

Harmonisation in Europe. Reality or Utopia

Speech given by Erik Wallander, Statens biografbyrå, Sweden at the European Conference of Film Classification 16-18 September 2002 in Norway.

The following is originally not written to be read by anyone but the author, as a support for the memory while giving a speech at the conference mentioned above. It may thus be a bit more difficult to follow the thoughts of the author as this written version is not supported by any over heads, clarifying remarks, answers to spontaneous questions etc. The speech at the conference was shortened due to lack of time but this version covers the entire intended speech as I found it easier to send in the lot than to try to memorise what parts I excluded at the conference

The subject

I would like to state that I am very much in favour of these European conferences and as my speech may give some of you the impression that I am not, I want to emphasise my positive view on us meeting like this once a year and I have taken an active part in this work for many years.

However, I have been asked to talk about harmonisation from a critical point of view. The reason for this is, I believe, that Statens biografbyrå, represented here by myself and our director Gunnel Arrbäck, have not been enthusiastic when there have been suggestions about turning these conferences into a more formal organisation or bringing in EU officials into our group or making unanimous statements etc. In the following I will try to explain this seeming paradox of being in favour of conferences but not so keen on harmonisation.

Being critical is in a way a disadvantage for a speaker. You become dull, almost like a sulking teenager. If, on the other hand, you as a speaker are enthusiastic about something, your enthusiasm for bringing on changes can make you glow, and inspired by future prospects you can, if you are lucky, make the audience glow with you. Plans for the future are almost always bright. They have to be. Nobody would support a plan that does not promise a better world. Furthermore very few stand up afterwards to tell the world about their plan if it turned out that it was a bad one. Plans for the future are very easy to be in favour of.

What I am going to say is probably not new to you but worth saying anyhow. One reason for this is that it is easy to forget the critical perspective when there is a seeming consensus all around you. I will tell you from the start what points I am trying to make.

- We differ. Probably more than the districts of Canada or the cantons in Switzerland. I will try to describe a bit how and why we differ.
- Meeting like this has a great value in it self. We do not necessarily have to achieve something big. We are professionals not lobbyists and as such we do

have a lot of things to discuss. I will point out some fields of interest for professional discussions.

- Harmonisation is the solution, but I am not sure that we really have a problem big enough for the solution. We may have smaller, different problems which well may find their solutions not in harmonisation but in diversification.

I have to stop for a while and consider the word *harmonisation*. What do we really mean by *harmonisation*? The true meaning of harmony is not convergence. An orchestra does not play in harmony if all instruments play the same tone; a piece of art is not in harmony when the painting is painted in the same colour and a society is hardly in harmony when everybody has exactly the same opinion or background. Harmony is obtained when every part of the music, painting or society coexist with the other parts in a way that we think it should. I believe, however, that when we talk about harmonisation in film classification we think of a way to make us act more in the same direction. My speech is based on the assumption that we by harmonisation understand a strife to be more alike and not really to accept and like the differences.

The past 8-10 years representatives from film classifying bodies in European countries, not only EU countries, have met on a yearly basis to exchange experiences, to discuss common problems and to learn how classification is being done in other countries. Some of the delegates at these conferences are civil servants, some are not. Some are classifiers, some are censors, some are members of a commission or a board and some are administrators. On the level of giving and receiving information these meetings are not so controversial. It may, however, in a future be a question of doing the classification based on EU standards or hand it over to the industry for self regulation. Both cases would for most of us mean handing over national sovereignty to someone else. What then, should be the criteria, if any, and who is to make the decisions and on what legal ground?

The arguments for harmonisation can, I think, be boiled down to two, the “protect society and the children” argument and the “help and control the industry” argument:

- The amount of violence in society has increased and that is partly due to violence depicted in feature films. Children may take harm from what is shown and parents need help to protect them. Our national regulations, effective or not, will not be able to stop material coming in from other countries and therefore we must harmonise the classification systems in Europe.
- New technology has made it possible to distribute feature films in a way so that the same version is available all over Europe. It is impossible for the film industry to make different copies for each country and to label the copies so that classification/consumer advise will be adequate for all countries. If we do not unite the industry will take command at the expense of the children.

