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Similarities and Differences: Which Principles Guide Film Classifiers in Europe?

— An Analysis

Europe is moving closer and closer together. In many areas of daily life where consensus has yet to be achieved, thoughts are increasingly turning towards ways of harmonising discrepancies in administrative practice. This has also been the case for quite some time now in the area of child protection and the media and the various procedures used to classify cinema films. Today, there are still major national differences in the way in which individual films are rated according to the danger they pose to minors. Indeed, film classifications can often deviate so much from country to country that it seems that such decisions are based less on general, scientifically founded principles than on certain concepts about childhood and adolescence. How else might such differences be explained and justified, when each and every country claims to be pursuing the same objective, namely the protection of children and young persons?

Closer observation of the image of childhood and adolescence underlying individual legislation in this field rapidly reveals the lack of a uniform concept, together with any resulting common standards to protect the young. Instead, this depends very much on the individual country and its specific culture. The aim of this paper is to elucidate the varying images of childhood and adolescence implicit in the arguments put forward in the European debate on the protection of minors against harmful media content.

This attempt to reveal the precise concepts of childhood and adolescence that lie behind national child protection legislation is based on a series of interviews conducted from 1998 to 2001 for the journal *tv diskurs* by Joachim von Gottberg, Vera Linß and Claudia Mikat with various European representatives working in this field. Each interview focused on the question of how national legislation to protect minors against harmful media content 'functions' in a particular European country. In other words, the interviewees were questioned on a topic that did not explicitly invoke the concepts of childhood and adolescence. All information regarding these concepts is therefore implicit and, as such, enables further interpretations on the national differences in this legislative field above and beyond the interviewees' responses to questions concerning organisational issues.

All remarks expressed in the interviews on the subjects of childhood, adolescence and the responsibility for the education and upbringing of children were evaluated from a *German perspective*. At the same time, we would emphasise that this paper represents merely an initial approach towards this topic rather than a scientific, systematic treatment thereof. It is

by no means our intention to infer any causal connection between a country's concept of childhood and the legislation it employs to protect minors against harmful media content. Instead, our concern is to determine how the various cultural presuppositions in this field can be put to work in a more transparent manner in the future debate on European legislation concerning child protection and the media.

A National Comparison

In *Great Britain* the young are assumed to be highly impressionable, with limited self-control and lacking emotional strength¹. Hard sanctions are used to punish violent behaviour amongst the young in England: 'Between 10 and 12 percent of young persons have been detained at least once for a short space of time in a youth custody unit for a violent offence. However, this is also because there is a greater tendency to lock up offenders in England....' In English society there is a fear that the young might identify with 'inappropriate behavioural models' and thereby be encouraged to commit criminal acts. Such an attitude can be seen as paternalistic and an incapacitation of the young. In other words, it is the responsibility of the lawmakers to decide what is good or what is bad and dangerous (good boy/girl, bad boy/girl).

From a German perspective, the approach to the representation of sexual acts is also conservative: 'It is clear that Great Britain is much more conservative than the rest of Europe where sex scenes are concerned....' For example, vulgar expressions and nudity are usually censored, and sex is something that 'should take place under the bedclothes'. The aim here is that the young *should* 'be *brought up* to engage in sexual activity in a responsible manner'. Young people are not expected to develop their own position on this subject on the basis of their own experience or the impressions they have gathered from watching films. Instead, the state does this for them. There is little confidence in the ability of parents to exercise an effective influence on their children in questions of education and upbringing. This, it is felt, can only be guaranteed by a state-controlled supervisory body. As far as younger children are concerned, there is a belief that films containing realistic representations of troubling scenes from their own experiences, such as divorce or domestic violence, can have a deleterious impact.

