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**Case no: 16/2002**

**Date of Hearing: 19 June 2002**

**JM van Rooyen**

**Complainant**

**vs**

**M-Net**

**Respondent**

**TRIBUNAL**

**Prof JCW van Rooyen SC (Chairperson)  
Rev DSR du Toit  
Prof HP Viljoen**

**For Respondent**

**Ms Laura Howie, Programme Executive, Movies and with  
her Ms Bonita Nuttall, Programme Acceptance Producer  
from M-Net.**

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*Complaint of blasphemy - offensive words in episode of The Simpsons - series falls within the satire genre - test for blasphemy found in section 16(2) of the Constitution - no question here of "advocacy of hatred based on religion"- Van Rooyen v M-Net, case no 16/2002.*

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## **SUMMARY**

**Episode in series on "The Simpsons" - reference to God as being "insecure" - seen in context of satire, not blasphemous nor "advocacy of hatred based on religion" (test in terms of section 16(2) of the Constitution) - complaint dismissed by Tribunal.**

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## JUDGMENT

### Prof HP Viljoen

On 9 May 2002 at 18:30, during M-Net open time, an episode in The Simpsons series, entitled "Missionary Impossible" was broadcast. In this episode Homer Simpson ended up on an island as a missionary. In answer to the following question by one of the islanders: "If God is almighty, why does he need people to worship him?", Homer says something to which the Complainant has taken offence as being blasphemous.

In answer to the complaint, the Respondent has given the following explanation:

"The series, 'The Simpsons' is in its eleventh season on M-Net and typically, once a programme has returned to M-Net as many times as "The Simpsons" has, there are certain elements that become established. Moreover, a very particular audience may become the loyal followers of this series, due to its nature.

There are obviously certain programmes that would appeal to different audiences and due to the diversity of M-Net's audience, it is M-Net's responsibility to cater for every different need and desire of the subscribers.

The internal classification board [at M-Net] carefully examined the episode 'Missionary Impossible' before it was broadcast and it was decided that, given the familiar nature of this series, and in particular, the context of the religious content, this episode was accepted for broadcast.

Herewith following is a brief overview of this episode:

Due to a number of collective unforeseen circumstances, Homer finds himself on an airplane to an Island in the South Pacific to be a missionary. He clearly states that he is no missionary and that he himself is not a Christian. Moreover, Homer is an established character known for his ignorance with regards to religion and many other aspects of life.

He has never been portrayed as a 'man of God'.

Upon his arrival on the Island, the resident missionaries leave the island, leaving the Islanders to Homer's uninformed teachings and 'secular' ways.

In order to survive on the Island, Homer attempts being a missionary and what follows is a number of instances that clearly indicate Homer does not understand his duties as a missionary or how to perform them.

In the instance mentioned in the complainant's memorandum, an Islander named 'AK' approaches Homer, who has made his attempt at preaching and asks, 'If the Lord is all powerful why does He care whether we worship Him or not? AK just asking.' (AK holds his hands in a praying manner and looks with humility to the heavens to 'explain' his intention for his question). Homer replies, 'Well AK, because God is all powerful, but He is also insecure like Barbara Streisand before James Brolin (thoughtful pause) oh he's been a rock.' Homer then adds, 'Aah, who am I kidding?! The truth is I'm no missionary. I work in a nuclear power plant'.

AK asks with enthusiasm, 'Ooh, tell us all you know about Nuclear power!' To which Homer cannot reply either, but rather, an absent expression appears on his face and he is silent indicating he knows nothing about his work either.

Homer's attempts at being a missionary are in order to prove his self worth to himself. He attempts preaching and teaching the Islanders from the Bible to prove to himself he is capable of performing this task. However, when he learns that he is unable to answer the Islander's questions or even explain simple passages from the Bible, he realizes his expertise is not in

missionary work and he resorts to his familiar, 'secular' ways.

Given Homer's established character and the context within which he finds himself, M-Net does not believe that the intention of this episode was to blaspheme, nor was it intended to portray the truth of Christianity. Rather, M-Net believes that this notorious character reveals his ignorance, if not stupidity, as well as his inability to lead the Islanders into the truth of Christianity.

As the content of this programme was not found to be blasphemous or derogatory toward any particular section of the community, M-Net believes we have not contravened the code of the BCCSA.”

Clause 7.1.1 of the Code of the BCCSA outlawed material which is offensive to religious convictions or feelings of a section of the population. This test of offensiveness has now been superseded by the judgment of the Constitutional Court in the case of *The Islamic Unity Convention v The Independent Broadcasting Authority and Others (unreported case CCT 36/01)*. In this judgment the Constitutional Court, by implication, found that this test makes inroads into freedom of expression (protected by section 16(1) of the Constitution, 1996) which are too extensive. It remains now for the BCCSA, with the necessary consultation and authorisation, to formulate a test which, in the words of the Constitutional Court (paragraph 51), “...is appropriately tailored and more narrowly focussed.” In the interim, it is our duty to interpret and apply the Code in the light of the Constitution of South Africa.

The test that we must apply seems to be the one contained in section 16(2) of the Constitution. This subsection contains limitations on the freedom of expression in the sense that it excludes certain expressions from the protection afforded by section 16(1). The relevant exclusion in this instance is the advocacy of hatred based on religion.

Applied to the episode in question, it is our opinion that the words complained of cannot be considered to be blasphemous or to amount to the advocacy of hatred based on religion. The whole series on *The Simpsons* falls within the genre of satire and no serious conclusions can be drawn from anything said by any of the characters. We do not think that there are any pretensions in the episode under consideration to convey any religious truths. Seen in context, it is our view that the words complained of do not fall within the limitation contained in section 16(2) of the Constitution.

**The complaint is accordingly dismissed.**

**Prof Henning Viljoen**

*The Commissioners Prof Van Rooyen and Rev Du Toit concurred*