Executive Council of Australian Jewry Inc.

הוער הכועל של יהורי אוסטרליה

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5 January 2012

Sally Begbie SBS Ombudsman Special Broadcasting Service Locked Bag 028 Crows Nest NSW 1585 Email: Sally.begbie@sbs.com.au; formalcomplaints@sbs.com.au

Dear Ms Begbie

Formal complaint: 'The Promise'

1. Outline of complaint

This letter is a formal complaint under the SBS Codes of Practice ('the SBS Codes') concerning the free-to-air broadcast by SBS television of the British-made television series, *The Promise*. The four episodes of the series were screened on successive Sunday evenings, namely 27 November 2011 and 4, 11 and 18 December 2011. The credits for all four episodes included a statement that the program was "produced in association with SBS-TV Australia". The precise details of this "association" have not been disclosed to the public, but presumably it means that SBS must carry some responsibility for the content of the program, as well as for broadcasting a program produced by another party.

The complaint is that in direct violation of SBS Code 1.3, the series promotes, endorses and reinforces demeaning stereotypes about Jews as a group. All of the principal Jewish characters (and thus by implication Jews generally) are portrayed negatively and, ultimately, without any redeeming virtues. They are cast as variously cruel, violent, hateful, ruthless, unfeeling, amoral, treacherous, racist and/or hypocritical. The ancient libel that holds all Jews throughout history to be collectively guilty of killing Jesus has been segued into the equally ludicrous proposition that all Jews are collectively guilty of the wanton shedding of innocent blood, a staple of contemporary Palestinian propaganda. The series also panders to stereotypes about Jews being immoderately wealthy and having acquired their wealth unfairly. The cumulative effect of these consistently negative portrayals of all of the principal Jewish characters and of the series' numerous misrepresentations of the relevant historical background in a way that consistently casts Jews in a negative light is to demean Jews as a group.

We assume SBS would never contemplate screening a series in which all the principal characters who are identifiably Muslim are either ruthless, murderous terrorists or morally coarse people who condone terrorism or sympathise or co-operate with terrorists. Yet this is precisely the way all of the principal characters who are identifiably Jewish are portrayed in *The Promise*.

To be clear, the series does not simply convey demeaning imputations about Jews in the way, for example, that dramatizations about the events of World War II have often portrayed German and Japanese characters in an unflattering light. In the latter cases, the negative stereotypes have been used as a way of highlighting the character of major figures in the story. There is never a suggestion that the Germans and Japanese as a people are forever marked by collective guilt and beyond redemption.

The Promise is far more insidious. The relevant historical events (and their misrepresentation) and the principal Jewish characters are vehicles for attributing negative traits to Jews generally across time and space. *The Promise* utilizes and reinforces racist tropes about Jews that, but for a brief post-WWII respite, have been embedded in western civilization since pre-Christian times and are not in any way comparable to negative portrayals of other groups.

2. <u>The SBS Codes</u>

SBS Code 1.3 relevantly provides:

1.3 PREJUDICE, RACISM AND DISCRIMINATION

SBS seeks to counter attitudes of prejudice against any person or group on the basis of their race, ethnicity, nationality... religion...

SBS views intolerance of difference, and racism in particular, as a serious impediment to achieving an equitable and harmonious society.

SBS aims to ensure that programs either counter or do not promote, endorse, or reinforce inaccurate, demeaning or discriminatory stereotypes.¹

It follows that the broadcast of material which repeatedly promotes, endorses or reinforces demeaning racial stereotypes of any racial, ethnic or national group violates SBS Code 1.3, irrespective of the frequency with which these or similar stereotypes are, or have in the past been, promoted, endorsed or reinforced against the targeted group, or against any other group.

Nor is it relevant that the 44 complaints about the series that were made when it went to air in the UK in early 2011 were dismissed by Ofcom (the UK Office of Communications). Ofcom's Broadcasting Code² is in very different terms to the SBS Codes. In particular the Ofcom Code does not require broadcasters to aim to ensure that programs either counter or do not promote, endorse, or reinforce inaccurate, demeaning or discriminatory stereotypes. The nearest equivalent standards in the Ofcom Code are to be found in Ofcom Rule 2.3 and Rule 3.1.

¹ <u>http://media.sbs.com.au/home/upload_media/site_20_rand_2138311027_sbscodesofpractice2010.pdf</u> (accessed 5.1.2012)

² <u>http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/broadcastingcode2011.pdf</u> (accessed 5.1.2012)

Rule 2.3 requires a broadcaster to:

"ensure that material which may cause offence is justified by the context".

The rule thus applies only if the material complained of has caused subjective offence to members of the audience which is not justified by the context. "Context" is defined in Rule 2.3 to include a wide range of considerations including the editorial content of the material and the likelihood that it will cause "harm". In the case of *The Promise*, Ofcom found that offence had been caused by the negative portrayal of the Jewish characters but this was justified by the context in which there was also a negative portrayal of some non-Jewish characters.³

These sorts of considerations are different to those specified in SBS Code 1.3 which requires an *objective* assessment to be made as to whether the material complained of will either "*counter* … *inaccurate, demeaning or discriminatory stereotypes*" or at least "*not promote, endorse, or reinforce*" them. It follows that even if one were to accept (which we do not) Ofcom's reasons for determining that there was no breach of Ofcom Rule 2.3, this would not preclude a finding that the screening of *The Promise* breached SBS Code 1.3.

Ofcom also determined that the broadcasting of *The Promise* did not breach Rule 3.1 in the Ofcom Code which provides:

Material likely to encourage or incite the commission of crime or to lead to disorder must not be included in television or radio services.

A breach of Rule 3.1 of the Ofcom Code therefore requires that a broadcast does something more than simply promote, endorse, or reinforce inaccurate, demeaning or discriminatory stereotypes. It must also "*encourage or incite the commission of crime or to lead to disorder*". It was only because Ofcom found that this last requirement had not been met that it concluded that *The Promise* had not breached Rule 3.1. In reaching this conclusion, Ofcom conceded that:

there were Jewish/Israeli characters and their actions that, arguably, could have led to members of the Jewish faith...being perceived in a negative light to some degree.⁴

The basis of Ofcom's conclusion that there had not been a breach of Rule 3.1 was that the:

portrayal of members of the Jewish faith and/or Israeli nation featured in the series would not, on a reasonable view, be likely to encourage or incite the commission of a crime (eg harm or prejudice against members of the Jewish faith).⁵

³ 10-page letter dated 11 April 2011 to Brenda Priedon (a complainant), from Ofcom's Standards Executive, Adam Baxter, at pages 4- 5.

⁴*Ibid*, page 5.

⁵ Ibid.

SBS Code 1.3, rightly in our view, establishes a broader and more exacting standard against the promotion of racism than that contained in Rule 3.1 of the Ofcom Code. Under SBS Code 1.3, the promotion of racism against about Jews generally is sufficient to constitute a breach, even if the offending material would not be *"likely to encourage or incite the commission of a crime (eg harm or prejudice against members of the Jewish faith)"*. It follows that the material complained of does not need to rise to the level of seriousness specified in Rule 3.1 of the Ofcom Code (that is, encouraging the commission of a crime) in order to constitute a breach of SBS Code 1.3.

It is noteworthy that Appendix 2 of the Ofcom Broadcasting Code reproduces parts of the EU Audiovisual Media Services Directive (Directive 2010/13/EU), including Article 6 which is in the following terms:

"Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction **do not contain any** incitement to hatred based on race, sex, religion or nationality." (Emphases added)

However, this provision is not to be found in specific terms in the body of the Ofcom Code and no reference was made to it by Ofcom in dismissing the complaints against *The Promise*. In any event, for the reasons already stated, Ofcom's dismissal of such complaints is not determinative of the present complaint under the SBS Codes. The integrity of the SBS Codes depends upon the rigorous and impartial interpretation and application of its provisions in their own terms. The credibility of SBS depends, *inter alia*, upon SBS being held to account when those provisions are breached, regardless of any extraneous considerations.

3. <u>The Promise – the basic story</u>

The series tells a fictional story about Erin, an 18 year old British girl, who visits her Israeli friend, Eliza, and Eliza's parents and brother Paul, in Caesarea in Israel in 2005. Erin carries and progressively reads through the diary of her grandfather, Len, which describes Len's experiences while serving as a sergeant in the British army in the 1940s.

The diary begins with Len's description of the liberation of the Nazi concentration camp at Bergen Belsen in Germany by British forces in April 1945 and refers to the atrocities that had been committed against the Jewish inmates by their Nazi captors. The remainder of the diary focuses on Len's period of service in British-controlled Palestine from 1945 until the British withdrawal and Israel's Declaration of Independence in May 1948.

The Promise portrays Erin's experiences during her 2005 visit and those of her grandfather in the late 1940s. It continually intercuts between the two, juxtaposing and drawing parallels. The entire story is told through the eyes of Erin and Len. As Britons who are neither Jews nor Arabs they are presented as fair and impartial observers of the conflict between the two peoples. Both Len and Erin are also portrayed as essentially good people, compassionate and courageous. Even though they are fictional characters, it is clearly intended that a predominantly British or western audience will identify with them and will embrace their

stated attitudes and opinions about the conflict, which in turn are equally clearly those which the author of the series seeks to promote.

