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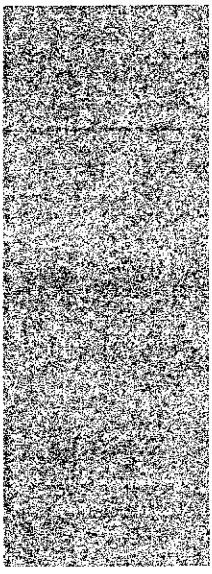

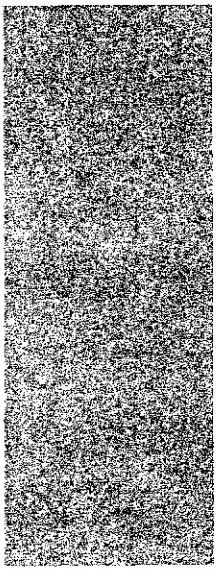

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FILM CENSORSHIP IN BRITAIN: THE BRITISH BOARD OF FILM CLASSIFICATION AND A FEW RECENT CASES OF CENSORSHIP

Sara MARTÍN ALEGRE
Universitat Autònoma de Barcelona

In theory, the function of the British Board of Film Classification (known until 1985 as the British Board of Film Censorship) is to classify all the films shown in Britain according to criteria establishing their suitability for different age groups. In fact, the Board censors all the films that Britons may see by cutting or even banning them under restrictive laws passed by the Tory governments of the last fifteen years (Barker, 1984(a):2)[1]. As James C. Robertson has observed, "it is a marked but scarcely surprising paradox that film (and later) video censorship has never been the subject of a wide-ranging national debate in a country whose politicians pay so much lip service to democratic ideals" (Roberston, 1989:152). Any interested observer of British culture may notice that the controversy over censorship flares up regularly over particular films, but whenever popular protest against the Board is raised, it usually involves its defenders rather than its opponents. What is questioned in these cases is not so much whether the principle of film censorship should survive within British democracy, but the remarkable lack of consistency of the decisions made by British film censors.

The British Board of Film Censorship or BBFC was born in a meeting of the film exhibitors' association in 1912 (Phelps, 1975:28). Establishing the Board was the film industry's response to the passing of the Cinematograph Act of 1909. This had empowered local councils to license cinemas, a measure initially intended to safeguard filmgoers from the (then) sadly too habitual fires in cinemas (Falcon, 1994:11). Local councils, nonetheless, extended their power to the licensing of the films themselves. This meant that the film trade soon saw its business jeopardised by the varying standards of censorship applied by each council, usually prompted by the press' constant attacks against films because of their alleged negative moral effects. The BBFC was, therefore, created to provide a set of homogeneous standards that firstly, guaranteed publicly the concern of the industry for producing wholesome entertainment and, secondly, gave British filmmakers themselves clear-cut rules about what could be shown on the screens of Britain.

Until the 1950s the position of the BBFC as regards the law was ambivalent. The Cinematograph Act of 1952 was the first law to specifically associate censorship with the duty of protecting children from negative influences. From this date onwards, the BBFC has had an implicit function within the legal system: that of classifying and censoring films in order to aid the local councils to make decisions about how to

protect young audiences from seeing potentially harmful films. In order to guarantee its absolute independence from political interests, the BBFC has never been formally controlled by the Government, and has always been self-financed, depending on the fees charged to film distributors (Phelps, op. cit.:99). Nonetheless, its President and Director have been always appointed with the approval of the Home Office Secretary. However, since the Home Office would only suggest to the local authorities that the decisions of the BBFC must be observed, in practice local councils might and still may overrule the BBFC's decisions, as has often happened. This has never been in the interests of the BBFC, for, lacking a clear legal status, its only justification is doing its job well: if the local councils, the press or conservative pressure groups decide that this is not the case, then the BBFC and the trade industry it represents may see their functions questioned. The BBFC's sensitivity towards currents of opinion created mainly by conservative minorities is its weakness and strength. Thus, the BBFC defends itself from the accusations of bigotry launched by the few liberal intellectuals that actively oppose censorship, such as Martin Barker, by arguing that its constant search for consensus is the best safeguard against possible demands to institute state censorship coming from conservative groups.