¹ von Gottberg, J., Streng bei Gewalt – großzügig bei Sex [Strict on Violence — Permissive with Sex], in: *tv-diskurs* 10/1998

Sweden

Society in *Sweden*² would appear to have a different understanding of childhood and adolescence (von Gottberg 1998b): 'If a 12-year-old goes to see a film classified for the over-15s, it is not he or she but rather the cinema owner who has violated the law.' In other words, it is the responsibility of the 12-year-old to decide whether or not to see such a film — there is no threat of legal consequences to prevent the young from access to certain media or to sanction such an act should it take place. The following statement provides further indication of how little trust the Swedish place in a paternalistic approach to education and upbringing: 'And if a 15-year-old buys a DVD, where's the problem? Do you think that a 15-year-old wouldn't buy the DVD if it were only available to the over-18s?' The attitude in Sweden is that the bulk of the responsibility lies with the parents: 'It may well be problematic if a 10-year-old sees [...] pornography. But isn't that really a problem for the parents? Ultimately, it is they who can control what their child watches on television. If they allow their child to see such things, then that's their decision.' It's therefore the duty of parents to educate their children to use the media in a responsible way. As such, parents have the opportunity to adopt an individual approach to upbringing and to develop a strategy tailored to the child, instead of the authorities regulating everything right down to the finest detail. Films containing pornographic scenes are generally given an over-15 rating, as most minors under this age are considered to have not yet gained any sexual experience. The view here is that the under-15s 'may well be unable to cope with pornographic scenes and therefore have problems with them'.

Denmark

In *Denmark*³ much importance is attached — as in Sweden — to the responsibility of the individual: 'In Denmark, we believe that the responsibility lies elsewhere. It's not a question here of everyone being able to see anything. What we want is for the individual to take responsibility for his or her own actions.' And this process starts at a very young age. Children should 'choose for themselves, make their own decisions. And I believe that they know very well what they may or may not watch.' Children therefore need to learn at an early age how to deal with their own anxiety or fear in a constructive way. For example, there are films classified for the over-sevens — which merely constitutes a recommendation and in effect means no age restriction at all — that 'may well contain elements that could scare small children. It is our belief, however, that it can also be a positive thing to frighten children

² von Gottberg, J., Streng bei Gewalt – großzügig bei Sex [Strict on Violence — Permissive with Sex], in: *tv-diskurs* 10/1998

³ Linß, V., Ab 15 Jahren darf man alles sehen ... [From 15 Onwards, You Can Watch Anything...], in: *tv-diskurs* 7/2000

to a certain degree. After all, the experience of being afraid is something that has to be learnt, and this in turn helps children to develop the skills required to watch films.' At the same time, efforts are made to respect the individuality of each child: 'We know that children develop in very different ways and that they come from a range of cultural backgrounds.'

France

From a German perspective, the *French*⁴ attitude towards minors seems rather liberal at first sight. Closer consideration, however, reveals an ambivalent picture. On the one hand, children of any age whatsoever are considered capable of distinguishing between reality and fantasy in film representations. In France, films that ostensibly do not provide the young with any real reference to their own lives — films such as *Rambo*, for example — are released without any age restrictions: 'We do not believe that French children personally identify with the heroes of such films. French children have a lot of distance to this kind of film violence. We therefore don't consider such films to be harmful.' In other words, the ability to distance oneself from such scenes of violence — which are regarded as unrealistic anyway — is posited as a fixed personality trait characteristic of the French youth in general. As such, it is assumed that the French youth possess a kind of 'cultural immunity' to American films: 'American films containing violent scenes can normally be released without age restrictions or with an over-12 rating, since the violence represented has no connection to the real lives of young people in France.'

On the other hand, it is also assumed that the youth in France possess an 'immature' side. When it comes to films that provide parallels to their own lives, they're credited with much less ability to understand and deal with such content: 'We consider it problematic when a film presents a violent reality that is very close to the actual lives of young French people' (p. 7); 'We're very strict about films that show suicide. That's a major topic in France, because we have a very high suicide rate among teenagers' (p. 7); 'If a film refers to the existential problems of young people and offers solutions that we consider dangerous' (p. 8), then that film will only be released for the over-16s. In contrast to Sweden, it is exclusively adults who decide what is dangerous or not for young people. In this respect, the young are seen as immature and considered incapable of dealing in a suitable manner with negative aspects of their lives. Similarly, there is no firm position adopted on the question of the role or responsibility of parents, unlike in Sweden, Denmark or Spain, where this is particularly emphasised.

