

~~CENSORED~~

NATIONAL CAMPAIGN FOR THE REFORM
OF THE OBSCENE PUBLICATIONS ACTS

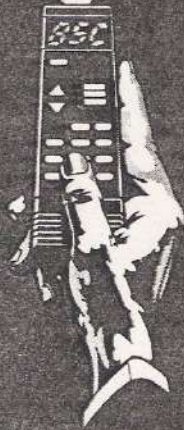
N C R O P A



HOME OFFICE

**BROADCASTING
IN THE '90s:
COMPULSION
CONTROL AND
CENSORSHIP**

The Government's Plans
for Broadcasting
Legislation



**THE BROADCASTING STANDARDS COUNCIL'S
CODE OF CONDUCT**

A SUBMISSION

THE BROADCASTING STANDARDS COUNCIL'S CODE OF PRACTICE CONSULTATION EXERCISE

THE RESPONSE OF

THE NATIONAL CAMPAIGN FOR THE REFORM OF THE OBSCENE PUBLICATIONS ACTS

Since receiving the Broadcasting Standards Council's invitation to participate in its consultation exercise regarding the formulation of a code of practice for broadcasters, as mooted in the Government White Paper on broadcasting (Broadcasting in the 90s: Competition, Choice and Quality - Cm 517, Nov. 1988), the National Campaign for the Reform of the Obscene Publications Acts (NCROPA) has reconsidered its initial agreement to accept.

The NCROPA has already made known its unequivocal opposition to the entire concept of a Broadcasting Standards Council which it sees as an authoritarian and repressive censorship body which will inevitably become, and, indeed, is scheduled to become, a statutory body with legally enforceable powers of regulation, restriction and prohibition. Indeed, it can fairly be argued that without such statutory powers it will be a toothless tiger, no more and no less effective than the present Press Council, for example. Regrettably that is clearly not the intention of the present censor-obsessed Government, in spite of its continual protestations otherwise.

The cornerstone of the NCROPA's philosophy is 'freedom of expression - freedom of choice'. A body specifically created to curtail those freedoms unnecessarily is, inevitably, anathema to us. We are of the opinion that the Broadcasting Standards Council will be such a body. Its entire 'raison d'etre' and specific remit render it, from the outset, irreconcilable with that fundamental freedom of speech and publication which an essential pre-requisite of any 'free society'. Just as the NCROPA accepts and approves of the built-in lack of authority and ineffectiveness of the Press Council, it could only equally accept and approve of a Broadcasting Standards Council of a similarly unauthoritative and ineffective construction, and certainly not appointed by the Government.

However, a BSC, even so constructed, would be redundant. This is because it would simply be duplicating the roles of the BBC Board, the Independent Broadcasting Authority (soon to be the Independent Broadcasting Commission, for some extraordinary reason) and the Cable Authority. These bodies are severally responsible for implementing the terms under which their various broadcasting enterprises operate, as detailed in the various pertinent broadcasting Acts and Royal Charter. If there were no other reason why the BSC should not be established, the colossal insult its creation delivers to the present members of all these Government-appointed bodies is surely reason enough.

Having thus demonstrated our clear rejection of the Broadcasting Standards Council and all it represents, we are clearly in great difficulty when it comes to putting forward specific proposals for a "code of practice on the portrayal of sex and violence and standards of taste and decency in television and radio programmes, cable and video works". The direct answer is that we cannot do so because, obviously, we think that there should be no such code additional to those which already exist. All we can do, and are prepared to do, therefore, is to respond, in our own way and in accordance with NCROPA principles, to the specific points raised in your invitational letter and accompanying notes.

A CODE OF PRACTICE

(i) A Common Code?

"Is it realistic to think in terms of a single code of practice which would

apply across the board to terrestrial radio and television, satellite and cable services and video? To what extent is there a valid argument that these services are different in kind, particularly in terms of the initiative required from the consumer to secure the services, and should therefore be regulated differently? Alternatively, might it not be argued that all the television and video services emerge from the same screen, and should therefore be subject to the same code?"

NCROPA's Response

A common code is unfair, unrealistic, outrageously inappropriate and, above all, unnecessary. On freely available, publicly transmitted channels there may be a thin case for some kind of regulatory guidelines on programme content during the earlier hours of the day to ensure that children are catered for. There is certainly no case for cable television services, which are paid for as and when required and therefore received into the home because specifically requested by the subscriber. This criterion also applies, of course, to satellite television services which require some form of payment in order for them to be received, i.e. again at the conscious request of the subscriber.

