

34th MEETING

15th & 22nd FEBRUARY 2001

23-33 MARY STREET

SURRY HILLS NSW

PRESENT; Ms Barbara Biggins (Convenor)
Mr Jonathan O'Dea (Deputy Convenor)
Ms Joan Yardley
Ms Glenda Banks
Dr Robin Harvey

APPLICANT: The Hon Daryl Williams AM QC MP

BUSINESS: To review the decision of the Classification Board to assign the classification "MA15+" with the consumer advice "High Level Violence" under the *Classification (Publications, Films and Computer Games) Act 1995* to the film and sale/hire videotape *Hannibal*.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board decided to set aside the decision of the Classification Board to classify the film *Hannibal* "MA 15+" with the consumer advice "High level violence", and to classify the film "R 18+" with the consumer advice "High impact violence."

2. Legislative Provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. The Act provides that films be classified in accordance with the National Classification Code and the classification Guidelines. Relevantly, the National Classification Code (the Code) in paragraph 4 of the Table under the heading "Films" provides that films (except RC films, X films, and R films) that depict, express, or otherwise deal with sex, violence, or coarse language in such a manner as to be unsuitable for viewing by persons who are under 15 years, are to

be classified “MA”. Para 3 of the table provides films (except RC and X films) that are unsuitable for a minor to see, are to be classified “R”.

3. Procedure

- 3.1 Having received a request from the Queensland Attorney General, the Hon Judy Spence MLA, the Federal Attorney General, the Hon Daryl Williams AM QC MP, requested the Review Board on 13 February 2001 to review the classification of the film *Hannibal* as a matter of urgency.
- 3.2 Five members of the Review Board viewed the film *Hannibal*.
- 3.3 At the request of the film’s distributor, United International Pictures (UIP), the Review Board postponed its meeting planned for 15 February to allow UIP sufficient time to prepare a submission to the Review Board. The written submission from UIP was received on 21 February 2001.
- 3.4 The Review Board met on February 22nd to review the film.
- 3.5 The Review Board heard oral representations from Mr Michael Selwyn and Mr John Dickie representing the distributor at its meeting of February 22nd.

4. Matters taken into account

In reaching its decision the Review Board had regard to the following: -

- (a) The applicant’s Application for Review
- (b) The distributor’s oral and written submissions to the Review Board
- (c) The film *Hannibal*
- (d) The relevant provisions in the Act
- (e) The relevant provisions in the National Classification Code as amended by section 6 of the Act and as endorsed by the State and Territory Ministers responsible for censorship matters.
- (f) The current Guidelines for the Classification of Films and Videotapes determined under section 12 of the Act.

5. Findings on Material Questions of Fact

The Plot

5.1 In this sequel to *The Silence of the Lambs*, Dr Hannibal Lecter, the former psychiatrist who engages in cannibalism, has escaped and is now living a cultured life in Florence. He is pursued for revenge by Verger, who had been horribly mutilated during an encounter with Hannibal some years earlier. Verger enlists the aid of law officers to trace Hannibal, and their paths cross with that of FBI agent Clarice Starling.

The content

The Review Board focussed on the scenes listed by the Classification Board in its report, but also made findings, as below, in regard to other scenes.

5.2 The Review Board considered the content cited by the Classification Board. These were the following six scenes:

- 1) The stakeout in the marketplace in which policewoman Clarice Starling is cornered by a female drug dealer and her cronies, after much gunfire. Clarice is forced to fire on the female who is carrying a baby in a pouch. The female is shot dead. The sequence contains slow motion shots of falling bodies, and blood spurts. Splattered blood is washed off the baby.
- 2) The flashbacks which occur at several points in the film, but notably around 25mins, in which Verger, as a younger man, is seen swinging from a rope, and slashing at his face with broken glass given to him by, and at the suggestion of Hannibal. Verger peels flesh from his face, and Hannibal feeds the flesh to a dog. Verger is horribly disfigured as a result of the event.
- 3) Hannibal implicitly stabs a male who has been following him. The pursuer falls with flows of blood shown from his mouth and leg.
- 4) Hannibal renders unconscious the Italian policeman Pazzi, who has discovered his identity. He gags and straps Pazzi to a trolley, wheels him to the edge of the balcony, puts a rope around his neck, asking "bowels in or out?" Hannibal implicitly slits the officer's gut, and pushes him over the balcony. Pazzi is hanged and his bowels fall out and are seen on the ground below, with the body swinging above.
- 5) Hannibal has been captured by Verger's accomplices and taken to his farm where Verger plans to have Hannibal killed by his trained pigs. Clarice arrives and rescues him, shooting two guards who fall in the pig pen and screams are heard as the pigs attack. Verger is also thrown in the pigpen and is likewise attacked.
- 6) Hannibal drugs the law officer in the pay of Verger, and removes the top of the agent's skull revealing his brain. He slices a piece of brain off, cooks and feeds it to him.

5.3 In reviewing these scenes, the Review Board found:

Scene (1) had high impact, with some elements of stylising which did not diminish the overall impact, and was prolonged

Scene (2) While scene 2 contained some elements of a stylised approach, it had high impact. The Review Board also found that this scene required an adult perspective in relation to the dialogue: “when you hang yourself it feels good”.

Scene (3) contained violence, but did not have a high impact

Scene (4) had high impact, and was prolonged, and had elements of gratuitousness

Scene (5) had high impact (despite some stylised elements) and was prolonged

Scene (6) had high impact and was prolonged.