⁴ von Gottberg,, J., Hartes Gesetz mit weichen Kriterien [A Hard Law with Soft Criteria], in: *tv-diskurs* 7/1998

Portugal

In *Portugal*⁵ parents play a more important role than the state in the protection and upbringing of the young. For instance, the age restrictions issued by the film classification board only apply when children and young persons go to the cinema without parental accompaniment: 'Even a film with an over-16 classification may be viewed by younger children when they are accompanied by their parents.' Parents are seen as best able to judge which films will make excessive demands on their children, which ones they will understand and which ones are suitable for a child's particular stage of development: 'The philosophy in Portugal is that parents should be responsible for the upbringing and development of their children. This is not the state's responsibility'; '...in the final analysis, it's up to the parents to decide how they approach film classifications'. Parents in Portugal exercise such a large influence on what films their children see that the young are actually well protected despite the lack of rigorous checks on viewer age at cinema box offices: 'My impression is that families take care to ensure that their children don't go to see films that are not released for them.' At the same time, children and young persons are credited with the ability to recognise representations of violence for what they are and to digest them accordingly. As such, there is an assumption that the young are responsible and psychologically stable enough to be able to defend themselves against any such bad influences.

Spain

The *Spanish*⁶ image of children and young persons appears once again to be strongly determined by a belief in the ability of the young to act in a responsible manner. It is down to 'the decision of the individual viewer whether he or she wishes to see a film or not'. Film classifications in Spain are all of a non-binding, advisory nature and do not entail any sanction ('...we only issue recommendations', the only exception being the 'X — adults only' rating for films that glorify violence or, most particularly, contain pornographic scenes). As such, it is up to the younger generation to decide at their own discretion which films they want to watch. In this respect, the freedom of the individual — and the young are not excluded here — seems to be an issue of central importance and something to be defended at all costs: 'Prohibitions always curtail somebody's freedom, and that's something to be avoided.'

The 'particularly recommended for children' category provides positive guidance for parents and helps them shape the way they raise their children. Rather than defining strict limits, the

⁵ von Gottberg, J., Auf die Eltern kommt es an [It's up to the Parents], in: *tv-diskurs* 1/2000

⁶ Mikat, C., Ein Plädoyer für die Freiheit [A Plea for Freedom], in: *tv-diskurs* 4/2000

purpose of child protection legislation in Spain is therefore 'to strengthen the process of education and upbringing at school, to increase the information available to families and to initiate positive trends...' (p. 10). In the Spanish approach, young people are urged to live freely and adopt a positive attitude towards life — which is not a position compatible with prohibition: 'Ultimately, the important thing is whether someone knows how to live or not. We shouldn't be setting out to proscribe things right from the word go — banning something is the very last resort. Instead, we should be teaching people how to live. And in the interim, our job is to provide guidance on what films and television people should be watching....'

As in Portuguese society, the Spanish do not automatically assume that representations of violence have a negative impact: 'As long as audiences know for certain that the people committing the violence are the bad guys, then such scenes don't have any negative effects.' Accordingly, there is no felt need to create an artificial, violence-free zone for children in the cinema: 'There's a lot of violence around anyway, but we still get on with our lives. It's the same with films, and 13-year-olds are already capable of handling quite a lot.' In other words, films also provide the young with an opportunity to gain experience of such aspects of life. Indeed, children of an even younger age are credited with the ability to handle such topics: 'Children today know that it's a normal feature of society that some people are homosexual or live as single parents.'

Ireland

The *Irish*⁷ approach emphasises the role of the parents. As a result, many children's films are only released for general viewing with a 'parental accompaniment' certificate. It is felt that 'parents should assume a responsibility here. They are best able to judge what's appropriate for their children and what isn't [...]. Ultimately, it's the parents who must decide.' At the same time, representations of violence are not always considered harmful to children: 'I don't consider violent scenes as dangerous on principle. After all, violence is a part of life as well.'

As in countries such as Denmark or Spain, the Irish believe that young persons should be given an opportunity to confront such topics. However, a sharp line is drawn when films are seen to present violence in a positive way or as worthy of imitation, or when an act of violence involves the use of everyday objects (knives etc.) instead of tanks, for example, or machine guns. Such films are then only released for the over-18s. A certain ambivalence is evident here. On the one hand, violence is recognised to be a part of everyday life, and the representation thereof is not necessarily seen as harmful. On the other hand, the violence that children are most likely to encounter often involves the use of everyday objects such as a knife. Yet it is precisely the representation of this type of violence against which children

are to be protected. In the final analysis, this is a similar situation to the one in France, where the young are thought to be more capable of coping with “abstract” forms of violence (‘I have fewer scruples about films with Arnold Schwarzenegger, where people shoot with machine guns but nobody dies.’). Violence is more of a worry than nudity (‘...people in the nude don’t automatically pose a threat’). However, when nudity also involves sexual contact, a film will usually receive an over-12 rating or higher — ‘depending on the detail of the sex scenes’.

