



Australian Government
Classification Review Board

4 May 2005

**23-33 MARY STREET
SURRY HILLS, NSW**

- MEMBERS:** Ms Maureen Shelley (Convenor)
The Hon Trevor Griffin (Deputy Convenor)
Ms Kathryn Smith
Mrs Gillian Groom
Mr Anthony Hetrih
- APPLICANT:** Twentieth Century Fox Film Distributors Pty Ltd (Fox),
original applicant for classification, represented by Mr Sunder
Kimatrai (Managing Director, Fox)
- BUSINESS:** To review the Classification Board's decision to classify the
film *Kingdom of Heaven* (the film) MA 15+ with the consumer
advice 'medium level violence'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board), in a four/one majority, classified the film M with the consumer advice 'Moderate Violence' and 'Frequent Battle 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. Section 9 of the Act provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

Relevantly, the Code in paragraph 5 of the Table under the heading 'Films' provides that:

Films (except RC films, X films, R films, MA films) that cannot be recommended for viewing by persons who are under 15

are to be classified 'M'. The Code also states various principles for classifications, and that effect should be given, as far as possible, to these principles.

Three essential principles underlie the use of the *2003 Guidelines for the Classification of Films and Computer Games* (the Guidelines), determined under s.12 of the Act:

- The importance of context
- The assessment of impact
- And the six classifiable elements – themes, violence, sex, language, drug use and nudity.

Section 11 of the Classification Act requires that the matters to be taken into account in making a decision on the classification of a film include:

- (a) the standards of morality, decency and propriety generally accepted by reasonable adults; and
- (b) the literary, artistic or educational merit (if any) of the film; and
- (c) the general character of the film, including whether it is of a medical, legal or scientific character; and
- (d) the persons or class of persons to or amongst whom it is published or is intended or likely to be published.

3. Procedure

The Review Board convened on May 4, 2005 to determine the validity of the application for review from Fox, received on April 26, 2005, view the film and consider the substance of the application. Five members of the Review Board viewed the film *Kingdom of Heaven* at the Review Board's meeting on May 4, 2005.

The Review Board then received an oral submission from Mr Sunder Kimatrai representing the Applicant, which was provided in addition to a written submission. Mr Chris Smith also attended on behalf of the Applicant during Mr Kimatrai's oral submission.

4. Evidence and other material taken into account

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

- (i) Fox's application for review;
- (ii) Fox's written and oral submissions;
- (iii) The film, *Kingdom of Heaven*;
- (iv) The relevant provisions in the Act;
- (v) The relevant provisions in the Code, as amended in accordance with s.6 of the Act;

- (vi) The Classification Board's report; and
- (vii) the *Guidelines for the Classification of Films and Computer Games 2003*.

5 Synopsis

The film is set around the time of King Baldwin IV (1160-1185), and the disastrous rule of Guy de Lusignan as king-consort to Sibylla of Jerusalem (1160-1190) from 1186. It follows events leading up to the battle of Hattin in 1187 when the Muslim leader Saladin, fought and won the city of Jerusalem. Balian, a young blacksmith, (in the film) leads the people of Jerusalem to defend the city against the Muslim army.

6 Findings on material questions of fact

The Review Board found that the film contains aspects or scenes of importance, under the various classifiable elements:

(a) Themes – There are a number of themes depicted in the film including suicide and the religious view that suicides were damned to hell, the fanaticism of some religious extremists, the horror and consequences of war and the political opportunities created by religion and war for those willing to take advantage. However, the treatment of these themes was no more than moderate.

(b) Violence – There were a number of scenes of violence, including the consequences of violence, throughout the film. As the film starts, the shrouded body of a woman is shown being buried. Those burying her rip a cross from her neck. The wind blows, lifting the shroud from her face. Her dead face is seen. As she is a “suicide” her head is implicitly cut off. The beheading takes place off screen.

At approximately 10 minutes Balian kills a priest by stabbing him and pushing him into a forge. The priest staggers and dies.

At approximately 16 minutes there is a battle scene between Balian, who has been reunited with his father Godfrey and his men, and those who come to arrest Balian for the killing of the priest. There is a battle scene involving hand-to-hand combat with swords, and arrows. There is little or no blood, the sword fighting is stylised. A German man is shot through the neck with an arrow and there is some blood. His face is shown, blood comes from his mouth. He dies.

