

Before the Film and Publication Review Board

In the matter between:

Ster-Kinekor Distribution

2/2008

and

The Film and Publication Board

Award.

In re: Appeal against the classification of the film – ***Chronicles of Narnia: Prince Caspian.***

Professor K. Govender

INTRODUCTION

1. This film is based on the second of a seven-book anthology written by C.S. Lewis, which pitches the forces of good against those of evil. C.S. Lewis was a professor of medieval English at Oxford in the 1950s and 1960s, and wrote as a Christian apologist. At one level the books can be interpreted as a promotion of the themes and messages of Christianity. However, the themes are also of universal appeal, and the books have been popular with readers worldwide for decades.

2. King Miraz has seized the throne in Narnia, and after his wife gives birth to a son, he orders the murder of Caspian X, the rightful heir. In a last-ditch attempt to elude his assassins, Caspian blows the magic horn. The horn summons High King Peter and his siblings from the Strand Tube Station in London, and they are whisked back in time from the somewhat dreary surroundings of war-time London to the picturesque beauty of Cair Paravel. A bevy of fascinating creatures such as Glenstorm the centaur, Trufflehunter the loyal badger, Trumpkin the dwarf, and Reepicheep the mouse, join forces with Caspian, Peter and the others in their epic battle against evil. Skirmishes and battles between the forces occur and people are lost.

3. Finally Peter challenges Miraz to a duel, which the latter reluctantly accepts after cunningly making contingency plans in the event of things going poorly. The ferocity of the duel leaves its mark on both, but Peter emerges victorious. A devious and power hungry lord then stabs Miraz and yells that Peter was responsible for the killing. The massively superior forces of the Narnians turn on the Telmarines, and the situation appears desperate until Aslan the lion emerges, and summons the dryads and the river gods to assist in the cause of good against evil. This was a most enjoyable film that enthralled and entertained.

ARGUMENTS PRESENTED

4. A three-person Classification Committee chaired by Ms Paula Louw assigned the film a 13M (V) classification after discussion. The reports submitted were detailed and comprehensive. The examiners were concerned by the sense of threat and menace, accentuated by heavy loud throbbing music set in dark shadowy scenes. There were a number of

scenes that concerned the examiners. It is relevant to point out that some of these scenes were also of concern to the Review Board.

- The scene of bullying and fighting in the tube station. This was clearly outside the realm of fantasy and very realistic.
 - The attack by the bear on the beach.
 - The scene between Caspian and the forces of evil as they cajole him towards the path of evil. The physical appearance of the monsters is both shocking and disturbing.
 - The many fight and action scenes throughout the film.
5. The examiners accepted that the outcome was positive, and felt that the aspects that concerned them would be offset by the reassuring presence of an adult. Hence their decision of 13M (V). The legal effect of the decision was that children under the age of 13 were entitled to watch the film, provided they did so in the company of an adult.
6. Ster-Kinekor, the distributors of the film, were of the opinion that the classification was unduly restrictive and felt that a classification of no higher than 10M was appropriate for this film. They argued that films of a similar genre had attracted classifications of 10M and below. Specific reference was made to the last in the series of the *Harry Potter* films. It was argued that, despite being exceptionally dark, the Harry Potter film was assigned a 10M classification. In contrast, *Prince Caspian* was about the triumph of good over evil, and there were no scenes of explicit violence involving blood or gore; and so Ster-Kinekor submitted that a similar or less restrictive classification would be appropriate.

DETERMINATION.

7. The Review Board viewed the film and heard representations from the various parties on the 28th May 2008. Ster-Kinekor was represented by Ms

Jaqui Jansen Van Rensburg, and the examiners were represented by Ms Paula Louw. We are grateful to both parties, particularly to Ms Louw, for their thoughtful and considered representations.