As you can see these two arguments are in fact chains of statements followed by conclusions. We all know that no chain is stronger than its weakest link and I claim that if one statement is not true the argument is of no use. Even if the statements should be true the conclusion is not necessarily the right one or the only one.

There may of course be other arguments and arguments built up in another way. Still, looking at the first argument, you can question every part of it. At the international conference in London in 1996, arranged by the BBFC, Christopher Nuttall, director of research and statistics, at the Home Office, spoke about Violence in the real world. He claimed, like many leading people in the field of statistics in Sweden do, that it is almost impossible to say anything for certain about changes in the real world except that the numbers of people killed definitely dropped when the upper classes were disarmed in the early 19th century.

One researcher in Sweden, Margareta Rönnerberg, a former member of the board of Statens biografbyrå, claims that television is good for children. That is also the title of one of her books. By watching television, she says, children learn a lot of things about the world and even very small children can tell the difference between facts and fiction. You do not even have to teach them. They learn by them selves.

My intentions are not to discuss these academic findings here: I just want to point out that there are different opinions. And even if there are reasons to prevent children from watching certain films this can be done in many ways without harmonising film classification.

We differ

The nature of each and every one of our regulating bodies is due to national history, geography, traditions in the administration and probably other factors as well. Some of you who came to the conference in Stockholm three years ago may remember that I then talked about differences and similarities. I will only briefly point at some of the conclusions I then came to.

1. You can see regional differences in general administration
2. History has shaped administration
3. Language and cultural similarities promotes co-operation
4. When the regulatory body was set up matters

Different regions

The legal system as a role model

When, in the nineteenth and in the early twentieth century, administration, or bureaucracy if you prefer, in industrialised societies was growing rapidly both in number and in size, new entities were often structured after juridical principles. You applied, got a licence or a permit, and then the police, or some other authority, made sure that everything was in order.

In that way Statens biografbyrå and the other Scandinavian institutes of film censorship were organised, likewise the BBFC. It is essential to note that this was before the breakthrough of political democracy. One or two persons, often called censors, decided, like judges, whether to pass a film or not or if children should be allowed at the cinemas.

The main question: will this film be allowed or not?

The political democracy as a role model

After the second world war, when democracy was established in western Europe, the democratic ideas influenced not only the governance of states but all kinds of organisations. It was now impossible to create a new organisation based on censorship. The committees set up to screen the films were put together so that they should reflect the opinions of different groups in the society. No censors any more but instead we got groups of classifiers deciding by voting. The opinion of the majority of classifiers rules.

The main question: who do we think ought not to see this film?

The market as a role model

The last decade, or decades, public administration has become very much influenced by ideas from the private market. Market strategies guide the politicians when they try to solve all kinds of problems. Also those in our field. Accordingly self regulation is the solution.

The main question: how do we inform the consumers so they will know where to find what they want and how to avoid what they do not want?

Of course we all carry a little bit of everything with us but I think we can see that we are more this or more that.

In this room old organisations like the *BBFC* and *Statens biografbyrå* and young ones like *Medierådet för barn och unga* and *NICAM* are present. We differ in almost all respects. The only thing we all have in common is that we screen feature films and then issue some kind of statement. Some of us do only that and some do a lot more.

Let me just point out some areas where we differ. We are of course alike in many aspects as well and perhaps the most difficult parts are where we think that we are alike but are not.

Jurisdiction:

Compulsory – voluntary

Film

Film and video

Different regulations for film and video (Compulsory – voluntary)

Film, video and computer(video)games

State - local authorities - industry

State of the decisions:

Mandatory – advisory

Harmfulness – unsuitability - suitability

Age limits

Regulating body:

Ministry (department under)

Authority (different degrees of independence)

Industry run

Self regulation

The people:

Classifiers
Censors
Board
Laymen
Professionals

The job:

Censorship
Classification
Consumer advice
Youth protection
Children's welfare

Receiver:

The minister
The audience
The parents
The industry

So we differ a lot. One may argue that if the children of Europe are threatened we must solve these problems and instead of looking at difficulties, looking for solutions. I still think that before looking for solutions we must identify the problems.

