

21 November 2011-11-21

Patricia Windle
Legal Manager
Broadcasting Standards Authority

Ref: 2011-115b – The Investigator Special – Jesus the Cold Case

Dear Patricia

In response to TVNZ's letter:

Firstly, in TVNZ's comments they begin by stating that I would have TVNZ and the Authority engage in a debate about the Gospels. In point of fact, it is Mr Bruce that initiated this debate in his documentary and subsequent correspondence.

Mr Bruce sets out in his documentary to investigate the question of who killed Jesus and why. In doing this he states that he set out to treat;

"...the four gospels as historical documents and applied a critical historical approach. I asked – how reliable are these documents as a record of the life and death of Jesus of Nazareth? Are they internally consistent in their stories? And can the events they describe be corroborated from sources external to those documents either from other works of the period or from archaeology?"¹

Bruce also states that;

"The template I applied to the Gospel accounts was that of a cold case investigator. At every point I am concerned to ask – what is the evidence for the event. So for those who missed it here is the logic of Jesus the Cold Case – do we have eye witness testimony to the events of the life and death of Jesus? (Answer) No. Do the four Gospels give the same accounts? Do they agree in important details? (Answer) No."²

¹ TVNZ Complaints Committee response P.1

² TVNZ Complaints Committee response letter P.7

He continues to challenge the legitimacy of the Gospels as historical documents on page 4 of TVNZ's most recent document as well.

Mr Bruce has set out in his documentary to challenge the 'traditional' answer to the question of who killed Jesus and why. However, the traditional answer rests upon the testimony of the four Gospels of the New Testament so to challenge the 'traditional' answer, Mr Bruce must challenge the Gospels themselves.

The question of who killed Jesus and why cannot be separated out from a debate about the legitimacy of the Gospel accounts, and as such, it is Mr Bruce who has initiated this debate both in his documentary as well as in his resulting correspondence.

I am by no means averse to having such a debate, so long as the debate is grounded in the totality of the evidence and an appeal to the scholarship available to us in this highly contentious topic. Neither side should be allowed to retreat to their pre-held suppositions and label their opponent as closed minded.

It is my contention that the manner in which Mr Bruce has conducted his investigation evidences an alarming lack of balance, deliberate deception, and blatant inaccuracy.

The role of a documentary maker is to inform his viewers while adhering to the Broadcasting Codes of Practice. The decision that is before the Authority is to determine whether or not Mr Bruce and TVNZ have in this instance.

TVNZ state that 'in the end this is an argument that cannot be resolved'³. What they are trying to argue here is that it is not for them or for the Authority to determine whether or not the Gospels are historically accurate etc. They continue this line of argument later in their comments by saying that;

"I submit that neither TVNZ or the Authority are in a position where they can make a definitive call on points of fact..."⁴

³ TVNZ Response to referral P.1

⁴ TVNZ Response to referral P.1

This argument is an attempt to slip out from under the weight of the arguments that I have made.

No-where in my initial complaint to TVNZ, or in my referral to the Authority have I asked for such a decision. It has never been my intention to demand that either TVNZ or the Authority come to the same conclusion that I have with regards to the veracity of the Christian faith or the historical reliability of its scriptures.

My argument has consistently been the exact opposite as shown by this quote from my original letter of complaint.

“I would like to stress once again that I am not against airing programmes that come to a different conclusion to that of historic Christianity, what I am against is programmes that do so while treating the subject in an obviously biased manner without presenting a contrary perspective or offering other significant views to be presented.”⁵

And again in my referral letter to the BSA.

“This does not mean that we should shy away from weighing the evidence or investigating such topics, nor does it mean that we should in any way fudge or run from the potential outcomes of such an inquiry. What it does mean is that such an inquiry should be conducted honestly and with a genuine desire to survey all the evidence at hand, highlighting the major view points and positions held by scholars, and in light of that ask, ‘where does the evidence lead us?’.”⁶

Where I have quoted extensively from the available scholarship it has not been with the intention to convince anyone that the Gospels are historically accurate etc, but rather to demonstrate that there is a significant other scholarly viewpoint, which in fact represents the mainstream scholarship, that Bruce has deliberately failed to present in his documentary, and also to show that the views of the scholars Bruce chose to interview have not found favour amongst their academic peers.

⁵ Letter of Complaint to TVNZ P.6

⁶ Letter of Referral to the BSA P.3

- “Mr Bate’s referral contains many scriptural references and he appears to take as a matter of faith that the Gospels are the final word on what happened in regards to the life and death of Jesus. TVNZ cannot argue with this approach nor would we want to.”⁷

This is a very dangerous piece of argumentation and reminiscent of the Dawkins ‘died in the wool faith heads’ statement. It is an argument that essentially is saying that, because he happens to believe, his view is illegitimate and nonsensical.

To be blunt, I find this statement insulting to my intelligence and suggest that the Authority should find it equally as insulting to theirs. To any objective eye such as the Authority’s I’m sure that it is abundantly clear that TVNZ’s claim is erroneous.

The document I sent through to the BSA is 52 pages in length, and approx 20,000 words. It references 18 scholarly books and articles, as well as citing ancient documentary evidence, and has approximately 100 footnotes. My argument on Standard 4 takes up 32 pages of the 52, more than half of the document, and contains not one scriptural reference, instead quoting extensively from the research and scholarship available in this specific area of study. In short, my appeal is on the basis of the BSA’s documents on the Broadcasting Standards Codes of Practice, on TVNZ’s response letter, to the evidence of the documentary in question, to the research of the scholars who have dedicated their lives to this area of study, and upon the ancient documentary evidence available that provides corroborating evidence, not from scripture.

As we have already seen in the two quotes from my documents in this case, my appeal has consistently been to the evidence, not to the scriptures. This is the case throughout my referral, as seen not only in the quotes I have already mentioned but in various others as well.

“The question is what does the ancient evidence have to say on this matter; the evidence that Bruce has already mentioned that he is concerned at every point to consult.”⁸

⁷ TVNZ response to referral P.1

⁸ Referral to the BSA P.37

For TVNZ to argue that my appeal appears to be based on a belief that scripture is the final authority is to ignore the vast amount of evidence found to the contrary in the documents I have supplied. It is also to count upon the Authority being too naïve, ill-informed, and/or inattentive to notice that TVNZ are attempting to pull the wool over their eyes.