Precisely, the reputation of the BBFC suffered an important setback when it failed to please the members of the Festival of Light, an important conservative pressure group set up in 1971 (Phelps, op. cit.:203). They were appalled by the Board Secretary Stephen Murphy's granting of an 'X' certificate without cuts to Ken Russell's *The Devils* (1971), which authorised the exhibition of the film to adults over 18 (Robertson, op. cit.:134-147). *The Devils* is a violent film about the Catholic repression of the Huguenots with explicit sex scenes and Murphy failed to plead its case before the FOL, who wanted it to be banned outright. His argument was that the greater permissiveness of the 1970s British society should be reflected in more relaxed standards of censorship. Murphy's delicate position was further complicated by the press campaigns against Stanley Kubrick's *A Clockwork Orange* (1971) and Bernardo Bertolucci's *Last Tango in Paris* (1972), orchestrated even before the films had been classified (Robertson, op. cit.:145). According to Rosemary Stark, one of the BBFC's examiners, this animosity made the Board's task extremely difficult (Baron, 1995). Then, to cap it all, in 1972 *Last Tango in Paris* was taken to Court under the Obscene Publications Act by an ex-Salvation Army officer, after millions of Britons had seen it with a BBFC certificate. The case was finally dismissed because the OPA was not seen to apply to films. Film critic Alexander Walker writes that this trial revealed the rather Kafkaesque situation of film in comparison to books, free from such interventions since the 1965 trial against D. H. Lawrence's *Lady Chatterley's Lover* (Walker, 1975:7). Murphy was finally replaced following the controversial release of *The Exorcist* in 1973. The tabloids claimed that the film had inspired a 16-year-old girl

to commit suicide and the Festival of Light and other conservative pressure groups launched a campaign against it, supported by many local authorities, who banned the film. Even today, *The Exorcist* has not been granted a certificate for its video release in Britain on the grounds that it might upset teenage girls who might identify with its protagonist, Regan, a twelve-year-old possessed by the Devil (Baron, ibid.). This despite the fact that, in theory, those girls would never see the film if it were given a certificate only for audiences over 18.

James Ferman replaced Murphy in 1975 and is still the BBFC's Director. Ferman, now aged 65, has been described by Alexander Walker himself as an authoritarian, wily, argumentative man who disappointed the expectations of those who thought that, with him, liberalism had finally arrived at the BBFC (Baron, ibid.). Soon after Ferman's appointment, the Criminal Law Act of 1977 empowered the BBFC to curb the wave of sexual violence denounced by feminists and conservatives alike. So far, the law had only empowered the Board to classify and censor films showed on public premises. Thus, private cinema clubs set up in the 1960s and all other non-profit oriented private organizations needed not obtain licenses (Phelps, op. cit.:48). However, the preoccupation about the pornography often showed in those clubs led to the passing of a Parliament act in 1982 extending the jurisdiction of the Board to all cinemas. The new category 'R18' was introduced then to distinguish pornographic films from films for adults, so far known as 'X' films. Another new category, '18', was also introduced for adult films that were not explicitly pornographic (Falcon, op. cit.:21).

The arrival of video in the early 1980s brought a period of great changes for the Board. Because of the legal void, before 1984 there was no control at all on the videotapes that could be rented or bought in Britain. Curiously enough, most major distributors would not release their films on video then, on the grounds that this would threaten their profitability: they feared that people would stay home to watch a video-tape rather than visit the local cinema (Taylor, 1986). The major distributors' mistrust of video left the new business in the hands of small distributors. These marketed mainly what would not be certified by the BBFC - pornography, and another genre that soon became very popular: low-budget, independent horror films. One of these low quality horror films, *Nightmares of a Damaged Brain*, came to the attention of an appalled *Sunday Times* reporter, who coined the term "video nasties" to refer to them (Baron, op. cit.). On September 1 1982 the tabloid *The Sun* used the term to launch what was to be known as the "video nasties" outrage (Falcon, op. cit.:22).

