

### ***Clare Balding v The Sunday Times***

Clauses noted: 12

Miss Clare Balding complained to the Press Complaints Commission that an article headlined "Humping in tents: a great British tradition", published in The Sunday Times Culture section on 25 July 2010, discriminated against her in breach of Clause 12 (Discrimination) of the Editors' Code of Practice.

The complaint was upheld.

The article, by AA Gill, reviewed the complainant's television programme, Britain by Bike. In it, he referred to the complainant as a "dyke on a bike". She considered this to be a pejorative reference to her sexuality and irrelevant to the programme. The hurt was compounded by a mock apology by the columnist for previously saying that she looked "like a big lesbian".

The newspaper said that its columnist was well known for his acerbic and sometimes tasteless sense of humour: he was a "controversialist who pursues the English tradition of lampooning and ridiculing public figures". It pointed out that Mr Gill had been the subject of 62 PCC complaints in the last five years, which had not been upheld (on freedom of expression grounds). There was no reason why – in an age where homosexuality carried little social stigma – the reviewer could not discuss the sexuality of a TV presenter who had no problem with being openly gay.

In addition, the newspaper drew attention to two organisations called Dykes on Bikes (an American lesbian motorcycling movement; and a UK-based cycling movement) whose members had reclaimed the word "dyke" as an empowering, not offensive, term. It argued that an individual's sexuality should not give them an "all-encompassing protected status".

The complainant indicated that she was not demanding special treatment, simply the same treatment as everybody else. She asked the newspaper to apologise.

#### ***Adjudication***

The right to legitimate freedom of expression is a key part of an open and democratic society and something which the Commission has sought to defend in the past. In this case, the columnist was clearly entitled to his opinion about both the programme and the complainant. As the paper had pointed out, the Commission has previously upheld his right to offer such opinions in his columns.

Of course, freedom of expression is – and should be – appropriately restricted by the Editors' Code of Practice. Clause 12 of the Code is clear: newspapers must avoid prejudicial, pejorative or irrelevant reference to (amongst other things) an individual's sexual orientation. The Commission itself has said that the use of pejorative synonyms for homosexual individuals would represent a certain breach of the Code.

In this case, the Commission considered that the use of the word "dyke" in the article – whether or not it was intended to be humorous – was a pejorative synonym relating to the complainant's sexuality. The context was not that the reviewer was seeking positively to "reclaim" the term, but rather to use it to refer to the complainant's sexuality in a demeaning and gratuitous way. This was an editorial lapse which represented a breach of the Code, and the newspaper should have apologised at the first possible opportunity.

Relevant rulings

McCormack v Sunday Life, 2010

Cowles v Daily Mail, 2010

Dale v Daily Mail, 2009

Adjudication issued 17/09/2010