Of the four Standards my document deals with, I only use scriptural reference in two of them, Standards 5 and 7.

Part of my argument in Standard 5 is that during the course of the documentary it is stated that the Gospels tell us that the disciples fled upon Jesus' arrest, and as such, the disciples were (according to scripture) not eyewitnesses to the events of Jesus crucifixion.

Because Mr Bruce is making a claim he believes is found in scripture, in order to prove his claim inaccurate it is necessary to show from scripture how it is inaccurate. This requires quoting chapter and verse as I have done, showing that according to the Gospels there were several disciples at the foot of the cross.⁹

In Standard 7 my argument is again simple. Bruce claims that the traditional answer of Christian faith to the question of who killed Jesus and why, is that the Jewish nation is responsible. I argue that the four Gospels claim that it is not the Jewish nation as a whole but the Judean leadership represented by the Chief priests and Pharisees who are responsible. In order to show this to be the case, it is necessary to establish this from the four Gospels, hence the scripture quotes.

I also argue that to suggest that 'the Jewish leadership did it' is the totality of the answer given in the four Gospels and the New Testament as a whole is actually to miss the fullness of what scripture says on the matter. Again, to establish this, one must make recourse to the scripture.

This line of argument in no way requires any one to believe that 'the Gospels are the word of God' it merely requires that one acknowledge what they actually say.

⁹ This claim is by the way never dealt with by TVNZ; they simply say that it was not Lloyd Geering who said this. Well regardless of whether it was Geering or Bruce, the point is that the argument was made during the course of the documentary. As TVNZ have not done anything to show why the statement with regards to the disciples not being witnesses to the crucifixion is accurate, my charge against them stands and the inaccuracy is uncontested.

- “Mr Bruce chose to look at these events as a ‘cold case’ seeking proof from verifiable sources and his experts are authoritative academics in their chosen fields.”¹⁰

This is a highly interesting statement. Firstly, I have, as I have said, no issue with investigating the historical evidence available to determine what we can know about the events surrounding the life and death of Jesus, in fact, I would encourage it, so long as all of the evidence is taken into account.

What is interesting about this particular statement however is the acknowledgement that TVNZ and Bruce view their experts as **authoritative sources of information** in their chosen fields. This vindicates the argument I put forward in my referral letter that Bruce’s documentary could not have been taken as merely opinion based because of his constant appeal to authority, including that of the scholars that he interviewed, as well as the other appeals I outline in my referral document.

Because of the appeal to the authority of the scholars as well as the other appeals, no reasonable viewer could have concluded that the documentary was wholly opinion based; merely Bruce’s opinion. Instead the viewer was entitled to expect that the information they were being presented with was truthful and authoritative. As such, Jesus the Cold Case is subject to the balance Standard and TVNZ are convicted by their own words.

TVNZ and Bruce have argued throughout that Jesus the Cold Case is simply an opinion piece, however, as shown above, and argued in my referral document, no reasonable viewer could have got that impression from watching the documentary.

As further indictment to TVNZ and Bruce, The Investigator – Jesus the Cold Case recently won an award for ‘Best Popular Documentary’ at the AFTA’s. This is significant because the criteria for this category are that entries must be an examination of “a particular subject in-depth”¹¹.

As I have noted in my referral document;

¹⁰ TVNZ response to referral P.1

¹¹ <http://www.afta.co.nz/entry-details/categories-and-criteria/documentary-categories-and-criteria/> sighted 21/11/11

“The BSA has distinguished between programmes which purport to present a serious even handed examination of an issue – and so are subject to the controversial issues/balance standard – and those which are unambiguously opinion based.”¹²

TVNZ and Bruce entered Jesus the Cold Case into the AFTA awards, paying the entry fee of \$195 +GST, and accepted the award in accordance with the criteria for that category thereby admitting that Jesus the Cold Case is an examination of a particular subject in depth, not the opinion piece that they have argued that it is for me and for the Authority. TVNZ and Bruce have been caught out here convincing the AFTA judges that their documentary is a serious even handed in depth examination of a particular subject (and therefore subject to the balance Standard), but trying at the same time to convince us that it is merely an opinion piece.

- “TVNZ does not agree that the question of who killed Jesus is a controversial issue of public importance in New Zealand or that this discussion threatened the foundations of Christian faith in New Zealand.”¹³

Notice how TVNZ have tried to redefine the question by reducing it to who killed Jesus. However, as I noted in my referral document, Bruce freely admits that the questions the documentary is asking as who killed Jesus? Why? Are the Gospels reliable sources of information? Are they consistent within themselves? Is there any corroborating evidence from sources external to the Gospels from the period, or from archaeology? Do we have eyewitness testimony, and where does the evidence lead us with regards to what really happened in the life and death of Jesus¹⁴.

TVNZ are deliberately trying to redefine the issue so as to evade their responsibility. However, it is clear that Bruce set out to challenge the traditional view about who killed Jesus and why, and as such he needed to tackle the Gospels upon which the traditional view is founded. As such, the list of questions Bruce has admitted the documentary was asking must be taken together as a whole; they cannot be separated out from each other.

¹² *Balance in Television Practice Note P.3*

¹³ TVNZ response to referral P.1

¹⁴ See pages 12-13 of my referral document.

When taken together, these questions pose a significant challenge to the faith of those who claim to be Christians in this country, which as I have argued elsewhere, is a significant portion of the population.

It is clear then that Jesus the Cold Case was tackling issues that would be seen as controversial by a significant proportion of the population, and as such would (and did) excite conflicting opinions¹⁵.

Once again, I would ask the Authority to find out from TVNZ the number of complaints they received in response to this documentary. That number when compared to the average number of complaints received and the highest number of complaints received will give some indication as to how controversial the public deemed this documentary to be.

With regards to the issues dealt with by the documentary in question being ‘of public importance’ I stand by the argument found in my referral document, an argument that TVNZ failed to address in their response to my referral.

- “Mr Bate has given examples of experts he would have liked to be included in the programme. This is his personal preference... With respect it is not the role of the Authority to make a determination about which experts should be used by a documentary maker. This is an editorial decision not one of programme Standards.”¹⁶

Once again TVNZ are trying to evade the point of my argument, a point which is consistent and abundantly clear throughout my referral.

My point is that the Codes of Practice clearly state that in making a documentary such as this one, every reasonable effort must be made to ensure that significant viewpoints are presented. This is something that Bruce and TVNZ have deliberately neglected to do.

