



CBSC Decision on Derogatory Terminology

January 12, 2011 by Bob Tarantino

The Canadian Broadcast Standards Council (CBSC), the private body which administers the codes of standards and conduct created by the Canadian Association of Broadcasters (CAB), has rendered a decision (via its Atlantic Regional Panel) concerning the broadcast of the unedited version of the song "Money for Nothing" by Dire Straits by a radio station in St. John's, Newfoundland and Labrador. The CBSC has made the full text of the decision available, as well as having issued a media release about the decision. (The decision was made in October 2010, but not publicly released until January 2011.)

The decision is notable for a couple of reasons. First, it represents confirmation from the CBSC that use of the word "f****t" (I confess I'm not sure what the exact etiquette of using derogatory words in an explanatory context on a law firm website is, so I'll leave it to readers to click through to the decision if they feel the need to read an unexpurgated usage of the term) contravenes Clause 2 of the CAB Code of Ethics, and Clauses 2, 7 and 9 of the CAB Equitable Portrayal Code (all of which counsel against the use of language which is abusive, offensive, derogatory or results in negative portrayal on the basis of, among others, sexual orientation).

Additionally, the decision makes reference to Clause 9b of the CAB Equitable Portrayal Code, what I'll call the "evolution of language" clause, which reads as follows:

It is understood that language and terminology evolve over time. Some language and terminology may be inappropriate when used with respect to identifiable groups on the basis of their race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability. Broadcasters shall remain vigilant with respect to the evolving appropriateness or inappropriateness of particular words and phrases, keeping in mind prevailing community standards.

As the decision notes, the wording of that clause of the Code "does not restrict the direction of the evolution, which may, in some cases, head toward greater permissiveness, and in others greater restrictiveness". In the case of "Money for Nothing", released in 1985, the impugned word "even if entirely or marginally acceptable in earlier days, is no longer so ... it has fallen into the category of unacceptable designations". In other words, the fact that the song had been broadcast for nearly twenty-five years without formal objection could not be relied upon to justify contemporary broadcast. (The decision makes reference to previous decisions by other CBSC panels which concluded that the word "f***" could be acceptable in certain broadcast contexts, though the Atlantic Panel seemed to be less than thrilled with those decisions.) The lyrics in the song were controversial even when it was first released - and alternative edits, with the offending word either garbled or entirely removed, are available, and the Panel noted that broadcast of such an altered version of the song would not contravene either Code.



UPDATE: Graham Purse, at the University of Alberta Faculty of Law blog, provides a **run-down of other CBSC decisions which examined song lyrics**. Radio guy Alan Cross has written a lengthy post which **explores the workings of the CBSC from a broadcaster's perspective** (hat tip: Andrew Potter).

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