The title *The Promise* refers to a promise made by Len in 1948 to Hassan, an Arab boy who is the son of Mohammed, an Arab working for the British army whom Len befriends. In Episode 4, Hassan is shot by a sniper and is dying in Len's arms. He gives Len a key and makes Len promise that he will return the key to the boy's family who have just fled from their home in Ein Hod. It is the key to the front door of their house. In the chaos of the 1947-8 war Len is unable to fulfill his promise, despite his best efforts. The key has been kept in his diary ever since. Erin takes it upon herself nearly 60 years later to fulfill her grandfather's promise by finding the family of Hassan and Mohammed and returning the key to them.

The message to the audience is that the British (symbolised by Len) were implicated in depriving the Palestinians of their 'rightful ownership' of the country (symbolised by their loss of the key) in the late 1940s and accordingly the British, and the West generally, are now morally obliged to 'restore' ownership of the country to the Palestinians (symbolised by Erin returning the key to the Palestinian family).

The story is premised upon the following view of the origins of the Israel-Palestinian conflict as conveyed to the audience by a British officer in Episode 1:

"The Jews and Arabs have been living here in relative harmony for years. But our victory over the Germans has turned the trickle of Jews coming to this land into a flood. You must understand, the Jews see it as their holy land. But the Arabs, who have been here for over a thousand years, see them as stealing their land".

In point of fact, the Israel-Palestinian conflict did not begin with the events leading to the establishment of Israel in the late 1940s. The conflict predates by several decades the Holocaust and the Jewish revolt against British rule. Arab rejection of any kind of substantial Jewish presence in the country can be traced back to 1891,⁶ if not earlier. The conflict has always had many dimensions, including a conflict of narratives. In *The Promise*, the Palestinian narrative as summarised in the previous passage is swallowed whole and the audience is expected to do likewise, there being no acccurate or even close-to-accurate presentation of the Jewish narrative. The Jewish narrative is either falsified or simply not told. For example, there is no mention at all of:

- the history of Palestinian Arabs attacking Jews before 1948, including the 1886 attack on Petah Tikva, attacks against Jewish worshippers at the Western Wall in 1911, murders of Jews in 1912, riots and deadly pogroms against Jews in 1920, 1921 and 1929, the Hebron Massacre in 1929, the years of Arab terror between 1936 and 1939 and atrocities committed by Palestinians against Jews in the period 1946-8;
- the connection of the Jewish people to the land of Israel for more than 3,000 years, including the existence over many centuries of the independent and at times sovereign

⁶ In 1891 Arab notables wrote to the Ottoman Sultan protesting against Jews immigrating to the country.

States of Israel and Judah, all of which is attested to by an abundance of archaeological and documentary evidence;⁷

- the fact that the Hebrew language and culture of the Jewish people is a Semitic language and culture which is indigenous to the land of Israel;
- the fact that there were five waves of mass Jewish immigration into the country between 1881 and 1939 and that the Jewish immigrants established the institutions of statehood and civil society and a viable economy well prior to the Holocaust and World War II;
- the fact that the international community, as early as 1920, recognised the legitimacy of the Jewish people's aspirations to reconstitute their national home in Israel⁸ and obligated Britain, as the Mandatory power, to "facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes".⁹

Instead, *The Promise* puts forward the patently false suggestion that the modern State of Israel exists merely as a consequence of the Holocaust and the need to find a home for the displaced surviving Jews of Europe epitomised by Len's statement in Episode 1 that "*If I'd been through what these people went through, I'd want a homeland too.*" The historical and legal justification for the establishment of Israel is effectively 'censored' out of the story. As the home which Erin symbolically restores to the Palestinian family befriended by her grandfather is located in the heart of modern-day Israel, the unmistakable message is that the 'rightful ownership' of the Palestinians extends not merely to the West Bank and Gaza Strip, but to the entire country, including Israel itself, the existence of which is thus portrayed throughout the series as wholly illegitimate.

The internationally accepted "Working Definition of Antisemitism"¹⁰ includes the following passage:

⁷ The earliest non-Biblical record is an inscription on a 3,215 year old stone monument of the Egyptian Pharaoh Merenptah I, son of Ramses II, referring to a "nation" called "Israel" living in the area of modern-day Israel (the Merenptah Stele, located in the Egyptian Museum in Cairo). Further references appear in the official records of the Assyrians, Arameans, Moabites, Babylonians, Persians, Greeks and Romans, including the Roman historians Tacitus, Josephus and Pliny the Elder.

⁸ In April 1920, following the end of World War I, a Council of the victorious Allied and Associated Powers met at San Remo and granted Britain a mandate to govern Palestine, the terms of which were ratified by the League of Nations in July 1922 and included an obligation that Britain "should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people".

⁹ Article 6 of the terms of the Mandate.

¹⁰ The European Union Monitoring Commission, now called the European Agency for Fundamental Rights (FRA), adopted the definition in 2005 and distributed it to all its national monitors:

http://fra.europa.eu/fraWebsite/material/pub/AS/AS-WorkingDefinition-draft.pdf (accessed 5.1.2012). In September 2006, the definition was adopted by the United Kingdom All-Party Parliamentary Inquiry into Antisemitism: http://www.antisemitism.org.uk/wp-content/uploads/All-Party-Parliamentary-Inquiry-into-Antisemitism-REPORT.pdf (accessed 5.1.2012). The Definition is also employed by units of the Organization for Security and Cooperation in Europe (OSCE), representing about 56 States and has been translated into 33 languages. In February 2009, the Definition was adopted in the London Declaration on Combating Antisemitism: http://www.communities.gov.uk/documents/corporate/pdf/1151284.pdf (accessed 5.1.2012). In November 2010 the Definition was reaffirmed in the Ottawa Protocol on Combating Antisemitism:

Examples of the ways in which Antisemitism manifests itself with regard to the state of Israel taking into account the overall context could include:

• denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.

• drawing comparisons of contemporary Israeli policy to that of the Nazis.

The Promise does not even pretend to address the deeper historical justification for Israel's existence as the State of the Jewish people. Nor does it portray (let alone question) the decision of the Palestinian leadership and the Arab League to use force to prevent the implementation by the UN of its resolution in favour of partition in November 1947. As Professor Benny Morris, one of the most thorough, impartial and widely respected academic historians of the period, has observed:

"it cannot be stressed too strongly that...the events cumulatively amounting to the Palestinian Arab exodus occurred in wartime and were a product, direct and indirect, of that war, a war that the Palestinians started. The threat of battle and battle itself were the immediate backdrop to the various components of the exodus".¹¹

The ultimate cause of the war, in the words of Professor Morris, was "the intention of the Palestinian leadership and irregulars and, later, of most of the Arab states' leaders and armies in launching the hostilities in November-December 1947 and in invading Palestine in May 1948 to destroy the Jewish state and, possibly, the Yishuv (the Jewish community in Palestine) itself".¹²

The Promise dares not trust its audience with a portrayal of any of these well-documented facts. The Jewish narrative is either denied a hearing or presented only in caricature. Instead of confronting history honestly, *The Promise* unrelentingly portrays the entire Jewish presence throughout the country, including modern-day Israel, as an act of usurpation by Jews who, without exception, are aliens, predators and thieves and who enforce their usurpation by brutal, racist policies akin to those inflicted by the Nazis upon the Jewish people. The basic concept of *The Promise*, and the premises on which it rests, are therefore not merely a gross misrepresentation of history, they also fall squarely within the above passages of the *Working Definition of Antisemitism*.

It is entirely possible, though increasingly difficult in the prevailing post-modernist intellectual environment, to have rational and evidence-based discussions about the history of the Israel-Palestinian conflict and about contemporary Israeli and Palestinian policies and

http://www.cbc.ca/news/politics/inside-politics-blog/2010/11/for-the-record-the-full-text-of-the-ottawa-protocol.html (accessed 5.1.2012).

¹¹ Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited*, (Cambridge: Cambridge University Press, 2004), page 7

¹² Ibid.

practices. However, *The Promise* is not such a discussion. It goes well beyond criticism of Israel similar to that levelled against any other country and damns an entire national group, the Jewish people, as psychopathological. Worse, it uses the art of cinematography and its capacity to evoke emotions and shape opinions as the means to do so. This is precisely what the SBS Code against the promotion or reinforcement of inaccurate, demeaning or discriminatory stereotypes is supposed to prevent SBS from putting to air.

4. Particulars of breach of SBS Code 1.3

Attached to this letter is a Table with details of particular instances throughout the series in which anti-Jewish stereotypes are utilised and thereby promoted, endorsed or reinforced. Whilst in our view each instance constitutes a violation of SBS Code 1.3, the inaccurate and demeaning portrayal of Jews as a group is so deeply interwoven into the story, and so integral to its message, that the entire series can fairly be seen to have been corrupted by racism. The stereotypes listed in the Table, which are used by *The Promise*, should be compared to the following passage in the *Working Definition of Antisemitism*:

Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of Antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.¹³

In addition to the one-sided and highly polemical portrayal of historical events, the negative portrayal of each of the principal Jewish characters in *The Promise* is a further means by which these forms of Antisemitism are conveyed. In the final analysis, the principal British characters, Len and Erin, and all of the Arab characters, are portrayed favourably and in a way that evokes the audience's sympathy for them. Yet not a single principal Jewish character emerges in a positive light.¹⁴ Without exception they are portrayed in a way that is calculated to evoke the audience's disapprobation, if not hostility. One British character, Len's Corporal Jackie Clough, eventually deserts and fights on the Jewish side, and is likewise portrayed negatively. The Jewish characters are all fictional but the implication is that the flawed values and behaviour that *The Promise* attributes to them are in some sense "typical" of Israeli Jews, or Jews generally, who are therefore collectively guilty of causing and perpetuating the conflict.