At approximately 18 minutes, a primitive “medical” scene is depicted where the arrow is removed from Godfrey's stomach area.

There is a shipwreck at approximately 27 minutes. There are sounds of screaming, the ship founders and many die. Balian survives. There are bodies littering the beach. Dead cows and distressed horses are shown.

At approximately 32 minutes there is a sword fight between Balian and a Muslim. Balian kills the Muslim, blood spurts from the Muslim.

At 41 minutes, after Balian has entered Jerusalem, there are two men depicted hanging. The scene is shot from a distance and there is little detail visible.

At 58 minutes there is an attack on a caravan. The men cry “God wills it” as they attack. There is some blood spurts shown.

At approximately 65 minutes the battle outside Kerak castle is engaged. There is a battle scene of approximately two minutes’ length. There are several blood spurts shown. Dead horses are shown.

At 84 minutes, the king is shown removing his mask, he has leprosy and he is depicted with resulting facial deformities.

Balian is shown with blood on his face as he kills three men.

At approximately 87 minutes another battle is shown. Raynald of Châtillon is shown killing Muslims. Knights Templar are shown covered in blood.

At approximately 89 minutes Guy de Lusignan stabs a messenger in the neck. A blood spurt is shown. The blood pools on the floor.

At approximately 95 minutes the bodies on a battlefield are shown. There are some fleeting bloody images of wounds. Raynald of Châtillon is killed. He is implicitly drawn and quartered off screen.

At approximately 97 minutes there are carrion crows shown hovering over the battlefield. There is a pile of corpses. There is a head on a stick. There is a pile of heads.

There is a final battle scene commencing at approximately 103 minutes, which is prolonged. The battle violence is shown mostly in long shot. Some men are shown on fire. Corpses are shown being burned (during a respite at night). Battle resumes. There are further scenes that depict some bloody wounds, blood on the face and hands of some and blood on the face of Balian. Generally, little detail is depicted.

(c) Sex – There are no sex scenes depicted in the film. There are two brief sexual references both of which have a mild impact. At approximately 57 minutes Princess Sibylla is shown entering Balian’s room. At approximately 78 minutes Saladin’s sister is shown after her caravan has been sacked by Raynald of Châtillon. There is an implied threat of rape to her by Raynald, however, there is no depiction of any attack.

(d) Drug use – There is no drug use depicted in the film. There are no drug references.

(e) Language – There is no coarse language used in the film.

(f) Nudity – There is no nudity depicted in the film.

7 Reasons for the decision

The Review Board in the majority accepted Mr Kimatrai’s submission that the scenes were generally brief, that while there were some graphic elements of violence they were not gratuitous, the graphic scenes were not repeated frequently and nor were they prolonged. The Review Board also accepted Mr Kimatrai’s submission that the director had made some efforts to provide a well-balanced, historically-accurate film.

The Review Board also noted Mr Kimatrai's submission that there was no sexual violence, no coarse language and no sex scenes depicted in the film.

Further the Review Board accepted in the majority that as an attempt at an historical epic that some attempt at "realism" was necessary and that the violence was justified by the context.

The Review Board found that the violence was not exploitative, nor gratuitous. Further it was a finding of the majority of the Review Board that the scenes were depicted with some compassion, that while scenes of violence and the consequences of death were shown they were depicted without a high sense of menace.

8 Summary

In the Review Board's majority opinion, the film warrants an M classification because the scenes of violence were moderate in impact. Whilst, one member asserted some scenes had a strong impact, the majority did not concur and found that scenes of violence, including the battle scenes, had moderate impact and were mitigated by the film's historical nature and possible educational merit.

The Review Board determined, in the majority, that the classifiable elements in the overall context of the film did not warrant an MA15+ classification. The Review Board found that while the film contained one moderate to strong scene of violence and some scenes of moderate violence they were justified by the context and the impact is mitigated by the film's historical nature and possible educational merit.

The Review Board determined in the majority that the film, *Kingdom of Heaven* is classified M with the consumer advice 'Moderate violence and frequent battle'.