- 5.4 In relation to other scenes considered by the Review Board, a majority of the Review Board found the scene in which he apparently cuts off Clarice’s hand with a cleaver to have high impact. The Review Board also considered that other scenes or threats of violence, such as the threat to eat the heart of Pazzi’s wife, Hannibal’s slitting the throat of one of Verger’s men, and picture galleries of Hannibal’s victims added to the general impact of the violent depictions in the film.
- 5.5 The Review Board also found that while some of these scenes, and the film as a whole, had elements that could be considered to be stylised, this did not diminish the overall high impact of the violence. Furthermore, most of the above scenes were portrayed as “real life” events and stylistic elements did not diminish this perception.
- 5.6 The Review Board also considered the themes of the film and found that the powerful portrayal of the serial killer as a “hero” without any credible alternate role models or an explicit or implicit moral resolution could be disturbing to adolescents in the age range of 13 to 16 years (even if accompanied by adults). The Review Board was also concerned about the theme of feeding of body parts from live humans to animals and people. It was considered that both these themes required an adult perspective.
- 5.7 The Review Board found that the film contained scenes of high impact violence which were not infrequent and which were sometimes prolonged and/or contained gratuitous elements. In addition the Review Board found that the film required an adult perspective in dealing with some of its themes. The Review Board therefore found that the film was unsuitable for persons under the age of 18 years and was appropriately classified “R18+”.

6. Reasons for the Decision

- 6.1 The Review Board based its decision to set aside the decision of the Classification Board, and to assign the classification “R 18+” to the film *Hannibal* on the content and themes set out in 5.2 –5.6 above.
- 6.2 As described in 5.3 and 5.4 above, the Review Board found that there were a number of depictions of violence that, in the view of the Review Board, had high impact, and some of these were, additionally, prolonged or had elements of gratuitousness. The Guidelines for violence in the MA classification require that such scenes be infrequent.
- 6.3 The Classification Board had taken the view that these scenes were “stylised”. The Guidelines permit depictions of violence with high impact to be more frequent if they are “stylised”. “Stylised treatment” is defined in the glossary to the Guidelines as being such that “the viewer is conscious of the unreality: examples include musicals, horror, animation, and fantasy”.

The Review Board took the view that the film as a whole was not stylised in that the characters and actions were realistic and the scenes were seemingly real.

In regard to individual scenes such as (1) –(6) above, the Review Board concluded that, while it could be argued that some scenes contained stylistic elements, in some cases these elements increased the impact.

For example, scene (2) in which Verger is mutilated, is depicted as a real happening, with stylised elements to convey that it is a flashback. The scene is set up to explain the cause of Verger seeking revenge, and was seen as a realistic depiction of an actual event, that is a key to the film’s action. In scene (3), the disembowelling of Pazzi is depicted as a real event, and the depiction includes a gratuitous closeup of Pazzi’s intestines on the ground. In scene (4) the filming techniques added to the chaos and scariness of the pig mauling and therefore increased the overall impact of the depiction. The depiction in scene (6) of the removal of the skull with the victim continuing to talk, was physically possible and was not considered unreal.

The Review Board concluded that, overall, it did not find the film or individual scenes to be stylised in a way that the frequency of high impact scenes was acceptable under the guidelines for the MA classification.

- 6.4 The Review Board considered that the portrayal of characters in the film contributed to a theme in which the viewer was invited to admire the culture and intelligence of the serial killer, despite the terrible crimes he had committed, and to empathise with his reasons for his violent behaviour. Adolescent viewers, at this point in their development, could be vulnerable to the ambiguous behavioural and emotional messages implicit in the characterisation of the film. The impact of this portrayal is increased in the

final scene, in which Hannibal is seen to encourage a young child to eat a piece of human brain. This was perceived to be an attempt by the older man to corrupt the young child, with no sense of remorse or concern.

Further issues or depictions which require an adult perspective include:

- 1) the brief comment by Hannibal as Verger hangs and slashes at his face, viz “ When you hang yourself it feels good”. This was taken by the Review Board as a reference to the use of asphyxiation to produce heightened sexual arousal, which is an issue requiring an adult perspective.
- 2) the feeding of body parts taken from live human beings to animals or people.

6.5 The distributor argued in part that

- a) the film was in the “horror” genre, and the violence was stylised. The film took a flippant approach and had an absence of menace
- b) the Hannibal character was well known and his excesses would not surprise
- c) in regard to specific scenes cited by the Classification Board, scene (4) (as in 5.2 above) was dimly lit, brief, stylised and in long shot; scene (5) had brief visuals, the action was chaotic and not detailed, and was unreal which lessened the impact; scene (6) in visual delivery did not live up to its conceptual strength, and was stylised.
- d) The appeal was lodged before people had seen it, and that public concern had lessened after the film began national release.

6.6 In relation to these points, the Review Board took the view that :

- a) see 6.3
- b) Hannibal was likely to be well known among those who saw the thriller *Silence of the Lambs*, but that does not reduce the overall high impact of violence in this film
- c) See 5.3 and 6.2, 6.3.
- d) This is not relevant to the Board’s determination.

6.7 The Review Board concluded that the film contained depictions of high impact violence that were not infrequent, and which were sometimes prolonged and/or contained gratuitous elements. The treatment of these scenes and of the film as a whole was not considered to be stylised in a way that would make the high impact violence acceptable under an MA classification. Further the film contained depictions and raised issues which required an adult perspective. The film is therefore appropriately classified R 18+.

The Board's decision to assign the consumer advice line "High impact violence" is made having regard to the content and view set out in 5.3 and 6.2. above.

7. Summary

The Review Board's decision is to classify the film *Hannibal* "R 18+" with the consumer advice line "High impact violence".

This decision is taken after full consideration of the applicant's and distributor's submissions, and after assessing the film as a whole against the relevant legislative criteria, including those contained in the Code, and in the current Guidelines for the Classification of Films and Videotapes determined under Section 12 of the Act.

Barbara Biggins
Convenor