¹³ See Note 10.

¹⁴ A very minor character, Private Alec Hyman, is a Jewish British soldier and portrayed neither positively nor negatively.

• Eliza

Eliza is portrayed in a seemingly sympathetic way to begin with, a typical western 18-yearold and Erin's best friend. Beginning in Episode 1 the portrayal steadily turns from sympathetic to hostile. Eliza is about to undergo basic training for her compulsory Israeli military service, but her alien-ness from the country she is to serve is hinted at in Episode 1 by the entirely gratuitous device of giving Eliza dual UK/Israeli citizenship. In point of fact, the vast majority of Jewish 18 year olds in contemporary Israel are native-born, many of them 2nd, 3rd or 4th generation Israelis. In the same episode, as Eliza's brother Paul makes a soap-box-type speech about Israel being a military state, Eliza fortuitously appears dressed in an army uniform with a rifle.

By Episode 4 Eliza is condemned outright. As a member of an Israeli army unit serving in the Gaza Strip, she participates in the demolition of the home of the family of a Palestinian suicide bomber. A sweet young girl, Samira, is the sister of the bomber and lives in the home. The trauma she suffers with the impending demolition is graphically highlighted. Erin chains the Palestinian girl and herself to the house to try to prevent its demolition. When Eliza comes to cut the chains Erin rebukes her saying: "Don't do it, it's wrong ... You (sic) drove them out of Haifa and Hebron, please don't drive them out of Gaza". One suspects that the only reason for selecting the year 2005 as the setting for Erin's story (when the series was in fact filmed in 2010) is so that this damning polemical statement against Eliza, and everyone else encompassed by the word "You", can be put in Erin's mouth to further sway the audience. (Israel in fact dismantled all settlements in Gaza and withdrew all its military personnel and civilians in August-September of that year, so such a statement in a post-2005 setting would be nonsensical). Eliza replies "I've got no *choice*", implying that she acknowledges that what she is doing is wrong and that she lacks the moral fibre to do the right thing - yet another Jewish betrayal of friendship and of trust. Eliza cuts the chain and the demolition proceeds. To ensure that the audience draws the 'right' conclusion and morally condemns Eliza, she is damned by an accusing glare from Erin.

• Max (Eliza's father)

Outwardly refined and courteous, the character of Max is a former IDF general who criticised the occupation and is now a leading member of Israel's political left. But the audience is almost immediately turned against him by his son Paul, who denounces him as a hypocrite. Paul says that the very existence of a political left in Israel is a ruse to mislead people into thinking Israel is a normal country like their own; when the truth (according to Paul) is that it is a "military dictatorship", dominated and led by a series of former military leaders. (In point of fact, some of Israel's most famous Prime Ministers were not military leaders: David Ben Gurion, Moshe Sharrett, Levi Eshkol, Golda Meir and Shimon Peres. Israel is a multi-party democracy whose parliament includes communist and Arab representatives. Israel's Supreme Court regularly rules against the government in cases that come before it and has even intervened in military operations. Not all of its Justices are Jewish). Max's cool reception of the Arab peace activist, Omar Habash, is shown to be ungracious and racist. The audience is not trusted to come to this conclusion itself. The message is conveyed by Erin's accusing glares and other disapproving facial expressions.

• Leah (Eliza's mother)

Leah's character is not strongly developed in the series. Her main contribution is to refer to Palestinians as "animals" when she hears of a suicide bombing and for this statement she is thoroughly rebuked by her son Paul and shamed as a bigot in the eyes of the audience. Leah snaps at Omar in response to his question about where she comes from (Europe). The latter incident is the vehicle for conveying the alien-ness of Leah and her husband Max (and by extension all Jews) to the land, further estranging them from the audience's sympathy.

• Paul (Eliza's brother)

The character of Paul is used as a vehicle for putting every conceivable condemnation of Israeli policy (about the settlements, the security barrier, the behaviour of settlers, the behaviour of the Israeli army and atrocities committed by Jewish fighters in the 1940s) into the mouth of a Jew. In Episode 4 he tells Erin, "You can do literally anything you want to the Palestinians... steal from them, sleep in their houses, take their cars, beat them to death with your bare hands in broad daylight". The audience is supposed to see these highly tendentious statements as some sort of Jewish "admission of guilt". We are told that Paul has come out of the army transformed into a radical Leftist. He takes Erin with him to Nablus in the West Bank where he addresses a meeting of Combatants for Peace together with Omar, a Palestinian and a former member of the al-Aqsa Martyrs' Brigades. At the end of the meeting, the two shake hands. Paul tells Erin, "Once you've met your former enemy ... you can never take up that weapon again."

Yet even Paul is ultimately portrayed in a deeply negative light. He is shown up to be an even worse hypocrite than his father. In Episode 4 Paul goes to Hebron to secure the release of Erin from an Israeli military post where she has been detained. Paul had previously been stationed at this post for 3 years while serving in the Israeli army. When he arrives at the post he discovers that the soldiers there, who have just been damningly portrayed as complicit in settler violence towards Palestinian women and girls, are some of his old comrades and they greet each other with great warmth. Erin is released and she and Paul go to the roof of the post to have a beer. Erin accuses Paul's friends of "standing by while they (the settlers) commit murder". Paul replies "*It's a grey area*". Erin stares at him bug-eyed with incredulity and scorn for his answer and scoffs loudly.

During his conversation with Erin, Paul describes a past incident in which he bullied a young Palestinian girl and this, he says, made him crack and refuse to continue serving in the army: "*I just couldn't do it any more*". But any sympathy Paul might garner from the audience evaporates soon afterwards when the post comes under gunfire. Paul picks up a gun and joins his comrades in firing back. Erin sardonically reminds him that he had previously said, "Once you've met your former enemy ... you can never take up that weapon again." Paul replies "It's called loyalty". The damnation of Paul to the audience for this response is again made plain by Erin's panoply of facial expressions: skeptical smirk, accusing glare and loud scoffing.

Paul's use of the word "loyalty" is especially telling. He does not say, "When someone is shooting at you, firing back is called self-defence or self-preservation". The possibility

that Jews defending themselves from gunfire might be right and proper is nowhere admitted. Using loyalty as his reason is a device to 'prove' to the audience that, despite all his expressed convictions, Paul is after all presented as an Israeli and a Jew who cannot be trusted. This also fits with the stereotype about Jews always sticking together as if part of a conspiracy. The antipathy towards Paul is made absolutely plain after Erin has sex with him and then rebukes herself for having done so. The audience is given no explanation of why she tells herself "*This was a mistake*", but the inference is that she has a sense that she has been sleeping with the enemy, and 'the Jews', or at least Israeli Jews, are the enemy.

• Eliza's grandfather

This is another fictional character who, we are told, was involved in the bombing of the King David Hotel in 1946. The audience, incidentally, never learns the true history that an earlier attempt to attack the hotel was foiled when the mainstream Jewish military organisation, the Haganah, learned of it and warned the British authorities.¹⁵ As with the other major atrocities portrayed in *The Promise* – the kidnapping and hanging of two British sergeants and the massacre at Deir Yassin – which were all carried out by Jewish minority groups the Irgun Zevai Leumi (IZL) and Lohamei Herut Israel (LHI), any mention of the active opposition of the mainstream Haganah and religious leaders is completely omitted and the false impression is given to the audience that all or most Jews supported and were complicit in each atrocity. The effect of this device is to establish the Jews' supposed collective guilt in the eyes of the audience.

Eliza's grandfather is a survivor of the Holocaust in which we are told many members of his family perished. Yet he is portrayed as utterly obdurate and unapologetic for his part in committing an atrocity. Any sympathy he might attract as a Holocaust survivor is forfeited by his portrayal as someone who completely lacks a moral compass. This is highlighted when he tells Erin that after the Holocaust members of his generation were determined to carve out a land which could be safe for Jews forever. The British stood in their way, so the Jews "*wiped them out. It was as simple as that.*" *The Promise* has this speech delivered in a tone of blind self-righteousness. Having portrayed horrible killing by Jews, words are then put in the mouth of a supposedly representative Jewish Holocaust survivor to justify it. The implication is that Jewish Holocaust survivors generally were brutalised rather than refined by the traumas they endured, a disgraceful generalisation and calumny which of itself condemns the entire series.