¹⁵ For my full argument on ‘controversial issues’ please refer to pages 2-6 of my referral document. Also the documentary was intended to be aired at Easter 2011 but TVNZ decided to hold it until later in the year. They also would not allow it to be shown in a cinema at Easter. This is proof of their understanding of the controversial nature of the material. For confirmation of this see the following promo video found on Red Sky TV, Bryan Bruce’s production company’s website http://redsky.tv/?page_id=16 as well as <http://www.humanist.org.nz/letters/news1107.html>

¹⁶ TVNZ response to referral P.2

The list of experts I supplied in my referral document was a sample list of scholars who have made landmark contributions to the field of Historical Jesus research in the last 20 years. These are scholars who are world renowned in this specific field of investigation, who are seen by their peers as world leading experts, and whose work is reflective of the mainstream scholarship.

It's not that I would have liked to have seen these scholars interviewed in the documentary, the point is that a serious in depth examination of this subject (which, as we have seen, this documentary purports to be) cannot be achieved without dealing with the work of such influential and groundbreaking scholarship, and as the views of these scholars represent a significant viewpoint, nor can balance.

Bruce states that by his use of the word 'investigation' he means that nothing is taken for granted. But the fact is the issue is not what Mr Bruce means when he uses the word, but what any reasonable viewer is likely to understand by its use. As such my argument with regards to the impression by the theme and repeated use of the word investigation still stands.

Mr Bruce states that he did not simply put up experts who all agree with each other to bolster some pre-existing agenda. This argument has been addressed in my referral document so I won't labour the same points here too much.

Once a again, I will point out that on all of the substantive issues that Bruce has declared that his documentary deals with, all of the scholars he interviewed fall into the 'prosecution' camp, Dr Gibson included¹⁷.

The fact that they may disagree on insignificant details such as whether or not Jesus could read or write has no real bearing on the major questions being asked in Jesus the Cold Case. On the major issues, every one of the scholars Bruce interviews answers in the negative and are highly sceptical of the 'traditional' position.

In order to bring some kind of balance to this documentary, Bruce would have had to present the mainstream significant scholarly position with regards to the major questions of his documentary. To do this he could have interviewed some of the scholars who

¹⁷ Dr Gibson is best known for his work on 'The Lost Tomb of Jesus', work that was once again on the receiving end of sustained scholarly criticism.

would have presented the ‘defence’ case. In fact, he could simply have quoted from the work of scholars who would defend the ‘traditional’ view. He could simply have said “Dr such and such in his book...states that ...for this reason. What do you make of that argument Dr Crossan?” However, Bruce didn’t even go that far.

Bruce argues that he was limited in time and so could only address so much. If this was the case then he shouldn’t have wasted the time he did have discussing what Jesus might have looked like, something that is never addressed in any of the four Gospels or anywhere else in scripture for that matter. He could also have dropped his discussion on whether or not the place believed by some to be Golgotha is actually the place where Jesus was crucified.

Neither of these issues has any bearing on the major questions being asked in the documentary as they are never addressed in the Gospels. We are never given a description of what Jesus looked like and we are never told of the exact location of Golgotha.

To address these issues simply acts as padding out the content of his documentary, and only serves to cast further doubt for the uninformed without acknowledging that neither issue reflects upon the historical legitimacy of the Gospel documents. It is further evidence of Bruce’s aim in swaying his viewers without actually dealing with the evidence.

On page 5 of TVNZ’s response to my referral, Bruce states that;

“This argument assumes I have a flawed process. That I started out to prove some point I had already pre-determined. He has no evidence for that and I utterly reject his allegation.”

Mr Bruce is wrong about that; I do have evidence for my allegations.

Mr Bruce freely admits that he learned to apply the process that he does while studying at Canterbury University, doing a paper in the Historical Jesus. It is here that he became aware of the work of David Strauss. It is a reasonable inference that it was here that he became aware of the work of J.D Crossan et al (as I did doing a similar paper at Otago University and in my post graduate research work at Oxford University). It is also a

reasonable inference that it would have been here that Bruce formed his views on the subject of his documentary. All of this is reasonable to infer from the evidence Bruce has supplied.

However the most damning evidence that confirms the allegations that I have made can be found in TVNZ's response to my referral. On page 2 Mr Bruce states;

"I chose to interview scholars who I believed could assist me and my viewers best with understanding the circumstances of Jesus death."

Notice the logic of what Bruce is saying. Before producing the documentary Bruce chose scholars that Bruce believed... The fact that he chose the scholars demands for him to have a pre-held criteria upon which to base his choice. What was that criteria? Those scholars he believed could **best** assist him and his viewers. Again, he shows evidence of pre-held criteria. But this begs the question, how does Bruce define 'best'?

When you look at the scholars Bruce did interview, it becomes clear that what Bruce deems best are those scholars who are sceptical of the traditional answers to the questions of who killed Jesus and why, who believe that the four Gospels are not reliable as a record of the life and death of Jesus, who believe that they are inconsistent within themselves, that the events cannot be corroborated from sources external to themselves of the period, or from archaeology, and that the four Gospels are not eyewitness testimony to the life and death of Jesus.

Where is the balance in that?

Bruce even concedes that I am correct in my allegations.

"...I did not include the views of authors who...maintain that the Gospels are reliable historical documents. This is true. I chose not to include any proponents of this view because for all their protestations they cannot produce an undisputed original eyewitness statement to the events."¹⁸

¹⁸ TVNZ response to referral P.4

In other words, Mr Bruce freely admits that he personally does not agree with the scholars who would defend the historical reliability of the Gospels upon which the traditional views about the events surrounding the life and death of Jesus are based.

Because he does not agree with those that hold this position, he chooses not to include them in his documentary, instead only including scholars who represent the 'prosecution' case.

Bruce's methodology is clearly spelled out by his own words. He chose to interview scholars who he believed could assist him and his viewers best. Who are those scholars? Those who do not hold that the Gospels are historically reliable documents and who therefore do not hold to the traditional view with regards to the major themes of Bruce's documentary.

How does Bruce believe his viewers are best served? By not allowing them to hear the views of the scholars who disagree with his position, and as such, by denying his viewers the opportunity to come to an informed decision for themselves based upon the evidence available. Bruce believes his viewers are best served by so utterly skewing the argument that they are left with only his view as the legitimate choice based upon the 'authoritative' information that was presented to them.