But emphatically, and most important of all, there should be no code of practice, restriction, censorship whatsoever of video-cassettes, other than perhaps, mere classification for information-on-content purposes only - and no prohibitions. The video-cassette is, above all, the most eminently suitable TV medium for allowing complete freedom of choice and freedom of expression without impinging on the freedoms of others, produced as it is for private showing in the privacy of one's own home, or atleast in private premises. The purchase or hire of a video-cassette is the conscious and deliberate act of the purchaser or hirer, who has freely and knowingly, and consentingly, chosen the subject matter and content of that cassette. In such a context its contents, however repugnant and distasteful they may be to some others (even perhaps sometimes the vast majority of others), are none of their business - and certainly not the nosey-parkering, busy-bodding, grundyst business of the Broadcasting Standards Council!

In any case, the monstrous 1984 Video Recordings Act (which appears to have been completely overlooked in your notes) already ensures that the state pre-censors the content of virtually every commercially produced video-recording. As the 'designated body' appointed by the Home Secretary to operate this obnoxiously authoritarian measure under the provisions of the Act, the British Board of Film Classification (which cowardly and dishonestly changed its former name of British Board of Film Censors) is already employing an outrageously harsh 'code of practice' as enshrined therein, and in so doing is implementing what the BBFC itself describes as the toughest film and video censorship of virtually all other Western World countries. Scandalously, the BBFC's suppressive video blanket bans are already fully operational. The NCROPA boggles at just what additional restrictions the BSC contemplates bringing to an already existing total prohibition! (Not surprisingly, the NCROPA is also totally opposed to the 1984 Video Recordings Act, vigorously campaigned for it to be rejected by Parliament, and will continue to campaign against it until it is repealed. It is an utter disgrace in what is laughingly referred to as a 'free society'.)

(ii) Nature of a Code: Sex and Violence

"A code based on a "laundry list" principle, i.e. listing certain words or actions which might be prohibited, would arguably be too restrictive, given the infinite varieties of context. But would a code enunciating general principles and matters to be treated with care provide a sufficient safe-

guard? In other words, what level of detail should a code aim to provide? And should the same principles apply to news and factual programmes as to films and drama?"

NCROPA's Response

The "laundry list" of prohibited words, actions or depictions principle, as Parliament has frequently, if often slothily, discovered, is, as you rightly imply, a nonsense. It does not work, it cannot work and neither should it. However, equally nonsensical, but even more dangerous, are widely drawn, ambiguously-worded regulations couched in impossibly subjective terminology which are exactly indefinable and therefore incapable of one common interpretation. They are to be rejected also.

The only sensible solution is for the BSC not to concern itself with the supercilious concept of "safeguards" at all. Other than those already incorporated in the various broadcasting Acts of Parliament (and even these need revising and liberalising), 'safeguards' are completely inappropriate and unnecessary. You say that you seek an assessment "of what the public really wants". What it does not want is to be nannied by impertinent, arrogant, Government-appointed moral guardians.

Sexual activity of all kinds, and the pursuit thereof, is a perfectly natural and hugely pleasureable human phenomenon. Its depiction in radio or television broadcasting, whether implicit or explicit, is also therefore entirely to be expected, desired and appropriate. The sooner this country grows up with regard to its attitudes to matters sexual, the better for us all. If it is to do so, the broadcasting media, with their eminently important lines of communication, must not be immaturely fettered. They should be as free to transmit programmes of consenting, stripping housewives (or househusbands!), if that is what some viewers want, as programmes of heaving bosoms and bottoms (of "The Singing Detective" variety) or treatises on Botticelli angels.

The NCROPA is much more concerned with 'sex' than 'violence', but it sensibly and rationally recognises that the need for freedom to express both phenomena without inhibiting constraints is absolutely essential.

The Prince of Wales recently ignorantly referred to "an incessant menu of gratuitous violence" on our TV screens. There is no such "incessant" menu, either of "gratuitous" or non-gratuitous violence. The vast majority of programmes are non-violent, and the vast majority of "violent" programmes are simply reflecting the reality of the violence that exists in our society, either today or that which has existed in the past. However, even if the Prince's comments were true, and there was a great deal of violence on TV, one of the key roles of the drama, whether it be classic work of art or soap opera, is to reflect and portray life with all its many facets, warts and all. Apart from this consideration is the inescapable, if perhaps unpalatable, fact that there is a latent streak of violence in all of us. The role that the television screen plays in allowing millions of us harmlessly to indulge our fantasies, whether gruesome or joyous, is hugely cathartic.