The impression of amoral ruthlessness of the grandfather is reinforced in the scene immediately following. Len and Jackie and another soldier are driving through town offduty in a Jeep when a car stops for a suspiciously long time in front of them. Len reaches for his revolver, but two men with handguns appear and shoot all three soldiers. One has his brains blown out, in a graphic close-up shot. As Len and Jackie struggle for life, bystanders in cafés take absolutely no notice of what has happened. They continue their conversations, smile and drink coffee. The odium of the atrocity is thus attributed not just to Eliza's grandfather and the other perpetrators but, once again, to Jews at large. It is

¹⁵ Thurston Clarke, *By Blood and Fire: the attack on the King David Hotel*, (New York: G. P. Puttnam's Sons, 1981).

therefore a tawdry evasion to suggest that the series is about Israel, not Jews. In *The Promise*, Israel becomes paradigmatic of the Jews' refusal to be improved by affliction.¹⁶

• Clara Rosenbaum

Clara is a principal Jewish character in the series who in Episode 3 is shown to be party to a ruse in which she is tarred and feathered by Jewish militants to make it appear as if she is being punished for being pro-British. She thereby lulls her British lover, Len, into trusting her and giving away intelligence which is used by the Irgun to kidnap and hang two of Len's comrades. The kidnapping and hanging of two British sergeants by the Irgun were real historical events, although they are portrayed in *The Promise* shorn of most of the relevant context.¹⁷

On the other hand, the character and the role Clara plays in the incident are entirely fictitious. Yet her insidious treachery, betrayal and amoral ruthlessness evoke anti-Jewish stereotypes that have a long and disreputable history in western culture. Furious at being betrayed at the cost of the lives of two of his comrades, Len comes looking for Clara at her home in order to take revenge. Len only finds Clara's father Leo, another Holocaust survivor, and brutally and capriciously brushes aside Leo's protestations that most Jews condemned the hangings. In perhaps the most significant line in the series, Len screams at Leo: "*I don't know what's happened to you people*" (emphasis added), again signifying the collective guilt that is ascribed to all Jews for the actions of a few (see passage from *Working Definition of Antisemitism* last quoted above).

The negative portrayal of Clara is reinforced in Episode 4 when she is depicted as a participant in the massacre of Arab villagers at Deir Yassin. There is no question that such a massacre took place on 9 April 1948, when around 120 fighters from the IZL and LHI paramilitary groups attacked the village of Deir Yassin near Jerusalem, a Palestinian-Arab village of roughly 600 people. According to the most reliable estimates, 107 villagers were killed, including armed fighters and women and children.¹⁸ It was the first time Jewish forces had gone on the offensive, as opposed to responding to attacks.

¹⁶ This is the conclusion reached by Man-Booker prize-winning author Howard Jacobsen in *Ludicrous brainwashed prejudice*, <u>http://www.independent.co.uk/opinion/commentators/howard-jacobson/howard-jacobson-ludicrous-brainwashed-prejudice-2273774.html?mid=53</u> (accessed 5.1.2012).

¹⁷ None of this context 'justifies' the hangings. But *The Promise* leaves out all the 'before and after' events that are necessary to explain the motivations of the people involved eg the Defence Emergency Regulations introduced by the UK in September 1945 which suspended *habeas corpus*, established military courts and imposed the death sentence merely for carrying weapons; the Night of the Beatings of Jews by British forces; the previous incidents in which British officials and military personnel had been kidnapped and then released when the death sentences of Jewish prisoners had been commuted; the hanging of Jewish activists for less serious offences; the role played by the Haganah in assisting the British to try to locate and release the sergeants; the condemnation of the incident by the entire official Jewish leadership; and the rampage of British soldiers in Tel Aviv after the hangings in which British troops murdered 5 Jewish civilians at random and wounded many more, for which no-one was ever punished.

¹⁸ Sharif Kananah and Nihad Zaytuni, *Deir Yassin* (Destroyed Palestinian Villages), Birzeit University Press, 1988, pages 5, 57.

The Episode makes no mention of the fact that there was a fierce battle between Jewish and Arab militias for control of the village as Jewish militia sought to relieve the blockade of the Jewish neighbourhoods of Jerusalem by the Arab Liberation Army and other armed Palestinian Arab groups. The blockade and the attempt to starve the Jews out are not portrayed or even mentioned. Nor is there any mention of the wider context of the civil war in which the battle occurred, as summarised by Professor Benny Morris:

The battle for Deir Yassin occurred in the middle of, and was part of, the civil war between Palestine's Arab and Jewish communities that constituted the first half of the 1948 Arab-Israeli war. (Its second half began with the pan-Arab invasion of Palestine on 15–16 May 1948 and ended with the signing of armistice agreements between Israel and its neighbors in 1949.) That war was triggered by the Arab (Palestinian as well as pan-Arab) rejection of the United Nations Partition Resolution of 29 November 1947 (No. 181) that called for the establishment of two states in the area of Mandatory Palestine, one Arab and the other Jewish. The actual hostilities were launched at the end of November and early December by Palestinian Arab armed bands. In the course of the civil war, Arab militiamen attacked Jewish traffic and settlements and Jewish militiamen—of the Haganah, IZL and LHI retaliated by attacking Arab traffic and settlements. Both sides also used terrorism.¹⁹

Also omitted from the Episode is the fact that the killings were publicly condemned at the time by the Jewish Agency for Israel (the organization in charge of immigration and absorption of Jews from the Diaspora into what is now Israel), the Haganah and the country's two chief rabbis.

None of these crucial facts can justify the massacre of villagers that indeed took place. The complete omission of all of these facts, however, is inexcusable as it conveys the false impression that, as a matter of policy and practice, Jews supported or were complicit in the atrocity. The massacre is falsely presented as representative of Jewish war conduct, a generalization that is openly articulated by Len later in Episode 4. It builds on the defamatory portrayal of Eliza's grandfather noted above. There is not a single reference to the existence of a war against the Jews, or the violent rejection by its neighbours of Jewish statehood. The suppression of any hint of desperation on the part of the Jewish forces in seeking to relieve the besieged Jews of Jerusalem, and of the fact that they initially faced armed resistance, shuts off any possibility that the viewer might understand how Jews who saw themselves as fighters for a noble cause could commit atrocities. All the Jews, including Clara, are portrayed as wanton murderers, or their accessories, and all the Arabs as innocent, unarmed villagers.

The scene concludes with Len symbolically turning his back on Clara in utter disgust. Any sympathy the audience might have felt for Clara in earlier episodes evaporates. The

¹⁹ Benny Morris, (2005). "The Historiography of Deir Yassin", *Journal of Israeli History*, volume 24, issue 1, pp 79-107. <u>http://www.tandfonline.com/doi/abs/10.1080/13531040500040305</u> (accessed 5.1.2012)

audience is completely turned against her (a fictional character) and, through her and the other perpetrators, against the Jewish people in general (who are real).

• Avram Klein

This character is based loosely on the real-life historical figure of Dov Gruner. The real Dov Gruner joined the British army in Palestine in 1941 in order to fight the Nazis. He served in the British army's Jewish Brigade for 5 years and took part in heavy fighting in Italy where he was wounded. After the war, he and his comrades came to the aid of Holocaust survivors in Europe. In 1946 he took part in an Irgun operation to obtain weapons from a British army depot and in an attack on a police station. He was severely wounded and initially denied medical treatment. While in prison, he became close with some of his British guards, who came to respect and admire him,²⁰ which is the exact opposite of the process posited by *The Promise*. Although Gruner was a prisoner of war, his British captors did not accord him any of the rights or protections to which he was entitled under the 1929 Geneva Convention. He was charged with 'firing on policemen, and setting explosive charges with the intent of killing personnel on His Majesty's service'. He was never charged with three of his comrades at Acre Prison in April 1947.

Although the character of Avram Klein is at first shown to be quiet and dignified, in the end he is portrayed as a blinkered fanatic who could have saved his own life by appealing his sentence to the Privy Council. Words are put into his mouth to demonstrate that he refused to do so in a vainglorious quest for martyrdom. This is in contrast to the real figure of Dov Gruner who in a famous letter to the Commander in Chief of the Irgun, Menachem Begin, wrote "*Of course I want to live: who does not?*" The implied parallel with modern-day Hamas and Islamic Jihad, who boast of a 'love of death", does not stand up to scrutiny.

None of the grisly details of Gruner's trial and execution are shown in *The Promise*, even though the entire incident is essential background for understanding the subsequent kidnapping and killing of the two British sergeants, every appalling detail of which is graphically portrayed. The hangings of the British sergeants were indeed acts of barbarity, as were the hangings of Dov Gruner and his comrades by the British. It should all have been portrayed, not just one side of it.

Worse still, *The Promise* denies the character of Avram Klein the eloquent voice of the real Dov Gruner to explain his actions. This is what he said to the British court that eventually condemned him:

I do not recognize your authority to try me. This court has no legal foundation, since it was appointed by a regime without legal foundation.

You came to Palestine because of the commitment you undertook at the behest of all the nations of the world to rectify the greatest wrong caused to any nation in the

²⁰ Diary of Inspector John Denley, <u>http://begincenterdiary.blogspot.com/2008/05/british-memoir-on-dov-gruner.html</u> (accessed 5.1.2012)

history of mankind, namely the expulsion of Israel from their land, which transformed them into victims of persecution and incessant slaughter throughout the world. It was this commitment - and this commitment alone - which constituted the legal and moral basis for your presence in this country. But you betrayed it wilfully, brutally and with satanic cunning. You turned your commitment into a mere scrap of paper...

When the prevailing government in any country is not legal, when it becomes a regime of oppression and tyranny, it is the right of its citizens - more than that, it is their duty - to fight this regime and to topple it. This is what Jewish youth are doing and will continue to do until you quit this land, and hand it over to its rightful owners: the Jewish people. For you should know this: there is no power in the world which can sever the tie between the Jewish people and their one and only land. Whosoever tries to sever it - his hand will be cut off and the curse of God will rest on him forever.²¹

The presentation of this short speech, taken from real life, would have been enough to destroy the propaganda effect of the entire series and shatter the anti-Jewish stereotypes that are its essential vehicle. Perhaps this explains why the Avram Klein role has been so heavily attenuated and fictionalised.