This methodology goes far beyond editorial choice. It shows an absolute, dogmatic commitment to the pre-held position of Bruce's beliefs. It denies the viewers the opportunity to hear the significant viewpoints of the scholars who would defend the historical reliability of the Gospel documents, and as such, the traditional views about the events of the life and death of Jesus.

In doing so, Bruce has deliberately skewed his documentary so as to unduly influence the conclusions that his viewers are able to come to upon the basis of the evidence that he has presented. Bruce does this while all the while going to great lengths to convince his viewers that what is being presented is an in depth, serious, even handed examination of the subject at hand, and that the information being presented is coming from authoritative sources and is therefore truthful, trust worthy, and not merely opinion or hyperbole.

Clearly, Bruce has hung himself by his own words. He stands convicted by his own admission. He has deliberately set out to present only one small part of a highly

contentious field of scholarship. In doing so, he has deliberately denied his viewers the opportunity to hear a range of views, and denied them the hearing of the significant viewpoint of the scholars who would defend the historicity of the Gospel documents and as such the legitimacy of the traditional views with regards to the major questions being asked in his documentary.

Bruce freely confesses that, from the beginning, he had no intention of producing a documentary that showed any balance, and as such deliberately set out to shirk his responsibilities to his viewers under the Broadcasting Standards Codes of Practice.

It would seem to me that this confession from Bruce's own mouth should be enough to validate the claims I have consistently made. Bruce admits that he had predetermined the outcome of the investigation before it had begun and only interviewed scholars with whom he agreed.

This approach shows obvious bias and as a result produced a documentary that evidences an alarming lack of balance and a flagrant disregard for the Codes of Practice.

By definition Bruce's process is flawed. Had he wanted to show any kind of balance he could easily have interviewed the scholars with whom he disagrees and then show why he doesn't buy into their arguments. This could even have been done by quoting from the scholarship available. However, in a documentary that screened for two hours, Bruce couldn't even find the time to do that; inexcusable.

Again, I must stress that I am not against programmes being made that come to different conclusions than I have done with regards to the questions being asked by Bruce. However balance must be provided and the viewers given every opportunity to hear the significant viewpoints, have the evidence presented, and be left in a position where they are more informed on the subject and are able to come to an informed decision for themselves, instead of having someone else's dogmatic views foisted upon them under the guise of objective, authoritative research.

Mr Bruce notes that;

“The experts I interviewed are all highly published, highly respected scholars.”¹⁹

Once again I refer the Authority to my referral document. No-one is questioning the individual credentials of the scholars interviewed. What is being questioned in some cases is their expertise in the area of Historical Jesus research, and therefore their ability to speak as the authoritative sources of information that Bruce would have his viewers believe they are.

The only scholars of those interviewed who are recognised as experts in this field are Crossan and Vermes, and as I note in my referral document, while they may be published and credentialed, their views have found little favour amongst their academic peers.

In fact, in a public debate with William Lane Craig in 1998, Crossan publicly admitted that his views did not reflect the majority view of mainstream scholarship²⁰. This means that even Crossan recognises that he is in the minority with regards to his views.

For Bruce to try and pass off Crossan and Vermes as representative of mainstream scholarship is simply untenable and frankly deceptive. Their views belong to the radical fringes of Historical Jesus research.

Bruce goes on to argue that;

“If they (the scholars interviewed) have any point of similarity it is that they all accept the New Testament documents are open to the techniques of historical criticism and logic than (Bruce’s error) can be applied to any ancient document.”²¹

¹⁹ TVNZ response to referral P.3

²⁰ Paul Copan, ed., *Will the Real Jesus Please Stand Up? A Debate between William Lane Craig and John Dominic Crossan* (Grand Rapids: Baker, 1998), P.54. Also, compare Craig’s comments about the Chicago Tribune statement regarding Crossan on page 68 and Crossan’s response on page 71.

²¹ TVNZ response to referral P.3. Compare this statement to the one found on page 6 where Bruce says that “They are similar only to the extent that they all agree that they (Bruce’s error) Gospels were not written by eye witnesses to the events.” This statement contradicts the quote cited above; however, we see once again that the more Bruce says, the more he reveals his deliberate deceptions.

This is another highly presumptuous and frankly offensive argument.

Bruce is clearly insinuating that the scholars (and myself) who come to a different conclusion than Crossan and Vermes do so because they refuse to apply historical criticism to the New Testament documents. This is fallacious in the extreme.

Bruce and TVNZ are obviously arguing that anyone that concludes that the New Testament documents are eyewitness accounts providing accurate information about the life and death of Jesus does so as a matter of faith and not because of (or in fact in the face of) the evidence²².

Once again this is evidence of Bruce's unwillingness to engage with the arguments of the mainstream scholars such as those I list and quote from in my referral document, and an unwillingness to engage with the totality of the evidence that is available to us. In other words, further evidence of Bruce's utterly biased views and resultantly his flawed process.

Bruce is trying to argue that the only point of similarity shared by his scholars is that they are able to look at the evidence with an objective eye. However, as we have already established in this document, and as seen in the quote from Bruce made in the footnotes of the previous page, that position is simply untenable and even Bruce can't sustain the argument for long.

Bruce has freely stated that the main questions he is asking in his documentary are;

"...how reliable are these documents [the four Gospels] as a record of the life and death of Jesus of Nazareth? Are they internally consistent in their stories? And can the events they describe be corroborated from sources external to those documents either from other works of the period or from archaeology?"²³

He states freely that the logic of Jesus the Cold Case is built upon the belief that the Gospels are not eyewitness testimony²⁴, that the events described in the New Testament

²² TVNZ begin their letter in response to my referral by trying to convince the Authority of exactly this argument with regards to my views.

²³ TVNZ response to original complaint P.1

²⁴ TVNZ response to original complaint P.7

Gospels cannot be corroborated from external sources of the period or from archaeology, and as such the traditional answer to the question of who killed Jesus and why is not historically defensible.

Bruce freely admits that he discounted any scholar who held a different view to those stated above. So by Bruce's own admission, his scholars all have as their definitive point of similarity that they all agree with the position outlined above.²⁵

Bruce's case would never stand in the court to which he so often appeals, unless and until the defence case was heard and the resulting evidence weighed.

To argue that the scholars interviewed for the documentary only hold one point of similarity, that they all examine the evidence with an objective eye, is, in light of all we have seen above, simply laughable.