Consider the fact that over the years France has classified, not all, but a lot of films at lower ratings than the rest of Europe. This means that either France is wrong or the rest of us are wrong. It could of course also mean that French children are different from other children and therefore able to consume stronger material. Do French children differ from other children as a result? Are French children more violent? Or do the French become more violent as grown-ups?

At the conference in Vienna 2000, we had work shops and in one of those the rating of the film *American Beauty* was discussed. France gave it all ages while most other countries gave it their highest rating. After a very interesting discussion every one was asked their personal opinion, all professional aspects disregarded. Almost everyone thought that basically the French decision was OK but that it would not be possible, for different reasons, to reach the same classification at home.

Consider also the fact that Sweden is a bit more easy on pornographic material than Norway and the UK for example. Who is right and who is wrong? Is the rate of rapes higher in Sweden than in Norway and do the British have a sounder sex life?

Now, the BBFC is rather strict about language while we do not give a **** about that. Does that mean that the language spoken by teenagers in the UK is less offensive than the language spoken by the Swedish teenagers?

So we come to different conclusions. Is that a problem?

History of the European Conferences

Why then do we meet? Who are these conferences meant for? What is the aim? There have been contacts between European countries in the matter of film control more or less since the beginning of film. I know for certain that there was a meeting in Stockholm 1914 where Sweden, Norway and Denmark participated and Nordic meetings have then been held on a regular basis ever since, with Finland joining in the forties and Iceland and the Faeroe Islands in the seventies and eighties.

For sure other European countries have met over the years to discuss film control. Most contacts have probably been bilateral. There has, as far as I know, only been one attempt made to try to take *joint action* against not wanted films. That was under the International Film Chamber, *die Internationale Filmkammer*, 1935 – 1942.

In the 1980ies international conferences were held in London and Canada. In 1992 and 1996 conferences were again held in London and 1997 there was an international conference in Australia. In my opinion these were all very important initiatives taken, making international contacts possible and giving opportunities to learn how other countries handled films and videos. Even the big countries have rather small organisations for this kind of job and therefore international contacts are of great value. There are simply very few people to discuss professional problems with at home.

However, in the early 1990ies some of the European countries felt a need to meet on a more “local” level. The reasons for this, I think, were partly due to the fact that the countries on this continent in many regards were getting closer. The international conferences were quite big and consisted more of speeches - interesting no doubt - and less of discussions. We found that we knew more about the systems in the US and Canada than about those in the Netherlands and Portugal and that this could be altered only if we arranged conferences on a more “local” level. Not to replace the international conferences. These are still very important. The idea was to make it possible to learn more about our neighbouring countries and to discuss common problems and exchange experiences.

I think you can say that the British got the international conferences going and the Germans and the Dutch made it happen on the European level. The Germans, the Dutch and the Austrians also started a very intense co-operation exchanging classifiers. The first European conference I attended was in the Hague late 1992. Then two years later, in February 1995 there was a conference in Berlin, hosted by the FSF, where we decided to try to make these conferences an annual event.

European conferences held in modern times

1992	The Hague
1995	Berlin
1996	Paris
1997	London
1998	Brussels
1999	Stockholm
2000	Vienna

2001 Dublin
2002 Bergen - Trondheim

As everyone else we want to make a difference. Suppose our job did not matter. Suppose violence not increased and moving images are not harmful to children. Then our jobs would be of little use. If, on the other hand, everybody keeps telling us how important our work is and how serious the threats against the young viewers are, we will feel needed. The bigger the need is the better we feel up to a point where we can not handle the pressure. Then we have to turn to our principals, be they the industry or the government, and ask for more support in terms of money, people or at least acknowledgement.