Also omitted is the statement of Gruner's three comrades Mordechai Alkahi, Yehiel Dresner and Eliezer Kashani, rejecting their supporters' plea that they ask for clemency:

"Do you not understand that your requests for clemency are an affront to your honour and the honour of the entire people?...At present we are in their hands...We cannot resist them, and they can treat us as they choose... But they cannot break our spirit. We know how to die with honour as befits Hebrews".²²

Gruner and his comrades were hanged within half an hour, and each of them, as his turn arrived, sang *Hatikva* (the Israeli national anthem) until he died. As the condemned men walked through the gaol, all the Jewish prisoners in the prison rose to their feet and sang the national anthem with them. It is not surprising that the real life drama of these events is nowhere to be found in *The Promise*. In every episode, *The Promise* denies the Jewish side its authentic voice, presenting it (if at all) only in caricature.

• Contrast with portrayal of Arab characters

The anti-Jewish stereotyping throughout the series, exemplified by the inauthentic and negative portrayal of each of the Jewish characters, is reinforced by the conspicuously positive portrayal of each of the Arab characters.

During Episode 2, each member of the family of Abu-Hassan Mohammed, the Arab whom Len befriends, is portrayed as gracious, trustworthy, humane and hospitable. They speak with quiet dignity, charm and respect. They treat Len with honour, modesty, sincerity and warmth. In the 2005 period, the character Omar Habash is similarly portrayed. The

²¹ <u>http://www.etzel.org.il/english/ac14.htm</u> (accessed 5.1.2012)

 $^{^{22}}$ *Ibid*.

sympathy the audience is intended to feel for Omar is underlined by the fact that Erin develops a crush on him. None of the Arab characters speaks with a raised voice, in stark contrast to the violent, quarrelsome, hate-filled Jewish families.

The Jewish characters are each shown as betrayers of their British friends. The Arab characters are shown as trustworthy and loyal. It is they who are betrayed – inadvertently of course - by their British friends. Mohammed complains with dignity and bitterness to Len that the British have let the Jews "come from Europe and steal the land", this being the view which *The Promise* seeks to impress on its audience. The Jews are not only betrayers but thieves. More than that, they are murderers too, a recurring theme in the series which comes to a climax in Episode 4 when Mohammed's son Hassan, extracts 'the promise' from Len after being shot by a faceless Jewish sniper. He is shown dying in Len's arms, blood spurting from his mouth. Collective guilt is ascribed to Jews generally for the killing of emotive figures like Hassan, Arab women and children, a British nurse and even, ludicrously, Hassan's pet dog.

In contrast, not a single Arab character that the series develops is associated with any kind of morally reprehensible act. We learn nothing of the female Arab suicide bomber in Episode 1 or of the Arabs who shoot at the military post in Hebron in Episode 4. In the whole series, the few acts of Palestinian violence that are shown are de-personalised in this way so that there is no human focus for any resulting blame or antipathy the audience might feel. The only characters in the series with whom violence, fanaticism, ruthlessness and the dehumanising of the enemy are associated are Jewish characters.

It is therefore entirely unsurprising that the series omits all reference to the blood curdling calls for a 'massacre' of the Jews made by Arab leaders in October 1947,²³ which marked the initiation of their civil war against the Jewish population, well before the mass arrival of Holocaust survivors, and overlooks the numerous Arab atrocities against Jews that occurred in that war and subsequently. Nor is there even a hint of the intimate wartime alliance between the Palestinian leadership and the Nazi regime and the ongoing assistance to the Palestinians after 1945 from Nazi fugitives and "hundreds" of British deserters with pro-Nazi sympathies.²⁴

The negative stereotyping of Jews in the series is best summarised by author Howard Jacobsen in the following passage:

One-sidedness is a failure of imagination; aesthetically, The Promise failed because it couldn't conceal the dramatic monotony of its bias. Just about every Palestinian was sympathetic to look at, just about every Jew was not. While most Palestinians

²³ 'Of the countless threats of violence, made by Arab and Palestinian leaders in the run up to and in the wake of the November 29, 1947 partition resolution, none has resonated more widely than the warning by Abdul Rahman Azzam, the Arab League's first secretary-general, that the establishment of a Jewish state would lead to "a war of extermination and momentous massacre which will be spoken of like the Mongolian massacre and the Crusades."': Barnett, D. and Karsh, E., Azzam's Genocidal Threat, Middle East Quarterly, Fall 2011 Volume XVIII: Number 4, pp 85-88. <u>http://www.meforum.org/3082/azzam-genocide-threat</u> (accessed 5.1.2012).

²⁴ *Ibid*.

might fairly be depicted as living in poor circumstances, most Israeli Jews might not be fairly depicted as living in great wealth. The family life of Palestinians, when it was not rent with fear, was loving and considerate; family life among the Jews consisted of spitting words of violence against Arabs and callous socialising around a pool built on appropriated land. Juxtaposition counts for much in art, and when every juxtaposition – of beauty, wealth, humanity, kindliness, suffering – favours one party to the conflict at the expense of another, the simplicity of view begins to show itself in uninventiveness and repetition. Though I, too, have found Palestinians to be people of immense charm, I could only laugh in derision at The Promise every time another shot of soft-eyed Palestinians followed another shot of hard-faced Jews.²⁵

• The Antisemitic motif of the greedy Jew

The series shamelessly and persistently utilises the Antisemitic motif of the greedy Jew. The desire for a homeland is portrayed as the result of greed rather than the right of the Jewish people to self-determination in their historic homeland. The 'greedy Jew' motif is juxtaposed against the image of 'the key' as a symbol of Palestinian 'true ownership' of, and 'right' to 'return' to what is now Israel.

The 'greedy Jew' motif is emphasised in Episode 2 by the complaint aired to Len by Mohammed during the dinner hosted at Mohammed's home. He declares that all the problems began when European Jews began to arrive. "They want everything" is the verbal motif. The grotesque inversion and factual error²⁶ is plain. The issue however for SBS is reinforcement of the imagery of the greedy Jew.

One sees the Arabs eating, sitting on the ground with little or no furnishing in the place where they dine with their English soldier guest. This is then immediately juxtaposed with a lavish party at a Jewish home in Israel in 2005.

In Episode 4 Mohammed again declares without contradiction that the Jews want "the whole of Palestine, not just the part you are allowing them to steal". Again, as in Episode 2, the Jew is presented as a greedy thief. Again, the greedy Jewish thief motif goes unchallenged.

Put aside for a moment the deceitfulness of the historical claims made in *The Promise*, which is easily demonstrated.²⁷ Dogged use of the Antisemitic motif of the Jew as greedy is a stand-alone violation of SBS Code 1.3.

²⁵ See Note 16.

²⁶ It was the Jews who accepted partition, and the Arabs who demanded the whole country.

²⁷ The Jews who migrated to Palestine from 1881 until 1939 were not invaders. They did not carry arms and arrive as an invasion force. This is a fantasy. They were civilians. Almost all of them migrated legally under Ottoman law and later under the terms of the Mandate and British law. They bought land – it was not 'stolen' – and established farms, towns and businesses. They breathed new life into the whole country, creating jobs and prosperity. While Arab leaders protested against Jewish immigration, they sold land to the Jews at inflated prices. Arabs from other parts of the country and from outside the country flocked to the new areas where the Jews settled, attracted by opportunities for jobs and new business. The Arab population throughout the country increased from 400,000 in 1890 to 1,200,000 in 1948. (Today the Palestinian population throughout the country has grown to more than 5 million).

5. <u>Absence of mitigating factors</u>

• Sign boards screened by SBS

To its credit, SBS accepted that there was a substantial risk that viewers might mistakenly believe that *The Promise* fairly and accurately portrays real historical figures and events. At the beginning of Episode 2 a sign board appeared for eight seconds stating:

"This program is a work of fiction inspired by a true story."

SBS subsequently recognized that the juxtaposition of the words "fiction" and "true" was also potentially confusing to the audience. Episodes 3 and 4 opened with a different signboard reading:

"This is a drama inspired by the accounts of British soldiers who served in Palestine."

This sign board also appeared for eight seconds and could easily have been missed by the viewer. Further, the word "drama" fails to convey that *The Promise* is not and could not be a fair and accurate portrayal of real historical figures and events. The use of the word "accounts" suggested a degree of historical verisimilitude that is clearly not warranted by the content of the series. This message also was confusing and open to misinterpretation. The confusion would have been compounded by the description of the series on the SBS website: "*The Promise: Political History*".

Even an experienced television reviewer seems to have been misled into thinking the series was authentic history.²⁸

• The writer-director of the series is Jewish

The fact that the writer-director of the series, Peter Kosminsky, is Jewish has no bearing on the present complaint, which requires an assessment to be made of the *objective* effect of the material complained of. Kosminsky's subjective motives are therefore irrelevant and cannot be known with any certainty. No person's public statements to explain their motives can simply be accepted at face value.