The 1983 campaign against the "video nasties" was headed by the well-known conservative activist Mary Whitehouse. She showed some of these films in the House of Commons to a group of Tory backbenchers, known as "The Parliament Video Group" (Falcon, ibid.:22), with the aim of securing the collaboration of an MP who

would present a private member's bill to regulate their trade. Graham Bright became the sponsor of the Video Recordings Bill, with the implicit support of the Tory party and of Margaret Thatcher herself (Barker, op. cit.:11). The "video nasties" actually became an election issue that won the Tories many votes. They used the much bandied about argument that by censoring films for adults they were in fact protecting innocent children from having access to unsuitable material. This argument had been already used in the 1950s to ban the then popular horror comics and pass the 1955 Children and Young Persons (Harmful Publications) Act, which is still in force (for information on the whole campaign, see Barker, 1984(b)). According to Geoffrey Pearson, the "protection of the innocent" argument masks in fact a typically middle-class respectable fear (in Pearson's own terminology) that criminality is intimately linked to copy-cat behaviour on the side of the working classes - and specifically of their children. For Pearson, the preoccupation with mounting disorder invoked by Whitehouse and Thatcher and many others before them to justify censorship, "seems to serve a specific ideological function within British public life, as a convenient metaphor for wider social tensions which attends the advance of democratisation" (1983:230).

The Video Recordings Bill passed in 1984 clearly impaired the Britons' freedom of choice regarding the films they could see in their own homes, but apparently nobody opposed this restriction of personal liberty. In fact, the new law increased enormously the powers and also the workload of the BBFC. In 1985 the Home Secretary commissioned the BBFC to classify and censor all the new releases on film and video and also all the already available feature films on video, which means that roughly 12,000 films in total were examined by the Board between 1985 and 1988. Needless to say, the Board got more resources, larger premises and a larger staff, which at the peak of this cycle reached 76 examiners, a large number in comparison to the current 13 (Baron, op. cit.). The BBFC was still self-financed and closely monitored by the Council of Management, chosen by the industry trade associations, to ensure that it remained a non-profit oriented organization. In any case, the sudden increase in the numbers of films that came under the Board's jurisdiction rekindled the zeal of the censors, who felt that the Tory Government's laws explicitly endorsed their task.

From September 1988 onwards all videos, not only feature films, came under the jurisdiction of the Board, which was also given an official, statutory function on behalf of the central Government. The Board had resumed submitting an Annual Report to Parliament in 1985, after a lapse of 55 years in which no such report had been made (Falcon, op. cit.:24). Before 1985, there was no official information on which films had been cut, to what extent, and why. The new Criminal Justice Act of 1994 further extended the powers of the BBFC to other formats films could be released on, such as laserdiscs. However, defenders and opponents of censorship agree that the

future of the BBFC will be conditioned by the development of cable and satellite TV, and the Internet. Film reels or video tapes may be cut and re-edited, but foreign cable and satellite television channels and the Internet need not submit programs to the British laws nor to the BBFC. However, the Board might still extend its activities to British television: thus, SkyChannel, a popular British satellite network, has recently approached the Board for advice on how to classify its programmes (Falcon, ibid.:25).

Who the members of the BBFC are and how the Board works are, evidently, important issues. Currently, the Board consists of the President, the Earl of Harewood, two Vice Presidents, Lord Birkett and Monica Sims, the Director, James Ferman and the Deputy Director, Margaret Ford (Taylor, op. cit.). Films are viewed by small teams of examiners, usually of two or three members, who must reach a consensus before a certificate is granted. If this is not forthcoming, the film is transferred to another team and, if further problems arise, the Board Director has the final say. The examiners are people of varied qualifications, who may be chosen on the strength of their being experts in aspects related to their task (psychologists, social workers and so on) and/or because of their socio-cultural background. Thus, the Board includes a number of members of ethnic minorities, proficient in some of the many foreign languages in which films submitted to the Board may be made (Baron, ibid.).