Furthermore, the notion that images shown on a television screen have such an overwhelming, extraordinary, exclusively all-powerful effect on people's behaviour is simply untrue. No-one is denying that screen images of all kinds have some effect on people's subsequent outlook and behaviour, as indeed does any publication or communication, but they merely constitute a tiny part of the multitude of influences and phenomena which contribute to moulding and shaping our characters, attitudes, thinking and lives. By far the greatest influence is, of course, that of

parents and parental upbringing, besides which the influence of broadcasting pales into insignificance. Why, we wonder, is there no Government outcry for a Parental Standards Council? The answer is simple. No parents would tolerate the gross impertinence of being told by the Government how they should bring up their children. Likewise, the NCROPA, also rightly, will not tolerate the gross impertinence of the public being told what they may or may not see and hear in the broadcasting media.

The impact of television on the viewer is not one of unqualified and unchallenged persuasiveness. Television images certainly publicise, familiarise and inform the viewer, but that in no way ensures or compels approval or acceptance - or even any positive effect one way or the other - of such images, or ideas suggested by them. The concept that anything shown on a television screen is automatically and uncontrollably desired or imitated may be the advertising industry's 'pipe-dream', but it is, in reality, a myth. In fact, an equally plausible and valid theory is surely that anything screened which is violent, repugnant, unpleasant, or even simply distasteful, will provoke aversion.

The belief that a ban on all broadcast violence would have any significant effect on the level of violent behaviour in our society is fanciful and fallacious, and a pathetically simplistic solution to a highly complex problem, but certainly not a problem of the broadcasting media's creation.

The same principles should, of course, apply to news and factual problems. Any suppression of news and facts is a suppression of truth and is totally unacceptable.

(iii) Nature of a Code: Taste and Decency

"'Bad language' has usually headed the list of material which television viewers have found offensive. Other matters might include racially offensive material, the treatment of women, the depiction of crime or criminals and the taking of drugs. What matters should be regarded as coming within the Council's remit on "taste and decency", and how might these best be reflected in a code of practice?"

NCROPA's Response

Of all the matters to come within the remit of the Broadcasting Standards Council, as laid down by the Home Secretary in the White Paper (Chapt. VII, Para. 7.6), the NCROPA believes the question of "taste and decency" is by far the most contentious.

Both 'taste' and 'decency' are highly subjective concepts and therefore, because of their very nature, no code of practice could possibly be drawn up which would define standards of 'taste' or levels of 'decency'. In any case, just what constitutes 'decency' (as opposed to the equally absurd concept of 'indecent') other than a measure of individual 'taste'? Can something be 'tasteful' which is not 'decent', or 'decent' which is not 'tasteful'? It is a great nonsense, but, if incorporated in a code of practice, it would also be a very dangerous and great nonsense,

Again, any attempt to try to regulate the use of so-called "bad language" would be misguided and absurd. If "bad language" sometimes offends and shocks people, so be it. As George Bernard Shaw pointed out, "the role of the artist is to shock". We thoroughly endorse his view and believe that it is no bad thing for people to be offended sometimes. Virtually every single radio and television programme will be found "offensive" by someone, somewhere, sometime. Your highly selective (one might almost say emotive) list of possible matters which might be so found, and

consequently require your regulation, is, therefore, irrelevant, although why, in particular, you should think that "the treatment of women" should require special consideration in this context is extraordinarily puzzling to us. In these days of equal rights, equal opportunities and equal status (which we wholeheartedly endorse), the singling-out of women for special treatment in the media appears to indicate a considerable lack of rationality and objectivity in the deliberations of the Broadcasting Standards Council so far conducted. This concerns us greatly and we very much hope that it is a trend which does not continue.

The NCROPA believes that the BSC should refuse to play any part in formulating "taste and decency" regulations and that such regulations should form no part of any code of practice.

(iv) Family Viewing Policy

"The BBC and IBA regard 9 p.m. as a watershed in the evening's television. Programmes shown before that time are normally expected to be suitable for children. From 9 p.m. onwards, parents are expected to share responsibility for what their children are permitted to see. Is 9 p.m. appropriate as the pivotal point? (The Cable Authority has a broadly similar policy on the showing of films, but with one watershed at 8 p.m. for younger children and another at 10 p.m. for older children.) The introduction of 24-hour services also raises a question about the time at which the screening of programmes for an adult audience should cease (e.g. 5 a.m.). More generally, should the same family viewing policy apply across terrestrial, satellite and cable television and radio services?"

NCROPA's Response

The NCROPA believes that the 'watershed' policies of the various television companies, regarding evening viewing, should be left to those individual TV companies who, in their turn, are subject to the regulations (which would not necessarily be the same as at present) of the several controlling television authorities. Such 'watershed' policies will always be arbitrary and it is essential, therefore, that the companies are permitted flexibility and choice.

Whilst we believe that certain provision should be made for programmes suitable for children before these 'watershed' times, we do not wish to see all television programmes reduced to a 'suitable-for-children-at-all-times' level, as some of the more fanatical pro-censorship lobbies have intimated they would like to see - i.e. wall-to-wall "Blue Peter", "Songs of Praise" and "Thomas the Tank Engine".