It is in any event false to assume that Jews cannot be the authors of material which is objectively antisemitic. As Howard Jacobsen observed:

It matters not a jot to me that the writer/director of The Promise is a Jew. Jews succumbing to the age-old view of them and reviling what's Jewish in themselves has a long history.²⁹

In his most recent book, A Lethal Obsession, the acclaimed historian of Antisemitism, Robert Wistrich, devotes an entire chapter to "Jews against Zion." He summarizes the

²⁸ "The Promise offers a profound veracity", Sacha Molitorisz, Sydney Morning Herald 27.11.2011: <u>http://www.smh.com.au/entertainment/tv-and-radio/the-promise-sunday-november-27-20111118-1nmyz.html</u>

²⁹ See Note 16.

history of antisemitic Jews starting with the apostates in Christian Spain after the massacres of the Jews in 1391 and concludes:

"Self-hating Jews, whatever their motives for betraying their own people and negating its history, have throughout the ages provided invaluable ammunition for the Antisemites. That still remains the bottom line."³⁰

• The racist stereotyping of Jews is justified by 'artistic licence'

It is tempting to believe that a film with artistic merit cannot also be morally abhorrent. This, however, is a fallacy. Cinematography has a long and infamous history of high artistic achievement in the service of politically psychotic messages, most notably by Leni Riefenstahl, the German director of the Nazi propaganda films, *Triumph of the Will* (1935) and *Olympia* (1938). Both films feature hero-worship of 'supermen' figures, in keeping with Nazi racial theories. Technically and aesthetically, both films are of a very high quality.

Kosminsky, with his crude use of tendentious commentary and cardboard cutout characterisations (Arabs good, Jews bad), is not in the same class as a film-maker as Riefenstahl. Nevertheless, Kosmnsky's use of negative stereotypes of Jews as materialistic, immoral, treacherous, ruthless and murderous is not so strident as to overwhelm or stand apart from the compelling story-line of *The Promise*. The series succeeds in insinuating its propaganda as an almost subliminal message within a story with which the audience can identify.

In this respect, *The Promise* bears a degree of comparison with another Nazi propaganda film (not one of Riefenstahl's), *Jud Süss*³¹ (co-written and directed by Veit Harlan in 1940). Like *The Promise*, *Jud Süss*:

- (i) was a fictional drama set against real historical events;
- (ii) interpreted those events not only as a human tragedy but as a tale of "Jewish wrongdoing";
- (iii) featured negative portrayals of its principal Jewish characters;
- (iv) made liberal use of anti-Jewish stereotypes (ruthless, amoral, betrayer, usurper, thief);
- (v) was, at the time, acclaimed by critics and also achieved great popularity. (Jud Süss was launched at the Venice Film Festival in September 1940 and received the "Golden Lion" award and rave reviews. Although the film's budget of 2 million reichsmarks was considered high for films of that era, the box-office receipts of 6.5 million reichsmarks made it a financial success. By 1943 an estimated 20.3 million people had seen it).

Jud Süss graphically demonstrates that the public expression of racial vilification in any form is not merely a harmless exercise of the right of free speech, even if it is done in an artistically meritorious way. On 18 August 1940, after screening the final cut of the film

³⁰ Robert S. Wistrich, *A Lethal Obsession* (New York: Random House 2010) page 542. The chapter on "Britain's Old-New Judeophobes" is especially apposite to the anti-Jewish tropes deployed by *The Promise*.

³¹ The title, *Jud Süss*, has a double meaning in the German language: "The Jew, Süss" and (sarcastically) "Sweet Jew".

Jud Süss, Nazi Propaganda Minister Josef Goebbels wrote in his diary: "An antisemitic film of the kind we could only wish for. I am happy about it". On 30 September 1940 Reichsführer SS, Heinrich Himmler, ordered all SS and Gestapo personnel to watch *Jud Süss* during the coming winter. It was shown to SS units and *Einsatzgruppen* (special action squads) just before they were sent to the east to carry out mass shootings of some 1.5 million Jewish civilians – men, women and children. *Jud Süss* was also shown to non-Jewish populations in areas from which their Jewish neighbours were about to be deported to the death camps.³²

Harlan was the only film director of the Third Reich to be tried for crimes against humanity. After three trials, he was given only a light sentence because he was able to convince the courts that the antisemitic content of the film had been dictated by Goebbels. He was eventually reinstated as a citizen of the Federal Republic of Germany and went on to make nine more films. He remained a controversial figure and the target of protests.³³

Like *Jud Süss*, *The Promise* only loosely corresponds to the historical sources available concerning the actual events that are covered. As in *Jud Süss*, key historical facts are omitted, inverted or entirely fabricated, under cover of the excuse that the work is dramatic art. Yet the omissions, inversions and fabrications in *The Promise* and the negative portrayal of all of the principal Jewish characters go well beyond mere artistic licence. Cumulatively their effect is to convey derogatory messages about Jews as a group.

6. <u>Conclusion</u>

Despite the length of this complaint, which is regretted, there is much more we could have said. Whilst many of the anti-Jewish stereotypes employed in *The Promise* date back to medieval times or earlier, in recent decades they have taken on new manifestations, especially in the discourse concerning the Israel-Palestinian conflict, and they have proliferated on a global scale.³⁴ *The Promise* should be understood in that wider context. It is a landmark in the creeping rehabilitation of Antisemitism in western culture.

Kindly note that the racist content of *The Promise* caused considerable distress to Holocaust survivors and other members of our community who complained to us about it. To alleviate their concerns we propose to post a copy of this letter and the Attachment on our website early next week. We look forward to hearing from you.

Yours sincerely,

P.J. Weatherin

Peter Wertheim AM Executive Director

³² <u>http://www.holocaustresearchproject.org/holoprelude/judsuss.html</u> (accessed 5.1.2012)

³³ <u>http://en.wikipedia.org/wiki/Jud_S%C3%BC%C3%9F_(1940_film)</u> (accessed 5.1.2012)

³⁴ See Wistrich, Note 30.

Attachment to letter of complaint to SBS Ombudsman

Main issues:

Stereotyping of Jews through the main Jewish characters Juxtapositions of Jews in the negative and Arabs in the positive Focus on violence only committed by Jews/Israelis, but violence by Arabs is ignored or minimized Events are portrayed without context.

NB Quotes are not all verbatim, as they are from notes taken at the time of airing.

<u>Key</u>: Ep1 = Episode 1 45. = 45 minutes into the episode

Principal Characters

1940s:

Sgt. Leonard Mathews – British soldier Clara Rosenbaum – Jewish fighter in the Irgun Leo Rosenbaum – Clara's father Avram Klein – Irgun fighter Abu-Hassan Mohammed – Arab working for British army Hassan - Mohammed's son Jawda – Mohammed's daughter, Hassan's sister

2005:

Erin Matthews – British girl Eliza Meyer – Israeli girl, Erin's friend Paul Meyer – Eliza's brother Max Meyer – Eliza's father Leah Meyer – Eliza's mother Eliza's grandfather – not named Omar Habash – Palestinian Christian Samira – Arab girl in Gaza Jawda – Mohammed's daughter, Hassan's sister

THEMES in Series STEREOTYPES – Portrayal of JEWS	EXAMPLES - EPISODE and SCENE	CONTRAST – Portrayal of ARABS, British
Wealthy, materialistic	 Ep1-4 - Eliza's family home, luxurious, large, modern, massive swimming pool. [Fact check: The vast majority of Israelis live in apartments that would be considered small by Australian standards and struggle financially]. Eliza's parents drive Mercedes cars, have flown her and Erin in to Israel on business class. Eliza takes Erin shopping and clubbing in Tel Aviv. Ep4 – 28. Opulent party at the Meyers' home with well-groomed young middle class women. Ep4 – 108. Erin's taxi ride to airport, through Jewish suburbs with streets with lots of beautiful big modern homes. 	Arab homes shown are older, plain, modest, simple – certainly no swimming pools
Liars, untrustworthy, betrayers, disloyal, conspiratorial. Use sex to control others.	 SUMMARY – Principal Jewish characters are without exception portrayed negatively, as liars, untrustworthy, betrayers, disloyal, conspiratorial. Ep1 – 44. When the British search the Jewish village, the Jews already knew they were coming – there is suspicion that Jews working for the British leaked the information. Len (and hence the audience) is told that as the entire secretariat at the British base at Stella Maris is "Jewish" it "leaks like a sieve". Ep1 - Clara's father, Leo, insidiously tries to wheedle information out of Len. Ep1 - When the British national anthem is played in the theatre, the Jews in the audience boo. Ep2 – 15. Len suspicious that Clara knew beforehand of King David bombing, and that she had sex with Len to delay him and manipulate his behavior. Ep3 – 15. Avram Klein, the Jewish terrorist, says there is a traitor amongst the British soldiers, working with the Jews. [Fact check: British traitors more frequently worked for the Arab side. The head of the Arab League, Azzam 	SUMMARY – Arab characters are without exception portrayed as honest, hard working, loyal to their friends and to the British.