To be a successful politician, civil servant or any other administrator you have to solve problems. Ordinary plain politicians or administrator solve everyday problems by issuing permits, making sure taxes are being properly paid or other things that grease the societal machinery. Great politicians and successful administrators solve bigger problems by declaring war or reforming the school system.

You will never catch the eye of a *big* politician or a successful administrator, and they will not lend you their ear, if you do not have a *big* problem looking for its solution. If you, however, can present a big problem and serve a tasteful solution you are a success!

What are we then? Hypocrites; liars just interested in getting more money, making trips all over to meet old and new friend? Not at all! Some of us *do* think that we are facing big problems and are of course very serious. And some of us are aware that we are not handling the *biggest* problem in the world but still think that we are doing a job of some value.

Censorship, youth protection or consumer advice

Over the years there have been different motives for regulating the moving images. The first years it was the showing itself that was regulated. The reason could be the impact on the mind of the individual, disturbing of public order or even the explosiveness of the nitrate film. There have been censorship on political grounds and the main object today is youth protection. Sweden, the UK and France do not allow a film to be shown in public, not even to grown ups, unless it has been scrutinised by the classifying body. You can say that this goes back to the early days of cinema and is by some considered, by definition, as a form of censorship, even if the films are not cut or banned.

Most countries in Europe, though, do not consider it necessary to classify films that are not to be shown to minors. You can say that this point of view imply that the films are not harmful as such, but may cause children harm.

Censorship

When a film, book, newspaper etc., can not be published without previous scrutiny, censorship is at hand, if the examination *may* result in not passing the item as it is. Six countries represented here, France, Sweden, Iceland, The Faeroe Islands, Ireland and the United Kingdom, have systems with a legal possibility to ban films or videos even for adults. Most of us rarely or never use the power. Censorship in my

mind, and according to dictionaries and linguists, means not to ban but that a body, which is given the authority by the state, a local government, the church, ... demands to scrutinise films, newspapers, books etc. and pass a judgement with a power to ban before they may be presented to the public.

Classification

In most of the other countries in Europe, film classification is regarded solely as an instrument of youth protection. A film or a video can be released without previous examination, provided persons under a certain age is not allowed in the premises where the film is exposed or at least that the parents are warned. There may, naturally, exist means to prosecute the distributor of a film or video if the depiction violates a law, but then it is not a question of classification or censorship.

What the classifiers do in reality in each country is to give every film a rating stating an age-limit for the audience. This rating can be mandatory, advisory or be connected with a system of parental guidance. It can be based to a certain degree on suitability or on the risk of harm. In some countries the rating is based on criteria and in others there is a majority vote within a college.

Consumer advice

In some respects youth protection and consumer advice can be the two sides of one coin. If the consumer is not only the child watching a film, but also the parent bringing the child to the cinema, a classification can guide the parent to a film that will be suitable for the child. Sometimes, though, the classification may be contra-productive as young people tend to be attracted to films aimed for older persons. Even then classification serve as consumer advice, although not in the way it was intended.

Conclusion

As European countries are getting closer, or at least meet more often in almost all fields, it makes sense that we in the field of film classification do so as well. The European conferences deliver opportunities to improve our knowledge about the systems in other countries. In each country very few people are involved in film classification and therefore it is necessary to meet colleagues from other countries to obtain stimulating and creative professional discussions. There are a lot of practical as well as theoretical questions to discuss: Do you perform test screenings? How is the public informed about the decisions? Is the impact on the audience different if the same content is presented in different media? What is harmful to different age groups? Can censorship ever be a solution? Do classifiers become desensitised? These topics, out of many, just came to my mind.

We have *one* thing in common. We are in one way or another involved in bodies that regulate the showing of feature films. Very few of us, if anyone, have a mandate from home to form any international organisation or make any statements that indicate changes in the system less other countries systems, to lobby for harmonisation or in any way express any wish, except for private reasons, that things should be anything they are not in the present.

So, being critical of some of the ambitions of harmonisation, I am in full and enthusiastic favour of our continued meetings on a European basis for information, discussion and an increasing insight in the issues of our professional field.