In Ireland there appears to be a similarly nationalistic/patriotic viewpoint to the one in France. For example, films that ‘sympathise with the IRA are considered dangerous’: ‘I’m much more critical about films of this kind.’ And with respect to James Bond films, the following view was held: ‘Perhaps I’m slightly influenced by the fact that the actor currently playing James Bond is an Irishman. After all, there aren’t many Irish stars, and viewers should be given the opportunity to see the few that we have.’

Childhood and Adolescence in Europe

The images of childhood and adolescence that emerge from the interviews vary in individual aspects. Great Britain, for example, occupies an exceptional position in assuming that the young are immature and lack sufficient emotional strength. Whereas other European countries seem to have a more trusting relationship to the young — if to differing degrees — and to credit them in general with enough maturity to deal with certain kinds of films, young people in England are quite clearly accorded less independence. However, this analysis requires elaboration, especially with respect to France, given its ambivalent attitude in this area.

The concept of childhood and adolescence inferred from the interview with the English interviewee corresponds to other views on this subject as recorded in the relevant literature⁸. The worry that the younger generation might be led astray — by the media, for example — is deeply rooted in English society. It is felt that there is a fundamental link between youth and crime. In general, the young are held to be aggressive and to possess a criminal energy. Even the ‘government and police, religious leaders and other public figures continually refer to the alleged link between young persons, the media and crime, despite the fact that such a connection has seldom been verified’ (p. 119).

In France, on the other hand, independence appears to be valued very highly. It is something that should be acquired as soon as possible, and the young are encouraged accordingly.

⁷ von Gottberg, J., The Official Censor of Film, in: *tv-diskurs* 4/2001

⁸ Sanger, J., Vorstellungen über die Jugend im Vereinigten Königreich, in: Büttner, C./Crans, C./von Gottberg, J./Metze-Mangold, V. (Hg.): *Jugendmedienschutz in Europa*, Gießen 2000

The literature on the subject of childhood and adolescence in France repeatedly emphasises this aspect. For example, parents encourage their children to adopt elementary forms of independence from a very early age onwards⁹. Full-time day care for the very young, removed from the family, is also normal in France.

Indeed, most French parents send their children to nursery school, which places them in the role of a pupil and sets them off on the road towards the future world of life and work at a very early age¹⁰. For French parents, it is important that their child should be encouraged to do well at school from an early age onwards and then finish with the best possible results¹¹. As such, the child's elementary welfare is often subordinated to the parents' wish for high educational achievement and an optimal schooling environment.

On the other hand, it is also said that French parents have difficulties in handling conflicts with their children. Rather, they often seem to want to distance themselves from a responsibility for bringing up their children. Indeed, they are even accused of being incapable of assuming authority¹². According to education professionals in France, 'Children find it unbearable to be at home, often because their parents don't really know what to do with them and regard them as an intolerable burden. By the end of the holidays, parents will say: "That's it. I can't stand another weekend".'¹³ Perhaps this is also a reason why in the interview with Paul Chevillard, he doesn't once address the issues of the parental role and parental responsibility.

The European Debate

Conducting a European debate on child protection and the media presents a challenge not only on organisational but also on cultural grounds. This is because it concerns a highly sensitive topic involving to a certain extent 'hidden' prejudices about other cultures. Views on the protection of minors against harmful media content, along with the concepts of childhood and adolescence that these imply, touch upon questions of cultural, national and even personal identity. As long as the focus remains fixed on organisational issues, however, the ethnocentric content of such views remains partially concealed. Naturally, ethnocentricity

⁹ Müller A./Müller H.: Eltern sein in zwei Ländern (Erfahrungsbericht), in: Varro, G./Gebauer, G. (Hg.): Zwei Kulturen – eine Familie. Paare aus verschiedenen Kulturen und ihre Kinder am Beispiel Frankreichs und Deutschlands, Opladen 1997