	Pasha, put their numbers in the "hundreds"].	
	Ep3 – 35. Len sees that Clara has been tarred and feathered, and sees the sign which says that this woman is a whore and collaborator. Clara states her love for Len. Clara says those who tarred and feathered here are 'animals'. It turns out that the tarring and feathering was all a ruse to make Len trust Clara, and to induce him to divulge information to her. 9.12 Len and Clara are in bed. Clara says to Len 'You do not trust me. I'll never betray you.' She wins Len's trust only to betray him later. Len tells her that the British have a spy in the Jewish Agency, and tells her the name of the spy.	
	Ep4 – 21. During a British raid on an Irgun post, one soldier lets the Irgun woman escape – a traitor working with "the Jews".	
	Ep4 – 30. Erin says that "everyone either died or [in the case of the Jews] betrayed Len"	
	Ep4 – 38. Clara said she lied to Len to keep him alive.	
cold, insensitive, unfeeling,	SUMMARY – Jews are consistently portrayed negatively, as cold, insensitive, unfeeling, callous, cruel.	SUMMARY – Arabs are consistently portrayed as kind, friendly, polite, caring.
callous, cruel	Ep2 – 72. Erin and Omar go to Ein Hod, now a Jewish village. Erin asks 'where are the Arabs?' A Jewish woman dismissively says 'some camps in Jordan'.	Ep2 – 03. When Mohammed, the Arab coffee seller, is being picked on,
	Ep2 – 90. Erin meets Eliza's grandfather, a former Irgun member and involved in KDH bombing. Eliza's grandfather uses the Holocaust as justification. The	he is passive and polite.
	British stood in the way of Jews obtaining the safety and security of statehood, so "we wiped them out."	Ep2 – 28. When the British are torturing a Jewish British soldier, Mohammed saves his life by
	Ep2 – 95. When the Irgun ambush and shoot Len and the two other British soldiers in a jeep in Haifa, the Jews in the open-air café and the street just	informing Len of the torture.
	ignore the wounded and dying soldiers, and continue drinking coffee, laughing and talking as though nothing happened.	Ep2 – 56. When Len goes to Ein Hawd, an Arab village near Haifa, to Mohammed's home, all the Arabs are
	Ep3 – 01. While Len is in hospital, Clara only seems concerned about whether Len had reported her over the King David Hotel bombing, not about his welfare.	very friendly, smiling, eat together with Len. Mohammed says to Len 'you are my brother'. A lovely family

		photo is taken.
	Ep3 – 25. Erin invites Omar to Eliza's house, and they swim in the pool. The Meyers return home and reluctantly invite Omar to dinner. There is coldness towards Omar, even from Eliza who is silent when Erin tells her on the phone that Omar is there. Paul also is not friendly towards Omar.	Ep3 – 01. While Len is in hospital, Mohammed visits him, showing kindness. Len shows kindness to Avram Klein, the Jewish terrorist, in
	Ep3 – 32. Erin has an epileptic fit, the Meyers just stare and do nothing.	hospital too, as Len gives him a drink.
	Ep3 – 71. When Erin tells Paul that Len's two friends, whose graves they saw at the cemetery, were those of the British sergeants who were hanged by the Irgun, Paul cooly says that the hanging broke the British will to fight.	Ep3 – 10. Len helps Hassan with his maths homework, Hassan's sister Jawda gives Len tea.
	Ep4 – 07. Paul says how as a soldier he "pointed a rifle at a little Palestinian girl" and that "people beg you for mercy in this job (as a soldier)."	Ep3 – 19. Erin tells Omar she is epileptic, hence why she cannot
	Ep4 – 99. In Gaza, IDF take the old woman Jawda out of her home, and the IDF lay explosives to blow up the house.	drive. Omar is sympathetic towards her.
	Ep4 – 100. Erin chains herself and Samira to a pole in the house. Eliza is unsympathetic to her friend and cuts her free.	
	Ep4 – 102. It is stated that Jawda had been driven out of Haifa (in 1948) and Hebron (in 1967), and now Jews are again throwing her out of her home.	
	Ep4 - Jawda's house is blown up, and bulldozed, as Jawda lies on the ground.	
	Ep4 - When Erin collects things from the destroyed house for Jawda, the bulldozer nearly runs her over (reminiscent of the Rachel Corrie incident).	
	Ep4 – 105. Erin has a fit impliedly caused by the Israeli action she has witnessed.	
Hateful	SUMMARY – Jews are shown to be hateful and racist against Arabs and others.	SUMMARY – Arabs are shown to be kind and polite to strangers.
	Ep2 – 32. Eliza says how Israelis say 'fuck Arabs' and 'drive the Arabs into the sea'. [Fact check: The only public threat by either side to drive the other "into the sea" was made by the head of the Arab League, Azzam Pasha. A week	

	before the pan-Arab invasion of Israel on 15 May 1948, Azzam told Sir Alec Kirkbride, the powerful British ambassador to Amman: "It does not matter how many [Jews] there are. We will sweep them into the sea."]	
	Ep2 – 36. Eliza's mother says the Arabs are 'animals', and this statement is portrayed negatively as bigotry.	Arabs never express racist sentiments.
	Ep2 – 50. Jewish children by the roadside give Len kalaynot (anemone) flower, a deceptively friendly gesture. Len (and the audience) is then told that the flower is red with a black centre to symbolize the British red beret and the British black heart.	Ep2 – 50. When Len gives the kalaynot flowers to Mohammed, Mohammed is polite, passive, humble, and appreciative of the thought and kindness. He invites Len home to share dinner with Mohammed and his family.
Hateful and violent	SUMMARY – Jews are portrayed as hateful and violent.	SUMMARY – Arabs are portrayed as kind, peaceful and caring, never
	Ep3 – 15. The Irgun threaten to take hostages if Klein is hanged.	violent or hateful.
	Ep3 – 45. The Irgun kidnap three British soldiers, including Len, and are kept barely alive in a tiny hole in the ground for 15 days, their ordeal graphically portrayed. Len is later released.	Ep4 – 10. There is shooting aimed at the IDF base in Hebron, but no shooters are seen or identified.
	Ep3 – 62. When the British execute Avram Klein, his ordeal is not shown. The Irgun hang the two kidnapped British soldiers, whose bodies are shown. This is accompanied by naked expressions of hatred by the British commander.	Ep4 – 13. An Arab woman in Hebron says that they took in 400 Jews to protect them from being massacred (an obligue reference to the Hebron
	Ep3 – 62. In Hebron, Erin sees a protest by Israelis and others. Erin walks with some Arab school girls, but they have to go through a crowd of jeering Jewish women and spitting Jewish children.	Massacre of 1929, details of which are omitted).
	Ep3 – 84. A crowd of Jewish kids throw stones at Arab girls, the IDF soldiers do nothing, one Arab girl is injured, and is shown bleeding from the head. (The only stones thrown throughout the series are by Jews at Arabs. There is no mention or scene of Arabs throwing stones at Jews, despite it occurring much more frequently and often reported in the news.) Ep3 - The Arab girls take Erin to the address she has, but say "Yahud, Yahud"	Ep4 – 29. Erin is watching news on her laptop. There is a suicide bombing in Tel Aviv, but the Palestinian perpetrator is not portrayed as an identifiable person with human traits and character – a perpetrator-less crime

	 ("Jew", "Jew") indicating that the house belongs to Jews. Ep3 - Erin asks two Jewish women about Mohammed who had lived here. One woman takes Erin through the house, which is full of Jewish women and children, to a room of Jewish men at a table. The IDF arrive and remove Erin from the house, arresting her. The Jewish husband and wife are shown quarreling violently in the background. Ep4 – 13. In Hebron, an Arab woman tells how the Jews throw glass at them. A Jewish woman calls an Arab woman a whore. Paul tells Erin Mohammed took his family away from Hebron "after the six day war in 1967, after Israel annexed this whole area". [Fact check: After 1967, Israel annexed East Jerusalem but has never annexed the Hebron area or any other part of the West Bank]. Ep4 – 65. In Gaza, while Erin is sleeping, there is shooting outside, Samira is scared and comes into Erin's room. Samira's mother also comes in. Bullets whizz into Erin's bedroom, and the three women huddle in the corner. Ep4 – 68. The IDF raid the suicide bombers house in Gaza, and take the parents, Samira, and Erin, to a bedroom. Ep4 – 75. Eliza arrives in the Gaza house, she was brought there in order to get Erin out. Ep4 – 87. IDF take Samira as human shield, Erin offers to go with her. As they walk Erin sarcastically says of the IDF "This is brave". The almost routine use of civilians as human shields by Hamas and Al Aqsa Martyrs Brigades is not depicted or even mentioned. Ep4 - 90. IDF occupy brothers house. 	Ep4 – 60. Arabs are shown as loving and caring, even that of the family of the Tel Aviv suicide bomber, as shown at the home of the bomber. Ep4 – 63. The Arab girl, Samira, tells Erin to get off the roof because of the risk of being shot (by Israeli soldiers). Samira asks Erin to brush her hair, which Erin does. Samira's sister was the suicide bomber, who used to brush her hair (a sympathetic portrayal of the suicide bomber).
Bloodthirsty, violent, committing atrocities	SUMMARY - There is a focus only on atrocities by Jews, eg various shooting episodes of killing British, murdering a British nurse, the bombing of the King David Hotel, hanging of two British soldiers, and the Deir Yassin massacre. These events are dealt with in graphic detail. There is no context for such attacks. Condemnation by the Jewish lay and religious leadership of such attacks is not mentioned.	SUMMARY – There are no scenes depicting an Arab actually in the act of committing violence. Arab attacks and massacres of Jews in the 1940's and earlier are not mentioned. The Arabs are portrayed as under attack

