known as BCTV) aired the theatrical motion picture *The Last Temptation of Christ* at 1:30 in the morning. The film began with the large cautionary word "ADULT" on the screen and the following oral advisory:

Welcome to the Late Show. Our movie this morning is rated Adult and viewer discretion is advised. It's thought-provoking and controversial. It's a deeply felt drama on the speculation of the Life of Christ. Don't miss *The Last Temptation of Christ* starring William Dafoe coming up next.

The picture opened with a quotation from Nikos Kazantzakis' original book *The Last Temptation of Christ* which was itself succeeded by a on-screen disclaimer. The excerpt from the book:

The dual substance of Christ - the yearning, so human, so superhuman, of man to attain God ... has always been a deep inscrutable mystery to me. My principle [*sic*] anguish and source of all my joys and sorrows from my youth onward has been the incessant, merciless battle between the spirit and the flesh ... and my soul is the arena where these two armies have clashed and met.

The filmmakers added a further advisory immediately following the Kazantzakis excerpt.

This film is not based upon the Gospels but upon this fictional exploration of the eternal spiritual conflict.

The Complaint

On September 20, a viewer wrote the CRTC in the following critical terms.

I would like to know how a TV station can air a disgusting piece of religious hate material like Last Temptation of Christ, considering we have Hate Laws, a Charter of Rights, and a Human Rights Council. They should be sued, and made to apologize publicly for this affront. If it were Moslems or Jews that [*sic*] would not have the nerve! ... The government howls about racism, bigotry, etc., the TV programs moan about multiculturalism and peace, and this filth, this GARBAGE is allowed on TV, to be piped into our homes and slap us in the face. ... [I]s it not politically correct to be Christian?

The Station's Response

The letter was forwarded by the Commission to the CBSC, which in turn sent it to BCTV for reply. On October 16, the Vice-President of Programming responded to the viewer.

Each and every one of our viewers is very important to us and I'm sincerely sorry that you have taken offense to the telecast of "The Last Temptation of Christ". However, we believe that perhaps the greatest strength of television is the ability of the medium to promote thought and expression of different views and opinions.

We are aware that some controversy surrounded the movie when it was released theatrically in 1988. We felt that, by telecasting the movie in a time period when it would be viewed primarily by mature audiences, that individual viewers would have an opportunity to consider and accept or reject its dramatic portrayals, concepts and principles.

Our opinion of the movie itself parallels the thoughts expressed in published reviews by critics Roger Ebert and Leonard Maltin respectively when they reviewed the Academy Award nominated film in 1988:

Roger Ebert review:

Christianity teaches that Jesus was both God and man. That he could be both at once is the central mystery of the Christian faith, and the subject of the "The Last Temptation of Christ", a serious and devout film. The astonishing controversy that rages around the film is primarily the work of fundamentalists who have their own view of Christ and are offended by a film that they feel questions his divinity. Among those who do not already have rigid views on the subject, this film is likely to inspire more serious thought on the nature of Jesus than any other ever made. It is a sincere, thoughtful investigation of the subject.

The producers have not made a film that panders to the audience, as almost all Hollywood religious epics traditionally have. They have paid Christ the compliment of taking him and his message seriously, and have made a film that does not turn him into a garish, emasculated image from a religious postcard.

Much of the controversy surrounded the final passages, in which Christ on the cross, hallucinates and imagines what his life would have been like if he had been free to live as an ordinary man. But it is clear in the film that this hallucination is sent to him by Satan, at the time of his greatest weakness, to tempt him. During the hallucination, there is a very brief moment when he is seen making love with Magdalene. This scene is shot with such restraint and tact that it does not qualify in any way as a "sex scene," but instead is simply an illustration of marriage and the creation of children.

The film has offended those whose ideas about God and man it does not reflect. But then, so did Jesus.

Leonard Maltin Review:

Thought-provoking and deeply felt drama adapted from Nikos Kazantzakis' book which speculates about Jesus' self-doubts when he realizes he has been chosen by God to carry his message. ...