The BBFC classifies films according to categories that divide audiences into different age groups and that have suffered diverse alterations throughout the Board's history. Currently, these categories are: 'U' ('universal', for all audiences), 'Uc' ('universal', specially suitable for children), 'PG' ('parental guidance' required for films that might contain scenes unsuitable for children under fifteen), '15' (not suitable for audiences under 15), '18' and 'R18'; the last category can only be supplied in sex-shops if it is released on video (Falcon, op. cit.:48). The BBFC may require distributors and filmmakers to cut scenes from their films or to re-edit them before granting a certificate, even if the film is classified '18'. However, the Board must ask for the collaboration of distributors and filmmakers to cut or re-edit the films; if they are reluctant, the certificate may be withheld for an indefinite term, until the Board reconsiders its position or a satisfactory version is submitted. The cut scenes are kept by the Board as a matter of record and are specified in the Board's published list of classification decisions, included in the Annual Report. The local councils, in the case of cinemas, and the Video Appeals Committee, in the case of video, ensure that the BBFC does not exert its power arbitrarily.

In general, the BBFC does not welcome films which contain sexual violence, sadism and torture, extreme sexual explicitness, the glamorisation of weapons, the ill-treatment of animals or child actors, details of imitable criminal techniques and blasphemous images or dialogue (Taylor, op. cit.). Yet the reasons why cuts are made or certificates delayed are notoriously arbitrary, especially as regards American films,

which are made to fit another system of classification. The MPAA (Motion Picture Association of America) cannot censor nor ban films, only classify them according to a rating system introduced in 1968 to replace the old-fashioned Production Code. British censors have never drawn up a list of rules or Code, relying instead on classification categories, whereas Hollywood preferred using a Production Code, initially written by Will Hays, the Postmaster General, in 1930 and reformed twice until its rules became obsolete (Phelps, op. cit.:53). Americans see censorship as an attack on the liberties guaranteed by the American Constitution and diverse attempts at imposing federal control on films have been averted. Ironically, the issue of state censorship was definitively buried when its main advocate, President Nixon, was impeached in 1973 (Phelps, ibid.:241).

In the USA no institution requires filmmakers to cut their films and these cannot be banned. Cuts are usually made by distributors or studios concerned that films rated 'NC-17' (not suitable for children under seventeen) will not make a profit. The 'NC-17' rating limits the distribution of a film to comparatively few cinemas; in addition, many video retailers, such as the popular Blockbuster, habitually reject films of this kind. This category was introduced in 1990, following the petition of a number of important Hollywood filmmakers, who wanted to stress the difference between 'X'-rated films, associated with pornography, and films for adults. Nevertheless, after the release of *Henry and June*, a sexually explicit film that was the first to be given the 'NC-17' rating, national newspapers refused to advertise films of this category, applying to them the same treatment given to 'X'-rated films since 1971, when Stanley Kubrick's *A Clockwork Orange* was released. Kubrick protested then that this was covert censorship, but he re-edited his film to avoid the 'X' rating in the USA. Curiously enough, Kubrick himself withdrew all copies of his film from distribution in Britain, where it had been given an '18' certificate without cuts by the BBFC, because of an alleged copycat killing (Robertson, op. cit.:149). To sum up, as Jack Valenti, the President of the MPAA, claims, in the USA, where no institutional censorship exists, film distributors have developed an even more strict self-censorship, based on conservative pressures and their own fear of not recouping their investment (Martin, 1995).

While Americans are mainly worried about sex in films, Britons are more worried by violence. According to Margaret Ford, the Deputy Director of the BBFC, the onset of AIDS forced Britons to discuss sex publicly, which radically altered the standards to judge sex in films (Dowd, 1995). Regarding violence, the BBFC assumes that violent films must be cut or banned because they may inspire mentally unstable people to commit crimes, and because they might negatively affect children or incite them to imitate violent screen characters. There is no scientific evidence that violent films and violent crimes have a cause and effect relationship, but, whenever notorious