¹⁰ Büttner, C./Brougère, G., Das Wohl des Kindes ist das Wohl seiner Erzieher, in: Büttner, C./Elschenbroich, D./Ende, A. (Hg.): Kinderbilder – Männerbilder. Jahrbuch der Kindheit (Band 10), Weinheim 1993

¹¹ Boyer, R., Die Freizeit von Schülern der Sekundarstufen I und II, in: Büttner, C./Crans, C./von Gottberg, J./Metze-Mangold, V. (Hg.): Jugendmedienschutz in Europa, Gießen 2000

¹² Jehel, S., Zur Situation der Jugend in Frankreich – eine Bestandsaufnahme, in: Büttner, C./Crans, C./von Gottberg, J./Metze-Mangold, V. (Hg.): Jugendmedienschutz in Europa, Gießen 2000

¹³ Büttner, C./Brougère, G., Das Wohl des Kindes ist das Wohl seiner Erzieher, in: Büttner, C./Elschenbroich, D./Ende, A. (Hg.): Kinderbilder – Männerbilder. Jahrbuch der Kindheit (Band 10), Weinheim 1993, p. 98

also determines this analysis and the original interviews themselves. The questions were posed on the basis of a German interest, and the underlying conception of childhood and adolescence was elaborated from a German perspective. If, for example, a Portuguese interviewer had asked the same questions, the result would have quite possibly been completely different. Perhaps a Portuguese interviewer wouldn't even have posed the questions in the same way as was the case in the interviews analysed here. Finally, we also lack a description of the German concept of childhood and adolescence!

The images of childhood and adolescence that we have developed on the basis of our own experience can all benefit from an outside perspective. This is true not only for the subject of child protection and the media. Looking at one's own point of view through the eyes of another can help turn an ethnocentric position into a relative one, not least when there is a recognition that other cultures are equally diverse as one's own¹⁴. In Germany, too, certain films can attract quite different judgements, and even different classifications from individual examiners. The dialog with people from different cultural and social backgrounds can create a unique opportunity to discuss one's self-image and the image of the other and thereby reach the same kind of common understanding that film examiners have to achieve when they come from completely different sections of the German population. It is this kind of a cross-cultural dialog that first enables a deeper analysis and understanding of national limitations.

In the attempt to move towards common standards in a field such as child protection and the media, it is therefore important to be aware of one's own personal context and cultural position, i.e. one's loyalty towards a particular culture and sector of society — for example, a specific generation or a certain lifestyle. A constructive intercultural discourse therefore requires self-reflection, empathy and a willingness to integrate — and this applies to one's own country as well. It is much easier to understand and assess someone's arguments if you are familiar with that person's — and your own — cultural background, philosophy of life, norms, world-view and also, in this case, concepts of childhood and adolescence.

For all the importance of acknowledging varying cultural backgrounds, it is also crucial not to overrate national and cultural differences. Problems can arise, for example, when discussion partners cling to their respective affiliations as a pretext for refusing to reveal their deeper motives¹⁵. When disagreements over substantial issues are conducted within such a framework, there is always a danger that the discussion will descend to a battle between competing examiners or countries in which neither party is prepared to give way or

¹⁴ Bennett, M., In the wake of September 11, in: Leenen, W. R. (Ed.): Enhancing cultural competence in police organizations, Münster (Waxmann) 2002, p. 23-42

¹⁵ Lesbet, D.: Begegnungen, in: Varro, G./Gebauer, G. (Hg.): Zwei Kulturen – eine Familie. Paare aus verschiedenen Kulturen und ihre Kinder am Beispiel Frankreichs und Deutschlands, Opladen 1997

appreciate the other's position. Such a situation is not exactly conducive to reaching a compromise.

Integration can only succeed in a bilateral or multilateral process. In the encounter between different opinions and cultures, the question is always whether this leads to a genuine process of exchange, in which cultures learn from one another, act accordingly and create something new and different; or whether it is merely a formal operation that leaves the existing positions essentially the same. Perhaps such a process will also pave the way towards a common cultural identity — a European identity, towards which we will soon be heading on the constitutional level. And, in the final analysis, such a process will also involve a confrontation with the concepts of childhood, adolescence, parenthood and the state — and, not least, with the issue of child protection in Europe.