8. In our award in *Iron Man*¹ we made the following observation, which has to be repeated:

It is apparent from the documents submitted by the Classification Committee that it relied on the guidelines of December 2007. My research has indicated that the December 2007 guidelines were gazetted for public comment, but are yet to be brought into effect. The guidelines that appear on the FPB website are those dated 20th April 2007.² I had three telephonic conversations with Ms Yewande Langa, head of the Classification Unit at the Film and Publication Board, who confirmed that the December 2007 guidelines have not been gazetted. In terms of Section 31(2) of the Films and Publications Act 1996 (as amended) (the Act),³ the Board is empowered to make regulations regarding age restriction and consumer advice in connection with films. The Board is obliged to publish in the Government Gazette the guidelines that are used to determine what is harmful and disturbing in terms of Schedules 3 and 8. Implicit in Section 31 of the Act, and in the general principles regarding the rule of law, is that law must be reasonably accessible to the public. From the information available to us, the legally applicable guidelines at the present time are those of 20 April 2007. These guidelines must be applied, not the guidelines put out for public comment in December 2007, which have not been finally gazetted. The December 2007 guidelines are different from the April 2007 guidelines. It is imperative that examiners be informed

¹. Award number 1/2008.

². Government Gazette No. 29816, 20 April 2007.

³. Act 65 of 1996.

that, at present, they must apply the April 2007 guidelines until the December 2007 guidelines are formally gazetted.

9. This present case is another instance of examiners applying the wrong guidelines. Ms Louw confirmed that a general instruction was given to examiners by the Board to apply the December 2007 guidelines. For the reasons stated above, this advice was incorrect. We are unsure whether the December 2007 Guidelines were not gazetted due to an oversight, or whether there were other reasons for the failure to promulgate them formally into law. It is vital that errors of this nature not be repeated, as they have the potential to impact adversely on the reputation of the Board. I subsequently received an e-mail from Ms Langa indicating that the December 2007 Guidelines were gazetted in the first week of June 2008. Thereafter a copy of the Guidelines, properly gazetted, was forwarded to all members of the Review Board.⁴ These guidelines are now legally applicable, and will be referred to as the May 2008 guidelines.
10. The April 2007 guidelines do not sanction a 13M classification, and this was pointed out to the parties at the commencement of the hearing. Ms Louw conceded that, after viewing the film for the second time, she felt that a 10M would be adequate. She was adamant that a PG would not be appropriate.
11. This accorded very much with our sentiments. This film is in the same genre as the *Harry Potter* and *Lord of the Rings* series. While we have cautioned in the past about the importance of judging films on their individual merits, it is appropriate to assess this film as being one set in the realms of fantasy. Much of the violence was in fact action, and much of it appeared to be computer generated. There is virtually no gore or blood, and most of the action is fleeting.

⁴. Government Gazette No. 31096, 20 May 2008.

12. There is no doubt that the dominant message is that good will triumph over evil. We see High King Peter and his siblings, together with Caspian, relying on their own strength in the fight against the Narnians. Finally there is the timely intervention of Aslan, the wise benefactor and guardian, who intervenes in a moment of crisis and summons the forces of nature. The message is positive, and will no doubt leave children feeling more secure and content.
13. We felt that it would be inappropriate to award this film the non-exacting classification of PG. The grotesquely distorted face of evil during the temptation of Caspian, the threatening attack of the bear, the meltdown of the Ice Queen, the bullying and fighting outside the context of fantasy, and the intense fight scene between King Peter and Miraz, all suggest that adult accompaniment would be most appropriate. These scenes individually and collectively will be challenging to children under the age of 10. The full impact of the last-mentioned scene was mitigated by a frequent breaking-away from the combatants to others in the scene and to a parallel story in the plot. This was obviously deliberate. It is also relevant to point out that children familiar with this genre of film may be more comfortable with the film than those watching films of this nature for the first time. Even if a classification of 13M were legally permissible under the April 2007 guidelines, we are of the opinion that a 10M classification would be more appropriate. The scenes that we have identified do not warrant any further restriction.
14. Our view is fortified by the comparative rating of the film in other jurisdictions. The classification assigned means that children under the age of 10 must be accompanied by adults, while children over that age are permitted to view the film without adult accompaniment. This would achieve our objective of permitting all children to view the film, but

requiring those under 10 – the category we are most concerned about – to do so in the presence of adults who could provide reassurance if required.

CONCLUSION:

15. The film *Chronicles of Narnia: Prince Caspian* is assigned a 10M classification.

Concurred by:

Ms P. Marek

Ms R. Smith

Revd M. McCoy

Adv. R. Lessick

Dated at Durban on the 13th June 2008