crimes are committed in Britain, the press (especially the tabloids) plays an important role in creating moral panics around certain films. Margaret Ford herself agrees that the tabloids have irresponsibly mishandled information about some films, wrongly linking them to violent crimes (Dowd, ibid.). Thus, after the "video nasties" campaign, the tabloids seized on the idea that Michael Ryan, the young author of the Hungerford massacre of August 1987 in which nineteen people were shot dead, had been inspired by Rambo films, though there was no evidence that he had actually seen any Rambo film. The killing of two-year-old James Bulger in 1993 generated another wave of protest against violent films. It was said, but never proved, that the two eleven-year-old convicted murderers had been inspired by *Child's Play 3*, a film that, allegedly, portrayed a situation similar to that of Bulger's death. Even though this is not true, the public uproar over the film was such that CIC, the film's distributor, decided to withdraw it from circulation in Britain, together with its two predecessors (Taylor, op. cit.). The BBFC was attacked for having granted these films an '18' certificate, which, in any case, means that they were not suitable for children of the age of Bulger's murderers.

Other films have suffered the consequences of the popular outcry at the BBFC's ineffectiveness to prevent violence from reaching children. The BBFC has been recently taking questionable resolutions, to all appearances out of its concern for what the press, the local councils and the conservative pressure groups, perhaps the central Government itself, might say. Joseph Ruben's *The Good Son* (1993), an American film written by British novelist Ian McEwan, was refused a cinema certificate and did not receive one for its video release until two years later. The film, finally rated '18', deals with the exploits of a murderous child played by the popular child actor Macauley Caulkin. Yet *The Good Son* is a moralistic indictment against the crimes committed by this boy. Surely, no child that saw how nine-year-old Henry is let to die by his own mother in punishment for the death of a baby brother, would want to imitate him. However, the BBFC's Director argued that Ruben's film recalled the circumstances of the Bulger case and banned it. By the time the Board was prepared to consider a cinema certificate, the distributor applied instead for a video certificate, having missed the chance to make a profit in British cinemas.

Other American films released after the popularisation of the notion of copycat crime in the late 1980s have also faced Ferman's arbitrary demands. John McNaughton's *Henry: Portrait of a Serial Killer* (1990), was given an '18' certificate for film release but its distributors, Electric Pictures, were told it would never receive a video certificate. Small distributors like Electric Pictures which import foreign language and independent American films, rely on the video release to obtain some profit. This means that Ferman's decisions may actually put them out of business (Baron, op. cit.). In the case of *Henry*, the distributor knew that Ferman disliked a

very disturbing scene in which serial killer Henry and his colleague Otis are seen videotaping their rape of a suburban wife and their killing of her family. McNaughton and Electric Pictures volunteered to make cuts to the scene when they applied for a video certificate. To their surprise, the film was kept for consideration for eighteen months; the copy was finally returned with a new re-editing of the scene by Ferman himself, despite the fact that only distributors and filmmakers may alter films submitted to the Board. In Ferman's new version, the scene is interrupted by a shot of Henry and Otis watching themselves commit the crimes on their own video-tape. According to Ferman himself, this shot interrupts the action, thus preventing male viewers from feeling too titillated (Baron, op. cit.). Ferman seemingly implies that the morality of British male viewers cannot be trusted, and assumes a function outside his authority, that of deciding how much titillation is acceptable.

Even though Abel Ferrara's *Bad Lieutenant* (1992) had been given an '18' certificate, no cuts required, for film release, the certificate for its video release was delayed for three years. In this case, the problem was not specifically another rape scene, involving a nun, but Ferman's opinion that the film's implicit violence made it too disturbing on the whole. Paradoxically, Ferman himself had acknowledged the moral quality of Ferrara's film but lacked the arguments to explain how violence and morality could go together. The case of Quentin Tarantino's *Reservoir Dogs* (1992) was similar. The '18' certificate for cinema release was given with no major objection. But by the time its distributors' applied for a certificate for video release the BBFC was facing the storm raised by the Bulger case. Tarantino's film was finally given an '18' rating in 1995 for video release, after the ban on it had been reduced from the initial five years to two and a half. Meanwhile, it had been seen in cinemas all over the UK by millions of Britons, who kept Tarantino's cult film in business for more than two years, something very unusual for any film. Presumably, they were unconcerned by the Board's preoccupation with violent films.