The Ruling Request

The complainant was not assuaged by the letter and, on October 18, sent his request to have the matter referred to the B.C. Regional Council for a ruling. On his Ruling Request, he added the following text:

This “film” does not belong on TV, in a theatre, or on video, and is also available in any video rental. I am pursuing this problem with the Human Rights Council to have them removed.

THE DECISION

The B.C. Regional Council considered the complaint under the *CAB Code of Ethics*. Article 2 of that Code reads as follows:

Article 2, *CAB Code of Ethics* (Human Rights)

Recognizing that every person has a right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall endeavour to ensure, to the best of their ability, that their programming contains *no abusive or discriminatory material or comment which is based on matters of race, national or ethnic origin, religion, age, sex, marital status or physical or mental handicap*. [Emphasis added.]

Articles 1 and 2 of the *Canadian Charter of Rights and Freedoms* are also an integral part of the thinking of the Council in this matter. They provide:

Article 1 (Guarantee of Rights and Freedoms):

The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Article 2 (Fundamental Freedoms)

Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

- (c) freedom of peaceful assembly; and
- (d) freedom of association.

The Regional Council reviewed the correspondence and viewed the air check videotape of the movie in question. For the reasons given below, the Regional Council does not consider that the broadcast breached the Code.

Freedom of Expression

The CBSC has frequently affirmed its support for the fundamentally important principle of freedom of expression. See, among others, the Council's decisions in *CKTB-AM re the John Michael Show* (CBSC Decision 92/93-0170, February 15, 1994), *CKTB-AM re the John Gilbert Show* (CBSC Decision 92/93-0179, October 26, 1993), *CFRA-AM re Lowell Green* (CBSC Decision 93/94-0276, November 15, 1994), *CFRA-AM re the Steve Madely Show* (CBSC Decision 93/94-0295, November 15, 1995) and *CIII-TV re Mighty Morphin Power Rangers* (CBSC Decision 93/94-0270 and 0277, October 24, 1994). Indeed, whether stated or not in *each* decision, freedom of expression is the *underlying* principle applied by the Council. The Ontario Regional Council expressed the point in the following terms in *CKTB-AM re the John Gilbert Show*:

Nothing can be more fundamental to the principle of freedom of speech enshrined in the *Charter* than the entitlement of an individual to express a differing view on a matter of public concern, including government policy. This is not to say that there may not be limitations to this principle. One of these occurs when the difference of opinion becomes abusive or discriminatory and is based on a matter of race, national or ethnic origin.

Competing Social Values

The Council does consider that, as important as the principle of freedom of expression may be, there are in Canada competing social values which it is duty bound to apply in the exercise of its mandate. One of these is the application of the principle that abusive or discriminatory material or comment based on race or religion will *not* be shielded under the protective umbrella of freedom of expression. The difficult matter to resolve in each case where such conflict presents itself is whether the program in question amounts to the broadcast of *abusive or discriminatory* material or comment. Furthermore, this measurement must be made in the *overall* societal context, not in the *narrow* context of the sensibilities of individuals.

The CBSC has a lengthy record of careful application of Article 2 and support for the principle that the Canadian airwaves have no place for abusive or discriminatory material “based on matters of race, national or ethnic origin, religion, age, sex, marital status or physical or mental handicap.” See, among others, the Council’s decisions in *CKTB-AM re the John Michael Show* (CBSC Decision 92/93-0170, February 15, 1994), *CFRA-AM re Lowell Green* (CBSC Decision 93/94-0276, November 15, 1994), *CHUM-AM re Brian Henderson* (CBSC Decision 95/06-0008, March 26, 1996), and *CFTR-AM re Dick Smyth Commentary*, (CBSC Decision 95/96-0062, March 26, 1996).

The Application of the Principles

It is abundantly clear in this case that the complainant found the depiction of Christ questioning his faith and succumbing to temptation utterly unacceptable, even hateful. While members of the Council understand the complainant’s profound disagreement with Paul Schrader’s screenplay and Martin Scorsese’s direction of the film and BCTV’s broadcast of that creative collaboration, they believe that the freedom of these cinematic creators to express their view on such matters and the broadcaster’s entitlement to air that film are fundamental in our society. Their careful viewing of the lengthy film has led none of them to consider that the filmmakers’ approach was either flippant, casual or without respect. Nor do they find in the film any negative attitude toward either Christians or Christianity itself.