Ep1 - Jews shooting of British soldiers, including 'shot in the back'	by Jews and as defenceless and fearful of Jews.
 Ep2 – 10. The bombing of the King David Hotel (KDH), shows massive destruction and digging for survivors and pulling out dead bodies. This scene is juxtaposed with the suicide bombing of the café in 2005, which shows little destruction, no deaths, and survivors walking out the front door. (It is only much later that there is mention of any deaths, six dead, in the café bombing.) Juxtaposing, and therefore comparing, the King David Hotel bombing and the cafe bombing gives an impression that the Jews do massive deadly bombings, while the Arabs do insignificant bombings. Ep2 – 95. The Irgun shooting of Len and two other British soldiers in the jeep while waiting at a traffic jam. During and after this attack, the Jews in open air café just callously ignore the wounded and dying soldiers. Ep3 – 07. Jews attack the hospital where Len is recovering, and shoot a protesting British nurse point blank. Ep4 – 32. At Deir Yassin – see many scenes of dead Arabs, see Jews killing them including women. Jews rounding up Arabs and shooting them. Jews are looting. Clara is there, she says the Arabs were harbouring Iraqi fighters. Len says he only sees women and children. Len said "Jews know more than anyone that killing civilians is wrong." There is no context provided for the massacre. 	 Ep1 – 12. At the Israeli café bombing, do not actually depict inside the café, do not see Arabs perpetrating the violence, see no dead bodies, see only people walking out the front door, covered in powder. It is only later mentioned at 9.06pm that six people died in the café bombing, not stated at the time of the bombing. Ep2 – The KDH bombing juxtaposed with the café bombing makes the latter appear insignificant. Ep4 – 78. The only scene where Arabs are armed, but with Len being the only one shooting, follow immediately after scenes of Jews shooting Arabs and British.
Ep4 – 38. British comments include: "No British lives to protect Arabs" "how can we leave one side armed and the other not?" "Jews are waiting for the British to leave, there will be massacres now." [Fact check: No mention that it was the Arab side which publicly threatened to 'massacre' the Jews in a 'war of extermination' before opening hostilities against them in Nov 1947].	
Ep4 – 43. In Haifa 1948, the British are told to leave, and leave Haifa to the Jews. The Jews are armed, there will be massacres of Arabs. [Fact check: No mention that the Haganah, via the British, offered to allow Arabs of Haifa to remain in their homes and become Israeli citizens if they laid down their arms. No mention that Arab leadership debated the offer for more than a day before rejecting it, which precipitated the Arab exodus].	

	 Ep4 – 55. In a village, Jews are shooting at the British. [Fact check: No portrayal of Arab attacks against the British]. Ep4 – 83. Len finds Hassan. As Len is staying to fight with the Arabs, he sends Hassan off to his family, waiting for him at the docks. Hassan is shot by Jewish sniper. Len carries Hassan, Hassan gives the house key to Len. Hassan dies. 	
Jews as instigators of the conflict with the Palestinians and of terrorism and atrocities	 SUMMARY – The conflict is portrayed as due to the Jews' cruelty and greed and quest for land and a state, regardless of the suffering or rights of others. Ep1 – 15. A British officer says 'the Jews and Arabs got on in peace for thousands of years.' [Fact check: No truth to this at all – see below]. Ep1 – 20. 'these Jews are stealing Arab land' Ep2 – 56. When Len goes to Mohammed's home for lunch, the Arabs asked 'Why do the British treat the Jews with kid-gloves? The Jews are in our country, the problem started when the Jews came from Europe, Jews aren't interested in being good neighbours.' [Fact check: No mention of the 1886 Arab attack on Petah Tikva, attacks against Jewish worshippers at the Western Wall in 1911, murders of Jews in 1912, riots and deadly pogroms against Jews in 1920, 1921 and 1929; the years of Arab terror from 1936-9 and 1946-8] Ep2 – 90. Erin meets Eliza's grandfather, a former Irgun member and involved in KDH bombing. Erin says Len thought 'the Jews were ungrateful.' Eliza's grandfather turns the conversation to the Holocaust, that Jews are to be safe in Israel forever, and that because the British stood in the way, and "we wiped them out." Ep4 – 109. Len in his cell on the ship, writes in his diary, and vocalises that he felt a failure and had left the Arabs in "a shit." Also: "So now the Jews have their precious state. Good luck to them. But this is a state born in violence, in cruelty to its neighbours. I can't see how it can hope to thrive." 	SUMMARY – The Arabs are portrayed as innocent, peace-loving, defenceless.
Jews forced the Arabs to flee as refugees	SUMMARY – The narrative puts the entire responsibility and blame on the Jews for the creation of Arab refugees.	SUMMARY – The narrative totally ignores any Arab responsibility for telling Arabs to temporarily leave

	Ep2 – 76. Arab man says 'the Jews came in 48, they rounded us up, took us to prison camp in Galilee, but when we came back, Jews were living in our houses, it's all our land.'	their homes while the Arab states invaded. The fact that Arabs took the keys to their homes indicates they intended to return once the Arabs
	Ep4 – 25. Len with Mohammed and Hassan. "The British are leaving?" "Yes."	defeated the Jews.
	Ep4 – 26. Len tells Mohammed to "Move to somewhere safe after partition Don't rely on the British to protect you, the Jews will take it." Mohammed said "the Jews want the whole of Palestine steal." [Fact check: It was the Jewish side which accepted and welcomed partition, the Arab side which rejected it and resorted to force to prevent it].	
	Ep4 – 39. Erin shows Omar the key, he shows his family's key, and explains, what we call the Naqba. "Arabs went into exile for fear of the Jewish army." [Fact check: The Palestinians were at least as fearful of being caught in the path of the invading Arab armies].	
	Ep4 – 45. Scenes of Arabs leaving, walking, en masse. Len tells Mohammed to go, "Arab armies aren't coming, the Jews will be here, you must leave.' {Fact check: The Arab armies invaded on 15 May 1948, as they had repeatedly announced they would over the previous 6 months].	
	Len shoots Hassan's puppy, as a "bullet is kinder than a knife" rather than take the puppy into exile or leave the puppy to the Jews. [Fact check: Muslims generally regard dogs as unclean and not suitable as house pets. If the dog has entered the house, its saliva and any hair it sheds render the house unclean and unfit for prayer].	
	Ep4 – 48. Len gets Mohammed's family to safety, to the docks in Haifa, but with the bedlam of fleeing, Hassan is lost in the crowd. This leads to the later killing of Hassan by a presumably Jewish sniper.	
Israel as racist, military state, dictatorship etc	SUMMARY – The character of Paul is used as an important vehicle for portraying Israel in a false and demonizing way. Ep1 - Paul says Israel is a dictatorship, a military state, then Eliza turns up in army uniform with a rifle.	SUMMARY – There is no mention of the PLO, Fatah or Hamas as racist and dictatorial parties and governments, nor of their internecine killing, torture and oppression of the Palestinians over whom they rule.

	Ep1 - Paul says 'this fucking country'	
	Ep1 - Erin says the security barrier is to stop terrorists getting into Israel. Paul replies that the 'checkpoints turn to make their life miserable'	
	Ep 2 – 79. Erin wants to take old Arab to the village of Ein Hod to see Mohammed's house, but facial expressions by Omar shows that Arabs cannot go to Jewish towns.	
	Ep2 – 84. in Ein Hod, the old Arab man finds his old home. He's not welcome back. Mohammed's family went to Hebron. Erin wants to go to Hebron but Omar says 'it not such a great place to be Palestinian these days.'	
	Ep4 – 01. Erin is arrested by the IDF, and is put in a cell in Hebron. Paul gets her released. Paul says "The army is not here to keep peace but to protect the settlers Stand by and commit murder". Paul: "You can do literally anything you want to the Palestinians steal from them, sleep in their houses, take their cars, beat them to death with your bare hands in broad daylight"	
Family life	SUMMARY - Family life amongst the Jews, whether with Clara and her father, the Meyer family, or the settler family in Hebron is portrayed as dysfunctional, cold, and argumentative.	SUMMARY - The family life of Arabs is portrayed as close and caring.
Children	SUMMARY - There were no Jewish children as main characters, no Jewish child was identified by name. There are two main scenes with Jewish children in Ep4:	SUMMARY - There are at least 4 detailed Arab child characters, Hassan, Jawda, Samira and the young Arab girl who helps Erin in
	One is in the overcrowded Jewish house in Hebron, seen only as Erin walked through.	Hebron. Both Hassan and Samira are portrayed as loving children. Both are befriended by either Len or Erin. Both are under threat by Jews.
	The second is where Jewish children are verbally abusing and throwing rocks at Arab girls.	Hassan is targeted, shot and killed by Jews; Samira is taken by the IDF as a 'human shield'.
	Ep 2: Jewish children at school are cynically used as human shields to cover an arms cache.	Another Arab child, a sweet young girl, in Hebron is attacked by Jewish

	There is not a single detailed Jewish child character in the series. There are at least 4 detailed Arab child characters, Hassan, Jawda, Samira and the young Arab girl who helps Erin in Hebron.	children, and despite her fear and injury, helps Erin. Ep4 – 31. Len watches Hassan in class in school, then drives him home through Deir Yassin, where Hassan has to be protected from being killed by the Jews.
Generally demeaning of Jews	Episode 4: Young Israelis (late teens/early 20's) doing their compulsory military service are called "hopeless pieces of shit" (by Paul, only half in jest) and "totally crap" (by Erin, in complete seriousness). These statements are portrayed approvingly.	No-one else is referred to approvingly in such demeaning terms.