- The TVNZ Committee argues that because they show Rev Dollar at some obscure hour in the morning along with Joyce Meyer, that this constitutes balance. However, this is simply unreasonable.

Firstly, to compare a documentary piece such as Jesus the Cold Case which purports to be a scholarly investigation of the events surrounding the life and death of Jesus in order to establish who killed Jesus and why in a manner that is serious and in depth, with programmes that are not asking the same questions or engaging in the scholarship/evidence but instead simply assuming a position, is simply not logical.

It would be akin to comparing a scholarly historical examination into the cultural/historical context that gave rise to the nation of the United States of America with a travel show that assumes the existence of the place called America. Clearly TVNZ are not comparing apples with apples.

There is a principle in philosophy (something Bruce claims to be trained in) called the law of the excluded middle. This states that just because two things have one thing in common does not mean that they are the same.

²⁵ I point the Authority once again to the quote from Bruce on page 6 of TVNZ's most recent letter where Bruce openly concedes this point.

Just because Jesus the Cold Case deals with the scholarship surrounding events of the life and death of Jesus, and presumably the preachers mentioned by TVNZ also refer to Jesus does not mean that their content is the same or even similar, or that they belong to the same genre or category. One is clearly a scholarly examination that challenges the very legitimacy of the views the other presumes to be true and yet never seeks to defend.

Secondly, the position presumed and propagated by the programmes TVNZ have mentioned, is not that the Jews killed Jesus either. Instead the position these programmes assume is the one I outline with regards to Standard 7 in my referral document. It is the position that Jesus died for our sins; that all of us are in some way responsible for Jesus death because of the fact we have chosen to live in a certain manner.

Because the above points are true it logically follows that TVNZ's argument is false and the programmes mentioned cannot be seen as providing the kind of balance expected by the Codes of Practice.

- Mr Bruce's argument on page four only serves to exemplify the manner in which he conducted his investigation and in which Jesus the Cold Case was presented.

Mr Bruce states as "fundamental facts" things that are highly debateable from the evidence available within this specific field of scholarship. However, this is Mr Bruce's modus operandi, state as absolute fact, views for which there are ranges of scholarly opinion. I have made this point consistently in my correspondence with both TVNZ and the Authority.

Mr Bruce overstates his position by putting it forward as 'fundamental fact'. This is the danger we all too often see evidenced by the more dogmatic believers on either side of the argument, to state as absolute about which the scholars would be less inclined to be so firm. This kind of argument sounds convincing to the lay person who doesn't have the knowledge or expertise in ancient documentary evidence and evaluation to know any better (and who is at the mercy of such irresponsible preaching whether from the pulpit or from the T.V set). However, such arguments are far less convincing to those who have a background in the subject in question.

Take for example Mr Bruce's statement that there is no evidence for the Jewish leadership's involvement in the death of Jesus in paragraph 3 of page 4.

Bruce states that there is no evidence for this outside of the Gospels²⁶ and yet I have produced three ancient sources that clearly give light to this lie, Josephus, the Talmud, and Mara Bar Serapion.

Mr Bruce claims that the works of Josephus cannot be trusted because they have been preserved by Christians. However, Bruce uses Josephus in his documentary with regards to other issues, so which is it? Is Josephus reliable history or is it not? Or is he only reliable in so far as he agrees with Bruce? I think we might have a suspicion of where the answer to that question lies.

There has been a great deal of scholarship done on the passage of Josephus that I have quoted in my referral document because parts of it do seem strange for someone who is not a Christian to affirm, particularly that Jesus was the Messiah and that he rose from the dead.

However, no serious scholar, to my knowledge, has ever challenged the view that Josephus' reference to the 'leading men amongst us' is original to Josephus' work. The prevailing scholarly view is that the original wording was perhaps made stronger than first written in a couple of areas, so where the passage now says that Jesus was the Messiah, it probably originally read that he was the 'so-called Messiah'.²⁷

Once again, Mr Bruce is not entitled to make such sweeping statements or to cast aspersions against the ancient documentary evidence without engaging in the scholarly views with regards to their validity.

Mr Bruce continues to try to broad brush away the ancient evidence by noting that the Talmud makes no mention of the specific authorities such as Caiaphas. The fact of the matter is it doesn't have to. Are we to understand that a document doesn't count unless it makes mention of the specific individuals involved by name?

²⁶ Once again, bear in mind that there is not a single piece of documentary, corroborative evidence to support the claims Bruce is making, inside of the Gospels or external to them. This shows that Bruce is not concerned with evidence at all but only with foisting his conclusions upon the viewers.

²⁷ For a more detailed discussion of this topic see Stanton, *The Gospels and Jesus*, P. 148-150; McDowell, *The New Evidence that Demands a Verdict*, P. 125-126; and Strobel, *The Case for Christ*, P. 73-91, and Stanton, *T.G.A.J.*, PP. 148-150.

Clearly the charges being referred to in the passage from the Talmud are religious in nature, and from what we know of the Jewish culture, these charges would have to be laid by the Jewish religious authorities. The internal logic of this ancient source requires us to conclude that the charges were indeed laid by the Jewish religious leadership.

Bruce again tries to argue this evidence away by noting that the passage contains the anomaly that Jesus was led out for stoning. He is correct, it does say that. However, it also says twice in the same passage that Jesus was hanged on the Passover Eve. Whatever the writer of this passage meant, he did not see these two ideas as being mutually exclusive for them or for their audience.

Furthermore, no one has suggested that this passage has been tampered with by Christian copyists because the Talmud is a Jewish religious text, and as such, preserved by the Jews themselves.²⁸

Once again, Bruce claims there is no evidence while blatantly ignoring the obvious evidence that exists as well as the scholarly views regarding the legitimacy of that evidence.

Bruce argues that Mara bar Serapion wrote his letter some forty years after the events to which it refers, and so Mara is not an eyewitness. However, no one is claiming that Mara was an eyewitness, Mara's is corroborative evidence, but once again Bruce doesn't want to deal with anything that undermines his views.

Mr Bruce argues that the compilers of the New Testament discounted Mara's letter as part of their editorial decision making, and so, is he not entitled to do the same. The answer is a resounding no.

Bruce's argument is ridiculous. Mara never claimed that what he was writing was sacred scripture, he was writing a letter from his prison cell to encourage his son. It doesn't deal with Christian doctrines, beliefs, scriptures or, with the exception of this passage, with the person of Jesus. As such it was never in contention to be included in the canon of the New Testament.