The case of Oliver Stone's *Natural Born Killers* (1994) is even more peculiar. The film had been given an '18' certificate, no cuts required, but its cinema release was delayed for four months, seemingly because the *Daily Mail* ran a campaign linking the film to copycat crimes in the USA and France (Taylor, op. cit.). Oliver Stone himself pleaded his case before the BBFC and made a point of his defencelessness before the British tabloids, which, according to him, were destroying the reputation of a film made to denounce the excesses of the sensationalist press (Lees, 1994:5). Apparently, the BBFC only gave the green light to the cinema release of his film after the FBI denied a cause and effect correlation between *Natural Born Killers* and diverse crimes committed by teenagers imitating serial killers Mickey and Mallory, the heroes of Stone's film. Stone's anger at the British press contrasts, nonetheless, with his agreeing to make cuts in the film for its US release in order to avoid the feared 'NC-

17' rating. Ironically, the BBFC's decision to delay the film's release gave it an enormous publicity. When it finally opened in February 1995, it became the top grossing film in Britain and did fairly well in terms of business for months. Obviously, this is further proof that the British public is not concerned by violence in the way that the BBFC claims it is. Yet, the video release of *Natural Born Killers*, scheduled for April 1996 and accepted by the Board, has been suspended indefinitely by its distributors, Warner Home Video, because of sociopath Thomas Hamilton's killing of sixteen children in a Scottish school, a crime that cannot be linked in any way to Stone's film.

How can these contradictions between the decisions taken by the BBFC and the behaviour of British filmgoers be explained? Furthermore, why is the BBFC censoring films for adults without any opposition from the British public rather than just classifying films to ensure that no children see unsuitable scenes? The only possible conclusion is that the generalised acceptance of film censorship in Britain is maintained because it is widely believed that parents do not exert enough control on what their children see. Alternatively, it could be argued that censorship is maintained by using children as an excuse to vent moral fears that can find expression nowhere else in British institutions. A survey commissioned by the BBC for their documentary *Children of Video* (Harrington, 1995) showed that more than a half of British children under the age of ten had seen films unsuitable for their age - and hardly ever without their parents' approval. The programme also proved that children between the ages of 8 and 11 are perfectly aware of the debate raging over their heads. Most of these children showed what journalist Yvonne Roberts calls a "natural squeamishness" (Dowd, op. cit.) to watching horror or violent films again, if they had happened to see one, contradicting thus widely held beliefs about the allure that these films have for children.

The main reason why the BBFC still censors films for adults is, therefore, its own worry that film classification does not prevent children from watching violent films, and the resulting pressure exerted on the Board by the press, conservative groups and the Tory Government. This situation may be understood from two widely diverging perspectives. From the liberal standpoint, it can be argued that the BBFC is, as James C. Robertson argues, "a device to perpetuate the political and social status quo" (op. cit.:150) and that its paternalism impinges on the basic freedoms granted to Britons by their Parliamentary democracy. From the conservative standpoint, the BBFC carries out the rather onerous task of filling the gaps in the faulty education that British children receive. Moreover, Ferman's bouts of active censorship whenever notorious crimes are committed in the wake of a problematic film release also provide the British public with the illusion that something effective is being done to redress apparent decaying moral standards. The BBFC may always argue that the silence of

the British general public backs its decisions. Yet, as Guy Phelps concludes, the real problem is not how to eradicate violence from the screen, "but how to produce a society in which such needs are less pervasive" (op. cit.:287). Presumably, the BBFC and the whole of British society are looking forward to producing such a society in the future, hence their anxiety about what children may see now. The institution of film censorship in Britain appears to be, thus, ultimately a consolatory fantasy of control over the filmmakers' bitter portrait of the chaotic reality that adults all over the Western world are passing on to their children. The British public seems to agree on the whole that surrendering a few personal liberties is a price worth paying for the dream of making British children totally free from a world that is harming the adults themselves. The task of the BBFC is contributing to that conservative dream, disregarding the liberal Britons' alternative dream of a democratic country without censorship.

Note

1. This paper relies not only on published bibliography but also on other sources, such as television documentaries and even Internet pages. References to the documentaries include only the name of the director and the year. The same applies to the Internet page I cite.

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