In any case, there is a great deal of emotive nonsense disseminated on the issue of the effects on children of exposure to television. Bearing in mind the NCROPA's views on "Sex and Violence" in the broadcasting media, already expressed earlier on in this submission, the argument that children are at risk, even if adults are not, is grossly overstated. Children are perfectly capable of differentiating between fantasy and reality and are not nearly as vulnerable as many adults - especially the censor-freaks - would have us believe.

It would be both ridiculously impracticable and highly undesirable for the same family viewing policies to apply "across terrestrial, satellite and cable television and radio services". Apart from other considerations, such as their very different natures and purposes, as well as the very different potential markets they are intended and aim to serve, how could such across-the-board directives be enforced? We wonder, fascinatedly, by just what dastardly means the Government proposes to enforce the BSC's regulations on family viewing policy on programmes

transmitted by DBS (Direct Broadcasting by Satellite) television companies whose country of origin is outside the U.K.'s draconian jurisdiction, and whose transmission times will, in any case, almost certainly not coincide with normal U.K. programme transmission times, originating, as they will, from places in different time zones throughout the world? This is yet another illustration, amongst so many, of why a pontificating British Broadcasting Standards Council is such an absurdity.

(v) Warnings and Symbols

"Would there be value in providing viewers and listeners with more information about programmes which might cause offence or be disturbing? Warnings might take the form of more specific announcements at the beginning of relevant programmes, or by a continuous warning symbol such as Channel 4's experimental red triangle. In particular, would there be value in there being an announcement at the beginning of each film shown on television, whether terrestrial, cable or satellite, alerting the audience to the BBFC classification where one exists? Any such announcement might need to cover the extent to which a film had since been modified by the broadcasters themselves."

NCROPA's Response

The NCROPA has never been opposed to a system of classification, either for films, television programmes or video recordings, provided that it is for purely advisory purposes, incorporates no 'prohibited' classification category and has no statutory authority. If these criteria are applied, we would have no objection to such information being published or transmitted. Furthermore, on free public broadcasting services, like the present BBCTV, ITV and Channel 4 TV, we have no objection to the use of a warning device displayed and visible throughout the programme, like the red-triangle symbol used in the Channel 4 experiment, even though this proved to be a source of great irritation to many.

We are strongly against the use of present British Board of Film Classification classifications since the BBFC has now become so much an arm of Government, having accepted the role as the 'designated authority' to operate statutory pre-censorship of all video recordings, under the provisions of the outrageous 1984 Video Recordings Act (see under section (i)), that its objectivity, independence and credibility have been destroyed.

THE OBSCENE PUBLICATIONS ACT 1959

In Chapter VII, Para. 7.4 of the White Paper "Broadcasting in the '90s: Competition, Choice and Quality", the Government indicates its intention of legislating for broadcasters, in future, to become subject to the provisions of the 1959 Obscene Publications Act. As an organisation which has been campaigning for the past thirteen years for drastic reforms of the Obscene Publications Acts, which would involve their virtual removal where consulting adults are concerned, you will hardly expect the NCROPA to support such a measure whereby it is proposed that these draconian, unjust, repressive and antiquated pieces of state censorship legislation are to be extended. Our reflections on the Broadcasting Standards

Council's proposed 'Code of Practice' set down in this submission have, therefore, been compiled as though such a legal enactment has not taken place and broadcasting still remains free of this additional vicious restraint.

The NCROPA will, of course, be making appropriate representations against such proposed legislation to the Home Secretary immediately and, if it is retained in the Bill proper, to Parliament at the relevant time.

We have already clearly and emphatically articulated our total rejection of the reason or the need for a Broadcasting Standards Council. If broadcasters are to become even further restricted and inhibited by the strait-jacket of the Obscene Publications Acts, the media consumers in this country would best throw out their radio and television sets altogether, renounce the 'evils' of free expression and repair to their nearest nunnery. That would no doubt meet with the staunch approval of both the Broadcasting Standards Council and the Government. All it would evoke from the National Campaign for the Reform of the Obscene Publications Acts, however, would be utter contempt for the hypocrisy of a country which triumphantly parades itself to the rest of the world at large as the 'mother of the free', yet at the same time subjects its people to the most repressive censorship of any other so-called 'free' Western World country. That is not freedom. It is tyranny.

The Home Office White Paper declares that (Chapt. I, Para. 1.2) "The Government's aim is to open the doors so that individuals can choose for themselves from a much wider range of programmes and types of broadcasting." Pull the other one, Mr. Hurd. It's got bells on it!

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