

SEXUAL AND SADISTIC VIOLENCE: RESPONSE OF THE BBFC TO PUBLIC ATTITUDES AND CONCERNS

A. Introduction

Research carried out on behalf of the BBFC, most recently by Ipsos MORI in 2012, demonstrates that film viewing members of the public find unacceptable certain depictions of sexual and sadistic violence which, in their view, have the potential to cause harm. This concern is particularly acute in relation to young men, without much life experience, and other vulnerable viewers accessing a diet of sadistic and sexually violent content, which could serve to normalise rape and other forms of violence and offer a distorted view of women.

Further, there is support for intervention, at the adult category, to remove certain depictions of violence on the grounds that many of the public consider them to be potentially harmful.

The BBFC's response to these concerns must strike a balance between, on the one hand, freedom of expression and the principle that adults should be free to choose what they see provided it remains within the law and is not potentially harmful, and the need to protect the vulnerable from material which may cause harm.

The response outlined below covers situations where the BBFC is considering cutting, or even rejecting, works aimed at adults and containing violence, in the absence of a specific legal prohibition on depiction of the activity.

When considering such intervention, the test the BBFC will apply is whether there is a real, as opposed to a fanciful, risk of harm. Research in this area is contested. There are difficulties both in carrying out such research and in translating findings from the laboratory to society. However, the difficulty of establishing broad and replicated findings from such research does not mean that there are no harm risks. The research literature, and reviews of it, often warn that certain works may pose certain risks for certain individuals in certain circumstances.

What the public considers to be potentially harmful is also important. This is not simply because members of the public may have practical experience of harm risks in operation in society which cannot easily be addressed in the lab. Furthermore, the confidence of the public that the classification system will protect the vulnerable from material that has the potential to cause harm is itself an important indicator of whether the system is effective.

B. The response of the BBFC

This response covers both fictional and documentary (for example "extreme reality" works) which contain sexual and/or sadistic violence.

Intervention is likely in relation to any depiction of sexual or sadistic violence which is likely to pose a non trivial harm risk through, for example:

- making sexual or sadistic violence look appealing
- reinforcing the suggestion that victims enjoy rape
- inviting viewer complicity in rape or other harmful violent activities.

Intervention may also be required in cases where a depiction is so demeaning or degrading to human dignity (for example it consists of strong abuse, torture or death without any significant mitigating factors) as to pose a harm risk.

Material of this nature might also be considered obscene. When considering intervention on the ground of obscenity, the BBFC will take account of the defence of public good and the significance of the overall nature and purpose of the work in establishing whether or not a work is likely to be found obscene.

The BBFC will also take into account the right to freedom of expression established under the Human Rights Act 1988.

The decision as to whether and how to intervene is complex and subject to a number of aggravating or mitigating indicators which need to be balanced out in order to arrive at a decision.

These indicators are listed below. They are a guide to assist BBFC Examiners in making recommendations in relation to works which are on the edge of suitability for classification according to the BBFC's Classification Guidelines.

The indicators are not designed to be a tick list. No one indicator will of itself necessarily determine the classification of a work. Examiners will balance the indicators and use their judgement when deciding which course of action to recommend – passing the work uncut; passing the work with cuts; or determining that the work is unsuitable for classification. The presence of one or two aggravating indicators will not necessarily lead a work to be cut or even rejected, if the mitigating indicators outweigh them. Nevertheless, if Examiners recommend not intervening, they will highlight any aggravating indicators in their reports and justify why they do not lead to intervention.

Each factor listed below is expanded with possible examples of when the factor might come into play.

AGGRAVATING FACTORS

Does the depiction make sexual or sadistic violence seem normal, appealing, or arousing?

For example, the perpetrators are characters with whom the viewer might identify. The scene is shot in a way which might invite the viewer to identify with the

perpetrator(s). Violence is glamorised in a way which could arouse the viewer. The scene places an emphasis on the sexual pleasure of the perpetrator(s). The sequence offers a “how to” guide on how to perpetrate sexual or sadistic violence. The sequence has the potential to raise concerns about the enactment of sexual fantasies, particularly among vulnerable viewers.

Is the depiction likely to appeal especially to impressionable or vulnerable viewers, including young men and gang members, with the result that it might influence their behaviour or attitudes in a way which may cause harm?

For example, there is a gang mentality at play which suggests that sadistic or sexual violence can be a bonding experience within a group.

Does the depiction perpetuate any suggestion that victims enjoy rape?

For example, the depiction suggests that women may become sexually aroused through being raped or that “no” means “yes”.

Is the depiction of sexual or sadistic violence gratuitous, including in terms of excessive length and/or detail?

For example, the depiction is out of step with what is required by the narrative. The work does not have much of a narrative. Rape features a focus on eroticising detail, such as nudity. The scene wallows in gratuitous violence.

Are children involved in the sequence?

Participants in the 2012 research felt that the rape of children, or the juxtaposition of images of children with sexual violence to be potentially more harmful than any other form of sexual violence.

Does the depiction amount to an unacceptable degradation of human dignity?

For example, the sequence features strong, including real life, abuse, torture, killing or other violence without significant contextual justification or other mitigating factors to the extent that it offers human suffering as entertainment in itself? Might the sequence be considered significantly to erode viewer empathy?

MITIGATING FACTORS

Does the work make it clear that the violence depicted is not condoned?

For example, the perpetrators of sexual or sadistic violence are punished within a work’s narrative. The narrative is balanced. (For example, it does not contain 80 minutes of graphic rape followed by two minutes of mild rebuke.) The viewer is invited to identify with the victim(s).

Does the work or scene lack credibility in a way which undermines its power?

For example, the work is dated and/or ridiculous. The depiction of sexual or sadistic violence is comic and unlikely to be taken seriously. The sequence is otherwise risible. Low production values can add to the lack of credibility.

Is the scene discreetly shot?

For example, it leaves some detail to the imagination. The scene only as long as the narrative requires it to be. The treatment is in keeping with the narrative.

Is the scene narratively justified?

For example, it is based on a true story or carries a strong anti-rape message. What the viewer sees is necessary to explain character motivation. The work raises awareness of an issue of public concern in a responsible way.

Where there is any nudity is it outside the context of rape?

Most participants in the 2012 research felt that merely combining violent images with nudity, even sexualised nudity, was not necessarily a problem in itself. These viewers drew a clear distinction between rape, where eroticising detail could be potentially harmful, and violence which is shot in a titillatory way.

BBFC

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