Furthermore, it was obvious from the complainant’s additional remarks on his Ruling Request that his problem was not with the broadcaster as much as the film whose availability he deplored in the cinemas as well as on videotape and television. The B.C. Regional Council recognizes this opinion as tantamount to censorship, plain and simple, going well beyond any straightforward question of what is and is not appropriate on the airwaves.

By reason of its relative youth as a nation, the nature of its origins, the development of its political structure, and its immigration policy, among a plenitude of factors, Canada is both a tolerant and a pluralistic society. The broadcasting policy of Canada reflects these national characteristics. The *Broadcasting Act* is quite explicit on the question of multiculturalism. In Section 3, which sets out the fundamental principles of the “broadcasting policy for Canada”, paragraph 3(d) provides, among other things, that “the Canadian broadcasting system should”

- (iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian

society and the special place of aboriginal peoples within that society.

In *Religious Broadcasting Policy* (P.N. CRTC 1993-078, June 3, 1993), the Commission describes its “new approach to its religious broadcasting policy”. While that Public Notice is aimed primarily at macro-issues rather than the type of micro-issue encountered here, the *principles* established in that Policy are directly pertinent. In Section IV, the “Guidelines on Ethics for Religious Programming”, the Commission states:

The purpose of these guidelines is to serve as an effective guide to program development, production, acquisition and scheduling, and to protect viewers and listeners against intolerance and exploitation...

The Guidelines recognize and support the freedom and rights of individuals and groups to state their beliefs freely and clearly, and are intended to enable individuals and groups to communicate these beliefs in an appropriate and meaningful manner. *The Commission, however, expects that programming of religious nature, like any programming, must demonstrate tolerance, integrity and social responsibility.* [Emphasis added.]

The spirit of the Public Notice is also reflected in Article 14 of the earlier *CAB Code of Ethics* (1988), which recognizes the purpose of the religious broadcast “to be that of promoting the spiritual harmony and understanding of humanity.” This is not to say that *The Last Temptation of Christ* is a religious program, but rather that the criticism of it by complainant on religious grounds ought to conform to the tolerant and pluralistic principles established in the *Religious Broadcasting Policy* Public Notice and in the *CAB Code of Ethics*.

Furthermore, the movement in Canada toward the licensing of either uni-denominational or multi-denominational specialty services heralds, if anything, a more open view of religious diversity. Current CRTC practices reflect a greater pluralization of the Canadian broadcasting system, the changing standards of community taste, understanding and openness, and the adaptation of broadcaster responsibilities to these societal trends.

It is the view of the Council that the objectives of the film are not in any way inconsistent with this direction nor that the film was in any way abusive or discriminatory toward Christians or Christianity. The quest of both the book and the film is inquiring, probing, and uncertain as to its conclusions. That it may not be the representation of the perspective or understanding of all or even many Christians regarding Christ is possible. That fact does not, however, make the perspective abusive, discriminatory or hateful. The Council considers that the film was intended primarily to explore the question of moral doubt and that it has accomplished *this*

very effectively, even if it has not *solved* the religious mystery of the substance of Christ.

If anything, the Council is of the view that the broadcaster took extraordinary steps to diminish the likelihood that anyone who might be offended by the film would be likely to be exposed to it. In the first place, CHAN-TV played the film very late at night, when the audience could be expected to be quite small relative to the expectations of a broadcaster for programming in prime time. The broadcaster then alerted viewers with an advisory which, although judicious, was not *required* by any Code and was supplemented by author Kazantzakis' own advisory relating to the book as well as to the film.

Broadcaster Responsiveness

The CBSC always recognizes the broadcaster's obligation, as a CBSC member, to be responsive to complainants. In this case, the Regional Council considers that the response from BCTV's Vice President of Programming tackled the delicate issue raised by the complainant sympathetically. It finds the letter a judicious mix of the individual broadcaster's views and the discerning views of the film by respected critics. Consequently, the station did not breach the Council's standard of responsiveness.

This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.