²⁸ Bruce makes this point himself in a radio interview which is available to watch on YouTube here http://www.youtube.com/watch?v=ZBs_659aKow

Mr Bruce made a documentary that purports to be a serious examination of the events surrounding the life and death of Jesus based upon the evidence available; to omit well known, well regarded evidence from that investigation amounts to deliberate deception.

Bruce is utterly unwilling to allow the evidence to speak, just as he is unwilling to allow to be heard the significant viewpoint of the scholars who would defend the historicity of the Gospels and as such, the traditional views with regards to the questions being asked.

It is abundantly clear that Bruce's choices were deliberate and as such we can only conclude that his intent was to prejudice the conclusions of his viewers.

The only point that is actually undeniable on page 4 is that the earliest full copies of the Bible date from the 4th century. This however doesn't mean that there are not manuscripts of the individual books of the Bible that date to an earlier period, as well as fragments of manuscripts and quotations of scripture found in the writing of earlier authors.

What this means is that the experts in ancient manuscripts are able to compare the nearly 6,000 New Testament documents and fragments of documents that are written in the original Greek, then compare them with the documents and fragments that exist in other languages such as Coptic, Syriac, and Latin, and then compare all of that with the quotes of the New Testament found in the work of other authors and reconstruct the original wording of the New Testament documents.

This process has led famed document expert Bruce Metzger to claim that the New Testament that we possess today is accurate to what would have been written to 99.4 or 99.6 percent accuracy. In other words, according to the world's leading expert in this area there is only 0.4-0.6 percent of the New Testament that is under serious dispute by scholars and none of that affects any Christian doctrine or issue of historicity.²⁹

I mention this not to attempt to convince the Authority of the veracity of the Christian faith, but firstly because Bruce brought it up and I believe it needed to be addressed, but most importantly, in order to show that Bruce is here again stating as absolute fact something that the scholarship doesn't necessarily support.

²⁹ I have sent through an article entitled "Misquoting" Jesus? Answering Bart Ehrman. This will be helpful in seeing how the process of reconstruction takes place and the material from which a reconstruction is drawn.

I stated in my referral document and want to reiterate here that if Bruce wished to contest the validity of the ancient documentary evidence that corroborates the accounts given in the New Testament Gospels, he is perfectly entitled to do so. However, to proceed as if that evidence didn't exist is simply deceitful.

Bruce claims to take a sceptical position to anything that purports to be evidence and yet his position requires him to buy into it despite the face of the fact that there is no ancient evidence corroborative or otherwise to support it. Perhaps if Mr Bruce were as sceptical of his own position as he is of the traditional view and the scholars who would defend it, applying the same criteria to his own views as he does to the views of those he opposes, he may well have gone some way to producing a documentary that showed at the very least a modicum of balance.

- Mr Bruce consistently appeals to the work of 19th century scholarship (p.4-5) however these scholars were not privy to the textual and archaeological evidence that was discovered in the 20th century. As such their work has been superseded by more recent work founded upon the latest evidence available. The work of the 19th century scholars to which Bruce constantly appeals is out of date and no longer as relevant to the research of today.

One then must question why Bruce leans so heavily upon these out dated, largely irrelevant scholars instead of turning to the work of the most recent and up to date scholarship available. I will leave it to the Authority to suppose why that is.

In appealing to his 19th century scholars Bruce refers to his 'Chinese whispers' theory. The argument that he uses here is not one that is taken seriously by the scholars. I refer you to the article that I have sent through entitled "Misquoting" Jesus? Answering Bart Ehrman.

Bruce continues to try and convince the Authority that he did not cherry pick his scholars, but that position is, in light of all we have seen in this document, simply indefensible.

He claims that his scholars disagree amongst themselves on major points. However, as previously demonstrated, on all the major questions of the documentary, Bruce's scholars all agree only disagreeing on minor points – they are all prosecution witnesses.

Mr Bruce would have us believe that he did not rely on his scholars in forming his views, however Bruce states on page 7 of the TVNZ response to my referral that he relies on his experts;

“...to show that so many of the elements of the Gospel accounts are in question that you cannot possibly argue that it is all true.”³⁰

Again Bruce is snared by the words of his own mouth. In his documentary he relied on his experts to show that the Gospels are not historically reliable. As such he relied on his experts to convince his viewers (who were given the impression that these experts were authoritative sources of information) of the position Bruce wanted the viewers to embrace, that the Gospels are not historically reliable, and therefore the traditional view indefensible.

The purpose for which Bruce relies on his scholars is to show that the Gospels do not provide accurate historical information and that they are not eyewitness sources. These are major issues within the documentary as discrediting the Gospels as historically accurate serves to undermine the traditional answers to the questions of who killed Jesus and why.

In other words, Bruce relies on his scholars to debunk the views of those who hold to the traditional view without ever allowing a defence to be made. Bruce does this in order to clear the way for him to assert his version of events for the viewers. Without his scholars, Bruce would have no case. That is the extent to which Bruce is relying on his scholars.

At the same time however, his viewers were never given the opportunity to hear evidence from scholars who would defend the historical reliability of the Gospels, and as a Bruce ensured that the viewers were unable to reach any other conclusion than the one he wanted them to.

The fact that Bruce’s scholars might disagree on minor points that have no bearing on the major questions being asked in the documentary, in no way would have affected the

³⁰ See also http://www.youtube.com/watch?v=ZBs_659aKow At between approximately 9mins and 9mins 21sec Mr. Bruce clearly tells his interviewer that he based his views on those of the scholars he interviewed.

conclusion that Bruce deliberately foisted upon his viewers. The damage is done in terms of debunking the significant other views. So to have Bruce's scholars disagree amongst themselves on minor points in no way provides balance.

Mr Bruce labels my views as 'glib categorisations', however, they are far from being glib. In my referral document I quoted extensively from world renowned scholars who are seen by their peers as leaders in this specific field of research. On top of that I quoted from scholarly peer reviews of Crossan, Vermes, and Pagel's work.

Far from being glib, I firmly grounded my descriptions of Bruce's scholars in the work of their peers in the academic world, outlining clearly just how little traction the views of Crossan, Vermes, et al have gained within mainstream academia.

Mr Bruce tells us that he did not rely on the scholars for his views, however, the quote from Mr Bruce that I referred to above, clearly contradicts this statement.

The evidence of Mr Bruce's own mouth shows that he most certainly did rely upon his scholars in order to form his views. Not only that, but he was relying upon these same scholars to convince his viewers that the Gospel documents are unreliable historically speaking, and as such, that the traditional answer to the questions of the documentary are indefensible. For his scholars to achieve the goal that Bruce had set for them and for which he was relying upon them, they must indeed have been 'singing from the same song sheet' with regards to the major questions being asked.

Mr Bruce notes that I make no mention of his observations regarding Golgotha. The reason for this is very simple. Firstly the entire discussion regarding the site of Golgotha has no bearing whatsoever upon the questions being addressed in the documentary. Secondly, Bruce's observations were so amateurish and ill informed that I did not feel they warranted mention.

As I mentioned earlier in this document Bruce's observations at the place some believe to be the Biblical site called Golgotha, are not salient to the discussion because the belief that the place in question is the actual site of the crucifixion is based in tradition and not in the Gospel accounts.

In deciding that the place that some believe to be Golgotha could not have been the site of the crucifixion Bruce makes no impression on the case at hand because the Gospels don't claim that this place is Golgotha, neither do they give an exact location for Golgotha. As a result, the Gospel accounts are not challenged, only the perception of a public who don't have the skills to see through such petty and amateur arguments.

There are several sites that are candidates for being the possible site of the crucifixion and the site visited by Bruce is one among those candidates. It is merely a matter of conjecture as to which is authentic, as the Gospels only mention the place name and the translation 'place of the skull'.

The TVNZ Committee suggest that in raising the issue of the Jesus Seminar I am arguing for something that is not dealt with in the programme. However, I would have thought the logic was clear.

J.D Crossan is the co-founder of the Jesus Seminar. As such the Seminar's work reflects Crossan's work. Because this is so, the way in which the Jesus Seminar has been received by their academic peers reflects directly upon Crossan as the Seminars co-founder and leading proponent.

Because Crossan featured so prominently in the documentary in question and in the thinking of Bruce, I introduced the work of the Jesus Seminar as a backdrop, a context within which to place Crossan's work as a whole. I include it so as to be thorough and to deal honestly with Crossan's body of work as a whole rather than running the risk of putting up a 'straw man'.

Standard 5

TVNZ claim that what Bruce has produced was clearly framed as his opinion (something I have extensively challenged in my correspondence) and that he is entitled to express his opinion under the Bill of Rights Act.

They go on to argue that the experts express their opinions and that they are entitled to do so as well. They then state that it is not the role of the Authority to make a judgement on whose opinion is correct.

Standard 5 of the Codes of Practice deals with issues of accuracy. The argument made above by TVNZ deals with issues of opinion and does not belong to a discussion on Standard 5.

TVNZ seem to have missed the point (or perhaps are simply trying to evade it). I allege that there are some glaring inaccuracies in Bruce's documentary – issues that are easily falsifiable; not about issues that are under debate, but about points of fact. The most glaring inaccuracy I point out is with regards to John's Gospel.

In Bruce's documentary it is stated that, according to the Gospels, the disciples fled at Jesus arrest, and as such none of them were present at the death of Jesus. However, I show from the Gospel of John that there were several disciples at the foot of the cross as Jesus was dying. John even claims to have a conversation with Jesus as he hung on the cross.

Now this is a simple matter, Bruce is telling us that in the Gospels it says one thing while I am saying it says something completely different. Either what I claim was said in the documentary was not said, or it was said and Bruce was correct when he said it, or it was said and I am right in what John's Gospel says. This is an issue over the facts and to be resolved it will take the Authority to make a ruling as to which of the above three options is the one that fits the evidence from the documentary and from John's Gospel.

If my point is correct then the charge of inaccuracy stands and the documentary is in breach of Standard 5 of the Codes in that it presented information as fact that is demonstrably false.

This is no small issue in the context of the documentary as one of the major questions Bruce is asking is whether the Gospels are eyewitness testimony. Bruce uses this piece of information as the linchpin to his argument that the Gospel's were not eyewitness testimony and that they were instead the testimony of anonymous people and recorded by others.

This is something I challenged extensively on pages 36-41 of my referral document, referring to several ancient authors who outline the manner in which the Gospels were recorded and handed down. Bruce's only response to my argument is that Papias and Iranaeus were not there so their evidence is hearsay. Bruce is wrong here, their evidence

is not hearsay but corroborative. These men were the disciples of the disciples, they knew the men that wrote the Gospels and recorded what they knew from those men. More evidence that Bruce is unwilling to deal honestly with the ancient textual evidence that he claims to be so concerned with.

The point regarding John's Gospel should have been dealt with by TVNZ and I believe they would have had they thought they could make some form of argument.

The other points I make under Standard 5 are slightly different in nature in that I am challenging Bruce's continual habit of presenting certain views as if they were undeniable 'fundamental facts'³¹.

To state something as an absolute 'fundamental' fact when there is a range of scholarly views is blatantly false and therefore inaccurate. As such I believe the rest of my argument with regards to Standard 5 applies.

Standard 6

TVNZ are quibbling over semantics here. Standard 6 is about fairness. My contention is that Bruce's documentary has dealt unfairly with the subject at hand.

As a result of this, he has dealt unfairly with Christian faith, its' historical roots, with Christianity as a legitimate historically grounded religion, and therefore with the Church as a people group, and the Church as a legitimate expression of the historical events surrounding the life and death of Jesus of Nazareth.

Because this is the case, Bruce has treated unfairly the core beliefs of the Catholic Church, the Presbyterian Church, the Methodist Church, the Baptist Church, the Anglican Church, the Lutheran Church, the Salvation Army, the Reformed Church, the Coptic Church, the Greek Orthodox Church, the Russian Orthodox Church, the Pentecostal Church, the Apostolic Church, and the Messianic Jewish Church, and as such has treated unfairly each of these organisation individually and collectively.

³¹ See page 4 of the TVNZ response to my referral

In other words in his documentary, by taking the approach that I have outlined in all of my correspondence and demonstrated again in this document using the words from Bruce's own mouth, Bryan Bruce has taken the core beliefs that are shared by all of these individual organisations and treated them most unfairly.

Because all of these groups individually are undeniably organisations and Bruce is dealing with the core beliefs of these organisations, Standard 6 applies.

Standard 7

The TVNZ Complaints Committee claim that Mr Bruce's statements did not constitute hate speech, no-one is claiming that they did. However for TVNZ to deny that Bruce's statements would not lead to the denigration of Christians is simply untenable.

The BSA considers the blackening of the reputation of a group of people to be a serious thing indeed. How can being blamed for the most heinous crime in human history not blacken your character?

The TVNZ Committee seems to be utterly confused as to the flow of the argument with regards to Standard 7, with mine, with Bruce's, and even with their own.

On page 2 of their response to my referral they actually adopt my argument as if they had just thought of it themselves. They quote from the Pope's work where he states that there is no basis in scripture for the argument that the Jewish people as a whole were responsible for the death of Jesus, and that it is widely known that certain groups have used a particular interpretation of scripture to justify their heinous acts.

This is the position I argue in my referral. Scripture does not teach Anti-Semitism, however some groups through the course of history have used it illegitimately to undergird their Anti-Semitic views and actions.

However, the view that TVNZ and me are arguing is not the view of Bryan Bruce or his documentary.

In his documentary Bruce conveys to the audience that the Gospels are the source of Anti-Semitism, that the Gospels teach, and promote Anti-Semitism because they are themselves Anti-Semitic, and particularly the Gospel of John.

Bruce clearly teaches that it is the Anti-Semitic teaching found in the Gospel of John that forms a direct link to Anti-Semitism through the ages and a direct link with the Nazi death camps.

This is a view that Bruce has promoted in his documentary, in his book of the same name, and in his interviews promoting his documentary. Below is a selection of snippets from an interview with Bruce in the ODT promoting the documentary and book.

"He said one of the two biggest surprises of his research was the discovery of a link between the crucifixion of Jesus and Nazi death camps.

The misnomer that Jews betrayed Jesus, according to Bruce, can be placed squarely on the Christian writers of the bible and other historical religious documents, who were trying to appease the Romans and not be oppressed like the Jews.

"What happens in the first and second and third century in Rome is that the Christians begin to separate themselves (from the Jews).

"They write into their own writings anti-Semitic stuff. They cosy up to the Romans."

"I think the hardest challenge for Christians...is the way that anti-Semitism of the gospels led to the Nazi death camps. How do you account for the fact that the theology of hate is built from a gospel of love?"

Bruce hoped that after seeing the documentary Christians would start to debate what happened to Jesus.

"Because every Easter Christians tell a story that isn't true, and they have to come to terms with that.""³²

³² <http://www.odt.co.nz/entertainment/television/169929/tv-show-clears-judas-jesus-cold-case> see also http://www.youtube.com/watch?v=ZBs_659aKow watch from approx 9 mins 20 secs to the end for Bruce's statements about the Anti-Semitism of the Gospels.

As you can see, Bruce's view would seem to be out of step with what TVNZ are trying to convince us of.

As I have said in my referral document, I don't deny that various groups within Christianity have held to Anti-Semitic views or conducted Anti-Semitic behaviour, however, the question is not whether this group or that group which claim the name of Christ, hold Anti-Semitic views or not; and it is not whether certain groups within Christianity have conducted themselves in ways that reflect an underlying Anti-Semitism, the question is are they justified from the teachings of the Gospels and the New Testament as a whole to do so. Does the scripture teach Anti-Semitism?

In my referral document I clearly outline why I believe that Bryan Bruce is wrong to say what he does. There is no basis in scripture for the belief that the Jewish nation as a whole are responsible for the death of Jesus. As such Bruce's claims that the scriptures are Anti-Semitic have been thoroughly refuted.

The point however remains as far as my argument in my referral document. To lay the blame for the holocaust and for Anti-Semitism throughout the ages at the feet of the Gospels, Christian faith and those who adhere to Christianity, serves only to blacken the reputation of Christians everywhere.

To attribute the thoughts and acts of the few who have illegitimately used scripture to promote this kind of hatred, regardless of how high a position they hold within a particular denomination of Christian faith, or how influential their teaching has been on other areas of theology for the Church, to the whole of Christian faith is an error of the highest order. But it is also to ignore the witness of so many fine Christians who, motivated by their faith, have performed the most selfless of acts for the benefit of Jews and the Jewish nation at the cost of their own lives.

If Bruce really does want to stamp out any Anti-Semitism that has risen from the misrepresentation of scripture, then he should call Christians to hold true to what the Bible actually says on the issue rather than trying to undermine traditional Christian faith

Conclusion

Upon reading TVNZ's response to my referral I see nothing that undermines the arguments I have made to the BSA, in fact, I can only conclude that they and Bruce have created more trouble for themselves as a result of their chosen lines of argument.

As I believe this to be the case, I also believe that the arguments made in my referral documents still stand, and would respectfully ask the Authority to look there for the main arguments and use this document merely as a supplement.

I am a man of faith and I make no apology for that. It is a matter of discrimination to argue (as TVNZ seem to do) that because you have a faith your position is non-rational, unthinking, and invalid. I believe (as many others do) that faith needs to be grounded in reason, and that critical thought and objective investigation is a necessary part of faith. As such I would want to defend Mr Bruce's right to make a documentary on this topic, as well as his right to come to a different conclusion to the one that I have reached.

My appeal throughout this case has been to the Broadcasting Standards Codes of Practice, and particularly to the issue of balance. In an investigation such as this balance must be achieved, a range of significant views presented, and the fullness of the evidence that is available to us shown.

The evidence must be allowed to speak and be heard, what conclusions are drawn from there upon the basis of that evidence is up to the individual. No-one, not from any political, secular, religious or irreligious position should have the right to produce propaganda under the guise of free speech.

With regards to documentary making, the Broadcasting Standards Codes of Practice exist to protect us from such behaviour, and compel us all to produce the very best quality programming that, informs, as well as entertains, but gives the viewer the opportunity to come to an informed opinion on the matters under discussion, rather than having one view foisted upon them disguised as honest, serious, in depth investigation.

The Broadcasting Standards Codes of Practice compel us all to produce work that shows real balance, accuracy, fairness and respect. I can't see how TVNZ, Bryan Bruce, or the

Authority could conclude that the Investigator – Jesus the Cold Case has met these criteria.

As such I would ask that the Authority to defend the rights of the public to expect that the standards outlined above to be in evidence in the programmes they watch. I would ask that the Authority hold TVNZ and Bruce in breach of the Codes of Practice and make it clear that there are standards that apply to everyone regardless of whether their perspective is one that holds to a particular faith or not.